

Moral Judgment and the Duties of Innocent Beneficiaries of Injustice

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Abstract The view that innocent beneficiaries of injustice bear special duties to victims of injustice has recently come under attack. Luck egalitarian theorists have argued that thought experiments focusing on the way innocent beneficiaries should distribute the benefits they've received provide evidence against this view. The apparent special duties of innocent beneficiaries, they hold, are wholly reducible to general duties to compensate people for bad brute luck. In this paper we provide empirical evidence in defense of the view that innocent beneficiaries have genuine special duties to victims of injustice. Through a series of four experiments, we show that judgments about the kinds of cases that luck egalitarian critics have provided do not undermine but rather support this view. We also explore a number of other questions that theorists working in this area have yet to discuss and provide suggestions for further research on the moral significance of benefiting from injustice.

1 Introduction

Some moral theorists argue that innocent beneficiaries of injustice may have special duties to the victims of the particular injustices from which they have benefited

We have benefited from presentations of earlier versions of this paper to members of the Yale Experimental Philosophy Lab (October 2014) and audiences at the Conference in Honor of Gerhard Øverland (“Responding to Global Poverty – On what the Affluent Ought to Do and what the Poor are Permitted to Do,” May 2015) and the Workshop on the Beneficiary Pays Principle (May 2016) at the University of Oslo. For helpful discussion, we are grateful to Thom Brooks, Dan Butt, Garrett Cullity, Bashshar Haydar, Robert Huseby, Robert Kirby, Ole Koksvik, Holly Lawford-Smith, Kasper Lippert-Rasmussen, Brandon Liverence, Avia Pasternak, Mark Sheskin, Aysu Suben, Kevin Tobia, Patrick Tomlin, and Alec Walen. For helpful written comments, we would like to thank Florian Cova, Bob Goodin, Serene Khader, Josh Knobe, and two anonymous reviewers for the journal.

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(Butt 2007; Goodin and Barry 2014). We will call this the “benefiting view.” According to the benefiting view, being a beneficiary of injustice can provide an independent ground for charging agents with remedial duties to the victims of wrongdoing. The nature and extent of the duties of innocent beneficiaries have figured prominently in recent philosophical debates concerning the remediation of historical and contemporary injustices, particularly when the perpetrators of these injustices are either no longer alive or hard to identify (e.g., Thomson 1973; Parfit 1984; Caney 2005, 2010; Page 2008; Miller 2009; Huseby 2013).

The benefiting view has recently come under criticism from theorists who adopt a broadly luck egalitarian approach to remedial duties (Huseby 2013; Knight 2013; Lippert-Rasmussen *forthcoming*). We will call this the “luck egalitarian view.” They argue that the duties beneficiaries of injustice have to victims of injustice are not special remedial duties grounded in being a beneficiary of injustice. They do not deny that innocent beneficiaries of injustice can have duties to these victims, but they seek to explain such duties with reference to general duties, in particular the duties of those who are better off in virtue of good brute luck to address the hardships of those who are badly off through no fault of their own—those who suffer from bad brute luck. The fact of being an innocent beneficiary is, according to these theorists, morally epiphenomenal. “In other words”, writes Huseby, “there are many good reasons to agree with the mandates of the BPP [the “beneficiary-pays principle”], but many of these reasons are not derived from that principle” (Huseby 2013:7). Rather, these duties of beneficiaries are supposed to be wholly reducible to duties that all persons have to others who are badly off through no fault of their own, grounded in their bad brute luck. The worry is that in cases in which a beneficiary of injustice ought to take on costs to address the harm suffered by its victims, some other morally relevant factor can explain the relevant intuitions, leaving no need to appeal to the fact that they have benefited from the injustice.

The standard examples of benefiting from injustice employed by these critics of the benefiting view conform to a particular structure. As Carl Knight writes, “one person (Wrongdoer) treats another (Victim) unjustly, making her disadvantaged, in such a way that a third party (Beneficiary) benefits” (Knight 2013:584). In these cases, Knight argues, luck egalitarian considerations explain why Beneficiary ought to take on cost to address Victim’s harm. Luck egalitarianism is the view that, at a minimum, it is in some respect morally worse—but not necessarily altogether morally worse—when some persons are worse off than others due to differential brute luck. So, on the assumption that Wrongdoer is no longer around, Beneficiary ought to relinquish some of her brute luck benefits in order to address Victim’s brute luck losses. This explanation owes nothing to benefiting from injustice *per se*. “On Reflection”, Knight writes, “it becomes apparent that the luck egalitarian can accommodate the relevant intuitions just as well as the benefiting view” (Knight 2013:585).

It is worth noting that one can regard both benefiting from injustice and differential brute luck as independently morally relevant factors for evaluating an agent’s duties to a victim. Often these factors will converge in implying that an agent ought to act in a certain way. For example, it may be that Paul ought to address some particular harm because he caused it, even if it is also true that he ought to address that harm because his doing so would promote the good. But this may not always be true. For example,

Paul might have reason to give resources to Group A because this would do a lot of good but have reason to give these resources to Group B because he contributed to their harm. It is not enough, then, to show that a luck egalitarian concern with differential brute luck is sufficient to explain why Beneficiary ought to address Victim's harm, since it may also be sufficient that Beneficiary ought to do so since he has benefited from injustice.

Nothing we have said so far, however, vindicates the claim that benefiting from injustice is, in fact, not merely epiphenomenal once luck egalitarian considerations are in view. One way to undermine this argument would be to provide theoretical reasons to reject luck egalitarianism. If luck egalitarianism is implausible, it couldn't be appealed to in giving a plausible explanation of why Beneficiary ought to take on cost to address Victim's harm.

In this paper we explore a different issue, namely whether judgments concerning the duties of innocent beneficiaries of injustice can be fully explained by appeal to luck egalitarian considerations. We will argue that they cannot be. It is natural to regard even persons who have benefited from injustice through no fault of their own as having duties to the victims of injustices that they have benefited from which i) differ from their duties to other persons who have had bad brute luck and ii) are duties to victims of those particular injustices. In a series of four empirical studies, we show that thought experiments of the kind originally proposed by luck egalitarian critics of the benefiting view actually give intuitive support for these two claims when factors are properly held constant. We argue on the basis of these results that the benefiting view fits well with our considered moral judgments rather than standing in tension with them, as luck egalitarian critics of the benefited view have argued.

2 Experiment 1: The Duties of Innocent Beneficiaries to Victims of Injustice and Unfortunate Persons

Experiment 1 examines whether benefiting-related duties are in fact reducible to general duties that we have to unfortunate persons. As noted, Knight (2013) has recently attacked the benefiting view along these lines, which he regards as "luck egalitarian" (see also Huseby 2013; Lippert-Rasmussen *forthcoming*). Knight provides a hypothetical case where an innocent beneficiary of an injustice has the ability to distribute \$10,000 in benefits that he has received to the victim of an injustice (Victim) and to someone equally badly off as a result of bad brute luck (Unfortunate). According to Knight, the benefiting view would "insist on \$20,000 per year for Victim and \$10,000 per year for Unfortunate, rather than \$15,000 per year for both, where Beneficiary receives \$10,000 per year of benefit from some injustice perpetrated on Victim, and Victim and Unfortunate will have \$10,000 per year if Beneficiary does not assist them" (Knight 2013: 596). It is stipulated that both the victim and the unfortunate person are just barely at the level of subsistence. In this kind of case, Knight expects that we will share the intuition that the beneficiary should not give significantly more of the benefits to the victim of the injustice than to the unfortunate person.

One may suspect that in this case the fact that these two persons are at mere subsistence level could be a confounding factor. It seems implausible that if two people

were about to drown, for instance, the fact that a person has innocently benefited from an injustice perpetrated against one of them would provide a strong reason for her to save that one rather than the other. Dire circumstances may be a confounding variable in what would otherwise be a situation where we bear stronger duties to one of two persons. However, we hypothesized that in non-emergency circumstances, including the mere subsistence condition stipulated in Knight's case, a significant difference between our duties to victims of injustices that we have innocently benefited from and our duties to other unfortunate persons would emerge. For this reason, we presented a case to experimental participants that closely models Knight's case.

Participants in the experiments discussed in this paper were MTurk users.¹ The experiments employed a within-subjects design. In Experiment 1, participants were asked to read the following case involving an agent who innocently benefited from an injustice:

Walter received \$10,000 as the result of an injustice. He had no involvement whatsoever in the injustice and no relationship with the people responsible for it. The people responsible for the injustice that Walter innocently benefited from cannot be found.

Walter faces a choice. John and Hugh each make just enough money each year to meet their basic needs. John is the victim of the injustice that led to Walter receiving the money, while Hugh has had really bad luck in life. They have been equally disadvantaged by these causes through no fault of their own. Walter doesn't require the \$10,000 to meet his basic needs, and believes that he should give some of this money away.

They were presented with three sliders labeled with names of the Beneficiary (Walter), the Victim of the Injustice (John) and the Unfortunate Person (Hugh), ranging from "0" to "10000."² Participants were asked to use the sliders to indicate how they thought Walter should divide up the money.

The cases used in this paper were deliberately kept minimal in their description of what kind of injustice occurred and how the beneficiary acquired the benefits.³

¹ We limited our participant pool to MTurk users with a 98% or better approval rating for their work who were located in the United States. Participants were not allowed to take more than one of these experiments. The initial number of participants was limited to 50 for each experiment. Upon beginning the study, participants received a randomly generated code that they would have to enter at the end of the study in order for their results to be counted. The task used sliders that ranged from "0" to "10000" with notches at each thousand mark. Because participants could not see the precise totals they were selecting for each recipient, we eliminated participants whose total distributed benefits were \$1000 above or below the \$10,000 total. There were 47 participants in Experiment 1, with 2 participants excluded for going over and 1 participant excluded for going under the \$10,000 total by \$1000 or more.

² The vertical order of the appearance of the sliders in each experiment was randomized to control for possible order effects.

³ We are grateful to an anonymous reviewer for suggesting that we discuss this point.

This allowed us to have our case match Knight's original case as closely as possible. But moreover, it is likely that many additional factors will be introduced when specific historical and contemporary injustices are discussed, and so we wanted to limit the content of each case to the general form that more specific cases could take. It is beyond the bounds of the present paper to explore the many additional factors that cases involving different injustices and ways of benefiting from them might present, but the studies in this paper are intended as a precursor to this broader research program.

We hypothesized that participants would regard the innocent beneficiary as required to give more of the benefits to the victim than to the unfortunate person, even though it is stipulated that both were equally disadvantaged by these causes. If this result obtained, it would undermine the assumption that intuitive support for the benefiting view derives from its convergence with luck egalitarians considerations.

Figure 1 represents the mean amounts of the benefits that participants thought the innocent beneficiary should allocate to the victim of the injustice, the unfortunate person, and to himself:

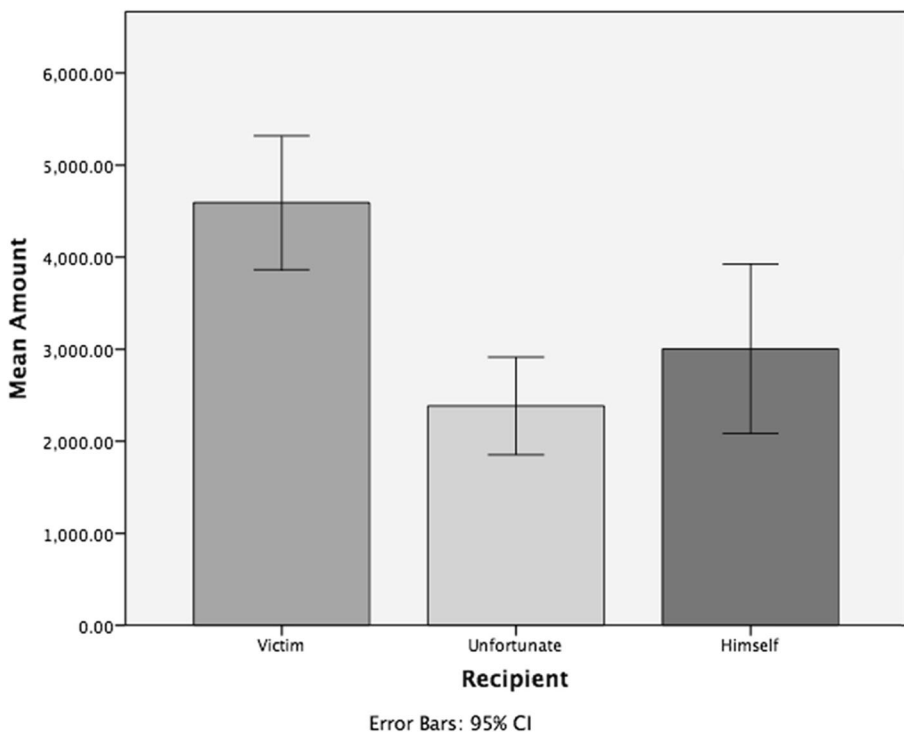


Fig. 1 Mean amounts that participants judged that the innocent beneficiary should allocate to the victim, the unfortunate person, and himself

As we predicted, there was a significant difference between what participants thought the innocent beneficiary owed to the three possible recipients of the benefits of the injustice.⁴ In particular, the amount that the innocent beneficiary was regarded as owing to the victim of the same injustice ($M = 4591.11$, $SD = 2482.59$) was significantly higher than the amount that they thought he should give to the unfortunate person ($M = 2383.54$, $SD = 1809.83$).⁵

In order to determine whether the benefiting view or the luck egalitarian alternative matches people's intuitions better in this case, we should not only look at the amounts given to the victim of injustice and the unfortunate person. We also need to compare how many participants thought the victim should receive more than the unfortunate person to the number of participants that did not show a preference for the victim over the unfortunate person but thought the beneficiary should give some amount of the benefits away.⁶ As our account predicts, the number of participants who thought that the beneficiary owed a larger amount to the victim than to the unfortunate person (63.8%; 95% CI [50%, 78%]) was significantly greater than number who thought that he should give some of the benefits away but did not have to give a larger amount to the victim than to the unfortunate person (27.7%; 95% CI [14.8%, 40%]).⁷ This suggests that the kind of case that luck egalitarian critics have used in arguing against the benefiting view actually provides intuitive support *for* it. People tend to regard the innocent beneficiary of injustice as owing more of the benefits to the victim of that injustice than to someone who has been equally disadvantaged by bad brute luck.

One might think that, rather than supporting the benefiting view, these results suggest that participants may wish to punish the beneficiary.⁸ They may be uncomfortable with the fact that the people who committed the injustice in this case were never punished for doing so, and therefore seek to punish the innocent beneficiary in place of these wrongdoers. Of course, it is possible that the ultimate motivation of participants in requiring the beneficiary to distribute the money is to punish the wrongdoers vicariously. However, we think that their viewing the innocent beneficiary as having a special duty to the victim of the injustice from which he benefited is the more likely explanation. The case explicitly states that the beneficiary had no involvement whatsoever in the injustice, nor any relationship with the wrongdoers who were responsible for it. In addition to these stipulations and the fact that the case describes him as having innocently benefited, the beneficiary believes that he should give away some of the benefits that he has received. He therefore does not seem to be a likely target of even vicarious retribution. Moreover, participants allowed

⁴ Repeated-measures ANOVA with the Greenhouse–Geisser correction, $F(1.497, 68.880) = 6.339$, $p = .006$, $\eta^2 = .12$.

⁵ Paired samples, $t(46) = 4.97$, $p < .001$.

⁶ We are grateful to an anonymous reviewer for this point.

⁷ $\chi^2(1) = 6.721$, $p = .01$. The remaining 8.5% (95% CI [1%, 16%]) thought that the beneficiary could keep all of the benefits for himself. These participants should not be counted either in favor of the benefiting view or the luck egalitarian view, and hence were not included in this comparison.

⁸ We are grateful to an anonymous reviewer for urging us to respond this potential objection and the next one.

him to keep a sizeable portion of the benefits. If the desire to punish the beneficiary was what ultimately motivated the participants' judgments, it's hard to see why they allowed him to keep some of the benefits for himself, and also why they preferred the victim of the injustice among the possible recipients of the benefits.

Alternatively, one might be concerned that, because the case is very minimally described, participants could be assuming that the benefits that the beneficiary acquired *belonged* to the victim. In that case their judgments may be driven by respect for the victim's property rights. As noted above, the cases that we use in this paper are deliberately kept minimal, because describing particular injustices could introduce a whole host of other factors that would affect participants' judgments. The studies presented here are meant to serve as a precursor to further studies looking at particular injustices. Still, it does not seem plausible that respect for the property rights of the victim provides the most likely explanation for our participants' judgments. If the participants thought that the funds were directly owned by the victim, and respect for property rights is supposed to explain their judgments, it's not clear why they wouldn't require the beneficiary to give back all of the benefits to the victim. Notably, only three participants (6%, 95% CI [0%, 13%]) held that the victim should receive all of the benefits. Participants judged that the innocent beneficiary should give a substantial proportion of the benefits to the unfortunate person, and also that he could keep a substantial proportion of the benefits for himself.

The results of Experiment 1 support our first claim in favor of the benefiting view: that the duties of innocent beneficiaries to victims of injustice differ from their duties to other badly-off persons. Both in terms of the total amounts of benefits given and the number of participants who favored or did not favor the victim of an injustice, participants expressed a significant preference for giving the benefits of an injustice to the victim of that injustice over a person who was equally badly off due to bad brute luck. The intuitive evidence gathered in our study does not undermine, but rather provides support for the benefiting view.

3 Experiment 2: Whether Innocent Beneficiaries Bear Directed Duties to the Victims of the Injustices they Have Benefited from or only General Duties to Victims of Injustice

Following on Experiment 1, we sought to test the second claim in favor of the benefiting view: that innocent beneficiaries of injustice have directed duties to the victims of the *particular* injustices that they have benefited from. In this experiment, we varied the case so that we would be able to see whether people judge that there is an important difference between what an innocent beneficiary is required to provide to a victim of the injustice that they have benefited from and to the victim of a different injustice.⁹ The case read as follows:

⁹ There were 48 participants in Experiment 2, with two participants excluded for going more than \$1000 over the total possible amount of benefits to be distributed.

Walter received \$10,000 as the result of an injustice. He had no involvement whatsoever in the injustice and no relationship with the people responsible for it. The people responsible for the injustice that Walter innocently benefited from cannot be found.

Walter faces a choice. John and Hugh each make just enough money each year to meet their basic needs. John is the victim of the injustice that led to Walter receiving the money, while Hugh was the victim of a different injustice. The two injustices were not related to one another. They have been equally disadvantaged by these causes through no fault of their own. Walter doesn't require the \$10,000 to meet his basic needs, and believes that he should give some of this money away.

We varied the case in this way to test whether innocently benefiting from injustice is thought to give rise to directed duties to victims of the particular injustices that we have benefited from or general duties to victims of injustice.

Figure 2 represents the mean amounts that participants thought that the innocent beneficiary should allocate to the victim of the injustice, the victim of a different injustice, and to himself:

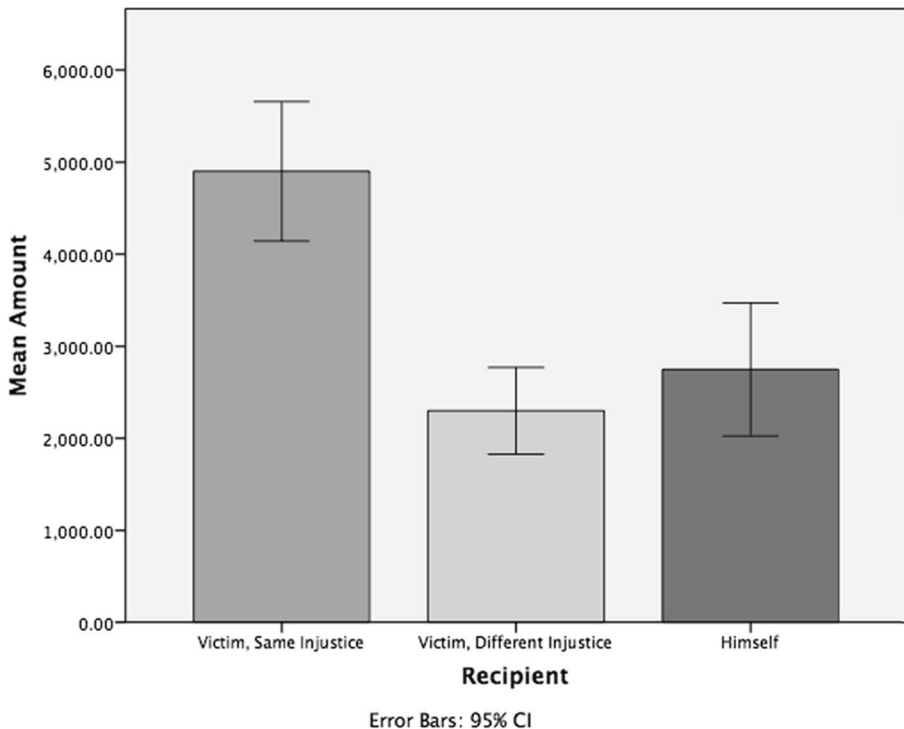


Fig. 2 Mean amounts that participants judged that the innocent beneficiary should allocate to the victim, the victim of a different injustice, and himself

We found again that there was a significant difference between what participants thought the innocent beneficiary owed to the recipients of the benefits of the injustice in this study.¹⁰ Participants regarded the innocent beneficiary as owing significantly more to the victim of the injustice that he benefited from ($M = 4901.61$, $SD = 2612.37$) than to the victim of another injustice ($M = 2298.64$, $SD = 1627.02$).¹¹ Further, the number of participants who judged that the innocent beneficiary should give more of the benefits to the victim of the same injustice (71%; 95% CI [58%, 84%]) was significantly greater than the number who judged that he should give some of the benefits to both but not more to the victim of that injustice (29%; 95% CI [16%, 42%]).¹² These results support our second claim in favor of the benefiting view: that innocent beneficiaries of an injustice acquire directed duties to the victims of that injustice, duties that are distinct from any general duties they might have to all victims of injustice.

4 Experiment 3: Directed Duties to Victims of Injustice and Full Compensation

So far we have provided empirical evidence suggesting that we should reject the claim that the duties of innocent beneficiaries of injustice are naturally regarded as reducible to general duties that people have to help those who are badly off through no fault of their own. People tend to regard innocent beneficiaries of injustice as having more stringent duties to victims of injustices that they themselves have benefited from than to other unfortunate persons. Additionally, the duties of innocent beneficiaries tend to be regarded as directed duties to the victims of injustices from which they have benefited, as shown by the more stringent duties that people tend to regard innocent beneficiaries as having toward them compared with their duties to victims of other injustices.

But how do people view the nature of these benefiting-related duties? A full exploration of this question is beyond the bounds of this paper, but in Experiment 3 we take a further step toward addressing it. In particular, we tested whether the duties of innocent beneficiaries are thought to fall away if the victims of injustices from which they benefited have been fully compensated for the harm done by the injustice. The case read as follows:

Walter received \$10,000 as the result of an injustice. He had no involvement whatsoever in the injustice and no relationship with the people responsible for it. The people responsible for the injustice that Walter innocently benefited from cannot be found.

Walter faces a choice. John, Hugh, and Bill each make just enough money each year to meet their basic needs. John is the victim of the injustice that led to Walter receiving the money, Hugh was the victim of a different injustice, and Bill has had

¹⁰ Repeated-measures ANOVA with the Greenhouse–Geisser correction, $F(1.609, 75.634) = 11.855$, $p < .001$, $\eta^2 = .20$.

¹¹ Paired samples, $t(47) = 5.05$, $p < .001$. They also thought that the innocent beneficiary should give significantly more to the victim of the injustice that he benefited from than he should keep for himself ($M = 2748.40$, $SD = 2492.89$), Paired samples, $t(47) = 3.09$, $p = .003$.

¹² $\chi^2(1) = 8.333$, $p = .004$.

really bad luck in life. John, Hugh, and Bill have been equally disadvantaged by these causes through no fault of their own. Charles, who also had no involvement in these causes, has fully compensated John, Hugh, and Bill for the disadvantages that the causes have produced. Walter doesn't require the \$10,000 to meet his basic needs, and believes that he should give some of this money away.

We were also interested in whether people's judgments involving compensation of the victims by an uninvolved third party coincide with the view that the beneficiary is required to "disgorge" (Goodin 2013) the benefits of an injustice.

One reason for allowing an innocent beneficiary to hold onto at least some of the benefits of an injustice may be the fact that an injustice occurred in the distant past, where some statute of limitations applies to claims that can be made to recover benefits from them. Another could be that a "change of position" has occurred, as understood in the law, where a beneficiary has blamelessly formed expectations and plans around the possession of some benefits such that recovering them would wrong the beneficiary. In the case used in Experiment 3, we were careful to ensure that neither of these reasons applies—there is no reason to think that the injustice happened long ago or that the beneficiary has formed expectations or plans based on the assumption that he can use these benefits. To the former point, the injustice has only recently occurred. To the latter, the fact of the recent occurrence of the injustice suggests that no change of position has taken place. Further, we stipulated that the receipt of these benefits does not affect the beneficiary's ability to meet his basic needs.

The case used in Experiment 3, then, seems to be one in which Goodin would hold that the benefits of wrongdoing must be "disgorged" or given up by the beneficiary. Disgorgement, he argues, is one of four basic responses to wrongs. Whereas compensation and restitution are responses that focus on victims of wrongdoing and their welfare, disgorgement is focused on the wrongdoer or beneficiary and their relation to some goods. Unlike restitution, disgorgement doesn't involve giving back what is rightfully owed to a victim. Because the victim in our case has been fully compensated for his loss and the benefits that the innocent beneficiary holds are not funds or possessions of the victim, it is implausible, on Goodin's model, that the beneficiary should owe more to the victim of injustice than to others.¹³ Additionally, the wrongdoers in the case cannot be found, and so punishing the beneficiary is not the appropriate response. On Goodin's account, disgorgement of the benefits is the only remaining category of basic responses to wrongs, requiring that the beneficiary give up the benefits of the injustice that they innocently received.¹⁴

Figure 3 represents the mean amounts that participants¹⁵ thought that the innocent beneficiary should allocate to the victim of the injustice, the victim of a different injustice, himself, an unfortunate person, and to the third-party compensator:

¹³ For Goodin's taxonomy of basic responses to wrongs, see Goodin 2013: 480.

¹⁴ Of course, Goodin's view could be paired with a further principle stipulating that innocent beneficiaries in such cases must give, or give more of, the benefits they currently hold to victims of the injustice. But Goodin doesn't include such a principle in his account, and claims to be giving a taxonomy of responses to benefiting from injustice. We are grateful to an anonymous reviewer for urging us to clarify this point.

¹⁵ There were 42 participants in Experiment 3, with 6 participants excluded for going over and 2 excluded for going under the \$10,000 total by \$1000 or more.

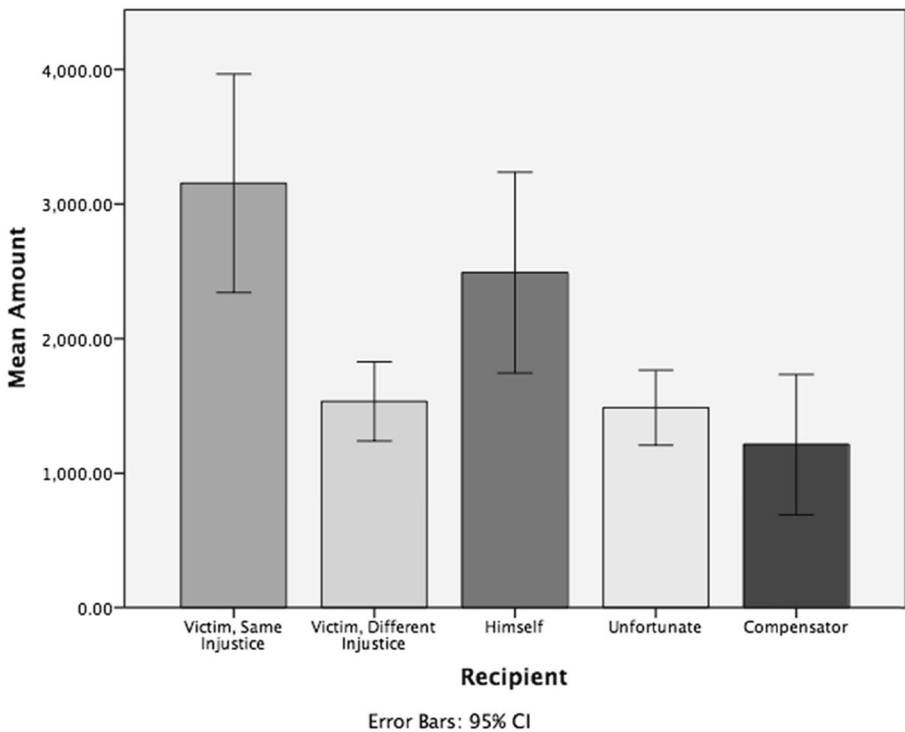


Fig. 3 Mean amounts that participants judged that the innocent beneficiary should allocate to the victim, the victim of a different injustice, himself, an unfortunate person, and a third-party compensator

There was a significant difference between the amounts that were distributed to each potential recipient of the benefits.¹⁶ The amount that participants thought that the innocent beneficiary owed to the victim of the injustice from which he benefited ($M = 3154.53$, $SD = 2603.43$) was significantly greater than the amount that they thought he owed to the victim of a different injustice ($M = 1532.62$, $SD = 946.06$)¹⁷ or to a person disadvantaged to an equal extent by bad brute luck ($M = 1486.20$, $SD = 896.87$).¹⁸ Notably, these robust differences obtained even when the victim of the injustice that he benefited from, the victim of a different injustice, and the unfortunate person were *all* fully compensated by a third party for the disadvantages that these causes produced. The amount thought to be owed to the victim was also significantly higher than what was thought to be owed to the compensator ($M = 1212.25$, $SD = 1673.08$),¹⁹ suggesting that appealing to a duty to support compensating

¹⁶ Repeated-measures ANOVA with the Greenhouse–Geisser correction, $F(2.4, 97.83) = 6.605$, $p = .001$, $\eta^2 = .14$.

¹⁷ Paired-samples, $t(41) = 3.365$, $p = .002$.

¹⁸ Paired-samples, $t(41) = 3.484$, $p = .001$.

¹⁹ Paired-samples, $t(41) = 3.500$, $p = .001$.

agents or agencies, which may be reasonable, will still not fully explain the judgments that people tend to make about how the benefits of an injustice should be redistributed from innocent beneficiaries.

However, the number of participants who thought that, among the disadvantaged parties, the victim should receive the largest amount (50%; 95% CI [35%, 65%]) did not differ significantly from the number of participants who did not show this preference for the victim (48%; 95% CI [33%, 63%]).²⁰ This suggests that there was some disagreement in our sample over whether the directed duties of innocent beneficiaries to the victims of the injustices that they have benefited from remain in force even when those victims have been fully compensated. On one hand, a sizeable proportion of participants thought that the innocent beneficiary continued to owe more to the victim of the injustice that he benefited from than to the other disadvantaged parties after full compensation. On the other hand, a sizeable proportion seemed to view something like disgorgement as the appropriate response, where the beneficiary must give up their benefits but isn't required to favor the victim of the injustice that they benefited from.²¹ In Experiment 4, we examine whether or not the apparent view of some of our participants that the directed duties of innocent beneficiaries of injustice extend beyond full compensation is explained instead by their not viewing the victim in this case as having been fully compensated.

5 Experiment 4: Full Compensation Emphasized in Terms of Indifference

In Experiment 4, we address the possibility that participants in Experiment 3 who appeared to hold that the innocent beneficiary's directed duty remained in force even after full compensation was given to the victim just did not view the victim in the case as really having been fully compensated. If this were so, we could not conclude that they judged that these duties remain in force after the point of full compensation from their responses in the previous experiment. To address this possibility, we explicitly state in a new version of the case used in Experiment 3 that the third-party compensator has fully compensated each potential recipient of the benefits for the causes that produced their disadvantages to the extent that they do not mind that the causes occurred. In addition, we distinguished in this variant of the case between the victim of the particular injustice that the beneficiary has benefited from and a victim of a different injustice of the same type. We did this in order to make it clear that the beneficiary received these benefits because of the particular injustice that the victim suffered. The case read as follows:

²⁰ $\chi^2(1) = .100, p = .75$. As with the similar comparison in Experiment 1, this comparison included only participants who judged that the beneficiary should give each of the disadvantaged parties at least some of the benefits (in Experiment 2, all of the participants did so). For ease of exposition, we will drop this qualification in describing the results of Experiment 4.

²¹ Among the participants who selected some amount for the two victims of injustice and the unfortunate person, only one participant selected the exact same amount for all three of these recipients, but this is perfectly compatible with the idea of disgorgement. The fact that a beneficiary must give up their benefits doesn't imply that they have to give the same amounts to people who have been disadvantaged by different causes.

Walter received \$10,000 as the result of an injustice. He had no involvement whatsoever in the injustice and no relationship with the people responsible for it. The people responsible for the injustice that Walter innocently benefited from cannot be found.

Walter faces a choice. John, Hugh, and Bill each make just enough money each year to meet their basic needs. John is the victim of the injustice that led to Walter receiving the money, Hugh was the victim of the same type of injustice, and Bill has had really bad luck in life. John, Hugh, and Bill have been equally disadvantaged by these causes through no fault of their own. Charles, who also had no involvement in these causes, has fully compensated John, Hugh, and Bill for the disadvantages that the causes have produced to the extent that they do not mind that the causes occurred. Walter doesn't require the \$10,000 to meet his basic needs, and believes that he should give some of this money away.

The added stipulation that John, Hugh, and Bill do not mind that the causes of their disadvantages occurred is meant to model the *indifference* of the parties between their state before they were disadvantaged and their state after compensation.²² The notion of indifference provides a plausible understanding of full compensation.

Figure 4 represents the mean amounts that participants²³ thought that the innocent beneficiary should allocate to the victim of the injustice, the victim of a different injustice, himself, an unfortunate person, and to the third-party compensator, when the notion of indifference is used to describe full compensation.

In response to this case, participants judged that the innocent beneficiary owed significantly different amounts to the potential recipients.²⁴ Participants regarded the innocent beneficiary as owing a significantly greater amount of the benefits to the victim of the particular injustice that he benefited from ($M = 3037.52$, $SD = 3063.27$) than to the victim of the same type of injustice ($M = 1642.67$, $SD = 1569.91$)²⁵ or the unfortunate person who suffered bad brute luck ($M = 1173.79$, $SD = 1170.28$).²⁶

In this study, there were fewer participants who favored the victim of the same injustice among the disadvantaged parties (32%; 95% CI [19%, 45%]) than participants who did not show this preference for this victim (51%; 95% CI [37%, 65%]), although this difference was not statistically significant.²⁷ This was true even though we stipulated in this case that this person was the victim of the injustice that led to the beneficiary receiving the \$10,000. Nonetheless, as noted above, this victim was still selected to receive more of the benefits than either of the other disadvantaged parties, the victim of the same type of injustice and the unfortunate person who suffered bad brute luck. While the group who favored the victim was a smaller proportion of the sample in Experiment 4 than in Experiment 3, these persisting differences in the means

²² For a well-known discussion of compensation in terms of indifference see Nozick 1974.

²³ There were 47 participants in Experiment 4, with 2 participants excluded for going over and 1 excluded for going under the \$10,000 total by \$1000 or more.

²⁴ Repeated-measures ANOVA with the Greenhouse–Geisser correction, $F(2.708, 124.549) = 4.238$, $p = .009$, $\eta^2 = .08$.

²⁵ Paired-samples, $t(46) = 2.717$, $p = .009$.

²⁶ Paired-samples, $t(46) = 3.661$, $p = .001$.

²⁷ $\chi^2(1) = 2.077$, $p = .15$.

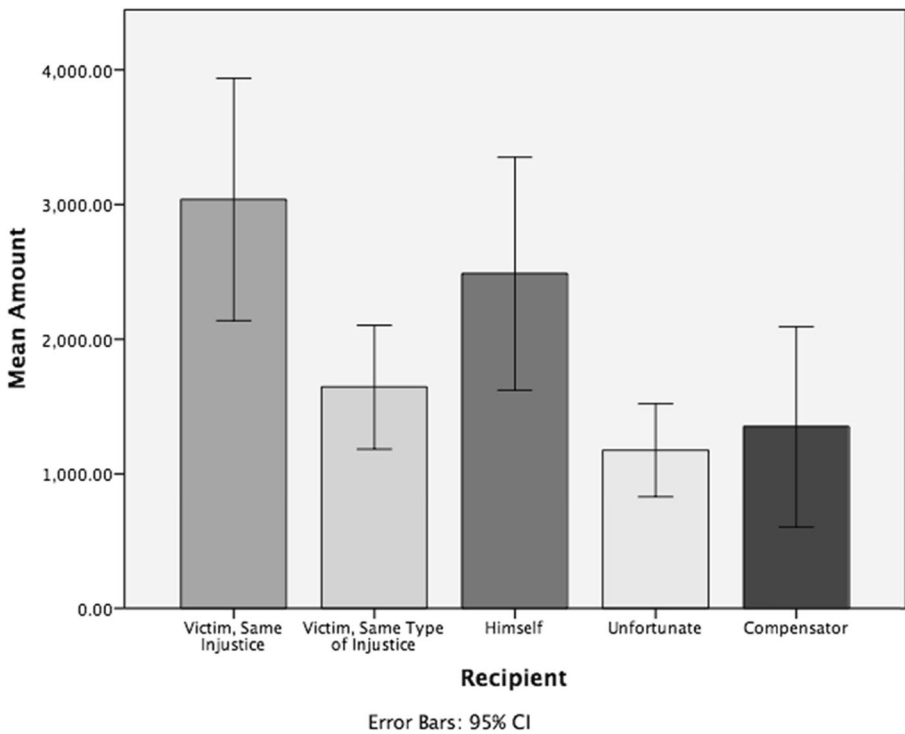


Fig. 4 Mean amounts that participants judged that the innocent beneficiary should allocate to the victim, victim of the same type of injustice, himself, unfortunate person, and third-party compensator when notion of indifference is used to describe full compensation

suggest that some participants in both experiments did regard the directed duty of the innocent beneficiary to remain in force even when the victim had been fully compensated. The majority view in this study, however, seems to be that something akin to disgorgement of the benefits on the part of the innocent beneficiary is the appropriate response in cases where the victim has been fully compensated by another party.

6 Conclusion

In this paper we presented empirical evidence in defense of the benefiting view (Experiments 1 and 2), which holds that innocent beneficiaries of wrongdoing may have special duties to the victims of wrongdoing that they have benefited from. This evidence was derived from studies that we conducted using cases that have been invoked by luck egalitarian theorists to provide intuitive evidence against the benefiting view. To sustain this line of criticism, these theorists are now placed in the dilemma of having either to contradict robust moral intuitions of the kind that their criticisms relied upon or explain these intuitions away. While these possible avenues of response might be promising, we see little reason to think that they will be.

The positive support that our studies provide for the benefiting view does not go beyond showing that the intuitions of ordinary people tend to agree with it. Of

course, it is open to a luck egalitarian critic of the benefiting view to dismiss the use of intuitions, or robust reliance on them, and argue that the benefiting view lacks a principled rationale.²⁸ While Knight (2013) relies on intuitions in arguing against the benefiting view, for instance, he also argues that the view lacks a firm normative underpinning. Showing that such an underpinning exists cannot be readily established by the empirical methods we have employed in this paper. It is worth emphasizing that we have not tried to settle the issue over whether the benefiting view or a luck egalitarian alternative is the proper theory of the duties of innocent beneficiaries of injustice. Rather, we have defended the benefiting from the criticism that intuitions that might seem to support it can be fully explained by luck egalitarian considerations.

Given that luck egalitarian critics of the benefiting view have relied on the method of cases in launching this criticism of the view, offering hypothetical cases or scenarios that elicit intuitive judgments, it would be odd for them suddenly to adopt a position of outright skepticism toward these judgments. Alternatively, they may seek to explain away the pattern of intuitive responses that we observed in our studies. While we cannot anticipate each possible way in which they might attempt to do so, one would be to deny that the ordinary people whom we've consulted in our studies have intuitions of the same kind as philosophers. The intuitions of philosophers, it might be argued, are the ones to trust, and are issued from a standpoint of epistemic authority with respect to the cases.

This expertise-based strategy for separating the intuitions of philosophers and ordinary people has been challenged (Weinberg 2009; Weinberg et al. 2010; Schwitzgebel and Cushman 2012; Tobia et al. 2013), and remains a contested issue (Williamson 2011; Rini 2015). Moreover, this response is ad hoc unless supported by evidence that philosophers' intuitions about *these* particular kinds of cases can be expected to differ from the intuitions of ordinary people. It is worth noting that, in keeping with the hypothetical cases used by luck egalitarian critics of the benefiting view, the cases used in our experiments do not require command of any technical concepts. They do not ask about whether concepts such as 'knowledge' or 'intention' apply in these instances. If they did, then the claims of philosophers' expertise in making correct ascriptions might seem more plausible. Instead, the cases we consider elicit judgments of how the benefits of an injustice should be divided among potential recipients.

Rather than making claims about the analysis of the concept of an innocent beneficiary, for instance, which may fall outside the province of experimental philosophy (Knobe *forthcoming*), we are interested in the question of how people tend to view the appropriate distribution of resources in these cases. This is precisely the same question as luck egalitarian critics of the benefiting view have posed. Their arguments have relied on what they took to be widely shared intuitive judgments in response to these cases, and certainly not theory-laden judgments that presuppose the truth of luck egalitarianism, nor judgments that rest on philosophical expertise for their evidential value.

Our results not only provide a defense of the benefiting view, but also raise further questions about whether the duties of innocent beneficiaries remain in

²⁸ We are grateful to an anonymous reviewer for suggesting that we address this point.

force even after the victims of the injustices that they have benefited from have been fully compensated (Experiments 3 and 4). On one hand, participants as a whole consistently selected higher amounts that the beneficiaries should give to the victims of these injustices than to other victims of injustices or unfortunate persons. On the other hand, the proportions of participants who favored the victim post-compensation over these other potential recipients of the benefits did not differ significantly from those who did not show this preference for the victim. This suggests that there is some disagreement among people regarding whether the duties of innocent beneficiaries remain in force after these victims have been fully compensated. Further experiments and theorization to explore which of these views is best supported by intuitions and principled reasoning will be required. We hope to have shown that, in addition to being a rich and exciting issue for purely theoretical work in moral and political philosophy, empirical work in moral psychology can contribute to a fuller understanding of the duties of innocent beneficiaries of injustice.

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