## The Inviolate Home: From Iconic Property to Relational Privacy in the Fourth Amendment

## Stephanie Stern

Loyola University Chicago School of Law

The ideal of the inviolate home dominates Fourth Amendment doctrine. The case law accords far stricter protection to residential search and seizure compared to other privacy incursions. This approach has decreased doctrinal efficiency and coherence and derailed Fourth Amendment residential privacy from the core principle of intimate association. This Article challenges Fourth Amendment housing exceptionalism. critique two hallmarks of housing exceptionalism: first, the extension of protection to residential spaces unlikely to shelter intimate association or implicate other key privacy interests; and second, prohibitions on searches that impinge on core living spaces but do not harm interpersonal and domestic privacy interests. Contrary to claims in the case law and commentary, there is limited evidence to support the broad territorial conception of privacy inherent to the "sanctity of the home," a vital personhood interest in residential privacy, or even uniformly robust subjective privacy expectations in varying residential Closer examination of the political and historical rationales for housing exceptionalism similarly reveals a nuanced, and equivocal, view of common justifications for privileging the home. This Article advocates replacing the broad sweep housing exceptionalism, and its emphasis on the physical home, with a narrower set of residential privacy interests more attentive to the underlying principle of intimate association.