

Redistributive Principle Based on the Reinterpretation of Nozick's Lockean Proviso: Novel Approaches to Libertarianism

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Libertarianism, especially right-libertarianism, tends to view government redistribution aimed at welfare and reducing inequality as unjust. However, right-libertarianism has been criticized for failing to provide redistributive policies for the needy.

This paper aims to address this challenge against right-libertarianism by reinterpreting the “Lockean proviso” proposed by Robert Nozick, a renowned right-libertarian. Nozick’s Lockean proviso denotes the legitimacy of property ownership by considering whether one’s appropriation worsens another’s situation. Nozick assumed that the Lockean proviso almost never comes into play in reality. My paper, however, shows that this is not true by going through the case of application of the Lockean proviso that Nozick presents, i.e., the case of the patent. In particular, I argue that the basis for the application of the Lockean proviso lies in the concept of “reachability” . “Reachability” is defined in such a way that a presently owned object, had it not been unowned by one person, could have been owned by another. This implies that even if the object was originally legitimately appropriated, its continued possession would be considered unjust. The concept of “reachability” can be latent in any property ownership. This suggests that any property ownership may reasonably be subject to redistribution in light of its degree of “reachability” . This can be seen as the redistributive principle of right-libertarianism, which can be applied more broadly in actual circumstances.