

## **Beyond Communitarism and Individualism: The Complex Conception of the Family and the Right to Privacy in the Family**

Yael Braudo-Bahat

The right to privacy in the family (i.e., vis-a-vis other family members) is still underdeveloped. One of the major reasons for this relates to the common approaches to the family: the individualistic and communitarian approaches. Both, each in its own way, limits the ability to promote the right to privacy in the family. The communitarian approach abstains from laws' and state's intervention in the family, and more specifically from applying individualistic rights — such as the right to privacy — within the family. The individualistic approach conceives the spouses as distinct, equal and autonomous individuals; consequently, it also advocates for a minimal intervention of the law and state in the family. Contrary, during the last two decades, a third, more complex approach to the family has been developed. This approach combines between individualistic and communitarian aspects and principles and attributes to the law a major part in promoting the rights of family members within the family. The complex approach enables the development of a new perception of privacy in the family, as both enhancing the individuality and distinctiveness of family members and at the same time strengthening the family as a community. The article reviews the common approaches to the family and the feminist critiques on them; addresses the limitations cast by those approaches on the promotion of the right to privacy in the family; stresses the new, complex approach to the family and the promise it holds for promoting privacy in the family; and analyses two Israeli cases that demonstrate both the difficulty to promote privacy in the family under the prevailing approaches and the ability to develop a new, complex conceptions of family and privacy.