

Squatters' Rights

by [Walter E. Block](#) (April 2024)



Girl in a Room –by Richard Diebenkorn, 1958

You go on vacation for a month. You return home, glad to be back, but to your amazement and chagrin, there are strange people living in your house. You have never seen hide nor hair

of them before this very moment. They leave the apartment. You pounce. You call a locksmith to change all the locks in your home. You, not these trespassers, are then arrested for unlawfully evicting tenants. According to New York law, if these squatters were occupying your home for 30 days, they are in effect tenants, even though you never signed a lease with them. In this jurisdiction, it takes about 20 months in landlord-tenant court for your case to even be heard and there is far from any guarantee you will prevail before the judge.

This nightmare was actually suffered by Adele Andaloro, owner of a million-dollar home in Flushing, Queens. Well, this might not be accurate. Perhaps I should say, instead, ex-owner of a house she had previously inherited from her parents.

Philosopher Norman Malcolm said of his teacher and mentor, Ludwig Wittgenstein, "On one walk he 'gave' to me each tree that we passed, with the reservation that I was not to cut it down or do anything to it, or prevent the previous owners from doing anything to it: with those reservations it was henceforth mine." [\[*\]](#)

Adele Andaloro is in grave danger of "owning" the house her parents gave her in the same manner as Norman Malcolm "owned" those trees. That is, not at all. Well, at best, partially. She still owns the home, but cannot legally occupy it. Rather, she is compelled to take on the role of a landlord, whereas she wishes to have access to her domicile as an occupant. And, at what level should the rent be? She might be "happy" to rent out her premises to these squatters for a million dollars per day, thus gaining access to her property once again, but if anyone thinks a New York City housing judge would go along with this "offer" we can sell them the Brooklyn Bridge.

What can we say about this New York law that allows vagrants to steal your home? What we can say is that is it subject to a whole host of reductios ad absurdum. Suppose, that on your month's vacation, you also leave your car unattended. Upon

your return, you note that your automobile is not where you left it. It has been stolen, you surmise. You call the police. They duly trace it down. Unfortunately for you, if we can extrapolate from this home stolen by squatters, the new "owner" has been using your vehicle for 30 days. Bye, bye car for you. That is to say, car-jacking will have just been legalized. Perhaps your best bet is to steal someone else's automobile, since yours is now a goner.

But there are even more important pieces of property for most people than a mere domicile, or automobile. In many ways, our bodies are by far our most important possession. Let us extrapolate from this law which allows trespass in real estate to the case of this our more important possession.

Right now, happily, rape is against the law. However, if we generalize, this legal determination, too, is in danger. For what is rape other than the trespassing onto, or to be more exact, into, the private property of the victim. The rapist is in effect "squatting" upon his victim's property. Yes, a different kind of property than house or car, but a property nonetheless. A very important piece of property.

If we legalize rape, can murder be far behind? That merely constitutes squatting upon the victim's property in an even more deleterious manner, but it is still a trespass. Ditto, for slavery, yet another instance of a marauder taking control of the private property of the victim trespassing upon it.

No, no, no, a thousand times no, it is entirely unjust for the government of New York, which is ostensibly the guarantor of law and order, to allow the squatters to remain in the home of Adele Andaloro. To add insult to injury, they [arrested](#) her for changing the locks in an attempt to save her property; the evil squatters went free.

Shall the next woman who forcibly quells a rapist be arrested for assault and battery? That seems to be the direction in

which New York is heading. After all, according to this new dispensation, the squatting rapist has “rights” while the owner of the property in question, has none.

Fortunately Florida Governor DeSantis has just [signed](#) a bill eliminating squatters’ “rights” in that state. Does anyone wonder why the net internal immigration between New York and Florida is from the former to the latter? Civilized values can be found in the Sunshine State but not in the Empire State ,at least insofar as squatting is concerned.

Why is it that squatting “rights” are protected? There has to be some method to this madness. There are several arguments in favor of this utter denigration of private property rights.

For one, there is an ever-present animosity toward the rich, on the part of the “progressives” (they are actually rather regressive). People who own homes, and can afford to be absent from them for a month are thus rich, and merit a back of the hand slap in the face from our legal establishment. They deserve what they get in this regard. If they do not appreciate their homes sufficiently to remain in them, there are others who will.

Secondly, there is the attack on people who own more than one home, and, obviously, can only occupy one of them at a time. If they own three of them, they necessarily leave two of them empty at all times. This sounds like a waste to many of our socialist friends. Bernie Sanders [owns](#) three mansions, but squatters had better pass them all by if they know what is good for them.

Third, there is a widespread prejudice against absentee owners. How dare they leave their dwellings empty part of the time? Don’t they realize there is a housing crisis? Are they not aware of the reality of homelessness: people living on the streets or in their cars?

Of course, if squatting continues to be allowed, we will have

even less housing than otherwise would have been the case. The incentive of people to pay for a home that can be whisked away from their ownership will be radically reduced. And the reason for the homelessness in the first place is not private property rights, but their absence. Rent control, for example, is very popular among the leftist cognoscenti, that is, the economically illiterate. They actually think that this theft from the landlord helps tenants. But anything that reduces the quantity or residential space hurts renters and this policy certainly fits this bill. Then there are the onerous and unnecessary governmental housing regulations which adds costs and thus reduces house building.

The analogy to rape cannot be ignored. Using the "logic" that supports people squatting on territory they do not own, we can say that the woman is not now using her body for the purpose it is intended, by the rapist that is. As a result, he is justified in taking advantage of it as is the squatter for a different kind of property not now in use.

The problem with the rape analogy is that "squatting" on another person's body is not the same as inhabiting a property that is not being used. It's not as if the rape victim is not inhabiting his or her own body when raped. The point of the squatter law is that one can occupy a property that is owned but is not now being inhabited. In the case of the rape victim, the victim's property (body) is both owned AND inhabited during the "squatting." The same applies to murder and slavery.

There are two difficulties with this critique of the analogy of squatting and rape. First, no analogy can be exact. Yes, there are differences here, but are they relevant ones? I think not. It is imperative to make the case against squatting, in the most powerful manner possible, and these analogies to rape, murder and slavery certain fit that bill. If this sort of trespassing is legal, and spreads to other physical property such as cars, it is not too extreme to say

that civilization as we know it will be endangered.

Second, it is possible to improve the analogy; not perfectly, but to a great degree. For example, if the rapist first drugs his victim, then it is possible to say, with just a bit of poetic license, that it is no longer true that the victim is still inhabiting his or her own body when raped. That is, in an important sense, the victim is no longer “inhabiting” his or her own body when raped since mentally, that person is no longer “there.” Ditto for slavery and murder. A drugged victim, or one who is mesmerized, in an important sense, is no longer “there” either.

Nor should we ignore the international aspects of this squatting problem. Third world immigrants to first world countries are now being advised to engage in practice; so far, only with physical property such as homes. For example, one piece of advice now being bruited about is along these lines: “TikToker [tells followers how to ‘invade’](#) American homes and invoke squatter’s rights as provocative video is viewed almost 4million times.” Welcome, squatters, welcome.

[*] Malcolm, Norman. 1958. Ludwig Wittgenstein: A Memoir. Oxford University Press, pp. 31-32)

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Walter E. Block is Harold E. Wirth Endowed Chair and Professor of Economics, College of Business, Loyola University New Orleans, and senior fellow at the Mises Institute. He earned his PhD in economics at Columbia University in 1972. He has taught at Rutgers, SUNY Stony Brook, Baruch CUNY, Holy Cross and the University of Central Arkansas. He is the author of more than 600 refereed articles in professional journals, three dozen books, and thousands of op eds (including the *New*

York Times, the *Wall Street Journal* and numerous others). He lectures widely on college campuses, delivers seminars around the world and appears regularly on television and radio shows. He is the Schlarbaum Laureate, Mises Institute, 2011; and has won the Loyola University Research Award (2005, 2008) and the Mises Institute's Rothbard Medal of Freedom, 2005; and the Dux Academicus award, Loyola University, 2007. Prof. Block counts among his friends Ron Paul and Murray Rothbard. He was converted to libertarianism by Ayn Rand. Block is old enough to have played chess with Friedrich Hayek and once met Ludwig von Mises, and shook his hand. Block has never washed that hand since. So, if you shake his hand (it's pretty dirty, but what the heck) you channel Mises.

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