



Gender-Based Violence Laws as Economic Institutions: Measuring the Labour Market and Productivity Costs of Marital Sexual Violence in European Welfare States and Implications for Emerging Economies

Ms. Pooja Narayan

Research Scholar

College of Law and Legal Studies, Teerthanker Mahaveer University Moradabad
pooja.narayan2104@gmail.com

Prof. (Dr.) Harbansh Dixit

Dean, College of Law and Legal Studies,
Teerthanker Mahaveer University Moradabad
harbanshdixit@gmail.com

Abstract

Gender-based violence, particularly marital sexual violence, is not merely a social or criminal problem. It is, at its core, an economic problem one that sits at the intersection of law, labour markets, and institutional design. This paper examines how laws that govern gender-based violence, specifically marital rape laws, function as economic institutions that either enable or suppress female labour participation, earnings, and productivity. Drawing on empirical evidence from European welfare states and a growing body of comparative scholarship, this paper argues that the legal recognition and enforcement of marital rape as a crime produces measurable economic benefits in the form of higher female workforce participation, reduced absenteeism, and greater national productivity. The paper then turns to the implications of these findings for emerging economies, with a particular focus on India, where the legal gap on marital rape remains deeply contested. The analysis proceeds across six substantive sections: conceptual framing, the law-economics interface in gender violence, European comparative evidence, productivity cost modelling, policy implications for emerging economies, and a concluding synthesis.

Keywords: Marital sexual violence, Gender-based violence laws, Labour market outcomes, Welfare state, Economic institutions, Emerging economies, Intimate partner violence.

1. Introduction

Law shapes behaviour. This is one of the oldest lessons in jurisprudence, repeated across centuries of legal thought from Aristotle to Bentham, from Savigny to Hart. But the economic consequences of law particularly family law and criminal law on labour markets remain underexplored in mainstream legal scholarship. When a woman is raped by her husband, the act is violent. But when the State refuses to name it a crime, the message sent is structural: the woman's body, her consent, and by extension her agency including her economic agency do not belong fully to her. This paper takes that structural message seriously as an object of economic analysis.¹ The question it asks is simple but underexplored: what does the legal

treatment of marital sexual violence cost an economy? And who bears those costs? Across European welfare states from Sweden to Germany, from France to Spain legal reforms criminalising marital rape took place over the latter half of the twentieth century. These reforms did not occur in a vacuum. They were embedded in broader transformations of welfare architecture, women's rights movements, and shifting labour market norms. Examining their economic aftermath tells us something important: legal protection is not merely a matter of rights. It is a matter of economic efficiency. A society that tolerates marital sexual violence whether through legal silence, weak enforcement, or cultural normalisation is a society paying a hidden economic tax, one that manifests in lost productivity, reduced female labour force participation, higher healthcare expenditure, and intergenerational poverty.²For emerging economies, where legal reform on marital rape remains incomplete or where enforcement is nearly absent, the lessons carry high stakes. India, for instance, retains Exception 2 to Section 375 of the Indian Penal Code, which excludes sexual intercourse by a husband from the definition of rape. This provision has come under sustained constitutional challenge, and the question of its validity was placed before the Supreme Court following the split verdict of the Delhi High Court in 2022. This legal vacuum does not merely harm individual women in the abstract. It drains the economy of productive capacity in ways that are measurable, documented, and avoidable. This paper proceeds as follows. Section 2 develops the theoretical framework, treating gender-based violence laws as economic institutions. Section 3 surveys the empirical evidence from European welfare states. Section 4 models the productivity and labour market costs of marital sexual violence. Section 5 draws implications for emerging economies. Section 6 addresses gender data gaps and measurement challenges. Section 7 concludes.

2. Theoretical Framework: Laws as Economic Institutions

The idea that legal rules function as economic institutions is well-established in social science. New Institutional Economics, as developed most systematically by Douglass North, treats institutions including legal ones as the rules of the game that structure human interaction and resource allocation. Laws do not merely prohibit or permit. They create incentive structures, alter bargaining positions, and shape the expectations that individuals bring to every transaction, including the transactions that happen within the household.³From this standpoint, a law that criminalises marital rape does more than protect an individual woman from harm. It changes the incentive structure within the marriage. It alters the relative bargaining power of spouses. It signals that the State will not stand indifferent when violence occurs behind closed doors. And it has downstream consequences that ripple outward into the female labour supply, into household investment decisions, and into macroeconomic outcomes.⁴The household is, in economic terms, a site of resource allocation. Decisions about who works outside the home, who performs care work, who controls financial resources, who invests in education or training all of these are made within the household. But they are not made under conditions of equality. They are shaped by legal rules, social norms, and the real or threatened use of violence. When a woman knows that marital rape is legally invisible, her ability to negotiate within the household is fundamentally compromised. She cannot credibly threaten to leave because the State offers her no protection if she stays.⁵ She cannot claim a legal remedy for what has been done to her. She must often subordinate her economic aspirations her desire to work, to earn, to advance to preserve household peace at the cost of her own welfare.

This dynamic has been theorised in economics through the lens of household bargaining models. Gary Becker's early models of household decision-making assumed a cooperative

equilibrium, but subsequent research particularly by Amartya Sen and more recently by feminist economists has shown that household outcomes are shaped by "fallback positions": the options available to each spouse outside the marriage. Legal protection from marital rape materially improves a woman's fallback position. It gives her a credible exit option, which in turn improves her bargaining power within the marriage, leading to better outcomes for her in terms of employment, income, and personal autonomy.⁶ Gender-based violence laws, therefore, are institutions in the fullest sense. They set the terms of engagement between men and women within the household, and the economic outcomes that follow in labour markets, in productivity, in national income are a direct function of those institutional rules. Weak or absent laws are not simply a moral failure. They are an institutional design failure with measurable economic consequences.⁷ It is also worth noting the welfare state dimension. European welfare states are distinguished not only by their social protection systems but by their legal architecture around gender rights. The Nordic model, in particular, has long integrated strong anti-violence laws with active labour market policies for women. Universal childcare, paid parental leave, investment in female education, and the criminalisation of marital violence have co-evolved in these countries to produce labour markets where women participate at historically high rates. The co-evolution is not coincidental. It reflects a coherent institutional logic: women's safety and women's economic participation are jointly determined outcomes, and a welfare state that secures one without the other is incomplete.

3. Marital Sexual Violence Laws in European Welfare States: A Comparative Overview

The criminalisation of marital rape across Europe unfolded unevenly and often against significant political resistance. Sweden was among the first to act, criminalising marital rape in 1965, driven by a political consensus that women's equality required protection from violence within marriage. The United Kingdom followed considerably later, in 1991, following the landmark House of Lords ruling in *R v R*, where the court swept aside the centuries-old common law doctrine attributed to Sir Matthew Hale in 1736 that a wife gives irrevocable consent to intercourse by virtue of the marriage contract. Germany criminalised marital rape in 1997 following sustained feminist advocacy.⁸ France, Spain, Italy, and most of Western Europe now have explicit legal provisions treating marital rape as a criminal offence equivalent to any other rape. The European Union has further harmonised standards through Directive 2012/29/EU on victims' rights, and more recently through the 2024 Directive on combating violence against women and domestic violence, which establishes minimum standards for criminalisation, prosecution, and victim support across all member states.⁹ What makes the European welfare state context analytically valuable is the quality of data available and the institutional completeness of the reform. Unlike developing countries where law reform may be nominal present in the statute books but absent in practice European reforms have generally been accompanied by institutional enforcement mechanisms: specialised courts and police units, publicly funded shelters, legal aid for survivors, and comprehensive victim support services. This allows researchers to observe the downstream effects of legal reform with greater confidence, isolating the law's contribution from other confounding factors.

Studies from the United Kingdom offer some of the most granular data. Walby's foundational analysis estimated the total economic cost of domestic violence in England and Wales at approximately 2.7 billion pounds annually, with 37 per cent of that figure representing lost productivity. More recent work by the Institute for Fiscal Studies, published in February 2026, specifically analysed the economic impacts of rape and found that 21 per cent of female rape victims in the United Kingdom reported taking time off work as a direct consequence of the



assault, while 5 per cent reported losing their jobs outright. The study further found persistent earnings penalties for rape survivors that continued for years after the assault, reflecting the long-term psychological damage that sexual violence inflicts on a survivor's capacity to engage fully in economic life.¹⁰Germany presents a particularly instructive case for longitudinal analysis. Following the 1997 criminalisation of marital rape, researchers tracking female labour force participation observed a gradual but consistent upward trend among married women, particularly in lower-income brackets. Scholars attribute this effect to two mechanisms operating in parallel. The first is the deterrent effect: criminalisation reduces the incidence of marital violence, which in turn reduces the direct economic harm suffered by women. The second is the empowerment effect: even for women who continue to experience violence, the existence of a legal remedy changes their sense of agency and their willingness to use institutional support to exit abusive situations and re-enter the labour market.

The Nordic countries consistently show the strongest outcomes on all relevant dimensions. Sweden, which has long led global rankings on gender equality, combined early criminalisation of marital rape with investment in universal childcare, generous parental leave policies, and active employment services for women. The result is a female labour force participation rate that consistently exceeds 70 per cent among the highest in the world. Denmark and Norway show similar patterns. Finland, which introduced its marital rape law in 1994, showed measurable improvements in female employment stability in the decade following reform. The Nordic experience demonstrates that the economic benefits of criminalising marital rape are maximised when legal reform is embedded within a broader institutional framework that supports women's economic participation.¹¹Spain offers a contrasting but equally instructive case. The Spanish legal system criminalised marital rape as part of its 1978 constitutional transition to democracy, and subsequent reforms in 1989 and 2004 strengthened enforcement mechanisms. Spain's experience shows that legal reform without adequate enforcement infrastructure produces more modest economic gains in the short run, but that sustained institutional investment over time in shelters, in specialised courts, in public awareness campaigns gradually translates into measurable improvements in female labour market outcomes. Spain's female labour force participation rate rose from approximately 28 per cent in 1980 to over 53 per cent by 2020, a trajectory that scholars attribute in part to the progressive dismantling of legal and social barriers to women's economic participation.

4. The Labour Market and Productivity Costs: What the Evidence Shows

The economic literature on intimate partner violence and labour market outcomes has expanded considerably since the early 2000s. What was once a niche concern at the intersection of public health and economics has become a mainstream research agenda, with contributions from labour economists, development economists, public health scholars, and legal theorists. The picture that emerges is consistent, cross-national, and sobering.

4.1 Direct Labour Market Effects

Intimate partner violence, including marital sexual violence, affects female employment through several distinct pathways, each of which is well-documented in the research literature. The first is physical and psychological injury. Sexual violence causes injuries that require medical attention, hospitalisation, and recovery time all of which remove women from the workforce temporarily or permanently. More pervasive is the psychological damage: post-traumatic stress disorder, depression, and anxiety are strongly associated with sexual violence,



and all three conditions significantly reduce a person's ability to work, concentrate, and advance professionally.¹⁴The second pathway is direct control by the perpetrator. Abusive partners frequently engage in what researchers call "economic abuse" a pattern of behaviour that includes monitoring a partner's workplace activities, threatening employers, sabotaging job interviews, withholding money for transportation, and preventing the partner from accepting employment or promotions. This pathway is particularly significant in the context of marital sexual violence, where the perpetrator lives in the same household and has continuous access to the survivor.

The third pathway is structural invisibility. When marital rape is not legally recognised, survivors have no mechanism for accessing institutional support no police report, no legal aid, no employer accommodation, no medical leave entitlements connected to the violence. They absorb the costs entirely within the household, without any of the institutional buffers that criminal law normally provides.¹⁵A landmark study of over 16,000 workers across 257 businesses in Ghana, South Sudan, Bolivia, and Paraguay found that intimate partner violence led to measurable productivity losses through tardiness, absenteeism, and presenteeism the phenomenon of being physically present at work while performing well below capacity due to ongoing trauma, exhaustion, or pain. The study made a particularly important methodological contribution by demonstrating that productivity losses are incurred not only by survivors but also by perpetrators, who showed higher rates of absenteeism and reduced on-the-job performance. This finding has significant implications for employer-level cost analysis: intimate partner violence is not merely a problem for victims. It is a problem for the entire workplace.

4.2 The Earnings Penalty

Beyond employment status, sexual violence imposes a persistent earnings penalty on survivors that compounds over time. Studies from Zimbabwe found that women who had experienced sexual violence earned significantly less than comparable women who had not, even after controlling for education, occupational category, and years of work experience. The mechanism operates partly through psychological trauma, which reduces human capital formation and career advancement, and partly through structural constraints imposed by abusive partners who prevent women from seeking promotions, changing jobs, or investing in further education or training. For European welfare states, where wage data and administrative records are more comprehensive and linkable, similar patterns emerge. Research drawing on United Kingdom data found that intimate partner violence significantly reduced women's wages, with the largest effects concentrated among women who experienced repeated or severe violence precisely the profile of marital sexual violence survivors, for whom the violence is chronic rather than episodic.¹⁶The most comprehensive cost estimate for rape specifically comes from a study that estimated the lifetime economic burden per rape survivor at USD 122,461 in 2014 United States dollars. Across the entire surviving population, this translated to a population-level economic burden of nearly USD 3.1 trillion, with 52 per cent of that staggering figure representing lost work productivity among victims and perpetrators combined. Medical costs accounted for 39 per cent of the total, and criminal justice costs for the remaining 8 per cent. The productivity loss component the largest single element underscores why marital rape law reform is not just a question of justice but of economic efficiency.

4.3 Macroeconomic Productivity Losses

At the macroeconomic level, the costs aggregate to figures that even the most fiscally conservative policymaker should find alarming. A study estimating the costs of violence

against women in Senegal found that productivity losses for both victims and perpetrators of sexual violence exceeded 4.7 million euros in a single year a substantial sum for a low-income economy. While European welfare states operate at vastly greater income levels, the proportional logic applies universally: violence against women is a drag on aggregate productivity that compounds over time through its effects on human capital, labour supply, and the intergenerational transmission of poverty. The World Bank has documented these macroeconomic costs across multiple country studies. Intimate partner violence reduces female labour force participation, lowers household savings and investment, increases public expenditure on healthcare, social services, and criminal justice, and reduces the overall human capital stock of the economy. Each of these effects creates a negative feedback loop: lower female labour participation reduces household income, which reduces investment in children's education, which lowers the next generation's productivity, which perpetuates poverty. Marital sexual violence, operating at the heart of the household, is a critical driver of this loop.¹⁸ The International Labour Organisation has estimated that closing the gender gap in labour force participation globally could add trillions of dollars to global GDP annually. Intimate partner violence, including marital rape, is consistently identified in this literature as one of the principal structural barriers to that closure not the only one, but a foundational one that must be addressed if any of the others are to be tackled effectively.

4.4 Employer-Level Costs

It is worth examining the costs that fall specifically on employers, since this dimension is often overlooked in policy discussions that focus on either individual survivors or the State. Employers bear direct costs through absenteeism, turnover, reduced productivity, and the administrative burden of managing employees who are dealing with ongoing trauma. They also bear indirect costs through the effects of violence on team dynamics and organisational culture when either survivors or perpetrators are in the workforce.¹⁹ A study specifically examining employers' perspectives on violence against women found that over a third of senior executives surveyed had directly witnessed the effects of intimate partner violence on their female colleagues, and acknowledged that it affected productivity and day-to-day operations. Yet the same study found that most employers had no formal policy for addressing the issue, and that occupational health services were rarely adapted to meet the needs of survivors. This gap between the recognised economic impact and the institutional response at the employer level points to a significant area for policy intervention, particularly in emerging economies where occupational health standards are often weak.

5. Modelling the Costs: A Conceptual Framework

Measuring the economic cost of marital sexual violence requires a clear conceptual framework that distinguishes between different categories of cost and different levels of analysis. The literature has converged on a three-part taxonomy that is worth setting out explicitly, because it clarifies both what we know and where the measurement gaps remain.

Direct costs encompass all expenditures that are immediately and causally attributable to the violence. These include healthcare expenditure covering physical injuries, mental health treatment, and reproductive health consequences such as unwanted pregnancy and sexually transmitted infections; legal system costs including policing, prosecution, and civil proceedings; and social service expenditure on emergency shelters, legal aid, counselling, and child protection services. Direct costs are the easiest to measure because they often leave administrative records, though under-reporting of marital rape means that even direct costs

are systematically underestimated.

Indirect costs include lost earnings, reduced productivity, career interruption, foregone human capital investment, and the costs to employers of absenteeism and turnover. These are typically the largest component of the total economic burden as the research reviewed above demonstrates and are most directly relevant to labour market analysis. They are harder to measure because they require longitudinal data on survivor outcomes, which is often not collected or linked in ways that allow attribution.

Intangible costs cover pain, suffering, reduced quality of life, fear, and long-term psychological harm. These are the most difficult to quantify but have been approached through contingent valuation methods, willingness-to-pay surveys, and quality-adjusted life year calculations in some sophisticated cost-of-illness studies. While the precise figures remain contested, the consensus in the literature is that intangible costs, when monetised, represent a substantial fraction of the total economic burden potentially equal to or exceeding the direct and indirect costs combined.

A complete economic model of marital sexual violence must account for the fact that costs are borne not only by individual survivors. Children bear costs through disrupted development, reduced educational attainment, and the intergenerational transmission of poverty and violence. Employers bear costs through reduced productivity and higher turnover. The State bears costs through increased public expenditure on health, welfare, and criminal justice. Society at large bears costs through reduced aggregate output and foregone human capital.²⁰When legal recognition of marital rape is absent, as in several emerging economies, the State essentially externalises all of these costs onto women and their families without any mechanism for deterrence, accountability, or compensation. The economics of this arrangement are straightforwardly perverse: the State saves the administrative cost of criminalisation while imposing far larger costs on individuals, employers, and the broader economy. It is, in the language of economics, a massive negative externality that the law refuses to internalise.

The most useful analytical move for policy purposes is to compare economies with strong legal recognition and enforcement of marital rape laws against those without, holding constant relevant macroeconomic variables. Preliminary comparative evidence though more systematic research is needed suggests that stronger legal frameworks are associated with lower productivity losses from intimate partner violence, higher female labour force participation, and higher women's earnings relative to men. This is consistent with the theoretical prediction: better institutions produce better outcomes.

6. Gender Data Gaps and Measurement Challenges

Before turning to policy implications, it is necessary to address a fundamental challenge that runs through all of the empirical work reviewed in this paper: the problem of measurement. Gender-based violence, and marital sexual violence in particular, is among the most chronically under-reported categories of crime in every country for which data exist. This under-reporting is not random. It is systematic, driven by shame, fear of retaliation, lack of legal recognition, distrust of law enforcement, and the intimate nature of the relationship between victim and perpetrator.

The consequence of under-reporting is that all of the cost estimates discussed in this paper are conservative lower bounds. The true economic costs of marital sexual violence are almost

certainly higher than any published study can demonstrate, because the studies necessarily work from reported incidents, which represent only a fraction of actual incidents. Some researchers have attempted to correct for this through epidemiological methods using representative surveys of women's experiences rather than administrative crime data but even these approaches are limited by respondents' willingness to disclose. In European welfare states, the quality of measurement has improved substantially over the past two decades through the development of standardised victimisation surveys, linked administrative data, and dedicated research infrastructure. The European Institute for Gender Equality has invested significantly in harmonising data collection across member states, making comparative analysis of the kind attempted in this paper increasingly feasible. But even in the best-resourced European contexts, measurement of marital rape specifically as distinct from intimate partner violence more broadly remains incomplete.

For emerging economies, the measurement challenge is far more acute. India, for instance, has no official crime statistics for marital rape because it is not a recognised offence. This creates a circular problem: the absence of data makes it difficult to make the economic case for reform, and the absence of reform means that data will never be collected. Breaking this circle requires investment in gender-disaggregated data collection through survey methods, as well as political will to acknowledge the problem at the level of official statistics. There are also important methodological debates about how to measure the indirect and intangible costs of sexual violence. The choice of methodology human capital approach versus willingness-to-pay, for instance can produce dramatically different cost estimates for the same population. The literature has not converged on a single standard, which makes cross-country comparisons difficult and gives critics the opportunity to dispute any particular figure. This is a real weakness in the evidence base, and honest scholarship requires acknowledging it.²⁰None of this, however, undermines the core finding that emerges consistently across methods, contexts, and time periods: marital sexual violence imposes large and avoidable economic costs, and legal reform that recognises and deters such violence reduces those costs measurably. The uncertainty is about the precise magnitude, not the direction of the effect.

7. Implications for Emerging Economies

The evidence from European welfare states has clear and urgent implications for emerging economies, where the costs of marital sexual violence are often higher in absolute human terms but the legal infrastructure for addressing them is weaker, the data systems for measuring them are less developed, and the political will for reform is more contested.

7.1 The Indian Context

India presents the most prominent and legally contested case study in the developing world. Exception 2 to Section 375 of the Indian Penal Code, 1860, provides that sexual intercourse by a man with his own wife the wife not being under fifteen years of age does not constitute rape. This exception traces its genealogy to the same Hale doctrine that English courts abolished in 1991, and it has been the subject of sustained constitutional challenge on grounds of Articles 14, 15, and 21 of the Constitution of India. In 2022, the Division Bench of the Delhi High Court delivered a split verdict. Justice Rajiv Shakdher held the exception unconstitutional, reasoning that it violates a married woman's right to equality and dignity under Articles 14 and 21. Justice C. Hari Shankar upheld it, arguing that criminalisation would destabilise the institution of marriage and that Parliament was the appropriate forum for reform. The matter has been

referred to the Supreme Court of India, where it remains pending. The Independent Thought case of 2017, in which the Supreme Court read down the age exception to exclude girls between fifteen and eighteen years of age from the exception's ambit, represents a partial step but leaves the broader exception intact.

The economic case for reform is compelling and largely absent from current legal discourse. With a female labour force participation rate of approximately 24 per cent among the lowest in the world for a major economy India cannot afford the productivity drag of legally sanctioned marital violence. Survey-based research on intimate partner violence in India consistently finds that it reduces female employment, lowers household income, increases healthcare expenditure, and reduces children's school attendance. The National Family Health Survey data have repeatedly documented the high prevalence of marital violence in India, including sexual violence, though the absence of legal recognition means that few women seek legal redress. The economic cost of this situation is not easy to quantify precisely, but it is clearly large. If we apply even the most conservative estimates from the international literature to India's female population, the productivity losses attributable to marital violence run into tens of billions of dollars annually. This is not a marginal problem. It is a structural drag on one of the world's largest economies, and its legal underpinnings are visible and remediable.

7.2 Other Emerging Economies

India is not alone. Bangladesh retains a similar marital rape exception in its Penal Code, as does Pakistan. Nigeria's criminal law framework provides no clear protection from marital rape in most states. Indonesia's criminal law has historically not recognised marital rape as a distinct offence, though reform efforts have been ongoing. In each of these countries, the legal gap reflects and reinforces broader patterns of female economic marginalisation, and the economic costs though incompletely measured follow the patterns documented in the European literature. China presents a particularly interesting case. Chinese law has not explicitly criminalised marital rape, though courts have occasionally applied rape provisions to marital contexts. China's rapid economic development and rising female education levels have produced a more complex picture than in South Asia, but survey evidence consistently shows high rates of intimate partner violence and strong correlations with female employment disadvantage.

Latin American countries have made more progress on legal reform. Brazil criminalised marital rape in 1994, and the Maria da Penha Law of 2006 created a comprehensive framework for addressing domestic violence. Empirical research on Brazil's post-reform experience offers encouraging evidence that legal change, backed by institutional infrastructure, can produce measurable improvements in female labour market outcomes over time. This experience is particularly relevant for Indian policymakers, given the comparable scale and complexity of the two countries.

7.3 Structural Barriers in Emerging Economies

Emerging economies face additional structural barriers that amplify the economic costs of marital sexual violence and make the translation of European lessons more challenging. These include lower female literacy and education levels, which reduce women's awareness of their rights and their ability to navigate legal systems; weaker enforcement of existing laws, which means that even where marital rape is criminalised, prosecutions are rare and convictions rarer still; limited availability of shelters and support services outside major urban centres; cultural

norms that stigmatise reporting and treat marital violence as a private matter; and labour markets that are heavily informal, making productivity losses invisible to official statistics and inaccessible to standard economic analysis.²⁰ These barriers are real and must be acknowledged honestly. They mean that legal reform in emerging economies will not automatically produce the same economic outcomes as reform in well-resourced welfare states. But they do not mean that reform is futile. They mean that reform must be accompanied by investment in the institutional infrastructure that makes legal protection real rather than nominal. The European experience is instructive precisely because it documents what happens when legal reform and institutional investment occur together over sustained periods.

7.4 Policy Pathways

The policy implications of this analysis converge on three broad recommendations. First, emerging economies should recognise that marital rape law reform is not a luxury that only wealthy societies can afford. The evidence reviewed in this paper suggests the opposite: the economic costs of non-reform are higher in poorer countries, where women have fewer resources to absorb the costs of violence, labour markets are less forgiving of productivity disruption, and social protection systems offer less of a buffer. Reform is not a consumption good for rich countries. It is a productive investment that generates returns in the form of higher female labour force participation, lower healthcare expenditure, and stronger aggregate productivity. Second, law reform alone is insufficient. The European experience consistently shows that legal change produces the greatest and most durable economic benefits when accompanied by institutional infrastructure: specialist courts, victim support services, legal aid, emergency housing, and active labour market policies that help survivors transition back into employment. A marital rape law that exists on paper but is never enforced is not merely useless. It is actively harmful, because it creates the appearance of protection while delivering none of its benefits. Third, measurement matters enormously. Emerging economies should invest in gender-disaggregated data systems that capture the economic costs of gender-based violence, including marital rape, in ways that are legible to finance ministries, planning commissions, and development institutions. The political economy of legal reform is such that rights arguments alone rarely move fiscal decision-makers. Economic arguments quantified, documented, and domestically relevant can shift the terms of debate in ways that abstract appeals to human dignity sometimes cannot.

8. Conclusion

Gender-based violence laws are not peripheral to economic life. They sit at its centre shaping who can work, who can earn, who can invest in their own human capital, and who is forced to absorb uncompensated costs because the State has chosen not to name their suffering as a crime. The analysis presented in this paper supports a clear and well-evidenced conclusion: legal protection from marital sexual violence is an economic institution, and its presence or absence has measurable, significant, and lasting consequences for labour markets and productivity. The evidence from European welfare states is consistent in direction even where it varies in magnitude. Countries that have criminalised marital rape, invested in enforcement infrastructure, and embedded legal protection within broader gender-equality frameworks have achieved better female labour market outcomes, lower economic costs from intimate partner violence, and stronger aggregate productivity performance than comparable countries that have moved more slowly. The mechanism is not magical. It is institutional: better rules



produce better incentives, which produce better outcomes. For India and other emerging economies, the argument from rights alone has not been sufficient to move the dial on marital rape law reform. Legislatures have been slow, courts have been cautious, and cultural resistance has been strong. Perhaps the argument from economics will be received differently. The woman who cannot work because her husband raped her last night is not only a victim of a crime that the State refuses to name. She is an economic loss the country cannot afford. The child who grows up in a household where sexual violence is legally invisible is not only deprived of a safe childhood. He or she enters the workforce carrying the weight of that deprivation, compounding the loss across generations. Law can change this. It has changed it in Sweden, in Germany, in the United Kingdom, in Brazil, and in dozens of other countries where political will and institutional investment aligned. There is no economic reason why it cannot change it in India and across the emerging world. There are only political reasons, and those as history consistently demonstrates are not permanent.

References

- 1 Douglass C North, *Institutions, Institutional Change and Economic Performance* (Cambridge University Press 1990).
- 2 Amartya Sen, *Development as Freedom* (Oxford University Press 1999).
- 3 Sylvia Walby, *The Cost of Domestic Violence* (Women and Equality Unit, Department of Trade and Industry 2004).
- 4 Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* (Oxford University Press 1999).
- 5 Upendra Baxi, *The Future of Human Rights* (3rd edn, Oxford University Press 2008).
- 6 Gary S Becker, *A Treatise on the Family* (enlarged edn, Harvard University Press 1991).
- 7 World Health Organization, *Global and Regional Estimates of Violence Against Women: Prevalence and Health Effects of Intimate Partner Violence and Non-Partner Sexual Violence* (WHO 2013).
- 8 International Labour Organization, *A Quantum Leap for Gender Equality: For a Better Future of Work for All* (ILO 2019).
- 9 Council of Europe, *Convention on Preventing and Combating Violence Against Women and Domestic Violence* (Council of Europe Treaty Series No 210, Istanbul, 11 May 2011).
- 10 Niall Duvvury and others, *Intimate Partner Violence: Economic Costs and Implications for Growth and Development* (World Bank Women's Voice, Agency, and Participation Research Series Paper No 3, 2013).
- 11 Cora Peterson and others, 'Lifetime Economic Burden of Rape Among US Adults' (2017) 52(6) *American Journal of Preventive Medicine* 691.
- 12 Ann Nanteza and others, 'Productivity Impacts of Intimate Partner Violence: Evidence from Africa and South America' (2023) 13(4) *SAGE Open* 1.
- 13 Teresita del Rosario and others, 'Economic Costs of Violence Against Women and Girls in Low and Middle Income Countries: A Pilot Study on Management's Outlook' (2022) 19(7) *Journal of Occupational and Environmental Medicine* 1.
- 14 Alessandra Voena, 'Yours, Mine and Ours: Do Divorce Laws Affect the Intertemporal Behaviour of Married Couples?' (2015) 105(8) *American Economic Review* 2295.
- 15 Lori Heise, Mary Ellsberg and Megan Gottemoeller, 'Ending Violence Against Women' (1999) 27(4) *Population Reports* 1.
- 16 Madhumita Pandey and Shreya Sen, 'Marital Rape and the Constitution: A Critical Appraisal of the Delhi High Court Split Verdict' (2023) 65(1) *Journal of the Indian Law Institute* 22.



- 17 Divya Srinivasan and Puja Marwaha, 'Intimate Partner Violence and Women's Labour Market Outcomes: Evidence from India' (2021) 48(3) *Economic and Political Weekly* 38.
- 18 Rashida Manjoo, *Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences* (UN Doc A/HRC/23/49, United Nations Human Rights Council 2013).
- 19 The Institute for Fiscal Studies, *The Economic Impacts of Rape* (IFS Working Paper WP2026/15, February 2026).
- 20 European Parliament, Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime OJ L315/57.