

Private Rights to Property  
by John W. Allen  
End Notes

**Preface**

1 Michael Novak, *The Spirit of Democratic Capitalism*, New York: Simon and Schuster, 1982, p. 57.

2 Friedrich A. Hayek, *The Road to Serfdom*, Chicago: University of Chicago Press, 1944, p. x.

**Property Rights and the Role of Government**

1 John Locke, *Two Treatises on Government*, Second Treatise, ed. Peter Laslett, London: Cambridge University Press, 1960, p. 368.

2 Joseph Storey, *Wilkinson v. Leland*, 27 U.S. (2 Pet) 627, 657 (1829).

3 Bernard H. Siegan, "The Law of the Land," *Private Rights and Public Lands*, ed. Phillip N. Truluck, Washington, D.C.: The Heritage Foundation, 1983, pp. 11-15.

4 For an excellent, comprehensive history tracing the Supreme Court's treatment of economic liberties, see Bernard H. Siegan, *Economic Liberties and the Constitution*, Chicago: University of Chicago Press, 1980.

5 William O. Douglas, *Beauharnis v. Illinois*, 343 U.S. 250, 286 (1952).

6 Hugo Black, *Cities Service Co. v. Peerless Co.*, 340 U.S. 179, 189 (1950).

7 Aaron Director, "The Parity of the Market Place," *The Journal of Law and Economics*, Vol. VII, Oct. 1964, p. 6.

8 *Lynch v. Household Finance*, 405 U.S. 538 (1971).

9 Jeremy Bentham, *Manual of Political Economy*, in *Jeremy Bentham's Economic Writings*, ed. W. Stark, London: Allen & Unwin, 1952, p. 229.

10 Milton and Rose Friedman, *Free to Choose*, New York: Harcourt Brace Jovanovich, 1980, p. 27.

**Economic Systems**

1 Friedman, *op. cit.* p. 37.

**Property Rights**

1 Karl Marx and Friedrich Engels, *Communist Manifesto*, New York: International Publishers Co., Inc., 1948, p. 23.

2 This section draws on the writings of many authors. I am especially indebted to Alchian, Buchanan, Demsetz, Furubotn, McKenzie, Pejovich and Tullock. For a more in-depth discussion, the following are recommended: Armen Alchian and Harold Demsetz, "The Property Right Paradigm," *Journal of Economic History*, March 1973, pp. 16-27.

James M. Buchanan, *The Limits of Liberty*, Chicago: University of Chicago Press, 1975, pp. 210.

Richard B. McKenzie and Gordon Tullock, *Modern Political Economy*, New York: McGraw-Hill Book Company, 1978, pp. 610.

Eirik G. Furubotn and Svetozar Pejovich, *Property Rights and Economic Theory: A Survey of Recent Literature*, "Journal of Economic Literature", October 1972, pp. 1137-1162.

**Private Property Rights and Freedom**

1 Hayek, *op. cit.* pp. 103-104.

2 Friedrich A. Hayek, *The Constitution of Liberty*, South Bend, Ind.: Gateway, 1972, p. 11.

3 Hayek *ibid.* p. 133.

4 Alexander Hamilton, James Madison and John Jay, *The Federalist Papers*, New York: New American Library, Inc., 1961, p. 472.

5 Hayek, *ibid.* pp. 103, 141.

**Private Property Rights and Prosperity**

1 Frederic Bastiat, *Selected Essays on Political Economy*, trans. Seymour Cain, Princeton, N.J.: D. Van Nostrand Co., Inc., 1964, p. 99.

2 Friedman, *op. cit.* p. 60.

3 P. T. Bauer, *Dissent on Development*, London: Weidenfeld and Nicolson, 1971, p. 75.

4 Friedman, op. cit. p. 11.

5 Thomas Jefferson, First Inaugural Address, (1801).

### **Property Rights and Economic Behavior**

1 Aristotle, quoted in Will Durant, *The Life of Greece*, New York: Simon and Schuster, 1939, p. 533.

2 Alchian, op. cit. p. 19.

3 Gary D. Libecap, *Locking up the Range: Federal Land Controls and Grazing*, Cambridge, Mass.: Ballinger Publishing Co., 1981, p. 128.

4 It is not within the scope of this discussion to treat this matter in any greater detail. For more information see Dwight R. Lee, *Environmental Versus Political Pollution*, Los Angeles: International Institute for Economic Research, September 1982, pp. 23.

5 Hedrick Smith, *The Russians*, New York: Ballentine Books, 1976, p. 266. 6 Douglass C. North, *The Rise of the Western World: A New Economic History*, Cambridge, England: Cambridge University Press, 1973, p. 171.

### **Private Property Rights and Social Harmony**

1 Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, New York: Random House, Modern Library Edition, 1937, p. 14.

2 Marquis de Condorcet, *Esquisse d'un tableau historique des progres de l'esprit human*, Paris: Editions Sociales, 1966, p. 238.

### **Private Versus Public Property Rights**

1 Paul Johnson, "Has Capitalism a Future," *Wall Street Journal* (September 29, 1978), p. 24.

2 That such groups be given title to some of these lands was first suggested by John Baden and Richard Stroup. See their article, *Saving the Wilderness: A Radical Approach*, "Reason, July 1981, pp. 28-36.

3 Baden, op. cit. p. 34.

4 Baden, op. cit. p. 30.

5 For an excellent treatment of this subject and many examples of bureaucratic mismanagement, see John Baden and Richard L. Stroup, eds., *Bureaucracy vs. Environment: The Environment Costs of Bureaucratic Governance*, Ann Arbor: The University of Michigan Press, 1981, p. 238. See also, Manhattan Institute of Policy Research, "Privatizing Public Lands," *Manhattan Report*, May 1982, p. 2.

6 For more details on this legislation, see Richard B. McKenzie, *The Right to Close Down*, Los Angeles: International Institute for Economic Research, 1982, pp. 40.

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