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RESPONSE TO SZUTTA, DOMINIAK, WOJDA, AND LIPSKI ON EVICTIONISM

I am cognizant of, and appreciative of, having four world class scholars critically commenting upon my essay in this journal (BLOCK 2025). They are Professors Artur Szutta, Łukasz Dominiak, Paul Wojda, and Piotr Lipski.[1]

Not a one of them is a supporter of my evictionist theory. They articulate well thought-out critiques of this viewpoint of mine. I have been writing about this philosophical perspective for many years, starting all the way back in 1977. I have even published an entire book on this subject (BLOCK 2021). Yet, insofar as getting this idea off the ground, I have been an utter failure.

Apart from a few dozen cognoscenti such as these four, to say that the world has never heard of evictionism would be an understatement of epic proportions. Now, however, given the prestige of these scholars and that of the journal in which this material appears, *Roczniki Filozoficzne* / *Annals of Philosophy*, the chances for a radical change in this regard bodes well to occur.

Herein I defend evictionism against the specific telling criticisms of it offered by my four colleagues. I do so on an individual basis. Before that, a few remarks on how I could respond. I see two ways of so doing. One, a radical reaction: all four are erroneous in each and every one of their criticisms of this theory. Therefore, evictionism emerges unscathed from their deliberations. Two, a more moderate reaction: yes, evictionism has flaws in it, rough spots, incompatibilities with general libertarian theory. Thus, I have gone AWOL from libertarianism, a perspective I have long held. Further, it is incompatible

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[1] Unless otherwise specified, my comments are strictly limited to their publications in this journal (2025).

with my own writings on other related and unrelated subjects, so I am in effect contradicting myself given my entire oeuvre. However, even so, evictionism is still vastly superior to either of its two alternatives, the pro-life and the pro-choice positions. Thus, even though it may well be imperfect, this viewpoint still makes a positive contribution. The perfect is the enemy of the good.

Of these two possibilities, I embrace the former. None of my four detractors have compelled me to change one iota of this perspective, as clever, even inspired, all them appear to me.

Let me now attempt to defend the more radical position. None of my critics has succeeded, in any manner, shape or form, in critically wounding evictionism. I go further than that. Despite their thorough, scholarly, inspired, thoughtful attempts, they have not so much laid a glove on it.

To make this claim I must now consider in some detail, the criticisms of my four interlocutors. I address them in the order in which their criticisms appear in this journal. I elide over all of the positive contributions they have made to libertarian theory, justice, and plain old common sense; there are many, many instances thereof. I focus, only, on what I take to be their errors regarding their rejection of evictionism. Before I do so, allow me to make two more general points.

The debate over abortion covers highly complex issues. My evidence for this claim is that Murray N. Rothbard (2007) was a supporter of pro-choice, while Ron Paul (LOS ANGELES TIMES 2011) takes the pro-life position. These are the two great leaders of our entire libertarian movement. Yet, employing what they both know of this philosophy, and I go out on a limb and say that no one knows more than them about libertarianism, they come out on opposite sides of this issue. They are 180 degrees apart from each other. It is logically impossible for both of them to be correct in their analysis. Given that this is the case, lesser mortals such as the five of us can be forgiven for not always hitting the bull's eye either.[2]

Last, there are several errors that two or more of these critics make. Rather than repeat myself in these cases, let me deal with them here, in this introduction.

There is the fact several of these scholars refer to the fetus as an "it." I prefer "he" to "it" since we are now discussing a human being, albeit a very young one. I cannot get too exercised about this verbal dispute since I have more than several times in my publications made this self-same error. Even

[2] I hope and trust that none of my four critics will object to me saying that to great degree, Rothbard and Paul are the mentors of all five of us.

today after many years of so doing, I still have to catch myself[3] thinking and writing in these terms.

Then there is the claim that we all have a "right to life." The so-called right to life is a positive right, and therefore verboten at least for libertarians. We only have a right not to be murdered, not to remain alive. If there were such a right virtually all of us would be guilty of murder, for we allow far off people to die. Too, there is more than a little bit of hypocrisy involved in this claim. Many advocates of this pernicious doctrine have more than enough wherewithal to save the lives of dozens if not hundreds of people in the underdeveloped world, and do not engage in anything of the sort. Thus, they talk a good "right to life," but when it comes to actions, which speak louder than mere words, they are not to be found.

Another error committed by several critics of mine is to conflate my views with those of Thomson (1971). Don't get me wrong. I am honored to be mentioned in the same sentence as this brilliant world-class philosopher, let alone be characterized as a follower of hers. However, she is strong supporter of the abortionist position, and I am an adamant critic thereof in general and of her in particular (BLOCK 2018)

Thomson supports abortion as is clearly stated in the title of her 1971 article, "A Defense of Abortion." In very sharp contrast indeed, I, as a supporter of evictionism, strongly reject that perspective. Here is the title of my critique of her views on abortion: "Judith Jarvis Thomson on Abortion; a libertarian critique." It is difficult for me to see how I could have been more clear, from the title of this essay alone, let alone its contents, that when it comes to abortion, I am a critic of hers, not a "follower" of this eminent philosopher's.

1. SZUTTA (2025, 261–76).

Let me now comment on some of the errors I see in Szutta's essay.

First, there is a minor detail; he cites an article of mine in this way: Block, Walter E. 1977. "Libertarian Defense of Abortion. *The Libertarian Forum* 10 (9): 6–8.

I was appalled when I saw this. Surely, I had written no such essay? This title bespeaks the very polar opposite of my eviction theory. In the event, happily, Szutta had gotten this wrong. Here is the correct citation of this article

[3] Not always successfully, I fear.

of mine, the very first one I had ever published on evictionism: Block, Walter E. 1977. "Toward a Libertarian Theory of Abortion." *The Libertarian Forum* 10 (9): 6–8 (available at http://www.mises.org/journals/lf/1977/1977_09.pdf).

Next, my learned friend opines thusly about evictionism: "The death of the fetus is then considered a foreseen side effect, not intentional harm, an act of killing or murder" (261). Here is a minor difficulty, perhaps equivalent to a mere typographical error: murder is clearly unjustified killing. It is an open question as to whether or not the latter can properly be described in this manner. Some instances of killing are clearly licit, e.g., self-defense, others are not. To conflate the two in this manner "killing or murder" as if they were synonyms, is problematic.

As a more serious flaw, here, is that this way of putting the matter places the cart before the horse. There is nothing per se wrong with purposefully killing someone, if you are justified in undertaking this act in the first place. Mens rea only becomes relevant for unjustified killing, not legitimate acts of this sort. Suppose there are two pregnant women, A and B, who are both evicting an unwanted fetus before viability. A interprets this as a foreseen side effect, while B considers this as intentional harm. But their actions are identical; only their thoughts are different. They are both guiltless of any crime! We may perhaps empathize more with A than B. We may think A is a nicer person than B. But libertarianism is concerned, only, with just law, with (punishing) criminal behavior, and this cannot be pinned on either of them.

The next intellectual missile launched at evictionism from Szutta is as follows: "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" (SZUTTA 2025, 262).

This cannot be denied, and I congratulate Szutta for seeing this so clearly. But he does not dig deep enough into this matter. The results of the two acts, feticide and eviction, are indistinguishable in the first two trimesters. They might even be considered synonyms. But all this changes in the third semester. Then, they become polar opposites. Moreover, as medical technology improves, there will be less and less of an overlap. Surely, in 500 years from now, if we do not blow ourselves up before then, there will be a complete difference between them. We'll be able to insert a fertilized egg into a superduper machine to develop as well as in the woman's body, or even better. Then the two, feticide and evictionism will have nothing whatsoever in common.

Next in line is my debating partner's objection to my characterization of the unwanted fetus as a squatter or trespasser. He avers, "The fetus lacks agency and cannot be considered a voluntary intruder." This is indeed true. The unwanted pre-born baby lacks mens rea and his action of existing inside the property of an entirely separate person, his mother, cannot thereby be considered a crime. But it is clearly a tort. She, not he, is the owner of the contested premises, her body. If we support private property rights as all libertarians must,[4] this youngster is a rights violator, and she is justified in evicting him.

Now this: "Many object to evictionism's denial of parental obligations, arguing that bringing a dependent being into existence creates a duty of care" (262). What the parents of the post born child[5] owe to him has nothing whatsoever to do with evictionism. The latter is confined to the pre-born infant.

Consider this criticism of my rejection of pro-life:

> 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. (264)

But why should this add any "weight" to preferring the mother over her pre-born son? According to the pro-life perspective we have here two fully and equally rights bearing people and only one of them can live. If that is all there were to the matter, a coin flip would seem the most appropriate. It is only when the pro-lifer in question borrows the trespasser assessment from evictionism that any "weight" can tip the balance. But, then, this is not at all compatible with pro-lifeism.

Here is another of Szutta's onslaughts: "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" (265).

This author is by far too kind to me when he refers to this as merely "a wider understanding of trespassing" (265). Rather, it is totally mistaken when

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[4] My evictionist theory is a response to the question, which is the proper *libertarian* analysis of abortion.

[5] Pardon me for inventing new language, but one of the "problems" of evictionism is that this seems called for.

it includes an invitee. But the fetus who results from rape is hardly "invited." What happens when I invite Szutta to dinner and at around 10pm I start making hints that he should leave? I really have to get up early, etc. He responds that he is staying in my home for nine months. Then, he becomes at best an ex-invitee. More accurately, he is now a trespasser. The same exact situation applies to the now unwanted youngster in the uterus.

How to deal with this claim:

> 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. (265)

This runs counter to the libertarian notion that there is no such thing as a positive obligation. We are legally required, only, to refrain from rights violations such as murder, rape, theft. Those are negative obligations. The only positive obligations incumbent upon ourselves stems from contract. If you rent a car, you are obligated to pay for it. But there is no contract that the mother has with the fetus or with anyone else.

Next up in the batter's box is this:

> 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.… 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? (266)

This is a sharp pull at our heartstrings. The immediate reaction of all decent people is that she should rescue the baby, become his guardian. But we are not herein aiming at decency. Rather, justice. We are trying to fashion just law. At least for the libertarian, this consists of applying property rights and the non-aggression principle without fear or favor. If we agree that the woman is legally obligated to care for this child, why are not all of us also responsible for starving children in all too many parts of our unhappy planet? Why are we all not in jail, as murders, for failing our duty to them? As for heartstrings, under which system will fewer innocent people perish? Would it be under

laissez faire capitalism, which imposes no such obligations on anyone, or ruled by the combination of socialism and egalitarianism implicit in this objection? To ask this is to answer it.

Szutta does not much appreciate this charge of mine of hypocrisy against those who espouse positive rights. He contends, "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 [the mothers] … to the human beings they created, is debatable."

But this will not suffice to obviate the charge. It flies in the face of "rights." We all have the same rights: Whites and Blacks, the young and the old, men and women. To deny this is to claim that some people have more rights than others. This entirely goes against the grain of rights. Let me concede, arguendo only, that the pregnant mother has more obligations to her pre-born child than to someone in a far off land that she cannot even find on a map.[6] But, if there is any such thing as a positive right, everyone, all of us, no exception, have them to an equal degree. The mother may have more of a responsibility to her fetus than to strangers, foreigners, but they, in turn have *equal* positive rights. Thus, the charge of hypocrisy fully stands.

Szutta attempts to defend his claim: "Helping people who are far away, when we do not have specific knowledge of whom and how to help, is much more difficult" (270).

But that is a mere prevarication. We are now operating in the realm of high theory, wherein hypotheticals abound. What he offers is a mere practical problem. Such difficulties are irrelevant. If he can invent zombies who attack people, I can assume away this objection concerning "specific knowledge."

As to proportionality, yes, of course, in the penalty phase of sentencing, the punishment must fit the crime. But there are few limits in self-defense. If someone is coming at you with a mere knife, you are quite justified in aiming your pistol at his mass, quite possibly killing him. You are not confined to trying to hit him in the knee, merely to slow him down. That is pretty disproportionate, but entirely justified.

Our author is intent upon demonstrating that our property rights are not absolute. To this end, he offers a refutation based upon Jason Brennan (2014), who he characterizes as "a libertarian and advocate of capitalism" (267),[7] who

[6] Even this is difficult to accept in the case of rape.

[7] All I can say to that description is "hah."

concocts a story about someone being chased by a bunch of zombies, and the only way he can save himself is by trespassing on someone else's private property.

There are two problems here. First, the best way to fight the zombie horde is through capitalism; that will most enrich us, so that we may have the means with which to conquer them. Yes, there will be losses as in this specific case. We may lose this particular battle, but under full free enterprise, and this means the sanctity of private property, we have a better chance of winning the war against the zombies.

A more powerful response is that this example, and the many, many others along these lines, misconstrues libertarianism. This philosophy does not say, it has no views on this at all, whether or not this person may escape through his lawn, or hide on the owner's property. Au contraire, it asks but one question and gives only one answer. The question: Does this constitute a trespass, and thus is this person a criminal? The answer is, of course, yes. He should be prosecuted to the full extent of the law, which, presumably, will be very minor, certainly compared to ugh, being eaten by our friends the zombies. Brennan and Szutta misunderstand the issue. They are asking the wrong question of libertarianism: should this person trespass, or not? There is no answer whatsoever forthcoming from libertarianism on that question. Common sense indicates that this person most certainly should conceal himself there. Thus, there is no contradiction between saving his life from zombie depredation and the property rights of libertarianism. Yes, he is then a minor criminal if he trespasses. So what?

The last denigration of my views in this essay is not an undermining of evictionism at all. Rather, its thesis is that this theory is logically incompatible with an entirely different one of mine. When I first introduced it, I called it bagel or donut theory. Kinsella (2007) was kind enough to characterize it as the Blockian Proviso,[8] named after the similarly called and infinitely more famous, Lockean Proviso (1689).[9] According to the latter, homesteading must be curtailed as the basis for establishing property rights in nature, once there is not enough remaining virgin territory to satisfy everyone. According to the former, there are three areas, A, the hole in the middle of the bagel, B, this

[8] See on this BLOCK (1977, 1978, 1998, 2001, 2004, 2011b, 2016b), BLOCK and WHITEHEAD (2005), DOMINIAK (2017, 2019), KINSELLA (2007, 2009), LONG (2007). For a critique of the Blockian proviso, see KINSELLA (2007, 2009).

[9] See Locke's (1689) *Second Treatise of Government*, chap. 5, sec. 27. Homesteading can only justifiably last "at least where there is enough, and as good, left in common for others."

eatery, and C, the area outside of it. The Proviso is that it would be illegal to homestead in the B format, for the person does so would control A without ever having mixed his labor with it.[10]

According to Szutta, evictionism and this proviso are incompatible with one another. He maintains that of the two, the latter is correct, but not the former. At the very least he uses the proviso to emasculate evictionism. He argues that just as C has a right to go right through B in order to arrive at the promised land of A, then so does the fetus, C', have the right to run roughshod over B', the mother[11], in order to arrive at A', which is the healthy status that the fetus will obtain in the future, when and after he is born. Instead of C travelling geographically through B to reach A, C' travels in effect both through time and "through" B' to attain A', his future self, when he is finally born.

There are some disanalogies here. But before I get to them, I must confess that I am in awe of Szutta. I have hardly ever before come upon so clever an attempted analogy. However, the first misstep is that travelling in effect through a time machine is hardly the same as travelling through space. Then there is the fact that while A is now unowned it can eventually be owned. It is merely land. Whereas, in sharp contrast, A' can never be owned,[12] certainly not, at least, as the new-born baby of Szutta's example.

Another difficulty is that there are three people in the ABC case: A, B and C. How many people are there in the A'B'C' case? Only two. A' and C' are the same person, several weeks or months apart.

Further, consider B and B'. Here, at long last, there is indeed some similarity between the two. B is guilty of hogging up, or precluding, or forestalling; preventing C from reaching A. But that holds true if and only if B will not allow C to traverse his terrain and enter A. If B allows a path through his holdings so as C can reach A, all is well. The crime of B is that he is necessarily, at least according to the example, preventing C from reaching A. B' is doing something at least somewhat similar, if you are of a poetic frame of mind. If B' builds a path through herself for C' to reach A', that is, she keeps the fetus safe for the usual nine months, all is well. However, if B' evicts the tiny youngster C' before he is viable on his own, then she is in effect engaging in criminal behavior, at least according to the pro-lifer which I take

[10] I posited that there was no way to reach A except by going through B thus and violating his property rights; there were no bridges, tunnels, helicopters.

[11] Unless she keeps him safe for the usual nine months.

[12] There is a large literature on voluntary slavery, yet another deviation of mine from common opinion. I rule this out in this case since to get into that would take us too far afield.

Szutta to be.[13] So, with a little "body English," we can say that this is a valid analogy; well, maybe with some sympathetic and generous reading. If not, here, then, is yet another disanalogy. Worse, this is really a circular argument on the part of our author. There is no question but that C legally deserves access to A. But it is the very point under contention that C' has a right to attain A' status, in violation of the rights of B' to expel the trespasser C'.

2. DOMINIAK (2025, 277–92)

2.1 Introduction

This eminent scholar organizes his critique organized under several topics. They are (1) Fetus Is Not a Trespasser; (2) Neither Conception, Nor Birth; (3) Positive Obligations Despite Their Explicit Rejection; (4) Evictionism Against the Homestead Principle; (5) DDA and Evictionism's Redundancy; (6) Evictionism and Absolute Property Rights.

I reply to them in that order.

2.2 Fetus is not a trespasser

His opening salvo is this: "The fetus cannot be a trespasser because it has no duties that it could possibly breach" (278). I fear my learned colleague here bites off more than he can chew. For if this were true, a whole host of other people, also, cannot be trespassers, and for the same reason. For example, babies of one year of age, the senile, the unconscious, those who are asleep, hypnotized, etc. None of these people can have "duties" either. Yet, it seems quite a stretch to say that since they have no duties, they cannot be arranged, by others, to be placed in property not belonging to them, with no permission from the owners. And what do we call those who occupy real estate in such an illicit manner? Trespassers, squatters, interlopers, of course. The point is, just because you do not have a duty not to do X, you can still be guilty of doing X, whatever X is. Yes, there will be no mens rea, but you can still be a squatter or a stowaway on property not belonging to you. I fear this author contradicts himself when he correctly states: "It is possible to violate another's rights without even acting" (279). How this can possibly reconciled

[13] I am reading in between the lines here, as this author never vouchsafes his own views.

with his initial statement: "… the fetus cannot be a trespasser because it has no duties that it could possibly breach" is beyond my comprehension.

2.3 Neither conception, nor birth

Not everything written by a libertarian is necessarily qua libertarian. Yes, this brilliant author sees very clearly that libertarianism qua libertarianism asks only one question, and gives only one answer. The question: when is violence justified? The answer: only when it is a response to prior, or initiatory violence. Thus, he is correct in maintaining that when life begins does not lie strictly within these bounds.

However, libertarians, such as the two of us, are entirely justified in probing in to supposedly "extraneous" issues. For example, take the opposite end of when life begins, when does it end? Surely there is a higher criminal penalty for murdering a person, than for shooting holes with a gun into a dead body. Thus, when an individual dies, even though not a quintessential libertarian issue, is of utmost importance to our legal analysis. We, qua libertarian, have no comparative advantage in making any such determination. Yet, we cannot possibly operate without it. Presumably, we either ineptly figure this out for ourselves, or turn to specialists in this field for their advice.

Matters are identical concerning the beginning of life. Yet, without this information, we cannot possibly apply libertarian theory to the issue of abortion, which we very much want to do. So contrary to Dominiak, it is not at all a violation of libertarian principles to do exactly that, as I have done; and, as—presumably—he would agree with me that we must do this at the end of life.

Birth is a non-starter. It is only a slight change of address, which takes but a few moments. First, the pre-born baby is inside of the woman's body; then she is holding him in her arms, cuddling him on her chest or stomach just outside of her immediate person. No big deal. Nothing worth writing home about in terms of mere existence. Second, that baby is no different before and after this earth-shaking experience, any more than you and I are some five minutes before and after. Scratch birth as a candidate.

The only other option is some intermediate position. The usual suspects are brain waves and heartbeat. Both fail as a criterion for the beginning of life. As we know[14] during operations, sometimes one or the other or both cease to function, after which the patient emerges intact and alive. If someone were to

[14] Not qua libertarian, thank you very much.

shoot such a patient during this point in the operation while he lacked one of both, would he be a murderer, or guilty, merely, of shooting a dead person. Surely the former.

QED: conception is the only reasonably demarcation of the beginning of human life.

2.4 Positive obligations despite their explicit rejection

According to my friendly critic," in the case of a voluntary intercourse the woman has positive duties to the fetus" (282).

I cannot see why this should be the case. Dominiak full well knows that under the libertarian doctrine, the only duties we have to each other are negative: do not murder, do not rape, do not rob, do not kidnap, do not commit arson, do not enslave, do not, even, threaten any of these things.

Does this mean we have no obligations at all? Of course not. There are contractual obligations that people take upon themselves.

There is even such a thing as an implicit contract. You go into a restaurant and order a meal. There was no explicit contract that you pay for what you ordered, but there is certainly an implicit contract that you do so. Similarly, there was an implicit, not an explicit, contract that this eatery not poison you.

Getting back to abortion, there is an explicit, not merely and only an implicit contract, that the host mother take your child to full term, all nine months.

As for the woman who engages in voluntary intercourse, at the time she does so, there is no pre-born baby with whom to have even an implicit contract with, let alone an explicit one. He does not yet exist until conception, and that only takes place a period of time after sexual relations.

It is difficult for me to comprehend this author's likening of birth with baldness. Yes, of course, the latter is a gradual process. Apart from sickness or a medical operation, it is not true that at one moment you are not bald, and in the next instant you are. But birth is not at all akin to that. Here, literally, at one moment there is an egg and a sperm in close approximation with one another. There is no new human being yet. But then, soon, amazingly, miraculously, the sperm enters the egg, and there is a new person. Ok, ok, it might take a few seconds from the time the sperm first enters the egg, and when it is fully inside. If Dominiak is happy with that as a process, I will concede that to him. But this is a long way from the ordinary gradual process of going bald, which can take years. The difference in timing is so great that they might as

well be two different things. No. I take that back. I was too generous to the author of this criticism on this matter. I now state that the new pre-born member of our species does not exist until the instant, the very instant, when the sperm is fully inside the egg. Partial inclusion does not count.

My several times co-author (DOMINIAK and BLOCK 2017; WYSOCKI, BLOCK, and DOMINIAK 2019) and I diverge on the following issue as well. He avers: "Thus, by saying that parents 'may become guardians of their children… by 'homesteading' their progeny, that is, 'mixing their labor with them'… Professor Block is simply saying that parents acquire a right to be burdened with a positive duty to guard their children" (283).

Dominiak, if I understand him here, is saying that my views on guardianship logically imply positive duties; as the latter is incompatible with the libertarianism I supposedly espouse, I am thus mistaken and engaged in a logical contradiction.

But there are positive obligations all over the place: contractual ones. Is this contrary to libertarianism? Hardly. Ditto for the guardianship of the child. As long as the parent maintains this status, he had certainly better care for the baby, otherwise he is a criminal, just as is the buyer and seller of the car if they fail in these so-called "positive" duties.

I think Dominiak's error lies in his failure to distinguish between cases where the duty-bound person takes on this obligation based on his action, and when this fails to occur. Yes, the guardian is obliged to care for the child since he took upon himself this responsibility. But he has no obligation whatsoever to care and feed starving people in the far corners of the globe. Why not? That is due to the fact that he himself did not obligate himself to do any such thing. Do parental guardians have an obligation, positive or negative it matters not, to continue this relationship with their child? No, they may offer the youngster to an orphanage or adoption agency.

What are we to make of this statement by my loyal opposition?

> He also admits that when he says that the landowner "must *allow* a path through his property".… However, the parents' duty to "notify churches, orphanages, hospitals" is not at all like this. Neither is the parents' duty to "bring their baby back to the hospital or to an orphanage or other such place that will provide care to the baby." Nor is the parents' duty to look after their children, that is, to "care for them, feed them, diaper them and in all such other ways support them." All these duties are clearly duties of action, not of abstention. Thus, they are clearly and decidedly positive duties. Their calling not only "sounds a lot like a positive obligation," it is one. (283; emphasis in the original)

I beg to disagree. Based on my bagel theory, or Blockian Proviso, the parents of the newborn baby who no longer care for, feed him, stop acting as his guardians, but refuse to bring him to an orphanage or some other such place, are criminals. They are as much a law-breaker as is the owner of area B, the bagel territory, who refuses to allow C into area A, the hole in the bagel. Thus, these malign parents have no positive obligation to notify adoptive parents. Rather, they do so in order to obviate the charge of kidnapping which would otherwise justifiably be levelled against them.

However, I will go this far in the direction of that criticism: apart from my donut theory there would indeed be a logical contradiction between the libertarian principle of no positive obligations and saving babies under parental supervision who were not cared for. That is precisely why I invented the Blockian Proviso. It was precisely to obviate this criticism so eloquently stated by Dominiak.

Here is yet another attempt on the part of my detractor to analyze and hopefully improve my contribution to this complicated issue.

He notes, quite correctly, that according to the Lockean-Rothbardian theory of private property rights, this process eventually comes to an end. After the farmer has sufficiently mixed his labor with a plot of land he need do so no longer. He is the total and complete owner of it. He can keep it for the rest of his life without any further effort on his part. It can remain with him, so to speak, forever, assuming his heirs, progeny, are alive.

Matters are very different regarding homesteading of the guardianship rights over children. For one thing, they do not cease. If they do, guardianship rights are immediately forfeited. For another they cease through no fault of the "homesteader." When the child grows up and becomes an adult, this type of "property right" over them naturally disappears.

Dominiak is quite right in pointing out these vital differences. But this important insight of his[15] hardly constitutes any sort of refutation. Yes, I am extrapolating from the Lockean-Rothbardian concept of homesteading property to one concerning child care. How else are we to have our libertarian cake and eat it too? How else are we to maintain the no-positive-obligations principle of libertarianism, one of its very basic cornerstones, and, yet, obviate the criticism that parents can put to death their unwanted children through inaction?

[15] I am very grateful to him for this. I never before saw this matter so clearly.

How else are we to apply the brilliant Lockean-Rothbardian theory of homesteading to a totally different milieu than either of them had ever contemplated? I await to be pointed out to a better way of doing this.

My friendly critic refers to "the unlibertarian character and adhocness of Professor Block's guardianship hypothesis" (285). Ad hoc is defined as something created or done for a specific, immediate purpose, without prior planning. I assume this means something done on the spur of the moment with not much forethought. I assure him that this concoction of mine came with plenty of thinking, however, possibly, fallacious. I think what he meant to say, instead of ad hoc, was, invalid.

His evidence for this contention is the failure of any of us, libertarian or not, including both he and I, to explain how it is that we actually own ourselves, when we consist of nothing but material of which we are made, belonging to other people. That is, a sperm and an egg, plus nutrition. All usually supplied by parents.

There is a small but growing literature trying to make sense of this conundrum, with its infinite regress complication.[16] The best minds who have focused on this challenge have not yet been able to solve it. But this hardly extinguishes the value of applying homesteading theory, nor guardianship, to the very complex challenge of abortion. Physicists have not yet probed the very depths of physical reality; there is still more to be done, too, in that discipline. That fact alone does not obviate the hypotheses emanating from physics that have only partial explanatory value. Ditto in the present case.

2.5 DDA AND EVICTIONISM'S REDUNDANCY

Dominiak now calls into question my claim that evictionism was originated by me. He must then offer examples thereof that date before my first publication on this matter (BLOCK 1977b). How well does he do in this regard?

In one sense, very well indeed. He likens my evictionism to DDA. The work typically credited for that insight is FOOT (1967), which appeared a full decade before my first publication on this matter. But this claim stands or falls on the equation of the two doctrines. Here, Dominiak does not do too well.

First of all, DDA does not distinguish between the stages of pregnancy, between the third trimester, during which the fetus is viable outside of the

[16] ALSTOTT (2004), BLOCK (2016a, 2023), COHEN (1992), CURCHIN (2007), FRIED (2004, 2005), HICKS (2015), JESKE (1996), KINSELLA (2006), OKIN (1991), SHNAYDERMAN (2012), TORSELL and BLOCK (2019), WOOLLARD (2016), YOUNG (2015).

womb, and the first two, during which he is not. DDA totally ignores the status of medical technology. It makes no mention of trespass, of the woman having ownership of her body, of homesteading, or any of the other such accoutrements of evictionism. Yes, there is a parallel, there are similarities, indeed—this is not a case of chalk and cheese. However, to say that the evictionism adds nothing to the DDA, is congruent with it, is totally encompassed by it, is mistaken.

He draws up a table ostensibly demonstrating that the two are identical. Consider just this one issue

	Pro-life	Pro-choice	Evictionism	DDA
May the fetus be allowed to die?	No	Yes	~~Yes~~ ??	Yes

Dominiak challenges: May the fetus be allowed to die? There are several errors. First of all, a minor irrelevant point: the pro-choice perspective would indeed allow the fetus to die if it was the only way to save the mother's life. But they contradict themselves. According to them, there are two equally rights-bearing individuals: the mother and the baby. Why protect the former at the cost of the latter? A coin flip would be logically consistent with their erroneous perspective.

More importantly, here is a totally relevant point. According to Dominiak, both evictionism and DDA would answer that question "May the fetus be allowed to die?" in the affirmative. I have crossed out the "yes" he assigns to evictionism, and replaced it with "???", intending to show this is true in the first two trimesters, but not in the third. This is a truly important distinction totally absent from DDA. It demonstrates that the two views take opposite points of view on this vital question.

2.6 Evictionism and absolute property rights

Here, our author looks askance at the pregnant woman's mere whim of evicting her baby in the last trimester, when he is finally viable. She has no justification whatsoever for so doing, he asserts. A mere change of her mind is no justification for this choice on her part, in his view. He states, "The question still remains as to whether eviction is always the proper remedy for

the violation of the woman's self-ownership rights" (287). I have no idea whether or not eviction is "proper" under these circumstances, and have even less interest, qua libertarian that is, in the answer. As a libertarian, I am interested in only one thing: should it be legal to do so? My answer of course is in the affirmative.

Not so fast, my critic might say. After all, "under the doctrine of comparative negligence or its structural equivalent as applied to strict liability, the woman is comparatively liable for the trespass and so the fetus's prima facie liability should be apportioned also to the woman" (288).

So, there are really two "wrongs" involved here. Yes, Dominiak might concede to me, the fetus is indeed a squatter, and has no right to be inside the woman's body without her permission. But she, too, is not guilt free. She "contributed" to this imbroglio.

Forget about the present situation for a moment. Instead of the fetus being in her own personal "house," her body that is, posit that he is in her actual physical house, the one with two bedrooms, a kitchen, living room, etc. By the "logic" employed by this author, she is also a "contributor" to the problem here, and thus bears partial responsibility. Some of the guilt should be "apportioned" to her. Thus, her right to evict this adult trespasser from her domicile comes under question.

Here is yet another reductio of this position of his. This scholar states: "Eviction is the remedy available also in the case of rape in which the woman's comparative liability is null and zero" (288). But no. Even in this case the woman is still at least partially responsible for the existence of the pre-born baby inside her personal "house," her body. All the sperm in the world cannot a baby make, without the woman's body also "contributing" to this result. So even in this case, the woman's comparative liability is by no means "null and zero."

The problem with this thrust of Dominiak's is that it is too powerful, much too powerful, far too powerful. Yes, this argument of his[17] undermines the right of the woman who merely changes her mind to evict her child, but it also does do in the case of rape, an obvious non-starter as even he would presumably agree. So, here, Dominiak is engaged in self-contradiction. I conclude that the vacillating woman's right to an eviction should not at all be "truncated in accordance with the liability apportionment" (288).[18]

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[17] Fallaciously.

[18] I am again grateful to Dominiak's fertile imagination. I have been at this for a long time, and have never before even heard of this argument.

Our author has not yet given up on his attempt to truncate the mind-changing woman's right to engage in an eviction. His next foray maintains that this might well be limited if the woman still has eight or nine months to go in her pregnancy, but if there is only a short time to go until birth and thus natural eviction, then the case for so doing is weakened, given that the baby's very life is at stake; he mentions four months as the shorter time in this regard.

But libertarian theory is not based on any balancing of anything. It is not predicated upon utilitarian considerations. It is a deontological phenomenon. So it does not matter for libertarian law how far off in time is actual birth.

He opines, "There is no other good of the woman at stake than the exercise of her right to decide about her own body." That appears to me to be pretty important; no, I take that back, rather vital; no, again, crucially imperative. I go further: that, in a nutshell is the entire consideration, at least according to a libertarianism which respects human rights in our own persons.[19]

3. WOJDA (2025, 293–304)

This learned scholar starts off on the wrong foot. He claims that words I use such as "trespass," "woman's house," "squatter," "owns her own body" are mere metaphors. But in the event I use them quite literally. No one really believes that "he has a heart of gold." That, of course, is a metaphor. If his heart was actually composed of this metal, he would no longer be amongst the living. In sharp contrast, the unwanted fetus is, factually, not at all merely metaphorically, a trespasser. This is easy to see in the case of rape. There is now a very young person ensconced inside the body of the victim of this sexual assault. If that is not actual trespass, there is no such thing as trespass.

Consider now his suggestion that I add "landlord" to the list of my supposed metaphors.[20] None can do, either as a metaphor or as an accurate description of the relationship between mother and pre-born child. For the landlord–tenant relationship, on both sides, is a contractual one. The two parties have agreed on certain real estate arrangements. Nothing even remotely resembling this takes place between the mother and the fetus. I must also reject Wojda's notion that "abortion" is a metaphor for "eviction." I am surprised at

[19] Negative human rights that is, the right not to be trespassed upon, even by innocent persons.
[20] Of which there are none.

this claim since his own rendition of evictionism is nothing less than superlative. He should then know full well that abortion equals eviction plus downright first degree murder. How each one can one be a metaphor for the other, let alone its equivalent, is totally beyond me.

My next departure from this highly skilled critic of mine concerns the fragment "Despite Block's salutary desire to move past the 'pro-life' and 'pro-choice' stalemate on abortion, and to thereby 'save the next generation of very young (pre birth) human beings (BLOCK 2011)" (294).

But how does he know what my motives are? I have not written any autobiography where I explain them. Nor would that have much helped, since often people are blissfully unaware of their own inner drives. Insofar as I am aware,[21] while to be sure I would like to save human lives at whatever age of development,[22] my main intention is to promote libertarianism to the best of my poor ability.[23] If evictionism can be acknowledged to solve the abortion conundrum, I shall be a very happy camper.

Next on his to-do-list is this: "Pregnancy is *sui generis.* Gestation is a factual situation for which our ordinary moral and legal categories of fully independent beings are ill-suited" (294).

There is, perhaps, some quasi-truth about this claim. It certainly explains why it is very difficult for most people to see their way clear on the debate over abortion on the part of the pro-life and pro-choice advocates. If this were not a unique situation, it would be easier to come to some solution which satisfied most people. It would then be easier to apply the logic, reasoning, empirical facts of other situations to this one.

However, in my view, this is ultimately mistaken. I do not see the abortion controversy as exceptional. To me, it is very simple. There is an innocent trespasser. The owner of the property in question has the right to evict this squatter from her premises but not to murder him, since he is entirely innocent. Period. The concept of the sui generous simply does not apply. Move along, nothing much to see here.

It is about at this point where I begin to lose track. I had thought that all four commentators on my essay in this issue of the *Annals* (2025) would react to my views on evictionism. Not so, here. Instead, Wojda takes issue with my

[21] Not that it matters at all. Authors should be judged on how close they come to the Truth, with a capital T, not on their goals, purposes, intentions, etc.

[22] Most of my best friends are human beings, virtually all of who were once fetuses. Ditto for my beloved family members.

[23] That, too, will save precious human lives.

understanding of the two perspectives in competition with it. What, precisely, is my supposed failure?

He states, "It is not clear that his description of both the pro-life and pro-choice positions hasn't given us straw men, in this case two extreme versions, neither of which would be acknowledged as fair representations of those positions by the many of those who profess to hold them" (297).

Where, specifically, did I go wrong? "Not all those who describe themselves as such [i.e. pro-choice] deny that abortion is the taking of a human life" (297). It is true that when I criticize this position I have in mind those who maintain precisely that; that abortion is most certainly not the taking of human life, since this state of affairs only begins with birth. The fetus ten minutes before that time is simply a non-rights bearing clump of cells. Human cells, to be sure, but no more legally significant than an appendix, tonsils or hair follicles. Now, indeed, as Wojda ably demonstrates, there are people calling themselves pro-choicers who do not believe this. However, just because they mislabel themselves should not deter us from correctly describing this position and castigating it.

Our author approvingly cites Camille Paglia, a supposed pro-choice advocate, who opines that "when it comes to the morality of abortion, the pro-life viewpoint has the moral high ground" (297). Waitasec! A pro-choicer who thinks that "the pro-life viewpoint has the moral high ground". What will we have next? Square circles? Chess players who refuse to play chess? Violinists who hate the violin?

Here is yet another gem from Wojda. "If Paglia[24] seems uninterested in the evictionist compromise, and there's little evidence she finds it helpful, much less coherent, then that may be because it is really no compromise at all" (297).

That, to be sure, is one possibility. Another is that she has never so much even heard of it. If this is the best Wojda can do in behalf of my supposed misunderstanding of the pro-choice position, I think my interpretation is pretty accurate.

Whereupon my debating partner waxes eloquent about religion and "the paradigm of sin and redemption." As a Jewish atheist, I fear I cannot follow him in that direction. All I can say is that this seems to be to be somewhat irrelevant to what I understood to be the issue on the table: evictionism.

I have some problems with this statement of my critic: "like Paglia, Wolf betrays no awareness of evictionism as a possible alternative. Could it be she

[24] Who Wojda maintains is a libertarian, forsooth.

has never encountered the argument? Perhaps. But it's more likely that the actual experience of women who have had abortions, including her own experience, is what was and is finally determinative for her. The first commandment of real feminism, she writes, is: when in doubt, listen to women. What she hears is the same struggle many experience when faced with similar, agonizing choices of whether to choose self over another" (298).

I venture to say that neither Paglia (2016), nor Wolf (1995) has ever so much as even heard of evictionism. As for "actual experience," this constitutes an ad hominem argument. It is surprising that an eminent philosopher would employ it. Does a person who was robbed at gunpoint necessarily have greater insight into the philosophical case for punishment for such a crime than someone without this experience? Hardly. Do women inevitably have a better understanding of the ethics of pregnancy since only they can experience such a situation?[25] Of course not. Does someone who has been the target of racism or sexism have a better idea of the economic consequences of such experience than anyone else? To think so is to fall victim to his logical fallacy.

I find this statement of our author's problematic: "Since Wolf doesn't explicitly address the evictionist argument, it's difficult to say with certainty, but one suspects that … she would find it … evasive" (298).

Here is my response: Putin, Netanyahu, Milei, Trump have probably never heard of Wojda's "critique" of my evictionism views. But I suspect that had they done so, they would have dismissed his arguments as "evasive." Where are we going with this sort of comment? It is difficult to comprehend how this type of speculation can help us better understand the proper analysis of abortion.

I also find difficulty with this statement of my debating partner's: "given the real world in which women (and men) struggle with decisions about unplanned pregnancies, those who tend to struggle the most are often those contending with precarious economic circumstances, being evicted—actual eviction—from their homes and apartments foremost among them" (299).

Evidently, Wojda has never heard of ceteris paribus, or, if so, has chosen to deprecate this vital concept. I hope and trust he takes no offense in me including him in this, but both of us are of limited mental capacity. We have all that we can do to make sense of complicated issues, such as the one now under discussion. To make any headway at all, we must simplify down to the bare bones of an argument. Occam's Razor and all that. It behooves us little,

[25] This is a false statement on my part. Arnold Schwarzenegger was pregnant in the 1994 movie, "Junior". This makes about as much sense as relying on woman's insight because they have had experiences unknown to men, apart from Arnold, of course.

no, it undermines us, to bring in clearly irrelevancies into the discussion as poverty, homelessness, etc. We do far better to stick to the point at issue.

Wojda places great weight on the contribution to this issue on the part of Camosy (2016). The latter emphasizes "the distinction … between killing versus allowing to die… never aiming at death."

In contrast, I do not see any great importance between the two in this context. Worse, I think that both authors place the cart before the horse. What is at issue here in the concept of mens rea, guilty conscience, or purposeful versus accidental killing or collateral damage. It is on this basis that we distinguish between first degree murder and accidental death. In the former case, the murderer purposefully killed his victim. In the latter, this was entirely an accident, as in the case of a lightening bolt that hit a car, and as a result a pedestrian died. This was hardly the fault of the motorist, even though it was his automobile that did the damage.

What does this have to do with eviction? Simply this. In the case of this practice, during the first two semesters, the pregnant woman knows full well that her pre-born infant will die. Yet, she does it anyway, purposefully. She has as much mens rea as any other killer. However, very important point coming up, she is not a murderer. She is the owner of her own body. She is entirely justified in so doing. Thus, Camosy's "contribution," and Wojda's reliance on it, are highly problematic.

Wojda puts this in other words: "all direct killing ('aiming at death') is prohibited" (301). Let me add a friendly amendment to this: "all direct killing *of entirely innocent people* (aiming at death) is prohibited."

The addition of those four words renders this statement far more palatable. As it stands, it would label as illegal killing in self-defense, which is of course a non-starter. But even as amended, it still is subject to counter examples. For instance, A grabs B, hides behind him, uses him as a shield, and aims a gun at C. A is now attempting murder of C, B is completely innocent, as is C. C has his back against the wall and cannot escape. The only way C can save his life is to shoot A. But if he does, B necessarily dies too.[26] It would take us too far afield to demonstrate that C is justified in so doing, and that even if B also had a pistol, but for some reason could not turn around and kill A, B would still not be justified in shooting C.[27] I am now concerned, only, to demonstrate

[26] C's bullet is capable of reaching A and killing him even though it first must go right through B's body.

[27] I make this claim on the basis of my negative homesteading theory. See on this BLOCK (2010, 2011a, 2019).

at least the plausibility of C being justified in killing both evil A and innocent B in self-defense. This would obviate Wojda's claim to the effect that "all direct killing *of innocent people* (aiming at death) is prohibited."

But this is not the end of Camosy's "contribution," according to Wojda: "his remarks about attending to the lived experiences of women attest, his proposal … seems far more likely to advance reasonable public dialogue about abortion than 'evictionism' does" (302).

Well, perhaps, maybe, possible, who knows, this might well better promote "dialogue." But that is only a means toward our goal, which I presume to be truth and justice. Wojda and I are now dialoguing and are not getting anywhere fast in terms of reaching this goal. Relying on "lived experiences," moreover, it just another instance of the ad hominem fallacy.

Mises (1998) said it best when he rejected the very notion that anyone has an inner track over anyone else because of past experiences, due to who they are. He called this fallacy "polylogism." Wojda, in sharp contrast leaves us open to the idea that there can be such a thing as Jewish science, or Christian science, or Islamic science or male science, or female science,[28] or youthful science, or elderly science, the list can go on almost indefinitely. No, there is only one true science, or philosophy, or mathematics, etc., Wojda to the contrary notwithstanding.

Here is some more feminist philosophy from our author: "We've moved beyond women as (mere) vessels. Let us put paid to them as homesteaders too" (302).

Of course women are not "mere vessels." But they most certainly are owners of their own bodies, as are men to be sure. How did they obtain this status? By homesteading their bodies, taking control of them, etc. They were self-owners typically two or three decades before their pre-born child came aboard. Thus, there were there long before him. If there is any dispute over private property rights, justice requires that the first homesteader, not the second or any later one, be declared the rightful proprietor. The unwanted fetus is a trespasser. This conclusion cannot be any clearer in the case of rape. Yet it is beyond Wojda's philosophy to acquiesce in this notion.

Last but not least, with Wojda's strong approval, Camosy places great weight on the fact that some who label themselves pro-choicers and some pro-lifers are not 180 degrees apart from each other:

[28] His particular favorite.

> [Camosy] cites a 2011 poll conducted by the Public Religion Research Institute showing a significant overlap in identity between those describing themselves as 'pro-choice' and those describing themselves as 'pro-life'…. We would be wise, he concludes, to avoid using these 'lazy and imprecise binaries' altogether. (300)

Hold on a minute. This is a criticism of using the much used terms "pro-choice" and "pro-life" because some supporters of each do not reject every jot and tittle of the other? But flat and round-earthers indubitably agree on some things. Ditto for empiricists and logicians. The same holds true for those who think that Pluto is a planet and those who deny it. Physicists debate whether matter is a wave or a particle. Then there are the utilitarians and the deontologists. According to Wojda then, in these and dozens of other such examples, it is illicit to distinguish between these pairs of alternatives. These "binaries" are to be rejected, perhaps as metaphors. I find it difficult to agree with this.

4. LIPSKI (2025, 305–315)

The eminent philosopher starts out with this remark:

> Evictionism is a libertarian perspective on abortion. This position can be summarised as follows. Every human being has a set of basic, non-negotiable rights, including the right to freely dispose of their property. Everyone owns their own body and can therefore decide what to do with it. This right applies to pregnant women in particular. (305)

First a minor difficulty. Perhaps a mere typographical error. I think he meant to say "may" instead of "can." The former follows from self-ownership, not the latter.

A more serious difficulty concerns that "non-negotiable" comment. Perhaps Lipski did not intend to enter the quagmire of voluntary slavery, but with this phrase he did indeed put his foot into it. My own view contradicts this statement. As I see matters, if you really, fully, indisputably own your own person, you have a right to sell yourself. If you do not have the latter right, the right that is to "negotiate" your way out of self-ownership, then part of these rights of yours are abrogated.[29] Nor do these rights apply in particular to pregnant women. They pertain to all of us, equally; well, all adults of sound mind.

[29] On this see BLOCK (2003).

Whereupon our author avers, "from the earliest moments of its existence, the human embryo and later the fetus has all the rights of a human being. It cannot therefore be killed" (305).

Under evictionism, however, this person most certainly may[30] properly be killed since he is a trespasser; an innocent one to be sure, but he is still occupying space owned by a separate person, his mother (BLOCK 2003).

Let us now focus on this statement of Lipski's: "According to evictionism, the permissibility of aborting a pregnancy does not stem from the fact that the fetus is deprived of legal protection, but rather from the woman's right to freely decide what happens to her own body" (306).

As far as I am concerned, "abortion" is defined as a two-stage concept. First, the very young human being is evicted from his temporary nine month home inside of someone else's private property. Then, secondly, he is outright murdered. As such, an abortion is per se a heinous crime, as it targets youngsters who are definitively more helpless than any other member of our species on the planet. Thus, I cannot see my way clear to agreeing with the notion that "according to evictionism, [there is a] permissibility of aborting a pregnancy" (341). This makes as much sense as the proverbial square circle.

What about this claim: "When there is a conflict between the rights of the fetus and of the woman, the woman's rights prevail."

This is problematic. Why should this be the case? Surely, the earmark of a civilized, that is to say, a libertarian society, is predicated upon absolutely equal rights. Whites should have no more rights than Blacks, and of course the reverse should hold true, too. Ditto for men and women, gays and straights, atheists and the religious, ditto ad infinitum.

There is only one exception: criminals should not only have lesser rights than victims, but none at all, when there is any conflict. The "right of the murderer to murder his victim" should give way, entirely, to the right of the target not to be murdered. Ditto for the "right of the rapist to rape his victim." To return to the topic under discussion, the "right of the squatter to trespass upon the property owned by someone else" is nugatory. The only reason the mother has more rights to her person than the stowaway inside her body is because the latter has no right to be there in the first place, if he is unwanted.

[30] Not only "can".

Our author's next claim is that there is nothing new under the sun. Evictionism has long been practiced. There are really numerous moderate pro-lifers who are willing to support aborting fetuses in the early stages of pregnancy. Thus there is no real difference between them and evictionists.

Further, there are also moderate pro-choicers who maintain that human life begins with the fertilized egg, and that this entity, this group of cells, has all the rights that any other person has. Yet, they favor abortion.

This reminds me of the fact that in mathematics, you can sometimes make not one but two calculation errors. They cancel each other out, and you arrive at the correct answer despite the fact that you really do not know what you are doing.

It cannot be denied that upon occasion a political compromise is reached: abortions are allowed during the early stages of pregnancy when the pre-born child is not viable outside of the womb. This resembles the practical results of evictionism, alright, but from a philosophical point of view, there is no overlap whatsoever. Indeed, these sorts of compromises have no justification at all, apart from satisfying the most voters. There is not even a hint, therein of anything resembling evictionism; nothing about the woman owning her body; there is no acknowledgement that the unwanted fetus is a trespasser; no appreciation of the fact that as medical technology progresses, that under evictionism more and more pre-born children will be saved, without any legislative or judicial activities in this direction at all. In sum, it is false to say, "Evictionism has long been practiced."

Our author attempts to buttress this position of his with the following: "If we had the technology to produce artificial wombs, evictionism would be indistinguishable from the pro-life position" (308).

Yes, indeed, true. This is indeed a logical implication of the evictionist position. Does that mean that this theory sheds no light on the present controversy, where people can be arrested for praying for the unborn several hundred feet away from an abortion center? No. Does this insight imply that the eviction theory is wrong, unjust? Again, I answer in the negative.

What are we to make of this important argument? "The owner of a property, in enforcing his right to freely dispose of that property, may remove anyone on the property. However, the right to dispose of one's property does not entitle the owner to kill the occupants of the property and then remove their corpses" (309).

But what if a squatter dies as a result of removing him or her from your property? Does his non-existent "right to life" trump your ownership of your

"house"? Not, at least, for the libertarian, the philosophy upon which evictionism is based. This sounds harsh? Have we no pity for the innocent trespasser? Not qua libertarian. Here, our goal is justice, not life-saving. However, for those interested in prosperity, longevity, preserving life, a better bet would be placed on private property rights, strictly enforced, than exceptions here there and eventually everywhere.

According to Lipski, "The woman's right to evict the fetus … outweighs the second aspect, i.e. the fetus's right not to be killed" (309).

I see matters quite differently. It is not true that there are any rights conflicts, ever. If it seems as if there are, one or perhaps both of them are misspecified. Based on private property rights, the woman certainly has a right to evict or expel any and all trespassers, even more so if they invade her own person rather than merely her physical house, composed of bricks.

In very sharp contrast, no one at all has a right not to be killed. If they engage in nefarious activities, it is certainly justified to kill them in self-defense for example. But that would not be murder, e.g., unjustified killing. To be sure, all entirely innocent people have the negative right not to be murdered.[31] But the fetus is not innocent. He is a trespasser. Yes, he is too young to have any mens rea, and no reasonable person would lay any blame at his door. Still, however, consider the pre-born baby who results from rape. He does not belong inside the body of the rape victim, his mother. He has no right to be there, none at all.

Consider this statement of our author's: "I can (sic) decide for myself as long as my decisions do not restrict the ability of others to decide for themselves." Again, I think he means instead of "can," rather, "legally may do so."

If so, not so, not so. A boy asks a girl for a date. She declines. She has every right to thus refuse his offer. Yet in so doing, she has abrogated his ability to decide for himself. He may not "decide" to drag her off, kicking and screaming, on that date he has offered her.

Here is another effort on the part of this scholar to undermine evictionism:

> So if we agree that the owner of the plane cannot land wherever he pleases, because by doing so he would be limiting the rights of others who did not interfere with his rights, then by analogy we should conclude that he cannot eject the aforementioned passenger from the plane. The passenger was in no way consciously and voluntarily trying to restrict the rights of the aircraft owner. Ejecting the passenger,

[31] Apart from the qualification of the shield, missile, cases. See BLOCK (2010, 2011a, 2019).

> on the other hand, would drastically limit his rights, in fact taking them away from him entirely and permanently. (312)

Again, the difference between "cannot" and "may not" arises. Of course the pilot *can* land wherever he pleases, assuming he has enough fuel, etc., and also subject to not being shot out of the air by the landowner. May he legally do so? Of course not. But suppose that if he does not, doing so he will die. Should he then land there? Libertarian has no advice for him, whatsoever, on this important matter. All this legal theory states is that if he does, he has broken the law and is subject to punishment. Presumably, something like a rental charge.

What about the pilot's innocent stowaway? A similar analysis applies. Can he toss this interloper out of his plane at 30,000 feet with no parachute? Of course he can. We stipulate that this person is unconscious, so to do so would be relatively easy. May he legally evict him from his plane at 30,000 feet, leading to his death? Yes. This sounds horrible, even to my own ears. But, if we are to take private property rights seriously, he may do just that. He may well be boycotted for this cruel act, but he has not violated any law libertarians must respect. Let us have a little logical consistency here.

Here we go again, round and round the mulberry bush: "Furthermore, it should be remembered that there is a hierarchy of rights. In the case described, there is a conflict between the right to property and the right to life. Both of these rights are quite fundamental, but nevertheless the right to life takes precedence over the right to property, because the former conditions the latter (without life there can be no property)" (312).

In the view of some our friends on the left, there is indeed a hierarchy of rights. Handicapped[32] transitioned black lesbians outrank everyone else, since they ring four separate woke bells. Straight white healthy males have the fewest rights; they boast none of these characteristics. Everyone else fits in somewhere in the middle.[33]

So, when a robber carjacks your automobile, you are not entitled to shoot him, since his life outranks your mere property? If your bullet kills him, are you a criminal for protecting your mere physical property? How about when

[32] Sorry, differentially abled.

[33] Who has more rights? A gay white male or a female heterosexual? This is beyond my own ignorant ability to decide. Right now in the US there is a battle between women and transsexual men, as to whether these men can participate in female sports, and should be welcomed into distaff locker rooms. Again, I am unable to determine whose rights outrank whom in this leftist lexicon. But it is fun to watch them squirm about this.

the thief is in the process of stealing your oxygen tank and you shoot him to death. Without that medical apparatus you will not die, so it is not a matter of one life versus another. You will just be uncomfortable, gasping for breath, but still be alive. According to this author, you should let him get away with this outrage. This seems highly problematic from the point of view of justice.

Then there is the ever-present charge of hypocrisy. There are now starving people in the poorest corners of our world. They have a right to life. It outranks our property rights. We in the West are fat and sassy. We have all the food we want; many of us suffer from obesity. In addition, we have air conditioning, comfortable houses, computers, television sets, cars, and even frivolous jewelry. We are violating their rights, correct? Well, then, we should all be put in jail for a rights violation. At least this should be the fate of those who espouse this view that the right to life outranks mere property rights.[34]

Here he is, back at the same old lemonade stand: "Asking an intrusive guest to leave does not usually result in their death. There is no conflict between the owner's right to decide what happens on their property and the guest's right to life. In the case of abortion, such a conflict arises" (314).

What is happening with the English language? Is it no longer required that singular ("guest") and plural ("their") must match? Language is one of the best means of communication [35] we have. Let us respect it, if we want to cooperate with one another, understand each other.[36]

Of course asking an intrusive guest to leave does not usually result in his death. But on the rare occasion this does eventuate, if we want to achieve prosperity, maximize the number of lives saved, economic law compels us to support private property rights, period. As for justice, this conclusion is undeniable.

Then we have this: "A woman 'inviting' a fetus into her body knows that under normal circumstances the invited visit will last 9 months. Therefore, she should not end it ahead of schedule" (314).

For sure, in the case of rape, there was no such thing as any "invitation." Yet, all pre-born children have identically the same rights as each other, and, also, as the rest of us. Therefore, moreover, given that the youngster who is the product of rape has no right to nine minutes, let alone nine months to reside

[34] I am kidding here of course. I do not think, as a libertarian, people should be incarcerated for holding silly beliefs.

[35] Vastly superior to smoke signs, hand signals, facial expressions.

[36] I suspect these linguistic flaws are the results of poor translations, not that if this author.

in a geographical area to which he has not right, no one else does either. Further, for there to be an "invitation," there must necessarily be an inviter and an invitee. Consider, now, voluntary sexual intercourse. The last thing the woman might well have in mind was any "invitation" to anyone. So engaging in this practice hardly constitutes an "invite." Even less so if she used birth control measures, even though she full well recognized that they are not 100% foolproof. In addition, given that human beings only begin at conception, and that it takes a while for the sperm to reach the egg, it would be logically impossible for the woman to "invite" her son to become a baby, since he did not yet exist at this point in time.

Let me conclude. All four of these highly intelligent and greatly motivated scholars have taken some very, very good shots at evictionism. I hope I will be excused for saying that this doctrine still stands despite this very impressive intellectual onslaught. My one regret is that all of them have limited themselves to denigrating evictionism. Not a one of them offered his own theory as well as, or instead of, criticizing mine. I would have greatly enjoyed ripping apart any of their views, which I assume would be limited to pro-choice and pro-life, both of which I regard as fallacious, unjust, vicious, nasty, profoundly mistaken.

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RESPONSE TO SZUTTA, DOMINIAK, WOJDA AND LIPSKI ON EVICTIONISM

Summary

I am very grateful to Professors Artur Szutta, Łukasz Dominiak, Paul Wojda and Piotr Lipski for commenting on my essay "Evictionism, Pro-life and Pro-choice," published in this issue. I have been writing about evictionism as an alternative to the well-known attempts to solve the conundrum of abortion for many decades. I have not made much headway in publicizing this viewpoint to the present date. It is my hope that these four splendid essays will rectify that deficiency. More important, the reactions of these four eminent philosophers have forced me to look far more deeply into my own writings on this subject. None of the four have yet seen their way clear to embrace this viewpoint. It is my hope that this response of mine will set them on this path.

Keywords: evictionism; pro-life; pro-choice; trespass; property rights

ODPOWIEDŹ SZUTCIE, DOMINIAKOWI, WOJDZIE I LIPSKIEMU W KWESTII EWIKCJONIZMU

Streszczenie

Jestem bardzo wdzięczny profesorom Arturowi Szutcie, Łukaszowi Dominiakowi, Paulowi Wojdzie i Piotrowi Lipskiemu za komentarze do mojego eseju „Ewikcjonizm, pro-life i pro-choice", opublikowanego w tym numerze. Od wielu dziesięcioleci piszę o ewikcjonizmie jako alternatywie dla dobrze znanych prób rozwiązania zagadki aborcji, ale do tej pory nie udało mi się spopularyzować tego punktu widzenia. Mam nadzieję, że te cztery znakomite eseje naprawią taką niedogodność. Co ważniejsze, reakcje czterech wybitnych filozofów zmusiły mnie do znacznie głębszej refleksji nad moimi własnymi tekstami na temat ewikcjonizmu. Żaden z czterech autorów nie jest jeszcze gotowy w pełni zaakceptować mojego punktu widzenia. Mam nadzieję, że moja odpowiedź skłoni ich do pójścia tą drogą.

Słowa kluczowe: ewikcjonizm; pro-life; pro-choice; naruszenie terenu; prawa własności