**‘What do the Innocent Beneficiaries of Wrongdoing Owe?’**Saba Bazargan-Forward, Assoc. Professor, UC San Diego
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**The Beneficiary Pays Principle (BPP)**

The beneficiary of a wrongdoer’s actions has a directed, enforceable duty to compensate the victim of that wrongdoing by transferring to her the non-generative benefits conferred upon the beneficiary. She has this duty because the beneficiary benefitted from the wrongdoer’s actions (rather than because she caused it, because she sought the benefits, or because wrongdoer intended beneficiary to benefit).

***The Service Principle of Compensation***

Suppose Wrongdoer committed ф – an act that wrongfully caused Victim harm – and that Wrongdoer is responsible for the damage that ф causes Victim. ‘**D**’ refers to the cost of offsetting the damages that ф causes Victim. ‘**VW**’ refers to the non-generative subset of the benefits ф confers upon Wrongdoer, if any. The act ф has the side-effect of conferring benefits on Beneficiary, who neither contributes to nor is responsible for ф. ‘**VB**’ refers to the non-generative subset of those benefits. Inflicting ф on Victim compels a non-consensual service from her. In compensation for ф, Victim is owed D, plus the amount equivalent to the value of the service non-consensually extracted from her (i.e., VW + VB). An individual has a directed compensatory duty to Victim if and only if that individual is morally responsible for adding to the amount Victim is owed (provided that enforcing payment does not violate the proportionality constraint). Thus, Wrongdoer owes D + VW. And Beneficiary owes VB since Beneficiary, by benefitting, adds that amount to the value of the service non-consensual compelled from Victim.

**Examples**

‘Harvard Bribery’

Wrongdoer, to ensure that his enemy, Victim, does not get into Harvard Law School, bribes the committee into rejecting her application. Consequently, Harvard admits the next person in the list: Beneficiary. If Wrongdoer had not bribed the committee, Victim would have been admitted instead of Beneficiary since they had only one slot left and Victim was more qualified. Beneficiary works hard, obtain his law degree, and embarks on a work-intensive but lucrative career as a trial attorney. He earns millions that he would not have earned had he not been admitted by Harvard. Likewise, if Victim had not been wrongly rejected, she would have earned her degree and accrued millions in an equally lucrative career. Instead, she ends up with a respectable but middling career as a professor.

‘Trespass’

Victim owns a small parcel of land; she is cultivating a lush meadow. To prevent others from trampling the bourgeoning shoots and sprouts, she posts “no trespassing” signs. Wrongdoer nonetheless takes a shortcut across the parcel of land in order to catch a bus on time. No one, aside from Victim, notices his trespass. Wrongdoer does not cause any discernable harm. (Only repeated incidents of that sort will impede the meadow’s growth).

‘Brick Dump’

A ton of bricks blocks access to a nearby river. Wrongdoer takes it upon herself to have the bricks moved so that she can access the river. In doing so, she illicitly dumps the bricks on Victim’s land. Now that the bricks are moved, Beneficiary, who lives by the river, has access to it – he benefits by doing so. Beneficiary played no role in, and was ignorant of, Wrongdoer’s plans. Victim, meanwhile, is saddled with the bricks on her land which will cost him $7,500 to properly dispose.

‘Fanatic Trespass’

Like ‘Trespass’ except catching the bus on time is instrumental to seeing a star-studded movie premier tickets for which are worth $500. Wrongdoer, however, would pay as much as $10,000, if necessary, to attend the premier.

‘Terrorism Luck’

Wrongdoer, a terrorist, sets off a suicide-bomb in a building, maiming Victim. The explosion and the ensuing emergency divert foot traffic as a result of which Beneficiary, who was walking on his way to work, takes a route he would not otherwise have taken. While doing so, he happens to find a hundred-dollar bill.