

Privacy in the Family

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This article develops a broad argument about the role of privacy in intimate relationship (that is a privacy right, which operates between parties to intimate relationships). It presents the significant role of privacy in cultivating and supporting intimate relationships, the difficulties in applying existing theories of privacy in the context of intimate relationships, and it outlines the beginning of a new theory of privacy that is more appropriate to the context of intimacy.

This article offers to understand the right to privacy between family members as a relational right, that is as an individual right of each family member, which protects their interest in safeguarding their intimate relationships. It then builds on Helen Nissenbaum's theory of contextual integrity, to offer a more detailed description of privacy as a relational right. According to Nissenbaum, the right to (informational) privacy is centers around ensuring that information flows in accordance with contextual information norms. This article submits that the values of trust and intimacy could serve as the normative values for determining the norms of information flows in the context of intimate relationships. Thus, surveillance cannot be considered as a standard means of gathering information about family members, including children, since monitoring stands in contrast to trust. Likewise, when thinking about disclosure of intimate information that concerns family members, norms that emphasize collaboration should govern, again because unilateral disclosure might be considered a betrayal of trust.