



CHILDBEARING AS A PUBLIC GOOD; CHILDREN AS PUBLIC GOODS: IRAN'S LEGISLATIVE APPROACH

DIBA JAFARI

Ph.D. of Private Law, Faculty of Law, Shahid Beheshti University, Tehran, Iran. | s_jafari@sbu.ac.ir

Article Info

Article type:

State Practice

Article history:

Received

15 June 2024

Received in revised form

25 June 2024

Accepted

30 June 2025

Published online

30 June 2025



https://ijicl.qom.ac.ir/article_3789.html

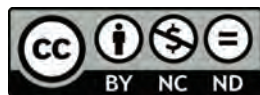
Keywords:

Child, Child-Rearing
Costs, Socialized
Goods, Childbearing,
Public Good.

ABSTRACT

Although the era when children were primarily considered as a source of labor for the family has largely passed, the procreation of children remains indispensable for societal continuity. Views on children have shifted from characterizing them as the “private property of the family” to recognizing them as a “public good.” While children may not satisfy all the criteria of a pure public good, it is widely acknowledged that society bears a significant role in the upbringing, education, and, ultimately, the costs associated with children. Nonetheless, although the conception of a child as a personal property of the family has changed, extensive governmental intrusion into family privacy is similarly not accepted. This article employs a descriptive-analytical approach to examine arguments for and against this perspective, drawing on theories of public and socialized goods, with a focus on Iranian legislation. Children, due to their potential benefits, such as their future roles as workforce and taxpayers, exhibit characteristics of a public good; however, philosophical, legal, economic, and cultural challenges limit this interpretation. Iranian laws, particularly the Family and Youthful Population Support Act (2021) and Article 3 of the Child and Adolescent Protection Act (2020), recognize government responsibility and mark a step toward conceptualizing children as public goods. This article posits that whether children are characterized as public goods or as socialized goods, an obligation is thereby created for non-parents and, consequently, for the state as the representative of the nation, to share in the costs associated with them.

Cite this article: Jafari. D., (2025). Childbearing as a Public Good; Children as Public Goods: Iran's Legislative Approach, *Iranian Journal of International and Comparative Law*, 3(1), pp:222-233.



© 2025

“Authors retain the copyright and full publishing rights”

doi:10.22091/ijicl.2025.13297.1168

Publisher: University of Qom

Table of Contents

Introduction

1. A Study on the Concept of Public Goods

2. The Possibility of Considering the Child as a Public Good

3. The Child as a Socialized Good

4. Challenges of Considering the Child as a Public or Social Good

5. The Approach of the Iranian Legislator in Considering the Child as a Public Good

Conclusion

Introduction

Traditionally, children were considered as *private goods*, with their upbringing primarily the responsibility of parents, who were consequently the *sole beneficiaries* of their future advantages. However, the transition from agrarian and pastoral societies to modern states has fundamentally altered this perception; children are no longer viewed solely as the private property of their parents. Children generate extensive positive outcomes for society, including increased economic productivity, civil participation, and social cohesion.¹ By raising productive children, parents provide future labor force and taxpayers, rendering children long-term human capital with significant economic value for society.²

The concept of the child as a public good has been developed by economists and political philosophers, positing that society shares in the costs of child-rearing and, correspondingly, that parents' authority over children is not absolute. Critics, however, argue that societal cost-sharing is unjustified where the decision to procreate is a voluntary and discrete choice made by individuals, who should therefore accept full responsibility. As Rakowski³ contends: "Children are not brought by storks with uncontrollable whims. Specific individuals are responsible for their existence. Therefore, it is unjust to claim that because two people decide to have a child or become parents through negligence, everyone else must share their resources with the newborn."

This public good perspective is grounded in theories of distributive justice, asserting that the costs of child-rearing should be distributed between parents and society due to the production of non-excludable benefits, such as a future labour and tax revenues.⁴ This view finds support in principles of fair play and the concept of socialized goods,⁵ yet it faces serious philosophical and practical challenges including the risks of commodification, potential legal conflicts with parental rights, and cultural resistance.

Modern socio-economic realities, such as women's widespread economic participation,

1 Nancy Folbre, *Who Pays for the Kids? Gender and the Structures of Constraint* (Routledge 1994) 45-47.

2 Gary S Becker, *A Treatise on the Family* (Enlarged edn, Harvard UP 1991) 209.

3 Eric Rakowski, *Equal Justice* (Clarendon Press 1993) 153.

4 Serena Olsaretti, 'Children as Public Goods?' (2013) 41(3) *Philosophy & Public Affairs* 19.

5 *ibid*, 25.



high opportunity costs of childbirth, and declining birth rates have made child-rearing a pressing global policy challenge. In this context, governmental policy-plannings directly influences fertility rates.¹ This article addresses two main questions: First, can children be considered public or socialized goods? Second, is there evidence of this conceptualization in Iranian legislation?

The topic remains scarcely addressed in Persian legal and economic literature. Bagheri and Mir Lavasani² discussed the “International Status of Public Goods in the Distributive Justice Approach,” while Aghaei and others³ examined “National Public Goods and Social Welfare in Iran with Reference to Amartya Sen’s Definition.” Relevant English-language scholarship include Olsaretti’s “Children as Public Goods?,”⁴ which explores whether children qualify as public goods and if this justifies societal cost-sharing. In a later work, Olsaretti⁵ critiques liberal justice theories, arguing that assigning child-rearing costs solely to parents based on “personal choice” is unfair given that children produce public goods. Bou-Habib & Olsaretti⁶ investigate the substitutability of native-born children with human migration in the context of taxpayers’ financial commitments. Finally, Shields⁷ assesses the social costs imposed by child-rearing and proposes the criterion of the “least necessary expense” as a limit on societal obligations.

This article synthesizes these sources to comprehensively elucidate the concept of the child as a public good, explores the alternative concept of the socialized good, discusses challenges, and finally examines the Iranian legal system’s approach to this issue.

1. A Study on the Concept of Public Goods

Humans generally produce goods motivated by personal benefit; however, some goods and services are socially necessary irrespective of their source, and their benefits accrue universally.⁸ A variant term, “common goods,” was first introduced by David Hume in the eighteenth century in his work, *A Treatise of Human Nature*.⁹ Samuelson formally introduced the concept of public goods into economics.¹⁰ At its core, a public good is defined by two fundamental characteristics:

First, *non-rivalry*, meaning that one person’s use of the good does not diminish its availability or utility for others; in other words, consumption is non-competitive.

Second, *non-excludability*, meaning that it is infeasible or prohibitively costly to exclude any individual from enjoying the benefits of the good once it is provided. This characteristic is also termed *non-appropriability*, implying that all members of society can simultaneously avail the good.¹¹

1 Alyssa Di Nallo and Oliver Lipps, ‘How Much His or Her Job Loss Influences Fertility: A Couple Approach’ (2023) 85 J Marriage & Family 873, 401.

2 Mehdi Baqeri and Seyed Mohammad Mir Lavasani, ‘The International Position of Public Goods in the Distributive Justice Approach’ (2012) 1(2) Private L 1 [In Persian].

3 Gholamreza Aghaei, Gholamreza Memarzadeh and Karamollah Daneshfard, ‘National Public Good: A Case Study of Social Welfare in Iran and the Alignment of Upstream National Documents with Amartya Sen’s Definition of Social Welfare’ (2024) 60 Legal Research 113 [In Persian].

4 Olsaretti (n 4).

5 Serena Olsaretti, ‘Liberal Equality and the Costs of Children’ (2017) 174(1) Philosophical Stud 155.

6 Paul Bou-Habib and Serena Olsaretti, ‘Children or Migrants as Public Goods?’ (2023) 72 Political Stud 1.

7 Liam Shields, *Fairness in Child Rearing: A Game Theoretic Approach* (OUP 2023).

8 Bagheri & Mir Lavasani (n 7) 3.

9 David Hume, *A Treatise of Human Nature* (L A Selby-Bigge and P H Nidditch eds, 2nd edn, OUP 1978).

10 Paul A Samuelson, ‘The Pure Theory of Public Expenditure’ (1954) 36(4) Rev Econ & Stat 387, 388.

11 *ibid*.



Public goods is a key concept in economics and social sciences, referring to goods and services that are indispensable for social welfare and sustainable development.¹ The concept is intrinsically linked to the role of government in the economy. *Public Goods Theory* is, in essence, a theory of justice, specifically, a form of distributive justice aimed at enhancing the allocation of resources, opportunities, rights, and privileges within a society.²

However, the classical economic conceptualization of public goods warrants reconsideration; as in real economies, it is rare to find goods that fully satisfy both criteria of non-rivalry and non-excludability. Instead, most goods exist along a spectrum between “pure public goods” and “pure private goods.” Pure public goods (e.g., national defense, a lighthouse) are completely *non-rivalrous* and *non-excludable*, whereas pure private goods are fully rivalrous and excludable. In between are quasi-public goods, which may exhibit partial rivalry or excludability; a public park, for instance, is non-excludable but can become rivalrous when congested.³

Moving beyond the classical binary, some economists⁴ analyze public goods along three criteria: 1) the degree of rivalry, 2) the degree of excludability, and 3) the scope of benefits. This framework allows for the classification of goods at local, national, and global levels. For example, street lighting qualifies as a local public good, national defense a national public good, and climate stability a global public good. This approach provides a more nuanced analysis of the complexities in supplying public goods across different scales.

In the digital age, new forms of public goods have emerged which, while technically excludable, are normatively managed as public goods. This phenomenon blurs the traditional boundaries between public and private goods.⁵

Regardless of the definition, public goods are inherently prone to the *free-rider problem*, a main obstacle to their efficient provision.⁶ The attributes of non-rivalry and non-excludability render their supply challenging for private markets.⁷ Therefore, government intervention is typically deemed essential, and funding must be secured from public budgets. The free-rider problem manifests when individuals choose to benefit from a public good without contributing to its costs. Since these goods are available to all regardless of individual payment, their supply in free markets is typically insufficient. In the absence of collective action, the market mechanism of supply-demand fails due to the absence of a direct, exclusive profit incentive for private producers. Thus, governments and public institutions play a vital role in supplying and managing these goods. Policymakers must utilise instruments such as taxation, budget allocation, and facilitating civil society participation to ensure fair and sustainable provision of public goods.

This challenge becomes even more complex when children are considered public goods. Studies indicate that many individuals prefer to enjoy benefits of child-rearing by others without sharing the costs.⁸ The *fair play theory* has been proposed as a viable solution. Developed by scholars such as

1 Aghaei and others (n 8) 128.

2 Bagheri & Mir Lavasani (n 7) 2.

3 Joseph E Stiglitz and Jay K Rosengard, *Economics of the Public Sector* (4th intl student edn, WW Norton & Company 2015) 102107-.

4 Inge Kaul, Isabelle Grunberg and Marc A Stern (eds), *Global Public Goods: International Cooperation in the 21st Century* (OUP 1999) 2.

5 Yochai Benkler, ‘Power and Productivity: Institutions, Ideology, and Technology in Political Economy’ in Danielle Allen, Yochai Benkler, Leah Downey, Rebecca Henderson and Josh Simons (eds), *A Political Economy of Justice* (U of Chicago Press 2022) 27.

6 Mancur Olson, *The Logic of Collective Action* (Harvard UP 1965) 36.

7 Bagheri & Mir Lavasani (n 7) 6.

8 Samuelson (n 15) 389.



Shields, this theory argues that when parents bear the costs of raising children whose benefits are non-excludably enjoyed by society, principles of fairness dictate that other members of society should share in those costs.¹ This approach has been implemented in some countries.

While fair play theory offers a robust theoretical framework to address the free-rider problem, its practical success is contingent on the specific social context and the careful design of enforcement mechanisms.²

Furthermore, given that the public good argument for children is often predicated on their role in providing future labor force, a counter-argument suggests that if labor supply can be alternatively met through replacement migration, children should not be considered as public goods. However, although migration can complement human capital, raising local children remains a significant public good that promises societal continuity and cultural reproduction, justifying collective financial participation.³

2. The Possibility of Considering the Child as a Public Good

In mainstream policy discourse, investment in children is widely regarded by states as an instrument for national development. The Heckman Equation posits that investment in early childhood yields a sixfold return for society, highlighting the significant long-term social and economic benefits.⁴ Accordingly, procreation today transcends a merely personal act; it constitutes a social act. Moreover, the conditions and costs of child-rearing have made the maintenance of reproduction in many countries contingent on the provision of incentives and rewards in this area.

A public good, as defined above, is characterized by two main features: non-rivalry (one person's consumption does not preclude or diminish consumption by others) and non-excludability (no one can be excluded from enjoying the benefits of the good).⁵ Proponents of the public goods theory argue that the benefits children confer upon society, such as the formation of human capital and the sustenance of democracy, exhibit these very characteristics.⁶ Parenting generates both positive and negative externalities. On the one hand, raising law-abiding children provides future labor force and, consequently, taxpayers; on the other hand, a failure to raise children to be law-abiding citizens imposes significant costs on society.⁷

Parents who raise happy, healthy, and successful children generate an especially important public good. The children themselves are not the only beneficiaries. Employers benefit from access to productive workforce, the elderly benefit from social security taxes paid by the younger generation, and fellow citizens benefit from living among productive and law-abiding peoples. These represent positive spillover effects that economists term "positive externalities" because they are external to the private decision to procreate and provide care.⁸

According to the "fair play" theory, which provides the normative basis for the obligation

1 Shields (n 12) 118.

2 *ibid*, 125.

3 Bou-Habib & Olsaretti (n 11) 15-17.

4 James J Heckman, 'The Case for Investing in Disadvantaged Young Children' in *Big Ideas for Children: Investing in Our Nation's Future* (First Focus 2008) 49, 56.

5 Samuelson (n 15) 378-388.

6 Bou-Habib & Olsaretti (n 11) 15-17.; Shields (n 12) 7-8.

7 Olsaretti (n 9) 19.

8 Nancy Folbre, *The Invisible Heart: Economics and Family Values* (New Press 2001) 50.



of non-parents to share the costs of child-rearing,¹ when parents incur costs to produce benefits that are non-excludably enjoyed by non-parents, the latter are obliged to share these costs to preclude a “free-rider” problem. There is much debate about whether the mere act of giving birth constitutes a benefit, or whether raising a child as a law-abiding citizen and taxpayer yields the requisite benefit. However, at minimum, the birth of children results in the creation of an economically active and potentially tax-paying agent.

The conclusion of the argument, consistent with conceptualizing the child as a public good under the fair play theory, is the necessity of non-parental contribution in bearing child-rearing expenses.² This principle provides a robust justification for public support mechanisms in areas such as education, healthcare, and childcare.

3. The Child as a Socialized Good

Some economists have raised substantive objections to the idea of characterising the child as a public good. Critics argue that the conditions necessary for the principle of fairness to generate enforceable obligations do not apply to parents. This principle creates such obligations only if producing benefits is costly and producers intend to benefit others. Critics argue that neither condition applies to parents, as they do not perceive child-rearing as a net cost and lack the intent to confer benefits upon non-parents, deriving instead significant personal enjoyment from parenthood.³

This objection, however, faces significant challenges. Even conceding that parents enjoy having children and consider it as integral to their life plan and identity, it is indisputable that parents incur substantial costs, including loss of freedom, time, and financial resources that could have been allocated elsewhere.⁴ These costs have increased considerably due to broad socio-economic changes, such as the growing complexity of the economy and the demand for specialized skills. More importantly, this expenditure generates benefits for all citizens, including non-parents, by guaranteeing a future productive workforce.⁵

Furthermore, the fact that parents may enjoy parenting does not inherently negate a claim for compensation for their incurred losses. The principle of fairness does not require that producing benefits be entirely unpleasant or burdensome for the producer; it only requires that opportunity costs or resources, which could have been used elsewhere, are expended. For example, a gardener may enjoy tending their garden, but if the garden's products benefit neighbors, principles of fairness may oblige those neighbors to share maintenance costs, irrespective of the gardener's enjoyment. Similarly, parents may enjoy raising children, but the time, financial, and emotional costs they bear non-excludably benefit non-parents.⁶

A further criticism posits that parents lack the deliberate intent to benefit non-parents, which is a requisite element for generating a compensatory obligation under fairness-based theories.

1 H L A Hart, 'Are There Any Natural Rights?' in Jeremy Waldron (ed), *Theories of Rights* (OUP 1984) 77, 80.

2 Shields (n 12) 78.

3 Paula Casal and Andrew Williams, 'Equality of Resources and Procreative Justice' in *Justice, Equality, and Constructivism* (Blackwell 2004) 150, 152.

4 Olsaretti (n 9) 13.

5 Folbre (n 32) 15.

6 Olsaretti (n 9) 14.



Critics argue that parents raise children primarily for their own good or for personal reasons, such as fulfilling personal aspirations, rather than to produce public benefits.¹

This point is responded to by stating that the principle of fairness does not require producers of benefits to have altruistic motives to benefit others; it only requires that they intentionally produce outcomes beneficial to others. Parents may have personal motivations for having and raising children (such as love for the children or self-realization), but they intentionally raise children to become productive and law-abiding members of society, and this outcome inevitably and foreseeably benefits non-parents. For example, parents send their children to school and teach them social values, aware that these actions contribute to their children's future economic and social productivity- an asset which benefits the entire society, including non-parents.²

Notwithstanding these rebuttals, the descriptions of public goods as presented earlier seem to undermine the argument that the child can be regarded as a public good. Pure public goods must be non-excludable and non-rivalrous, yet the benefits produced by parents often lack these characteristics. Benefits such as future tax contributions are distributed through socio-economic institutions, from which non-parents could potentially be excluded (for instance, through a two-tier welfare system that denies pension benefits to non-parents). Furthermore, consumption of benefits by some (e.g., receiving a pension) can be rivalrous, as it may reduce the amount available for others, contrary to true public goods like clean air or national defense. Additionally, non-parents can, in principle, refuse certain benefits (such as declining pensions), which is also inconsistent with the definition of public goods.³

Therefore, it has been suggested to reclassify children "socialized goods." This term reflects that their benefits are intentionally distributed to all members of society, including non-parents, through specific socio-economic institutions such as tax and welfare systems. are not public goods in the pure economic sense. Instead, they are goods whose distribution is mediated by deliberate institutional arrangements, and this distribution is designed to intentionally benefit non-parents. Hence, non-parents, benefiting from these advantages, are obligated to share in their production costs alongside parents.⁴

Accordingly, a distinction emerges between the two arguments. Unlike the public goods argument, where the obligation of non-parents arises to prevent free-riding on a non-excludable benefit, in the socialized goods argument, the obligation derives from participation in an institutional scheme that intentionally distributes benefits to non-parents. This argument emphasizes that non-parents' obligation stems not merely from the parents' decision to have children alone, but stems from their voluntary participation in a welfare system that deliberately distributes benefits produced by parents to them. By living in a society that accepts these benefits (such as receiving pensions), non-parents implicitly participate in this scheme.

The extent of non-parents' participation in this process remains contested. A compelling view suggests that liability should be limited to "essential costs," meaning the costs necessary to produce the socialized good rather than all child-related costs, which may include parents' private benefits.⁵

1 Casal and Williams (n 35) 153.

2 Olsaretti (n 9) 16.

3 *ibid*, 20.

4 *ibid*, 23.

5 Shields (n 12) 15.



4. Challenges of Considering the Child as a Public or Social Good

4.1. Philosophical and Ethical Challenges

Considering the child as a public good, predicated on their future role as a member of the workforce or a taxpayer, may lead to the objectification of children,¹ as it reduces them from individuals with inherent rights to mere resources for collective benefits, thus adopting a purely instrumental view of children. On the other hand, this perspective has also been subjected to feminist critique, arguing that such a framing reduces women to producers of the public good of children for society. This view implicitly involves the exploitation of women's caregiving labor,² as it ignores the existing gender inequalities and makes women responsible for bearing and raising this "public good," thereby exacerbating those inequalities.³

4.2. Legal Challenges

The conceptualisation of the child as a public good belonging to society carries significant legal risks. This viewpoint may subordinate the child's individual rights to perceived public interests, potentially undermining their legal protections. In instances of conflict between a child's individual rights and collective interests, the child's rights may be compromised. This perspective may conflict with fundamental principles of children's human rights, including the right to privacy enshrined in international instruments such as Article 16 of the Convention on the Rights of the Child. Furthermore, the governmentalisation of parental responsibilities can precipitate unjustified state interventions into family life and erode parental autonomy in upbringing decisions.⁴ Child protection laws, at times invoking the nebulous concept of "public good," may disregard the fundamental rights of families. These tensions indicate that legislation in this domain requires a delicate balance between the collective protection of children and respect for their individual and familial rights. Specifically within the Iranian legal context, accepting the child as a public good, with consequent cost-sharing and state intervention in child-rearing, conflicts with the principle of parental guardianship (wilāyah) as established in Articles 1180 et seq. of the Iranian Civil Code.

4.3. Economic and Social Challenges

Viewing the child as a public good imposes significant costs on state welfare systems, necessitating higher public taxation, which presents its own particular challenges.⁵ This approach can also, paradoxically, reduce the family's sense of responsibility and create excessive dependence on state support mechanisms,⁶ while simultaneously affecting families' emotional and personal motivations for procreation.⁷ On the social level, heightened government intervention in child upbringing, often described as "family governance," can generate social tensions. It is crucial to recognise that family conditions, forms, and structures vary worldwide, hence, prescribing a uniform model by governments poses major challenges in this regard.

1 Anca Gheaus, 'The Ethics of Parenting' (2022) 17 *Philosophy Compass* 45, 156.

2 Folbre (n 1) 90.

3 Susan Ferguson, *Women and Work: Feminism, Labour, and Social Reproduction* (Pluto Press 2021) 151.

4 Jennifer McKiernan, *State Intervention in Family Life: Balancing Child Protection and Parental Rights* (OUP 2012) 112.

5 Gary S. Becker, 'Fertility and the economy,' (1992) 5(3) *Journal of Population Economics*, 112.

6 Folbre (n 1) 56.

7 *ibid*, 28.



4.4. Cultural Challenges

Considering the child as a public good is accompanied by multiple cultural challenges that may affect the educational and identity structures of society. Transforming the child from a private family asset to a public good can generate tensions between traditional and modern value systems. This paradigm shift risked weakening the role of parents as the primary transmitters of culture and values.¹ It may also impact educational systems; systems that treat children as public investments tend to promote standardized upbringing patterns, which can stifle cultural diversity and the transmission of indigenous values.² This public perspective may ultimately foster a generation with fluid identities and shallow cultural affiliations, as children grow up in an environment potentially devoid of a clear cultural authority. There is a risk that this view may turn children into cultural consumers without authentic cultural heritage transmitted through the family, as their real developmental needs become subordinated to market logic and public policies.³ These challenges may be particularly more acute in Iran, given its composition as a multi-ethnic and multicultural society where child-rearing is traditionally considered a private and religious domain.

5. The Approach of the Iranian Legislator in Considering the Child as a Public Good

Although the concept of the child as a “public good” is not explicitly mentioned in Iranian laws, an examination of the country’s legal system reveals indications of an implicit acceptance of this underlying concept. Article 21 of the Iranian Constitution, which emphasises “protection of orphaned children,” can be interpreted as establishing a public responsibility toward children.

In the Civil Code, despite the explicit recognition of parental custody rights and duties under Article 1168 and the prioritization of the guardian’s authority (*wilāyah*) in provisions such as Article 1173, the Judiciary is authorized to make any decision serving the child’s best interests, including the deprivation of custody from unfit parents. The Law on the Protection of Children and Adolescents (2020), stands as one of the most significant legislative measures in this regard, explicitly embodying the principle of collective responsibility toward children.

Article 3 of this law mandates governmental intervention to provide legal protection for a child or young adolescent when they are exposed to victimization or harm to their physical, psychological, social, moral, security, or educational well-being, constituting a hazardous condition. Furthermore, Article 17 imposes a mandatory duty on all members of society to report such hazardous conditions to competent authorities. Failure to report, or to take immediate and proportionate actions to prevent or mitigate harm when authorities are inaccessible or their intervention is ineffective, may result in liability under Article 6 of the Islamic Penal Code, provided such actions do not result in a greater harm. The establishment of offices for the protection of children and adolescents within the judiciary (Article 4) and other monitoring institutions (Article 5) are further legislative measures operationalising this collective duty.

The general family policies endorsed by the Supreme Leader affirm the dual responsibility of

1 Ruth Lister, ‘Children (but not Women) First: New Labour, Child Welfare and Gender’ (2006) 26(2) Critical Social Policy 315, 330.

2 Samuel Bowles and Herbert Gintis, ‘Schooling in capitalist America’ in (New York 1976) 129.

3 Daniel Thomas Cook, *The Commodification of Childhood* (Duke UP 2004) 158.



the family and society and emphasize governmental accountability, highlighting the imperative to promote childbearing.

Although the term “public good” is not explicitly used, the Iranian legal system acknowledges society’s responsibility toward children through various mechanisms, fundamentally treating childbearing and upbringing as a collective responsibility, with related costs covered by public funds. These regulations implicitly acknowledge a public role in supporting children, without negating the primary and foundational responsibility of the family.

The Family Support and Youth Population Law of 2021 represents a substantial legislative stride toward institutionalising this concept. It provides a comprehensive suite of incentives, including:

- Housing allocation for parents following the birth of a third child (Article 4);
- Reductions in utility connection costs and construction fees (Article 5);
- Preferential housing loans to encourage childbearing (Article 9);
- Banking facilities for newborns (Articles 10 and 11);
- Increased subsidies for families with children (Article 13);
- Enhanced child allowance and family support (Article 16);
- Tax exemptions for families upon the birth of a third child (Article 18);
- Social insurance coverage for homemakers with three or more children (Article 21);
- Budget allocations for the development of science and technology related to fertility treatments and equipment (Article 40); and
- Insurance coverage for infertility treatment (Article 43).

Following the enactment of this law, an annual budget is specifically allocated for its implementation within each year’s national budget legislation.¹

Critically, this law and the subsequent annual budgetary acts allocate considerable public financial resources toward supporting childbearing and upbringing. The significant budgetary provisions aimed at assisting infertile families reflect the state’s prioritization of encouraging fertility. It is evident that within this legislative scheme, the child is implicitly conceptualised as a public good, a view which rationalizes the shared societal cost burden manifest in these substantial annual budget allocations.

Conclusion

The recent decline in birth rates in various societies is a well-established reality, attributable to several socio-economic factors. The conceptualisation of children as public goods can furnish a normative foundation for distributing the costs of child-rearing equitably between parents and non-parents. This perspective offers a forward-looking incentive structure to encourage childbearing and to mitigate the threat of a future shortage in the supply of children, a risk that persists if costs remain disproportionately borne by parents.

However, this perspective is not without its detractors and faces significant philosophical, legal, economic, and cultural challenges. Governments’ obligations toward children, as

¹ <https://www.tehrantimes.com/news/468040/Budget-bill-allocates-444m-to-childbearing-family-support-plans?>, accessed 23 May 2025.



articulated in international human rights instruments, indicate responsibilities that extend beyond family capacities alone, implicitly confirming the public good status of children.¹

Redefining the child as a public good requires legal reforms that balance parental rights and social obligations, while ensuring the child's best interests. This redefinition may lead to conflicts of interest between parents, the state, and the child. For example, a government may implement population growth policies that contradict the individual rights of the child or the privacy of the family.

Elements of this view are discernible within the Iranian legal framework, particularly in the 2020 Law on the Protection of Children and Adolescents and the Family Support and Youth Population Law. Children are valuable beings who constitute the future labor force, human capital, law-abiding citizens, and taxpayers; since society derives non-excludable benefits from them, the costs of raising children should be equitably shared among all societal members. This principle is partially realized in Iran's legal system through annual budgetary allocations and funding mechanisms.

Data from the Plan and Budget Organization and the National Population Headquarters Secretariat indicate the allocation of specific funds for implementing the Family Support and Youth Population Law in the fiscal years 2022 and 2023.²

The following topics are suggested for future interdisciplinary research:

- A comparative study of international legal frameworks addressing children as public goods;
- A cost-benefit analysis of governmental investment in childhood;
- The impact of economic and environmental crises on the child's status as a public good;
- Legal and social strategies for supporting refugee and orphaned children;
- The challenges and opportunities presented by cyberspace for children conceptualised as public goods;
- The role of government in regulating digital content for children; and
- Shifts in societal attitudes from viewing children as private family assets to recognising a collective responsibility for their well-being.

1 Martha C Nussbaum and Rosalind Dixon, 'Children's Rights and a Capabilities Approach: The Question of Special Priority' (University of Chicago Public Law & Legal Theory Working Paper No 384, 2012) 10-12.

2 Islamic Consultative Assembly Research Center, 'Analysis of Allocated Credit Distribution for Implementing the "Family Support and Youth Population Law" in 2021-2022 Budget Laws' (2023) 32(8) Monthly Expert Reports, Serial No 20173 [In Persian].



References

A) Articles

- Aghaei G, Memarzadeh G and Daneshfard K, 'National Public Good: A Case Study of Social Welfare in Iran and the Alignment of Upstream National Documents with Amartya Sen's Definition of Social Welfare' (2024) 60 *Legal Research* 113 [In Persian]
- Baqeri M and Mir Lavasani SM, 'The International Position of Public Goods in the Distributive Justice Approach' (2012) 1(2) *Private L* 1 [In Persian]
- Bou-Habib P and Olsaretti S, 'Children or Migrants as Public Goods?' (2023) 72 *Political Stud* 1
- Di Nallo A and Lipps O, 'How Much His or Her Job Loss Influences Fertility: A Couple Approach' (2023) 85 *J Marriage & Family* 873
- Folbre N, 'Who Pays for the Kids? Gender and the Structures of Constraint' (1994) 29(2) *Signs* 511
- Gheaus A, 'The Ethics of Parenting' (2022) 17 *Philosophy Compass* 45
- Lister R, 'Children (but not Women) First: New Labour, Child Welfare and Gender' (2006) 26(2) *Critical Social Policy* 315
- Olsaretti S, 'Children as Public Goods?' (2013) 41(3) *Philosophy & Public Affairs* 19
- Olsaretti S, 'Liberal Equality and the Costs of Children' (2017) 174(1) *Philosophical Stud* 155
- Samuelson PA, 'The Pure Theory of Public Expenditure' (1954) 36(4) *Rev Econ & Stat* 387

B) Books

- Becker GS, *A Treatise on the Family* (Enlarged edn, Harvard University Press 1991)
- Cook DT, *The Commodification of Childhood* (Duke University Press 2004)
- Ferguson S, *Women and Work: Feminism, Labour, and Social Reproduction* (Pluto Press 2021)
- Folbre N, *The Invisible Heart: Economics and Family Values* (New Press 2001)
- Hume D, *A Treatise of Human Nature* (LA Selby-Bigge and PH Nidditch eds, 2nd edn, OUP 1978)
- Kaul I, Grunberg I and Stern MA (eds), *Global Public Goods: International Cooperation in the 21st Century* (OUP 1999)
- McKiernan J, *State Intervention in Family Life: Balancing Child Protection and Parental Rights* (OUP 2012)
- Olson M, *The Logic of Collective Action* (Harvard University Press 1965)
- Rakowski E, *Equal Justice* (Clarendon Press 1993)
- Shields L, *Fairness in Child Rearing: A Game Theoretic Approach* (OUP 2023)
- Stiglitz JE and Rosengard JK, *Economics of the Public Sector* (4th intl student edn, WW Norton & Company 2015)

C) Chapters in Edited Books

- Benkler Y, 'Power and Productivity: Institutions, Ideology, and Technology in Political Economy' in Danielle Allen, Yochai Benkler, Leah Downey, Rebecca Henderson and Josh Simons (eds), *A Political Economy of Justice* (University of Chicago Press 2022) 27
- Casal P and Williams A, 'Equality of Resources and Procreative Justice' in *Justice, Equality, and Constructivism* (Blackwell 2004) 150
- Hart HLA, 'Are There Any Natural Rights?' in Jeremy Waldron (ed), *Theories of Rights* (OUP 1984) 77
- Heckman JJ, 'The Case for Investing in Disadvantaged Young Children' in *Big Ideas for Children: Investing in Our Nation's Future* (First Focus 2008) 49

D) Reports and Working Papers

- Islamic Consultative Assembly Research Center, 'Analysis of Allocated Credit Distribution for Implementing the "Family Support and Youth Population Law" in 2021-2022 Budget Laws' (Monthly Expert Reports, Serial No 20173, 2023) [In Persian]
- Nussbaum MC and Dixon R, 'Children's Rights and a Capabilities Approach: The Question of Special Priority' (University of Chicago Public Law & Legal Theory Working Paper No 384, 2012)