

The vulnerability approach: A way of bridging the equality-difference dilemma?

BY MARGUNN BJØRNHOLT, DIRECTOR, POLICY AND SOCIAL RESEARCH
SENIOR RESEARCHER, NORDIC WOMEN'S UNIVERSITY

Abstract: The Scandinavian welfare states are to a large extent responsive to their citizens' vulnerabilities and needs, and with the ample support of working parents and their children, these states have to some extent neutralised the gendered effects of the public-private divide. Nevertheless, there has been a lack of responsiveness to the consequences of gendered life courses. Over the last decades there has been an increased emphasis on the idea of equality as sameness between men and women as the main aim and strategy, as well as a measure of gender equality. Arguments about difference have more or less disappeared from the discourses and policies of gender equality. This paper will apply the vulnerability approach to gender equality in the Norwegian context, and discuss whether this approach could be a way of reconceptualising gender equality in a way that acknowledges both difference and sameness.

Keywords: CEDAW, difference, gender equality, sameness, theories of justice, vulnerability approach.

1 Introduction

In the 2012 hearing in the CEDAW committee, Norway was criticized for its lack of a guarantee or definition of gender equality and for relying too strongly on gender neutral legislation and policies that do not take into account the persisting differences between men's and women's life courses:

The Committee is concerned about the lack of guarantees or definition of gender equality in the State Party's Constitution or other appropriate legislation. The Committee is also concerned that the use of gender-neutral legislation, policies and programmes might lead to inadequate protection of women against direct and indirect discrimination and hinder the achievement of substantive equality between women and men.¹

One of the critiques was directed at Norway's recent pension reform:

1 CEDAW/C/NOR/CO/8 (2012) p. 8:9.

The Committee is deeply concerned at the risk of indirect discrimination posed by the new pension system, which replaced the calculation of pension based on the 20 best qualifying years of employment by basing it on all the number of years a person has worked.²

The current Law on marriage and economic consequences of marriage and its dissolution was another cause for the Committee's concern:

The current law on property distribution upon divorce (Norwegian Marriage Act) does not adequately address gender-based economic disparities between spouses resulting from traditional work and family-life patterns. These often lead to enhanced human capital and earning potential of men while women may experience the opposite, so that spouses currently do not equitably share in the economic consequences of the marriage and its dissolution. Specifically, the Committee is concerned that the concept of joint property does not extend to intangible property such as pension rights. The Committee is further concerned that neither existing legislation nor case law address distribution of future earning capacity or human capital so as to redress possible gender-based economic disparities between spouses (...).³

These critiques illustrate some of the problems with the contemporary Norwegian policies and thinking with regard to gender equality. Despite the relatively strong support for gender equality in Norway and despite Norway's role internationally as a proponent of women's rights as one of the early signatories of the CEDAW convention, policies for gender equality are weakly institutionalised in Norway⁴ and this may be one of the reasons that gender neutral legislation is being passed without taking into account existing gender differences. Another possible explanation is that gender equality tends to be taken for granted and that legislators simply assume or anticipate (future) similarity between men's and women's life courses.

Policies are also increasingly tailored to promote life course harmonisation between men and women: financial support for mothering has been reduced⁵, and there has been a strengthening of the full time worker norm for women, while targeting men as fathers through the extension of rights and entitlements with the aim of promoting an active caring role. At the same time new economic disparities between men and women have arisen, which have so far received little attention. One reason may be the one-sided emphasis on equality as sameness and the strong focus on regulation of conduct as the main strategy regarding gender equality.

2 CEDAW/C/NOR/CO/8 (2012) p. 29.

3 CEDAW/C/NOR/CO/8 (2012) p. 37.

4 NOU 2011:18.

5 The period of eligibility for the benefit for lone parents, predominantly claimed by mothers, has been reduced substantially, and the universal child allowance has not been adjusted for a decade, and has thus also been de facto reduced. The period of eligibility for the cash-for-care benefit has been reduced while, on the other hand, level of support has been raised.

The vulnerability approach has been formulated by Martha Albertson Fineman as an attempt to provide a common ground for justice, based on human rights thinking, starting with the human part, rather than the rights part, of the human rights trope. Taking the universal vulnerability of all embodied beings, as its starting point, the vulnerability approach rejects the idea of the individual as free and autonomous, and reconceptualises the relations between individuals and between individuals and society. Although universal, vulnerability is also particular, depending on each person's position in relation to different resources which provide resilience.

Rejecting identity policies as the basis for struggles for justice and equality, the approach draws attention to the importance of institutions. Institutions are both seen as pivotal in producing the means with which vulnerability can be mediated, and in allocating resources in ways that either can promote equality or in ways that privilege some and marginalize others. Following the vulnerability approach, there is a need for a responsive state that takes responsibility for strengthening the resilience for groups and individuals, but also that monitors and takes corrective action towards institutions and systems that perpetuate or exacerbate unjust misallocations of resources. An important implication of the notion of universal vulnerability is that not only people, but also institutions and states themselves are vulnerable and susceptible to destruction, corruption, distortion or co-option. The well-functioning of institutions is subsequently part of the responsibility of a responsible state, following the vulnerability approach.

The article starts with a discussion of the controversy over equality and difference in relation to gender equality, drawing on Scandinavian and international literature, arguing that Norwegian gender equality policy, family policy and Norwegian thinking regarding gender equality have developed towards a stronger emphasis on sameness and gender neutrality, a development that has been the object of criticism from the CEDAW committee. Then the vulnerability approach⁶, is presented as a possible way of addressing issues of equality and difference in relation to gender. The vulnerability approach is then applied to analyse gender differences in Norway, in access to the kinds of resources formulated by Fineman in her vulnerability approach.

The aim of the article is twofold: 1) exploring *the applicability of* the vulnerability approach, employing gender inequality in Norway as a case, and 2) *employing* the vulnerability approach to explore gender inequality in Norway, as the outcome of resource allocating processes and the workings of institutions. The article presents examples of how important social institutions, such as the state, the labour market, the family and organisations, continue to reproduce patterns of gender privilege and gender disadvantage through the gendered allocation of resources which are central for resilience. The article further demonstrates that when analysed from a vulnerability

6 Fineman (2008; 2010).

perspective, some policies aimed at promoting gender equality, may perpetuate and strengthen gender inequality rather than reducing it.

2 Equality and difference

Gender equality played an important role in Nordic family law reforms at the beginning of the twentieth century, when the Nordic countries passed egalitarian family laws. The Nordic model has been identified by family law researchers as a “modified male breadwinner model”,⁷ distinct from the male breadwinner model that prevailed in most of Europe and the USA. Under the terms of the Nordic model, men and women were seen as being equally responsible for providing for the family, and unpaid work in the home was explicitly recognised as being of equal value to economic provision.

Arguments about difference and sameness have been used interchangeably by the women’s movement in the Scandinavian countries.⁸ In Norway arguments about difference and maternal rights were prevalent throughout the first part of the 20th century, and historians carrying out research into early Scandinavian family law reform processes have concluded that social rights were introduced earlier in Norway than in Sweden, where the women’s movement relied to a greater extent on arguments about gender neutrality.⁹

Throughout the twentieth century women obtained rights based on the argument of their being equal to men, as well as their special requirements as mothers.¹⁰ Over the last few decades, however, arguments about sameness have tended to become hegemonic, while arguments about difference have become more or less delegitimised and are now deemed “essentialist”. In feminist theory, differences between women and across gender categories, rather than differences between men and women, have received the most attention over the last few decades.

Dahlerup¹¹ argues that the dichotomy between equality and difference is a false one and that it relies on an obfuscation of the concepts. She argues that the “equality-difference” dichotomy needs to be dissolved into an ontological dimension: “sameness

7 The concept was first launched by Jane Lewis (1992), as part of her analysis of different breadwinner systems and gender equality. See Carlsson-Wetterberg & Melby (2009) for the Nordic “modified male breadwinner model”.

8 Dahlerup (2003).

9 Melby et al. (2006); Hagemann (2007).

10 Dahlerup (2003).

11 Dahlerup (2003).

versus difference” and a political-sociological dimension: “equality versus inequality”¹².

As gender equality policy has increasingly “shrunk” into family policy¹³ and social engineering in the family, ontological sameness between men and women has come to dominate, while the political-sociological dimension “equality versus inequality”, has receded into the background. Alternately, gender differences are disregarded, as when in gender neutral legislation men and women are implicitly *assumed* to live the same kind of lives, despite empirical evidence to the contrary. Men and women are *actively constructed* as similar, for instance through the strong emphasis on recognition of men as equal(ly good) parents. Finally, policies actively aim to *make* men and women more similar through policies of life course harmonisation¹⁴ and social engineering in the family. The inconsistencies between these positions are obvious, but they will not be discussed further as yet.

The shift towards ontological arguments may be part of the general shift in political emphasis, which moved away from struggles of redistribution in the 1970s, to struggles of recognition and identity policies (Fraser, 2003).¹⁵ The broadening of anti-discrimination laws to encompass new groups may also be seen as part of this shift. As a result of the broadening and expansion of such laws, gender has become only one among many possible recognised grounds for discrimination, and the category “women” has become only a subset of “gender”.

The international development towards a multidimensional anti-discrimination law in the Nordic region has occurred in parallel with and has been intertwined with a shift in feminist studies towards intersectional and queer perspectives. As a result, categories have been blurred and abandoned, and, somewhat paradoxically, the category “women” has become highly suspect within feminist studies.¹⁶ Seeing gender as socially constructed has also led to the view that it is superficial and something that can be easily changed, which may be one of the reasons for the strong belief in the family as the main arena of changing gender relations and in family policy and in social engineering within the family as the most effective tool to be used in achieving gender equality.

12 Dahlerup (2003) p. 39.

13 Bjørnholt (2010; 2012).

14 Life course harmonisation refers in this article to policy efforts to make men’s and women’s life courses more similar, through prompting women to take on more paid work and men to take on more care work, so as to obliterate gender differences in earnings and unpaid care work over the life span.

15 Fraser (2003).

16 Gunnarsson (2011) ; Jónasdóttir.& Jones (2009).

The dismantling of the category “women” may have served as a facilitating factor in delegitimising arguments about difference and in paving the way for the hegemony of equality-as-sameness in policies and theorizing.

Over the last few decades, women’s legal status in Scandinavia has changed, from the marriage contract to a labour contract as the main source of financial support.¹⁷ The transformation of mothers into workers is part of an international departure from maternalism¹⁸ whereby financial support for full time mothering is reduced and rights are increasingly derived from paid work rather than from motherhood. Parallel to the shift in legal status, the emphasis in discourses and policies has shifted from motherhood and mothering towards gender neutral parenthood. The “neutering” of mothers into “parents” has been paralleled by the strengthening of men’s rights and the cultural recognition of men as fathers.¹⁹

All these developments in policymaking in theory and in law have paved the way for a rather thin and limited view of gender and gendered lives, which largely ignores power as well as the persistent maldistribution of gender privileges and disadvantages. The theoretical move towards infinite complexity and subtlety, has also left the practice field theoretically fallow and has led to a paradoxical reversion to slightly disguised versions of the sex-roles thinking that was abandoned in theorizations of gender during the 1970 and early 1980s, although now with a social constructivist touch.

Life course harmonisation based on a vision of women obtaining autonomy through paid work and of men sharing parental responsibilities and care work may be (and often is) defended from different and even opposite positions. On one hand, fostering mothers’ paid work and fathers’ participation in care may be seen as a way of dealing with gender stereotypes, in line with the CEDAW, thus liberating women from the constrained role of mother and primary carer and, likewise, liberating men from the limiting role of primary breadwinner. However, the idea of men and women sharing breadwinning and care equally as the main tool of gender equality relies on strong heteronormative assumptions, as well as an assumption of the sexual family as a stable, yet changeable, social unit, which is at odds with the increasing diversity of families, as well as with the instability of couple relationships in contemporary Western societies.

In *The neutered mother*, Fineman formulates a similar critique of the promotion of fathers’ rights and “equal parenthood”. Fineman suggests a radical solution to promote women’s autonomy while at the same time enhancing the social responsibility for care. In strong contrast to other theorists on family and gender equality, who have placed high hopes in shared parenting as a tool of gender equality²⁰, Fineman warns

17 Ketscher (2001a; 2001b).

18 Orloff (2009).

19 See Fineman (1995).

20 Moller (1989); Fraser (1994).

against placing too much hope in the sexual family as the site of changing gender relations. Rather than reforming the sexual family, Fineman suggests abolishing marriage as a legally protected institution. Rather than protecting sexual relationships between adults, only caring relationships, modelled on the mother-child dyad, should enjoy legal protection and social support from society.

“Equal” parenting has become dominant in gender equality thinking and policy-making in the Scandinavian countries, making it increasingly difficult to problematize gendered life courses in which women’s mothering and caring responsibilities are still an important cause of inequality.

“Role reboot” policies of life course harmonisation may also represent a kind of “male-streaming” to a male worker norm and subordination of and devaluation of care and of women’s traditionally care oriented life courses. Similarly, the idea of “equal parenthood” in early infancy may devalue and fail to recognize women’s larger contribution and their particular vulnerability during pregnancy, birth and lactation. Over the last decades, antenatal care has been dramatically reduced in Norway, as well as in other Scandinavian countries.²¹

Part of the argument I make is that it is necessary to reclaim difference, both in its ontological and political dimensions, in order to theorize and change gender injustices. Lena Gunnarsson has argued that in order to do this we need to reclaim the category “women”. I would also argue that we need to reclaim “mother” as a distinct, gendered and positive category, as Fineman argues in *The neutered mother*. In order to theorize women’s rights as human rights we need a theoretical framework that encompasses both the universal and the particular, the ontological dimension and the sociological-political dimension.

3 How can the vulnerability approach enrich the discussion of equality and difference?

Arguing that human vulnerability is both universal and particular, Martha Fineman’s²² conceptualization of human vulnerability as the basis for justice and equality represents a promising approach for treating both equality and difference within the same conceptual framework.

According to Fineman, vulnerability is constant, inevitable and universal, and stems from our embodiment. She uses the concept to define the meaning of “what it means to be human”.²³ Vulnerability is constant as it “carries with it the imminent or

21 Deluran & Holm-Nielsen (2012).

22 Fineman (2008; 2010).

23 (2010) p. 28.

ever present possibility of harm, injury, or misfortune”²⁴ through external and internal forces, including the passing of time and eventually death. The universal dimension of vulnerability can be seen as corresponding to Dahlerup’s ontological dimension of equality, which states that we all share the same human condition. While it is universal and constant, Fineman argues, vulnerability is also particular and is experienced differently, depending among other factors on our positions “within webs of economic and institutional relationships” and on “the quality and quantity of resources we possess or can command”.²⁵

Vulnerability is complex, and one harm may unleash accompanying harm, such as illness leading to unemployment and poverty. The implications for the affected person or group of one specific harm depends on societal institutions, which are at the core of the vulnerability approach: While society cannot eradicate our vulnerability, it can and does mediate, compensate, and lessen our vulnerability (...).²⁶

Fineman argues that the counterpoint to vulnerability is not invulnerability but resilience. Resilience comes from “having some means with which to address and confront misfortune”²⁷ These means are to a large extent provided by societal institutions. Fineman lists five kinds of assets or resources: physical resources, human resources, social assets or resources, ecological resources and existential resources.²⁸ In what follows I will discuss the gendered distribution of to these five types of resources, in Norway, focusing on women in particular. For each of the assets formulated by Fineman I choose empirical cases which are central in producing resilience in the Norwegian society, starting with money as the main physical asset.

4 Physical resources

Physical resources is the first group of resources that are necessary to provide resilience according to Fineman. Money is the main physical resource that gives access to means of existence in our societies. According to the pioneer and founder of the field of feminist legal theory in Norway, Tove Stang Dahl²⁹ access to one’s own money is an important aspect of women’s autonomy and citizenship. Stang-Dahl argues that women (in Norway in the late 1970s/early 1980s) relied on a tripartite provider system. Women had three sources of access to money: money from men through the marriage contract, their own income from paid work, and money from the state. At that time,

24 Fineman (2010) p. 29.

25 Fineman (2010) p. 31.

26 Fineman (2010) p. 31.

27 Fineman (2010) p. 32.

28 This list is an expansion of Kirby’s (2006) list of (the first) four types of assets.

29 Stang-Dahl (1982).

the marriage contract was still the main source of income for women. The universal child allowance, introduced in 1946, and payable to the mother, was also an important source of money for women, although during the 1970s and 1980s, Norwegian women increasingly entered the paid labour market.

Today, income from paid work has become the most important source of money for women, and Scandinavian women rely mainly on the labour contract.³⁰ Ketscher argues that the mutual duty of spouses to provide for the family, established in Scandinavian family law in the first decades of the twentieth century, was not restricted to monetary provision, but also included a caring aspect, as the unpaid contribution in the household was explicitly recognized as being of equal value to economic provision.

Ketscher has suggested a modification of Dahl's model by adding a care triangle to the money triangle. Like money, care can be provided by the family, by the market and by the state. Today, when women to a large extent earn money in the labour market, economic provision is increasingly shared, but the mutual duty to care is not recognized to the same extent as the duty to provide. Ketscher argues that money alone does not produce care, and that money somehow has to be translated into care, either in the family or as paid work in the state or market. The irreversible transition of women from carers under the marriage contract to paid workers and the labour contract has created an imbalance in the provider system, in terms of a deficit in care and in time to care. Although, on one hand, the transition has rendered visible the care that was previously hidden in the private realm of the family, and made it a public responsibility, on the other hand we can see the reduction of antenatal care as a reprivatization of the care for mother-and-child.

As both partners within heterosexual couple relationships today usually have paid work, money from men has become less important as a source of money for women. The autonomy involved in relying on one's own money within relationships with men who often earn more, does, however, come at a cost for women. Despite women's high labour market participation in Norway, women as a group earn only slightly above 60% of what men earn, due to the combination of the gender pay gap and fewer working hours.

A comparative European study of how couples handled money³¹ found intra-couple economic disparities in the Swedish couples in particular, as a paradoxical outcome of the women insisting on "gender equality" and autonomy, and, as a result, on relying on their "own" money only, while often earning less than the men they lived with.³²

Furthermore, due to changes in legislation and legal practice regarding divorce, women today get less money from men after divorce. As men and women are increasingly seen as autonomous and self-reliant earners, women are no longer compensated

30 Ketscher (2001a; 2001b).

31 Stocks et al. (2007).

32 Nyman & Reinikainen (2007).

for their larger responsibility for unpaid care and housework within the couple relationship after a divorce. In addition, assets may be shared unequally, often with negative effects for women.

On one hand, the increase in benefits to working parents, such as longer paid parental leave and state sponsored child-care represents an increased money-flow from the state to families, which benefits women in particular. On the other hand, there has been a strong reduction in support for lone parents (mostly mothers). Norway used to rank among the very few countries that offered benefits to lone parents that were sufficient to live on. With the reduction of the period of eligibility from ten years to three and increased conditions of eligibility in terms of “activation”, this source of money has been dramatically reduced. This development is part of an intentional policy, as paid work is increasingly seen as the most important source of autonomy. The concept *the adult worker model* was first coined by Lewis³³ and is now widely employed in comparative feminist welfare state scholarship. In this model both men and women, mothers and fathers, are treated as full time workers, and social rights and entitlements are increasingly derived from paid work. Lewis (2001) warned against the possible negative implications for women, of policies based on the assumption of the adult worker model, in the context of persisting gender differences in paid work and care responsibilities. The adult worker model not only assumes equality in labour market participation and financial self-sufficiency. It also encompasses the active promotion of paid work through activation policies targeting economically “inactive groups” – lone mothers in particular – through withdrawal of support from full time mothering and incentives to engage in paid work.³⁴

In an attempt to promote a more egalitarian sharing of care responsibilities, an increasing share of parental leave has been reserved for fathers. After the last expansions of the paternal quota (now 14 weeks of a total of 49),³⁵ the total leave available to mothers has been reduced with four weeks from the 1993 level. Many hope that a more equal sharing of childcare between men and women will lead to gender equality, but so far the outcome is ambiguous. Shared parenting after divorce has, in fact, had an adverse effect. A study of parents with shared physical custody³⁶ found that mothers came out worse financially of all groups of divorced parents, while fathers with shared physical custody came out best of all. Since then, shared physical custody has been

33 Lewis (2001).

34 See also Orloff's (2006) problematization of the “departure from maternalism” as a basis for entitlements.

35 After the election in the autumn the newly elected government has decided to reduce the paternal quota to ten weeks, and modify the regulation of its use.

36 Skjorten et al. (2007).

rapidly expanding. Today twenty-five percent of post-divorce families choose shared physical custody.³⁷ Since 2010 this can also be imposed by courts.

The Scandinavian countries were pioneers in linking women's economic autonomy to equality, and in attaching economic rights to care from the first decades of the twentieth century. The transition from the Nordic, modified breadwinner model, towards a dual breadwinner model has led to greater autonomy for women in terms of income from paid work. It has, however, also led to a loss of rights and entitlements related to care, both from the state and from men, which has led to new economic disparities between men and women, and to a reduced valuation as well as a deficit of care.

With the reduction in money from men as well as from the state, women to a greater extent rely on their own income, and paid work also becomes increasingly important for access to benefits from the state. Parental leave is derived from paid work, and the recent pension reform enhances the full time worker norm.

Sameness has become the norm and men and women are treated as equal breadwinners, with no regard to women's lower earnings or to the persistent gendered patterns of paid work and care, and the persistent differences in men's and women's life courses. As long as women as a group earn less than men, and women still do a larger share of unpaid care and household work, the positioning of men and women as equal and economically self-reliant, the greater emphasis on paid work and the retrenchment of financial support for direct mothering may increase women's financial vulnerability as well as giving rise to new economic inequalities between men and women.

Substantial equality with regard to material resources depends on paying due respect to the relevant differences – in this case the ontological differences and particular needs and vulnerabilities of mothers, as well as to the political-sociological differences between men's and women's access to money and other material resources. Achieving gender justice would involve evaluating and correcting the systems, laws and institutions that perpetuate male privilege and women's disadvantage with regard to money, care and resources.

5 Human resources

In the 2012 hearing in the CEDAW-committee Norway was criticized because the Marriage Act does not take into consideration gender-based economic disparities over the course of a life resulting from traditional work and family-life patterns. Despite the hegemony of a dual earner norm as a model for policy-making, and despite Norwegian women's high level of labour market participation, a large share (40%) of

37 Jensberg et al. (2012).

Norwegian women work part time, including more than 50% of mothers of children below 16 years. The CEDAW committee has pointed out that traditional work and family patterns “often lead to enhanced human capital and earning potential of men while women may experience the opposite”³⁸

Women’s part time work is often discussed in terms of “choice” and preferences. Using Fineman’s theorization of direct and derived dependency³⁹ women’s “choice” to reduce working hours may be explained as being a result of their larger responsibility for children and other dependents, even in a universal welfare state in which the state takes a great deal of responsibility. In drawing attention to the production of gender privilege and disadvantage in the labour market, resulting from arrangements of work and care in heterosexual families, the CEDAW committee, however, goes further. From its point of view, women’s “choice” to take on a larger responsibility for care and the management of families is not only a matter of choices but also of constraints.

By drawing attention to the potential gains for men in terms of accumulation of human capital in the labour market as a result of gendered arrangements in the family, the notion of exploitation is brought to fore. Theories of exploitation of women’s domestic labour⁴⁰ and of women’s “love power”⁴¹ and of care⁴² were discussed widely throughout the 1980s and early 1990s. Such theories have now been more or less abandoned, as have other structural explanations and issues of power and redistribution.

Treating men and women equally at divorce and at retirement fails to recognise the continued cost of gendered arrangements in the family for women in terms of human capital in the labour market, as well as the value of women’s contribution to men’s human capital and to men’s life-time earnings. Achieving equality would imply taking into account how women’s larger share of unpaid work adds to men’s human capital and earning potential, while reducing that of women, and designing corrective actions and compensatory mechanisms.

6 Social assets

The family is a social institution providing social resources. Following the arguments above, women seem to benefit less from this institution than men. Women do more unpaid work in the family. Furthermore, due to the age differences between spouses, women often end up caring for their spouses in old age. As women generally live

38 CEDAW/C/NOR/CO/8 (2012) 8:9.

39 Fineman (2004).

40 Hartmann (1981); Delphy (1984).

41 Jónasdóttir (1994).

42 Ferguson (1989).

longer than men, they cannot necessarily expect to be cared for by their spouse in old age.

Organisations also provide important social assets. The most influential organisations in Norwegian society, including unions and employers' organizations, have been heavily male dominated, although a majority of the top leaders today are women, so this may be changing. Feminist economists⁴³ who have examined the gender pay gap have found that wage setting procedures are not primarily driven by market forces, but instead by the power of actors, cultural understanding of the value of work and what constitutes a proper way of living, and social gender norms.

In contrast, Norwegian women's organizations today are weak and small and lack the necessary resources to influence policies. The idea of state feminism, coined by Helga Hernes⁴⁴, was a vision of an expansion of democracy in which women would gain real influence in society through a strong alliance between women's organisations from below and state feminist initiatives by women in politics and in the state apparatus from above. This has turned out to be only partly true in Norway today. In a study of the relations between women's organisations and the state Skjeie et al.⁴⁵ and Halsaa⁴⁶ concluded that there is at most a rudimentary and selective state feminism in Norway today. Violence against women is one field where such an alliance has been effective, but this is an exception. In general, women's organizations are weak and small and lack the necessary resources to influence policies. A weaker women's movement may partly be the result of women having been absorbed by the labour force and also of women having obtained a certain extent of formal political representation. Despite the increased representation in the labour market and in politics the lack of a strong and independent women's movement represents an erosion of social assets for women.

Compared to men, women as a group benefit less from institutions that provide social assets. The maldistribution of social assets may again also be seen as an implication of the maldistribution of physical assets: as long as women as a group have less access to money than men, the capacity to build institutions that provide social assets is also hampered.

Achieving equality would imply compensating women for the gendered disadvantage arising in some institutions, such as the family, and recognizing the benefits for men and for the economy as a whole⁴⁷ of care, which is still mainly provided by women. Furthermore, this would imply strengthening women's participation in influential institutions, as well as empowering women's organizations.

43 Figart et al. (2003).

44 Hernes (1987).

45 Skjeie et al. (2010).

46 Halsaa (2013).

47 O'Hara (2013).

7 Ecological resources

As embodied beings, men and women are similarly vulnerable to the natural environment and to threats posed by nature as well as to environmental risks on a global as well as a local scale. On the other hand, men and women are not equally vulnerable. Climate change for instance, has been found to have different implications, depending on positions of privilege and disadvantage, globally as well as locally, rendering poor countries and poor populations, and women and girls in particular, more vulnerable.⁴⁸

The environment also has a different impact on men's and women's bodies and on children because of the biological differences related to reproduction, including pregnancy, birth and lactation. In our culture, mothers-to-be are expected to provide optimal conditions for children by eating and living healthily and monitoring environmental risks by abstaining from harmful substances. Mothers' milk is perceived as the best nutrition for infants, but may also represent an environmental risk, due to pollution. In many cultures, women are responsible for growing food for the family, and thus rely directly on ecological resources and are exposed to environmental risks as farmers and providers. Further, access to food (and healthcare) is highly gendered, and in many cultures women, including, mothers, mothers to be, infants and girls are disadvantaged within the household.

Mothers still take on more responsibility for children's health, shopping and food provision in most parts of the world, Norway included, which means that they have a particular vulnerability and responsibility for managing risk, including environmental risks. With more equal sharing of some household tasks, in particular cooking, in Norway⁴⁹ men may increasingly also be shouldering a greater share of everyday environmental risks. However, even if more Norwegian men cook and share child care, the main responsibility for household management still to a large extent rests on women.⁵⁰ Through their responsibility as primary carers and managers of households, women are to a greater extent responsible for managing environmental risk in their daily lives.

Both maternal bodies and paternal bodies are fragile and susceptible to environmental hazards and may suffer damage which can be passed on to the next generation. But men's and women's personal biological vulnerabilities also differ. Women are more vulnerable and exposed to risks, both endogenous and exogenous, through their bodies during pregnancy, birth and lactation.

48 Goulds (2011).

49 Kitterød (2012).

50 Holter et al (2008).

On the other hand, women are to a larger extent excluded from participation in the political and economic decisions producing environmental risks through the low share of women at high managerial levels in global corporations, as well as from the political processes involved in dealing with them. Environmental risk is thus both universal and particular. The effects of global warming and climate change threatens humankind, as well as other species and the environment at large. Environmental risks and resources reveal a gendered pattern that calls for acknowledging difference, both in terms of embodied exposure and bodily risk management, women's larger share for reproductive work, in terms of gendered patterns in daily life and gendered patterns of distribution and power at decisionmaking levels.

The gendered exposure to environmental risk is partly due to differences in embodiment, and partly due to maldistributions of responsibility and labour in institutions such as the family, and the perpetuation of male dominance in positions of power at corporate and political level. Achieving justice would imply paying due respect to women's particular vulnerability through their bodies and to value women's contribution to society in producing children with their bodies, and to promote women's full participation and influence at all levels of decision-making.

8 Existential resources

Existential resources are systems of belief, aesthetics, culture, art and general moral stance towards the world, including politics. Existential meaning, like other resources, is also provided by institutions, some private and some subsidized by the state. Religion is one existential resource, and in Norway, Lutheranism is the state religion, but other religious organisations also receive state support. The leader of the organisation of ethnic minority women recently criticised the Norwegian authorities for neglecting secular immigrant groups, and relying disproportionately on religious groups and religious leaders to represent "immigrants" in dialogues with the authorities.⁵¹

Family life and parenting rely on moral reasoning and systems of belief.⁵² The idea of sharing child-care (and paid parental leave) and breadwinning equally has become dominant in policy-making, and these ideas inform policies that strengthen fathers' rights, while reducing financial support for mothering, both of which are aimed at life course harmonisation among men and women. The hegemonic view is that of gender sameness, which is at the same time is taken for granted. Fathers are assumed to be as good at parenting as mothers, and the political aim seems to be for men and women to lead exactly the same lives to become equal, while life course harmonisation is both

51 Salimi (2011).

52 Vincent & Ball (2006); Duncan et al. (2003).

a measure of, a strategy for and an aim of gender equality. These ideals in themselves are problematic in taking the male full time life course as the norm, and by providing little recognition and little existential support for the large share of women who still live more care-oriented lives.

The dominant model in policymaking seems to fit with the ideals of educated, middle class, ethnic Norwegians.⁵³ This group's existential resources are being strengthened, in that their beliefs and values on parenting have become hegemonic and inform policies, while contemporary family policies facilitate the realization of their family projects.

Other groups, such as members of the working classes and ethnic minorities, lack existential resources in terms of support for their ideals and for their moral reasoning and systems of belief related to parenting. The realization of their family projects is made increasingly difficult through contemporary family policies. In this case a family policy that promotes sameness, disregarding differences of gender, class and ethnicity, leads to a maldistribution of existential resources.

Finally misallocations of existential resources may result from misallocations of other resources: the gendered misallocations of physical resources in terms of money and the low monetary valuation of women's adaptations of work and care and of female life courses, as discussed under Physical resources, may also be seen as a maldistribution of existential resources, perpetuated by institutions like the family as well as in Family law and the design of the pension rules. Substantive equality calls for a more intersectional approach, taking different social groups and their legitimate rights to existential resources more seriously.

10 Concluding remarks

The vulnerability approach's claim to both universalism and particularity is the basis of making claims based on ontological difference as well as on ontological sameness: on one hand, men and women, as well as other embodied beings all share the same universal vulnerability. On the other hand, men and women are ontologically different through their sexual and reproductive embodiment. The vulnerability approach can be a basis for raising claims of equality, regardless of ontological sameness or ontological difference, and for differential treatment in order to promote equality, taking due regard to ontological differences.

In focusing on institutions in the production of privilege and disadvantage, and on the allocation of resources that provide resilience, the vulnerability approach is particularly helpful in drawing attention to the political-sociological aspect of equality. Men

53 Stefansen & Farstad (2010); Gullikstad (2010).

and women still occupy different positions within many of the institutions and social arrangements that allocate important resources, and patterns of privilege and disadvantage are being perpetuated, based on gender as well as other social divisions.

What should be the institutional response to gender inequality in Norway, following the vulnerability approach? One implication would be a stronger focus on economic inequality between men and women. As already pointed out by the CEDAW committee, the state should take steps to correct specific economic inequalities between men and women. Taking a vulnerability approach, there is, however, a need to go further than only correcting some of the most obvious injustices. In following the vulnerability approach, the state should take action to actively surveille the outcomes, and correct laws, institutions and mechanisms that privilege men and male life courses and perpetuate systems of gender privilege and disadvantage.

The current state of inequality in earnings and in the valuation of men's and women's life courses and of paid and unpaid care in particular, call for more radical redistribution policies, taking men's and women's actual life courses into account as the basis of equality. Despite the shift from the marriage contract to the labour contract, women's economic security and autonomy has so far not been achieved. One conclusion is that private arrangements, with men as well as with employers, seem to be inadequate in achieving full economic citizenship for women. There is therefore a need for the state to more actively promote women's economic citizenship and the social and monetary valuation of care, both paid and unpaid, over the course of life.

Such a strategy could include more vigilant action to close the gender pay gap, in particular the structural pay gap between female dominated (often caring) professions in the public sector and male dominated occupations in the private sector. Further, a general reduction to six working hours would to a large extent normalise the working hours of the large share of Norwegian women who work part time.

In addition to correcting the maldistribution of physical resources, the distribution of all relevant resources would need to be addressed, and different inequalities would demand a variety of corrective responses. The response to gendered inequality in access to social and existential resources could for instance be the empowering, revitalisation and support of women's organisations, as well as promoting women's access to other organisations that provide social and existential resources. Inequality in access to existential resources would further involve questioning the gender, class, ethnicity and heterosexual bias of the current model of life course harmonisation between men and women as the main strategy of gender equality, finding strategies of achieving justice that to a greater extent recognises differences.

Does the vulnerability approach bring anything new? Norway already provides substantial social support, rights and benefits to its citizens, and has signed and incorporated human rights, including CEDAW, into its national legislation, thereby accepting wide ranging obligations to promote gender equality, far beyond formal equality. However, Norway has not yet achieved gender equality, and the recent cri-

tiques from the CEDAW committee on the discriminatory consequences for many women of the principle of gender neutrality illustrates that there is a need to incorporate relevant differences over the course of life in the struggle for equality.

The main advantage of the vulnerability approach is that it represents a fresh lens through which to view the question of equality and to reinforce the state's responsibility to promote substantive equality and the need for a universal and vigilant welfare state and the institutional responses required to deal with inequalities and social divisions.

References

- Bjørnholt, M. (2010) Den norske likedelingsmodellen – fra samfunnskritikk til hegemonisk styringsmodell. *Sosiologi i dag*, 40(1–2) p. 35–56.
- Bjørnholt, M. (2012) From Work-Sharing Couples to Equal Parents. Changing Perspectives of Men and Gender Equality, *Gender and Change*. In Samuelsson, M.J., Krekula, C. & Åberg, M. (Ed.) *Power, Politics and Everyday Practices*. Karlstad, Karlstad University Press, p. 53–72.
- CEDAW/C/NOR/CO/8 (2012) *Concluding observations of the Committee on the Elimination of All Forms of Discrimination against Women*, Committee on the Elimination of Discrimination against Women, United Nations.
- Dahlerup, D. (2003) Ligestilling i dødvande – den ulidelige modstilling av lighed og forskel. In Borchorst, A. & Dahlerup, D. (Eds.) *Ligestillingspolitik som diskurs og praksis*. København, Samfundslitteratur. p. 29-52.
- Delphy, C. (1984) *Close to home: A materialist analysis of women's oppression*, Amherst MA, University of Massachusetts.
- Deluran, P. & Holm-Nielsen, B. (2012) The Woman's Share in the Reproductive Chain. In Nielsen, R. & Tvarnø, C.D. (Eds.) *Scandinavian Women's Law in the 21st Century*. Copenhagen, Djøf Publishing.
- Duncan, S., Edwards, R., Reynolds, T. & Alldred, P. (2003) Motherhood, paid work and partnering: Values and theories. *Work, Employment & Society*, 17(2): p. 309-330.
- Ferguson, A. (1989) *Blood at the root: Motherhood, sexuality and male domination*, New York, Pandora/Unwin and Hyman.
- Figart, D., Power, M. & Mutari, E. (2003) *Beyond markets*, in *Toward a Feminist Philosophy of Economics*. New York, Routledge.
- Fineman, M. A. (1995) *The neutered mother, the sexual family and other twentieth century tragedies*, New York, London, Routledge.
- Fineman, M.A. (2004) *The Autonomy Myth: A Theory Of Dependency* New York, The New Press.
- Fineman, M.A. (2008) The vulnerable subject: Anchoring equality in the human condition. *Yale Journal of Law and Feminism* 20(1): p. 1-23.
- Fineman, M.A., (2010) The vulnerable subject and the responsive state. *Emory Law Journal* 60(2): p. 251-275, Published on SSRN, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1694740>. [20. May 2013].
- Fraser, N. (1994) After the Family Wage: Gender Equity and the Welfare State. *Political Theory* 22(4): p. 591-618.
- Fraser, N. (2003) *Redistribution or Recognition?: A Political-Philosophical Exchange*: Verso.
- Goulds, S. (2011) (Ed.) *Weathering the storm. Adolescent girls and climate change*. Report, Plan International, <http://www.plan-uk.org/resources/documents/35316>

- Gullikstad, B. (2010) *Likestilte norskbeiter. Om kjønn og etnisitet*, Trondheim, Tapir akademisk forlag.
- Gunnarsson, L. (2011) *A defence of the category "women"*. *Feminist Theory* 12(1): p. 23-37.
- Hagemann, G. (2007) Maternalism and gender equality: Tracing a Norwegian model of welfare. In Hagemann, G. (Ed.) *Reciprocity and redistribution: Work and welfare reconsidered*, Pisa, EDIZIONI PLUS Pisa University Press, p. 61-87.
- Halsaa, B. (2013) Muligheter for mobilisering: stats og kvinnebevegelse. In Bråten, B. & Cecilie Thun (eds.). *Krysningspunkter. Likestillingspolitikk i et flerkulturelt Norge*, Oslo, Akademika forlag, p. 51-85.
- Holter, Ø. G. Svare, H. & Egeland, C. (2008) *Likestilling og livskvalitet 2007*. AFI-rapport 2008:1, Oslo, Arbeidsforskningsinstituttet,
- Skjeie, H., Halsaa, B. & Bredal A. (2010) Utvikling av likestillingspolitikk. PLUREQ Gender equality, cultural diversity, religious pluralism: State policies and feminist interventions. <<http://kilden.forskningsradet.no/c72645/artikkel/vis.html?tid=73228>>. [20 September 2103].
- Hartmann, H. (1981) The family as the locus of gender, class and political struggle: The example of housework. *Signs* 6(3): p. 366-394.
- Hernes, H. (1987) *Welfare state and woman power: Essays in state feminism*. Noregian University Press, Oslo and Oxford.
- Jensberg, H., Ådnanes, M., Haugen, G.M.D., Rantalaiho, M. & Husum, T. L. (2012) Hvordan oppleves meklings-ordningen av foreldrene? – Resultater fra evaluering av mekling etter ekteskapslov og barnelov. *Fokus på familien. Nordisk tidsskrift for familie og relasjonsarbeid*, (2) p. 100-121.
- Jónasdóttir, A.G. (1994) *Why women are oppressed*. Philadelphia, Temple University Press.
- Jónasdóttir, A.G. & Jones K. B. (Eds.) (2009) *The Political Interest of Gender Revisited: Redoing Theory and Research with a Feminist Face*. Manchester, Manchester University Press.
- Kitterød, R.H. (2012) Foreldrenes tidsbruk: Fedre deltar mer i husarbeid og omsorg. *Samfunnsspeilet Døgnet rundt fra 1971 til 2010*. 26(4): p. 56-64.
- Kirby, P.(2005) *Vulnerability and Violence: The Impact of Globalisation*, London, Pluto Press..
- Ketscher, K. (2001a) The Legal Position of Women in Scandinavian Law. Some trends within family law, labor law and social welfare law. In Caviezel, M. (Ed.) *Recht Richtung Frauen*. Lachen/St. Gallen, Dike Verlag. p. 225-238.
- Ketscher, K. (2001b) From Marriage Contract to Labour Contract: Effects on Care Duties and Care Rights. In K. Novsainen (Ed.) *Responsible Selves*. Aldershot , Dartmouth Publishing Company, p. 155-172.
- Melby, K., Pylkkänen, A., Rosenbeck, B. & Wetterberg, C.C. (2006) The Nordic model of marriage. *Women's History Review* 15(4) p. 651-661.
- Lewis, J. (1992) Gender and the Development of Welfare Regimes. *Journal of European Social Policy* 2 (3) p. 159-173.
- Lewis, J. (2001) The Decline of the Male Breadwinner Model: Implications for Work and Care. *Social Politics* 8(2) p. 152-169.
- Moller, S.O. (1989) *Justice, Gender, and the Family*. Chicago, University of Chicago Press.
- NOU 2011:18, *Struktur for likestilling*, in *Norges offentlige utredninger*. Oslo, Barne- likestillings- og inkluderingsdepartementet.
- Nyman, C. & Reinikainen L. (2007) Elusive Independence in a Context of Gender Equality in Sweden. In Stocks, J., Diaz-Martinez, C. & Halleröd, B., (Eds.) *Modern couples sharing money, sharing life*, Palgrave MacMillan: Eastbourne, p. 41-71.

- O'Hara, S. (2014) Everything Needs Care: Toward a Context-Based Economy. In Bjørnholt, and McKay, A. (Eds.) *Counting on Marilyn Waring – new advances in feminist economics*. Bradford, Demeter Press.
- Orloff, A. S. (2006) From Maternalism to “Employment for All”: State Policies to Promote Women’s Employment Across the Affluent Democracies. In Levy, J. (Ed.) *The State After Statism: New State Activities in the Age of Liberalization*, Harvard University Press: Harvard, p. 230-270.
- Orloff, A.S. (2009) *Gendering the Comparative Analysis of Welfare States: An Unfinished Agenda*. Paper presented at the annual meeting of RC19 Montreal, August 20-22.
- Skjørten, K., Barlundhaug, R. & Lidén, H. (2007) *Delt bosted for barn*, Oslo, Gyldendal.
- Salimi, F. (2011) *Personal communication*
- Stang-Dahl, T. (1982) Women’s Right to Money. In Holter, H. (Ed.), *Patriarchy in a welfare society*, Oslo, Universitetsforlaget.
- Stefansen, K & Farstad, G.R. (2010) Classed parental practices in a modern welfare state: Caring for the under threes in Norway. *Critical Social Policy*, 30(1): p. 120-141.
- Stocks, J., Diaz-Martinez, C. & Halleröd, B., (Eds.) (2007) *Modern couples sharing money, sharing life*. Eastbourne, Palgrave MacMillan.
- Vincent, C. & Ball, S.J. (2006) *Childcare, choice and class practices: Middle class parents and their children*. New York, Routledge.
- Wetterberg, C. C. & Melby, K. (2009) The claim of economic citizenship: The concept of equality in a historical context. In Kari M., Wetterberg, C. C. & Ravn, A.-B. (Eds.) *Gender equality and welfare politics in Scandinavia: the limits of political ambition?* Bristol , Policy Press.