

Taking Siblingship Seriously

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This Article is concerned with siblings, in the field of family law as well as in other spheres, and its main thesis is that the law must recognize relations between siblings as a distinct category of relations deserving of special attention, and consequently of appropriate legal protection. The first part of the Article discusses the uniqueness of the relationship between siblings in light of its emotional importance in the lifecycle, as informed by psychological and sociological research. The second part of the Article presents the place given to siblingship in contemporary family law. The contexts in which these relations have been legally recognized are outlined, as are the relevant substantive legal arrangements, focusing on the noneconomic aspects of the relationship. The third part of the Article features a more expansive discussion examining the broader picture, outside family law and beyond the relations of young siblings. It does not purport to address every possible angle of siblingship; rather, the issues chosen for analysis are those that relate directly or indirectly to the emotional aspects of the family relationship. Upon examination of the positive law – both in family law and in other areas – it emerges that sibling relations do not enjoy a full and consistent legal standing, even though in family law it is possible to point to a change that has taken place in recent years and to legislative and judicial efforts to deepen the protection of sibling relations. The Article concludes with a brief exposition of the ideal position the law should adopt – one that recognizes sibling relations and ensures their effective legal protection.