







The Journal of Law and Economics > Volume 31, Number 1



NEXT ARTICLE >

۵

The Family and the State

Gary S. Becker and Kevin M. Murphy







THE FAMILY AND THE STATE*

GARY S. BECKER and KEVIN M. MURPHY University of Chicago and National Opinion Research Center

I. Introduction

Children are incapable of caring for themselves during many years of physical and mental maturation. Since their mental development is not sufficient to trust any contractual arrangements they may reach with caretakers, laws and social norms regulate the production and rearing of children. Laws punish child abuse, the sale of children, and unauthorized abortions. They provide compulsory schooling, welfare payments to families with dependent children, stringent rules about divorce when young children are involved, and minimum ages of marriage.

Trades and contracts are efficient if no deviation from the terms would raise the welfare of all participants. An alternative criterion for efficiency is that the monetary gains to those benefiting from a deviation do not exceed the monetary loss to those harmed. Unfortunately, the immaturity of children sometimes precludes efficient arrangements between children and parents or others responsible for child care.

This difficulty in establishing efficient relations within families provides the point of departure for our interpretation of the heavy state involvement in the family. We believe that a surprising number of state interventions mimic the agreements that would occur if children were capable of arranging for their care. Stated differently, our belief is that many regulations of the family improve the efficiency of family activities. To be sure, these regulations raise the welfare of children, but they also raise the welfare of parents, or at least they raise the combined welfare of parents and children.

[Journal of Law & Economics, vol. XXXI (April 1988)] © 1988 by The University of Chicago. All rights reserved. 0022-2186/88/3101-0001\$01.50

1

^{*} This is the ninth Henry Simons Lecture, delivered by Becker to the University of Chicago Law School on February 25, 1987. We received valuable research assistance from Michael Gibbs and insightful comments on an earlier draft from David Friedman, Richard Posner, and Sam Preston. Our research was supported by National Science Foundation grant SES-8520258 and by National Institute of Child Health and Human Development grant SSP 1 R37 HD22054.

Chicago Distribution Center

The University of Chicago

Accessibility

© 2025 The University of Chicago and other publishing partners. All rights reserved, including rights for text and data mining and training of artificial intelligence technologies or similar technologies.

Open access at Chicago

Permissions

Statement of Publication Ethics

Diversity and Inclusion at the University of Chicago

Contact us

Terms and Conditions

Privacy Notice

Media and advertising requests





