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Why Victims of Unjust Harm Should Take Priority over Victims of Bad Luck

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Abstract: It is sometimes suggested that victims of unjust harm should take priority over victims of other forms of harm. We explore four arguments for this view: that victims of unjust harm experience greater suffering; that prioritizing victims of unjust harm would help prevent unjust harm in the future; that it is good for perpetrators that their victims be prioritized; and that it is impersonally better that victims of unjust harm are prioritized. We argue that the first three arguments fail but that the fourth argument succeeds. Moral agents have a reason to prioritize victims of wrongdoing because this secures the impersonal value of corrective justice. However, this reason can be activated differently for different agents depending on how they are situated relative to the wrongdoing, and it may be outweighed by other factors, such as the extent of the harm that could be alleviated.

Keywords: brute luck; compensation; corrective justice; harm; impersonal value; injustice; moral luck

1. Introduction

When we think about how morally pressing it is to respond to disadvantages that blight people's lives, does it matter whether this disadvantage has wrongful ("unjust harm") or non-wrongful ("unlucky harm") origins? This question has provoked a number of contrasting responses amongst moral and political philosophers working in the corrective and distributive traditions of justice theorizing.¹ The question is an important one for, if unjust harm is more morally pressing than unlucky harm, we should sometimes be prepared to remedy the former instead of the latter in our normative decision making. This could potentially change how we think of a range of moral and political debates such as international aid, humanitarian intervention, environmental protection, and health policy.

¹ See, for example, Stemplowska (2009); McMahan (2010); Singer (2010); Tadros (2011, 105-8); Knight (2013); Parr (2016); Eggert (2018).

In this paper, we explore four arguments that could be harnessed to show that remedying unjust harm, all other things being equal, really is more morally pressing than remedying unlucky harm. The first argument is that victims of wrongdoing suffer more than unlucky victims. The second is that assisting victims of wrongdoing is instrumental in preventing future acts of wrongdoing. The third is that it is in the interest of wrongdoers that their wrongdoing is defeated. The fourth is that it is impersonally good that wrongdoing is defeated. We argue that the first three arguments fail due to problems of contingency and moral luck. The fourth, however, succeeds. Correcting the wrongs done to victims may not always be good for the victim in the sense that this makes them better off than they were, or would have been, had the wrong not been corrected; but it is nevertheless desirable that wrongs are corrected because it ensures that the world does not carry the marks of wrongdoing. Hence, we argue, correcting wrongs is invariably a source of *impersonal* value and this value provides a reason, activated in at least some circumstances, to prioritize the alleviation of unjust harms over unlucky harms.

The paper is structured as follows. In section 2, we clarify the meaning of key terms such as “harm”, “wrongdoing”, “unlucky harm” and “unjust harm;” and introduce a pair of hypothetical examples that will run throughout the text. In section 3, we assess four arguments in favor of prioritizing unjust harm over unlucky harm. We note that a successful argument must point out a non-contingent value of prioritizing unjust harm and argue that the impersonal argument meets this standard. In section 4, we draw out an important implication of this argument which is relevant for the recent debates over the Beneficiary Pays Principle. In section 5, we offer some final remarks on the moral weight of defeating wrongdoing.

2. Making sense of unjust harm and unlucky harm

When exploring the claim that tending to wrongful harm is more morally pressing than tending to unlucky harm we need to clarify the concepts invoked in this claim. We take *harm* to mean a

setback to someone's interests.² *Unjust* harm is harm which is brought about through wrongdoing. *Unlucky* harm, by contrast, is harm which is no one's fault. For the sake of simplicity, we treat the distinction between unjust and unlucky harm as mutually exclusive and exhaustive. *Wrongdoings*, finally, are actions that are contrary to moral duty. Since our question is whether harm brought about by wrongdoing should generally take priority over harm that is no one's fault, we can be neutral between different first-order normative accounts of what makes an act wrong.

With these initial conceptual clarifications in mind, consider the following pair of examples:

Assault. Victim's daily commute takes them down the street where Scoundrel lives. Scoundrel dislikes intensely the noise that Victim's motorcycle makes. One morning, Scoundrel places a branch across the street just before Victim arrives on his bike. Victim rides into the branch and breaks a leg.

Freak Accident. Hapless travels to work every day by motorcycle. One morning, a freak gust of wind unexpectedly blows a tree branch into the street. Hapless rides into the branch and breaks a leg.

The cases *Assault* and *Freak Accident* are paradigmatic illustrations of unjust and unlucky harm. Even though both Victim and Hapless suffer the same harm, only Victim suffers unjust harm because only they are the victim of wrongdoing.³

² Though this is Feinberg's (1984) famous phrasing, we do not mean to take on a strongly Feinbergian approach to harm. In particular, we do not follow Feinberg in saying that an act "harms" a person only insofar as it violates an interest protected by rights (ibid. 36). Since we are not concerned with the appropriate limits of criminal law, we can afford to speak of non-rights violating harm. Note that "setting back" is ambiguous between what Tadros calls different *measures* of harm (Tadros 2016: 176).

³ We might think that Hapless is also a victim of wrongful harm insofar as someone neglected their moral duty to, say, prune the trees lining the street where the accident occurred. Here, however, we rely on the reader accepting our

We no doubt think that there are important differences between the examples that should affect how we think about helping Victim or Hapless. In particular, since Scoundrel is responsible for Victim's injury, it would be inappropriate for Scoundrel to treat the predicament of Victim and Hapless as equally morally pressing. Since Scoundrel is responsible for the harm caused to Victim, Scoundrel has the primary duty to remedy the harm. This could, in turn, affect how third parties reflect on the situation, because if we could anticipate that Scoundrel would act on their primary duty, then others might as well assist Hapless.⁴ But let us assume that Scoundrel, now presumed dead, fled the scene immediately after his attack thereby leaving others entirely unconnected to the attack with the question of which victim to help. They may be able to help both but even in that happy circumstance they have to choose which of the two they help first thereby lengthening the suffering of the other. Does the fact that only Victim suffers unjust harm matter to the moral urgency of tending to the injuries of Victim and Hapless? That is the more difficult question.

To see the question clearly, suppose that the cost of assistance is the same and that there are no other relevant differences between Victim and Hapless: they are equally well off, financially and otherwise; they are equally within their rights to take their motorcycles to work; their physical injuries are identical; and they suffer to the same extent. Suppose also that there are no special obligations to ameliorate either person's harmful condition in virtue of some special relationship (such as friendship, family ties, or a preexisting promise of mutual aid). Does the genesis of Victim's injury *in itself* give us stronger reason to assist him? That is not clear. Since neither Victim nor Hapless could control what happened to them, perhaps we should regard their claims on our assistance as equally pressing. For example, if we could only drive one of them to the hospital, maybe we should decide by flipping a coin. Alternative decision-making strategies

stipulation that Hapless' accident was no one's fault. Note that if Hapless' crash was the result of wrongdoing, it would be of a lesser sort than the direct attack carried out by Scoundrel. We return to degrees of wrongdoing below.

⁴ We disregard for the sake of argument the obvious objection that Victim would be uncomfortable with being assisted by his attacker.

would not be fair, we might think, because they would recognize a normative difference in the situations of suffering agents that does not exist.⁵

3. Four ways to ground priority for unjust harm

So what could explain the common intuition that these two cases are relevantly and importantly different from the normative point of view such that bystanders (moral agents who played no role in how the wrongful harms came about) have reason to assist Victim before they help Hapless? We discuss four possibilities: that victims of unjust harm should be prioritized because this would be better *for them*, because this would *prevent* future unjust harm, because this would be better *for the perpetrator*, or because this will be better *impersonally*. We argue that only the fourth possibility succeeds.

It is important to be clear about the standard we invoke in assessing these arguments. We assume that in order for us to say that victims of unjust harm should take priority, then there must be a tight link between the fact that someone suffers unjust harm and our moral reasons to prioritize them. More specifically, the case for priority cannot depend on some contingent set of circumstances such that we occasionally have a reason to prioritize victims of unjust harm, but must instead draw on some factor which is *inherently* present in cases of unjust harm. The first three of the four arguments for giving priority to victims of unjust harm fail precisely because they fail to identify such an inherent factor.

3.1 *The personal good of the victim*

One reason to prioritize Victim over Hapless would be if the harm done to Victim could be shown to be greater than the harm done to Hapless. Imagine, for example, that both events occur simultaneously and in the same locale and we are first on the scene. If one is suffering more than the other then we would have a straightforward person-affecting reason to assist the worse off person. This invites the question of whether

⁵ This criticism has been pressed, for example, in recent critical discussions of the Beneficiary Pays Principle, typically from a luck egalitarian perspective. See, e.g., Knight (2013); Huseby (2015); Lippert-Rasmussen (2017).

there is reason to think that the wrongfully harmed are consistently worse off than the unluckily harmed in this person affecting sense. Although Victim and Hapless share the same physical injury, it might be thought that breaking one's leg as a result of an assault causes more suffering than a blameless action or event because a victim of injustice feels additional psychological pain from knowing that their injury was brought about 'by design' (Singer 2010: 197). If that is so, then we would seem to have more reason to assist Victim since we could alleviate more harm that way.

While it is conceivable that victims of injustice do generally suffer more than victims of brute bad luck, the problem is that this somewhat contingent consideration will not translate into a general reason to prioritize victims of wrongdoing. First, any particular unlucky victim might well be psychologically more fragile than any particular victim of wrongdoing and consequently suffer more from an identical injury; and if we were to base our harm alleviation decisions solely on who is suffering more, we would then lack a general reason to prioritize the victim of wrongdoing. Second, there is a sense in which emphasizing the greater suffering of victims of wrongdoing would not quite answer the core puzzle that wrongful-versus-unlucky harm cases pose since, after the "sting" of wrongdoing is added, there would presumably be other cases to consider in which the victims of wrongdoing are evenly matched in terms of harm with victims of brute luck who suffer slightly worse injuries. If we were to look only at harm or suffering, we would have no reason to prioritize the victims of wrongdoing in these cases.

There are two problems, then, with the "good-for-the-victim" argument. First, it relies on the contingent claim that wronged victims suffer more than unlucky victims from comparable injuries. Second and relatedly, it does not provide a reason to prioritize wronged victims in those situations where unlucky victims are suffering equally to wronged victims. It is worth noting at this point that the evaluation of the good-for-the-victim argument overlooks that the normative *valence* of harm differs depending on whether it is brought about through wrongdoing or not. That is, rather than just looking at the *amount* of harm, we should also look at how *morally objectionable* the harm is. We agree with the basic intuition underlying this approach, but, as we explain below, we believe it is better developed in terms of impersonal value than in terms of the personal good of the victim. When unlucky victims and wronged victims suffer equal setbacks

to their interests, we find it plausible to say that assisting them is equally pressing from the point of view of their wellbeing.

3.2 Prevention

A second reason to prioritize victims of unjust harm is prevention. The idea is that we have additional reason to respond to wrongdoing because doing so reduces the likelihood of further wrongdoing in the future.

Assisting the victims of brute bad luck, by contrast, does not in itself lead to fewer unlucky victims in total. Tom Parr endorses this line of thought when he observes that defeating wrongdoing is important in the way it demonstrates that “wrongdoing will [not] be profitable” (Parr 2016: 994). Jeff McMahan (2010: 60) similarly writes that responding to unjust harm has the additional benefit that it can “deter others from acting in the same way.” Such reasoning does not, of course, transfer over to unlucky harm: natural disasters and chance events cannot be deterred or rendered unprofitable by efforts to remedy their adverse human effects.

There are obviously very good reasons to try to prevent wrongdoing. What is unclear, however, is whether giving priority to the wrongfully harmed will reliably achieve this aim.⁶ While it is plausible that we can reduce future wrongdoing by threatening wrongdoers with punishment, for example, there is little reason to think that assisting victims of already *completed* wrongs would tend to have the same effect. For one thing, wrongdoers might be content with having attacked their victims at one point in time. If this is the case, the prospect of others tending to the victims’ injuries would not dissuade them. Indeed, the incentives could conceivably go in the opposite direction: if a wrongdoer does not want his victim to suffer

⁶ For this reason, it is not clear that Parr (2016) means to speak about deterrence as opposed to disincentivizing wrongdoing more generally in his discussion of why reversing wrongful transactions is important. Deterrence is a fear-based mechanism, and there is no apparent reason to think that a stated policy to reverse wrongful transactions would inspire fear. McMahan (2010: 60), by contrast, has deterrence in mind since he considers the preventive effects of military action.

in a lasting way, a stated aim to assist victims of unjust harm might *increase* the likelihood of their attacking the victim.

We do not mean to suggest that remedying unjust harm can never prevent further wrongs in the future. Perhaps some wrongdoers would find it “pointless” to inflict unjust harm if they foresee that the harm will be remedied afterwards; perhaps we can prevent some victims from becoming radicalized and vengeful by making sure that they are made whole again. The point is that, like the good-for-the-victim argument, the prevention argument is prone to the objection that it justifies any priority of unjust harm over unlucky harm on an external, rather than integral, feature how this unjust harm came about.⁷ What the emerging debate on prioritizing unjust harm alleviation seeks to explore, by contrast, is whether there might be a much tighter link between being a victim of unjust harm and our moral reasons such that there is a general reason to prioritize these victims. These “tightly linked” moral reasons for giving priority to victims of wrongdoing, unlike variable factors such as the extent of victim harm or the deterrent effects of our assistance choices, will ground the case for priority in the badness of the relevant wrongdoing and so be more robust to contingencies such as those described above.

3.3 The personal good of the wrongdoer

According to the first “tightly linked” reason, prioritizing victims of wrongful harm is justified, perhaps counter-intuitively, through its positive effect on the wellbeing of the perpetrator. The idea is that wrongdoing—at least when it is intentional—can be a source of disvalue for the wrongdoer and so correcting this wrongdoing could conceivably be of benefit to the wrongdoer as well as the victim. Parr writes, for example, that wrongdoing is bad for the wrongdoer since it “morally defiles” her (Parr 2016: 994; see also McMahan 2010: 60; Tadros 2016: 1–2). If this is correct, one reason to assist victims of unjust harm could be that, in reversing the effects of wrongdoing, it makes this stain on the perpetrator’s life go away. We should

⁷ See, for example, Parr (2016: 994) and McMahan (2010: 60) who both suggest the prevention rationale yields far too contingent a justification of the value of assisting victims of unjust harm.

place priority on assisting Victim not because Victim is worse off than Hapless, but because this course of action, in addition to mending a broken leg, provides a personal benefit to Scoundrel that can only be captured when wrongdoing is corrected. Assisting Victim “saves Scoundrel from themselves.”

One question this inevitably raises is whether we should be concerned with wrongdoers’ wellbeing. There are three skeptical positions we could take here. First, we might think that we have no positive reason to promote the interests of someone like Scoundrel. Second and more strongly, we might think that promoting Scoundrel’s interests is, in itself, morally bad because it would make them fare better than they morally deserve.⁸ Third, we might think that rescuing Scoundrel from themselves is objectionable because it involves paternalism. If Scoundrel does not want to be rescued from themselves, doing so anyway would seem to benefit Scoundrel in a way they would not wish to be benefited. All three positions deny that Scoundrel’s wellbeing provides a valid moral reason to prioritize Victim’s suffering over Hapless’.

Let us suppose, however, that promoting Scoundrel’s wellbeing has some moral value even though they chose to commit a serious attack. A further, and more complicated, question is whether acting immorally is bad for someone such that we promote the wrongdoer’s wellbeing when we undo the unjust harm they have caused. This will depend, crucially, on our theory of wellbeing. Consider, first, mental-state conceptions of wellbeing such as hedonism. If we think a person’s life goes better insofar as she experiences more pleasure or happiness, we have at most a contingent basis for thinking that mending Victim’s leg would be good for Scoundrel. Were Scoundrel to feel good about Victim’s injury, the aim of promoting Scoundrel’s wellbeing would speak *against* helping Victim. The same conclusion would seem to follow if we adopt desire-fulfillment conceptions of wellbeing such as preferentialism. Suppose Scoundrel’s preference was for Victim to go through prolonged physical pain as “punishment” for their noisy motorbike commute. If we promptly tend to Victim’s suffering, we frustrate this preference and make Scoundrel’s life go less well. According to neither conception, then, does the aim of promoting Scoundrel’s wellbeing reliably translate into a reason to help Victim. However, it is possible that the good-for-the-perpetrator argument is best

⁸ This argument could be developed in terms of comparative or non-comparative desert (Kagan 2012).

understood as adopting a *moralized* understanding of wellbeing. If so, even if attacking Victim is something that Scoundrel wants to do, and enjoys doing, Scoundrel's successful attack may be said to make their life go worse in adding aspects to their lives that they have reason to disvalue. One such disvaluable aspect, noted in the literature, is that people are "defiled" by committing wrongful acts.⁹ On this view, even if Scoundrel does not *realize* that acting immorally is a source of disvalue to them, efforts to defeat Scoundrel's wrongful plan could make Scoundrel's life go better since it would be a less defiled life.¹⁰ Moreover, given that the account of well-being underpinning the "defilement" idea is reconcilable with unexperienced changes in the world affecting our well-being, it can conceivably supply a perpetrator-based reason to correct wrongdoing even if the wrongdoers have disappeared or died.¹¹

But how is the wrongdoer's life better when others step in to reverse the effects of their wrongdoings after the fact? This question has two elements: how the wrongs may be corrected vicariously and how this correction makes the wrongdoer's life better by being less defiled. In terms of the corrective element, it does seem tolerably clear that third parties may sometimes be able to undo *some* of the effects of wrongdoing. For example, if Scoundrel's aim was to put Victim in a state of prolonged physical pain, third parties may frustrate this aim by ensuring that Victim receives prompt medical attention. Yet, moving to the

⁹ The idea that injustice harms the wrongdoer is, for example, a prominent theme in *The Republic* (Plato 2008). It is also presumably the idea behind Parr's (2016: 994) remark, noted above, that wrongdoing is bad for the wrongdoer because it "defiles" them. See, further, Tadros (2016: 1–2) and Parfit (2017: 402–3).

¹⁰ One potentially troubling implication of the defilement account is that it would seem to imply that our reason to defeat wrongdoing varies in strength with the seriousness of the wrongdoing. For example, on this account it seems that we should expend more energy on redeeming Hitler for Hitler's sake than on redeeming Scoundrel for Scoundrel's sake.

¹¹ For taxonomy purposes, we could understand the defilement view as a moralized version of preferentialism according to which satisfying immoral preferences is bad for us or an objective-list theory according to which committing wrongdoing is a source of disvalue for the wrongdoer (Griffin 1986; Hurka 2009).

defilement element, such vicarious remedial action would not undo the wrongdoing as far as Scoundrel's involvement was concerned or achieve any reduction in their defilement.

To explain exactly why this is the case, it is useful to distinguish between the wrongdoer's "input" into a wrongful plan and the "intended consequences" of their wrongdoing. The intended consequences of wrongdoing are typically something we can defeat since we can harness mechanisms of compensation or restitution to ensure that the consequences are undone but the wrongdoer's input is complete as soon as they have completed their part in ensuring the success of the wrongful plan they set in motion. This is troubling for the perpetrator-based argument since it is the input, rather than the consequences, which plays the most significant role in a wrongdoer's defilement. The reason "input" defiles perpetrators is to do with moral luck (Nagel 1979).¹² When a wrongdoer successfully completes their wrongful plan, the intended consequences of the wrongdoing are largely beyond their control. Others may or may not intervene to make sure that these consequences are not allowed to stand; and the wrongdoer typically does not know which outcome will ensue. In what way, then, can someone intervening at a later stage to correct the wrongdoer's injustice redeem the wrongdoer? If two people execute similar immoral plans, but one happens to have his plan defeated at a later stage while the other does not, one wrongdoer is not, for this reason alone, plausibly seen as less defiled than the other.¹³ This is especially clear if we imagine that the wrongdoer has disappeared or died by the time we help his victim: if the perpetrator is permanently absent then it is unclear how correcting their wrongdoing benefits *them* since the verdict over the *moral* quality of our lives is surely final by the time we die.

¹² Nagel writes: "[w]here a significant aspect of what someone does depends on factors beyond his control, yet we continue to treat him in that respect as an object of moral judgment, it can be called moral luck" (Nagel 1979: 59).

¹³ For a recent argument along the same lines, see Lindstad (2020). It should be noted that there is a longstanding debate about the relationship between "defilement" and moral luck. Criminal law theorists, for example, disagree about whether actual harm matters for how much punishment an offender deserves (see, e.g., Alexander and Ferzan 2009; Morse 2010).

What we are suggesting is that wrongdoers are not generally redeemed when the wrongful harms they bring about are corrected by others after the fact; and they are certainly not redeemed if they are now dead or so distanced to their wrongdoing that they will never reflect morally on this redemption. Things might be different if we could *prevent* someone from executing wrongful acts in the first place. Suppose we could choose between preventing Scoundrel from placing the tree branch in the street and preventing the tree branch from injuring Hapless. We might think that we should prevent the former precisely because we want to save Scoundrel from being the sort of person who has tried to assault others. But this is not the sort of case we are considering. Scoundrel has fully demonstrated his commitment to the wrongful course of action by putting the branch in the street with the aim of injuring Victim. That is why Scoundrel warrants our moral condemnation as an agent who intended to do wrong even if their wrongdoing can later be defeated (at least in part). This objection seems decisive against the argument that we should prioritize victims of wrongdoing for the wrongdoers' sake. The relevant sense of perpetrator defilement is tied to what the wrongdoer took steps to achieve and defeating the intended consequences of wrongdoing does not redeem the wrongdoer when this is done by others.

3.4 The impersonal value of correcting individual injustices

The fourth—and, we argue, superior—way of arguing that remedying unjust harms should take priority over remedying unlucky harms is to appeal the impersonal value of defeating wrongdoing. Consider again *Assault*. The difference between the situations of Victim and Hapless is that the rights of Victim were violated by a specific wrongdoer, through a specific transaction, in a way that was not the case for Hapless. Or, put slightly differently, Scoundrel's wrongful behavior disrupted relations of equality between Scoundrel and Victim—thereby failing to recognize Victim's equal moral status—in a way that just cannot be said to apply to the case of Hapless. We might think that this makes alleviating Victim's suffering, to the extent that this corrects the wrongful transaction imposed on them by Scoundrel, a greater priority than tending to the suffering of Hapless.

This argument might initially seem vulnerable to the same contingency objections that plagued the greater-harm-to-the-victim argument. But the claim here is not that we should prioritize victims of unjust harm because of facts about their psychology or their subjective wellbeing. The claim is rather that each and every one of us has an interest in injustices being corrected regardless of whether or not we are, or were, connected to the injustice in question. Since this sense of “interest” does not draw upon what would necessarily be good for the victims, it is appropriate to think of it in terms of impersonal value. Impersonal value may be understood in several ways (Hurka 1987: 71; Matthes 2015: 1003–5). In the present context, two understandings are most relevant. First, we might view acts, events, or states-of-affairs as impersonally valuable if it is appropriate for *all* moral agents to take their value into consideration in their moral deliberations. This might be called the “impartial” understanding since it views impersonal value as those things that can be recognized as valuable by all irrespective of their personal perspective (Nagel 1986: 140). Second, to say that acts, events, or states-of-affairs are impersonally valuable might be understood as the claim that these things are valuable irrespective of whether they make individual lives better (Temkin 2003: 76). This might be called the “impersonal” understanding of impersonal value since it focuses on the source of the value (*for whom* the thing is valuable) rather than *from whose perspective* things are judged as being valuable.

Although the two understandings are sometimes presented as rivals (Hurka 1987: 71–2), they can be seen as complements in that they explain different ways in which moral agents have reason to incorporate a concern for impersonal value into their moral deliberations (Matthes 2015: 1004–5). Once something is viewed as bad in a way that is not reducible to the way it is bad for individuals, for example, it is a natural step to recognize the value that removing this bad would have for all moral agents, even though it would not necessarily make them better off in terms of their wellbeing. The idea is that each and every person should recognize a reason to defeat impersonal bads as a corollary of recognizing a reason, detached from their own circumstances, to promote the corresponding value to which the bad undermines. In the cases we have been looking at, this value can be seen to be *corrective justice* with its corresponding bad being *corrective injustice* (or wrongdoing). Defeating the impersonal bad of an uncorrected wrong can in this way

be seen as a burden borne by all moral agents by virtue of them having the capacity to appreciate the badness of a wrongful (or immoral) plan continuing to stand even though they may not be connected to that plan.

The appeal to impersonal value supports the argument that defeating wrongdoing is valuable because it corrects the wrong done to the victim in a way that all of us, including the victim and perpetrator, have reason to value. The claim that completed wrongdoing may be impersonally bad, and that acting to defeat this wrongdoing may be justified for the way in which this promotes impersonal value, has been taken up in the literature in embryonic form by Parr and McMahan. Parr, for example, states that there is value to defeating “immoral plans” because “completing immoral plans is impersonally bad” (Parr 2016: 994). McMahan's (2010: 60) similarly writes that “if immoral acts are impersonally bad events, one may prevent the occurrence of an impersonally bad event [when we prevent immoral acts].” The idea is basically that everyone has reason to value the defeat of wrongdoing and this reason flows from the impersonal badness associated with the wrongdoing leaving an imprint on the world rather than the well-being gain associated with undoing it. We might usefully think of this imprint as imposing a burden on each of us to play a role in ridding the world of uncorrected wrongs even if we are not directly involved in, and can only imagine, the particular transactions that have been disrupted.¹⁴

Defeating wrongdoing for its impersonal value can usefully be contrasted with the suggestion that unjust harms may often be experienced as more harmful than unlucky harms. The idea is not that unjust harm should be prioritized because it feels worse for the sufferer than unlucky harm; it is that unjust harm is worse in respect of the additional impersonal badness it involves. It might help to give an example. All humans will at some point in their lives experience the shocking and debilitating pain of severe toothache and it can arise wrongfully or non-wrongfully. What we are suggesting is that there is a special disvalue, or impersonal badness, in toothache that arises from wrongdoing that we, as moral agents, can appreciate even

¹⁴ As an anonymous reviewer points out, some might resist the move from recognizing the impersonal badness of unjust harm to concluding that people have a reason to act so as to defeat that harm. However, we rely on the reader accepting that there is a reason to promote value, although this reason is subject to various constraints.

if we have never suffered ourselves from toothache with such origins. We have reason to correct the wrong, to the extent we can, not merely out of a concern to eliminate the pain of a victim but also to rid the world of a wrongful toothache—a phenomenon from which we all recoil, and comprehend as impersonally bad, even if we ourselves have never experienced it.

But what, more precisely, makes wrongdoing impersonally bad such that we have reason to prioritize their victims? We propose that a promising approach lies in the idea that unjust harms make the world go other than it ought, by contrast with how we might have preferred it had gone, in the sense that it now contains wrongdoing.¹⁵ What is specifically and inherently valuable about remedying unjust harm is that it removes this bad so that the world reverts to a less defiled state. Remedying the unjust harm counteracts the wrongdoing's prior success by correcting, as far as is possible, the relevant wrongful transactions so that the world is no longer defiled by the wrongdoing in question. When agents play their appropriate role in bringing about this desirable change in the world, they extricate themselves from the regrettable situation where they have reason to correct a wrong but nonetheless fail to do so. Here, we might say, the existence of moral failure on the part of those that knowingly resist the opportunity to play an appropriate role in correcting wrongful acts amounts to a *secondary* impersonal bad. Their refusal, we might say, amounts to a refusal to recognize remedial burden that the existence of uncorrected wrongs place on all moral agents.

It may seem unusual to understand corrective justice as impersonally valuable given that, when Scoundrel wrongfully assaults Victim, Victim typically has a personal interest in Scoundrel being punished, and forced to pay compensation, to correct the injustice through which they are connected. The mechanics of the relevant remedies of corrective justice appear to have the objective of benefiting Victim, and harming Scoundrel, in the standard person-affecting sense: perpetrators correct injustices by returning victims to the condition they would have enjoyed had the injustice never happened (Ripstein 2007: 1993). Nevertheless, corrective justice can be said to have a more fundamental impersonal rationale, namely, that of

¹⁵ For an alternative deployment of the idea of the “world going other than it ought” in the context of wrongful acts that created benefits for innocent parties, see Lawford-Smith (2014).

“righting wrongful transactions” arising between moral agents regardless of the effects this has on the personal well-being of victims and perpetrators (Gardner 2012: 28–31). According to this view, correcting wrongful transactions may, or may not, recreate the well-being distribution that would have obtained had the wrongdoing never happened; and the duty to correct is not exclusively the wrongdoers to bear since third parties are frequently in a position to defeat elements of many correctively unjust transactions (Gardner 2012: 25–28).

The impersonal, or non-person-affecting, dimension of corrective justice can be seen most clearly with the corrective remedies of restitution and disgorgement which seek, respectively, to return objects to their rightful owners (“give back”) or take objects out of the hands of non-rightful owners (“give up”). These remedies seek to correct injustices arising from wrongful transactions between agents, not to make agents party to these transactions better (or worse) off. We cannot say, then, that being subject to a remedy of corrective justice would necessarily be better for Victim (or worse for Scoundrel) in terms of their wellbeing.¹⁶ However, a corrective remedy will always bring about an improvement from an impersonal point of view simply because the world no longer contains an uncorrected wrongful transaction. This is not to deny that we typically do have a personal interest in corrective justice being done against those who have wronged us. But there is nothing mysterious about something being simultaneously impersonally good and good for someone in particular. Note also that by saying that wrongdoing makes the world go other than it ought, we are not denying that this cannot be true for bad brute luck as well. Our point is that immoral plans add an additional source of impersonal badness which ideally should be removed. While neither Victim nor Hapless ought to have broken their leg, Victim’s injury also embodies the success of Scoundrel’s immoral plan. This makes it appropriate to prioritize Victim. In doing so, we offer Victim the same person-affecting gain as Hapless but, in addition, we reduce the impersonal badness of Scoundrel’s wrongdoing leaving an imprint on the world. To put it in the language of burdens, by acting this way we remove the additional

¹⁶ On an objectivist account of wellbeing, we could admittedly define a person’s objective good in a way that makes corrective justice necessarily in their interest. But this would re-introduce the impersonal goodness of corrective justice because the reason corrective justice is objectively good for someone would presumably be that it is good *simpliciter*.

burden from ourselves that we live in a world that contains a wrong that has been left to stand despite it being open to correction.

The view that the imprint of wrongdoing on the world is impersonally bad is open to the challenge that wrongdoing may make things go better. Suppose, for example, that someone assaulted and killed Hitler in the 1910s. While it wronged Hitler, it is quite conceivable that this attack would have been for the best. This possibility does not speak against what we are arguing here, however, since our claim is just that the wrong done to Hitler would, when viewed in isolation, be a source of regret. We see this clearly when we imagine that Hitler instead died from a heart attack: the impersonal badness of wrongdoing is what allows us to see how this way of preventing Hitler's future genocide would have been morally better than his dying at the hands of an unjust attack. Wrongful acts *always* make the world go worse in one respect. It follows, then, that if a remedy of corrective justice undoes a wrong, then this is necessarily an improvement to the world in one respect.

If uncorrected wrongs have impersonal disvalue, the disvalue will surely vary with the gravity of the wrong. The world has gone other than it ought to a lesser degree when the wrong is minor compared to when it is major. This means that the impersonal-value argument requires some method for grading wrongdoing.¹⁷ This would be a simple matter if the intensity of the wrongdoing merely tracked the amount of unjust harm, but we find it plausible to think of wrongness as a function of the harm caused or risked as well as the actor's culpability. This raises the difficult question of how to balance harm and culpability in overall determinations of wrongness (Ryberg 2020). We can be confident that a harm purposefully caused is more wrong than, say, a similar harm recklessly caused. But absent a principled method for balancing harm and culpability, we cannot say how much greater a reckless harm would have to be before it outstrips a purposefully inflicted harm. This problem does not matter for the basic soundness of the impersonal-value argument, however, and it presents a challenge for any view that thinks about wrongdoing in a scalar way. Nevertheless, the idea that we should prioritize victims of unjust harm because doing so removes an

¹⁷ The same holds for the good-for-the-perpetrator argument since the wellbeing loss associated with wrongdoing varies with the gravity of the wrong.

impersonal bad does raise the question of which kinds of unjust harms are associated with which amounts of impersonal disvalue.¹⁸

4. Defeating Wrongdoing and Beneficiaries

The impersonal-value argument is powerful in part because it offers a bridge between corrective justice, which is typically seen as a “local” matter between victim and perpetrator, and moral reasons that apply to people in general. The impersonal badness of uncorrected wrongdoing, we argue, can furnish a reason *for anyone* to undo the effects of wrongdoing. However, a popular view rejects the focus on general reasons and instead maintains that *innocent beneficiaries* of a wrong have a special responsibility to redress the victims of the wrong to which both are connected. In this section, we argue that the impersonal-value argument can coexist with this “Beneficiary Pays Principle” (BPP).

According to the standard version of the BPP, “involuntary receipt of benefits stemming from injustice can, in some circumstances, give rise to rectificatory obligations to the victims of the injustice in question” (Butt 2014: 336). The impersonal-value argument sheds interesting light on this principle.

Consider the following case:

Vicarious Assault. Victim frequently rides a motorcycle down the street where Recipient lives. The noise of the motorcycle scares away the customers of Recipient’s outdoor café.

¹⁸ As an anonymous reviewer points out, an interesting case to consider is structural injustice since, on one view, the hallmark of structural injustice is that it need not involve culpable wrongdoing (Young 2011). If structural injustice involves no culpable wrongdoing, then the harms it causes presents a choice. On the one hand, we could regard them as instances of unjust harm and thus subsume them under the impersonal-value argument. The challenge of taking this route is to explain the impersonal badness of the harm even though it is non-culpably caused. On the other hand, we could conclude that harms caused by structural injustice are, in terms of priority, on a par with unlucky harm precisely because culpability is absent. It is not clear which option is to be preferred, but space prevents us from pursuing the question further here.

Scoundrel, wanting to improve Recipient's life, decides to remove this nuisance. One morning, therefore, without telling Recipient, Scoundrel places a tree branch in the road across Recipient's street just before Victim arrives. Victim rides into the branch and breaks his leg thereby preventing them from disturbing Recipient's neighborhood for several weeks.

Let us assume that Recipient is blameless for Scoundrel's attack. Recipient did not ask for, or wanted, Scoundrel to benefit their café business in this way. However, Recipient does attract more customers because of the attack. The standard version of the BPP says that this is enough to place Recipient in a special moral relationship with Victim. For example, if Scoundrel were to flee the scene never to be seen again, Recipient "takes over" the obligation to correct Victim's loss and would fulfil this duty by relinquishing the gains to Victim until either Victim's losses are eliminated or Recipient's unjust gains are exhausted (whichever comes sooner).¹⁹ Recipient owes this obligation specifically to Victim, and Victim is owed it specifically by Recipient, in virtue of the unjust benefits that Recipient has gained at Victim's expense.

Critics have claimed, however, that even if there is some corrective justice-type reason for innocent beneficiaries to disgorge their benefits, this reason guides them to ameliorate the suffering of victims of injustice in general rather than Victim in particular. Huseby (2015: 219) argues that it would be unfair if beneficiaries of injustice incurred special duties to "their" victim simply because they happened to be connected through a causal chain initiated by the wrongdoer. Other critics have gone further and argued

¹⁹ The idea that unjust benefits should be diverted to the victims of that injustice until the victim no longer experiences unjust loss (which we might call 'compensatory disgorgement') is a feature of several recent defences of the BPP (see Butt 2014: 344; Page 2016: 91). It is worth noting, however, that the BPP need not assume that the duties of unjust beneficiaries are only, or fully, discharged once they have diverted enough of their ill-gotten gain to erase the losses of the associated victims. As we argue in the text, the precise remedy selected to shift the losses and gains of unjust enrichment should reflect a deeper commitment to defeating, as roundly as possible, the immoral plan of the perpetrators of that injustice rather than a pre-specified mechanism of shifting losses and gains amongst those party to an injustice.

that the BPP is implausible in any formulation since it would leave victims of brute bad luck uncompensated solely because the process in which they were undeservedly harmed involved neither wrongful origins nor the production of any unjust benefits (Knight 2013: 587–8).

Responding to these fairness-based concerns about the BPP, Parr (2016: 994–5) harnesses the idea of defeating wrongdoing to argue that being the intended beneficiary of injustice gives us a stronger reason to surrender unjust gains than other types of gain. If Recipient, for example, would have received the same gains out of sheer brute luck, Recipient’s reason to surrender the gains would be weaker since this would not serve the purpose of defeating Scoundrel’s immoral plan. However, for Parr, Recipient does not have a reason to direct the ill-gotten gains specifically to Victim since it is the disgorgement that defeats Scoundrel’s plan and not disgorgement to Victim. So, on first inspection, an appeal to defeating wrongdoing saves the idea of the beneficiary *paying* but at the cost of the beneficiary paying *their victim*.

The impersonal value-argument offers a new way to navigate this debate by reinterpreting the core claim underpinning the BPP that beneficiaries of injustice have corrective duties to victims to whom they are related through a common injustice. Firstly, it holds that critics of the BPP are correct that our reasons to undo injustice in the relevant cases are agent-neutral: Recipient does not have more reason to correct Victim’s loss than anyone else. Secondly, however, Recipient does have a reason, unique to them, to correct the injustice done to Victim so long as they are in the best position to defeat, in the most comprehensive manner, the injustice from which they benefited. In the language of burdens introduced above, Recipient bears the same burden as any other moral agent that lives in a world blighted by an uncorrected wrong, but this burden has a unique character in that only they, in this instance, can roundly defeat Scoundrel’s wrong given the nature of Scoundrel’s immoral plan. It is crucial to distinguish, here, between the normative justification of and the conditions for correcting an injustice. If there is impersonal value in correcting wrongdoing, then at the level of normative justification, Recipient is under the same reason as anyone else to defeat Scoundrel’s immoral plan. But Recipient might be the person for whom that reason is activated. This is because when the wrongdoer intended to benefit the beneficiary, correcting the wrong might be something only the beneficiary can do (or do fully). If this is true, we can say that a

“condition” for correcting the injustice is that the beneficiary is the one who corrects it while also maintaining that it is in the interest of all, as an impersonal value, that this wrong be corrected.²⁰

An example can help explain the distinction between normative justification and conditions. Suppose everyone has reason to rescue cats that are stuck in trees. Suppose further that a particular cat can only be rescued by extraordinarily tall people. Extraordinarily tall people are then the ones for whom the reason to rescue this cat is activated (because successfully rescuing this cat requires that one is extraordinarily tall). By analogy, if a condition for correcting an injustice is that the beneficiary is the one who corrects it, the general reason to correct an injustice is activated only for the beneficiary in relation to this injustice. The idea of defeating wrongdoing by reversing its effects explains how this might work. When a wrongdoer completes an immoral plan in order to benefit someone else, it is plausible to say that the wrong is “identity-dependent,” that is, the proper description of the wrong refers to particular people. For example, in *Vicarious Assault*, the wrong is “Scoundrel attacks Victim in order to benefit Recipient.” This implicates Recipient in the wrong and suggests that they must play a part if Scoundrel’s plan is to be defeated (Duus-Otterström 2017).

What does this entail for what Recipient should do? Considering that Scoundrel’s plan was to benefit Recipient at the expense of Victim, Recipient should direct her unjust gain to Victim since this would most comprehensively defeat what Scoundrel sought to achieve. Scoundrel’s plan would not be defeated, for example, merely by Recipient relinquishing their unjust enrichment to another agent (an unjust gain at Victim’s expense would persist), nor would it be defeated if Victim’s loss were corrected by someone else while Recipient kept possession of the unjust gains (the value of the unjust gain would have been restored to the agent from whom it came but Recipient would continue to enjoy the benefit gained at Victim’s expense). Since Recipient is implicated in the wrong by virtue of being the focus of Scoundrel’s intention, Recipient must take remedial action in order to defeat that intention, and this involves directing the unjust gains Recipient has acquired to restore relations of justice and equality between Victim and Recipient. This is in

²⁰ We are here inspired by Parfit’s (1986: 143) suggestion that agent-neutral reasons may be relative to agents’ capabilities to act.

line with standard versions of the BPP. However, we can imagine cases where defeating Scoundrel's plan does not obviously require that Recipient transfer the unjust gain they enjoy directly to Victim. Consider a situation in which a third party steps in and compensates Victim in order to undo Victim's unjust harm. Here it is possible that defeating Scoundrel's plan does not require that Recipient transfer unjustly acquired benefits to Victim. The plan might then be defeated by Recipient giving their unjust gains to some other needy agent or perhaps to society's "general pool of resources" (Goodin 2013: 487). This action would have the effect of making some other life better than it was before, but it would still serve the purpose of defeating the immoral plan in which Recipient was implicated because it would at least cancel the benefits that Scoundrel sought to give Recipient. It would, in this way, reverse the wrongful transaction between the two parties and remove from the world an uncorrected wrong.

The impersonal value of defeating wrongdoing thus explains why intended beneficiaries of an injustice should ameliorate the situation of the victims of this injustice. It is important to stress "intended" here, because the value only applies to cases where the perpetrator sought to benefit others through wrongdoing. When people benefit from injustice in an unintended or perhaps even accidental way, it is far from clear why they would have a privileged position in defeating the injustice. Thus, our argument only applies to some versions of BPP. Note also that we do not suggest that the beneficiaries somehow inherit, or are tainted by, the perpetrators' wrongful intentions (Barry and Goodin 2014: 371–2). The idea is only that the agent-neutral reason to defeat wrongdoing by reversing its effects is often (but not always) uniquely activated for the beneficiaries. When a wrongdoing is best described as an intention to attack someone in order to benefit someone else, the beneficiaries must play a part if this plan is to be defeated.²¹ The rest of us can ameliorate the victims' harm but unless the beneficiaries relinquish their unjust gains, the plan will not be comprehensively defeated. Moreover, as long as the victims' losses remain uncompensated, the aim of comprehensively defeating the plan also suggests that the beneficiaries have a reason to direct the gains to

²¹ Our account bears some resemblance to, but moves beyond, Haydar and Øverland's (2014: 356) idea that it matters whether the beneficiary was a "motivational cause" of an injustice.

the victims that were intentionally wronged as part of the plan.²² This way of thinking about benefitting from injustice, or “unjust enrichment” as it is also known, may seem unnecessarily complex but it does have two useful features at odds with previous interpretations. First, the remedy will be sensitive to both the details of the immoral plan and the varying corrective capabilities of the agents connected to it. Second, it makes sense of a powerful intuition that has rarely been acknowledged in the literature on the BPP, namely, that no one truly benefits from injustice since injustice is always a loss to the world, seen impersonally, that imposes a profound burden on all agents who have the capacity to play a role in its correction.²³

5. Conclusion

We have argued that the impersonal badness of completed wrongdoing generates an agent-neutral reason to undo the effects of wrongdoing. This reason will be activated in different ways for different agents, but a concern to limit impersonal badness is one factor that should be considered when we are faced with the choice of responding to unjust harm or unlucky harm.

The impersonal value of correcting wrongdoing means that victims of unjust harm should be given priority over victims of unlucky harms when things are otherwise equal. But might it do more than merely “break ties”? We certainly do not suggest that it would be appropriate to give priority to victims of unjust harm in all cases. To see why this would be absurd, imagine that Hapless is badly injured while Victim has a sprained ankle. It would then be highly counter-intuitive to claim that we should tend to Victim’s injury first. The fact that we would correct a wrong in helping Victim is still a reason in favor of helping Victim in such circumstances, but it is handily outweighed by the unequal extent of the injuries. So the impersonal value of correcting wrongdoing supplies a *defeasible*, not decisive, reason to prioritize victims of unjust harm.

²² Thus, the aim of comprehensively defeating wrongdoing can solve what one of us has called BPP’s “common-source problem” (Duus-Otterström 2017).

²³ See Lu (2018: 167) who makes a useful distinction between the economic gains that beneficiaries of injustice enjoy and the moral loss to all, including beneficiaries, of a world containing injustice.

How much weight should this value have compared to other relevant considerations such as suffering, numbers affected, or cost to the remedying agents? Answering such a question is unavoidably difficult. On one approach, it will involve probing cases where correcting wrongdoing goes up against, or possibly complements, other reasons. For example, just how much worse must Hapless' injuries be for considerations of personal harm to defeat the impersonal reason we have offered to tend to Victim? Will the impersonal reason to prioritize unjust harm ever prevail in cases where a greater number of people are suffering unlucky harm? Cases must be constructed and the implications of each reason must be determined. Note that it may not be a simple matter of *weighing* reasons. The impersonal value of correcting wrongdoing plans may itself be sacrificed in some instances, not because it is outweighed by considerations of suffering or numbers affected, but because ignoring it would leave the world less desecrated in some other more important respect.

An alternative approach might be to step away from the analysis of particular cases and to ask what method agents might select to settle these cases before they arise. This would have the benefit of deriving normative conclusions from different individual standpoints while guaranteeing an impartial outlook. Peter Singer suggests that agents facing the possibility of future undeserved suffering would select a decision rule obliging rescuers to prioritize those suffering more, irrespective of the cause of this suffering. In the event that the victims suffer equally, the decision rule selected would be to toss a coin (Singer 2010: 196). We have argued, by contrast, that the undeserved suffering of the victims should be supplemented by recognizing the impersonal value of correcting the wrong done to them. This value, we have suggested, can play a valuable role in decisions as to whose disadvantage to remedy, at least when person-affecting reasons are inconclusive. If they come to realize that there is value in correcting wrongdoing, there is reason to think that agents seeking a decision procedure to settle conflicts between unjust harm and unlucky harm would not settle so quickly on a coin toss to decide who to assist even if the harm prevented is the same.

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