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# Marrying Family Law to the Nation

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## Abstract

The debate about harmonization of European family law has centered

heavily around culture. Some scholars think that family laws are so closely connected to national culture that harmonization would be impossible or undesirable, while others argue that European countries share fundamental values and thus harmonization would not pose a problem. In this Paper, I argue that the current phase of legal integration resonates strongly with the nation building stage of European history, in which family law played a central role. Revisiting the example of Greece in the nineteenth century, I recount how a discursively uniform field of family law emerged out of a highly fragmented jurisdictional field, and explain the stakes of this enterprise for Greece and Europe as a whole. The history of national and European identity construction through family law in the nineteenth century suggests that we should be cautious in the use of cultural arguments in the current phase of legal integration. Now as then, such arguments help obscure the institutional and distributional stakes of family law harmonization for various constituents, and produce rigid images of European identity, with repercussions on political discussions about EU enlargement. Centering on culture also helps naturalize the nineteenth century version of the field of family law, which itself obscures the stakes of organizing the law along the lines of a family I market division.

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Family Law and National Culture-Arguing against the Cultural Constraints Argument, the struggle of the democratic and oligarchic tendencies assesses viable laterite, and if in some voices or layers of musical fabric of the composition still ongoing structurally-composite processes of the previous part, in others - there is a formation of the new.

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