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**Gendered Money and Relational Work: Women's Money
and Labor in Matrimonial Disputes in India**

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Abstract

What is the meaning and role of women's money in matrimonial disputes? Economic sociologists have challenged the notion that money is uniform and fungible. Based on 12 months of ethnographic fieldwork, I highlight the legal and familial mechanisms through which money becomes gendered. By integrating concepts from economic sociology on relational work and Daniel's (1984) concept of invisible labor, I conceptualize "invisible money". By doing so, I show how gendering of money in family disputes renders women's money invisible. This article expands on the meaning of relational work to include *institutional* relational work i.e., how institutions outside the interpersonal dynamics distinguish between appropriate and inappropriate claims and have an effect on women's material reality. Therefore, this study provides new evidence and broadens our understanding of the social meaning of money, the temporality in relational work and highlights the gendered nature of relational work and money itself.

Keywords: Relational work, Gender, Household labor, Economic Sociology, India

Gendered Money and Relational Work: Women's Money and Labor in Matrimonial Disputes in India

Introduction

Money has meaning. There is a growing body of research on how economic lives intersect with intimate relationships. Money decisions are not only instrumental in producing and maintaining social relationships but also in altering the boundaries of such relationships (Rao 2022, Zelizer 2005). Contrary to the traditional sociological view that marks money as an abstract economic medium, economic sociologists think of money as a social medium, whose meaning is context dependent (Fridman 2022, Zelizer 1994). Based on the perception of social ties, people differentiate appropriate economic transactions from inappropriate ones. This process of demarcating and matching appropriate economic transactions with appropriate social relationships is known as “relational work” (Bandelj 2012; Zelizer 2012).

Sociological inquiry on relational work has proliferated in the domain of intimate labor markets. These studies further our understanding of relational work and find that relational work relies on broader cultural schemas and is often gendered (Borris and Parernas, Zelizer, Almeling). However, less is known about relational work in the institution of family (Anderson 2017; Rao 2022). Zelizer (2005) argues that familial relations exemplify some of the most intense relational work that people carry out. Moral and legal questions of economic obligations arise within the household, where caring, intimate, and economic activities intermingle in the everyday. I focus on this underexplored area of relational work through a focus on family disputes. By doing so, I examine the gendered nature of relational work and the nature of money as gendered itself.

I conducted 12 months of ethnographic fieldwork (August 2021-August 2022) in Delhi, India including interviews, field observations and archival work. By focusing on family disputes, specifically where women make economic claims, I study the nature of relational work at the interpersonal and at the institutional level. At the *interpersonal level*, women litigants make economic claims, even as other family members seek to contest these claims based on gendered expectations of daughters, wives, and mothers. At the *institutional level*, lawyers, judges, and mediators distinguish between appropriate and inappropriate claims by women. Therefore, regardless of formal law, legal personnel and family members interpret rights within the matrix of gendered social relations and economic obligations of family life. They do so in a moment when family life is being actively reconfigured through dispute.

I find that women's economic contributions along with their labor in the household are devalued and rendered invisible. This happens not only in the realm of the household but institutionally by judges, mediators and often by women's own lawyers. On the contrary, I find that money spent on themselves, their income or probable income based on educational qualification is made hyper-visible and taken as proof of self-sufficiency. Through this mechanism of selective invisibility and visibility of women's money, women are often denied any economic relief.

I join the call for examining relational work in the institution of family and make three contributions in this article. First, by focusing on family disputes as primarily a case of "relational mismatch" (Mears 2015), I provide evidence to highlight the gendered nature of relational work and therefore the gendered nature of money itself. Second, I highlight the ways by which relational work can be *institutional* and beyond the inter-personal. By expanding the meaning of relational work to include institutional relational work I show how institutions

outside of interpersonal dynamics distinguish between appropriate and inappropriate claims and have an effect on women's material reality. In my specific case study, I examine how legal institution including judges' mediation centers and lawyers engage in relational work on behalf of others. Third, I expand on the concept of "invisible labor" to conceptualize "invisible money." I conceptualize "invisible money" to show how women's tangible economic contributions in the household are invisibilized in addition to the "invisible labor" they perform in the household. Both are devalued and not taken into consideration when adjudicating women's claim on family property.

This study provides new evidence and broadens our understanding of the social meaning of money, the temporal and changing nature of relational work and highlights the gendered nature of relational work and money itself. Understanding relational work, specifically in the context of marital disputes is important as it affects the material reality of women litigants.

Literature Review

Money, Gender and Household

Economic sociologists have challenged the notion that money is uniform and fungible. Scholars have argued that money is socially embedded and cultural understandings of relationships shape the meaning of money thereby uncovering relational work (Bandelj 2020, Rao 2022, Zelizer 2005). Relational work is defined as the process by which people engage in demarcating and matching appropriate economic transactions with appropriate social relations through appropriate medium of exchange (Bandelj et al. 2017, Zelizer 2012,). Research on relational work suggests that money takes on different social meanings in different relational contexts (Bandelj 2020; Bandelj 2021). Relational work is different from mere sociality as an economic component is paramount in such work (Bandelj 2020; Zelizer 2012). Further,

relational work also occurs in specific temporal contexts and the meaning of money could shift depending on such contexts (Bandelj 2021).

Relational work as Zelizer (2005) conceptualizes points to the co-constitution of economic and intimate lives. This approach denounces the “nothing but” approach, which assumes all intimate relations and human actions as *nothing but* rationally conducted exchanges as would be considered in the free market realm. In this model, for example, family units are closely comparable to and not drastically different from market relations (Becker 1981). Therefore, family members are assumed to have a high degree of individuality with cost-benefit calculations, and self-maximizing actions. Relational theorists on the other hand believe that money decisions go beyond mere financial costs. They argue that such decisions are based on how an economic decision might produce, maintain or reconfigure the boundaries of a relationship (Rao 2022). When economic expectations and obligations in a relationship align, it creates a “relational match.” On the contrary, when expectations do not align with how the other person sees their economic obligation, the decision illuminates a case of “relational mismatch” (Mears 2015, Rao 2022).

Research on relational work has helped us understand how economic and intimate lives co-constitute each other through a focus on market exchanges of intimate labor (Almeling 2007, Borris and Parreñas 2010; Rudrappa 2015). Gender scholars exploring the concept of relational work have written extensively about paid care work and the role of payments in such work (England 2005; Haylett 2012, Almeling 2014). Zelizer (2005) argues that familial relations exemplify some of the most intense relational work people carry out. Yet, relational work in this area remains understudied.

Research in the realm of household has explored specifically the differences between how men and women's income is treated. Zelizer's work (1994) reveals how historically wives' income was not considered the same as the husband's earnings. Irrespective of the amount, wives' money in the household was therefore considered as supplemental rather than primary source of household expenditure (Zelizer 1989, 1994). Other studies have focused on how men and women spend and manage money. This segment of research has found that women spend more on children than men do (Thomas 1990; Zelizer 2010). Further, scholarship on children's well-being reveals that mothers fare better in safeguarding their children's educational (Gowayed 2018) and food requirements than fathers (Kenney 2008).

Few recent studies focus on the gendering of relational work. A recent interview-based study examining relational work in parent's decisions about child expenditures during economic precarity illustrates how the microfoundation of familial economic transactions is gendered (Rao 2022). Rao uses the term "microfoundation" to highlight the interpersonal aspect of decision making which in turn is shaped by broader cultural norms and understandings about the family. Another study (Anderson 2017) based on couples in Ukraine finds that gendered earmarking of money serves to cast men's money as important and women's money as supplemental, similar to what Zelizer found in her 1994 study. Anderson (2017) finds that in addition to earmarking men's money for important expenditures such as rent, physically separating men's money from women's money and instituting an order of spending his money first gave a special symbolic meaning and importance to men's money. But as Anderson (2017) points out in her study interviewing couples who were still married, the sample could be biased towards higher rates of intra-partner cooperation and agreement. Bandelj et al.'s (2021) research in their study of money attitudes among young adults point to the salience of examining gender effects in relation to

money. In doing so, they call for sociological attention to the centrality of gendered and temporal aspects of relational work. I address this call by examining the role and meaning of money in marital disputes. I highlight the gendered nature of money and relational work not only at an interpersonal level i.e., within the family members but at an institutional level i.e., by legal actors such as judges, mediators and lawyers. I further highlight how meanings imputed to women's money and labor leads to "relational mismatches."

Social Reproduction and Invisible Labor

Feminist theorists understand social reproduction as the labor that is necessary to keep households and communities functioning, allowing for the reproduction of society and for capitalist accumulation (Federici Glenn, 1992; Bakker 2007). In other words, social reproduction is "the fleshy messy, and indeterminate stuff of everyday life" necessary for sustaining societies (Katz 2001:711). Scholars have remarked about the resilience of gender norms in the family, noting that the division of labor in the family has proven to be extraordinarily rigid (Harriss-White 2003). Even upon entering formal labor markets women face a disproportionate burden of care work within the family, termed the *second shift* by Hochschild (1989). Gerstel (2000) has documented what she calls the *third shift*, which demonstrates that women engage in far more caregiving activities even for extended kinship relations and friends than men do, adding an extra week of work to their monthly workload. Unpaid care and domestic work responsibilities continue to fall disproportionately on women who spend two to ten times more time on unpaid care than men (Karimli et al. 2016; Ferrant et al. 2014). In many cases, women also decide to limit their market involvement after forming families (Glass & Kanellakos 2006).

The dichotomous understanding of public versus private, productive versus non-productive labor renders work that women do in the household as less important and of no

economic value. Daniels (1987) coined the term “invisible work” focusing on unpaid household work typically done by women, which is historically, culturally and economically devalued. In operationalizing the concept of “invisibility,” Hatton (2017) describes three distinct yet intersecting mechanisms of invisibility namely sociocultural, sociolegal and sociospatial. *Sociocultural mechanism* refers to the ways labor is economically devalued and therefore rendered invisible through cultural ideologies. Labor in the household such as making meals for the family is considered as “acts of love” (DeVault 1994, Star and Strauss 1999). Similarly, women’s decisions to opt out of formal labor markets to take care of the household is characterized as “just to be a housewife” (Folbre, 1991; Matthews 1989; Palmer 1990). As such, domestic labor is delegitimized and devalued because such labor is expected, normalized and treated as an expression of a natural role and love (Hatton 2017).

Further, work can be rendered invisible by sociolegal mechanisms such as excluding work from the definition of legal employment and sociospatial mechanism which devalues work occurring outside traditional workspaces (Hatton 2017, Pendo 2016). All of the above mechanisms often intersect and magnify the effects of invisibility. For example, both domestic labor is devalued at the intersection of all three mechanisms. Researchers have found that such labor is devalued and therefore invisibilized not only through cultural mechanism but also because it is performed in a private space: the home, which is traditionally not considered as a “real site” of work (Boydston, 1994; Daniels, 1987; Glenn 2000; Macdonald, 1998; Mirchandani 1998). This not only included unpaid domestic labor but also informal home-based work and paid domestic work. Unpaid domestic labor, primarily done by women in the household is also devalued as it is excluded from the definition of employment. Further, such mechanisms are deeply entangled with gendered logics. Therefore, sociospatial and sociolegal mechanisms work

in tandem to reify sociocultural mechanisms to economically devalue certain types of labor (Hatton 2017; Poster, Grain and Cherry 2016).

Arguing that formal labor markets are inherently dependent on social reproduction, feminists have sought recognition of its value (Folbre 2006; Collins and Mayer 2010). However, more than often, due to mechanisms that render this work invisible, it rarely translates into monetary compensation. Silbaugh (1996) and Finley (1989) have revealed how various branches of law have consistently failed to value women's work. In cases of divorce settlements, women's labor is rarely acknowledged, let alone considered for deciding alimonies (Weitzman, 1984; Bessier and Gollac (2023). Courts express an anxiety around transforming familial relations into market relationships. They tend to segregate household labor as nonmarket exchange, which leads to unfair compensation for women in family disputes (Horsburgh 1992, Siegal 1994; Williams 2000). Research has shown that formal equality does not translate into substantive equality as legal decisions are often informed by gendered ideologies. (Kapur & Cossman, 1996). Rather, as Bessier and Gollac (2023) found in their recent study that practical implementation of formal egalitarian family and property laws lend an air of legitimacy to the impoverishment of women. In this article, I show, how legal institutions regularly engage in gendered relational work on behalf of family members in a dispute and consequently have enormous effects on women's material reality.

By using the concepts of relational work and invisible work, I examine the role of women's labor and money in family disputes. The term "invisible work" has been extended to many forms of work which includes both paid and unpaid labor. Some of the examples are emotional labor and care work (Glenn 2000; Hochschild 1983), domestic paid work (Cox, 1997; Rollins, 1996) and aesthetic labor (Williams and Connell 2010). This work is invisible because it

might be hidden from plain sight (Cherry 2016, Otis and Zhao 2016), legally unregulated (Pendo 2016), culturally taken for granted (Nardi and Engestrom 1999) and/or ignored (Kristal 2002, Otis and Zhao 2016). As I will show marital disputes present a case to examine not only how labor within the household is devalued but also how women's money earned through labor outside the household is rendered invisible. By doing so, I extend the concept of invisible labor to conceptualize "invisible money."

Context

In many jurisdictions, laws have been framed to assess how matrimonial assets should be distributed amongst separated spouses. Some laws consider whether separate property should be treated as marital due to substantial non-economic contribution by a non-earning spouse. India is not one of those jurisdictions. Matrimonial law in India doesn't delineate what should be considered as matrimonial assets and how asset distribution should take place in the event of a divorce. Further, unless a marital couple mutually decides to separate, husbands/wives have to allege a "fault" in their spouse in order to get a divorce. Proving "fault" follows an adversarial system i.e., presenting your case and evidence in front of an impartial judge. This process could take years before the parties get even a preliminary relief. In these contested cases, where economics of the relationship haven't been mutually agreed upon, a spouse may choose to file for maintenance and alimony. Economic claims often take into consideration child support and housing requirements. In India, due to prevalence of patrilocality coupled with the unaffordability of housing in global cities like Delhi, matrimonial disputes often involve the father-in-law, who is the owner of the house.

Under the divorce laws, the ultimate discretion to decide an appropriate amount and/or distribution of assets lies with the judges. Although there are some basic guidelines framed to

help judges arrive at a decision, it remains very subjective. In addition to the divorce laws, there are two other laws that apply to economic claims in matrimonial disputes. In cases of domestic violence, a complainant's rights to reside (not ownership) in her matrimonial home is protected under the Protection of Women from Domestic Violence (PWDVA). Further, any jewelry given at the time of the marriage is considered as *stridhan* (women's wealth) and has strong safeguards under the criminal law.

Due to the time and cost that litigation entails, many lawyers and mediators I spoke with told me that most of the matrimonial cases get "settled" through mediation in courts or personal negotiations that take place outside courts. The Family Courts Act of 1984 makes mediation mandatory in family disputes. Many judgments allude to the importance of mediation in resolving family disputes; securing any relief through the adversarial system is too messy, expensive, and takes years. Mediators are appointed by the court to facilitate resolution between the parties. The requirements for being a mediator are simple: one has to undergo 40 hours of training and should have attended a minimum of 20 mediations out of which 10 should have resulted in settlements.

Given the myriad ways in which asset distribution during marital disputes can take place, family housing disputes present an opportunity to study the nature of relational work. In legal disputes, not only do family members re-evaluate their social relationships and the ensuing caring/ intimate labors that made that family possible, but also, legal personnel are pulled into interpreting and adjudicating economic claims based on these social relationships. Conflicts then serve as a critical site of sociological inquiry as they are fraught negotiations about value and contributions revealing cultural understandings of what is just and fair (Basu 2015).

Data and Methods

I conducted 12 months of ethnographic fieldwork (from August 2021-August 2022). I draw on data from a larger study analyzing women's experiences in family property disputes. I did field observations; interviews with female litigants (n=40), male litigants (n=5), and lawyers and mediators (n=10); and archival work.

My interviews with women litigants lasted anywhere between 30 mins to 4 hours. I asked women litigants questions about their family history-relationship with natal and marital family, what circumstances led to the dispute, the history and details of the dispute, details of the claims they have asked for, their experiences in the legal system including court and mediation hearings, social and financial support, out of court settlement efforts and their relationship with their lawyers. I further conducted interviews with lawyers and mediators (lasting 30 mins to 90 mins) and asked them questions about the current problems in family disputes, the mediation and settlement process, training procedures of mediators and how courts decide on maintenance and alimony and how property particularly negotiations around houses figured in cases. In the interviews I conducted with male litigants (lasting 30 mins), I ask them questions about their cases, the claims their wives' have made against them and whether they have offered any economic support to them.

In addition to conducting interviews, I observed negotiations in mediation centers. Most of the mediations I attended were at the Delhi High Court and a few in various District Courts. I would usually accompany the lawyer of either the husband or the wife. I would leave it up to the lawyers to introduce me to the room. I would mostly be introduced as a colleague and sometimes both as a colleague and a PhD student. In the mediation hearings I accessed two sets of conversations: one between the mediator and both the parties, and the other between the mediator and one of the parties. Mediation hearings would last anywhere between 1 hour to 4

hours. In mediation hearings, I would also observe conversations between family members and between lawyers and their clients while waiting outside the mediation hall or after the mediation. During the first phase of my fieldwork, I attended full days of court hearings in the family court and domestic violence courts. In the later phases of fieldwork, I would accompany lawyers that I had built a rapport with for specific case hearings. In addition to attending court and mediation hearings, I also observed lawyer client meetings in court chambers and in private offices. Archival work consisted of reading available case documents and reading significant judgment on women's economic rights.

I use MAXQDA to code my interviews and fieldnotes to identify recurrent patterns and exceptions of interest. To preserve anonymity, I use pseudonyms.

Findings

Invisible Labor and Money in the Household

"I seem to be the most invisible person in the house, I never felt like it was my house"

Sanjana is 60 years old and a well-known designer. She got married at a very young age. Her partner had been previously married and had two children from that marriage. At 21, she was thrown into the middle of an already set-up household. She quickly assumed all the responsibilities of a mother in a typical household. She was in every sense a mother to her partner's kids and brought the children up. Over the course of her marriage, she became more and more successful. In addition to being a mother, which entailed physical and emotional labor, she was also single-handedly taking care of the household expenses. Her partner wasn't making as much money and the children, although capable of earning their own living, chose not to work. When I ask her why she didn't feel like it was her house, after all she lived in that house for over 20 years, she says:

Technically it **wasn't** (*emphasizes*) my house. It was the house of my partner's parents. They had willed it all to him and disinherited their daughters. There was such an elaborate structure of patriarchy there and I wasn't even part of that equation...I was so conscious of it...I knew that no house that was really mine, legally mine, bought by me, in my name was mine. I wasn't ever going to fool myself about that.

I followed up by asking her what made her feel invisible in that house. She says,

There was a constant conversation in the house about: "father did this, father did that" and I was like Really? (*laughs*) I left it at that, I would never correct it, which was: I don't know what that had to do with: a muddle of my own complications about my own childhood, I think. But then off late, it has become very ugly. The entitlement, the privilege, the expectations, even the asking and the non-acknowledgement. I do feel very severely used... there was no proper earning there, so I would be supporting all the household expenses. It became like...slightly abusive. I came from a background where I was constantly being told by my mother that I have done this for you, I have done that for you... and I sort of told myself that I will never be that person, always calculating how much I give whom. In that process I became the pathetic other, in my desire to not to be that monster who's accounting for every little thing I do.

It became a habit for them and there is no acknowledgment, none at all. I was in every way their mother and that has also been a problem. The idea of what mothers are supposed to do and be: we are supposed to do what: be nobody: leave yourself outside of the gate? Not having authority in the space that you live in, not having the authority to

take any decisions: They are conditioned to think of mothers, wives and daughters in certain ways.

A couple years ago, Sanjana and her partner amicably decided to separate informally, but that didn't minimize Sanjana's role as the only financially solvent member of the family. There is an unsaid expectation that Sanjana will continue providing for the family, their most basic and their most extravagant needs. Although everyone in the family knew who the provider was, no one ever acknowledged it and, in fact, a lot of times, the acknowledgment would wrongly be given to her partner. Not that Sanjana expected a show of gratitude each time she would sign a check, but the family's entitlement also came with a lot of resentment and misbehavior. She was asked to return small things from the household that she had bought with her own money. This further diminished what she had done for the family and making the non-acknowledgment hurt even more. She says that she felt completely invisible in the household.

Sociologists have shown how women's labor in the household is rendered invisible by various mechanisms. Sanjana's case shows how invisible labor is intertwined with invisible money. Not only is her labor that she puts in the household taken for granted, but the money attached to sustaining the household and in turn being a "good mother" is invisibilized too. Although she was responsible for keeping the household functioning and together, she was constantly othered and felt invisible. The money was never returned to her and her asking for a mere acknowledgment was met with great bitterness and discontent. In her case, being a good mother is not only attached to putting in the labor in care work of her children and being financially capable to handle the associated costs of child rearing but it is also that both money and the labor remains unspoken about. The sociospatial mechanisms here render Sanjana's money earned even through the formal labor market invisible when it is spent inside the home.

Women's expenditures on the household are overlooked along with their household labor, making them both invisible. Ankita has been married for four years. She and her husband Arjun lived on the second floor of the house owned by her father-in-law. One day, she got a message from Arjun stating that he was moving out of the house and she should vacate the house too. Ankita refused and her father-in-law filed an eviction suit against her and Arjun. The eviction suit was essentially strategically filed against both Ankita and Arjun as "tenants" to force Ankita out of the house. During the interview, Ankita told me how she has supported the household:

For me, it wasn't about the division of who's earning more. When we were dating, he was making a lot more money than when he was married to me, right? It was his decision to quit his job and I supported him. I said to him—if that makes you happy, we have our own apartment, we don't have to pay rent, so do it. I wasn't working at that time; I was running my own business and I went back to work because of his decision to quit his job.

Ankita feels immensely hurt that her father-in-law called her a tenant in the eviction suit and refuses to acknowledge her at all. She says, "The biggest thing for me is that if you exit a relationship, to exit in a tone that says that we are here to support you: if you need anything, we are here. I would then be—Ok I am fine, at least I have a support system that I don't have from my parents. Anyways, frankly I have done more for this family than I have done for my family." She subsequently says while reflecting on her relationship with her father-in-law:

I can say it with confidence and his staff can stay it with confidence that I am there for him...even more than Arjun. Whenever he needs anything, his staff informs me and I either text Arjun or get it arranged myself. I was the one who started the family traditions

of eating dinner together, going for movies together. Your son didn't do that, I did but I have also learned that blood is thicker than water.

Ankita says that her husband and her in-laws have refused any kind of responsibility towards her although they are financially very well-off and giving an apartment to Ankita would be no big deal for them. Further, she says that she is happy to pay rent to continue living in her matrimonial home because she knows how difficult it is for a separated woman to find safe housing in Delhi. During the course of her interview, she also mentions how much has gone into this apartment as well other houses:

He never asked me even before he moved out how I was managing [the expenses]: I used to pay all the bills (*laughs*). Everything, I work in fashion and interiors, everything in the house, I have bought it. There's money that goes into everything, in the kitchen, in the upholstery, in the lights. We have a home right outside Delhi, that I am not even allowed to go see or go visit. There is a big cut off. When we were building that house and this is while I was going through IVF, I picked up all the tiles and interiors of the house: I have a picture of me laying out the tiles in the bathroom and my back is killing me, and how many vacations I have foregone because the only trip we had was to build this damn house. And the toll it took on me.

During the legal proceedings including the eviction suit and divorce and filed for economic claims. She says that many people including her friends judge her for these claims: "friends judge you, they say: you both are independent, you both are earning, he paid for this, he paid for the house, so why do you think you deserve it, or why are you asking for this kind of money. You hear all of that."

None of what Ankita has done for the household is acknowledged. Her physical and mental labor in setting up the house, her expenditures on the interiors, furnishings and other such things that actually makes a house a home disappears. The focus here remains on who paid for and owns the house. It is not only friends and family who diminish and invisibilize the financial and non-financial efforts that goes into sustaining a household but these mechanisms of invisibilization also happens institutionally by the legal actors. In the next section, starting with Ankita's case, I discuss how the legal system renders women's money when spent on the household invisible. On the contrary, what is made visible is her spendings on herself and future earning possibility.

Invisible Money and Visible Money in the Courts

Ankita has gone through unimaginable abuse: physically, mentally and financially. She suffers from frail health because of the abuse and the various unending fertility treatments she had been undergoing during the marriage. Ankita filed for compensation and for alternate accommodation under the Domestic Violence (DV) Act as a protection against the eviction suit. The Act covers situations of financial abuse as well. As evidence of financial abuse, Ankita filed as many bills as she could find to show how she had contributed enormous amounts of money to the household, although her in-laws were now treating her as an unwanted tenant. The judge in her case was not convinced and insisted that Ankita disclose her income. Per se, the Domestic Violence Act doesn't require that the complainant disclose her income as the remedies are based solely on the occurrence of domestic violence. However, in this case, the judge was adamant that only on the basis of Ankita's income, could she decide on the questions of compensation and/or residence rights. If she could afford a residence on her own, there was no question of relief. The juxtaposition of what the judge wanted to *see* i.e., Ankita's income right now versus what was

not considered i.e., the money that she had spent on the household shows us the interplay of invisible and visible money.

When I interviewed Ankita's lawyer, Megha, who has been practicing family law for over 15 years, she tells me that, like Ankita, there are many women who invest all their savings in the matrimonial home in various ways and some don't even have any receipts to show for it. She says that perhaps if they hadn't spent all their money on household expenses, they would be at least in a better position to buy themselves a home or even rent a nice apartment, but this factor is not considered in courts. Ankita's care work is not just the actual labor she performs. The labor is also closely intertwined with the money she puts in to sustaining the day-to-day activities of the household. The judge in Ankita's case completely invisibilizes the money that she has spent during the course of her marriage, doesn't consider it as a factor which warrants compensation or even alternate accommodation. On the contrary, what is made visible is her future earnings and whether that is sufficient to sustain herself. As such, the judge doesn't consider it as an appropriate economic transaction for Ankita's husband and in-laws to support her. The institutional relational work that the judge resorts to in this case shows us the temporal and gendered contexts in which economic transactions are deemed appropriate and inappropriate. The economic present and future of women are treated very differently from their economic past when deciding economic relief. In many other cases, women's future money is hyper-visibility and used for denying claims.

Maintenance and alimony are decided on the basis of "need" in cases of marital disputes. Certain tools have been formulated to assess this need. Courts used to rely on Income Tax Returns (ITR) as a measurement of disposable income. However, relying on ITR was found to be a futile exercise as it did not reflect the true wealth of a person (Rajkotia, 2017). The Delhi High

Court devised what came to be known as the “lifestyle rule”. According to the “lifestyle rule”, both spouses have to file an income affidavit. In addition to disclosing income and assets, detailed questions about expenditure are to be answered in the affidavit such as foreign travel, club memberships, magazine and newspaper subscription, expenditure on social events etc. The “lifestyle rule” is considered to be a more accurate and transparent depiction of income of both the husband and wife and the needs of the party asking for financial support. The transparency of money and expenses however doesn’t have a uniform effect and consequences on men and women.

Take for example Rohini, a 62-year-old woman who has been in an abusive marriage for over 35 years. During the course of the marriage, Rohini earned enough money to invest in properties along with her husband. She tells me that her husband Manish made her sign the property documents and sold off properties owned by both of them on the pretext of buying a new property in Delhi. Rohini was reluctant and told me that everyone in her family also advised her against signing the sale deed. She even tried to question Manish about his intentions, but she says he constantly threatened her with more physical abuse and she ultimately decided to sign off on the papers. Manish took all the sale proceeds and abandoned her. She told me that he agreed to give a meagerly amount to her in mediation hearings but when it came time to actually part with money, he refused. I asked her, “but what did he say about the sale proceeds and the property?” She said:

So, he said...*(she sighs and pauses)*...so he is very smart. Actually, he is very smart, crooked actually...I shouldn’t say smart. So, what happened...so he took a loan...he said my salary is bigger than yours, higher than yours, I will take a loan from a public bank. He was getting a loan rebate because of his public sector job. I told him let’s take a joint

housing loan, I will also get some rebate. He said- no, I will take a loan. You know but when you are repaying 15k a month with two children growing up...it was my salary that was substituting that loan amount but on paper, the loan is under his name for the joint property. He says -I took the loan, I repaid it, the property all belongs to me and she has not contributed anything.

She told me that she contributed her salary towards the house, the children's education, various social obligations and even gave her husband money for the repayment of the loan. She sighed and in a tone of resignation said, "but on paper, there is nothing."

When I asked her about the cases she had filed and if there had been any decisions in those cases, she told me that she had filed for interim maintenance and the judge passed an adverse order (meaning against her). She said,

She passed an adverse order...saying that she is getting pension and of course my retirement benefits...see I never hid anything...I never hid anything...because I am a government employee, everything is public. So, she [the judge] said she has her retirement benefit, she is getting a little pension, so she doesn't need any interim maintenance. She overlooked (*hesitates*)...I won't say much because after all she's a judge...but I would say that she overlooked many things...the wrong things that the husband had done but she pointed out many frivolous and petty things, which I had put in my income affidavit...she said -why should she be eating non veg, why should she be eating dry fruits [nuts].

She continues,

All these years, I have been buying things for the house and at 60 years...I don't have dry fruit [nuts] in the pandemic...I mean she brought up petty things like that...she said that

she is not responsible... she is buying dry fruits [nuts] for herself...she is going for fitness classes.

Rohini told me that her husband in the meantime donated a huge chunk (approximately 80K USD) of the sale proceeds to a “bogus” non-governmental organization (NGO) and disclosed this in the income affidavit. Rohini said that while she is running out of her savings, living off her sparse pension and can’t afford a decent house, there is such a variance in lifestyles. Manish, she says, is living a luxurious life and has diverted the sale proceeds to show that he doesn’t have anything to give her. She broke down several times during the interview. There was a tone of regret in her voice indicating that she could possibly have done something to prevent her situation. Towards the end of the interview, she said, “You contribute to a house...and the carpet is literally swept from under my feet...I am literally on the road and the money is with him. Everything is with him...it’s not like there is nothing.”

The regret in Rohini’s tone throughout the interview is because of the helplessness she feels, the sense of loss, which stems from the lack of recognition of her economic contributions to the household and the house itself. That money is rendered invisible. Instead, she is chided for being irresponsible and spending money on herself. The transparency that she exudes in her income affidavit is held against her: her spending is made hyper-visible and she is judged for the “indulgences” that one might consider basic necessities in normal circumstances. But in Rohini’s case, spending on nuts, buying meat and fitness classes are taken as signs of prosperity. For the judge, Rohini’s spending on her well-being and not abstaining from “extravagance” is incongruous with the life of a woman in monetary distress, who has been abandoned by her husband. Her spending on items demonstrated that she had enough money to pay her own rent *and* a reckless attitude towards that money, which didn’t warrant support. On the other hand, her

husband's donation to NGOs was not put under the same scrutiny or judged in the same way. Further, the fact that she co-owned the properties that her husband sold and took the sale proceeds from is also not taken into consideration.

In many other cases, although women's income and spending on the marital household during the subsistence of marriage is ignored, their income and educational qualifications are often used as justification to deny any kind of economic relief in courtrooms or used as a convincing strategy in mediation hearings. Consider this conversation between a mediator, a woman litigant (Aashna) and her lawyer (Divya) in a mediation hearing:

Mediator first addresses Aashna's lawyer: She is educated and well-qualified, you know it will be tough for her to get anything in court.

Mediator then addresses Aashna directly: Tell us, what do you want?

Aashna takes a moment, gulps and then says: I want my things back, I want my jewelry back, I spent 60 Lakhs on the wedding and my father spent another 20 Lakhs...

The mediator cuts her off and says: You are educated, you are well-qualified, in fact you told me that your husband and you were in a course together...you can go in for litigation but it is going to take a long time. You can file for 125 CrPC, but you won't get anything under that, you can file for DV, but till you can get to that stage, it will be a long time, if you want to file for 498A or 406, you will have to show proof that they still have your jewelry...

Aashna is 34 years old and has been married for over four years. She received an eviction notice and her in-laws had obtained a permanent injunction against her. Thereafter, she couldn't enter her matrimonial home. Because she thought she was only going for a couple of days to visit her parents, she had carried only a few clothes. Aashna had not only lost access to her

matrimonial home, but she had lost essentially all her belongings. The conversation above in the mediation room was to assess the terms of negotiations. Aashna had meticulously prepared a list of her belongings which ran into several pages. During the course of the conversation, she said that she wanted a house to be part of the settlement deal. She insisted that they start the negotiations with a three-bedroom even though she was ready to settle for a two-bedroom house. The mediator responded to her protests in a calm and casual manner. He told her that even if her husband gave her some money, she could use her own money and buy a house that she likes.

During the course of this mediation and subsequent mediations, the mediator kept dissuading Aashna from filing for any legal remedies while persuading her to settle for anything she gets. He time and again highlighted her educational qualifications and how that will lead to futile efforts in courts. The mediator's logic was simple: Aashna was capable of earning, (re)building a life on her own and therefore she should cut her losses. The fact that Aashna's matrimonial family had pressured her to quit her job, that she had suffered tremendous loss of income and finally when she started working, and that she was refused promotions due to the marital situation was brushed aside by the mediator. Educational qualification is taken as a stand-in for income even though the precarious labor market might reveal otherwise. While her qualifications and probable income was highly visiblized and used as a chip for settlement, her demands for return of things that she had bought with her own money was trivialized. When Aashna would mention her expensive bags, watches and cosmetics that were still in her matrimonial home, it would be met with smirks and scoffs in the mediation room. The mediator would say, "koi baat nahi phir se le lena [don't fret, just buy it again]." The loss of income and of things bought with her income during the marriage were rendered unimportant.

Like Aashna, other young respondents were often reminded that there was an entire life ahead of them, that they could do it on their own, rebuild a life again. Ankita says, “the man who was the mediator, I mean, he was telling me, you are young, why do you want to fight him, just part ways...he was just an MCP telling me, f off, just find someone else to marry...he was judging my clothes, my educational qualification, my age...everything...I told my lawyer I don’t want to share my life’s personal details with this man.” The mediator was restating, in other words, what Ankita’s husband had been saying in negotiations: “she is educated, she earns more than I do and I have no responsibility towards her.” Ankita laughs and tells me that it is true, she was paying all the bills during marriage and her husband doesn’t own anything because his parents are loaded and support him financially.

Women are also constantly seen as greedy particularly if they are employed and/or well qualified. Respondent Anita, recalls her interaction with a lawyer when she first went to get legal advice:

She [the lawyer] made me feel really shitty about asking for anything. (*Ankita changes her voice to mimic the shrill, agitated lawyer*) I also got divorced, I didn’t have anything, I made everything myself from scratch. Why would you ask for anything...by the way, you know you are not entitled to anything by law...don’t think you will get anything on the basis of what your husband earns, you can forget about it. Oh my God! The cases that come to court, the women...they are just...such gold diggers and they really stick their claws...as a result, the courts have very less sympathy for women, particularly qualified women, who are asking for money (*changes her voice back to hers*) She projected me as a gold digger...why should I be entitled to a corporate lawyer’s salary when I had only worked hard enough to become an academic.

Women's money—from their current income due to their employment status, to their probable income due to their educational qualification—is highly visibilized and taken against them in divorce negotiations. Ankita's lawyer *judged* her for feeling “*entitled*” to a house from her estranged husband, more so because she has a PhD. The lawyer also casts all educated women as gold diggers because they don't fit the imagination of the oppressed woman in courts. Judgments often times frame maintenance and alimony in terms of “moral obligation of the husband” to prevent “destitution” of the wife therefore making the maintenance amount not a “bounty” but a “survival” amount. The claims to a house, jewelry, expensive bags and watches even if bought with their own money doesn't fit the imagination of “survival amount” in the eyes of the legal system.

Discussion and Conclusion

The purpose of this study is to explore the role and meaning of women's money in matrimonial disputes. By focusing on women's experiences in matrimonial disputes, I explore the gendered nature of relational work. In addition to devaluing the labor that women perform to sustain households, I have found that family members and the legal system routinely devalue the tangible economic contributions women make to the household, rendering it invisible. In these cases, sustenance of the household is not only dependent on women's labor and care work, but there is a cost associated with it: the financial expenses that women bear in order to do that work. The mechanisms through which women's unpaid labor in the household is rendered invisible also make women's money invisible. Women's money—when spent on relations, articles for the household, and sometimes to buy the house itself—is not given any value during matrimonial asset distribution. The mechanisms of invisibility such as sociocultural, sociolegal and sociospatial also intersect in the case of women's economic contributions in the household.

Nevertheless, women's money is "seen" as a resource for themselves after marital breakdown as an indication of self-sustenance, which therefore doesn't warrant any support in terms of economic relief. Women's past employment and earnings during the marriage are hidden from plain sight, present employment and future employability becomes pertinent during negotiations of economic claims.

Economic sociologists treat money as non-homogenous and instilled with meaning (Zelizer, 1994). Further, people do "relational work" to match appropriate economic transactions with appropriate social relations (Badelj 2017, Zelizer 2005). There is a growing body of work on relational work, although scholars have pointed out the inattention to the intersection of gender and money (Badelj et al. 2021, Rao 2022, Zelizer 2010) in the understandings of relational work. Further, economic sociology's obsession with "pure market relations" points to the lack of gendered attention to the field (England and Folbre, 2005). This study provides new evidence and broadens our understanding of the social meaning of money. It provides a gendered analysis of relational work. Further, it shows how relational work changes the meaning of money—in this case women's money—according to the temporal and social context. The importance, value, and meaning of the same money differs in the varied contexts of marital harmony or discord. Understanding the gendered nature of relational work, specifically in the context of marital disputes, is important as it affects the material reality of women litigants.

References

- Agarwal, Bina. 1998. *A Field of One's Own: Gender and Land Rights in South Asia*. Cambridge: Cambridge University Press.
- Agarwal, Bina, Pravesh Anthwal, and Malvika Mahesh. 2020. "Which Women Own Land in India? Between Divergent Data Sets, Measures and Laws." *Global Development Institute: Working Paper Series* 2020-043. Manchester: The University of Manchester.
- Agarwal, Bina, and Pradeep Panda. 2007. "Toward Freedom from Domestic Violence: The Neglected Obvious." *Journal of Human Development* 8(3):359–88.
- Almeling, Rene. 2007. "Selling Genes, Selling Gender: Egg Agencies, Sperm Banks, and the Medical Market in Genetic Material." *American Sociological Review* 72(3):319–40.
- Anderson, Nadina L. 2017. "TO PROVIDE AND PROTECT: Gendering Money in Ukrainian Households." *Gender and Society*. 31(3): 359–82.
- Bandelj, Nina. 2009. "Emotions in Economic Action and Interaction." *Theory and Society* 38(4):347–66.
- Bandelj, Nina. 2012. "Relational Work and Economic Sociology." *Politics & Society* 40(2):175–201.
- Bandelj, Nina. 2020. "Relational Work in the Economy." *Annual Review of Sociology* 46(1):251–72.
- Bandelj, Nina, Yader R. Lanuza & Julie S. Kim. 2021. "Gendered Relational Work: How gender shapes money attitudes and expectations of young adults" *Journal of Cultural Economy*, 14:6, 765-784
- Basu, Srimati. 2001. *She Comes to Take Her Rights: Indian Women, Property and Propriety*. New Delhi: Kali for Women.
- Basu, Srimati. 2012. "Judges of Normality: Mediating Marriage in the Family Courts of Kolkata, India." *Signs: Journal of Women in Culture and Society* 37(2):469–92.
- Basu, Srimati. 2015. *The Trouble with Marriage: Feminists Confront Law and Violence in India*. Oakland, California: University of California Press.
- Baviskar, Amita, and Raka Ray. 2011. *Elite and Everyman: The Cultural Politics of the Indian Middle Classes*. New York: Routledge.
- Becker, Gary. 1981. *A treatise on the family*. Cambridge: Harvard University Press
- Bedford, Kate and Shirin M. Rai. 2010. "Feminists Theorize International Political Economy." *Signs* 36(1):1–18.
- Benston, Margaret. 1969. "The Political Economy of Women's Liberation." *Monthly Review* 21(4).
- Bittman, M., England, P., Sayer, L., Folbre, N., & Matheson, G. (2003). When Does Gender Trump Money? Bargaining and Time in Household Work. *American Journal of Sociology*, 109(1), 186–214.

- Boris, Eileen, and Rhacel Salazar Parreñas, eds. 2010. *Intimate Labors: Cultures, Technologies, and the Politics of Care*. Stanford: Stanford University Press.
- Budig, M. J., & England, P. (2001). The Wage Penalty for Motherhood. *American Sociological Review* 66(2), 204–225.
- Caviglia, Lisa. 2018. *Sex Work in Nepal: The Making and Unmaking of a Category*. New York: Routledge
- Chakravorty, Sanjoy. 2013. “A New Price Regime: Land Markets in Urban and Rural India.” *Economic and Political Weekly* 48(17):45–54.
- Census of India. 2011. Official website: <http://www.censusindia.gov.in/>
- England, Paula, and Nancy Folbre, 2005. “Gender and Economic Sociology.” Pp. 627-649 in *The Handbook of Economic Sociology* edited by N. Smelser and R. Swedberg. New Jersey: Princeton
- Greenstein, T. N. (2000). Economic Dependence, Gender, and the Division of Labor in the Home: A Replication and Extension. *Journal of Marriage and the Family*, 62(2), 322–335.
- Grover, Shalini. 2011. *Marriage, Love, Caste and Kinship Support: Lived Experiences of the Urban Poor in India*. London: Routledge.
- Haylett, Jennifer. 2012. “One Woman Helping Another: Egg Donation as a Case of Relational Work.” *Politics & Society* 40(2):223–47.
- Hoefinger, Heidi. 2013. *Sex, Love and Money in Cambodia: Professional Girlfriends and Transactional Relationships*. New York: Routledge.
- Horsburgh, Beverly. 1992. “Redefining the Family: Recognizing the Altruistic Caretaker and the Importance of Relational Needs.” *University of Michigan Journal of Law Reform* 25: 423-504.
- Hotaling, G. T., & Sugarman, D. B. (1986). An Analysis of Risk Markers in Husband to Wife Violence: The Current State of Knowledge. *Violence and Victims*, 1(2), 101–124.
- International Institute for Population Sciences (IIPS) and ICF. 2017. *National Family Health Survey (NFHS-4), 2015-16: India*. Mumbai: IIPS.
- Kapur, Ratna and Brenda Cossman, 1996. *Subversive Sites: Feminist Engagement with Law in India*. New Delhi: Sage.
- Kay Hoang, Kimberly. 2011. “‘She’s Not a Low-Class Dirty Girl!’: Sex Work in Ho Chi Minh City, Vietnam.” *Journal of Contemporary Ethnography* 40(4):367–96.
- Landesa. 2013. *The Formal and Informal Barriers in the Implementation of the Hindu Succession (Amendment) Act 2005*. Landesa Rural Development Institute.
- Lundberg, S., & Pollak, R. A. (1993). Separate Spheres Bargaining and the Marriage Market. *The Journal of Political Economy*, 101(6), 988–1010.
- McElroy, M. B., & Horney, M. J. (1990). Nash-Bargained Household Decisions: Reply. *International Economic Review*, 31(1), 237-242.

- Menon, Nivedita. 2015. "The Impossibility of 'Justice': Female Foeticide and Feminist Discourse on Abortion". *Contributions to Indian Sociology* 29(1–2):369–392.
- Nelson, Julie A. 2006. "Can We Talk? Feminist Economists in Dialogue with Social Theorists." *Signs: Journal of Women in Culture and Society* 31(4):1051–74.
- Panda, Pradeep, and Bina Agarwal. 2005. "Marital Violence, Human Development and Women's Property Status in India." *World Development* 33(5):823–50.
- Rao, Aliya H. 2022. "Relational Work in the Family: The Gendered Microfoundation of Parents' Economic Decisions". *American Sociological Review*, 87(6), 1094–1120.
- Rose, Carol. 1994. "Rhetoric and Romance: A Comment on Spouses and Strangers." *Georgetown Law Journal* 82: 2409-2421.
- Rudrappa, Sharmila. 2015. *Discounted Life: The Price of Global Surrogacy in India*. New York: New York University Press.
- Sayer, Liana C. 2005. "Gender, Time and Inequality: Trends in Women's and Men's Paid Work, Unpaid Work and Free Time." *Social Forces* 84(1):285–303
- Siegal, Reva B. 1994. "The Modernization of Marital Status Law: Adjudicating Wives' Rights to Earnings, 1860-1930." *Georgetown Law Journal* 82:2127-2211
- Silbaugh, Katherine. 1996. "Turning Labor into Love: Housework and the Law". *Northwestern University Law Review*. 91: 1-86.
- Smart, Carol and Julia Brophy. 1985. "Locating Law: A Discussion of the Place of Law in Feminist Politics." In *Women in Law: Explorations in Law, Family and Sexuality*, 1–20. London: Routledge.
- The World Bank. 2013. *Women's Legal Rights over 50 Years Progress, Stagnation or Regression? Policy Research Working Paper 6616*. Washington DC: The World Bank.
- The World Bank. 2019. *Women in Half the World Still Denied Land, Property Rights Despite Laws. Press Release*. Washington DC: The World Bank.
- Tilly, Charles. 2008. *Why? What Happens When People Give Reasons ... and Why*. Princeton, NJ: Princeton University Press.
- Torres, Jennifer M. C. 2015. "Expertise and Sliding Scales: Lactation Consultants, Doulas, and the Relational Work of Breastfeeding and Labor Support." *Gender & Society* 29(2):244–64.
- Uberoi, P. (2011) "Foreword" Pp. x–xiv in S. Grover's *Marriage, Love, Caste, and Kinship Support: Lived Experiences of the Urban Poor in India*. London: Routledge.
- Williams, Joan. 2000. *Unbending Gender: Why Family and Work Conflict and What to Do about It*. New York: Oxford University Press.
- Zelizer, Viviana A. Rotman. 2005. *The Purchase of Intimacy*. Princeton, N.J.: Princeton University Press.