

## Wilt Chamberlain Redux: Thinking Clearly about Externalities and the Promises of Justice

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### 1. Introduction

Gordon Barnes accuses Robert Nozick and Eric Mack of neglecting, in two ways, the practical, empirical questions relevant to justice in the real world.<sup>1</sup> He thinks these omissions show that the argument behind the Wilt Chamberlain example—which Nozick famously made in his seminal *Anarchy, State, and Utopia*<sup>2</sup>—fails. As a result, he suggests that libertarians should concede that this argument fails. In this article, we show that Barnes’s key arguments hinge on misunderstandings of, or failures to notice, key aspects of the entitlement theory that undergirds Nozick’s and Mack’s work. Once the theory is properly understood, Barnes’s challenges fail to undermine the Chamberlain example, in particular, and the entitlement theory, in general.

### 2. The Chamberlain Example

Nozick offers his Wilt Chamberlain example to establish two closely related points. First, it demonstrates the plausibility of what Nozick calls a “historical” account of distributive justice (in particular, of his own “entitlement theory”). Historical conceptions hold that justice and injustice in holdings are matters of what has actually happened, of *how* a person ended up with a particular holding.<sup>3</sup>

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<sup>1</sup> Gordon Barnes, “Wilt Chamberlain Redux?” *Philosophia* vol. 44, no. 1 (2016), pp. 79-85.

<sup>2</sup> Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974).

<sup>3</sup> *Ibid.*, p. 152.

Specifically, if one can trace a holding through just steps to a just initial acquisition, or to some such steps that are unjust but rectified, the holding in question is just.<sup>4</sup> According to historical theorists, the fact that two distributions are structurally identical—for example, you and I each have \$10 in our wallets—is no guarantee that they are equally just or unjust holdings.<sup>5</sup>

Having offered a partial justification of a historical view of justice, Nozick turns to establishing a second point: the implausibility of “patterned” or “end result” accounts of distributive justice.<sup>6</sup> Patterned theories hold that a just set of holdings varies directly in accordance with some moral principle.<sup>7</sup> A theory holding that need generates claims will identify a set of holdings that grants the most goods to those most in need. End result theories hold that there is some specific goal that a set of holdings must achieve.<sup>8</sup> For example, a theory requiring maximizing equality will identify the set of available holdings that best achieves equality of outcome as just.

Theories of justice in holdings consist of justifying reasons (JRs) and distributions (Dx) resulting from the application of the JRs. The Wilt Chamberlain example invites the reader to fix her favored distribution (call it D1) resulting from the reader’s favored JRs. From D1, Nozick suggests that we allow people to engage in a certain activity they desire, like watching Wilt Chamberlain, a “great gate attraction,” play basketball.<sup>9</sup> Chamberlain agrees to play for a

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<sup>4</sup> Ibid., p. 151. Of course, a proper theory of justice might also include a theory of abandonment, statutes of limitations on claims of injustice, and so on.

<sup>5</sup> Ibid., p. 155.

<sup>6</sup> Ibid. It is important to see that the Chamberlain example does not establish a just starting point. It establishes only the problem with maintaining some putatively just starting point. For a discussion of this issue, see Hillel Steiner, “The Natural Right to the Means of Production” *The Philosophical Quarterly* vol. 26, no. 106 (1977), pp. 41-49.

<sup>7</sup> Nozick, *Anarchy, State, and Utopia*, pp. 155-56.

<sup>8</sup> Ibid., pp. 153-55.

<sup>9</sup> Ibid., p. 161.

particular team on the stipulation that each person willingly attending the team's home games drops a quarter in a box especially for him. After a full season and one million such transactions, a new distribution (D2) results. In D2, Wilt Chamberlain has an "extra" \$250,000. Nozick asks whether D2 is just.<sup>10</sup>

If D2 is just, the argument goes, then the set of JRs does not justify a unique distribution. D1 was just, *ex hypothesi*, and so is D2. Nozick presumably thinks that most people will accept this conclusion. On this understanding, combining a just initial distribution with justice-preserving transactions (respecting the rules of the entitlement theory) results in just distributions.<sup>11</sup>

One who believes that D2 is unjust, on the other hand, might claim that D3, in which Chamberlain turns over a proper subset of his earnings in taxes, is instead just. In this case, both D1 and D3 are just. There are two possible scenarios, then, resulting from consideration of the Chamberlain example. Either Chamberlain is entitled to all of his earnings, in which case the JRs justify both D1 and D2, or Chamberlain is entitled only to his post-tax earnings (or some other distribution), in which case the JRs justify both D1 and D3. Either way, the JRs do not justify a unique Dx. Only those suggesting that Chamberlain must surrender all of his "excess" income, returning to D1, can avoid admitting that no unique just distribution comes from any plausible set of JRs.

The historical theorist focuses not on the resulting distribution (since liberty upsets patterns), but on the JRs, which are entirely historical, when examining how a distribution arose. So long as the Dx—whatever it is—has arisen through just initial acquisitions and through just transfers, or is the result of an appropriate rectification of injustice, that Dx is just. This exclusive focus on historical JRs is the hallmark of a historical account of justice in holdings.

### **3. Mack's Challenges to Patterned Theories: The Explanatory Argument and the (False) Promise Argument**

Barnes aims to construct and refute two challenges the Chamberlain example presses against patterned theories of justice. Eric Mack identifies both:

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<sup>10</sup> Ibid.

<sup>11</sup> Nozick compares justice-preserving transfers to valid inferences. The latter are truth-preserving while the former are justice-preserving; see *ibid.*, p. 151.

Nozick is actually making two distinct, but interconnected points against the pattern theorist. First, the friend of pattern is bound to explain, but cannot explain, how quite innocuous transactions . . . can inject injustice into a previously just world. Second, the program of the friend of pattern promises us more than the ongoing application of the favored pattern can deliver—precisely because the successive application of the pattern is incompatible with the entitlements to holdings that we expect under the banner of justice in holdings.<sup>12</sup>

Barnes deems the challenge to explain how injustice infects the post-transfer set of holdings in D2 “The Explanatory Argument.” He calls the patterned theorist’s inability to tell people what they are entitled to “The False Promise Argument.”

The Explanatory Argument, Barnes claims, forces a dilemma on the patterned theorist. He “must say that there is an injustice after the Chamberlain transactions since his favorite pattern is violated. But if there is an injustice at the end of the story, then there must be some explanation of that injustice . . . . Either the pattern theorist explains the injustice in terms of some feature of the historical process that produced the distribution at the end of the story, or else the pattern theorist explains the injustice in terms of some nonhistorical feature of that distribution.”<sup>13</sup> The former option unfortunately appeals to a historical conception of justice, which presumably violates the JRs endorsed by patterned theorists. Barnes claims that the latter option amounts to saying that “completely innocuous actions can produce injustice, and that is simply implausible.”<sup>14</sup>

Barnes cites Mack to justify this interpretation of The Explanatory Argument:

[T]he only thing that the pattern theorist can appeal to [in order to explain this injustice] is the sub optimality of the

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<sup>12</sup> Eric Mack, “Self-Ownership, Marxism, and Egalitarianism (Part 1): Challenges to the Self-Ownership Thesis,” *Politics, Philosophy, and Economics* vol. 12 (2002), pp. 83-84.

<sup>13</sup> Barnes, “Wilt Chamberlain Redux?” p. 81.

<sup>14</sup> *Ibid.*

resulting D2. If the pattern theorist attempts to respond to Nozick by insisting on the non-innocuous character of certain processes that have been involved in the emergence of D2, he abandons his own view that the justice of any distribution is entirely a matter of the degree to which he realizes the right sort of pattern and is not at all a matter of the process by which it arises.<sup>15</sup>

Unmoved by The Explanatory Argument, Barnes writes that Mack has ignored a salient possibility: “Perhaps the explanation of the injustice the pattern theorist will cite lies in the consequences of the distribution.”<sup>16</sup> Following Thomas Nagel, Barnes notes that “principles of justice are intended to govern entire societies, over long periods of time.”<sup>17</sup> Focusing on the Chamberlain transaction in isolation from other transactions that would occur in society, we overlook the cumulative negative externalities.

Although the results in the Chamberlain case are insignificant, a series of similar transactions in other areas across time could produce startling inequality.<sup>18</sup> The inequality in the Chamberlain example massively benefits Chamberlain, but it does not obviously significantly harm anyone else. Nonetheless, accumulated effects could “lead to extreme inequality, and thereby cause many other harms to people in that society.”<sup>19</sup> Barnes calls this the Compounded Consequences Challenge.

Barnes endeavors to block two possible responses from the historical theorist. The first response denies “that the consequences of a freely chosen distribution are relevant to the justice or injustice of that distribution.”<sup>20</sup> Barnes rejects this principle as implausible; he notes, or at least implies, that Mack does as well.

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<sup>15</sup> Mack, “Self-Ownership, Marxism, and Egalitarianism (Part 1),” p. 83.

<sup>16</sup> Barnes, “Wilt Chamberlain Redux?” p. 81.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid., p. 82.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

Barnes attributes to Mack a different, second response, one that concedes “that the consequences of a freely chosen distribution are relevant to its justice, but (insists) that those consequences will be good overall.”<sup>21</sup> Mack suggests this response when he asks, “[W]hat reason is there to believe that the aggregate of side effects of Chamberlain’s wealth (and the other disproportionate shares of wealth accumulated through voluntary exchange) would be negative—indeed, negative enough to render those side effects a net negative?”<sup>22</sup> Barnes seems to deem Mack’s response to the Compounded Consequence Challenge inconclusive, claiming that “Mack has obscured the dialectical situation at this point in the argument.”<sup>23</sup> The dispute concerns what will happen in actuality; Barnes writes that “this debate ultimately rests on an empirical question.”<sup>24</sup> While Mack offered one possible outcome, he cannot believe he has offered a satisfactory response to the Compounded Consequence Challenge. In lieu of evidence, Mack’s response amounts to an assertion, or as Barnes puts it, “Mack offers no empirical evidence for that assumption, so it is unjustified.”<sup>25</sup>

#### **4. The False Promise and the Special Guarantee**

Barnes is also unmoved by historical theorists’ False Promise Argument. This argument holds that patterned principles of justice promise people what they are entitled to as a matter of justice, but cannot deliver on that promise. Mack here presents the problem:

[I]n order to maintain allegiance to his favored pattern, the pattern theorist has to say that his doctrine never promises people any particular, identifiable, institutionalized income regime. Rather, in the name of distributive justice, people are promised income regimes that will be changed periodically (in light of what income streams have come into existence and what new technologies for generating income streams and for

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<sup>21</sup> Ibid.

<sup>22</sup> Mack, “Self-Ownership, Marxism, and Egalitarianism (Part 1),” p. 94.

<sup>23</sup> Barnes, “Wilt Chamberlain Redux?” p. 82.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid., p. 83.

redistributing them seem to have been discovered) so as to attempt to produce an optimal long-term distribution.<sup>26</sup>

The patterned theorist thus “puts us in the dark about what our just income claims really are.”<sup>27</sup> New rules and technologies can always be invented to best achieve the favored pattern. These rules and technologies can be used to extract holdings from people in new ways. As a result, “we will quickly learn the foolishness of describing the income that anyone receives under any given regime as his just income. For we will quickly learn that social calculations in the not very distant future will very likely reclassify at least some of that income as unjust.”<sup>28</sup>

Indeed, redistribution could be necessary even in the absence of transactions. If our neighbors engage in profligate consumption of their holdings and we save our money, some of our money—where “our” must be used descriptively and not normatively—could actually belong to our neighbors if the ideal pattern is violated. The upshot in such situations is that patterned theories make it easy to create demands for redistributions that better fit the preferred pattern of justice.<sup>29</sup> Quickly spending money in the hopes of “locking in” a benefit will not do; all forms of wealth might be subject to redistribution. Thus, on a patterned theory of justice, people can never know what is truly theirs.

In response, and in order to establish that the historical theorist is in no better position to offer a promised list of holdings, Barnes suggests the No Special Guarantee Challenge. He writes that “the crucial premise” of the False Promise Argument “is that people must be able to form legitimate expectations about their future holdings.”<sup>30</sup> However, Barnes finds this statement ambiguous: “[T]he content of people’s expectations about their future holdings can be more or less specific, by degrees. Thus, there is an entire spectrum

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<sup>26</sup> Mack, “Self-Ownership, Marxism, and Egalitarianism (Part 1),” p. 89.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

<sup>29</sup> This example is borrowed from *ibid.*, p. 81. A different means by which a pattern can be violated in the absence of transactions is in *ibid.*, p. 81 n. 12.

<sup>30</sup> Barnes, “Wilt Chamberlain Redux?” p. 84.

of possible interpretations of this requirement . . . . At one end of the spectrum the requirement is that people be able to determine the exact monetary value of their future holdings.”<sup>31</sup> Barnes notes that not even Mack’s theory satisfies this reading. After all, we do not know what will have value on the market.<sup>32</sup> On this extreme end of the spectrum of “guarantee,” neither the patterned nor the historical theorist can offer a guarantee. So, the historical theorist gains no traction against the patterned theorist.

Moving on the spectrum toward a less precise guarantee of income, both the patterned theorist and the historical theorist can make some guarantees. For instance, people may “know what their future holdings will be, under some abstract nonspecific descriptions or other. On this interpretation, the requirement is quite plausible, but is also easily satisfied by either a libertarian theory or a patterned or in-state theory.”<sup>33</sup> A libertarian will say that “a person will be entitled to whatever people voluntarily choose to give him in a free market in exchange for his goods and services.” A patterned theorist “can say that a person will be entitled to the method that best approximates her shareholdings under the pattern in question.” Assuming that this is the more reasonable request, both the historical and the patterned theorist can make a “guarantee,” meaning that the historical guarantee has no advantage relative to a patterned theorist’s; it is not *special*. Barnes claims that “what Mack needs, for the purposes of this argument, is a point on the spectrum of specificity that is both plausible and impossible for the pattern theorist to satisfy. But I see no reason to think that there is any such point on the spectrum, nor does Mack offer any reason to think so.”<sup>34</sup>

Barnes’s objections seem to be the following: First, Nozick and Mack ignore the consequences that iterated Chamberlain-like transactions can have on others. Second, since at least Mack suggests that the consequences are relevant to distributive justice, he must shoulder the burden of showing that transactions in line with the entitlement theory would not produce relevantly bad externalities.

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<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid., p. 85.



Third, Mack fails to tell us how a plausible theory of justice must answer the question, “What precisely must people know in order for the promise of a proper theory of justice to be satisfied?” In what follows, we argue that, *pace* Barnes, there have as yet been insufficient reasons adduced to defeat the Chamberlain example’s central points.

### 5. Empirical Issues

We take up Barnes’s objections in order. First, despite Barnes’s claim, neither Nozick nor Mack ignores the consequences a distribution might have on others. Both authors work within the Lockean tradition. John Locke, as is well known, attempts to show how private property may justly be generated without prejudicing<sup>35</sup> or straitening anybody.<sup>36</sup> The prohibition on private property’s harming others in morally relevant ways is Locke’s famous proviso. Appropriations must leave “enough, and as good” available for others.<sup>37</sup>

Nozick also has a proviso, which “is meant to ensure that the situation of others is not worsened.”<sup>38</sup> Nozick’s proviso’s content is unimportant because Barnes focuses his attack on Mack. What matters, beyond the fact that the proviso addresses Barnes’s concern, is that Nozick seems to extend the proviso beyond mere appropriations to transfers.<sup>39</sup> So if any series of appropriations or transfers have the same negative effect on someone that a prohibited appropriation would, the proviso is violated. It is thus false to claim that Nozick *ignores* the cumulative effects that transfers might have on others.

In more than two decades of work on the subject, Mack has developed what he calls the “Self-Ownership Proviso” (SOP). The SOP claims that, morally speaking, we may not employ our holdings in a way that nullifies the world-interactive powers of others. These world-interactive powers include the individual’s “capacities to affect

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<sup>35</sup> John Locke, *Second Treatise of Civil Government* (New York: Macmillan, 1952), sec. 33.

<sup>36</sup> *Ibid.*, sec. 36.

<sup>37</sup> *Ibid.*, sec. 27.

<sup>38</sup> Nozick, *Anarchy, State, and Utopia*, p. 175.

<sup>39</sup> *Ibid.*, p. 179.

her extra-personal environment in accord with her purposes.”<sup>40</sup> As Mack sees it, these powers are “essentially relational. The presence of an extra-personal environment open to being affected by those powers is an essential element of their existence.”<sup>41</sup> In order to respect those essentially relational powers, Mack explains:

I maintain that recognition of persons’ rights over their world-interactive powers, and of the essentially relational character of these powers, supports an “anti-disablement constraint” according to which individuals may not deploy themselves or their licit or illicit holdings in ways that severely, albeit noninvasively, nullify any other agent’s capacity to bring her talents and energies purposively to bear on the world. The SOP is a special case of this anti-disablement constraint.<sup>42</sup>

The SOP is distinct from Nozick’s Lockean proviso. The latter seems a restriction on holdings, but, as noted above, there seem to be other ways of using one’s property to violate people’s rights. The SOP does not limit *per se* the acquisitions in which individuals may engage, but only how individuals may employ their resulting property. Also, Nozick’s proviso deals with whether an acquisition allows others to improve their situation via acquisition. The SOP does not focus on whether others can engage in acquisitions; instead, what matters is that others may employ their world-interactive powers. So even if individuals cannot make acquisitions, they may come to have opportunities sufficient to bring their world-interactive powers to bear in some other way. In order to illustrate this possibility, Mack has us consider the situation in Hong Kong, where although there is no opportunity for initial acquisition, the prospects of bringing one’s world-interactive powers to bear have increased dramatically. Thus, the uses of holdings do not run afoul of the SOP.<sup>43</sup>

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<sup>40</sup> Eric Mack, “The Self-Ownership Proviso: A New and Improved Lockean Proviso,” *Social Philosophy and Policy* 12, no. 1 (1995), p. 186.

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*, p. 187.

<sup>43</sup> We say they do not necessarily do so. We take it that, as a matter of historical fact, they did. We are only making a point about the SOP, not the specific actions of individuals in Hong Kong.

Mack holds that “the market order constitutes an alternative which is hospitable in its own way to people’s efforts to make their way in the extrapersonal world.”<sup>44</sup> The market is the moral analogue of the natural world. He argues that, just as objectionable appropriations may not do so, the participants in the market order may not seriously nullify people’s world-interactive powers.

It should now be clear that neither Nozick nor Mack ignores the consequences of transfers full stop. Barnes might have a subtler point in mind; he may mean that neither Nozick nor Mack tries to prove that Chamberlain-like transfers will not run afoul of their specified proviso. Two points need to be noted in this regard. First, Nozick does cite economic work to justify his belief that the proviso will not be violated. He mentions what he calls “familiar social considerations favoring private property.”<sup>45</sup> These considerations include the following: private property increases the total availability of goods; it puts goods in the hands of the most productive; it encourages experimentation; it allows people to insulate themselves from the risky ventures of others; and it encourages saving some resources for future markets.<sup>46</sup> If these familiar considerations are correct, then there are good reasons not to expect a functioning market to violate the proviso.

These considerations in favor of private property should be familiar to those well-versed in the liberal arts tradition.<sup>47</sup> When

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<sup>44</sup> Eric Mack, “Self-Ownership, Marxism, and Egalitarianism (Part 2): Challenges to the Self-Ownership Thesis,” *Politics, Philosophy, and Economics* vol. 1, no. 2 (2002), p. 212. It is important to notice that this article is a companion to the piece that Barnes critiques. However, Barnes never mentions Part 2.

<sup>45</sup> Nozick, *Anarchy, State, and Utopia*, p. 177.

<sup>46</sup> *Ibid.*

<sup>47</sup> Plato’s *Hipparchus* (individual profits) and *Republic* Books I-II (non-interference from the state) discuss two seminal threads in favor of the market; see *Plato: Complete Works*, trans. John Cooper (Indianapolis, IN: Hackett, 1997). Aristotle’s *Politics*, trans. C. D. C. Reeve (Indianapolis, IN: Hackett, 1998), discusses how communities might pursue “the good life” in part through pursuit of property and wealth (see esp. Book 1); Locke, *Second Treatise*, and Adam Smith, *An Enquiry into the Nature and Causes of the Wealth of Nations*, two vols., ed. Edwin Cannan (London: Methuen, 1904), give position of privilege to the market as conducive to individual happiness.

making a foray into work in distributive justice, one must consider the foundational texts and the received wisdom of those sources. While debates remain over what economic system best achieves the outcomes Nozick mentions, those debates are irrelevant to the question of whether the market will function well enough to avoid running afoul of the proviso. The proviso requires the preservation of a sufficient level of opportunities to bring one's powers to bear on the world; it does not require that we have the absolute best system for maximizing opportunities.

Beyond these "familiar considerations," Nozick cites David Friedman's *The Machinery of Freedom*. This work is based largely on economic theory, employing some empirical evidence, but it also importantly defends markets largely by appealing to what we have reason to expect them to accomplish.<sup>48</sup> Nozick thus relies on an intellectual division of labor in his work. What Barnes demands beyond this is not exactly clear. An explanation of why he is unmoved by Nozick's cited evidence would be helpful.

Furthermore, Mack cites the history of markets to justify his belief that markets actually increase opportunities. The problem for Barnes is that Mack does not cite this work in the one article Barnes cites in his attempted refutation of the Chamberlain example. While Barnes might criticize Mack for not putting the sources in the article Barnes targets, it is not as if Mack cites no work elsewhere to justify his views about the proviso and markets.

In the article in which he initially presents the SOP, Mack cites two books on economic history. The first, Douglas North and Richard Thomas's *The Rise of the Western World: A New Economic History*,<sup>49</sup> is largely an attempt to explain why the claims in favor of private property that Nozick deems "familiar" turn out to be true. The second book, Nathan Rosenberg and L. E. Birdzell's *How the West Grew Rich*,

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John Stuart Mill, at least in his early writings, holds that markets maximize overall happiness and improve people's moral character.

<sup>48</sup> Friedman is not a consequentialist, but that does not prevent him from offering an economic defense of a free market system in terms of the system's economic outcomes.

<sup>49</sup> Douglas North and Richard Thomas, *The Rise of the Western World* (New York: Cambridge University Press, 1973).

is a historical attempt to link increased freedom to increased prosperity.<sup>50</sup>

Our goal here is not to settle the empirical question of whether iterated Chamberlain-like transactions will run afoul of the proviso. Instead, our goal is to show that Barnes ignores the evidence that Nozick and Mack adduce to accomplish this goal. Indeed, Barnes himself writes that “Mack’s argument ultimately depends on an empirical assumption. . . . Unfortunately, Mack offers no empirical evidence for that assumption, so it is unjustified.”<sup>51</sup> But Barnes is wrong.

While division of labor has many benefits, notably allowing articles to be digestible in size, this division also renders it difficult to find experts in the moral, political, and historical claims that so frequently (and rightly) commingle in writings on distributive justice. We stress the tremendous depth and breadth of the scholarship that has gone into the Chamberlain example specifically and into the debate regarding distributive justice generally. Claims that a particular theorist has not considered a particular challenge or has not shouldered a particular burden, should not be leveled lightly. For his part, Barnes has argued elsewhere that property is not an exclusive route to “human progress,” but his analysis seems to admit that property often has the effect of “internaliz[ing] responsibility” and “mak[ing] people more productive than they otherwise would be.”<sup>52</sup> Note that neither Nozick nor Mack needs the stronger claim that the market is the only way to achieve these things; they simply need the claim that the market is a way to achieve these things. Given his own forays into the fields contributing to distributive justice, Barnes should thus be aware that the work his challenge asks for is available.

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<sup>50</sup> Nathan Rosenberg and L. E. Birdzell, *How the West Grew Rich* (New York: Basic Books, 1986). We could, of course, add the many economists who think that markets do far better than the proviso actually requires. A wonderful quip about the history of capitalism comes from Dierdre McCloskey: “Once upon a time we were all poor, then capitalism flourished, and now as a result we’re rich”; Dierdre McCloskey, *If You’re So Smart: The Narrative of Economic Expertise* (Chicago, IL: University of Chicago Press, 1991), p. 1.

<sup>51</sup> Barnes, “Wilt Chamberlain Redux?” p. 83.

<sup>52</sup> Gordon Barnes, “Property and Progress,” *Reason Papers* vol. 34, no. 2 (2012), p. 149.

Turning now to Barnes's call for Mack to be specific about what people's entitlements to the future holdings are, it seems that Barnes has missed the point of Mack's challenge. Why the entitlement theorist must meet the challenge Barnes raises is unclear, given that the entitlement theorist can obviously promise things that the patterned theorist cannot. The entitlement theorist holds that whatever arises for me in a just situation via justice-preserving steps is itself just. While that formulation is intentionally ambiguous, the entitlement theorist can promise that *when* people have what they are entitled to as a matter of justice, those entitlements cannot change unless the people themselves change them.<sup>53</sup> The proviso allows people to retain their property and restricts only how they may use that property *under rare circumstances* (that is, when one is or would be "straitened") in order to preserve justice. The promise of your property is a true one, and it is unavailable to the patterned theorists.

Perhaps this point is obscured by Nozick's version of the Chamberlain example. In that example, people change their holdings by interacting with others. We observed above that autarchic manipulations of property might require redistribution away from others, at least for the patterned theorist. If the initial distribution was just, the patterned theorist will need to hold that the upshot is unjust. Now surely, those who simply increased their own just holdings must wonder how their holdings were actually their own when they now owe some of those holdings to others. If they owe some of their holdings to others, it is either because they were not allowed to manipulate their own holdings or because of the actions of others. Entitlement theorists can promise that the distorted thing will not happen, but patterned theorists cannot.

When Barnes focuses on income, he obscures the issue. Even if, under some D1, *nobody generates any income* but people unilaterally increase or decrease their holdings so as to generate a putatively inferior D2, that D2 is unjust precisely because there will be some D3 that better matches D1. This problem of never being able to insulate one's holdings from the demands of social calculation generates the False Promise argument. If an individual is entitled to something as a matter of justice, the individual expects to be able to do certain things with the object, irrespective of what others might do. No patterned theorist can promise that the individual may do this.

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<sup>53</sup> The rules of just transfer will vary depending on where the transfers occur; see Nozick, *Anarchy, State, and Utopia*, pp. 150 and 320-25.

The best sense we can make of Barnes's error is that he mistakes post-tax income with just holdings. A patterned theorist cannot promise that an individual's post-tax income is justly held by that individual unless the post-tax income happens to match the preferred pattern. Barnes writes as if it were easy to formulate expectations in a tax-heavy world, and he is correct only if those taxes do not try to preserve specific distributions. If there were confiscatory taxes on wealth *and* income, as preservation of a favored pattern requires, then planning would be remarkably difficult. It is precisely because wealthy nations do not try to preserve patterns of distribution that people are able to plan.

## 6. Conclusion

We conclude that Barnes is wrong on three counts. First, Nozick and Mack *are* sensitive to the consequences that Chamberlain-like transfers might have on others, for the famous proviso determines which consequences are objectionable. Second, both of them *do* adduce some empirical evidence to justify their belief that a well-functioning market would not violate that proviso. Third, Barnes's response to the False Promise Argument is mistaken. The entitlement theorist can promise that once an individual holds something as a matter of justice, the object belongs to that person, irrespective of what others might do. The patterned theorist cannot make this promise. Since a good theory of justice must make this promise, patterned theories are not good theories of justice. Thus, we conclude that Barnes has given proponents of historical entitlement theories no reason to concede defeat.