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Bioscience and the Duty to Research, Part 2: Non-Beneficent Arguments

In the last chapter, I expressed doubt about whether there is a duty to research for the sake of a beneficent desire to improve the lives of others. Demonstrating that such a duty obtains would mean demonstrating that beneficence is a duty, and this is harder than it may seem. But even if beneficence can be shown to be a duty, we can't be sure that it's a duty of the right sort – that there is only a limited number of ways to discharge it. Rather, what duties of beneficence there might be seem to be able to accommodate a fairly broad range of ways to discharge them. There's no particular guarantee that research would figure among them.

The point of this chapter is to look at what I take to be the strongest of the remaining candidate arguments for there being a duty to research. As it happens, all have been articulated by John Harris in the past few years, and so I'll take his arguments as my touchstone; but the counterarguments I'll be presenting ought to be recognized as having an eye on a wider horizon.

Formulating the duty to research

A paper published by John Harris and Søren Holm in 2003 about the participation of children in research takes as a central premise the idea that there is a duty to participate in, or at least to support, medical research. The point of that paper was not to argue for the premise, but a couple of lines do set the scene for what might be developed as arguments substantiating it:

If a given research project is well designed and likely to lead to important knowledge that will help persons in the future, can there be a moral obligation to accept being a research subject if asked (or to volunteer)?

The answer to this question is an unequivocal “Yes”. Two separate lines of argument lead to this conclusion. First, it follows from our basic moral obligation to help other people in need (or our duty of beneficence). . . . Second, the obligation also flows from a standard Rawlsian “free-rider” argument.¹

Within the context of the paper, Harris and Holm don't say much more to bulk out these ideas; and I hope that I did enough in the last chapter to show that the beneficence claim is not compelling when interpreted in a simple manner. But what about the other aspects? How might appeals to free-riding, for example,

generate claims about a duty to research? Obviously, more must be said if the kind of thing towards which Harris and Holm seem to be nodding is to be taken as compelling.

The arguments are filled out to at least an extent in a 2005 paper in which Harris claims that there is an obligation to support biomedical research, perhaps by participating in it. (For the sake of space, I'll refer to this as a duty to research, or a duty to support research, as the context demands: the same general thing should be understood by all these formulations). He does so by appealing to what I think are three quite separate arguments. Two of these are diachronic, drawing a link between research done in the present, and past or future benefits; the other is synchronic, concentrating on the 'present tense'. The synchronic argument, which I shall call the *Free Rider Argument* (FRA) rests on the intuition that it behoves us not to take for granted the fruit of others' labours. The argument is superficially similar to the first diachronic argument, which looks back to the benefits that we have received from society so far to ground a claim that we owe certain things back, and can discharge the obligation by supporting research; I'll call it the *Argument from Filial Piety* (AFP) here. Such is the proximity of the FRA and the AFP that they might be held to be versions of the same argument; but I think it's worth keeping them separate, even if the separation is slightly forced, for the sake of the counterarguments I want to present. The other diachronic argument looks forward to ground a claim that we have an obligation of beneficence to future generations that mandates support for further research; I'll call this the *Argument from Rescue* (AR).

Though the AR is clearly related to beneficence arguments, I think that it merits separate consideration, because duties of beneficence seem to me to mandate a particular attitude towards others' wellbeing in agents, while the focus of a duty of rescue appears to be directed towards specific cases, and doesn't really require that we spend too much time thinking about the welfare benefits to be generated: that is, we might make someone better off by rescuing them, but that is not *why* we rescue them. Besides: there are arguments against the use of research as a method of rescue that hold independently of whether or not the beneficence claim works.

Finally, in Chan and Harris' 2009 restatement of the duty to research, a hint is dropped that there is a fourth argument that might be produced to establish a duty to research; I'll call this the *Prevention and Causation Argument* (PCA). It's with the PCA that I'll begin my analysis, before returning to the 2009 paper towards the end of the chapter.

The prevention and causation argument

The PCA is quickly articulated, and quickly disposed of. The nub of it is captured in Harris' claim that 'a decision to withhold benefit is always damaging',² and

echoed in Chan and Harris' claim that '[f]ailing to prevent harm is as effective a way of ensuring that harm occurs, and hence as morally reprehensible, as doing harm directly'.³ Research, the argument goes, is harm-preventing, and so a failure to research is a failure to prevent harm. And if it's true that a failure to prevent harm is an effective and reprehensible way of ensuring that it occurs, it must follow that a failure to research is comparably reprehensible. This doesn't quite amount to a claim that research is a duty; but it does come pretty close. However, it should be clear that if it happens not to be true to say that withholding benefit is damaging, or that failing to prevent harm is as effective a way of ensuring that harm occurs as doing harm directly, the argument will collapse. And it so happens that it is *not* true to say either of those things, and the argument therefore *does* collapse.

A couple of quick examples ought to show why. If it were true that failure to benefit were damaging, it would be true that I am making someone worse off by not making them better off. This is quite simply false. For sure, they are at the end of the day worse off than they might be in some possible world; but that is not the same as being *made* worse off. Not giving money to a beggar is not an attenuated form of stealing from him.

Nor is it true that failing to prevent harm is the same as – or even in the same moral league as – causing it. An anecdote will show why. A few years ago, I had the good fortune to visit Victoria Falls. There is a path along the cliff, and it is – or was at the time – possible to walk right to the edge, there being no barrier to prevent hapless people who got too close to the spray-wet edge from slipping and falling to the rocks and crocodiles far (horribly far!) below. Doubtless, such a fall would be harmful. It would be absurd, though, to say that the custodians' failure to put railings in place *ensures* that that harm occurs: my writing this now proves as much. Ensuring that people came to harm would have required more than not fitting a barrier – it would have needed someone to push them, or to jump out from behind the bushes shouting 'Boo!', both of which seem to be much more serious matters than not having put up railings.

This is not to deny that there might sometimes be something morally problematic about leaving the world as it is; we may have an obligation to give to the beggar on the street. But this is not because we harm him by not doing so; and failing to improve his lot, or to improve the world in some other way, is not qualitatively the same as positively making an alteration for the worse. Moreover, while there may be a reason to act in such a way as to prevent harm, there may at the same time be other reasons not to. To keep with the waterfall example: there are plausible aesthetic reasons not to fit a barrier. If these aesthetic reasons are sufficiently strong, they may suffice to counterbalance the reason to fit one; and, this being the case, there would be, again, no such duty. Of course, if one thinks that prevention of harm is the sort of reason that always comes up trumps, then one is free to argue for the claim – but it does need an argument. Still: the important point that failing to prevent harm is not a way of ensuring that harm occurs would stand; and while it may

be reprehensible in some circumstances not to prevent it, it does not follow that it is *as* reprehensible, or reprehensible for the same reasons and by virtue of the same argument. If there is a duty to research, it is not held together by the PCA.

The argument from rescue

Though a failure to prevent harm is not the same as causing harm, preventing harm might conceivably be presented as a form of rescue, and therefore morally required. Harris claims that '[w]here our actions will, or may probably prevent serious harm then if we can reasonably . . . we clearly should act'⁴; elsewhere, he points out that '[i]t is surely unethical to stand by and watch three million people die this year of Aids alone and avoid taking steps to prevent this level of loss'⁵. And since medical research provides a way in which we can prevent serious harm and suffering, it is therefore unethical not to carry out research. Just as in Peter Singer's famous example it is inexcusable not at least to attempt to rescue a child drowning in a pond,⁶ so it is inexcusable not at least to attempt to ameliorate the suffering or prevent the premature deaths of others when this comes at a proportionately low cost such as a few pounds given to a research charity or a few hours taking part in an experiment. If we have a duty to rescue the drowning child – and we do – we have a concomitant duty to rescue people in other ways.

The argument is clearly stronger than the PCA, not least because it gets to the point – the one about avoiding and militating against harm – more directly. Expressed slightly more formally, the AR looks a bit like this:

- (1) We have a moral duty to effect a rescue where possible
- (2) Saving lives is a form of rescue
- (3) Research saves, or can save, lives
- (4) Therefore research is a form of rescue
- (5) Therefore research is demanded by the duty of rescue

All the same, though, the argument is not compelling. This is for a couple of reasons: first, the truth of (4) is open to doubt; second, even if (4) is true, the likelihood that it is the only or the best way to save a life seems to be low. This would mean that we probably have a moral reason to prefer other things ahead of research; but since a duty is that action the omission of which is blameable,⁷ and it might be preferable on a given occasion to do something that isn't research, then research cannot be a duty; hence (5) falls even if (1)–(4) stand.

It doesn't take all that much to show that (4) is unconvincing. The first step is to clarify what it means to effect a rescue. The problem with (4) is that accepting it will require a radical departure from the everyday understanding of

the word ‘rescue’; and yet – I’ll claim – the only reason to make this departure is to keep the argument going.

In Chapters 3 and 4, I drew a distinction between saving a life – that is, rescuing someone – and avoiding death by means of life extension. In everyday language, to rescue someone means to save them from some present danger. Thus I rescue someone from drowning if, and only if, they are about to drown and I intervene to prevent that outcome. As per the argument outlined a few chapters ago, I do not rescue them by closing the swimming-pool prior to their arrival, or by teaching them to swim. Things like that might reduce the probability of harm or danger, but taking steps to ensure that a person does not face a danger is logically different from saving them from it. You cannot rescue someone who is not in difficulty; the most you can do is to prevent their getting into difficulty to begin with. And it is unsustainable to insist on moral identity in the face of logical difference.

Research, I submit, is more like the prevention of difficulty than its remedy. To see why, let’s remain next to the pool. If we witness someone in difficulty, we may have a *ceteris paribus* obligation to wade in. But one would have a hard time making a case that research could represent any kind of parallel: it simply does not save people from imminent danger. Even with due deference to the fact that people who have got into difficulties in the water may benefit greatly from more effective methods of artificial respiration, the duty to rescue would not be discharged by undertaking research into those methods when confronted with someone who actually is drowning. And it is correspondingly hard to see how *any* research would satisfy the moral demands that the duty to rescue articulates.

There’s another reason to reject (4), which is much more practical, and which harks back to the Endless List Objection that I raised to claims about enhancement in Chapter 3. The thought is this: that when I rescue a child from a pool, it stays rescued. There is an agreed standard by which we measure success, and success is measurable and achievable. The same applies, with appropriate modification, in respect of other kinds of rescue. If there is a famine, we supply grain, and measure success in terms of the number of people whose malnutrition is ameliorated or – at worst – stabilized: those who do not become more malnourished we can claim, with some justice, to have rescued. We might have to launch another rescue very soon; but the point is that we have a criterion by which we can tell that our duty to rescue has been discharged. This is not so clearly the case in respect of research. Because we would not be saving anyone from imminent danger, there is no obvious way to tell when our duty to research has been discharged – and so no way to tell when we had done what was morally required. Perhaps the thought is that there will always be an imperative to do more research – but this is implausible. As I hinted above, and as we’ll see in more detail in a little while, one of the reasons for the implausibility is that there will be several situations in which

research is ruled out by moral demands: it would not only be the sub-optimal thing, but the *wrong* thing to do.

A last-ditch attempt to save (4) might be mounted by insisting that all of this is just semantics: maybe people who think that a duty to research can be established by means of an appeal to a duty to rescue simply have in mind an unconventional meaning for the word 'rescue'. This supposition might appear to make good the deficit in the argument. However, the problem with taking this approach is twofold. First, it redefines the word 'rescue' by stipulation; and since there does not seem to be any independent reason to think that such redefinition is warranted – what warrant there is comes wholly from the need for the word to carry a certain load in the argument – it looks to be rather *ad hoc*. I think that this consideration alone is enough to derail any appeal to the AR. Still: if we can perform the linguistic contortions without wincing too much, and are disposed to accept that 'rescue' can mean 'neutralise a danger in advance', (4) might – at least for the sake of the argument – live to fight another day.

But the second problem is that we might still legitimately think that rescue-by-research is a good deal less urgent than rescue in the more conventional sense, just because of the facts about who is in imminent danger of perishing. That being the case, a putative duty to research may well never be anything more than putative, and (5) would come in for attack.

One of the important points that underpins this attack on (5) is that there is only a certain amount of time, effort and money that a person could reasonably be expected to put into rescue. (Chan and Harris admit that a fair contribution to a project does not have to suffice to realize that project's ends, which suggests – assuming, plausibly, that there is no obligation to contribute more than is fair – at least the possibility that one may have discharged one's duty long before any material difference is made to the world.⁸ Quite where one would draw this line is open to debate; but this doesn't mean that there isn't one to be drawn somewhere.) Now: imagine that 'rescue' can be quantified, and that each of us has five units of rescue that we can be reasonably be expected to distribute. This is a credit we can spend either on rescue by direct assistance (by which I mean things like providing grain to the starving, rowing the lifeboat, holding the ladders for the fireman, and so on), or rescue by research. It seems obvious that there would be nothing blameable about spending all of the credit on rescue by direct assistance. But if there is nothing blameable about not spending this credit on rescue by research, it is no longer possible to think of it as a duty, since (as I've claimed) a reasonable definition of a duty would seem to be 'that action the omission of which is blameable'. It would appear, then, that supporting research as a means of rescue is a duty at the most when there is no better way to improve the world. But what is important about this is that there will *invariably* be better ways to improve the world.⁹ And this puts quite a big dent in any claim that research might be a duty when that claim is based on an appeal to rescue.

For one thing, research is by its nature an uncertain business. Let's assume that there is some standard by which we can measure the value of the contribution made by different kinds of rescue, and so compare them. I might therefore find myself in a position in which I could give £5 to give to Oxfam, or contribute £5-worth of research and so make the world a better place to exactly the same extent. The problem here is that rescue-by-research would always have to come at a discount because mere research does not guarantee the amelioration of anyone's life; indeed, even the very best science – methodologically sound science that takes full account of our best current understanding of the world – might be stymied by some hitherto undiscovered phenomenon. As such, it might turn out to be useless at achieving what it set out to achieve. And while it's true that the precise outcomes of any action whatsoever are strictly speaking uncertain, the problem is much more acute in respect of science than in respect of – say – fishing children from ponds or distributing grain to the starving.

What this means in practice is that responding to calls to research as a means of rescue will invariably be a very low priority; in fact, unless – *mirabile dictu* – we happen to live in a world in which there is no more immediate call on our moral attention, it will be something that we will always have a good reason to defer in favour of something else. It is trivially true that, if I am faced with a range of ways to rescue a drowning child, I should obviously opt for the one that is most likely to work; similarly, it is trivially true that, given a choice between saving one person from drowning or another from hypothermia, I should try to save that one whose survival I would be more likely to ensure. Presented with the choice between taking one person out of immediate danger, and contributing towards the *possible* rescue of another thanks to my participation in research on, say, a malaria cure, there is no contest. It is unfortunate if the person with malaria is doomed without the research (though that's unlikely: there are plenty of people in the developed world who enjoy decent lives even with the infection, because they have access to good medical attention even if it does fall short of a cure); but the AR means that, perhaps with a heavy heart, I must turn my attentions elsewhere. That which I ought to give to save others, I ought not to invest in research. Even if the development of the new drug is in its final stages, it is *still* overwhelmingly likely to be a more effective use of my time and effort to effect a rescue. This is why an appeal to rescue suggests that we ought to treat research as a very low priority. Of course, as soon as there is an effective drug that I could help supply, it might be a matter of indifference whether I opt to give that or grain. But in this case, of course, we are no longer talking about duties to *research*, because in this case the research has been done.

A possible retort here could be that, by providing a £5 sack of grain, I might be able to rescue a family of four. By contrast, even though my contribution of £5-worth of research is unlikely to save anyone in its own terms, it is, like the mouse's contribution to digging out the enormous turnip in the children's

story, a part of a much bigger effort, and thus is liable to be magnified many times. My contribution punches above its weight, for the development of a cure for malaria would rescue millions of future people. Unfortunately, there is no guarantee that the retort is going to do enough. The millions of future rescues that we might effect are millions of *potential* rescues, and, while they are indubitably desirable, there is no self-evident reason why I should not count the *actual* rescues that we could effect by paying attention to real emergencies happening right now as far more urgent. Moreover, while we might have an obligation not to *harm* the future, we do not necessarily have a duty to *benefit* the future: future malaria sufferers are not, at least as far as I can see, *wronged* by us when we spend our money on grain for the hungry.

The overarching point is that research is not obviously an efficient, or even effective, way of setting about the task of improving the world or others' lives. Things might conceivably be different if we lived in a world of unlimited resources, since we would no longer have to worry about the efficiency of our choices in terms of lives saved per pound spent. But resources are limited, and what resources there are could be used in ways other than research – we would not thereby be doing nothing. If one is won over by the idea that there is a duty to rescue, embarking upon or participating in a programme of research is not the best way to set about matters; one ought to consider the ways that are better. And if one thinks that there is a duty to research, appeals to rescue are not what sustains it.

The argument from filial piety

The next kind of argument suggested by Harris to establish a duty to research that I want to examine is articulated in the claim that

[w]e all benefit from living in a society, and, indeed, a world in which scientific research is carried out and which utilises the benefits of past research. It is both of benefit to the patients and research subjects and in their interests to be in a society which pursues and actively accepts the benefits of research and where research and its fruits are given a high priority.¹⁰

The claim is simple enough on the face of it: we have benefited from research, and should generate further benefit by participating more. Note that the strongest form of the appeal here is not that we should be aiming to generate benefit *per se* – that would fall foul of the objections to appeals to beneficence – but that we should be aiming to balance out the benefits that we have received and do receive thanks to others' research. The question that presents itself here is whether there really is any normative significance in the fact that we benefit – that our lives are better or likely to be more flourishing than they counterfactually could be – from past research.

Establishing normative significance is no easy task. One of the problems that would face anyone who hoped to make the argument would be the need to explain how a description of my present condition translates into a moral obligation, or what the nature of that obligation would be. In Harris' hands, the argument would seem to run along the line that, because we owe the conditions of our present existence to scientific research, we ought at least to support ongoing research. However, it is fairly easy to construct analogous arguments to expose the problems of this line. For example, the battle of Edge Hill might have fulfilled one of the conditions necessary for my current existence, explaining how two distant ancestors came to be in the same place and conceive a child as a result. But this does not mean that I would have to endorse battles. A presently existing person does not face obligations *just because* he would not be where he is today without certain past events. Even if we could establish that I would not be here without some particular piece of scientific research, or research more generally, it would not follow that any obligation is generated in relation to further research.

The importance of this sort of consideration is not confined to arguments about existence: it is important in light of the weaker (and more attractive) claim that I might have obligations because of an *improvement* in my actual life, compared to that which I would otherwise have lived, afforded by technology; and it is important for the same reasons. There is any number of factors without which it would be plausible for me to think I would live a less good life. But it doesn't follow from the fact that something has contributed to the goodness of my life that I have any obligations. For example, one of the things that might reasonably be held to contribute to a person's flourishing is a reasonably wide circle of reasonably interesting friends. But whatever obligations one owes to one's friends, it wouldn't be a *quid pro quo* in return for that aspect of the goodness of one's life.

Moreover, so many factors have influenced and improved my – and anyone else's – life that, even if they *did* magically beget obligations, it would be impossible to meet all of them; it might even be impossible to decide which factors were the most important and therefore most worth trying to meet. Medical technology and research may well have contributed to the person that I am now and give rise to obligations; but this contribution will only be one tile in the mosaic, and I might have other obligations to meet before I get to the medical research facility. For example, I might decide, and (who knows?) decide *correctly*, that learning Latin at school had more of an impact on my current level of flourishing than had medical research, and that I thus have a more pressing obligation to spread its benefits. After all, I have never been seriously ill, and have no reason to suppose that I was ever in much danger of becoming so; but without having had to translate a passage about Quintus going to the forum to buy a copy of *The Republic*, it's possible that I would never have become interested in philosophy, and so not have ended up doing

what I do for a living now – something that, compared with some of the other possibilities (and knowing first-hand what it's like to work on a pot-bank), is a pretty good way to earn a crust. So, even if the AFP can generate obligations, there is no guarantee that they would be the obligations that the proponent of a duty to research wants: my primary obligation might be to endorse a classical education, since that's done the most good for me.

The most that the AFP could give is the claim that, because I would not be here or because my life would be measurably worse without certain things, I owe some sort of debt of gratitude to the past that made me the person that I am. But even here there is trouble, because we're violating the *is/ought* distinction. A bare description of all the factors that make me what I am is as poor a way of generating an obligation of gratitude to the past as it is of generating an obligation of research in the future without an additional rule outlining the proper attitude to one's past. But if there were such a rule for that, it would be unclear why there mightn't also be a straightforward rule or intuition describing a duty to research, making the AFP superfluous.

The free rider argument

The final line of argument articulated by Harris in the 2005 paper – and, I think, the most sophisticated and powerful one – draws on the free rider problem. The free rider problem describes a situation in which one person benefits from the efforts of another to provide some good that both desire without making any serious contribution himself. The outcome is that, since everyone knows that he will be able to reap the benefit without carrying the burden, no one will be motivated to do the work, and the desirable thing is less likely to happen at all. To this extent, it's an economic, rather than a moral, problem. However, it is not hard to see that a moral dimension could be added, because the possibility of free riding gives each agent an incentive to minimize his contribution to some collective good; such minimization ensures that you'll reap all the benefits of some activity undertaken by others without making any sacrifices, and this looks to be, at least on the face of things, unjust.

The argument translates to research. The possibility that Smith may benefit from Jones' research, and *vice versa*, means that each has an incentive to wait for the other to do the work; this makes it less likely that the work will be done at all. And if either of them eventually does do it, the other will get the benefit of that research without having contributed – which seems to be unjust. It's the justice part of the argument, rather than the economics, that seems to worry Harris more.¹¹ (The argument is much the better for emphasizing the justice part. To point out that free riding reduces the likelihood of the research being done presupposes that it is important that it be done to begin with; but this is open to debate at the very least: I've already suggested that no one is wronged

by that research not being done. We might welcome further research, but unless we are already convinced that there is a generalized moral obligation that the research be done – which is far from self-evident – there being an incentive not to do it is not much of a cause for concern. By emphasizing the justice aspect, all that matters is that *someone* did *some* research from which we are benefiting without making a contribution of our own.)

Still: notwithstanding that the FRA is stronger than the other arguments examined so far won't show that it is powerful in its own right: those other arguments are decidedly weak. I'm willing to concede that there is at least some power in the FRA; but it is still not convincing. This is because the injustice that is claimed to be implicit in free riding is often not nearly as straightforward as the argument needs it to be.

Part of the problem is that the FRA helps itself to the justice claim rather too quickly. To see why, it's worth reconstructing a scenario in which there is free riding happening. Jack and Meg share a house. They agree that a house in which the kitchen is cleaned is better than one in which it is left uncleaned, and each is prepared to do the cleaning once the level of dirt on the hob has reached a certain level; however, each has a different dirt tolerance. Further, like anyone else, each would rather do as little housework as possible – and none at all if it can be helped. In this scenario, Meg has the lower dirt tolerance; therefore it will end up being her that does the cleaning, although the benefit of her efforts will be shared by both. Moreover, Jack and Meg are presented with an incentive to become more tolerant of dirt than the other: in this way, each knows that the kitchen will never become intolerable to them, but knows also that it will be the other person who will guarantee this (and might, with luck, keep the kitchen *pleasant* rather than minimally acceptable). In other words, each has an economic reason to become more slovenly than yesterday, since this means a high net gain in return for minimal work.

The problem in the Jack and Meg case is, at first glance, clear: Jack is free riding, this is unfair, and there is a straightforward moral reason not to act unfairly. But, on closer inspection, it's less clear that Jack really is as open to moral criticism as all that. He has not wronged Meg by not cleaning the kitchen. Had he not been there, she would have cleaned the kitchen anyway, and her appreciation of a clean kitchen ought in no way to be diminished by the fact that Jack appreciates it too: she would perhaps even be justified in taking pleasure in the fact that her activities had improved the welfare of others. Jack is a free rider because he capitalizes on what we might call 'superabundant' benefits; but the superabundance of these benefits is precisely why Jack is a free rider. We might, I suppose, want to say that free riding is disreputable, and that it would be admirable for Jack to lend more of a hand. But no harm or clear wrong is caused by being disreputable, so this will not show that he was under any obligation; a free rider's disrepute does not stem from his alleged injustice.

Chan and Harris have insisted that this claim is ‘not strictly true’, counterclaiming that Meg would not have had to clean so much if Jack had done his share:

By such logic we could say that Jack would not wrong Meg by failing to pay his half of the rent, because under such circumstances she would most likely pay his share to avoid being evicted; but this is patently false!¹²

This, though, is a misreading of my claim. The whole point of the example was that Meg *would* have done the cleaning anyway, subject to a proviso I shall outline in a moment, since she is less tolerant of dirt than Jack. Assuming that it is reasonable for people to tolerate *some* level of dirt – if they did not, they would never do anything but clean (maybe the morally enhanced people of Chapter 7 would be like this, but, as we’ve seen, their lives are not great) – the debate between Jack and Meg concerns what that tolerable level is, not whether he has or has not done his share once it is reached. It is less the case that Jack is taking Meg for a ride than that he is a straightforward beneficiary of her fastidiousness; she would have been no less fastidious without him around (and it seems very strange to say that Jack’s obligations grow simply because of Meg’s concerns). Unless it can be shown that Jack had committed some sort of ethical *faux pas* simply by being more easy-going in respect of crumbs, then there is nothing more to be said on the matter; Meg would (unless she is spiteful) do the cleaning either way. Conversely, if it can be shown that Jack had mis-stepped morally, then his free riding is not the problem: it’s the mis-step that ought to concern us. Likewise, if there is an independent moral reason to be more supportive of research, then free riding in respect of its benefits seems not to be the primary concern.

In respect of Chan and Harris’ rent counterexample, if the rent could only be paid because Jack and Meg contributed together and this was the understanding upon which they had signed the contract, then it would be wrong for him not to pay: in that case, Meg really would be exploited. But if he had just been allowed to sleep in the spare room, granted that it would have been admirable for him to offer to make a contribution towards board, the obligation is different. He is not committing an injustice by not doing so, and, the nature of a spare room being that it is *spare*, his not doing so does not undermine any of the benefits that Meg earned from paying the rent to begin with. The analogy doesn’t fit; as such, it doesn’t help the argument.

There is one proviso and one exception to this argument. I’ll deal with the exception in the next section. The proviso is that the Jack and Meg example assumes that Jack does not contribute to the grubbiness of the kitchen. If he does leave spills that Meg invariably ends up cleaning, then his not helping to clean is less easily forgivable, since he is creating a burden for her. On the other hand, this obviously means that he is no longer *free riding*. And it’s important to note that a person who does not assist or support research is not like this

anyway: while Jack, as it turns out, does make the kitchen a bit worse, and thereby increases the burden on Meg, the same cannot be said for people who do not support research. Although they do not make the world any better for others, neither do they create a burden. (Obviously, this point echoes the argument advanced against the PCA.) And if the objection to not participating in research is that it represents a failure positively to improve the world, the free-rider argument seems to have gone out of the window.

So: if it's true that people who don't support research are free-riders, it's not obvious that there's any injustice in that. Moreover, it's not obvious that people who benefit from others' research are free riding after all. This is because whatever ride one enjoys from scientific research does not, in fact, come for free. One pays in some way for that just about every medical benefit that one might enjoy. More than likely, if I live in the developed world, I have some form of medical insurance, publicly or privately provided, that covers interventions, some of them innovative, that restore or raise my level of flourishing to or towards what would be considered acceptable. If I'm interested in benefiting from interventions that make it possible for me to flourish at a more-than-minimally-reasonable level, the chances are that I would have to pay. Either way, the intervention is paid for; *de facto*, so is the research that makes that treatment possible. There is no sense in which I have acted as a free rider or broken elementary rules of justice. Therefore, if there *is* a duty to contribute to that which benefits me, it is one that I have already discharged; there is no further duty to research. It is possible that, in the case of therapeutic interventions, my insurance contributions are insufficient to pay for my treatment; but this is not too serious a point, since any contribution I might make individually to scientific progress would likely prove nugatory in terms of the effort that goes into important discoveries.

Fairness and the future

Having said all this, there might be a narrow set of circumstances in which a fairness argument can be yoked to something that looks rather like a FRA, and it concerns those circumstances in which I am unwilling to contribute to the generation of some outcome that I desire and that I expect to accrue to me in the future anyway.

Imagine that concerts are put on only when musicians can be sure that enough people will buy tickets to cover the expenses. If I wait near the concert hall in the sure belief that other people will want and be willing to pay for a recital in sufficient numbers for it to happen, and if I do this with the intention of free riding by occupying an empty seat (I also believe that there will be one: the concert will be popular enough to be viable, but not a sell-out), then

I might well be acting unfairly. After all, I am expecting others to shoulder the burden of generating benefit on my behalf; what I am doing looks exploitative. Similarly, one might suppose that my refusal to support research when I fully intend to exploit the input of others is morally blameworthy, for reasons of fairness – noting, of course, that there is no appeal to be made here to benefits already received.

Nevertheless, if we do want to use an appeal to fairness and a consideration of future benefits as our moral motor, it is not clear that it would be all that powerful. For appeals to fairness will only stand a chance of getting anywhere when we do actually want and expect to benefit from the fruit of that research. Should we be indifferent, it would be hard to sustain an argument that we are acting unfairly by not supporting it: if anything, the unfairness charge could be more justly levelled at those who would have us carry a burden on their behalf for no clear benefit of our own. Should some research programme generate unexpected benefits – as may well be the case a good amount of the time – those benefits still will not generate the same obligation. In fact, it is hard to see how they generate any obligation at all.

For this reason, in effect, Chan and Harris' claim boils down to the instruction that we ought to pay for things that we want. True as this may be, it is also somewhat trivial. Moreover, while we might characterize the moral issue as one of fairness, it is not clear that we have to (at least, not when 'fairness' is meant to indicate 'recompense appropriate to benefits received'). We might feel that, by exploiting others, we wrong them – but while to wrong someone may be unfair, it doesn't follow that it is wrong *because* it is unfair. For example, we might think that the wrong has something to do with a neo-Lockean worry about the appropriation of another's labour and the fruits thereof; this being the case, the wrong has to do with undermining a person's rights. This makes fairness worries seem incidental, which looks like enough to show that there is no necessary link of the sort Chan and Harris seem to need between unfairness and wrongness.

What this means is that Chan and Harris have not established argumentatively that there is a generalizable duty to research based on appeals to fairness; and even if the case that has been made does imply some sort of duty in some circumstances, it is still not the same 'wide-angle' duty that they seem to think it is.

Naturally, this does not mean that we cannot still take on board some of what they propose. When they consider the extent of the duty to research that, ostensibly, we have, they indicate that we are required to carry our fair share of what is required across the board to support the research that benefits us. And this seems both correct and wholly compatible with the sort of neo-Lockean recasting of the obligation that we might imagine someone making: each of us is entitled to have certain expectations of others not to be exploited by them, and each of us may capitalize on the labour of others

to an extent limited by considerations of fairness and – for want of a better word – propriety. But, even here, it is also worth noting that, in this context, the fairness argument would have mutated slightly. No longer would we be saying that one ought to support research *because* it is fair; we would be saying that one ought to support research and that that duty (and others' duty to let us capitalize on that research) holds *to the extent* that is fair. In other words, fairness would merely describe the duty. It would not provide its origin.

Reason and obligation

It is possible that what is at the core of my dispute with claims about there being a duty to research – and this speaks to the arguments in both this chapter and the last – is that their proponents are much too liable to treat a *reason* to act as an *obligation* to act. (This is a worry that is shared by Stuart Rennie.¹³) Rosamond Rhodes, for example, suggests that

we would want medicine to be able to provide effective treatment when we or our loved ones should need it. Without human subject research, those treatments are less likely to be available. So, in light of our appreciation of human vulnerability to injury and disease and our appreciation of the value of clinical research, reasonable people should endorse policies that make research participation a social duty.¹⁴

She iterates the point elsewhere:

We are all vulnerable to death, pain, disability, and the loss of pleasure and freedom that may be consequent to disease. These are conditions that we all would prefer to avoid, and when we or our loved ones are afflicted, we would all want a remedy to be available. Almost everyone has and almost all of their loved ones have medical needs at some point in their lives. Yet, we must acknowledge the need for improving on the standard of care for numerous conditions such as Alzheimer's disease, Parkinson's disease, sickle cell disease, end-stage renal disease, schizophrenia, and stroke. We need to learn about the causes and natural development of diseases, and the effectiveness of treatment for conditions such as burns, cancer, and severed spinal cords. The desired advance in treatment can only be achieved by studying our bodies.¹⁵

The essence of the claim is this: there are certain things that we would all want; therefore we are rationally required to endorse the means by which those things are realized. This kind of claim is echoed in the account of the obligation offered by Stjernschantz Forsberg et al.¹⁶ Others give different reasons for wanting or endorsing further research; but the basic pattern of attempting to get those reasons to do the work of obligations is repeated elsewhere.

The example of the sort of person who prefers artistic pursuit to the pursuit of cures even for illnesses that afflict him in the last chapter should undermine

confidence in claims about what we would all prefer, since there's nothing irrational about a given set of preferences; but even putting that quibble aside, it should be clear that there's a problem with the leap being made: though there may be certain pro-attitudes that are rationally required in some contexts – it might not be rational to endorse a set of ends (such as the fruits of research) without endorsing the means (such as research) necessary to realize them – what is rationally required and what is morally required are not the same thing. Hence establishing that we have a reason to endorse something like research is not going to be enough to establish that there is any other kind of requirement. For sure, an obligation is a reason to act; but rational requirements are not moral requirements – and certainly not simply by virtue of being rationally required. So even if we grant that beneficence, generation of public good (which Schaefer et al. consider to be different from beneficence¹⁷), rescue, filial piety, harm prevention, fairness, and all the rest of it are *reasons* to research – or even moral reasons – we are still not committed to thinking that we're faced with an obligation.

We can apply the excavation of the fallacious conflation of having reasons and having obligations back to Chan and Harris' argument about free riding. In their 2009 paper, they claim that 'if free riding undermines a social practice [such as scientific research] that is by hypothesis morally and practically important, then it is not rational'¹⁸. This statement is perplexing, and raises several questions. Is it true? Why should it be irrational to undermine even something that is morally important? And how does a claim about irrationality have any moral weight? It might be immoral to undermine valuable institutions, but rationality has nothing obvious to do with it. If rationality *is* important, what makes it *morally* important?

It seems not to be true that it is always irrational to act in a way that undermines something 'morally and practically important'. To see why, assume that a functional banking system is at least practically important, and imagine that someone believes that this system is about to collapse. Motivated by this belief, he rushes to withdraw all his savings. This seems to be a rational thing to do. However, because only a minority of bank assets are liquid, such a withdrawal will actually make the atrophy of the banking system a little more likely. In other words, this is an example of a rational action undermining an institution that is notionally practically important; and so we have falsified the idea that undermining such institutions is necessarily irrational. It won't do to insist that one person's withdrawing his savings is unlikely to make a difference in the grand scheme of things, because neither will one person's participation or non-participation in research. Besides: if this riposte won't do, we can just imagine that many people share a fear about the banking system, and each individually withdraws his savings. This would amount to a run on the banks – and runs on banks do damage them. Yet the behaviour is still not irrational – indeed, if you suspect that a run on the bank is beginning,

withdrawing your savings as soon as possible might be the rational thing to do, notwithstanding that people withdrawing their savings too quickly is at the root of the immediate problem.

We might wonder whether there's a wedge to be driven between things that are morally important and things that are practically important: maybe the banking analogy speaks to the latter, but not the former, so that it could still be irrational to undermine things that are morally important. Let's allow that that's a possibility: it doesn't matter, though, because – in an echo of the PCA – a failure to participate in research, or even endorse it, doesn't undermine any established practice anyway. All it does is fail to promote it.

What free riding might do, admittedly, is undermine the possibility that a practice that is not established will get going. But, as I indicated above, this is an economic problem; it is not self-evident that we have to treat it as a moral problem – or that we would be entitled to treat it as such in the absence of either a supplementary claim about the importance of establishing a practice such as research (which would be question-begging), or a claim that what is irrational is therefore immoral. But that supposition is shaky simply because, as I've said, the requirements of reason and the requirements of morality are different kinds of thing. To hold that establishing irrationality is *de facto* immorality would commit us to the belief that foolishness is a sin – and that's implausible.

A puzzle about duties

One more thing is worth noting. Let's pretend for the moment that the FRA and the AR are successful. What is puzzling is that the two arguments are yoked together, since they seem to be antagonistic. For a person who is rescued is, in a sense, the *excelsior* of free riders: he is a person who receives what I shall allow to be the greatest possible benefit from a second person who, it would appear, receives nothing – or nothing comparable – in return. While the person rescued might owe a debt of thanks to the rescuer, and we might think him pusillanimous if he offered no token of appreciation, we would think it odd, if not monstrous, for the rescuer to insist on some sort of recompense. We might even think that the rescuer has a duty of some sort at least to act as though even gratitude was wholly unnecessary. At the same time, we might think that a sincere offer of thanks offsets whatever moral debt one might have accrued in being rescued; but still, if the rescued offered no thanks to the rescuer, to point out that he was acting as a free rider would be a curiously etiolated kind of criticism. Rescuers have a duty to treat the rescued as *unproblematic* free riders.

Now, the puzzle is this: Harris wants to be able to say that past research puts me in a moral debt that I have a duty to repay, and that not to repay this moral debt is unjust. He is happy to claim that merely coming into existence is in a person's interest¹⁹ – in other words, that he is better off existing than not. So

far, so good. But I do not see why a person could not use this claim to suggest that, given that he owes his existence to a combination of factors including past research, this research has in effect rescued him – whether from non-existence or from a worse existence than he currently has does not matter, and nor does it matter that he needs someone like Harris to point out that he was rescued. He might then feel entitled to deny that he owes anything beyond thanks. What is going on here?

We might respond by looking at the motivation of the person who did the research from which our subject is currently benefiting. Doing so will reveal that there is a serious, possibly fatal, tension in Harris' argument. If the motivation of the researcher was to rescue persons from non-existence or seriously less-good lives, there can be no cause for complaint if they recognize no further duty on them to research, for just the same reason that a person rescued from a pond might have a duty to be grateful (although gratitude expressed for the sake of duty is, of course, no such thing) but no concomitant duty beyond that. But if the person who benefited them was motivated by the sting of the FRA or the argument from filial piety, those who benefit *still* have no duty to participate in further research. Indeed, it seems possible to me that the researcher who benefited them might owe *them* and everyone else who has benefited some kind of gratitude for having afforded him the chance to pay off the social debt that *he* feels so acutely.

Put bluntly, if the research from which I am currently benefiting was motivated by claims about justice, I can easily say that I am not free riding so much as enjoying what was due to me as a member of the society that supported the research in the first place. If it was motivated by rescue, the idea that commensurate obligations befall me in return goes out of the window. I think that I am entitled to go from here to quite a bold claim on this basis: for as long as the person the fruits of whose research are available to me acted *for a reason*, I am released from any duty to research.

It is on this basis that the mere fact that I have benefited from a charity's funding of research imposes no duty to research on me: if those charity workers were motivated by a sense that they had to rescue me from cardiac disease, I might owe them hearty gratitude, but I am not obliged to further the cause of cardiology any more than a rescued child is obliged to promote water safety. If the charity's workers were motivated by a desire to expiate some kind of moral debt accrued by their having benefited from things like research, there is also no obligation on me – to deny this would be like saying that a child conceived out of his parents' sense of duty to the family line is, *for that reason alone*, obliged to beget children of his own. It would be absurd.

Strictly speaking, none of what I have said in this chapter or the last will prove definitively that there is no duty to research. However, none of what I take to be the strongest arguments in favour of there being such a duty is convincing. Where obligations are generated, they are not reliably the *right* obligations.

And even if we think that the AR and the FRA are successful in their own terms, it is worth noting that we ought to be wary of making the arguments too closely together, since the former does seem rather to undermine the foundations of the latter. If it is possible to provide answers to questions about the motivation of past researchers that ascribe to them reasons for doing what they did, the idea that *I* might have Harris-like reasons to research evaporates.

Research may yield things that would contribute significantly to the flourishing of others; and, inasmuch as that it's an admirable thing to do, and doing admirable things is plausibly a sign of a life well-lived, it might indicate a kind of flourishing on the part of the agents doing the research. But, still, it falls a long way short of being obligatory.

Notes

- 1 Harris and Holm, 2003, pp. 123–4.
- 2 Harris, 2007, p. 189.
- 3 Chan and Harris, 2009, p. 165.
- 4 Harris, 2005, p. 242.
- 5 *Ibid.*, p. 245.
- 6 Singer, 1996, pp. 229ff; cf. Singer, 1972, p. 231.
- 7 cf. Rennie 2011, p. 41: 'if an action is morally obligatory for a person, then that person is the appropriate object of negative moral attitudes (such as blame) if he or she fails to perform that action, unless he or she has a legitimate excuse', though it's not clear whether we're supposed to think that something is obligatory because failure to perform it attracts appropriate disapproval, or whether failure to perform it attracts that disapproval because it's obligatory.
- 8 Chan and Harris, 2009, *passim*, but esp. pp. 162–3.
- 9 cf. Shapsay and Pimple, 2007, *passim*.
- 10 Harris, 2005, p. 243.
- 11 *Ibid.*, p. 243.
- 12 Chan and Harris, 2009, p. 164.
- 13 Rennie, 2011, p. 42.
- 14 Rhodes, 2005, p. 15.
- 15 Rhodes, 2008, p. 37.
- 16 Stjernschantz Forsberg et al. 2013, *passim*.
- 17 vide Schaefer et al. 2009, *passim*; Rennie, 2011, p. 42.
- 18 Chan and Harris 2009, p. 164.
- 19 Harris, 2004, p. 70.