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IS EVICTIONISM A SOLUTION TO THE ABORTION PROBLEM?

INTRODUCTION

Evictionism, defended by Walter Block, seeks to reconcile the pro-life and pro-choice intuitions and ground the solution to the abortion problem in property rights and self-ownership.¹ From the pro-life side, it accepts that human life begins at conception and that the fetus is a person with full moral rights, making the direct killing of a fetus morally impermissible. From the pro-choice perspective, it upholds the woman's absolute right to her own body, asserting that she may evict the fetus from her womb at any time, for any reason, as an exercise of her bodily autonomy. The central part of this position is that evictionism separates abortion into two acts: eviction (removal of the fetus) and killing (directly ending its life). While eviction is always permissible, killing is never allowed. If a child could survive after being evicted from the woman's body, one should secure its survival. However, if the only alternative is lethal eviction, a woman has a right to abort it. The death of the fetus is then considered a foreseen side effect, not intentional harm, an act of killing or murder. In this way, evictionism seeks to honour the pro-life commitment to the fetus's moral status while also respecting the pro-choice emphasis on the woman's right to bodily autonomy.

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¹ First publications worth mentioning here are BLOCK (1977, 2001, 2004). (In his response [this issue, 317–49], Block is referring to an earlier version of my manuscript, pointing out my inaccurate citation of his 1977 work as “Libertarian Defense of Abortion.” I have rectified this oversight.) Much earlier, Judith Jarvis Thomson argued in the same spirit in her paper “A Defense of Abortion” (1971). Block follows Thomson's argument and gives it a sharper libertarian property-rights framing.

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Evictionism has faced a variety of criticisms. One major objection is that eviction and killing are morally indistinguishable in early pregnancy, where the act of eviction inevitably results in the fetus's death; thus, the distinction between eviction and feticide is ethically meaningless (e.g., KACZOR 2015, 163, 165, 205). Another challenge centres around Block's analogies, such as likening the fetus to a trespasser or an unwanted stowaway. They are criticised as misapplied because the fetus lacks agency and cannot be considered a voluntary intruder (e.g., PARR 2011; WIŚNIEWSKI 2013). Additionally, many object to evictionism's denial of parental obligations, arguing that bringing a dependent being into existence creates a duty of care. Rejecting this responsibility leads to morally troubling conclusions, e.g., permitting parental neglect (e.g., WIŚNIEWSKI 2013; WATT 2016, 173–75). Finally, according to critics, claiming that property rights, including bodily autonomy, are absolute is implausible as inconsistent with moral intuitions and legal practice, which often recognize justified limitations on property rights, especially when eviction is disproportionate or when vital needs are at stake (see, e.g., PARR 2011; WIŚNIEWSKI 2010a, 2010b, 2011, 2013; AYRES 2021).²

Block does not accept these objections and keeps responding to them, a good example being the paper, "Evictionism, Pro-Life and Pro-Choice" (this issue).³ He argues that evictionism is a better, more intuitive solution than its pro-life and pro-choice alternatives and, in response to the objections mentioned above, claims that evictionism escapes "unscathed from them". He presents several arguments, among which the following are worth mentioning: (a) that the pro-life position is inconsistent and nonintuitive; (b) that thought experiments, such as the scenario of a person thrown off a plane by its owner, do not demonstrate that eviction is a crime; (c) that the fetus is a trespasser; (d) that rejecting the absoluteness of property rights leads to disastrous consequences.

My paper aims to evaluate the strength of these arguments. I conclude that in none of the points did the author effectively defend evictionism. Moreover, Block should abandon evictionism as it is inconsistent with his own proviso.⁴

² However, there are authors defending the view that the priority of bodily autonomy of the mother over the right to live of the fetus is intuitive (e.g., THOMSON 1971).

³ See also BLOCK (2010, 2011, 2023).

⁴ I will call it the BLOCKIAN proviso and provide its explanation later, in section 6.

1. IS THE PRO-LIFE POSITION UNINTUITIVE AND INCONSISTENT?

The first three sections of the discussed paper are devoted to comparing evictionism with pro-choice and pro-life positions, intending to point out the advantages of evictionism over the other two. According to Block, evictionism provides a more balanced approach than the pro-choice stance by acknowledging the fetus's right to life. While the pro-choice position typically denies any moral status to the fetus, evictionism affirms that the fetus is a rights-bearing being from conception. At the same time, evictionism respects the woman's bodily autonomy by framing it within the context of property rights. The woman, as the owner of her body, has the right to expel the fetus, treated as a trespasser. In Block's view, this alignment of bodily autonomy with property rights makes evictionism a more philosophically coherent and morally justified solution than the pro-choice approach.

Concerning the pro-life position, the author underlines two important differences that, in his opinion, make evictionism more preferable. The first issue is that the pro-life advocates equate eviction with murder, which, according to Block, is profoundly unintuitive. Evictionism avoids this unintuitive claim by distinguishing eviction from intentional killing. The other difficulty is the inconsistency of the pro-life view. The advocates of this position claim that both the life of the mother and that of the fetus are equally valued. Still, when the life of a mother is at stake, it is prioritized over the life of the fetus without any clear justification. Evictionism, Block says, offers a clearer reason for the mother's right to evict the fetus by grounding it in her property rights over her body.

Two comments can be made here. First, even if some pro-life advocates call abortion murder by definition, it does not follow that it is an essential claim for the pro-life position. It does not matter what word we use to evaluate abortion. It may be called an immoral act or unjustified deprivation of life. Whether using such an evaluative term is intuitive depends on what justification such an act—resulting in the fetus' death—has. If abortion lacks sufficient justification, the accusation of unlawful killing seems not so much unintuitive.⁵ According to Block, it is enough to say that the mother has a right to evict the fetus from her body because the fetus is a trespasser, her property

⁵ By saying this, I do not claim that calling abortion murder is very intuitive. In some cases, abortion might be justified; in others, even if it is immoral or illegal, we may need to show epistemic modesty and resistance to "casting a stone too quickly" on people whose life situation may escape our comprehension.

rights are absolute, and her goal is not killing but rightful evicting. If she could accomplish this goal without causing the fetus's death, she would be obliged to do so. However, when she cannot avoid such a side-effect, her eviction is still justified, thus not murder. I will come back to these arguments in later sections.

Second, the pro-life advocates, without shifting their positions (i.e., still being pro-lifers), can adopt the view that the mother, as the owner of her body, has a right to defend her life. If we face the dilemma of either the life of the mother or the life of the fetus, the fact that the mother is the owner of her body may add some weight to the equation, even for a pro-life advocate. Thus, the objection that the pro-life position is inconsistent seems premature.

2. AEROPLANE ANALOGY

In section 4, the author turns to the objections raised against evictionism. The first one is based on the aeroplane scenario formulated by Wiśniewski (2010b). Wiśniewski asks us to imagine a situation in which one person, X, drugs an innocent Y and places him on the plane owned by Z. Z takes off and, during the flight at 30,000 feet, discovers Y's presence. Z demands that X jump off his aircraft. Wiśniewski aimed to show that this scenario is analogous to that of a mother evicting a fetus. If we admit that Z had no right to evict Y by forcing Y to jump (and get killed) and Z is responsible for harming Y (which seems intuitive), by analogy, we should say the same of a mother who evicts the fetus (except for the cases where the life of the mother is endangered or the pregnancy resulted from rape). Wiśniewski bases his judgment on the principle of proportionality. The harm from eviction should not be larger than the (expected) damage suffered by the owner.

Block admits that Z's behaviour might be immoral, but he is not interested in evaluating eviction morally. He aims to answer whether such an act would be a crime. The author gives a negative answer based on the assumption that Z (just like the mother) acts by exercising his right to evict trespassers (even if they are innocent) from his property. This answer is based on two assumptions that I will evaluate below: (a) that Y (and the fetus by analogy) is a trespasser, and (b) that the owner has an absolute property right, absolute in the sense that it would trump in every case of a conflict with other rights or values.

3. IS THE FETUS A TRESPASSER?

Let us first turn to the first assumption. Block claims that, even if innocent (similarly to Y placed on Z's aircraft), the fetus is a trespasser. Such an assumption may seem crucial. If you trespass on someone's property, you risk forcible eviction, which, in such a case, is the consequence of your decision, and you are responsible for the harm resulting from the eviction. Nevertheless, such a responsibility requires some form of agency that the fetus lacks. As the aeroplane case shows, Y (and the fetus) do not choose to trespass and, therefore, cannot be responsible for the consequences of entering someone else's property. However, Block adopts a wider understanding of trespassing: you trespass if you enter another person's property without her consent or invitation. Whether you do it based on your actions or as kidnapped while drugged does not matter; what matters is whether you get there invited or as an intruder.

Block offers a thought experiment to show that the fetus is an intruder. He compares (voluntary) intercourse to pressing a "magic button", which results in the creation of a person on one's property. One might think that pressing the button is a form of invitation, which would speak against Block's position. However, he does not consider doing so (as well as causing the existence of a fetus by voluntary intercourse) can be called an invitation because for one to be an invitee, one must exist at the moment of making the invitation. The fetus does not exist before the intercourse; therefore, it cannot be an invitee.

Additionally, Block argues that even if one has "invited" another person, one has a right to change his mind and evict "the invited". In his opinion, such a right is grounded in property rights. If it is my property, I can ask you at any time to leave it, and if there is no other way to evict you than doing it by lethal force, I have the right to use such force.

True, one cannot be invited if one does not exist. And, even if it were rude to do, one has a *prima facie* right to recall the invitation. However, a deeper interpretation of the argument from the "magic button" may lead to a different conclusion. If you cause a fetus to exist, you take responsibility for its existence, especially if the created person is strongly dependent (at least for a certain amount of time) on you. Changing your mind after having caused someone's existence does not cancel your responsibility once this person exists and is dependent on you. The argument becomes stronger if we combine it with the proportionality principle. By lethal eviction of the person you brought to life, you deprive her of her right to use her (future) freedom and property.

The proportionality principle also applies to cases where you do not cause another person's presence on your property, but such a person happens to be there, as in the case of Y. To clarify this point, let me introduce a different example. Imagine a woman living alone on a small, isolated island far from any other land. She is the sole owner of the island, which she maintains and controls as her private property. One night, a mysterious stranger drops a baby at her doorstep and leaves without a trace. The next morning, the woman discovers the baby alone with no one else around for miles. There is no communication with the outside world, and the island's isolation means there is no immediate possibility of taking the baby to a nearby civilization. The woman, in this dire situation, is faced with the dilemma of whether she has the right to expel the baby from her island, knowing that such eviction will undoubtedly lead to the baby's death. Should such eviction be permissible, assuming no other options for the baby's care are available?

The proportionality principle demands that when defending a particular right or value, the action taken must be proportionate to the threat and not come at the expense of a more important right or value. If so, no defence of one's property rights can infringe upon another person's more fundamental rights, such as the right to life. In other words, the means used to protect a certain right should be so limited as not to put other more fundamental rights or values at risk.

What is the balance of values in the case of pregnancy? On the one hand, we have some temporary inconveniences for the woman and limitations in her options when it comes to using her time, her body, or her property in general. Mind that in some scenarios, the woman may need to look after the child for years until it can take care of him or herself (cf. WIŚNIEWSKI 2013; AYRES 2021). On the other hand, we have the child's life, including all the rest it can have, e.g. its own body or future property it could acquire through the use of the body and mind. I do not claim that the woman would always be obliged to choose to look after the baby, even at a very high price, if it is (by some slight amount) lower than what is at stake in the baby's case.

Nevertheless, we should cautiously balance the conflicting values while the solution seems simple to Block. If I am the owner, unless there are alternative ways to evict, I have a right to risk another's life by eviction if I choose to do so. It seems then that all the justificatory work for evictionism has to be provided by the other assumption: that we have absolute property rights.

4. ARE OUR PROPERTY RIGHTS ABSOLUTE?

To hold property rights as absolute is to claim that, in any conflict between our right to use what is ours and the rights of others (presumably other than property rights), our property rights always prevail and justify actions such as eviction.

However, we have strong reasons to reject the absolutist interpretation of property rights. As Jason Brennan, a libertarian and advocate of capitalism, argues, “property rights need not be considered absolute” (BRENNAN 2014, 77). In his view, it is far more reasonable to treat them as *prima facie* rights. A *prima facie* right carries a certain normative force—it gives us a reason (moral, legal, or otherwise) to act in a particular way. However, this reason can be outweighed by other relevant considerations, such as competing rights, values, or practical concerns.

Brennan offers the following example to substantiate his view. Imagine a bunch of zombies chasing you, and the only way to escape is to run across the lawn of a person who does not allow you to do so. You run anyway, wanting to save your life. If property rights were absolute, says Brennan, it would be wrong for you to run across the lawn. It would also follow that the owner had the right to prevent you from running, even if it meant your death. Intuitively, such an outcome seems hard to accept. Not allowing another person to save their life by entering our property (only because we do not give consent) seems an unintuitive disregard for people’s lives and dignity. The best solution to avoid such an unintuitive result is, as suggested by Brennan, to regard property rights as *prima facie*. This solution allows us to weigh, in a particular situation, the force of the property right against that of one’s right to live (or keep their bodily integrity). Thus, by admitting property rights are *prima facie*, we come back to the argument from the proportionality principle, which leads to the conclusion that we should reject evictionism, at least in the form defended by Block.

Block argues, however, that we cannot accept any weakening of property rights, as it would have disastrous consequences (as he says, it would open a Pandora’s box) for two reasons. First, according to Block, “either we respect private property rights, or we denigrate them,” by which he means that any weakening of property rights—the “last best hope for the prosperity of the human race”—would inevitably lead to socialism. He points to the contrasting cases of East and West Germany and North and South Korea as empirical examples of such deterioration. To him, to postulate any weakening of property rights is to be on the side of socialism.

Is it true that there is no other way—that either we defend extreme libertarian property rights or we negate them totally and are thus doomed to (extreme) socialism? It seems that the author presents us with a false dilemma. Let us first look at the examples of West and East Germany and both Koreas. While the total substantial negation of property rights in East Germany and North Korea led to the economic deterioration of the people, it is not true, as Block seems to be suggesting, that Western Germany was, and South Korea is, a purely (or extremally) libertarian country admitting absolute property rights.

To falsify such a claim, it suffices to point to instances of balancing private property rights with public interest in both countries. Let us start with a few examples of Korea. First, private property rights are subject to several important limitations that balance individual ownership with broader societal needs. For instance, zoning regulations restrict how property can be used, ensuring that land is developed in accordance with its designated purpose, whether residential, commercial, or industrial (see KIM & CHANG 2020). Another significant limitation is the tightened property trading rules in high-demand districts of Seoul, like Gangnam, which require prior approval for transactions to curb speculation and rising home prices, reflecting the government's attempt to stabilize the housing market (REUTERS 2025).

A similar story could be said of West Germany. Private property rights were also subject to several limitations aimed at balancing individual ownership with public interest. For example, expropriation for public use was legally permissible under Article 14 of the Basic Law (Grundgesetz), allowing the government to take property for infrastructure development or other public purposes, provided that owners received fair compensation (Grundgesetz of 1949). Additionally, zoning laws and land use regulations restricted property owners' ability to develop their land freely, as these laws designated land for specific purposes like residential, industrial, or agricultural use to ensure orderly urban development (Bundesbaugesetz of 1960). Property rights were also limited by progressive taxation, with higher taxes imposed on valuable properties to fund public welfare programs (Bewertungsgesetz of 1967). In the housing realm, tenant protection laws restricted landlords' ability to evict tenants or raise rents excessively, ensuring affordable housing for the population (Bürgerliches Gesetzbuch of 1896). Moreover, environmental regulations limited landowners' use of their properties to prevent ecological harm, particularly in protected areas (Bundesnaturschutzgesetz of 1976).

Despite these limitations on property rights, neither South Korea nor West Germany turned into a socialist camp or slid into a poor economy.⁶ Thus, we can conclude that the slippery slope argument that any moderation of property rights would lead to an extreme socialist economy is not convincing. It is not true that we need to either accept absolute property rights or end up in the hell of a socialist state with central control over unbearably many aspects of our lives.

Block's second reason for defending absolute property rights is that if we owners should not evict anyone (should such eviction be lethal), we would have to accept the conclusion that we all are murderers (just like Z) if we do not save lives of people who need help (whether on our property or out of it). If we could help those who are just now starving all over the globe, and we do nothing to alleviate their fate, we are no different than Z, who evicts Y from his plane. As we do not seem to self-condemn for this neglect, Block argues, we should not impose on Z an obligation we are unwilling to take ourselves.⁷

What can we say about this argument? First, we must acknowledge our responsibility to counteract evil, including alleviating poverty in other parts of the world. However, whether our responsibility to the poor all over the globe is of the same strength as that of Z to Y, or those who "press the magic button" to the human beings they created, is debatable. In response to Block, we can distinguish between three different kinds of responsibilities related to three different types of agents appearing in his paper. The first kind refers to individuals who cause certain states of affairs, thus placing others in situations of need. Such individuals bear additional⁸ responsibility for their actions. By "pressing the button" and creating (or placing) others in a vulnerable position, they assume a particular obligation to care for those persons. Similarly, if

⁶ Korea and Germany are just two sets of examples, chosen here because Block mentions them. For more empirical studies on how moderate limitations of property rights actually enhance economic and social growth, see LINDERT (2004) and OSTRY ET AL. (2014). A good example of arguments for the moderate view of property rights and against the slippery-slope argument for the absolute property rights is the debate between a classical libertarian, Richard Epstein and Block (BLOCK and EPSTEIN 2005).

⁷ Here, Block makes one more claim, namely that only by admitting absolute property rights can we improve the situation of those who starve, which brings us back to the previously discussed, and rejected, thesis that either we respect absolute private property and thrive economically, or we fall into the pit of socialism and poverty. As this assumption has been shown to be false, I do not need to focus on this part of Pandora's Box argument.

⁸ I use the word "additional" because I assume the basic level of responsibility emerges from the very fact that we know of someone being in dire need of help, and have the ability to help. If we have caused this person's dire situation, that intensifies our responsibility significantly.

I damage someone's car, house, or health, I owe that person compensation. If I conceive a child through voluntary intercourse, I owe that child care and support until they can care for themselves.

The second kind of responsibility refers to people who, like the woman on the island, did not cause others to appear on their property but are in a special position to help. What makes their position unique is that they are the only ones—or one of very few—who can assist. Even though they did not create the situation of need, their unique ability to act in it makes their responsibility special. They have a moral obligation to intervene precisely because they are in a position to help when no one else is available. Their failure to act ensures the suffering or even death of those in need. If I walk past a lake and see someone drowning, being the only person around, I have a special obligation to help. Even if I argue that my body is my own and I have the right to decide whether to intervene (by using my private property, body, a mobile phone to call for help, and the like), my failure to help means I am *prima facie* responsible—at least to a large extent—for the drowning of the person I did not help.

The third kind of responsibility refers to those who are not in direct proximity to those in need but still have some (although limited) ability to help. While the responsibility of these people may be less immediate, they still have a moral duty to assist proportionally to their abilities. This group's responsibility, however, differs significantly from the other two. Firstly, unlike in the first group, the duties to help others do not result from one's own actions. Secondly, unlike in the first and the second groups, people in the third group do not face situations that require actions directly (and often immediately). Thirdly, unlike those in the second group, these people are not the only ones who can help (there usually are numerous others who are closer to those in need and have better opportunities to help). Fourthly, helping people who are far away, when we do not have specific knowledge of whom and how to help, is much more difficult. And finally, people in the third group are not obliged to help everyone in need in a way that would surpass their resources. They have to choose between various possibilities for fulfilling their obligations. Apart from the obligations to help others all over the globe, people have other responsibilities, e.g., to support their local communities and devote spare time to contributing to the common good (also understood globally). With limited resources, I must make choices and cannot be accused of negligence if I choose one option but not others. I might be justified in not helping those in

need if my resources are so limited that I barely make ends meet and cannot help others.

Such justificatory explanations do not apply—or apply only in a much more limited way—to the other two types of responsibility. When I cause someone's dependence (or harm), or when I am the only (or one of very few) people who can help, both the circumstances and the nature of my responsibility change dramatically. In the first case, it is I who have brought about the harmful condition. In the second, my decision to act—or to refrain from acting—has a decisive influence on another person's fate and may inevitably lead to their suffering or death. The Pandora's box argument seems to overlook this crucial distinction.

5. WHAT ARE THE CONSEQUENCES OF BLOCKIAN PROVISO?

One further important reason for rejecting evictionism can be found within Block's own view. One can argue that (at least) lethal eviction is ruled out by a principle that Block himself accepts. In section 5, he presents what could be called the "Blockian proviso", illustrated by a scenario involving three areas—A, B, and C—divided by two concentric circles. Land B separates A, which lies at the centre, from C, which surrounds it. There are two individuals: one who owns B and another who is located in C and has the right to access A. According to the proviso, the owner of B is obligated to allow the other person to pass through B if there is no alternative way to reach A except by crossing B.

Let us now consider how this scenario applies to the case of the fetus and its mother. By analogy, we can compare the fetus to the person who needs to pass through B's territory to reach A, while the mother corresponds to the owner of B. In this analogy, B represents the mother's body, and A symbolizes the future life of the fetus as an independent being. Accordingly, the mother has a *prima facie* obligation to allow the fetus to remain within her body until it "reaches A". In light of the Blockian proviso, she would be permitted to evict the fetus only if there were an alternative means for it to continue its life outside her body. However, for such a life to qualify as reaching A, it would need to be of comparable quality to the life the fetus would have had if it had been allowed to continue developing naturally. If eviction results in serious health complications or death for the fetus, then the proviso is violated: the

fetus does not reach A but is instead consigned to an unacceptable substitute for it or death.

The proviso applies similarly to the aeroplane scenario and the example of the woman on the island. Z has a *prima facie* obligation to wait before evicting Y until the plane has landed and Y can safely leave Z's property. The same holds for the baby left on the woman's island: she cannot evict it until she finds someone else to care for it or until the baby is old enough to live independently. In all three cases—the fetus, Y, and the baby—each must “go through” the “territory” of another person to reach A. In turn, the mother, Z, or the woman on the island, as the respective owners of B, each bear a *prima facie* obligation to allow this passage and to refrain from eviction.

Advocates of evictionism might argue that there are important disanalogies in these cases. First, they may claim that in pregnancy, the fetus is not in an area analogous to C but already occupies B. Second, they might argue that a person trying to pass from C to A must first obtain consent from B's owner, whereas the fetus does not do so. Third, as Block contends, one could assert that the proviso applies only to negative obligations while defending the fetus's right to remain in the mother's body until it is capable of surviving independently outside the womb would require acknowledging positive obligations on the part of the mother.

I do not find any of the three objections compelling. In the first case, one can respond by noting that the existence of C is not essential to the analogy. What truly matters is the necessity of passing through B's property in order to reach A—and this condition is clearly met in the case of pregnancy. B represents the woman's body (and her care), while A corresponds to the fetus's future life—either as an autonomous adult or as a being entrusted to the care of others. Whether the fetus originates from C (some spiritual realm) or is created *ex nihilo* is irrelevant.

As for the objection that A must obtain consent from B's owner before passing through B's property, I offer two responses. First, in the case of pregnancy resulting from voluntary intercourse, it is the owner of B who has brought another person into temporary occupancy of B. This act generates an additional *prima facie* reason to refrain from lethal eviction. Second, in cases more analogous to the example of the woman on the island, the obligation not to evict must be evaluated in light of the proportionality principle. If allowing the fetus to “reach” A does not entail the mother's death or impose severe harm to her health, then she is morally required to respect the proviso by abstaining from eviction.

The fact that the fetus does not ask for permission is irrelevant—just as it would be in other comparable cases. First, the fetus is simply incapable of doing so. Second, we can easily imagine intuitive scenarios in which even a competent adult would be exempt from seeking permission to enter B, and yet the owner would still be obliged to grant the right of way. Brennan's example is illustrative: if someone is being chased by zombies and can save their life only by running across another person's lawn, and there is no time to locate the owner, they would be justified in using the lawn without asking. One might object that the time spent on the lawn would likely be brief, and thus no eviction would be necessary, since the "intruder" would soon leave of their own accord.

However, we can modify the example. Imagine that a chase takes place over a much larger territory, and the escape route leads through a vast expanse of land—the equivalent of B—stretching for hundreds of miles. In a specific scenario, the fugitive might need to keep running for days, or even weeks or months, with no opportunity to request permission. Does this change anything? Does the proviso no longer apply? Can we say that simply because the fugitive did not ask for permission, the owner has the right to evict him—by, for example, shooting him? The answer is no.

The final objection to applying Block's proviso to pregnancy—that it does not entail positive obligations—can also be rejected. Once again, an intuitive example, based on a modification of Brennan's case, should suffice. Imagine a child (a scout) being chased by zombies (or by hostile individuals) while wandering through a forested area that happens to be privately owned. Let us call the owner O. Suppose O is familiar with the Blockian proviso and interprets it as requiring only the respect of negative rights—that is, not actively interfering with those who need to pass through his land. While fleeing, the child falls into a deep pit and is unable to escape by his own efforts. O discovers the child and, wanting to comply with the proviso, neither shoots him nor drives him away. However, he also refuses to help the child to climb out. As a result, the child dies. Would we say that O has truly respected the proviso? Did his failure to act not directly determine the child's inability to exercise his right to life?

I do not claim that the obligation to help is absolute. In some cases, the irresponsibility or recklessness of those who place themselves in danger—as well as the sheer number of such cases—may be relevant factors that qualify the obligation to help. For this reason, I consider it a *prima facie* obligation and acknowledge that determining whether one should assist someone in need,

based on the Blockian proviso, requires practical wisdom. This, however, does not mean that the proviso gives rise to no positive obligations at all. It simply means that the reasons for helping must be weighed against competing considerations—a broader ethical issue that lies beyond the scope of this discussion of extreme evictionism.

CONCLUSION

This paper set out to critically evaluate the libertarian theory of evictionism as a proposed resolution to the abortion debate, particularly in light of the defence offered by Block. While evictionism seeks a middle ground between pro-life and pro-choice positions—grounding the fetus’s right to life in personhood and the mother’s bodily autonomy in property rights—I have argued that its central assumptions fail to withstand scrutiny. I examined the key problems of evictionism, including the problematic analogy between eviction and justified property defence, the implausibility of treating the fetus as a trespasser, the denial of parental obligations, and the absolutist interpretation of property rights. The paper also highlighted internal contradictions, such as the incompatibility between evictionism and the very Blockian proviso it accepts.

Ultimately, I concluded that none of Block’s arguments successfully defend evictionism from its most pressing critiques. Rather, when subjected to moral principles such as proportionality and responsibility for dependent beings, evictionism collapses. The insistence on absolute property rights is not only philosophically untenable but also empirically refuted by the examples of successful liberal democracies. Most decisively, the acceptance of the Blockian proviso—requiring that owners allow access through their property when no alternatives exist—undermines the moral legitimacy of lethal eviction, especially when the fetus’s survival depends on continued gestation. Evictionism, as defended by Block, thus fails as a solution to the abortion problem.

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IS EVICTIONISM A SOLUTION TO THE ABORTION PROBLEM?

Summary

This paper critically evaluates the libertarian theory of evictionism as a proposed solution to the moral and legal problem of abortion. Evictionism, defended by Walter Block, attempts to reconcile pro-life and pro-choice intuitions by distinguishing between eviction (removal of the fetus) and killing, grounding the permissibility of abortion in absolute property rights and bodily autonomy. The paper systematically examines Block's defence of evictionism, addressing key claims such as those about the status of the fetus as a trespasser, the absoluteness of property rights, and the acceptability of lethal eviction in early pregnancy. Drawing on thought experiments and the principle of proportionality, I argue that evictionism fails to account for moral responsibility toward dependent beings and leads to ethically implausible conclusions. Furthermore, I show that evictionism contradicts the proviso Block himself accepts, ultimately concluding that the theory is internally inconsistent.

Keywords: abortion; absolute property rights; Blockian proviso; evictionism; fetus as a trespasser; responsibility; proportionality principle

CZY EWIKCJONIZM ROZWIĄDUJE PROBLEM ABORCJI?

Streszczenie

Niniejszy artykuł stanowi krytyczną analizę libertariańskiej teorii ewikcjonizmu jako proponowanego rozwiązania moralnego i prawnego problemu aborcji. Ewikcjonizm, broniony przez Waltera Blocka, próbuje pogodzić intuicje zarówno zwolenników, jak i przeciwników aborcji, rozróżniając między ewikcją (usunięciem płodu) a jego zabiciem, a dopuszczalność aborcji opiera na absolutnym prawie własności i autonomii cielesnej kobiety. Artykuł analizuje obronę ewikcjonizmu przedstawioną przez Blocka, odnosząc się do kluczowych tez, takich jak uznanie płodu za intruza, absolutność prawa własności czy dopuszczalność śmiertelnej ewikcji we wczesnej ciąży. Odwołując się do eksperymentów myślowych i zasady proporcjonalności, argumentuję, że ewikcjonizm nie uwzględnia naszej odpowiedzialności moralnej wobec istot zależnych od nas i prowadzi do etycznie nieakceptowalnych wniosków. Ponadto wskazuję, że ewikcjonizm stoi w sprzeczności z zasadą (tzw. zastrzeżenie Blocka), którą sam jego autor akceptuje, co prowadzi do konkluzji, że teoria ta jest wewnętrznie niespójna.

Słowa kluczowe: aborcja; absolutne prawo własności; zastrzeżenie Blocka; ewikcjonizm; płód jako intruz; odpowiedzialność; zasada proporcjonalności