Chapter 1

Encounters of Intimacy and Economy

In the parish of Catahoula, Louisiana, during the 1840s Samuel Miller lived on his plantation with Patsy, his mulatto slave and sexual partner. In 1843, as Miller fell ill with dropsy, he sold the land and his slaves to Hugh Lucas, settling for nine promissory notes of $3,000 each, to be paid yearly. In April 1844, Miller, who was in declining health, left Louisiana with Patsy for St. Louis, Missouri. Before leaving, Miller gave the promissory notes to William Kirk, asking him to "keep them for Patsy's benefit" since "he intended to have her emancipated, and that he wanted the notes to enure to her benefit" (*Cole v. Lucas*, 2 La. Ann. 1946, 1948 (1847)).[1] The previous year, Miller had granted Kirk power of attorney, authorizing him to emancipate Patsy.

Later in 1844, Kirk brought the promissory notes to Missouri and returned them to Miller. Patsy received her emancipation in Madison City, Indiana, in May 1844. Back in Missouri, Miller gave

[1] All legal citations appear parenthetically in the text only; they are not repeated in the reference list. Most follow this format: (Name v. Name, Volume Reporter Opening page number (Court Year)). Depending on the reporter, some case citations don't require the court's name before the date. Occasionally, opinions are "unreported" by the official reporters but are available on Westlaw or Lexis anyway. In those instances, an asterisk precedes the page number. In order to make reading easier, I have departed from legal convention in one regard: where legal sources

her the notes. He died a week or so later, on May 21. Patsy and Miller were apparently living in modest circumstances; the inventory of his possessions conducted in January 1845 listed these items: "One man slave and four children, and one woman who had run away in October previous, and not since been heard of, a book-account of $500 against William Kirk, one dinner table, two breakfast tables, one feather bed and bedstead, one small bedstead or lounge and one gun" (949–50). After Miller's death, Cole, Miller's former neighbor in Catahoula, traveled to Missouri and bought the promissory notes from Patsy.

We know of these events and people because the court in Catahoula heard a suit by Cole against Lucas, the debtor in the notes. Cole, as owner of the notes, demanded that Lucas pay him the annual installments. As the suit proceeded, however, a certain Griffin, representing Miller's heirs, intervened, claiming ownership of the promissory notes. Yet the jury hearing this trial ruled against Griffin and in favor of Cole, confirming Cole as the notes' rightful owner.

On what grounds could the heirs intervene? Up to this point, after all, the transactions seemed straightforward. While acknowledging that Miller gave Patsy the promissory notes and that she sold them to Cole, the family claimed that Patsy had no legal or moral right to the notes. If the family's claim was correct, Cole himself therefore did not have legal ownership of the notes. The case pivoted on the relationship between Miller and Patsy: was she Miller's slave? Was she his concubine? Or were they essentially man and wife? If a slave, under Louisiana law she could legally receive no gifts at all. As a concubine, she could only receive the equivalent of one-tenth of the value of her lover's estate in movables, but no immovables. If his wife, she could receive any gift whatsoever. The Catahoula jury ruled that the gift was legal because Patsy was already free at the time she received the promissory notes. They also accepted Cole's claim that the more liberal laws of Missouri applied to her legal status and to the transfer itself.

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that repeat a citation typically use the form "(*Id*. at 85)," I have simply reported the page number in parentheses: "(85)."

But the heirs did not give up; they appealed the Catahoula decision to the Supreme Court of Louisiana. The court accepted the heirs' arguments that Miller's move to Missouri had circumvented Louisiana law and that Miller's friends had provided no evidence of Patsy's having received the notes after her emancipation. Again, notice what is happening: except for some questions about dates, no one was disputing that Miller and Patsy had lived together or that Miller had given her the notes. The critical question was what relationship they had in the law's eyes at the time of the gift. The appeals court that reversed the initial jury verdict was anxious to defend the Louisiana law: "We have already stated our opinions of the relations subsisting between the parties to this donation. The disabilities under which the law places persons who have lived in this condition, are created for the maintenance of good morals, of public order, and for the preservation of the best interests of society" (952). Thus, the court inserted a condemnation of interracial concubinage into a judgment concerning domicile.

To twenty-first-century eyes, the whole case is astonishing. Here is a court overturning the efforts of a dying man, who clearly knew what he was doing, to protect his long-term companion's financial welfare. The couple had lived together for some time, and trusted friends knew of their connection. In fact, the court described their relationship as "open and notorious." Yet the appeals court decided that the legal standing of the relationship invalidated Miller's gift: Patsy had been his slave and his concubine. The court chose to interpret those relationships as applying to the moment of transfer. The issues raised by Patsy's 1847 case did not disappear with the coming of the twentieth century. They remain with us today. Courts still judge bitter disputes about economic rights and obligations established by competing personal relationships. They often pit two different intimate relations against each other: competing claims of siblings on their parents' estates, lovers versus estranged spouses, relatives against close friends, and more. Under the law, which relations imply what economic rights and obligations?

Settlements for victims of Al-Qaeda's 2001 suicide attacks on the World Trade Center and the Pentagon raised a surprising range of legal questions in exactly this vein. Seeking to head off the massive lawsuits against airlines and other organizations that survivors and families threatened to initiate, the U.S. Congress set up a Victim Compensation Fund for claimants who could prove their losses and who would forgo lawsuits. Experienced lawyer Kenneth Feinberg became the fund's master, adjudicating thousands of compensation claims. Feinberg settled most claims with substantial payments based on formulas assessing present and future financial losses due to deaths, injuries, and property damage. Yet in numerous cases more than one person claimed compensation for the same person's death. At times, spouses, parents, children, siblings, and lovers all claimed to be the fund's rightful beneficiaries.

These claims became especially contentious in the cases of unmarried but cohabiting couples, estranged spouses, and same-sex households. Fifty-year-old Patricia McAneney, for example, worked at an insurance company on the 94th floor of 1 World Trade Center, where she also served as her floor's fire marshal. She died in the 9/11 disaster. McAneney and her lesbian partner, Margaret Cruz, had lived together for almost twenty years. New York State, as a way of dealing with the 9/11 tragedy, recognized such domestic partnerships; along with New York's Crime Victim Board, the Red Cross and other organizations awarded Cruz $80,000. The federal fund, in contrast, generally appointed a spouse or relative as the victim's single official representative. In McAneney's case, her brother James claimed and received compensation for his sister's death. Cruz bitterly contested the Victim Compensation Fund's award exclusively to James.

Cruz submitted her own statement to Feinberg, detailing the couple's relationship. As a result, Feinberg doubled the original award on behalf of McAneney to about half a million dollars, basing his new estimate on a two-person household. But the fund still paid the additional money to James, as his sister's official representative. James refused to release any of the money to Cruz. At that point, Cruz filed a lawsuit against James, claiming that at least $253,000 of the award belonged to her. James rejected that claim on the grounds that under New York State law, Cruz had no legal rights to any of his sister's property: the two women had no legally recognizable bond, they had never registered as domestic partners, and Patricia had died without leaving a will. Cruz replied, however, that

> her status as the domestic partner of the victim is authenticated by the fact that they lived together since 1985; that they recently occupied the same house in Pomona, NY; that they both paid the mortgage and shared basic household expenses; that they shared joint credit cards and joint AAA membership; and they owned a joint mutual fund, naming each other as the beneficiaries of their respective life insurance policies. In addition, Ms. Cruz notes that both the NYS World Trade Center Relief Fund and the NYS Crime Victims Board treated her as a surviving spouse, awarding her the same benefit that she would have received had she and Ms. McAneney been legally married. (*New York Law Journal* 2004: 2)

New York Supreme Court Justice Yvonne Lewis supported Cruz's claim. She turned down James McAneney's request to dismiss Cruz's motion and ruled that Cruz was indeed entitled to at least a portion of the award. The justice explained that "in light of the plaintiff's relationship with the deceased, it would seem equitable that she should receive a portion of any 9/11 fund" (Eaton 2004; Leonard 2004). Nevertheless, Justice Lewis deferred her final decision, pending further information from Feinberg concerning the basis for his increase of the award to McAneney. As recently as July 2004, American courts were still deciding bitter contests over the legal and economic rights attached to intimate relationships.

Cases argued before the Louisiana Supreme Court in 1847 and the New York State Supreme Court in 2004 set two major themes for this book. First, the mingling of economic transactions and intimate relations regularly perplexes participants and observers, and it does not perplex them because it happens rarely. On the contrary, people are constantly mixing their intimate relations with economic transactions. That mixing perplexes observers because of a common belief that economic rationality and intimate ties contradict each other, because each such intersection raises delicate questions about the nature of relationships between those involved, and because shared economic activities establish strong rights and obligations among the participants. Second, the legal interpretation of intimate economic relations causes further perplexity. American law has trouble with those relations because it harbors some of the same suspicions concerning the compatibility of economic calculations with interpersonal solidarity and because cases that come before the law usually spring from serious disputes among intimates over who owes what to whom.

This book takes up these issues by asking three sets of questions.

1. Under what conditions, how, and with what consequences do people combine economic transactions with intimate relations?
2. Why and how do they erect complicated stories and practices for different situations that mingle economic transactions and intimacy?
3. How does the American legal system—attorneys, courts, judges, juries, and legal theorists—negotiate the coexistence of economic claims and intimate relations?

The book pursues its three questions by looking both at a wide variety of actual social practices as well as an array of court cases and legal disputes concerning intimacy and economic transactions. It thus explores the purchase of intimacy. I mean purchase in two senses: first, the frequent supposition that people use money to buy intimate relations and, second, the grip—the purchase—of intimacy on the forms and meanings of economic transactions.

The evidence shows, on one side, that over a wide variety of circumstances people do in fact negotiate the coexistence of economic interchange and intimate social relations. On the other side, however, it shows that maintaining their coexistence calls up a series of distinctions, defenses, and beliefs exerting substantial social power. Confronted with the mingling of intimacy and economic activity, participants, observers, legal authorities, and social scientists introduce powerful stories concerning the mutual effects of economic transactions and intimate social relations. They also introduce crucial distinctions among different combinations of relations, transactions, and payment media; defend those distinctions with moral practices; and put pressure on participants to respect relevant moral and legal codes. These stories and distinctions shape both social behavior and legal decisions.

The Catahoula case depended heavily on the proper definition of Patsy and Miller's relationship at the time of Miller's handing of the promissory notes to Patsy. If the Louisiana appeals court had recognized them as man and wife, the heirs would have had no claims whatsoever on the disputed notes; under Louisiana law, married couples had every right to own and transfer such media as commercial paper. Instead, the appeals court chose to interpret the relationship as slave to master, with the heirs benefiting as a consequence. Thus, at issue were definitions of Patsy and Miller's relationship, specification of the rights and duties belonging to that relationship, questions about the propriety of economic transfers within the relationship, plus a penumbra of concern about cohabitation between white men and black women (see Davis 1999; Pascoe 1999; Romano 2003; Van Tassel 1995).

For all its embedding in the histories of Louisiana, Missouri, slavery, race relations, and laws of property, the Catahoula legal dispute does not single out a rare, exceptional, now irrelevant set of circumstances. The mingling of economy and intimacy continues to pose challenges for social practices, judicial doctrines, and sociological explanation. As recently as 2004, 9/11 cases presented similar challenges, just as urgent for their participants. Within the range of American history since the 1840s, this book examines a wide variety of intersections between economic transactions and multiple forms of intimacy. Economic transactions include all social interactions involving consumption, production, and distribution of goods, services, or the means of acquiring them—for example, when one sibling buys a car from another, an immigrant father supervises his daughter's work in the family's store, a salesman spreads free samples among his close friends, or parents lend their children money for purchase of a home.

More often than not, the analyses that follow involve transfers of money. Money ultimately consists not of dollar bills but of accounting systems—those systems that produce equivalence among goods, services, and titles to them, plus the media used to represent value within the systems. For practical purposes, however, here we can call the media themselves money. Media range from very specific tokens, such as merchandise coupons, to extremely general devices, such as electronic currency transfers. The media used in the economic transactions that are the focus of this study most often consist of legal tender and its close equivalents, such as checks, credit cards, and commercial paper. I single out money-based transactions for three reasons: first, because they leave obvious traces in available records; second, because they dramatize questions of valuation that arise throughout this zone of mingled intimacy and economic transactions; and third, because many people (including social scientists) consider monetization an extreme and threatening form of economic rationalization (Zelizer 2001).

What about intimacy?[2] Like most value-laden terms, intimacy scintillates with multiple meanings, ranging from cool, close observation to hot involvement. The *Oxford English Dictionary* offers these main definitions: "1. (a) the state of being personally intimate; intimate friendship or acquaintance; familiar intercourse; close familiarity. (b) euphemism for sexual intercourse. (c) closeness of observation, knowledge, or the like. 2. Intimate or close connection or union."

Following the *OED*'s lead, let us think of relations as intimate to the extent that interactions within them depend on particularized knowledge received, and attention provided by, at least one person—knowledge and attention that are not widely available to third parties. The knowledge involved includes such elements as shared secrets, interpersonal rituals, bodily information, awareness of personal vulnerability, and shared memory of embarrassing situations. The attention involved includes such elements as terms of endearment, bodily services, private languages, emotional support,

[2] Bawin and Dandurand 2003; Cancian 1987; J. Cohen 2002; Collins 2004; Davis 1973; Giddens 1992; Hochschild 2003; Neiburg 2003; Simmel 1988; Swidler 2001.

and correction of embarrassing defects. Intimate social relations thus defined depend on various degrees of trust. Positively, trust means that the parties willingly share such knowledge and attention in the face of risky situations and their possible outcomes. Negatively, trust gives one person knowledge of, or attention to, the other, which if made widely available would damage the second person's social standing. Trust in either sense is often asymmetrical—for example, a young child trusts its parent more than the parent trusts the child—but fully intimate relations involve some degree of mutual trust.[3]

This broad definition of intimacy covers a range of personal relations, including sexually tinged ties of the type illustrated by Patsy and Miller, but also those between parent-child, godparent-godchild, siblings, and close friends. It also extends to the varying degrees and types of intimacy involved in the relations between psychiatrist-patient, lawyer-client, priest-parishioner, servant-employer, prostitute-customer, spy–object of espionage, bodyguard-tycoon, child-care worker–parent, boss-secretary, janitor-tenant, personal trainer–trainee, and hairdresser-customer. In all these social relationships at least one person is committing trust, and at least one person has access to information or attention that, if made widely available, would damage the other. All these relations, moreover, generate their own forms of economic transfers.

Legal scholars have sometimes recognized these varieties of intimacy, including both wide-ranging personal relations and specialized aspects of professional services. Kenneth Karst, for example, introduces a distinction between two types of intimacy. The first involves transfer of possibly damaging private information from one party to the other, information not typically available to third parties. The second entails close enduring relations between two people. Karst points out that legally the second typically entails the first. He goes on to comment: "Personal information disclosed only to a counselor or doctor may be intimate facts; similarly, even a casual sexual relationship involves intimacy in the sense of selective disclo-

[3] For a survey and synthesis of trust's place in social structure, see Barber 1983; for a contrasting view, Weitman 1998.

sures of intimate information" (Karst 1980: 634n.48). This book deals with both kinds of intimacy—transfer of personal information and wide-ranging long-term relations—showing how they connect and overlap.

In fact, intimate relations come in many more than two varieties. They vary in kind and degree: the amount and quality of information available to spouses certainly differs from that of child-care worker and parent, or priest and parishioner. The extent of trust likewise varies accordingly. Because we are dealing with a continuum, exactly where we set the limit between intimate and impersonal relations remains arbitrary. But it is important to see that in some respects even the apartment janitor who knows what a household discards day after day gains access to information with some of the same properties as the information flowing in more obviously intimate relations. The variety of intimate relations could complicate this book without clarifying its arguments. I have simplified things through two steps. First, I have concentrated my attention on longer-term, wider-ranging, more intense relations in which at least one party gains access to intimate information. Second, within that range, I have deliberately included and compared different *kinds* of intimacy: physical, informational, and emotional. The comparison will serve us well, for it counters the widespread suspicion that some sorts of intimacy are necessarily deeper, more crucial, or more authentic than others.

Escaping Confusion

Isn't intimacy a good in itself, a bundle of warm emotions that promote caring attention? Drawing a continuum from impersonal to intimate helps us avoid some common, morally tinged confusions in these regards: intimacy as emotion, intimacy as caring attention, intimacy as authenticity, and intimacy as an intrinsic good. Many analysts are tempted to define intimacy by the emotions it typically evokes, such as intense, warm feelings. This is a mistake. Intimate relations, from gynecologist-patient to husband-wife, vary systematically in how they express or inhibit emotions. Nor (as most doctors and most spouses know well) does intimacy exclude anger, despair, or shame. The word *intimacy* also often calls up caring attention. Many intimate relations include a measure of care: sustained attention that enhances the welfare of its recipients. But in other intimate relationships the parties remain indifferent to each other or even inflict damage on one another. Abusive sexual relations, for example, are certainly intimate, but not caring. Such relationships supply risky information to at least one party and thus entail trust of a sort, yet do not include caring attention. Intimacy and care do often complement each other, but they have no necessary connection.

What of authenticity? Analysts of interpersonal relations frequently distinguish between real and simulated feelings, disparaging simulation with such terms as *pseudo-intimacy* and *emotion management*. They often draw on the idea that routinization of emotional expression in such jobs as waitress, flight attendant, or store clerk deprives the social relations in question of their meaning and damages the inner lives of the people involved. In such a view, truly intimate relationships rest on authentic expressions of feeling (see, for example, Chayko 2002; Hochschild 1983).[4] The closer we look at intimacy, however, the more we discover two flaws in this reasoning. First, no single "real" person exists within a given body; feelings and meanings vary significantly, understandably, and properly from one interpersonal relationship to another. In fact, the feelings and meanings that well up regularly in mother-child relationships can seriously hinder relationships between lovers. Second, simulation of feelings and meanings sometimes becomes an obligation, or at least a service, in some sorts of relationships. Just consider intimate relations between adult children and their aging parents, or between nurses and their terminally ill patients.

Intimacy, finally, often looks like a good in itself, especially to social critics who deplore the loss of intimacy in an impersonal

[4] For more general discussion of emotions in social life, see Collins 2004; Hochschild 2003; Katz 1999; Kemper 1990; for the place of emotions in law, see Kahan and Nussbaum 1996.

world. Yet a little reflection on undesirable uses of intimacy—date rape, blackmail, malicious gossip, and more—underlines two more facts about intimacy. First, it ranges from damaging to sustaining, from threatening to satisfying, from thin to thick. Second, it matters sufficiently to its participants and to third parties that people constantly draw moral boundaries between proper and improper uses of intimacy. Yes, intimacy bears a moral charge, but precisely because different sorts of intimacy vary in their moral qualities. When people distinguish between "true" and "false" intimacy, treating the "true" kind as a good in itself, they are making just such distinctions.

In all intimate relationships, accordingly, participants and observers take great care to distinguish them from other relationships that share some properties with them. As we will see, relations of sexual intimacy frequently include transfers of money. Those involved, however, are careful to establish whether the relationship is a marriage, courtship, prostitution, or some other different sort of social tie. In the absence of sexual intimacy, people also establish fine distinctions, for example, among caring services provided by physicians, nurses, spouses, children, neighbors, or live-in servants. In each case, participants and observers frequently engage in fierce debates about the propriety of different forms and levels of compensation for the caring attention involved. They often ban certain combinations of relations, transactions, and media as utterly improper. Later chapters of this book will provide innumerable examples of variation and moral boundary drawing. They will even propose explanations for variation and moral boundary drawing in intimate social relations.

Take the case of psychotherapy. This sort of relationship is necessarily delicate, since effective treatment depends on the quality of the relationship itself. A semiofficial American guide to legal issues in psychotherapy makes the following recommendations concerning payment systems appropriate for a therapeutic relation:

> "Special" billing arrangements make the patient "different" and are associated with an increased opportunity for misunderstanding (real, displaced, or projected) and, when countertransference rears its head, improper or substandard care (cf.

> treating VIP patients). Barter arrangements can be specially problematic. Money is a very consistent medium of exchange, and patients' reactions to it are reasonably predictable and understandable by the psychotherapist (and judge or jury, if it comes to that). Trading clinical services for other items, such as goods or services, although not illegal or necessarily unethical, complicates treatment and increases the probability of boundary and transference-countertransference problems. The same applies to free or discounted care. (Reid 1999: 60)

The guide delineates which media (legal tender, no "special billing") and transfers (compensation, not barter or gifts) correspond to the therapist-patient relationship.

In addition, the manual explicitly differentiates between permissible and impermissible therapist-patient relationships. It specifically calls attention to markers for the boundaries between permissible and impermissible relations. When it comes to sexual relations, some "red flags" symbolizing improper "boundary violations" include the following:

- Avoiding documentation of incidents or parts of the treatment that reasonable therapists would be expected to note in the chart (for example, not mentioning gifts, telephone calls to or from the patient, or sexual material, or the clinical discussion they should generate).
- Seeing patients of the opposite sex alone in a deserted clinic or office, especially during odd or evening hours.
- Changing session hours or meeting circumstances to such a setting without documenting a good reason.
- Seeing patients alone in their homes, or yours.
- Avoiding supervision, consultation, or documentation with one or two female patients when such activities are routine for other patients.
- Locking the office door during therapy sessions. (83–84)

The guide also delineates nonsexual therapist-patient "boundary violations," including accepting substantial gifts or compensation beyond the routine fee from a patient or profiting from a patient's "inside information" on an investment. "Your usefulness to patients," it declares, "lies in your clinical skills and your separation of your professional role from other roles better found elsewhere in their lives" (89–90).

In Ontario, a comparable Canadian text for therapy-providing psychologists goes even further. It provides an actual matrix of what the authors identify as problematic "dual relationships." Dual relationships, according to the manual, not only threaten the therapeutic bond but also bring therapists the risk of legal penalties. Table 1.1 presents excerpts from that elaborate matrix. Although one might have thought that sexual predation would constitute the major risk in such relations, the matrix has two striking features: first, it warns against a wide variety of nonsexual relations as risky, and second, sometimes the risk to the therapeutic bond arises from previously existing relationships rather than the other way round. As in other professional-client relationships, psychotherapists and practicing psychologists establish a complex but relatively clear set of distinctions among appropriate and inappropriate matchings among relations, media, and transactions.

What explains the proliferation of distinctions, practices, stories, and moral injunctions concerning the interplay of economic transactions and intimacy? Why do participants, critics, moralists, jurists, and observers worry so much about finding the "right" sort of compensation for their various intimate relations? What sorts of social effects are participants and observers producing, or at least trying to produce?

SEPARATE SPHERES? HOSTILE WORLDS?

Social critics and scholars have divided among three clusters of answers to these questions. A first group, the most numerous, have long proposed the twin ideas of "separate spheres and hostile worlds": distinct arenas for economic activity and intimate relations,

TABLE 1.1.
Risky Dual Relationships for Practicing Psychologists

Prime Professional Relationship	*Other Relationship*	*Example*
Therapist/Counselor	Political	A client asks you to join a local constituency organization and to support a client whom the client is working to elect. The client is also soliciting funds for this purpose.
Therapist/Counselor	Sexual	You have been treating a client for some time. You find the client attractive; you begin to dress to please the client; you schedule late sessions that tend to run long into the evening. The client has begun to express a desire to have sex with you.
Therapist/Counselor	Business	A lawyer, who is one of your best referral sources, approaches you requesting your professional involvement concerning personal problems.
Educational	Therapist	A student in your class approaches you about personal problems and asks you for help because you are seen as competent and trustworthy. A variant of this is a request on behalf of a family member or significant other.
Advocate	Therapist	You are a member of the advocacy committee of your collegial body and a local politician becomes your client.

Adapted from Evans and Hearn 1997: 55–57.

with inevitable contamination and disorder resulting when the two spheres come into contact with each other. A second, smaller group has answered "nothing-but": far from constituting an encounter between two contradictory principles, the mingling of economic activity and intimacy, properly seen, is nothing but another version of normal market activity, nothing but a form of cultural expression, or nothing but an exercise of power. A far smaller third cluster—to which I belong—has replied that both of the first two positions are wrong, that people who blend intimacy and economic activity are actively engaged in constructing and negotiating "Connected Lives."[5]

How does the first view work? An old, influential tradition asserts the existence of separate spheres and hostile worlds. In this account, a sharp divide exists between intimate social relations and economic transactions. On one side, we discover a sphere of sentiment and solidarity; on the other, a sphere of calculation and efficiency. Left to itself, goes the doctrine, each works more or less automatically and well. But the two spheres remain hostile to each other. Contact between them produces moral contamination. Monetization of personal care, to take an important example we will revisit later on, corrupts that care into self-interested sale of services. The doctrine of hostile worlds rests (sometimes invisibly) on the doctrine of separate spheres. Intimacy only thrives, accordingly, if people erect effective barriers around it. Thus emerges a view of the separate spheres as dangerously hostile worlds, properly segregated domains whose sanitary management requires well-maintained boundaries. Parties to intimate relations often speak the language of hostile worlds and separate spheres, insisting that the introduction of economic calculations into intimate relations would corrupt them. Critics and analysts often follow their lead.

In a normative version, the hostile worlds view places rigid moral boundaries between market and intimate domains. It condemns any intersection of money and intimacy as dangerously corrupting. Love and sex, Michael Walzer tells us, belong prominently among those "blocked exchanges": spheres of life where monetary exchanges are "blocked, banned, resented, conventionally deplored" (Walzer 1983: 97). In the context of our "shared morality and sensibility," he explains, "men and women marry for money, but this is not a 'marriage of true minds.' " Sex is for sale, but the sale does not make

[5] Earlier statements of my arguments (e.g., Zelizer 2004) used the terms *differentiated ties*, *bridges*, and *crossroads* to identify the alternative view. All of these terms catch some of the reality, but *connected lives* points more directly to the interaction and interdependence I want to signal here.

for 'a meaningful relationship' " (103). Or, as Fred Hirsch more pungently warns: "orgasm as a consumer's right rather rules it out as an ethereal experience" (Hirsch 1976: 101). This view springs from widespread popular concerns. Murray Davis puts it thus:

> Sex for money . . . muddles the distinction between our society's sexual system and its economic system. Every transaction between prostitute and customer is an overlap point at which each social system exchanges characteristics: sex becomes commercialized while commerce becomes sexualized. Our society's attempt to avoid this cross-system contamination helps explain why it forbids us to sell our bodies but not our time, energy, thought, and behavior—even though most people identify with the latter at least as much as with the former. (Davis 1983: 274 n.9)

In fact, the feared contamination runs in both directions: according to the hostile worlds view, intimacy can also contaminate rational economic behavior (see Saguy 2003; Salzinger 2003; Schultz 1998; Williams, Giuffre, and Dellinger 1999). Workplaces, as James Woods has shown, are typically constructed as asexual spheres where sexuality looms as "an external threat to an organization . . . something that must be regulated, prohibited, or otherwise held at the company gates" (Woods 1993: 33). What he calls the "asexual imperative" goes beyond protecting vulnerable workers, typically women, from sexual harassment. It supports organizational prohibitions against the use of sexuality to determine matters of workers' hire, pay, promotion, or dismissal. One of the worst aspersions one can cast against a rising company official is that he or she slept their way to the top. (Equally damning is the accusation of having put a lover on the company payroll.) Corruption thus runs in both directions. Better to keep the separate spheres far apart.

Such worries about the incompatibility, incommensurability, or contradiction between intimate and impersonal relations are longstanding and persistent. Since the nineteenth century social analysts have repeatedly assumed that the social world organizes around competing, incompatible principles: *Gemeinschaft* and *Gesellschaft*, ascription and achievement, sentiment and rationality, solidarity and self-interest. Their mixing, goes the theory, contaminates both; invasion of the sentimental world by instrumental rationality desiccates that world, while introduction of sentiment into rational transactions produces inefficiency, favoritism, cronyism, and other forms of corruption. Only markets cleansed of sentiment can generate true efficiency.

The theory gained force with reactions to nineteenth-century industrial capitalism. Although earlier theorists had often allowed for the coexistence of solidarity and self-interest, both advocates and critics of industrial capitalism adopted the assumption that industrial rationality was expelling solidarity, sentiment, and intimacy from markets, firms, and national economies (Hirschman 1977; Tilly 1984). Whether they deplored capitalism's advance, celebrated it, or treated it as a necessary evil, they commonly agreed on an idea of contamination: sentiment within the economic sphere generates favoritism and inefficiency, while rationality within the sentimental sphere destroys solidarity. Thus strong segregation of the spheres served both of them. The nineteenth-century ideology of domesticity provided further, powerful justification for the separate spheres doctrine. Despite some feminists' critiques, social theorists upheld separate spheres and hostile worlds views as essential for preserving the sacredness of the family. In this deeply gendered scheme, households, women, and children needed protection from the dangerously encroaching and aggressively masculine market (Boydston 1990; Cott 1977; Welter 1966).

The theory reappeared in camouflage as organizational analysts noticed new forms of capitalism emerging after World War II. Where firms, markets, friendships, families, governments, and associations had seemed to be differentiating ever more sharply as capitalism advanced, now new organizational forms called forth such terms as flexible production, hybrid firm, and network forms. Paul DiMaggio points out that:

> for all their diversity, the firms to which researchers called attention shared several notable features: greater suppleness than their more traditionally bureaucratic counterparts, a greater

> willingness to trust employees and business partners, a preference for long-term "relational contracting" over short-term market exchange for many transactions, a commitment to ongoing technological improvement—and an apparent renunciation of central features of Weber's model [of bureaucratization]. (DiMaggio 2001: 19)

Given dichotomous theories of sentiment and rationality, the new organizational forms presented an acute puzzle: wouldn't such new ways of doing business eventually suffer inefficiency, cronyism, and corruption precisely because they breached boundaries between rationality and sentiment? For the most part, analysts of economic change clung to the idea of incompatible separate spheres.

Professional students of economic processes have commonly incorporated more sophisticated versions of the same doctrine into their analyses of globalization, commodification, and rationalization. They have thought that market expansion inexorably eroded intimate social ties and narrowed the number of settings in which intimacy could prosper, while increasing contrasts between such settings and the cold world of economic rationality. They have therefore often joined social critics in supposing that twenty-first-century globalization will undercut caring activity, deplete the richness of social life, and thus threaten social solidarity. Consider as one instance of this perspective Robert Kuttner's provocative analysis of contemporary markets. "As the market vogue has gained force," worries Kuttner in *Everything for Sale*, "realms that used to be tempered by extra-market norms and institutions are being marketized with accelerating force" (Kuttner 1997: 55). This "relentless encroachment of the market and its values" he claims, "turns the shallow picture of economic man into a self-fulfilling prophecy" (57).

As if to bid up Kuttner's already extreme position, activist-critic Jeremy Rifkin argues that the world of "hypercapitalism," with its instantaneous transfers of money and information, is accelerating and aggravating the substitution of market transactions for genuine human relationships. "When most relationships become commercial relationships," he asks, "what is left for relationships of a noncommercial nature . . . ? [When] one's life becomes little more than an ongoing series of commercial transactions held together by contracts and financial instruments, what happens to the kinds of traditional reciprocal relationships that are born of affection, love, and devotion?" (Rifkin 2000: 112). Rifkin's implied answer: nothing is left but cold instrumental rationality.

Jean Bethke Elshtain agrees: while "it used to be that some things, whole areas of life, were not up for grabs as part of the world of buying and selling," today, she laments, "nothing is holy, sacred, or off-limits in a world in which everything is for sale" (Elshtain 2000:47). Hostile worlds doctrines are alive and well in the twenty-first century. They continue to treat the widespread mingling of intimacy and economic transactions as a dangerous anomaly, one that calls forth protective measures against contamination in both directions.

Money and Intimacy

Take the special case of money. Many social critics concede that peasant households, craft workshops, and fishing villages inevitably mingled economic activity and intimate relations, but somehow escaped the curse of hostile worlds. Elshtain and others reserve their fears and condemnations for monetized social relations, which they see as invading intimate spheres as markets expanded across the globe. Surely the quintessential impersonal medium, goes the reasoning, draws people into thin, fragile, calculating relations with others.

By now, however, the idea that money acts as a universalizing, standardizing medium has taken hard blows. Social scientists, social critics, and ordinary economic actors all recognize as a practical matter—if not necessarily as a matter of principle—that food stamps, subway tokens, local currencies, and commercial paper all qualify somehow as varieties of money but circulate within restricted circuits rather than merging into a single homogeneous medium. Within the zone of money, separate spheres and hostile worlds ideas figure even more prominently than elsewhere in economic analysis.

A closely related idea dies hard: that money and intimacy represent contradictory principles whose intersection generates conflict, confusion, and corruption. Thus people debate passionately the propriety of compensated egg donations, sale of blood and human organs, purchase of child care or elder care, and wages for housewives.

The surprising thing about such debates is their usual failure to recognize how regularly intimate social transactions coexist with monetary transactions: parents pay nannies or child-care workers to tend their children, adoptive parents pay money to obtain babies, divorced spouses pay or receive alimony and child support payments, and parents give their children allowances, subsidize their college educations, help them with their first mortgage, and offer them substantial bequests in their wills. Friends and relatives send gifts of money as wedding presents, and friends loan each other money. Meanwhile, immigrants support their families back home with regular transmission of remittances.

Collectively, such intimate transactions are not trivial. They have large macroeconomic consequences, for example, in generating large flows of cash from rich countries to poor countries and in transmitting wealth from one generation to the next. As intergenerational transmission of wealth illustrates, moreover, intimate transactions also create or sustain large-scale inequalities by class, race, ethnicity, and even gender. For participants, the secret is to match the right sort of monetary payment with the social transaction at hand. That matching depends strongly on the definition of more general ties among the parties. Indeed, the meanings and consequences of ostensibly similar monetary transfers such as allowances, remittances, fees, bribes, tips, repayments, charity, and occasional gifts emerge only from identification of the social ties in question. All these payments, and more, commonly occur in the company of intimate transactions, take their meanings from the longer-term social ties within which those transactions occur, and vary in consequences as a function of those longer-term ties—the limiting and exceptional case being the tie defined as no more than momentary.

My arguments concerning money, then, constitute no more than a special case of this book's general argument. I argue, first, that people engage routinely in the process of differentiating meaningful social relations, including their most intimate ties. They undertake relational work. Among other markers, they use different payment systems—media—to create, define, affirm, challenge, or overturn such distinctions. When people struggle over payments, of course they often quarrel over the amount of money due, but it is impressive how often they argue over the form of payment and its appropriateness for the relation in question. They argue, for example, over distinctions among payments as compensation, entitlements, or gifts. When you handed me that hundred-dollar bill, were you paying me for my services, giving me my weekly allowance, or displaying your generosity?

Second, I argue that such distinctions apply to intimate social relations. People regularly differentiate forms of monetary transfers in correspondence with their definitions of the sort of relationship that obtains between the parties. They adopt symbols, rituals, practices, and physically distinguishable forms of money to mark distinct social relations. Precisely because of the trust and risk involved, relational work becomes even more delicate and consequential when intimacy comes into play. Although hostile worlds doctrines lead to the expectation that monetary transactions will corrupt such relations and eventually transform them into impersonal mutual exploitation, close studies of such relations invariably yield a contrary conclusion: across a wide range of intimate relations, people manage to integrate monetary transfers into larger webs of mutual obligations without destroying the social ties involved. Money cohabits regularly with intimacy, and even sustains it.

So are hostile worlds pure inventions? Examined carefully, hostile worlds arguments cannot simply be dismissed as fantasies. In their strong advocacy of separate spheres, people are surely doing some kind of significant work. As we will see in detail later, in fact, people regularly invoke hostile worlds doctrines when they are trying to establish or maintain boundaries between intimate relations that might easily be confused, for example, when a father employs a daughter in his firm, or when a lawyer handles his old friend's divorce. In such circumstances, participants often employ hostile worlds *practices*, using forms of speech, body language, clothing, uniforms, and spatial locations to signify whether the relationship between this man and this woman is boss-secretary, husband-wife, patron-prostitute, lover-mistress, father-daughter, customer-waitress, or something else. They thus prevent confusion with the "wrong" relationship. One of this book's main aims is to examine when, where, how, why, and with what effects people involved in intimate relationships invoke the ideas and practices that segregate ostensibly hostile worlds from each other.

Nothing-But?

If prevailing analyses of intimacy and economic activity get causes and effects wrong, but still point to problems real people face, how can we improve on the faulty arguments of separate spheres and hostile worlds? One possibility is that some simpler principle—economic, cultural, or political—actually explains what is going on; that is the nothing-but line of argument. The second possibility is that we need a better account of how people construct and negotiate their social relations: the connected lives alternative. Let us review the strengths and weaknesses of nothing-but before going on to this book's own account of connected lives.

Impatient with stark dualisms, critics have sometimes countered separate spheres and hostile worlds accounts with reductionist nothing but arguments: the ostensibly separate world of intimate social relations, they argue, is nothing-but a special case of some general principle. Nothing-but advocates divide among three principles: nothing but economic rationality, nothing but culture, and nothing but politics. Thus, for economic reductionists caring, friendship, sexuality, and parent-child relations become special cases of advantage-seeking individual choice under conditions of constraint—in short, of economic rationality. For cultural reductionists, intimate relations become expressions of distinct beliefs or ideological scripts, regardless of what economic connection they may entail. Others insist on the political, coercive, and exploitative bases of the same phenomena. Occasionally, participants in intimate relations themselves insist on nothing-but: We must run this relationship rationally; your behavior offends our religion; or "If you don't ——, I'll hurt you." Social critics and social scientists often follow one or another of these leads.

Across social science as a whole, economic reductionism has provided the most coherent and powerful challenge to separate spheres and hostile worlds views. That category is exemplified by Richard Posner, who in the tradition of Gary Becker, claims the equivalence of all transfers as rational quid pro quo exchanges. Posner has championed the influential "law and economics" paradigm and pioneered its extension to sexuality. Take away any cultural camouflage, such nothing-but theorists maintain, and we will find that intimate transfers—be they of sex, babies, or blood—operate according to identical principles governing transfers of stock shares or used cars. Consider how Posner justifies the "feasibility and fruitfulness of an economic approach to [sexuality]":

> The effort may seem quixotic, for it is a commonplace that sexual passion belongs to the domain of the irrational; but it is a false commonplace. One does not will sexual appetite—but one does not will hunger either. The former fact no more excludes the possibility of an economics of sexuality than the latter excludes the possibility of an economics of agriculture. (Posner [1992] 1997: 4–5)

Similarly, David Friedman, another "law and economics" enthusiast, explains why long-term contracts work as efficiently for marriage as for business:

> Once a couple has been married for a while, they have made a lot of relationship-specific investments, borne costs that will produce a return only if they remain together. Each has become, at considerable cost, an expert on how to get along with the other. Both have invested, materially and emotionally, in their joint children. Although they started out on a competitive

> market, they are now locked into a bilateral monopoly with associated bargaining costs. (Friedman 2000: 172)

"Law and economics" analysts argue that markets provide efficient solutions. Efficient solutions, they tell us, exhaust the legal problems posed by intimacy. Intimate relations, in this view, pose the same problems of choice within constraints as ordinary market transactions.

Nothing-but cultural theorists, in contrast, replace efficiency, rationality, and exchange with meaning, discourse, and symbolism. In its extreme position this view sees cultural representations as determining both the character of intimacy and the place of economic transfers. Take for instance Noah Zatz's analysis of the prostitution exchange as "a site of powerful sexual pluralism, capable of contesting hegemonic constructions of sexuality that at first seem far removed: the movement from anatomical sex to sexuality to identity and the maintenance of the public/private distinction through the isolation of sexuality and intimacy from productive work and commercial exchange" (Zatz 1997: 306). While nodding to institutional features, on his way to this conclusion Zatz argues that prostitution has no necessary connection to genitalia or to sexual gratification: "constructivist theories of sexuality need to consider," he tells us, "both that sexuality may be nongenital and that genitalia may be nonsexual" (281).[6]

A third influential nothing-but analysis holds that intimate relations are nothing but the result of coercive, and more specifically patriarchal, power structures. Kathleen Barry's analysis of the "prostitution of sexuality," for instance, derives women's sexual subordination from "gender relations of sexual power" (Barry 1995: 78). Commercialized sex, as in prostitution, from this perspective is no different from unpaid sex in rape, dating, or marriage. The problem here is not commodification but men's coercion of women.

[6] For another example of a culturalist approach, see Laqueur 1990. For an excellent review of prostitution studies, including culturalist analyses, see Gilfoyle 1999. An influential culturalist account appears in Butler 1990, 1993.

Common interpretations of the intersection between economic interchange and intimate relations, as we see, range from the moral concerns of hostile worlds theorists to the pragmatism of nothing-but economic views, the constructivism of nothing-but culturalists, and the political critique of nothing-but power analysts. In the case of separate spheres and hostile worlds arguments, the spheres of economic transactions and intimacy remain both morally unbridgeable and practically antagonistic; in the case of nothing-but views, only one sphere matters.

In some respects, nothing-but accounts improve on hostile worlds formulations. Taken together, at least they point out that economic activity, power, and culture all play significant parts in intimate relations. Relations tinged by intimacy often do figure crucially in economic activity, for example, in remittances within migrant families and in household production. At times, only an understanding of cultural distinctions permits us to explain the patterns of connection between economic activity and intimacy, such as in the payment of dowry. Sometimes, finally, intimate relations raise serious questions of power, as when managers seek sexual favors from their employees. However, none of the nothing-but alternatives by itself provides a plausible set of explanations for widely observed variation in combinations of economic transactions and intimate relations. In everyday life, how do people negotiate intersections of economic activity with intimate social relations?

CONNECTED LIVES

In the broadest terms, people create connected lives by differentiating their multiple social ties from each other, marking boundaries between those different ties by means of everyday practices, sustaining those ties through joint activities (including economic activities), but constantly negotiating the exact content of important social ties. In order to understand these complicated processes, we must begin with three facts that we all experience as human beings but have trouble talking about.

First, we construct the most coherent set of social worlds we can by negotiating and adopting meaningful ties to other people, but differentiating sharply among the rights, obligations, transactions, and meanings that belong to different ties. Second, we mark differences between ties with distinctive names, symbols, practices, and media of exchange; despite some similarities in emotional intensities and significance to our lives, we establish sharp distinctions among our personal ties to physicians, parents, friends, siblings, children, spouses, lovers, and close collaborators. Third, economic activities of production, consumption, distribution, and asset transfers play significant parts in most such relations. Interpersonal relations within households provide the obvious example: no household lasts long without extensive economic interaction among its members.

A fourth fact is less obvious, but no less important. In any particular social setting—not only households, but also workplaces, schools, churches, and clubs—multiple ties of different kinds coexist and often extend across the setting's boundary into other settings. Ties themselves vary from intimate to impersonal and from durable to fleeting. But almost all social settings contain mixtures of ties that differ in these regards. Participants in intimate relations often signal their connections to others indirectly, in two ways. They do so by insisting on the special characteristics of their relations, for example, mother-daughter bonds or relationships with one's gynecologist. They also adopt economic practices—forms of payment, routines for shared work, joint participation in shopping, and so on—that conform to their understandings of the relationships at hand. These four facts add up to a picture of connected lives.

My analysis of intersections between intimacy and economic transactions stems from a more general view of interpersonal relations. As I see it, all ongoing social relations (intimate or not) include at least a minimum of shared meanings, operating rules, and boundaries separating one relation from another. As a matter of common sense, for instance, people within a given culture recognize differences in shared meanings, operating rules, and boundaries between the relations of store clerk and customer and those of nurse and patient. In most such relations, institutional supports, widely shared definitions, and coaching by third parties reduce uncertainty and negotiation concerning meanings, rules, and boundaries; few people, for example, have much trouble working out how to behave as student and teacher.

Nevertheless, when relations resemble others that have significantly different consequences for the parties, people put extra effort into distinguishing the relations, marking their boundaries, and negotiating agreements on their definitions. As we will see later, even if they engage in sexual intercourse, courting couples commonly take great care to establish that their relationship is not that of prostitute and client. More precisely, to the extent that two relations are easily confused, weighty in their consequences for participants, and/or significantly different in their implications for third parties, participants and third parties devote exceptional effort to marking what the relationship is and is not; distinctions among birth children, adopted children, foster children, and children taken in for day care, for instance, come to matter greatly for adult-child relations, not to mention relations to the children's other kin.

Why, then, does it make any difference how economic activity intersects with interpersonal relations? Including economic transactions in social relations generally magnifies the effort that people invest in defining and disciplining their relations. It does so because the coordination of consumption, distribution, production, and asset transfers with their consequences now become integral to the relations. When spouses and lovers succeed in sustaining each other's lives, they don't do it with love alone, but with concrete contributions to their joint material welfare. Still, people vary significantly in how widely and easily they maintain intimate relations. As a result of a number of circumstances past and present—including childhood socialization, cultural location, status differences between the parties, and current availability of other intimate relations—people vary dramatically in the extent to which and the means by which they seek to expand or contract the degree of intimacy prevailing in relations that are not already deeply intimate.

Another major point follows directly. People devote significant effort to negotiating meanings of social relations and marking their boundaries. They do so especially when those relations involve both intimacy and economic transactions. They engage in *relational work* of two important kinds. First, they create differentiated ties that distinguish the relations at hand from others with which they might become confused, with deleterious consequences for one party, both parties, or third parties. Second, they sustain, repair, and renegotiate those ties as new opportunities, threats, and problems arise. Relational work includes the establishment of differentiated social ties, their maintenance, their reshaping, their distinction from other relations, and sometimes their termination. Differentiated ties form in all arenas of social life, including schools, armies, churches, corporations, and voluntary associations. Patron-client relations operate within firms, for example, just as friendship networks often organize a great deal of inequality within schools. Because hostile worlds and nothing-but formulations have most often caused confusion in the analysis of intimate transactions, I concentrate here on issues raised by caring, friendship, sexuality, or parent-child relations.

PURCHASES OF INTIMACY

Where does the connected lives perspective take us? Stated compactly, the argument pivots on three main points:

1. For each meaningfully distinct category of social relations, people erect a boundary, mark the boundary by means of names and practices, establish a set of distinctive understandings and practices that operate within that boundary, designate certain sorts of economic transactions as appropriate for the relation, bar other transactions as inappropriate, and adopt certain media for reckoning and facilitating economic transactions within the relation. All these efforts belong to relational work.
2. Within the legal arena, a parallel but stylized matching of social relations, understandings, practices, transactions, and media occurs. Despite that stylization, legal negotia-

tions over appropriate transactions by type of relation draw on prevailing social relations outside the legal arena, but also influence how people deal with each other in routine social life.

3. Hostile worlds ideas and practices emerge from the effort to mark and defend boundaries between categories of relations that contain some common elements, could be confused, and would threaten existing relations of trust if confused.

How do intimate relations and economic activities interact? Maintaining any sort of durable social relations depends on creating culturally meaningful institutional supports. Consider what husband-wife relations take for granted: among other things, an income tax code distinguishing between single and married people; businesses that provide special perquisites for spouses; and couples' memberships in health clubs. Those same sorts of culturally meaningful institutional supports underlie all intimate social relations. In fact, such relations only survive with institutional supports. This is also true for various forms of market relations. These relations likewise depend on extensive, meaningful institutional supports, but of a different sort. Consider for instance auctions, which economists often proclaim as the purest type of impersonal process, efficiently matching individual preferences of buyers and sellers. Charles Smith's observations (1989) of actual auctions have shown that a vast set of institutional connections and conventions come into play and actually undergird the price making.[7]

We need not deny the distinction between intimacy and impersonality. One dimension of variation in social relations does run from intimate to impersonal. The quality of transactions within those relations does vary significantly. But relations also vary in terms of their durability, scope, predominant activity, and risk. Here we concentrate on the continuum from intimate to impersonal, only occasionally examining the other dimensions. Within all such di-

[7] On other sorts of markets, see Abolafia 2001; Hochschild 2003: esp. 30–44; Ingram and Roberts 2000; Keister 2002; Knorr Cetina and Bruegger 2002; Uzzi and Lancaster 2004; Velthuis 2003; White 2001.

mensions, people take care to establish boundaries between significantly different relations, marking those boundaries by means of labels and symbolically potent practices. Those boundaries emerge from interpersonal negotiation. The boundaries change incrementally as people interact within and across them. For example, people establish, negotiate, and rework boundaries among friends, relatives, and neighbors.

We are, then, dealing with connections among four elements: relations, transactions, media, and boundaries. Relations consist of durable, named sets of understandings, practices, rights, and obligations that link two or more persons. Transactions consist of bounded, short-term interactions between persons. Media consist of accounting systems and their tokens. Boundaries consist, in this case, of known perimeters drawn around distinctive combinations of relations, transactions, and media. Relational work involves creating viable matches among relations, transactions, media, and boundaries.

When it comes to economic activity—transactions involving production, distribution, and consumption of valuable goods and services—people mark relevant boundaries by identifying acceptable matches of relations, transactions, and media. (The same reasoning applies to transfers of titles to goods and services, such as inheritance). They distinguish different sorts of social relations, establish which sorts of transactions belong appropriately to each relation, employ appropriate media for those transactions, and mark off the combination by means of names, symbols, and practices. Following an old American tradition, for example, a boss sometimes awards a gold watch to a retiring employee. Media often include properly marked money, but they also range across various forms of barter, multiple systems of credit accounting, and tokens that bear only distant connections with legal tender.

Media and transactions often appear to transform relations. The spread of commercialized child care, in this view, necessarily reduces the quality of care, as compared with the attention previously provided by relatives. This view gets things backwards. In fact, as they choose certain media and transactions, people actually choose relations. Take the obvious symbolism of an unmarried man's placing of a newly bought diamond ring on the third finger, left hand, of an unmarried woman. From that moment, in contemporary American culture, the couple become engaged to marry. The diamond does not cause the couple's relationship to change. Instead, the couple announce their changed relationship by means of the diamond. Nevertheless, autonomous changes in media and transactions do sometimes affect the terms by which people conduct social relations. When governments impose legal tender, for example, gifts of money and government securities to intimates become more common. Similarly, when certain kinds of transactions become much more prevalent, they too transform relations by challenging previous distinctions. For instance, widespread adoption through commercial services, expansion of commercial child care, and placement of foster children by public agencies alter prevailing definitions of parenthood. In such cases, people actually begin to renegotiate markers, boundaries, and relationships. They elaborate new distinctions among birth children, clients' children, adopted children, foster children, children from previous relationships, and so on.

How Intimacy Works

How and why? It will take the rest of this book to answer that question adequately. But some preliminary answers deserve attention now. Over all of history, authorities have built their own templates of social relations and their boundaries into enforceable obligations and rights. Over most of history, however, valuation and compensation have occurred in nonmonetary forms, for example, by awarding title to land, services, symbols, or persons. That is still true in some branches of law, notably criminal law, where valuation, retribution, and compensation commonly concern life, honor, and freedom. In cases of disaster, accident, and lethal malfeasance, families reckon justice in terms of retribution, responsibility, and recognition of personal suffering as well as financial loss.

Nevertheless, with the expansion of monetized markets, Western legal systems did shift increasingly to monetary valuation, retribution, and compensation. Thus the legal arena frequently matches monetary transactions with social relations, employing standards of propriety that depend implicitly on templates derived largely from nonlegal social patterns, as translated into law by lawyers and judges. The two influence each other: participants in litigation draw on implicit catalogs of social relations that depend heavily on routine social interaction (and, at least in systems of case law and precedent, commonly lag behind current practice), but legal decisions (for example, conditions of eligibility for public welfare) also influence routine social relations and distinctions among them.

However confusedly, then, critics of commodification are pointing to some changes that actually occurred. Within the law, monetary standards of loss and gain have become increasingly prominent. As a consequence, such questions as whether an adult wage earner's death deserves greater compensation than that of a dependent child or an aged person have weighed more heavily in legal disputes. More generally, across the Western world the range of goods and services available for money has expanded enormously during the last two centuries; widespread commodification really has happened. Commodification, moreover, means that differences in human welfare depend increasingly on market position.

Where people produce most goods and services outside of organized market economies, their variable monetary incomes and access to monetary capital do not necessarily determine whether they thrive or suffer. In extensively monetized economies, however, variation in human welfare depends heavily on differences between high wages, low wages, and no wages; between generous and stingy public benefits; between extensive, meager, and no inherited wealth. Furthermore, as wage, benefit, and wealth inequality increase, so do inequalities in human welfare. In this fundamental regard, commercialization of markets for labor, goods, services, and capital heightens the moral dilemmas faced by courts and citizens alike. Monetization does not in itself corrupt moral life. But it moves moral questions increasingly into the arena of cash and carry.

In all these regards, it helps to separate normative arguments from the statements of fact, possibility, and cause-effect relations that ordinarily accompany them in any program for change. We must recognize that hostile worlds disputes frequently involve questions of justice, inequality, power, and exploitation. Simply "letting the market do its work" rarely produces equity. Existing markets often generate inequitable outcomes. This happens for two main reasons. First, as a result of social experiences over which they have little or no control, people bring unequal resources into markets. Second, markets themselves regularly incorporate categorical inequalities, such as highly unequal rewards for similar work depending on whether the worker is male or female, employed in a big firm or toiling at home, providing services to the wealthy or the poor. Even if (as some economists proclaim) the overall operation of such markets produces efficiency in the sense of greater output per capita for equivalent inputs, whole categories of people walk away with lesser qualities of life. Reformers and radicals often respond to these circumstances with a hostile worlds conclusion: markets corrupt.

In order to arrive at clearer, more equitable, and more effective policies, however, we must get past the simple opposition of sustaining intimacy and corrupting markets. Any normative program such as wage equality for women involves not only a statement of preferences (it would be better if women received equal wages for equal work) but also statements of fact (where we stand now), statements of possibility (how equity would actually work), statements of cause and effect (what it would take to get from here to there). To understand fact, possibility, and cause-effect relations, we have no choice but to unpack existing relations between various forms of intimacy and economic transactions. Clearer descriptions and explanations will therefore facilitate the development of normatively superior programs. The idea of connected lives promotes clearer descriptions and explanations of what happens when intimacy and economic activity coincide.

The twenty-first century may well bring terrifying changes in social life, but they will not occur because commodification in itself generally destroys intimacy. This book challenges the widespread assumption that markets ipso facto undercut solidarity-sustaining personal relations. It offers an alternative to the conventional account of interplay between market transactions and personal relations. Its analysis of connected lives shows that across a wide range of intimate relations, in the provision of personal care, and in the complexities of household life, people manage the mingling of economic activity and intimacy by creating, enforcing, and renegotiating extensive differentiation among social ties, their boundaries, and their appropriate matching with commercial media and transactions of production, consumption, and distribution.

INTIMACY, LAW, AND ECONOMIC ACTIVITY

The following chapters draw extensively on American legal disputes. Scrutiny of such disputes shows, among other things, that relational work takes distinctive forms in the legal arena. The law, for example, defines spouses' mutual rights and obligations somewhat differently from spouses' own definitions of those relations. This book's treatment of American law cases may, however, strike professional legal scholars as odd, or even dangerous. Nowhere does the book offer a general description for American law's treatment of intimacy, much less an explanation of how intimacy came to occupy its peculiar position in the law. Sometimes it offers historical sketches of significant changes in the legal treatment of issues bearing on intimacy, such as women's compensation for loss of their husbands' caring attention. But those sketches never reconstruct in detail the legal process that produced the changes or deal systematically with their implications for legal procedures.

Overall, I have chosen the most general legal doctrines and practices as I understand them. Two features of the American system make my approach risky and perhaps even offensive to legal specialists. The first is the considerable variation among courts and areas of law—especially of state courts—with regard to the precise doctrines and practices employed when it comes to intimacy and economic transactions. We have already seen how discrepancies between the laws of Louisiana and Missouri shaped the 1840s *Cole v. Lucas* case. The second feature is the constantly changing and contested character of existing laws. American law operates through adversary proceedings and competition among arguments. The laws that deprived Patsy of her inheritance in 1847 have disappeared, but the laws that govern claims of 9/11 survivors for compensation live despite intense contestation today. Legal contestation means that at any given point in time, contradictory doctrines, practices, and rulings prevail in one segment or another of the American legal system. Instead of noting these variations and discrepancies each time they come up I have opted for points of convergence.

Specific legal cases often appear in the book to make points concerning how lawyers, judges, and legal scholars handle the delicate distinctions that almost always arise in disputes over the intersection of economic transactions and intimate personal relations. After an extensive search of law review articles, treatises, and casebooks, complemented by consultation with specialists in the field, I located several hundred cases. From those I selected a set of exceptionally well-documented cases that illustrate the range of variation in disputes conjoining contested economic transactions and intimate relations. I make no claim whatsoever to have assembled a representative sample of all such cases.

While respecting the best legal scholarship on the subject, furthermore, I do not offer my own survey, synthesis, or critique of the present state of the relevant law, much less lay out or endorse programs of legal reform. Readers will find me taking normative positions from time to time, notably when it comes to inequalities in the legal treatment of intimacy by gender, class, or race. Still, the book's value does not pivot on its evaluations, implicit or explicit, of American law's present condition. Instead, *The Purchase of Intimacy* concentrates on demonstrating parallels and contrasts between the treatment of intimate economies in everyday life and in the legal arena. Each serves to illuminate the other, as we witness how regularly participants on both sides must deal with the incessant mingling of economic and intimate relations, yet try repeatedly to treat economic and intimate relations as though they were independent, even antagonistic, essences.

The following chapter examines how legal doctrine and practice approach the conjunction of intimacy and economic transactions. When, why, and how does the American legal system contemplate the economic valuation of intimacy? I then turn to three chapters dealing with different arenas of intimacy—coupling, caring, and household life—in each one comparing and connecting routine social practices and legal approaches. The book concludes by returning to the general issues of this chapter.

Appendix:
A Note on Intimacy in Economic Sociology

Within the social sciences, sociologists and anthropologists have taken the major responsibility for describing and explaining intimate relations. My analyses will frequently refer to anthropological studies, but will draw especially on sociology. This appendix provides a brief overview of relevant discussions in economic sociology for those who have a special interest in the field.

Sociologists have long wavered between hostile worlds and nothing-but accounts of economic processes. The hostile worlds view rested on the separate spheres idea: a sharp division between economy and society, with the one embodying impersonal rationality and the other intimate sentimentality. Such theorists as Talcott Parsons saw society as providing the normative and social context for markets, but assumed economic and personal spheres were highly differentiated from each other and operated on the basis of contradictory principles. While attempting to specify the articulation of family and market, Parsons drew on conventional polarities: "the prototypical institution of the modern economy is the market, but inside the family anything too much like market relationships, especially competitive ones, are, if not totally excluded, very significantly limited" (Parsons 1978: 15).

As economic sociology grew into a self-defined specialty, it implicitly accepted such divisions between a market sphere and a noneconomic sphere. However, economic sociologists began to consider the social structure that underlies what they continued to regard as a semiautonomous economic sphere. This led people into a variety of nothing-but explanations. Although studies of consumption and household economies have often adopted cultural and political reductionism, within self-defined economic sociology, economic reductionism has been most common. Nothing-but economic arguments often come into play when economic sociologists interpret a wide variety of social processes in ways that resemble the neoclassical paradigm of individual choice within constraints. In such views, religion, warfare, sport, and various forms of intimacy look much like market operations.

More recently, economic sociologists have worked hard to move beyond hostile worlds and nothing-but economic reductionism. They do so by treating economic processes and behavioral assumptions—such as markets, rationality, or self-interest—as products of underlying social processes. As Harrison White puts it, market activity is "intensely social—as social as kinship networks or feudal armies" (White 1988: 232; see also White 2001). Yet, current economic sociology has not yet fully relinquished its hostile worlds tradition. The field repeatedly focuses on firms and corporations—allegedly "true markets"—while relegating other forms of economic activity (such as gift transfers, informal economies, households, and consumption) to a nonmarket world.

Scholars developing alternative views nevertheless provide more radical departures from standard treatments of intimate economies; first, by expanding the definition of work; second, by shifting the emphasis to recognition of differentiated social ties; third, by looking at the actual content of transactions among economic actors, and fourth, by locating cultural content within those very transactions instead of treating culture as external constraint. They map the crossroads of interpersonal relations and economic activity. Chris Tilly and Charles Tilly, for instance, define work in ways that directly challenge the separate spheres/hostile worlds split vision: "Work," they emphatically declare, "includes any human effort adding use value to goods and services. Only a prejudice bred by Western capitalism and its industrial labor markets fixes on strenuous effort expended for money payment outside the home as 'real work,' relegating other efforts to amusement, crime, and mere housekeeping" (Tilly and Tilly 1998: 22). Work's many worlds, therefore, include employment for wages but also unpaid domestic labor, barter, petty commodity production, and volunteer work.

Paul DiMaggio and Hugh Louch's analysis (1998) of consumer behavior illustrates the second shift toward recognizing differentiated social ties. As they survey preexisting noncommercial ties between buyers and sellers in consumer transactions involving the purchase of cars and homes, as well as legal and home repair services, DiMaggio and Louch find a remarkably high incidence of what they call within-network exchanges. A substantial number of such transactions take place not through impersonal markets but among kin, friends, or acquaintances. Noting that this pattern applies primarily to risky one-shot transactions involving high uncertainty about quality and performance, they conclude that consumers will be more likely to rely on such noncommercial ties when they are unsure about the outcome.

Looking at the actual content of transactions among economic actors, Nicole Woolsey Biggart observes the operation of intimate ties within direct selling organizations. Companies such as Amway, Tupperware, or Mary Kay Cosmetics, far from introducing narrow professionalized relations, rely on intimate social networks for merchandising their products. Close relatives—spouses, mothers, daughters, sisters, brothers, cousins, or nephews—sponsor each other into the organization. Moreover, direct selling is perceived as strengthening marriage and family bonds. Because blue-collar women, Biggart observes, often define direct selling "as a sideline and not a 'real job,' they can have the happy combination of making money and being an 'at home' mother." She reports a revealing statement by a Tupperware dealer:

> I was driving my son and four friends to a birthday party, and I heard them talking in the back about their moms working. And one of the kids says, "Say, does your mommy work?" And he goes, "No." That's what I want. I don't want them to think I work. They don't even think that I have a job because I'm not gone from eight to five. (Biggart 1989: 82)

As they describe their reality, ironically, participants themselves recreate the ideas and practices of separate spheres and hostile worlds.

What about cultural content? My own earlier analyses of monetary transfers located cultural content within social ties rather than seeing culture as external to those ties. For example, the crucial distinctions among gifts, compensation, and entitlements show how people differentiate forms of payments in correspondence with their definitions of the sort of relationship that exists between the parties. They adopt symbols, rituals, practices, and physically distinguishable forms of money to mark distinct social relations and forms of monetary transfers (Zelizer 1994).

Economic sociologists studying intersections of economic interchange and intimate ties, in short, long hesitated between hostile worlds and nothing-but formulations. They never arrived at a satisfactory adjudication among such views because the social reality in question requires not a choice between the two, but their transcendence. Recognition of differentiated ties, each involving distinctive forms of economic transaction, offers an exit from the impasse. The connected lives conception promotes superior explanations.