

## Block versus Wisniewski: Not Over Yet

Timothy Grisillo

Drexel University Thomas R. Kline School of Law

There was a very insightful and entertaining exchange between Walter Block and Jakub Wisniewski regarding Block's theory of evictionism that spanned several years.<sup>1</sup> While I neither attempt to refute Block's theory of evictionism nor attack Wisniewski's opposition to it, I do put forth an observation that invalidates an analogy discussed extensively by both authors. My hope is that both Block and Wisniewski will acknowledge this flaw and renew their spirited debate.

Block's theory of evictionism distinguishes the act of ejecting a fetus from a mother's womb from the act of ejecting a fetus from a mother's womb and then killing it.<sup>2</sup> The former is evictionism, the latter is abortion. Wisniewski offers his creative "airplane ride" analogy to illustrate what he believes to be an inconsistency between evictionism and libertarianism. Wisniewski's hypothetical assumes that "X gets Y drunk to the point of the latter's passing out and drags him onboard the plane, and then, as soon as Y

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<sup>1</sup> See Walter E. Block, "Rejoinder to Wisniewski on Abortion," *Libertarian Papers* 2, no. 32 (2010), accessed online at: <http://libertarianpapers.org/articles/2010/lp-2-32.pdf>; Walter E. Block, "Response to Wisniewski on Abortion, Round Two," *Libertarian Papers* 3, no. 4 (2011), accessed online at: <http://libertarianpapers.org/articles/2011/lp-3-4.pdf>; Walter E. Block, "Response to Wisniewski on Abortion, Round Three," *Libertarian Papers* 3, no. 37 (2011), accessed online at: <http://libertarianpapers.org/articles/2011/lp-3-37.pdf>; Jakub Wisniewski, "A Critique of Block on Abortion and Child Abandonment," *Libertarian Papers* 2, no. 16 (2010), accessed online at: <http://libertarianpapers.org/articles/2010/lp-2-16.pdf>; Jakub Wisniewski, "Response to Block's Defense of Evictionism," *Libertarian Papers* 2, no. 37 (2010), accessed online at: <http://libertarianpapers.org/articles/2010/lp-2-37.pdf>; Jakub Wisniewski, "Response to Block on Abortion, Round 3," *Libertarian Papers* 3, no. 6 (2011), accessed online at: <http://libertarianpapers.org/articles/2011/lp-3-6.pdf>; and Jakub Wisniewski, "Abortion, Libertarianism, and Evictionism: A Last Word," *Libertarian Papers* 5, no. 1 (2013), accessed online at: <http://libertarianpapers.org/wp-content/uploads/article/2013/lp-5-1-6.pdf>.

<sup>2</sup> For more on evictionism, see Walter E. Block, "Toward a Libertarian Theory of Abortion," *The Libertarian Forum* 10, no. 9 (September 1977), pp. 6–8, accessed online at: [www.mises.org/journals/lf/1977/1977\\_09.pdf](http://www.mises.org/journals/lf/1977/1977_09.pdf).

regains consciousness, asks him to jump.”<sup>3</sup> Wisniewski contends that this is perfectly analogous to the act of a mother intentionally getting pregnant and then “evicting” the fetus from her womb, ultimately causing its death. This is because in both cases we have someone putting a nonconsenting person in an environment and then “kicking them out.”

Block attacks Wisniewski’s analogy by suggesting that a pregnant mother “improves” the position of the fetus by giving it life, as opposed to a man who does not improve his friend’s position by kidnapping him and placing him in an environment without his consent.<sup>4</sup> Block’s main criticism of this analogy, on which much of his discourse with Wisniewski is predicated, is flawed, however. Block’s position here is ironically flawed in a way similar to Wisniewski’s “semantically” incorrect statement that Block himself highlights prior to his critique of Wisniewski’s analogy:

Wisniewski (2010, 1) ascribes to me [Block] the view that: ‘a fetus can be aborted only if it is not killed as a result.’ That is hardly my [Block’s] own theory. Indeed, it can scarcely be denied [sic] that this can happen. Perhaps what this author [Wisniewski] meant to attribute to me was ‘a fetus *may* [emphasis Block’s] be aborted only if it is not killed as a result.’ This is an improvement, in that we are now in the realm of ethics, not science, and, certainly, the propriety, or legality, of abortion rests with the former, not the latter.<sup>5</sup>

Block admits that he should not be “too snarky” about Wisniewski’s mistake of using “can” instead of “may” for ethical, and not scientific, discussions since Block acknowledges that he, too, has made a similar mistake in the past.<sup>6</sup> Unfortunately for Block, his error this time is not just one of semantics, but one of logic. Block does not explain how a mother *can* improve the welfare of a fetus simply by getting pregnant (and if she *cannot*, she necessarily *may* not either). In Block’s own words: “Does she improve or worsen the condition of the fetus she is now ‘housing,’ compared to the situation in which she is not pregnant at all? Clearly, she improves it, since were she not expecting, the fetus would not exist at all.”<sup>7</sup>

Certainly, a mother helps to create the fetus in the first place. This may be an improvement to *her* life, but cannot be one to the fetus’s, because the acts of creation and improvement are necessarily mutually exclusive. An

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<sup>3</sup> Wisniewski, “A Critique of Block on Abortion and Child Abandonment,” p. 2.

<sup>4</sup> Block, “Rejoinder to Wisniewski on Abortion,” p. 5.

<sup>5</sup> *Ibid.*, p. 1.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*, p. 5.

improvement can only be made to something (or that something's welfare) *after* it has already been created. A mother can improve the welfare of a fetus after becoming pregnant by, for example, eating healthily, etc., but not simply by becoming pregnant in the first place. Block's position implies that a fetus somehow exists prior to its creation in the womb. How else *can* its creation within the womb be an improvement to its welfare? In fact, it *cannot*. It has no welfare before its creation. Rather, its welfare is *established* and perhaps *apparent* when it is created, but only after that moment can it then be *improved*.

I can imagine only one explanation Block might offer as support for his claim: that he is actually referring to the constant act of keeping the fetus alive inside the mother as an improvement to its welfare. This would be entirely appropriate, if Block were comparing staying pregnant to staying on the airplane, but the dispute focuses on how Y got there in the first place. Therefore, if Block's suggestion of improvement in a fetus's welfare is actually intended to apply to *staying* pregnant, and not *getting* pregnant, then it is not at all analogous to Wisniewski's hypothetical.

But Wisniewski, too, misses this error. Wisniewski defends his analogy on the grounds that unconscious Y's position should not be seen as being worsened.<sup>8</sup> This defense is entirely futile since, even if sound, I have shown the improvement point to be moot.

While the validity of evictionism's consistency with libertarian principles does not depend on Block's successful dismantling of Wisniewski's analogy, his position is certainly weakened. To the contrary, Wisniewski's argument depends heavily on this analogy. I contend that both Block and Wisniewski ought to recognize this flaw and renew their debate accordingly.

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<sup>8</sup> Wisniewski, "Response to Block's Defense of Evictionism," p. 3.

