

# PRIVATE PROPERTY RIGHTS AND THE DECEASED



Cole Green\*, Alejandro Hernandez\*\*, Walter E. Block (Harold E. Wirth  
Eminent Scholar Endowed Chair and Professor of Economics)\*\*\*

## **Abstract:**

*Who owns the dead body? If no one does, should necrophilia be legalized? How do property rights, inheritance, fit into this picture? These are some of the daunting questions with which we will be wrestling in this paper.*

**Key Words:** private property; rights; deceased; cemetery

**JEL Category:** D23, O30, P14

## I. INTRODUCTION

As Benjamin Franklin famously stated, “Nothing is certain but death and taxes”. While there has been an enormous amount of literature written critiquing the latter, there has not been much discussion about the former<sup>1</sup>. Our discussion will not focus on the certainty of death but rather the interactions between the living and the deceased. There are vital questions regarding what should

---

\* Loyola University New Orleans 6363 St. Charles Avenue New Orleans LA 70118, cdgreen@my.loyno.edu.

\*\* Loyola University New Orleans 6363 St. Charles Avenue, New Orleans LA 70118, aehernan@my.loyno.edu.

\*\*\* Loyola University New Orleans, 6363, St. Charles Avenue, Box 15, Miller Hall 318, New Orleans LA, 70118, wblock@loyno.edu, Skype: Walter.Block4, tel: (504) 864-7934.

<sup>1</sup> Exceptions include the following: Alter, Kernochan, & Darley, 2007; Benecke, 2008; Madoff, 2010; Naffine, 1999; Ochoa & Jones, 1996; Primoratz, 2001; Troyer, 2008.

happen to a deceased person and all of his belongings. Arguably, the most important question that has to be addressed regarding the deceased is this: In a libertarian<sup>2</sup> society, should it be permitted for a living person to consummate with someone who is now deceased? Putting it more bluntly, should necrophilia be legal? Before discussing the legality of this despicable practice, the rights of the deceased must first be established. We will begin our exploration by tracing the ownership of the physical body after the moment of death. This will then lead to a discussion about the material property the deceased has left behind. After establishing the rights of the deceased and his property, we will get to the heart of our discussion, which is the legality of necrophilia. Before we begin our legal examination here is a disclaimer we make to all Postmodern Neo-Marxist wokester progressives: some of the conclusions we reach will make you feel uncomfortable, but that is the price that must be paid when searching for truth.

In section II we define terms. Section III is given over to not very contentious claim that the dead body has no rights. The burden of section IV is to ask who owns the body of the deceased person. In section V we discuss ownership of the property of the deceased. Section VI is our not to be missed conclusion.

## II. DEFINE TERMS

As per Lockean-inspired libertarianism, material objects are acquired as property through homesteading<sup>3</sup> or voluntary transactions<sup>4</sup>.

---

<sup>2</sup> Rothbard, 1972, 1983.

<sup>3</sup> For a libertarian defense of homesteading, as the initial basis for property rights justification, see Block, 1990, 2002A, 2002B; Block and Edelstein, 2012; Block and Nelson, 2015; Block and Yeatts, 1999-2000; Block vs Epstein, 2005; Bylund, 2005, 2012; Grotius, 1625; Hoppe, 1993, 2011; Kinsella, 2003, 2006, 2009A, 2009B, 2009C; Locke, 1948; Paul, 1987; Pufendorf, 1673; Rothbard, 1969, 1973, 32; Rozeff, 2005; Watner, 1982.

<sup>4</sup> Nozick (1974) characterizes this process as any legitimate title transfer, such as barter, sale, lending, gifts, inheritance, gambling.

If we are to adequately discuss death in a free society from this perspective, we must discuss the nature of a will. In this paper, we will consider any legal document which makes provision for the transfer of a dead individual's property to his heirs. We assume that the property is transferred at the moment of death, so that the property has continuous ownership<sup>5</sup>.

### III. THE DEAD BODY HAS NO RIGHTS

We are adopting a secular ontology of the body in this paper<sup>6</sup>. While the living are endowed with natural rights<sup>7</sup> due to their

---

<sup>5</sup> There are some who oppose wills, inheritance, etc. For example, Buchanan (1983) urges that a 100% tax be placed on such transfers. See also on this: Batchelder, 2009-2010; Matthews, 2014; Prabhakar, 2008; White, 2008. Were this policy implemented, the present paper would be obviated. For an alternative view, however, see Block, 2011, 2012; Rothbard, 1973; Tabarrok, 2005; Tullock, 1971; States Rothbard (1973) on this matter: "Many people are willing to concede the justice and propriety of property rights and the free-market economy, to concede that the farmer should be able to charge whatever his wheat will bring from consumers or the worker to reap whatever others are willing to pay for his services. But they balk at one point: inheritance. If Willie Stargell is ten times as good and "productive" a ball player as Joe Jack, they are willing to concede the justice of Stargell's earning ten times the amount; but what, they ask, is the justification for someone whose only merit is being born a Rockefeller inheriting far more wealth than someone born a Rothbard? The libertarian answer is to concentrate not on the recipient, the child Rockefeller or the child Rothbard, but to concentrate on the giver, the man who bestows the inheritance. For if Smith and Jones and Stargell have the right to their labor and property and to exchange the titles to this property for the similar property of others, they also have the right to give their property to whomever they wish. And of course most such gifts consist of the gifts of the property owners to their children - in short, inheritance. If Willie Stargell owns his labor and the money he earns from it, then he has the right to give that money to the baby Stargell".

<sup>6</sup> We justify this on the ground that we do not wish to quarrel with a straw man. Once religion enters the fray, the intellectual battle is over. Each denomination has its own rules on the use and disposal of dead bodies, and merely listing them would determine matters from that perspective.

<sup>7</sup> The natural rights in a libertarian society are all negative: the right not to be murdered, raped, kidnapped, enslaved, stolen from, threatened; there are no positive rights in this philosophy, such as the right to food, clothing, shelter, or the right not to be discriminated against.

consciousness, the dead body is nothing more than a material object. We believe that this is a rational and scientific assumption, because the dead body is nothing more than a cluster of inanimate materials. Any duty owed to property stems from the rights of the owner. For example, I cannot throw a brick through your windshield, as that would be an attack on your property. However, if I found a car abandoned in an unowned field, I could assault the windshield as I please. Since the dead body is a material item, any duty owed to it is strictly due to the rights of its owner. But this raises a question, who owns the dead body?

#### IV. WHO OWNS THE BODY?

At the instance of a person's death, the most immediate problem that arises is how to deal with the body. Since we have established that the body is nothing more than an immaterial object at this point in time the course of action depends if the recently deceased has left a will or not.

Let us start off with the assumption that the deceased did in fact have a will<sup>8</sup> set up at the time of death. Thus, the deceased individual had ownership of his body until the moment of death. At this instance, just as with his material property<sup>9</sup>, ownership of the remains must be transferred to the new owner, determined through the will. In other words, the inheritor of the deceased becomes the proprietor of the physical body<sup>10</sup>.

---

<sup>8</sup> If we are to adequately discuss death in a free society, we must discuss the nature of a will. In this paper, we will consider any legal document which makes provision for the transfer of a dead individual's property to his heirs. We assume that the property is transferred at the moment of death, so that the property in question has continuous ownership.

<sup>9</sup> In regards to the functionality of wills regarding deceased property, please refer to *supra*.

<sup>10</sup> Just as nature abhors a vacuum, the libertarian legal code abhors the state of non ownership. Our motto is, if it moves, privatize it; if it does not move, privatize it. Since everything either moves or does not move, privatize everything. See on this: Anderson and Hill, 1996; Block, 2002, 2009, 2015,

Since this new person is now the proprietor of the physical body, he has the legal jurisdiction as to its status. For example, let us say that Georg Wilhem (G.W. for short) has recently passed away. In his will he left Ayn as the sole proprietor of his possessions. Also assume that in our free society, the social norm was that recently deceased bodies must be burned in a giant fire pyre within 48 hours. Would Ayn be obligated to burn the G.W. body within the allotted time frame? The answer to this question should come to no surprise to any true follower of libertarianism. It all depends on whatever action brings Ayn the most utility. She could follow the social norm and burn the body or she could do whatever she sees fit with it, such as donating it to science, trading it, displaying it etc. The important thing is that it is unimportant what Ayn ends up deciding to do. Since it is now her property, she can do whatever she sees fit with it just like she could decide what to do with the shirt in her closet which she also inherited from GW. It is important to note that this is only analyzing her choice through a legal analysis. While we are claiming Ayn can legally do whatever she wants with the body, we are taking no moral stance on her decision. She may still face social repercussions for disregarding the norm, but that is outside the scope of this paper. Of course, BW may well have stipulated that Ayn is to cremate his body, or place it in a cemetery. If so, she is obliged to do that.

Now consider the case in which GW dies on someone's property, Smith, who is not the heir expressed in the will. Must he give up the body? At present, as a matter of fact, there are of course laws concerning this sort of thing, and they will be followed. But, we ask, what *should* the law provide under these circumstances under the private property, free society. Presumably, libertarian

---

2017A, 2017B; Block and Nelson, 2015; Butler, 1988; Carnis, 2003; Ebeling, 2013; Hanke, 1987A, 1987B; Hannesson, 2004, 2006; Hoppe, 2011; Karpoff, 2001; Megginson, 2001; Moore, 1987; Moore and Butler, 1987; Motichek, Block and Johnson, 2008; Nelson and Block, 2018; Ohashi, 1980; Ohashi, Roth, Spindler, McMillan and Norrie, 1980; Pirie, 1986; Rothbard, 2018; Savas, 1987; Walker, 1988; White, 1978.

laws would eventually cover this situation. At present, we can only rely on the doctrine of implicit contracts (Kern, 2019). If you go to a restaurant, order and drink a cup of coffee, and they present you with a bill for \$1 million, you are not at all obligated to pay anything like that amount. There is an implicit contract in operation such that they will charge a “reasonable” price. If they wish to engage in astronomical pricing, they must obtain your explicit agreement.

In like manner, if GW dies on Smith’s property, unless there is an explicit agreement to the contract, the latter must do the reasonable thing: call the police, or the morgue, arrange for cremation or cemetery services or, if he cannot afford the latter, and GW dies in poverty intestate, then call upon charitable services set up for just these sorts of occurrences.

Must we acquiesce to the radical claim that a dead person’s body, without a will, is immediately open to acquisition through homesteading? That is, horrors!, if a necrophiliac were the first person to happen upon this piece of inanimate flesh, could he properly wreak his evil will upon the remains? We need not make any such thing concession. We need not assent to any such scenario. Remember, in the fully free society, *all* of the surface of the earth, without exception, will be privately owned<sup>11</sup>. There would be implicit contracts in all of these cases, presumably, to prohibit necrophilia.

The only exception would be land owned by the “Necrophilia Society”. Under the libertarian legal code, they would be allowed to engage in these abominable practices, since they do not constitute an explicit rights violation, when performed upon the bodies of people who in effect bequeath themselves to preposterous such goings-on. Normal people will avoid such territory as if there were a plague infecting them there.

Lastly, like any other property, the body can be abandoned<sup>12</sup>. If so, the above considerations would apply.

---

<sup>11</sup> This includes roads, streets and highways (Block, 2009) as well as bodies of water such as lakes, rivers, oceans (Block, and Nelson. 2015).

<sup>12</sup> See on this Block, 2004, 2015; Block and Nelson, 2015; Kinsella, 2003, 2009A, 2009B, 2009C, 2011; Long, 1993; Wisniewski, 2010.

Now consider normal burial. As long as the grave plot is maintained as private property, the body cannot be disturbed without the owner's permission just as a car left in a garage is protected by property rights. The body interred in the grave may not be pillaged by grave diggers. The owner could revoke the dead body as his property or could leave the body for so long that it is considered abandoned. What if a cemetery is abandoned by its owner; would the bodies interred in the graves become fair game for grave robbers? Not a bit of it. In the free society, this possibility would be anticipated, and reasonable accommodations made in order to obviate any such occurrence. Presumably, insurance firms would prevent it<sup>13</sup>.

#### V. OWNERSHIP OF THE PROPERTY OF THE DECEASED

Now that we have established the inheritance of the dead body, we need to discuss the rules under which a deceased individual's property may properly pass onto others. First, we consider the case with a will, and then discuss what happens in its absence.

At the moment of death, any property for which a provision has been made in the will is transferred to the new owner. In a free society, any conditions placed on transferred property are null and void<sup>14</sup>. First, we must note that it is definitionally impossible to have a contract with a material object. For example, Jones cannot make a contract with a stick he found in his backyard. Consequently, no one can have a contract with a deceased person, because that would be an agreement with a material object.

One interpretation of the foregoing is that while a will legally transfers property, any stipulations placed on the inheritance

---

<sup>13</sup> For the role insurance companies would play in obviating all sorts of unlikely occurrences, for challenges to the free society refuted see Block, 1998; Hoppe, 1999, 2006; Murphy, 2002; Semmens, 1995.

<sup>14</sup> Deitman, 2002; Evers, 2014; Rothbard, 2007; Terrell, 2002.

need not be met. To best explain this claim, imagine if Hans writes in his will that Elinor inherits his car only if she paints it blue, the car will be transferred to her so that she can paint it, but she need not paint it to keep it. Similarly, if Hans writes that his wife receives his body, and he wants her to bury him in their family plot, she inherits the body but can do whatever she pleases with it. While one hopes that people will follow the wishes of the dead for moral reasons, legally they have no obligation.

For any property someone wishes to transfer with no conditions, a simple will should suffice. Similarly, a will works for someone who wishes to transfer property with conditions to someone that he trusts, for example to his loving wife or child.

That is one interpretation. We regard it as erroneous. What Hans leaves his body to his wife on the condition that she bury him in the family plot, there is no agreement between her and a dead body. Rather, he is doing so while still alive, and contracts between live individuals (the husband and wife, in this case) should and do have the force of law behind them.

However, what will Hans do if he does not trust Elinor to paint the car blue, or his wife to bury him as he wishes?

At first glance, under the interpretation we are rejecting, it appears that Hans can do nothing but hope that Elinor or his wife will honor his wishes, but in this (erroneous) view she has no legal obligation. This seems like a devastating blow for libertarian property theory, but fear not, the free market once again rescues us!

Hans will have access to a plethora of executor businesses, who will ensure that any conditions he has placed on the property are met. This will work as follows: Hans will hire an executor and they will discuss any conditions he wishes to place on property in his will. Then, in that document he will contract with the executor as the in effect intermediate inheritor of the property who will hold it until the final inheritor meets the condition necessary to inherit the property. To continue our example with Hans and Elinor, in his will Hans will write that the lawyer who drew up the last will and testimony inherits the property and will transfer it to



Elinor only after she has painted the car blue. Thus we see, once again, the will does not have an inanimate object, a stick or a dead body as one of the signatories. The bequest either concerns the dying (but still alive) person and the beneficiary, or him and the executor.

Now, we must discuss what happens when there is no will, that is, if the person dies intestate. Here is a typical explanation<sup>15</sup>:

“Every state has laws that direct what happens to property when someone dies without a valid will and the property was not left in some other way (such as in a living trust). Generally, only spouses, registered domestic partners, and blood relatives inherit under intestate succession laws; unmarried partners, friends, and charities get nothing. If the deceased person was married, the surviving spouse usually gets the largest share. If there are no children, the surviving spouse often receives all the property. More distant relatives inherit only if there is no surviving spouse and if there are no children. In the rare event that no relatives can be found, the state takes the assets”.

This in our view is highly compatible with libertarianism. In focusing on spouses and blood relatives, the law is attempting, reasonably, to a contrary to fact conditional: what *would* the deceased have wanted, while still alive. Since most people operate in such a manner, the law makes that the default position. If the property owner wanted something different, it would have been up to him to specify. The only point at which we diverge from typical law is with regard to the government seizing these assets. There is already far too much that already taking place<sup>16</sup>. Rather,

---

<sup>15</sup> <https://www.nolo.com/legal-encyclopedia/how-estate-settled-if-theres-32442.html>.

<sup>16</sup> On the case against asset forfeiture, see Baicker and Jacobson. 2007; Chi, 2002; Doyle, 2008; Moores, 2009; Naylor, 2000; Pimentel, 2012; Rothschild and Block, 2016A, 2016B; Rulli, 2001; Warchol and Johnson. 1996; Williams, Holcomb and Kovandzic, 2010, 2011. In the view of Rothbard (1982, 162): "Taxation is theft, purely and simply, even though it is theft on a grand and colossal scale which no acknowledged criminals could hope to match". Schumpeter (1942, 198) states: "The theory which construes taxes on the analogy of club dues or of the purchase

we claim, the assets should be ruled abandoned, and given over to the first homesteader<sup>17</sup>.

There is but one exception to this general rule: the friends of bums case. If there are private charitable organizations that have been contributing to the upkeep of intestate folk, then it is they who would be the legitimate title holders to their (physical) property.

## VI. CONCLUSION

We have attempted in this paper to confront a complicated issue, rarely discussed in the literature, at least not from a libertarian private property rights perspective. No doubt we have erred in several areas. But, better to start somewhere, than not at all in taking on difficult challenges. It is our hope that this paper will lead to a more full discussion and we will thus have started down the path of arriving by that proverbial one millionth of an inch closer to the Truth on this matter with a capital T.

## REFERENCES

- Alter, Adam L., Julia Kernochan, & Darley, J. (2007), *Morality Influences How People Apply the Ignorance of the Law Defense*, *Law & Society Review*, 41(4), 819-864. Retrieved from [www.jstor.org/stable/4623416](http://www.jstor.org/stable/4623416).
- Anderson, Terry L. and Peter J. Hill, editors. (1996), *The privatization process : a worldwide perspective*, Lanham, Md.: Rowman & Littlefield Publishers.

---

of the services of, say, a doctor only proves how far removed this part of the social science is from scientific habits of mind". For further support for the notion that "taxation is theft", see Bagus, et. al., 2011; Block, 1989, 1993, forthcoming; Block and Barnett, 2003; Chodorov, 1962, 2017; Dejasay, 1997; Feser, 2000; Hoppe, 2008, 2011; Huemer, 2013, 2017; McGee, 2003; Portillo and Block, 2012; Rothbard, 1978, 1981, 1982; Schumpeter, 1942; Spenser, 1995; Spooner, 1870; Tame, 1989; Vance, 2006, 2007.

<sup>17</sup> This refers to the physical goods, of course, not to the person's body. We have already discussed that supra in terms of implicit contracts.

- Baicker, Katherine and Mireille Jacobson (2007), *Finders Keepers: Forfeiture Laws, Policing Incentives, and Local Budgets*. Journal of Public Economics, Elsevier B.V., 2113-2136, <http://users.nber.org/~jacobson/BaickerJacobson2007.pdf>.
- Bagus, Philipp, Walter E. Block, Marian Eabrasu, David Howden and Jeremie Rostan. (2011), *The ethics of tax evasion*, Business and Society Review, Vol. 116, No. 3, Autumn, 375-402, [http://www.walterblock.com/wp-content/uploads/V.355\\_The-ethics-of-tax-evasion.pdf](http://www.walterblock.com/wp-content/uploads/V.355_The-ethics-of-tax-evasion.pdf).
- Batchelder, Lily L. (2009-2010), *What Should Society Expect from Heirs - The Case for a Comprehensive Inheritance Tax*, 63, Tax L. Rev. 1, <http://heinonline.org/HOL/LandingPage?handle=hein.journals/taxlr63&div=5&id=&page=>.
- Benecke, M. (2008), *Clandestine Necrophilia - Probably Legal, Still A Problem*, Anil Aggrawal's Internet Journal of Forensic Medicine & Toxicology, 9(2), 5. Retrieved from <https://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=34078235&site=eds-live&scope=site>.
- Block, Walter E. Forthcoming, Murray Rothbard, *Anarchist, Anarchy Handbook*, Chad Van Schoelandt, editor.
- Block, Walter E. (2017a), *Radical Privatization: Oceans, Roads, Heavenly Bodies, Romanian Economic and Business Review*, Vol. 12, Summer, pp. 41-56, [https://econpapers.repec.org/article/raujournal/v\\_3a12\\_3ay\\_3a2017\\_3ai\\_3a2\\_3ap\\_3a41-56.htm](https://econpapers.repec.org/article/raujournal/v_3a12_3ay_3a2017_3ai_3a2_3ap_3a41-56.htm), <http://www.rebe.rau.ro/RePEc/rau/journal/SU17/REBE-SU17-A4.pdf>.
- Block, Walter E. (2017b), *Privatizing government, in the interim*, The Journal of Private Enterprise, Vol. XXXII, No. 3, Fall, pp. 33-45, [http://journal.apee.org/index.php?title=2017\\_Journal\\_of\\_Private\\_Enterprise\\_vol\\_32\\_no\\_3\\_Fall\\_parte4.pdf](http://journal.apee.org/index.php?title=2017_Journal_of_Private_Enterprise_vol_32_no_3_Fall_parte4.pdf).
- Block, Walter E, Peter Lothian Nelson (2015), *Water Capitalism: The Case for Privatizing Oceans, Rivers, Lakes, and Aquifers*, New York City, N.Y.: Lexington Books, Rowman and Littlefield, <https://rowman.com/ISBN/9781498518802/Water-Capitalism-The-Case-for-Privatizing-Oceans-Rivers-Lakes-and-Aquifers>.
- Block, Walter E. and Peter Lothian Nelson (2015), *Water Capitalism: The Case for Privatizing Oceans, Rivers, Lakes, and Aquifers*. New York City, N.Y.: Lexington Books, Rowman and Littlefield.
- Block, Walter E. (2015), *Expiration of private property rights*, The Journal of Philosophical Economics. Vol. VIII, Issue 2, Spring, <http://www.jpe.ro/?id=revista&p=410>, <http://www.jpe.ro/pdf.php?id=7114>.
- Block, Walter E. and Peter Lothian Nelson (2015). *Water Capitalism: The Case for Privatizing Oceans, Rivers, Lakes, and Aquifers*, New York City, N.Y.: Lexington Books, Rowman and Littlefield.

- Block, Walter E. (2012), *James Buchanan on Inheritance: a Critique*, Journal of Entrepreneurship & Public Policy, Vol. 1, No. 2, pp. 159 - 165, <http://www.emeraldinsight.com/journals.htm?issn=2045-2101&show=latest>,  
<http://www.emeraldinsight.com/fwd.htm?id=aob&ini=aob&doi=10.1108/20452101211261435>, <https://www.deepdyve.com/lp/emerald-publishing/james-buchanan-on-inheritance-a-critique-E3KqWgbcZ4>.
- Block, Walter E., Michael R. Edelstein (2012), *Popsicle sticks and homesteading land for nature preserves*, Romanian Economic and Business Review. Vol. 7, No. 1, Spring, pp. 7-13, <http://www.rebe.rau.ro/REBE%207%201.pdf>.
- Block, Walter E. (2011), *Toward a libertarian theory of charitable donations*, Economics, Management, and Financial Markets. Vol. 6, No. 4, pp. 9-28, [http://www.walterblock.com/wp-content/uploads/V.378\\_Toward-a-libertarian-theory-of-charitable-donations.pdf](http://www.walterblock.com/wp-content/uploads/V.378_Toward-a-libertarian-theory-of-charitable-donations.pdf).
- Block, Walter E. (2009). *The Privatization of Roads and Highways: Human and Economic Factors*, Auburn, AL: The Mises Institute.
- Block, Walter, Richard Epstein (2005), *Debate on Eminent Domain*, NYU Journal of Law & Liberty, Vol. 1, No. 3, pp. 1144-1169.
- Block, Walter E (2004), *Libertarianism, Positive Obligations and Property Abandonment: Children's Rights*, International Journal of Social Economics, Vol. 31, No. 3, pp 275-286.
- Block, Walter and William Barnett II (2003), *Voluntary Taxes: Abusive Language and Politicians*, July 12, <http://archive.lewrockwell.com/block/block28.html>.
- Block, Walter E. (2002), *Radical Privatization and other Libertarian Conundrums*, The International Journal of Politics and Ethics, Vol. 2, No. 2, pp. 165-175, [http://www.walterblock.com/publications/radical\\_privatization.pdf](http://www.walterblock.com/publications/radical_privatization.pdf).
- Block, Walter E. (2002a), *Homesteading City Streets. An Exercise in Managerial Theory*, Planning and Markets, Vol. 5, No. 1, pp. 18-23, september, <http://www-pam.usc.edu/volume5/v5i1a2s1.html>, <http://www-pam.usc.edu/>.
- Block, Walter E. (2002b), *On Reparations to Blacks for Slavery*, Human Rights Review, Vol. 3, No. 4, July-September, pp. 53-73.
- Block, Walter, Guillermo Yeatts (1999-2000), *The Economics and Ethics of Land Reform: A Critique of the Pontifical Council for Justice and Peace's. Toward a Better Distribution of Land: The Challenge of Agrarian Reform*, Journal of Natural Resources and Environmental Law, Vol. 15, No. 1, pp. 37-69.
- Block, Walter E. (1998), *Private Roads, Competition, Automobile Insurance and Price Controls*, Competitiveness Review, Vol. 8, No. 1, 55-64.
- Block, Walter E. (1993), *Canadian Public Finance Texts Cannot Justify Government Taxation: A Critique of Auld & Miller, Musgrave, Musgrave & Bird, McCready, and Wolf*, Canadian Public Administration, Vol. 36, No. 2, Fall, 225-262.

- Block, Walter E. (1990), *Earning Happiness Through Homesteading Unowned Land: a comment on 'Buying Misery with Federal Land' by Richard Stroup*, Journal of Social Political and Economic Studies, Vol. 15, No. 2, Summer, pp. 237-253.
- Block, Walter E. (1989), *The Justification of Taxation in the Public Finance Literature: An Unorthodox View*, Journal of Public Finance and Public Choice, No. 3, Fall, 141-158.
- Buchanan, James (1983), *Rent Seeking, Non compensated Transfers, and Laws of Succession*, Journal of Law and Economics, April: 71-85. Volume 26, Issue 1.
- Butler, Eamonn, ed. (1988), *The Mechanics of Privatization*, London: Adam Smith Institute.
- Bylund, Per (2005), *Man and Matter: A Philosophical Inquiry into the Justification of Ownership in Land from the Basis of Self-Ownership*, Master thesis, Lund University, spring semester (June), <http://www.uppsats.se/uppsats/a7eb17de8f/>, [http://perbylund.com/academics\\_polsci\\_msc.pdf](http://perbylund.com/academics_polsci_msc.pdf), <http://www.essays.se/essay/a7eb17de8f/>, <http://www.lunduniversity.lu.se/o.o.i.s?id=24965&postid=1330482>.
- Bylund, Per (2012), *Man and matter: how the former gains ownership of the latter*, Libertarian Papers, Vol. 4, No. 1, <http://libertarianpapers.org/articles/2012/lp-4-1-5.pdf>.
- Carnis, Laurent (2003), *The Case for Road Privatization: A Defense by Restitution*, Journal des Economistes et des Etudes Humaines. Vol. 13, No. 1, pp. 95-116.
- Chi, Karis Ann-Yu (2002), *Follow the Money: Getting to the Root of the Problem with Civil Asset Forfeiture in California*, California Law Review, Oct., Vol. 90, No. 5, 1635-1673.
- Chodorov, Frank (2017), *Taxation Is Robbery*, November 8, <https://mises.org/library/taxation-robbery>.
- Chodorov, Frank (1962), *Taxation Is Robbery, Out of Step: The Autobiography of an Individualist*, The Devin-Adair Company, New York, 216-239, <http://www.mises.org/etexts/taxrob.asp>.
- De Jasay, Anthony (1997), *Against Politics: On Government, Anarchy, and Order*. London: Routledge.
- Dieteman, David F. (2002), *Courts, Contracts, and the EEOC*, July 30, <https://mises.org/library/courts-contracts-and-eeoc>.
- Doyle, Charles (2008), *Crime and Forfeiture*. Nova Science Publishers, 1-89, [http://digital.library.unt.edu/ark:/67531/metadc282308/m1/1/high\\_res\\_d/97-139\\_2013May13.pdf](http://digital.library.unt.edu/ark:/67531/metadc282308/m1/1/high_res_d/97-139_2013May13.pdf).
- Ebeling, Richard (2013), *Why Not Privatize Foreign Policy?*, <http://epictimes.com/article/127064/why-not-privatize-foreign-policy>.
- Evers, Williamson M. (2014), *Toward a Reformulation of the Law of Contracts*, July 30, <https://mises.org/library/toward-reformulation-law-contracts>.

- Feser, Edward (2000), *Taxation, Forced Labor, and Theft*, The Independent Review, Fall, 219–235.
- Grotius, Hugo (1625), *Law of War and Peace (De Jure Belli ac Pacis)*, 3 volumes, translated by A.C. Campbell, London, 1814.
- Handbook of Libertarianism, ed. Jason Brennan, David Schmidtz, and Bas van der Vossen, Routledge.
- Hanke, Steve H., ed., (1987a), *Privatization and Development*, San Francisco: Institute for Contemporary Studies.
- Hanke, Steve H. (1987b), *Privatization*, In J. Eatwell, M. Milgate and P. Newman, eds., *The New Palgrave: A Dictionary of Economics*, v. 3. London: The Macmillan Press, Ltd.: 976-77.
- Hannesson, Rögnvaldur (2004), *The Privatization of the Oceans*, in D.R. Leal (Ed.): *Evolving Property Rights in Marine Fisheries*, Lanham, Md.: Rowman and Littlefield, pp. 25-48.
- Hannesson, Rögnvaldur (2006), *The Privatization of the Oceans*. Cambridge, MA: MIT Press.
- Hoppe, Hans-Hermann (2011), *Of Private, Common, and Public Property and the Rationale for Total Privatization*, *Libertarian Papers* Vol. 3, No. 1, pp. 1-13, <http://libertarianpapers.org/2011/1-hoppe-private-common-and-public-property/>.
- Hoppe, Hans-Hermann (2011), *Of Private, Common, and Public Property and the Rationale for Total Privatization*, *Libertarian Papers* 3, 1, <http://libertarianpapers.org/2011/1-hoppe-private-common-and-public-property/>.
- Hoppe, Hans-Hermann (2011), *State or Private Law Society*, April 10, <http://www.lewrockwell.com/hoppe/hoppe26.1.html>.
- Hoppe, Hans-Hermann (2008), *Reflections on the Origin and the Stability of the State*, June 23, <http://www.lewrockwell.com/hoppe/hoppe18.html>.
- Hoppe, Hans-Hermann (2006), *Uncertainty and Its Exigencies: The Critical Role of Insurance in the Free Market*, March 7, <http://www.mises.org/story/2021>.
- Hoppe, Hans-Hermann (1999), *The private production of defense*, *Journal of Libertarian Studies* 14, no. 1 (Winter): 27–52, [http://mises.org/journals/jls/14\\_1/14\\_1\\_2.pdf](http://mises.org/journals/jls/14_1/14_1_2.pdf).
- Hoppe, Hans-Hermann (1993), *The Economics and Ethics of Private Property: Studies in Political Economy and Philosophy*, Boston, Kluwer.
- Huemer, Michael (2017a), *Is Taxation Theft?*, March 16, <https://www.libertarianism.org/columns/is-taxation-theft>.
- Huemer, Michael (2017b), *Is Wealth Redistribution a Rights Violation?*, The Routledge.
- Huemer, Michael (2013), *The Problem of Political Authority*. New York: Palgrave Macmillan.

- Karpoff, Jonathan M. (2001), *Public versus Private Initiative in Arctic Exploration: The Effects of Incentives and Organizational Structure*, *The Journal of Political Economy*, 109 (1): 38-78.
- Kern, Andrew (2019), *Why the State Can't Claim Our Implied Consent*, October 16, [https://mises.org/wire/why-state-cant-claim-our-implied-consent?utm\\_source=Mises+Institute+Subscriptions&utm\\_campaign=5d572b24a1-EMAIL\\_CAMPAIGN\\_9\\_21\\_2018\\_9\\_59\\_COPY\\_01&utm\\_medium=email&utm\\_term=0\\_8b52b2e1c0-5d572b24a1-227976965](https://mises.org/wire/why-state-cant-claim-our-implied-consent?utm_source=Mises+Institute+Subscriptions&utm_campaign=5d572b24a1-EMAIL_CAMPAIGN_9_21_2018_9_59_COPY_01&utm_medium=email&utm_term=0_8b52b2e1c0-5d572b24a1-227976965).
- Kinsella, Stephan N. (2011), *The relation between the non-aggression principle and property rights: a response to Division by Zer0*, October 4, <http://blog.mises.org/18608/the-relation-between-the-non-aggression-principle-and-property-rights-a-response-to-division-by-zer0/>.
- Kinsella, Stephan (2009a), *A Critique of Mutualist Occupancy*, August 2, <http://www.stephankinsella.com/2009/08/a-critique-of-mutualist-occupancy/>, <http://blog.mises.org/10386/a-critique-of-mutualist-occupancy/>.
- Kinsella, Stephan (2009b), *Left-Libertarians on Rothbardian Abandonment*, August 22, <http://www.stephankinsella.com/2009/08/left-libertarians-on-rothbardian-abandonment/>.
- Kinsella, Stephan N. (2009c), *Homesteading, Abandonment, and Unowned Land in the Civil Law*, May 22, <http://blog.mises.org/10004/homesteading-abandonment-and-unowned-land-in-the-civil-law/>.
- Kinsella, Stephan N. (2009), *What Libertarianism Is*, August 21, <https://mises.org/library/what-libertarianism>.
- Kinsella, Stephan N. (2006), *How we come to own ourselves*, September 7, <http://www.mises.org/story/2291>, <https://mises.org/library/how-we-come-own-ourselves>.
- Kinsella, Stephan N. (2003), *A libertarian theory of contract: title transfer, binding promises, and inalienability*, *Journal of Libertarian Studies*, Vol. 17, No. 2, Spring, 11-37, [http://www.mises.org/journals/jls/17\\_2/17\\_2\\_2.pdf](http://www.mises.org/journals/jls/17_2/17_2_2.pdf), [http://mises.org/journals/jls/17\\_2/17\\_2\\_2.pdf](http://mises.org/journals/jls/17_2/17_2_2.pdf).
- Locke, John (1948), *An Essay Concerning the True Origin, Extent and End of Civil Government*, in E. Barker, ed., *Social Contract*, New York: Oxford University Press, 17-19.
- Long, Roderick T. (1993), *Abortion, Abandonment, and Positive Rights: The Limits of Compulsory Altruism*, *Social Philosophy and Policy* vol. 10 no.1, Winter, 166-191, <http://praxeology.net/RTL-Abortion.htm>.
- Madoff, R. (2010), *Controlling the body*, in *Immortality and the Law: The Rising Power of the American Dead* (pp. 12-56), New Haven, London: Yale University Press, retrieved from [www.jstor.org/stable/j.ctt1nq16h.5](http://www.jstor.org/stable/j.ctt1nq16h.5).
- Matthews, Dan (2014), *Why Isn't Inheritance Tax 100%?*, *Forbes*, July 24, <http://www.forbes.com/sites/danmatthews/2014/07/24/why-isnt-inheritance-tax-100-per-cent/#43124e9d6408>.
- McGee, Robert W. (2003), *The philosophy of taxation and public finance*, Kluwer.

- McKearn, S. (2008), *Dead Sexy: An Essay on the Ethics of Necrophilia*, Anil Aggrawal's Internet Journal of Forensic Medicine & Toxicology, 9(2), 4, retrieved from <https://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=34078234&site=eds-live&scope=site>.
- Meggison, W. Netter, J (2001), *From State to Market: A Survey of Empirical Studies on Privatization*, Journal of Economic Literature, 39(2): 321-89.
- Moore, Stephen (1987), *Privatizing the U.S. Postal Service*, in Stephen Moore and Stuart Butler, eds., *Privatization*, Washington: Heritage Foundation.
- Moore, Stephen and Stuart Butler, eds. (1987), *Privatization*, Washington: Heritage Foundation.
- Moores, Eric (2009), *Reforming the Civil Asset Forfeiture Reform Act*, Arizona Law Review, Vol. 51, 777-803, <http://www.arizonalawreview.org/pdf/51-3/51arizlrev777.pdf>.
- Motichek, Amy, Walter E. Block and Jay Johnson (2008), *Forget Ocean Front Property, We Want Ocean Real Estate!, Ethics, Place, and Environment*, Vol. 11, Issue 2, June, pp. 147 – 155.
- Murphy, Robert P (2002), *Chaos Theory: Two Essays on Market Anarchy*. New York: RJ Communications LLC. <http://mises.org/books/chaostheory.pdf>.
- Naffine, N. (1999), *But a Lump of Earth? The Legal Status of the Corpse*, in Manderson D. (Ed.), *Courting Death: The Law of Mortality* (pp. 95-110). London, Sterling, Virginia, Pluto Press, doi:10.2307/j.ctt18fs9gk.9.
- Naylor, R.T. (2000), *Wash-out: A Critique of Follow-The-Money Methods in Crime Control Policy, Crime, Law & Social Change*, Netherlands: Kluwer Academic Publishers, 1-57.
- Nelson, Peter Lothian, Walter E. Block (2018). *Space capitalism: the case for privatizing space travel and colonization*, Palgrave Macmillan.
- Nozick, Robert (1974), *Anarchy, State and Utopia*, New York: Basic Books.
- Ochoa, T. T., & Jones, C. N. (1996), *Defiling the Dead: Necrophilia and the Law*, Whittier Law Review (Issue 3), 539, retrieved from <https://search.ebscohost-com.ezproxy.loyno.edu/login.aspx?direct=true&db=edshol&AN=edshol.hein.journals.whitlr18.35&site=eds-live&scope=site>.
- Ohashi, T.M., T.P. Roth, Z.A. Spindler, M.L. McMillan, & K.H. Norrie. (1980), *Privation Theory & Practice*, The Fraser Institute, Vancouver, B.C..
- Paul, Ellen Frankel (1987), *Property Rights and Eminent Domain*, Livingston, New Jersey, Transaction Publishers.
- Pimentel, David (2012), *Forfeitures Revisited: Bringing Principle to Practice in Federal Court*, Nevada Law Journal 13.1, 3-59.
- Pirie, Madson (1986), *Privatization in Theory and Practice*, London: Adam Smith Institute.
- Portillo, Javier, Walter E. Block. (2012), *Negative Effects of U.S. Taxation*, Studies in Economics and Finance, Vol. 29, No. 2.
- Prabhakar, Rajiv, Rowlingson, Karen and White, Stuart (2008), *How to Defend Inheritance Tax*. Fabian ideas, 623. Fabian Society.



- Primoratz, I. (2001), *Sexual Morality: Is Consent Enough?*, Ethical Theory and Moral Practice, 4(3), 201-218, retrieved from [www.jstor.org/stable/27504193](http://www.jstor.org/stable/27504193).
- Pufendorf, Samuel (1673), *Natural law and the law of nations (De officio hominis et civis prout ipsi praescribuntur lege naturali) De officio hominis et civis juxta legem naturalem libri duo*, 2 vols., Volume 1, Text, Buffalo, NJ, Hein, reprint of New York, Oxford U. Pr., 1927a.
- Rothbard, Murray N. (2018), *How to Desocialize*, February 18, <https://mises.org/wire/how-desocialize>.
- Rothbard, Murray N. (2007), *Property Rights and the Theory of Contracts*, June 22, <https://mises.org/library/property-rights-and-theory-contracts>.
- Rothbard, Murray N. 1998 [1982], *The Ethics of Liberty*, New York: New York University Press, <http://www.mises.org/rothbard/ethics/ethics.asp>.
- Rothbard, Murray N. (1981), *The Myth of Neutral Taxation*, The Cato Journal, Vol. 1, No. 2 (Fall), 519-564.
- Rothbard, Murray N. (1973), *For a New Liberty*, Macmillan, New York, <http://www.mises.org/rothbard/newliberty.asp>.
- Rothbard, Murray N. 1969, *Confiscation and the Homestead Principle*, The Libertarian Forum, Vol. 1, No. 6, June 15, <https://www.panarchy.org/rothbard/confiscation.html>.
- Rothschild, Daniel Y. and Walter E. Block. (2016a), *Don't Steal, The Government Hates Competition: The Problem with Civil Asset Forfeiture*, The Journal of Private Enterprise, 31(1), 45-56, [http://journal.apee.org/index.php/2016\\_Journal\\_of\\_Private\\_Enterprise\\_vol\\_31\\_no\\_1\\_parte4.pdf](http://journal.apee.org/index.php/2016_Journal_of_Private_Enterprise_vol_31_no_1_parte4.pdf).
- Rothschild, Daniel Y. and Walter E. Block (2016b), *It Is Not Armed Robbery When Government Takes People's Stuff, It Is Civil Asset Forfeiture*, Journal of Social and Administrative Sciences [www.kspjournals.org](http://www.kspjournals.org), September, Vol. 3, No. 3, 219-230, <http://www.kspjournals.org/index.php/JSAS/article/view/912>, <http://www.kspjournals.org/index.php/JSAS/article/view/912/1029>.
- Rozeff, Michael S. (2005), *Original Appropriation and Its Critics*, September 1, <http://www.lewrockwell.com/rozeff/rozeff18.html>.
- Rulli, Louis S. (2001), *The Long Term Impact of CAFRA: Expanding Access to Counsel and Encouraging Greater Use of Criminal Forfeiture*, *Federal Sentencing Reporter*, September/October, Vol. 14, No. 2, Forfeiture: Recent Reform and Future Outlook, University of California Press: Vera Institute of Justice, 87-97.
- Savas, E. S. (1987), *Privatization*. Chatham, N.J.: Chatham House Publishers.
- Schumpeter, Joseph A. (1942), *Capitalism, Socialism and Democracy*, New York: Harper Press.
- Semmens, John (1995), *Privatizing Vehicle Registrations, Driver's Licenses and Auto Insurance*, *Transportation Quarterly*, Fall, Vol. 49, No. 4, 125-135.
- Spencer, Herbert (1995), *Social Statics*. New York: Robert Schalkenbach Foundation.

- Spooner, Lysander (1870) [1973], *No Treason No. VI: The Constitution of No Authority at 15*, in *No Treason: The Constitution of No Authority and A Letter to Thomas F. Bayard*, Ralph Myles Publisher.
- Tabarrok, Alex. (2005), *Death Taxes: Theory, History and Ethics*, July 20, [https://mises.org/system/tdf/deathtax\\_4.pdf?file=1&type=document](https://mises.org/system/tdf/deathtax_4.pdf?file=1&type=document).
- Tame, Chris R. (1989), *Taxation Is Theft*, Libertarian Alliance Political Note No. 44.
- Terrell, Timothy D. (2002), *Court Shreds Contracts*, January 18, <https://mises.org/library/court-shreds-contracts>.
- Troyer, J. (2008), *Abuse of a corpse: A brief history and re-theorization of necrophilia laws in the USA*, *Mortality*, 13(2), 132–152, <https://doi-org.ezproxy.loyno.edu/10.1080/13576270801954518>.
- Tullock, Gordon. (1971), *Inheritance Justified*, *The Journal of Law & Economics*, Vol. 14, No. 2 (October), pp. 465-474, [http://www.jstor.org/stable/724956?seq=1#page\\_scan\\_tab\\_contents](http://www.jstor.org/stable/724956?seq=1#page_scan_tab_contents).
- Vance, Laurence M. (2006), *The Fraudulent Tax*, October 9, <http://www.mises.org/story/2327>.
- Vance, Laurence M. (2007), *Real Tax Reform*, April 16, <http://www.mises.org/story/2552>.
- Walker, Michael A. (1988), *Privatization: Tactics and Techniques*, The Fraser Institute, Vancouver, B.C., Canada.
- Warchol, Greg L., and Brian R. Johnson (1996), *Guilty Property: A Quantitative Analysis of Civil Asset Forfeiture*, *American Journal of Criminal Justice* 21.1, 61-81.
- Watner, Carl. (1982), *The Proprietary Theory of Justice in the Libertarian Tradition*, *Journal of Libertarian Studies*. Vol. 6, No. 3-4, Summer/Fall, pp. 289-316, [http://mises.org/journals/jls/6\\_3/6\\_3\\_6.pdf](http://mises.org/journals/jls/6_3/6_3_6.pdf).
- White, Stuart. (2008), *What (if Anything) is Wrong with Inheritance Tax?* *The Political Quarterly*. Vol. 79, No. 2, pp. 162-171, <http://onlinelibrary.wiley.com/doi/10.1111/j.1467-923X.2008.00921.x/full>.
- White, Lawrence H. (1978), *Privatization of municipally-provided services*, *The Journal of Libertarian Studies*, Vol. 2, No. 2, Summer, pp. 187-197.
- Williams, Marian R., Jefferson E. Holcomb, and Tomislav V. Kovandzic (2011), *Civil Asset Forfeiture, Equitable Sharing, and Policing for Profit in the United States*, *Journal of Criminal Justice*, 273-285, <http://walker-foundation.org/files/walker/2011/afjournalofcriminaljustice.pdf>.
- Williams, Marian R., Jefferson E. Holcomb, and Tomislav V. Kovandzic (2010), *Policing for Profit: The Abuse of Civil Asset Forfeiture*. Institute for Justice, 6-120, [http://www.ij.org/images/pdf\\_folder/other\\_pubs/assetforfeituretoemail.pdf](http://www.ij.org/images/pdf_folder/other_pubs/assetforfeituretoemail.pdf).
- Wisniewski, Jakub Bozydar (2010a), *A Critique of Block on Abortion and Child Abandonment*, *Libertarian Papers* Vol. 2, No. 16, <http://libertarianpapers.org/2010/16-wisniewski-block-on-abortion/>.