

# Lockdown and levelling down: why Savulescu and Cameron are mistaken about selective isolation of the elderly

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## ABSTRACT

In their recent article, 'Why lockdown of the elderly is not ageist and why levelling down equality is wrong', Savulescu and Cameron argue for selective isolation of the elderly as an alternative to general lockdown. An important part of their argument is the claim that the latter amounts to 'levelling down equality' and that this is 'unethical' or even 'morally repugnant'. This response argues that they fail to justify either part of this claim: the claim that levelling down is always morally wrong is subject to challenges that Savulescu and Cameron do not consider; and a policy of maintaining general lockdown does not constitute levelling down, as it provides absolute benefits to those who would be worse off under selective isolation.

The policy of lockdown, which in various forms has been imposed by governments across the world in order to control the spread of COVID-19, has grave consequences for liberty and well-being, both directly and through its catastrophic economic effects. As countries work towards easing lockdown they must balance these effects against the harms caused by COVID-19 itself. In a recent article, 'Why lockdown of the elderly is not ageist and why levelling down equality is wrong',<sup>1</sup> Savulescu and Cameron defend selective isolation of the elderly as an alternative to continuing with a general lockdown. They argue that the selective policy may be effective in preventing the healthcare system from being overwhelmed and reducing deaths, and that while it discriminates against the elderly it does not do so unjustly. An important part of their argument is the claim that continuing with a general lockdown amounts to 'levelling down equality' and that this is 'unethical' (p 1) or even 'morally repugnant' (p 5). I argue that they fail to justify either part of this claim.

In the literature, the concept of levelling down appears mainly as part of an argument against what is known as telic

egalitarianism: the view that equality is intrinsically good. The levelling down argument asserts that telic egalitarianism is implausible because it is committed to the view that there is something valuable about increasing equality even when this involves some people becoming worse off and nobody becoming better off.<sup>2</sup> The usual form of the argument is not that levelling down is always wrong, because pluralist egalitarians can avoid this commitment by maintaining that, in cases of levelling down, the goodness of increased equality is outweighed by the loss of some other value. Rather, the argument is that it is counterintuitive to think that there is *anything* good about levelling down, and always something bad about it (a reduction in the aggregate of whatever good is being levelled down), this may appear to support Savulescu and Cameron's contention that levelling down is always morally wrong.

This claim can, however, be challenged. Temkin, for example, argues that the levelling down objection depends for its rhetorical force on what Parfit calls the Person-affecting Claim—the claim that a situation cannot be worse (or better) than another unless there is someone for whom it is worse (or better)—and that this claim is itself problematic in a variety of contexts and lacking theoretical support.<sup>3</sup> According to Temkin, we should reject both the Person-affecting Claim and the claim that levelling down is not in any respect good. Savulescu and Cameron do not address this or any other arguments about the intuition underlying the levelling down argument, but simply adopt it as a premise. This, however, is not the main argument that I want to make here. Instead, I will challenge Savulescu and Cameron's claim that the choice to maintain a general lockdown, rather than easing it for the young while maintaining it for the elderly, is an instance of levelling down.

Levelling down occurs when people become more equal in some respect because the better off are made worse off while nobody is made better off. This is what Savulescu and Cameron claim is

happening if we decide to maintain a general lockdown in preference to a lockdown of only the elderly (or more generally, those at most risk to themselves and of burdening health services). 'Isolation,' they write, 'can have adverse mental and physical effects on the elderly'; but under general lockdown everyone is experiencing these effects, so 'to argue that low-risk people should not be released from lockdown because of these effects on the elderly is to advocate levelling down equality. If not everyone can have the benefit [of release from lockdown], no one shall' (p 4). In this respect, Savulescu and Cameron view the maintaining of general lockdown as analogous to achieving equality for the blind by making everyone blind or curing nobody's cancer because we cannot cure everyone's (p 3).

This, however, is a mischaracterisation of the situation with respect to lockdown. Maintaining a general lockdown does not simply impose burdens on the young in order to equalise them with the elderly, who would have to be locked down anyway for their own or society's benefit. On the contrary, maintaining a level of general lockdown can reduce burdens or risks for the elderly.

First, general lockdown, if it is successful, will result in lower levels of infection in the general population compared with a lockdown of only the elderly. This means that when elderly and vulnerable people do exit their homes for whatever limited reasons the lockdown rules permit, or when carers or other service providers visit them in their homes, or when they handle or consume goods that are delivered to them in their homes, they will be less likely to contract COVID-19, and therefore at less risk of becoming ill or dying themselves as well as being less likely to become a burden on the health service, than they would be if only they were locked down. These are not trivial considerations, as the high level of deaths in care homes attests.

Second, depending on the circumstances, a general lockdown may result in a more rapid lowering of levels and rates of infection to the point where lockdown restrictions can be eased for everyone, including the elderly and vulnerable. The purpose of lockdown, on Savulescu and Cameron's own account, is to reduce mortality and the risk of the health service being overwhelmed. General lockdown is likely to bring these factors down to acceptable levels more quickly than a selective lockdown, and thus shorten the required duration of restrictions for everyone. Savulescu and Cameron may argue that even when

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this threshold is reached, the elderly would need to remain isolated for their own protection. However (leaving aside the question of whether it is justifiable to isolate the elderly for paternalistic rather than public health reasons), there will be some level of infection at which isolating the elderly for their own good is no longer necessary, and this is likely to be reached quicker if a general lockdown is maintained for longer, rather than switching to selective lockdown of the elderly.

These considerations demonstrate that maintaining a general lockdown in preference to selective lockdown of the elderly and vulnerable need not only equalise the burdens by making the young and healthy worse off, but can benefit the elderly in absolute as well as relative terms. Their risk of illness and death may be lower even while in lockdown, and the duration of lockdown that they must endure may be shorter. Therefore, it is inaccurate to describe maintaining general lockdown as an instance of levelling down, so even if we accept Savulescu and Cameron's assertion of the wrongness or moral repugnance of levelling down, it does not follow that these judgements apply to the policy in question.

Savulescu and Cameron are right to say that there is an issue of proportionality to be considered. The benefits to the elderly

and vulnerable of maintaining a general lockdown need to be balanced against the potentially much greater aggregate burden that it imposes on others. But one does not have to hold that levelling down is valuable in itself to think that such a policy might be justified. For one thing, as Savulescu and Cameron acknowledge, the burdens of lockdown may be greater for the elderly than for others, as they may be more socially isolated, and will endure the loss of liberties and social contacts for a larger fraction (and perhaps all even all) of their remaining life. But even if the balance of benefits and burdens is such that the policy of maintaining general lockdown is not justified in utilitarian terms, it might well be justified by what Parfit calls the Priority View, which holds that benefiting people matters more the worse off they are. The appeal to the Priority View over other forms of egalitarianism is precisely that it is not committed to the view that levelling down is in any way valuable.

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