

From soft to hard paternalism and back: the regulation of surrogate motherhood in Greece

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Received: 27 June 2009 / Accepted: 28 June 2009 / Published online: 21 July 2009
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Abstract This paper is a critical analysis of the regulation of surrogate motherhood in Greece; I will discuss the way that a consensus reached in the legislative committee among liberal and conservative jurists on the matter of compensation of surrogate mothers was undermined by intra-party populism in the Greek parliament which banned it to avoid commodification; inevitably the law fell into disuse leading to a new law which allowed government-defined compensation, not the one agreed by the parties; the regulation of surrogate motherhood in Greece is a typical example of the deleterious effects of the combination of legal formalism and legal moralism in contemporary Greece.

Keywords Surrogate motherhood · Commodification · Legal formalism · Legal moralism · Legal paternalism · Economics of contracts · Exploitation · Consent · Compensation

JEL Classification I11 · J13 · K12 · K32

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