

“Free” Market Too Costly for US Families

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Maxine Eichner, [The Free-Market Family](#) (2020).

In July 2020, newspapers reported a [study](#) that ranked the United States as the second-worst country—after Mexico—to raise a family out of 35 OECD countries. The US failed, in particular, in the categories of cost to raise a family, time parents have to spend with their children, and safety as related to raising a family. Sadly, for families who struggle with this issue, this report held nothing surprising. [The Free-Market Family](#) (2020), by Maxine Eichner, affirms the study and adds much more. The book details, in a comprehensive and nuanced manner, the failure of the US to support its families. Eichner argues that over the past five decades the US has gradually adopted an extreme version of “free-market family policy,” in which the government’s role in helping families to care for their children, especially in their early years, is minimal. Families are sacrificed to the market’s mercy, juggling work and caregiving, in what becomes a mission impossible for all but the ultra-rich. The result is devastating: the well-being of most US families—measured across such standards as happiness, academic achievement, mental health, time to spend with family, and economic mobility—is significantly worse in comparison to other similar countries.

The Free-Market Family is mandatory reading for anyone who wants to understand how laissez-faire public policies fail most US families. Diligently and elegantly, Eichner maps and analyzes the various policies that contribute to this failure. One of the book’s primary strengths lies in the richness of disciplines, resources, and methodologies she engages—from history to political economy, from major news stories to economic data, from interviews with 39 parents to comparative policies across various nations. Together, the book provides a thorough and rigorous account of the policies that the US has embraced, including their political origins and their harm, and offers suggestions about how to correct them. Eichner’s style is crisp and delightful, making even her meticulous detailing of policies and data accessible to a broad audience without compromising the critical nuances of these issues. The personal narratives make the story less abstract, and are often very touching.

Economic inequality is the major story that Eichner tells. Although free-market policies harm most families—even middle- and upper-middle-class—not surprisingly, those who are harmed the most are poor and working-class families. Many of these families’ problems stem from the economic insecurity they face and from the government’s hands-off policies. Due to unstable jobs, child benefits in a form of a tax credit (rather than guaranteeing minimum income), and welfare policies that aim mainly at putting parents to work (often even in the year that a child is born), low-income parents often struggle to put food on their family’s table or provide stable housing. In the first year after a child’s birth, a period that is enormously important to the child’s development and to the recovery of the birth mother, they often cannot afford even a short time of parental leave, let alone an entire year (and often need to pay a hospital bill). Yet, the federal law provides only three months of *unpaid* parental leave, and, thanks to exemptions, a large percentage of families do not qualify for even this benefit. The US is the only OECD country without a policy of paid parental leave.

At the same time, parents’ work hours can be highly unpredictable, they might need to work nights and/or take second and third jobs—all of which make the task of finding good childcare nearly impossible. Further, government failure to provide subsidized daycare, as well as reliable and

supervised care centers, make their parenting task impossible: not only do they experience the stress of juggling all this (indeed, surviving), they cannot spend time with their children or provide quality parenting. In a system that strongly relies on parents to privately navigate raising children, these parents have less time and fewer resources to spend on their children than their more affluent counterparts. The result is that economic mobility for children from these families is significantly lower than in other countries (P. 9). Finally, prekindergarten programs—which play an important role in equalizing between children from wealthy and low-income families—are too expensive and typically inaccessible to most. Fewer than 40 percent of three-year-old in the US are enrolled in such programs, compared with 90 percent in such countries as France, the UK, Germany, and Israel (P. 113). This is just the tip of the iceberg of the account that the book provides of how “poor and low-income families bear the harshest burdens of free-market family policy” (P. 119).

The free-market family-policy approach that the US has adopted, Eichner persuasively contends, is so radical that policymakers frequently prioritize market operations that harm the family, instead of markets that work for improving the well-being of families. Conversely, in a “pro-family” approach—a version of which has been adopted by virtually all other wealthy democracies, and often by countries that are much less wealthy than the US—the market constrained by the government in order to help the people. These policies include: limiting work hours so parents can spend time with their families, publicly paid parental leave for up to a year (in the case of two parents, policy often includes incentives for the other parent to take some leave), strong safety-net programs, child benefits in the form of monthly income, and subsidized and supervised quality daycare—to name just a few.

The US’s radical market-centric approach to family policy has not always been its governing ideology. Rather, in one of the best chapters in the book, Eichner recounts that during much of the twentieth century “the role of the government in safeguarding the well-being of families against harmful market forces was a fundamental part of our nation’s social contract” (P. 159). Knowing that the free-market approach is a political choice, Eichner sketches a roadmap for a pro-family agenda, arguing that adopting pro-family policies will not decrease productivity or growth. Further, her proposal is not limited to listing specific policies, but attacks the core of this structural inequality. She asserts that reducing economic equality is a central goal that will improve well-being and will generally enable a more just society.

Ten years ago, Eichner wrote *The Supportive State: Families, Government, and America’s Political Ideals*.¹ That book, grounded in political theory, argues that the state is responsible for creating the conditions that will help families with their caretaking needs. In using liberalism as her main framework, Eichner criticized the notion that when it comes to families the state’s values should be those of negative autonomy and state neutrality. *The Free-Market Family* takes this argument one step further. It constitutes an unapologetic attack on the free-market approach—not just on account of the policy outcomes it produces but also on the grounds that we must have principles other than market ones. The book taps into a large and growing literature on the wages of neo-liberalism on inequality and is a part of this growing conversation that is grounded in a political economy approach.² Like its predecessor, this book will benefit a larger audience than legal theorists and family law scholars—it is a must read for anyone who cares about economic inequality, its sources, and how it crushes US families.

1. Maxine Eichner, **The Supportive State: Families, Government, And America’s Political Ideals** (2010)
2. Jedediah Britton-Purdy et al., *Building a Law-and-Political Economy Framework: Beyond the Twentieth-Century Synthesis*, 129 Yale L.J. 1784 (2020); *The Law of High-Wealth Exceptionalism*, 71 Alabama L. Rev. 981 (2020).

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