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## Journal of Economic Behavior & Organization

Volume 13, Issue 2, March 1990, Pages 171-191

### An inquiry into the state's role in marriage

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[https://doi.org/10.1016/0167-2681\(90\)90085-R](https://doi.org/10.1016/0167-2681(90)90085-R)

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#### Abstract

I view state intervention in marriage as a means of avoiding large transaction costs between men and women. I define transaction costs as the resources devoted towards wealth capture and protection and I argue that they are high within a cohabitational contract. State intervention is successful because marriage creates incentives that make private enforcement relatively costly and because marriages tend to be homogeneous. I test the hypothesis by examining state responses to changing divorce laws and I find that these actions are consistent with the state increasing the social value of marriage by mitigating transaction costs.



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