Philosophers and laymen alike are strongly attracted to the view that the infringement of a right calls for compensation. Consider this case posed by Joel Feinberg:

Suppose that you are on a backpacking trip in the high mountain country when an unanticipated blizzard strikes the area with such ferocity that your life is imperiled. Fortunately, you stumble onto an unoccupied cabin, locked and boarded up for the winter, clearly somebody else's private property. You smash in a window, enter, and huddle in a corner for three days until the storm abates. During this period you help yourself to your unknown benefactor's food supply and burn his wooden furniture in the fireplace to keep warm. Surely you are justified in doing all these things, and yet you have infringed the clear rights of another person.

... We would not think it inappropriate to express our gratitude to the homeowner, after the fact, and our regrets for the damage we have inflicted on his property. More importantly, almost everyone would agree that you owe compensation to the homeowner for the depletion of his larder, the breaking of his window, and the destruction of his furniture. One owes compensation here for the same reason one must repay a debt or return what one has borrowed. If the other had no right that was infringed in the first place, one could hardly have a duty to compensate him. Perhaps he would be an appropriate object of your sympathy or patronage or charity, but those are quite different from compensation.1

Surely Feinberg is right in saying that almost everyone would agree that compensation is owed in this case. That it is owed is a claim that has been explicitly endorsed by other philosophers, in particular Judith Thomson.2 But it is a claim that I suspect is false,

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and in this paper I shall try to explain why. I don’t suppose that what follows is a conclusive refutation of the claim; but if it succeeds in casting serious doubt on the claim, then a particularly strong intuition will have been to that extent undermined.

I.

Exactly what is the claim at issue? We can begin with this:

(1a) If A has infringed a (claim-)right of B’s, then A must compensate B for B’s loss.

One might take issue with the term “compensation.” Is it sufficiently general? Frequently the term connotes making amends in some material manner, and perhaps this is the sort of compensation that most would say is called for in Feinberg’s case. But in other cases “making it up” to the person who has been wronged would appear only to call for the performance of some service (where the service may be as minimal as making an apology or providing an explanation for the infringement of the right). Does this constitute “compensation”? I shall assume so. No other term strikes me as more suitable. “Amends” itself would seem in many cases too weak, and “reparation,” “restitution,” “redress,” and the like seem to me even less appropriate as candidates for the general term that is needed.

Still, (1a) needs refinement. First, it is clear that the “must”

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3 Others, too, might think it false, but I shall try to advance fresh reasons in this paper. I have in mind Jules Coleman in particular, who in a series of papers (some of which are gathered in his *Markets, Morals and the Law* (Cambridge: Cambridge University Press, 1988)) has argued that in such cases the victim has a right to compensation, due to considerations of what Coleman calls corrective justice, but that the victimizer need not be obligated to provide compensation. Coleman thus seeks to separate the issue of recovery from that of liability. I find this strange, in that, in standard cases at least, it is hard to see against whom it might be that the victim has a right to compensation if not against the victimizer himself. At any rate, in this paper I shall be suggesting that the victim need have no right to compensation at all.