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**International clinical research and the problem of benefiting from
injustice**

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International Clinical Research and the Problem of Benefiting from Injustice

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Introduction: The Case of Sam

Sam is a middle aged, married father of two with stable employment, living in a Western European country. Sam has had asthma all his life, and the last few years the symptoms have grown significantly worse. He experiences persistent chest tightness and shortness of breath, and is often fatigued due to lack of sleep. Several times he has suffered sudden and deeply distressing asthma attacks, which have forced him to seek emergency care. His multiple medications appear to provide increasingly little relief.

One day Sam’s physician tells him that a new drug that might help him control his symptoms better has just appeared on the market, and suggests that he tries it. Sam eagerly follows the recommendation and is surprised by the result. He now breathes more effortlessly and sleeps better, and he feels much more energized as a result. Also, the fear of a new attack, which used to cast gloom over his everyday existence, gradually retreats to the back of his mind. In all, Sam feels that the change of medications has greatly improved his quality of life.

About a year later, Sam comes across an in-depth newspaper article about his new drug. The article describes how the drug was developed through a series of clinical trials in India and other Asian countries. It is revealed that some of the subjects in the early stage trials were desperately poor and chose to participate in pursuit of the modest financial reward. Some of the subjects in the late stage trials were asthmatics who chose to participate because they had no other way of receiving treatment for their condition. Reading the story evokes strong moral discomfort in Sam. He is deeply concerned by the poverty and lack of access to healthcare among those who participated in the trials. What is especially disturbing, however, is the sense of being personally linked to these circumstances. Sam feels vaguely connected to the distant people on whom the drug was tested, as if the fact that he has benefited from the drug makes him in some sense responsible for their plight.

This paper seeks to make sense of this sort of moral reaction. Does benefiting from the distant needy create any special responsibilities towards them? If so, why? These are very general questions for moral and political philosophy, of course, and they arise in many different contexts. However, my inquiry will focus specifically on the case of international clinical research. Such an inquiry potentially fills an important gap. The moral responsibilities of sponsors and investigators conducting research in developing countries are extensively discussed among bioethicists and codified in widely recognized ethical guidelines.¹ By contrast, the responsibilities (if any) of those who ultimately stand to benefit from much such research – patients in the developed world – remain unexamined.

To put my discussion into context I begin by a few remarks on international clinical research. I then specify the sort of responsibility that Sam's story illustrates, distinguishing it from

other responsibilities. Thereafter I examine the view that benefiting from injustice (or wrongdoing) creates special responsibilities to the victims, arguing that the justifications that have been offered for such responsibilities fail to single out beneficiaries like Sam. I end by exploring the idea that the responsibility to address structural injustice is a widely shared one.

On International Clinical Research

Sam's story is a fictional one, but it is by no means unrealistic. Clinical research is an increasingly global phenomenon. The number of clinical trials conducted in developing countries has risen dramatically over the last few decades. Although many trials are located in these countries in order to develop interventions aimed at their specific health problems, very often the conditions under study are primarily of concern for affluent countries. The intended consumers of the resulting drugs are commonly Western patients with chronic diseases like cancer, diabetes, cardiovascular disease and (as in Sam's case) asthma.

Different considerations motivate pharmaceutical firms and other sponsors to "offshore" their research to developing countries (Macklin 2004; Sunder Rajan 2007; Petryna 2009; Cooper and Waldby 2014). It is easier to find sufficient numbers of willing participants in these countries, and participants are generally on fewer drugs that may interact with the interventions under study. These factors allow trials to be completed more quickly and get clearer results, which is both scientifically and financially advantageous. Also, labour and service costs are much lower than in affluent countries. Another possible, more unseemly motive is sometimes suggested: the desire to sidestep the stringent regulations that affluent countries impose to protect research participants (Macklin 2004).

Developing countries themselves are often eager to host foreign research sponsors (Sunder Rajan 2007; Petryna 2009; Cooper and Waldby 2014). This is not surprising considering the weighty benefits that the research is thought to bring. Sponsors may need to invest considerably in improving healthcare infrastructure and training personnel in host countries, and their activities often provide employment opportunities and stimulus to the local economy more generally. Moreover, foreign-sponsored trials may provide a rare chance for local patients to access state-of-the-art interventions or advanced medical expertise. In some countries trials run by the pharmaceutical industry appear to be increasingly counted on to provide the healthcare that a shrinking public sector can no longer offer (Petryna 2009).

Scholars and health advocacy groups have emphasized that participants in offshored research are often drawn from the poorest and most vulnerable. Typical participants in Phase 1 trials appear to be students, unemployed and contingent labourers trying to supplement their income, while those who enrol in Phase 2 and 3 trials are commonly patients seeking treatments that they cannot otherwise afford or access (Sunder Rajan 2007; Petryna 2009; Wemos 2010; Cooper and Waldby 2014). This reliance on the poor and medically underserved is no doubt part of the reason why concerns about exploitation loom large in bioethical debates about international clinical research (Macklin 2004; Hawkins and Emanuel 2008).

Distinguishing Responsibilities

Return to the responsibility that Sam feels he has towards those on whom his drug was tested. My inquiry into this sense of responsibility might be challenged in two different ways, and these challenges need to be addressed for the purpose of a clearer discussion. First, it might be argued that there is little point in trying to understand Sam's felt responsibility, because it is

clearly groundless. Surely it is not his fault that people in India are poor and lack access to healthcare. Their hardships are not due to any wrongdoing on his part. However, we must distinguish between two senses of the term “responsibility.” An agent may be responsible for some harm in the sense of being morally to blame for its occurrence or in the sense of being morally required to address it.² One sort of responsibility need not entail the other, and what is at issue here is the latter. More precisely, I shall be concerned with what David Miller calls a “remedial responsibility,” a term he defines as follows:

To be remedially responsible for a bad situation means to have a special responsibility to put the bad situation right, in other words to be picked out, either individually or along with others, as having a responsibility towards the deprived or suffering party that is not shared equally among all agents (Miller 2001, 454).

The second objection is that we need not consider individuals like Sam to find out who is remedially responsible for the plight of those who participated in the trials of his drug, because there are other more plausible candidates. Many believe that the responsibility to alleviate poverty and ill health in developing countries primarily lies with these countries’ own governments. Others believe that it lies, in large part at least, with the governments of affluent countries, or with international bodies such as the World Health Organization (WHO) and the World Trade Organization (WTO) (Pogge 2008). It has also been argued that pharmaceutical companies have a special responsibility to meet the health needs of the global poor (Resnik 2001).

Whatever the merits of these different views on responsibility for poverty and ill health, however, none of them precludes attributing responsibility to individuals like Sam. Holding one agent responsible for addressing some harm does not relieve others of responsibility in that regard. Consider a trivial example: if a child makes a mess at a party, both parents can clearly be responsible for cleaning up and apologizing to the hosts. Of course, the precise relationship between their respective responsibilities can be debated. The point here is simply that the fact that one is responsible does not absolve the other. Analogously, Sam may well be remedially responsible for poverty and ill health in India even if other agents also have such responsibilities.

Sam's sense of being responsible for the situation in India by virtue of having benefited from it cannot, then, be dismissed by pointing towards the responsibilities of other agents. Nor does it seem reducible to whatever responsibility he himself may have for that situation *qua* citizen or consumer or fellow human being. It may be that Sam, as a citizen of a democratic state, has an obligation to support political representatives willing to ameliorate the situation. Or, to the extent that the situation arises from structural processes that Sam participates in as consumer in a global economy, it may be that he ought to contribute to changing these processes (Young 2011). Or it may be that Sam has a general humanitarian duty to assist the desperately needy, wherever they are, if he can do so at little personal cost (Singer 1972).

All these responsibilities may be attributed to Sam as an individual. However, none of them seems *specific* enough to match the sense of responsibility awoken in him upon learning about the development of his medication. The first is shared equally with all voters in Sam's country, the second is shared with other consumers in a global economy, and the third seems (in principle at least) to be shared with all fellow moral agents. None weighs more (or less)

heavily on Sam than on other members of these groups. Nor are they responsibilities directed specifically towards the needy in India – from whom Sam has benefited – but rather towards the needy in general.

The special responsibility that Sam senses he has, if it exists, is not only distinct from the more familiar responsibilities that he or other agents may have. Also, its *basis* appears to be different. Following Miller (2001), it is commonly thought that an agent may be remedially responsible for a bad situation because of her causal or moral responsibility for that situation's occurrence, her communal ties to those suffering from it, or her capacity to alleviate it. Remedial responsibilities for poverty and ill health in developing countries tend to be assigned on precisely these grounds (Barry and Raworth 2002). For instance, those inclined to hold foreign states responsible often appeal to the role of these states in creating these problems in the first place (moral or causal responsibility) (Pogge 2008). Those who instead assign these responsibilities to local governments emphasize the special relationship between members of political or cultural communities and the special duties of mutual aid that such ties create (community). And proponents of an individual duty to aid stress how easy it is for relatively affluent individuals to bring great relief through modest financial donations (capacity) (Singer 1972).

None of these familiar bases of responsibility seem to single out Sam. He surely has no special ties to the needy in India; it is difficult to think of anyone more aptly described as strangers to him. Nor has he played any special role in bringing about their difficult circumstances. And although he certainly has some capacity to help remedying these circumstances by contributing to humanitarian organizations, for instance, he is no more so capable than anyone else equally well off.

The only thing that relates Sam, specifically, to the needy in India, specifically, appears to be the fact that he has *benefited* from them. And so we need to ask whether benefiting from other people's hardships, in and of itself, could give rise to an obligation to help remedying them.

Benefiting from Injustice

Several philosophers have recently argued that agents may acquire remedial responsibilities for bad situations in a way that Miller's account does not recognize, namely, by benefiting from such situations. More specifically, they have argued that *benefiting from injustice* (or wrongdoing) may give rise to responsibilities towards its victims (Gosseries 2004; Anwander 2005 and 2009; Pogge 2005 and 2008; Butt 2007 and 2014; Goodin and Barry 2014). This is thought to be the case even when the beneficiaries were not involved in committing the injustice from which they benefit, and even absent any special tie to the victims or special capacity to put their situation right. Different versions of this view have been advanced to attribute special responsibilities to the beneficiaries of human-induced climate change (Gosseries 2004), global poverty (Anwander 2005 and 2008; Pogge 2005 and 2008) and historic injustices such as slavery (Butt 2007). Can the sort of responsibility that Sam feels he has in our case be accounted for along similar lines?

Two distinct questions need to be addressed here. First, is Sam a beneficiary of injustice? Second, if he is, does he therefore carry a remedial responsibility towards its victims?

As to the first question, Sam has no doubt benefited from changing medications. He is better off than he was on his old drug, and better off than he would have been had he remained on that drug. But does this gain count as benefiting *from an injustice*? There are two senses in

which it might. First, it may be that one or more of the trials needed to bring the new drug to market were wrongfully carried out, for instance because the participants were coerced, exploited or exposed to excessive risk. Sam would then be the beneficiary of wrongdoing on the part of the sponsors or researchers. Second, it may be that the background situation of the participants, their poverty and lack of access to healthcare, is unjust, and that Sam has benefited from this situation because it facilitated the development of the drug. Sam would then be the beneficiary of a structural injustice rather than some individual wrongful act.³

I will set aside benefiting from injustice in the first sense. If the sponsors or researchers wronged the participants, surely *they* should put things right, not Sam. Perhaps Sam would still have some responsibility to put pressure on them (or even to “take up the slack”) should they fail to act. But his responsibility *qua* beneficiary of wrongdoing would then be derived from their duty *qua* wrongdoers. Our inquiry into benefiting as a basis for remedial responsibility would require a detour over moral responsibility as a basis for remedial responsibility, which would take us too far afield. We are likely to get a clearer picture of beneficiaries’ responsibilities in cases where these are not derivative of more stringent primary duties of wrongdoers. Let us therefore assume, for the purposes of this paper, that the sponsors or researchers did nothing wrong when carrying out the research.⁴

Sam may still have benefited from injustice in the second sense. Indeed, it seems highly likely that he has. We should, I believe, regard the circumstances of the trial participants – their poverty and lack of access to health care – as unjust rather than merely unfortunate. This claim is admittedly not indisputable. How much economic security and health care individuals are entitled to is subject of deep disagreement among theorists of domestic and global justice. Nor is it an especially controversial claim, however. Most theorists agree,

albeit for different reasons, that access to at least a minimum level of these key goods ought to be provided as a matter of justice (Millum 2012). From this perspective, poverty, when avoidable and severe enough, and avoidable lack of access to essential drugs and basic health care, are indeed unjust rather than merely unfortunate. Of course, it remains open for debate what constitutes a minimum level and consequently who falls below it. But poor Indians enrolling in clinical trials to make a living or to obtain asthma treatment they need but cannot afford or access seem like strong candidates.

Not only should we regard the circumstances of the trial participants as unjust. There is also, I believe, reason to think that Sam has benefited from these unjust circumstances. He appears to be better off than he would have been under just circumstances – i.e. if the participants were not unjustly poor and had adequate access to care. In other words, his gain appears to be counterfactually dependent on their unjust situation.⁵ If participants were less poor and had better access to care they would surely have been less eager to enrol in the trials. The financial reward would have been less effective in attracting healthy volunteers to the early phase trials. And asthma patients would have been much less likely to enrol in later phase trials in pursuit of needed but unavailable treatments. It seems highly likely that participant recruitment would have been more complicated, and that the entire trial process would have been slower in consequence. And so the new drug would have become available to patients in developed countries later, if at all.⁶

Benefiting as Basis for Responsibility

It seems, then, that Sam is indeed a beneficiary of injustice. This brings us to the second question raised above: is he therefore remedially responsible for that injustice? Let us look at

some justifications that have been offered for attributing remedial responsibilities to innocent beneficiaries of injustice.

Restitution

One way of benefiting from injustice is by coming to possess some good that was wrongly taken from someone else. One then normally has a duty to return the good to its rightful owner. For example, if somebody steals your bike, gives it to me and then disappears without a trace, then surely I am required to return the bike to you. You have a claim in restitution to the bike, and it would be wrong for me to keep it. In many cases, the responsibilities of innocent beneficiaries of injustice can be accounted for along these lines. For instance, recipients of the spoils of colonialism should clearly return what was taken even if they were not originally involved in the plunder (Anwander 2005, 42).

However, other cases of benefiting from injustice do not seem to involve receiving any misappropriated good. Whatever responsibility the beneficiaries' may have then cannot be grounded in the victims' claim in restitution. (Anwander 2009, 181) In the case of Sam, for instance, no tangible item has been wrongly taken from sick and poor Indians and transferred to him. His responsibility to them, if any, cannot be construed in terms of returning what is rightly theirs.

Benefiting at the Victim's Expense

Some appeal to intuitively plausible cases to justify remedial responsibilities on the part of beneficiaries of injustice. Robert E. Goodin and Christian Barry put forth one such case:

[S]uppose your father had bribed a Harvard official to secure your admission to study there. Further suppose that it is certain that you would not otherwise have been admitted. Finally, suppose your life has gone very much better than it would otherwise have done in consequence. But suppose, at age 50, you discover incontrovertible evidence of your father's misdeed: clearing up his estate, you find all the correspondence, along with the cancelled check. You learn from the Harvard archives who was the next candidate for admission on the waitlist for your year. Tracking him down, you discover he was distraught at not getting into Harvard, became an auto mechanic instead, had been in and out of gaol, and led a pretty unhappy life quite generally in consequence of not being admitted to Harvard. (Goodin and Barry 2014, 365)

In this case, Goodin and Barry contend, you must compensate the victim of your father's misdeed. You should relinquish (some or all of) the benefits received as a result of your wrongful admission to cover (some or all of) the loss he suffered as a result of not getting into Harvard.

Daniel Butt (2007) offers a more fanciful but structurally similar case. A, B, C and D possess a quarter each of the land on a remote island. They are entirely self-sufficient and are strangers to each other. Only one crop will grow on the island, and each person must produce 200 kilos of it annually to support herself. Hard-working A produces 700 kilos the first year, whereas laid-back B, C and D only produce 200 kilos each. The next year, D tries to boost her crop by diverting water from B's and C's land to her own. But the plan misfires: the water is instead diverted away from C's land and her own and onto B's land. Consequently, C and D have no crop to harvest, whereas B surprisingly is able to harvest 400 kilos. A is unaffected

by these events and harvests 700 kilos again. Destitute D kills herself in despair. C will also surely die unless A or B gives her the needed 200 kilos.

Who should come to C's assistance? Butt (2007, 132-133) notes that among Miller's grounds for distributing remedial responsibilities, only capacity applies; neither A nor B are causally or morally responsible for C's situation, and neither has any communal ties to C. A has more crop to spare than B and is therefore more capable to offer assistance. However, Butt suggests, it intuitively seems more appropriate that B helps C. After all, B has directly profited from the heinous act that left C destitute.

In both these cases it does seem intuitively plausible that the beneficiary of injustice should come to the victim's assistance. What drives this intuition, I suspect, is the fact that the beneficiary gains at the victim's expense. You took the other candidate's place in the Harvard class. And, in the island case, the same water that would have allowed C to produce the needed 200 kilos instead allows B to produce an extra 200 kilos. There is a direct relationship between the beneficiary's gain and the victim's loss. What one has gained, the other has lost.

In cases where the relationship between gains and losses is more attenuated, the claim that the beneficiary should assist the victim seems to lose some of its intuitive plausibility. Suppose in the Harvard case that the unsuccessful candidate turns out to be an unusually skilled auto mechanic, but has too low self-esteem to charge more than the going rate for his services. Then it would seem that his customers have benefited from an injustice. Had your father not bribed the admissions officer, the candidate would have been admitted to Harvard, and would not be performing excellent but underpriced car repairs. Yet it seems strange to require the

customers to compensate the candidate for what he has lost in consequence of being denied admission. Their benefit seems too incidental to his loss.

Turning now to the case under discussion, does Sam benefit *at the expense of* the sick and poor in India? It would appear that he does not. His gain does not directly correspond to any loss for anyone among them. They are equally sick and poor regardless of whether he receives the drug or not. Sam is not like the candidate who was wrongly given the talented auto mechanic's place at Harvard, but rather more like the customers who benefit from the mechanic's underpriced services. He benefits from an injustice, to be sure, but not at the expense of its victims.

Sam's case is, then, importantly disanalogous with cases of the sort advanced to support the view that benefiting from injustice or wrongdoing creates remedial responsibilities towards its victims. Thus, we cannot appeal to the intuitive force of such cases to establish that patients in affluent countries are responsible for correcting the unjust conditions wherein their drugs are developed. Nor can we appeal to them to justify remedial responsibilities in other situations where the relationship between gains and losses is similarly attenuated, as is arguably often true of benefiting from structural injustices more generally.

Consistency

Butt appeals to consistency to explain why beneficiaries of injustice have special duties to the victims:

My claim is that taking our nature as moral agents seriously requires not only that we be willing not to commit acts of injustice ourselves, but that we hold a

genuine aversion to injustice and its lasting effects. We make a conceptual error if we condemn a given act as unjust, but are not willing to reverse or mitigate its effects on the grounds that it has benefited us. The refusal undermines the condemnation. (Butt 2007, 143)

In a later paper, Butt restates this claim as follows:

[T]here is an inconsistency in our moral outlook if we condemn actions which harm others as wrong, and so maintain that they should not have taken place, but then refuse to perform actions within our power which would make the actual world closer to a world where the wrongdoing did not occur... (Butt 2014, 340).

Perhaps there is indeed something inconsistent about refusing to rectify a situation that one sincerely holds to be unjust. But such refusal seems equally inconsistent regardless of whether one has benefited from that situation or not. If genuine moral agency requires aversion to injustice, including a commitment to reversing or mitigating its effects, then that is presumably true of all moral agents. So if successful, Butt's argument establishes a general responsibility to rectify injustices, not a special responsibility on the part of their beneficiaries.

Free-Riding

Some invoke the notion of free riding to justify remedial responsibilities on the part of innocent beneficiaries of injustice (Gosseries 2004; Anwander 2009). Generally speaking, a free-rider is someone who "obtains a benefit without paying all or part of its cost" (Gauthier 1986, 96). Though usually considered unfair when it comes to enjoying public goods without

bearing some share of the cost of their provision (e.g. tax evasion, using public transportation without a ticket), free-riding in this generic sense is hardly always wrong. We do not usually criticize children or gift recipients for failing to “pay” for the benefits received from parents or donors. Thus, if the concept of free-riding is to do real moral work, such as justifying remedial responsibilities, it seems to require some qualification.

Norbert Anwander advances a more specific concept – *moral* free-riding – to explain why the costs of alleviating global poverty should partially be shouldered by those who benefit from that situation. He writes:

Moral free-riding...occurs when someone profits from another person's wrongful action, from situations of injustice, or generally from what is morally unacceptable, without covering some appropriate share of the moral costs...The moral costs of an unjust global order are whatever it takes to reform it and alleviate the misery it has caused. Since morally there should be no injustice and no severe poverty, you are a moral free-rider if you benefit from such an order, while not sharing in the task of making it morally acceptable. You let others bear the costs of the morally necessary task of eradicating global poverty while profiting from its causes. (Anwander 2009, 185-186)

This approach appears better suited than an unqualified appeal to free-riding for justifying the sort of responsibility under discussion. Sam has not just received a free benefit; what he has benefited from is, after all, a morally unacceptable situation. Those who work to improve that situation without benefiting from it might, not unreasonably, find it unfair that they should carry that burden alone, whereas beneficiaries like Sam refuse to join their efforts (Ibid., 186).

But is there really anything *special* about innocent beneficiaries of injustice in this respect? Anwander (plausibly) assumes that eradicating global poverty is a collective moral task, shared among some group of agents. When somebody benefits from global poverty she becomes a member of that group. If she then fails to contribute to the task she free-rides on those who do contribute. However, it seems that we could say something similar about other group members who fail to contribute. They benefit in the sense that they shift a cost they otherwise would bear onto others. They too are free-riders, unfairly benefiting from other people's efforts.

Anticipating this critique, Anwander (Ibid., 187-188) grants that anyone who ought to contribute to some collective moral task but fails to do so free-rides on the contributors. However, he argues, this form of free-riding differs from *moral* free-riding because it presupposes a duty to contribute. Moral free-riders, by contrast, need not have any such pre-existing duty. The concept of moral free-riding explains how agents can *acquire* the duty to contribute in the first place: by benefiting from a situation that morally ought not to be.

But if this is indeed a difference it seems to dissolve with the passing of time. Suppose at time t that agent A has no duty to contribute to the collective effort of remedying some unacceptable situation S. At t^1 , A benefits from S, thus acquiring the duty to do her fair share in that effort. Suppose then that at t^2 , A still hasn't done any remedying. Presumably A is now a free-rider in precisely the same sense as anyone else who fails to bear their share of the collective burden. She benefits from having her share borne by others.

Perhaps considerations of free-riding can explain how innocent beneficiaries of injustice can acquire remedial responsibilities. More importantly, however, such considerations point towards a more general ethical concern. *Anyone* who should help remedying injustice – regardless of how they acquired that responsibility – but fail to do so free-ride on the efforts of others. Their moral shortcoming is ultimately the same as that of unhelpful beneficiaries. In other words, considerations of free-riding do not seem to *single out* those who, like Sam, innocently benefit from injustice.

Shared Responsibility

We have examined four different justifications for attributing special responsibilities for remedying injustice to those who benefit from it. The former two failed to explain how such responsibilities can arise in cases like Sam's, where the benefits are not akin to stolen goods and do not come at the victim's expense. The latter two did provide some basis for assigning responsibility to beneficiaries even in such cases, but only by invoking considerations that are by no means unique to them. To the extent that they should be moved by these considerations to help remedying injustice, so too should many others.

Our failure to find a compelling justification for singling out beneficiaries of structural injustices as remedially responsible for these injustices might inspire two different sorts of response. First, one might take this failure as a challenge to find a better justification. The intuition that there is something morally special about Sam might seem sufficiently strong to warrant further inquiry. The question is what might explain it. Second, one might abandon the search for such a justification and instead, in keeping with my last remarks in the preceding paragraph, embrace something like what Iris Marion Young (2011) calls political responsibility. On Young's view, the task of remediating structural injustice is not to be

assigned to any particular agent at the exclusion of others. Rather, it is a task we must *all* engage in through collective action.

Although these are different responses, I suspect that their implications might ultimately be similar. Even if a compelling reason for fixing special responsibilities on beneficiaries of injustice is found, it is unclear that this will allow us to pick out any very limited set of responsible agents. I have focused on the case of Sam because it illustrates the phenomenon of benefiting from injustice especially vividly. But is Sam really all that different from most of us citizens of affluent countries? It is not unlikely that the low prices and high living standard we enjoy are to a large extent contingent on conditions that should be labelled unjust. Would these advantages be as great if workers in poor countries were able to secure decent wages and working conditions, for instance, or if their governments were not unfairly disadvantaged in international trade negotiations? These are admittedly complex questions, but it does not seem at all implausible that they should ultimately be answered in the negative, i.e. that most or all of us are indeed beneficiaries of injustice.⁷ Thus, even if benefiting from injustice creates special responsibilities, such responsibilities may well be very widespread.

Suppose these reflections are on the right track: the responsibility to address structural injustice is in fact one that all or most of us share. Is Sam's sense of being especially responsible then entirely misguided? Not necessarily. To see why, it is important to note that emphasizing our shared responsibility is an incomplete response to structural injustice. To say that everyone is responsible for correcting a problem is, in a way, to say that nobody has any *special* responsibility in this regard. And then there is a clear risk that the problem will remain unaddressed (cf. Miller 2001, 469). Thus, even a model of shared responsibility requires some conception of how the sharing involved is supposed to go about. Everyone should presumably

do *something*, but not the *same* thing, nor carry an equal portion of the collective burden. So the problem of distributing responsibilities remains, albeit in a modified form.

Here the considerations captured in Miller's four principles – causal responsibility, moral responsibility, capacity and community – all seem relevant. How closely connected an agent is to the victims of injustice in these four ways will help determine the shape and extent of her contribution to the shared task of remediating their situation. This brings us back once more to the main topic of this paper. Does benefiting from structural injustice – or rather, if most or all are beneficiaries, benefiting more than others – also affect one's responsibility to engage in the collective endeavour to rectify it? Should one do more than others? Young thinks so: "Persons and institutions that are relatively privileged within structural processes have greater responsibilities than others to take actions to undermine injustice" (Young 2011, 145). I shall end by exploring that idea a little further. Receiving benefits from structural injustice can, I think, make a difference to an agent's pre-existing responsibility to address that injustice – although what ultimately matters is not benefiting from injustice as such.

One way in which benefiting makes a difference is simple. To benefit is by definition to be made better off in some respect. There are at least two reasons why this might plausibly be thought to affect the extent of one's responsibility to address injustice. First, in the case of all material (e.g. money) and many non-material benefits (e.g. time), one will, very crudely put, have more "resources" to spare than one otherwise would. In Miller's terms, one's capacity to provide remedy increases, and so does one's remedial responsibility. Second, regardless of the type of benefit, the better off should arguably carry a larger portion of shared burdens than the worse off, other things being equal. A broadly egalitarian concern for distributive fairness seems to demand as much. To concretize these rather abstract points, consider the case of

Sam again. It is reasonable to think that Sam should shoulder a larger portion of the shared task of rectifying structural injustice after changing medications than before. This is both because he simply *can* do more – he is no longer plagued by fatigue and fear of a new attack – and because fairness requires that he relieve other, less advantaged participants in that endeavour of some of their burdens.

Note that what carries the weight here are considerations of capacity and fairness, not benefiting from injustice *per se*. These considerations require anyone – beneficiary of injustice or not – who is better off than Sam to do more than he, other things being equal. Note also that these considerations are silent as to where remedial efforts should be directed. Sam has an increased responsibility to help remediate injustice in general, not (necessarily) an increased responsibility to the sick and poor Indians from whom he has benefited.

Another way that benefiting can make a difference is by undermining one common defence for failing to shoulder one's responsibility. In today's interconnected and medialized world, ignorance of the situation of the sick and poor abroad is an increasingly poor excuse for withholding assistance. We generally know, or could and should know, that help is needed. The ignorance excuse can be further eroded by the receipt of benefits from that situation. In many cases, beneficiaries of injustice should be mindful of the provenance of their gains. For instance, it is reasonable to expect consumers of cheap apparel to ask themselves how it is possible for prices to be so low. Pursuing that thought further, they may well conclude that current prices are made possible by exploitative working conditions in manufacturing countries or more generally by the harsh structural circumstances that make working under such conditions seem attractive. And ignorance is then no tenable excuse for failing to help improving these circumstances. Unlike the considerations of capacity and fairness examined

above, this one does affect agents' responsibilities to address the specific injustices they have benefited from, not only their duty to promote justice in general. Among all the harms one could help repair, it makes sense to target those one is most acutely aware of.

Of course, in Sam's case it is the newspaper story rather than the receipt of the drug that calls attention to the situation of the Indian trial participants. But perhaps Sam's thoughts should have been drawn in that direction already when he was presented with the drug. The role of international research in developing new pharmaceuticals is increasingly publicly known, and the great disparities in power and wealth that constitute the backdrop of that research are no secret. In any case, even if ignorance remains credible before reading the story it certainly does not thereafter.

The upshot of these rather sketchy remarks is this. There appears to be some substance to Sam's sense of being especially responsible for the sick and poor Indians from whom he has benefited. This is because he is better placed to provide assistance than before changing medications and because he can no longer credibly ignore their plight, not because he has benefited from injustice *per se*. More importantly, however, this sort of responsibility should be much more widely felt. Perhaps we find Sam's case striking not because his position is unusual, but because we do not sufficiently acknowledge being similarly positioned.

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Endnotes

- ¹ For a selection of the bioethical literature on this issue, see Emanuel et al. (2004), Macklin (2004), Hawkins and Emanuel (2008). The most influential set of ethical guidelines pertaining to international research is found in the Declaration of Helsinki (WMA 2013).
- ² The distinction between blame-based, “backward-looking” and nonblame-based, “forward-looking” conceptions of responsibility has been noted by a number of philosophers. See, in particular, Jonas (1984) and Young (2011). Although these are distinct conceptions, they are nonetheless related. First, if an agent is morally required to address some harm but fails to do so, she will arguably eventually be to blame for that harm’s persistence (Nussbaum 2011, xxi). Second, as discussed below, blameworthiness for the occurrence of some harm is one among several reasons why an agent may be required to address that harm.
- ³ On the distinction between structural injustice and individual wrongdoing, see Young (2011).
- ⁴ It must be stressed that this is a methodological assumption. It may well be that many trials in developing countries are in fact wrongfully carried out. Indeed, I am inclined to think that this is not uncommonly the case (Malmqvist forthcoming). However, in such cases sponsors or researchers should make amends, and the responsibilities of innocent beneficiaries of the research are of secondary importance at best. To better focus on these latter responsibilities we should therefore bracket any wrongdoing on the sponsors’ or researchers’ part.
- ⁵ Two remarks on the notion of benefiting employed here. First, I assume that in this context the baseline against which benefits are to be measured is a counterfactual (rather than a temporal or moral) one. Roughly, this means that P benefits from X if P is better off

than P would have been had X not occurred or obtained (rather than being better off than before X occurred/obtained or better off than P ought to be). Second, because benefiting simply means to be made better off it does not require that one acts. Benefiting from injustice should thus be distinguished from *taking advantage* of injustice in the active sense of using somebody else's unjust position to advance one's own ends. Such advantage-taking raises a different set of ethical issues (Malmqvist 2013). For an essentially identical account of what it means to benefit from injustice, see Anwander (2009, 181-2).

⁶ For detailed analyses the importance of poverty and lack of access to healthcare for participant recruitment and ultimately for successful pharmaceutical research, see Sunder Rajan (2007) and Cooper and Waldby (2014).

⁷ For compelling arguments to this effect, see Pogge (2008). While Pogge emphasizes the role of governments of affluent countries in perpetuating global injustice, he also points out that these governments act in the interest of their citizens.

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