

# Red herrings, circuit-breakers and ageism in the COVID-19 debate

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## ABSTRACT

In their recent paper 'Why lockdown of the elderly is not ageist and why levelling down equality is wrong' Savulescu and Cameron attempt to argue the case for subjecting the 'elderly' to limits not imposed on other generations. We argue that selective lockdown of the elderly is unnecessary and cruel, as well as discriminatory, and that this group may suffer more than others in similar circumstances. Further, it constitutes an unjustifiable deprivation of liberty.

In their recent paper 'Why lockdown of the elderly is not ageist and why levelling down equality is wrong' Savulescu and Cameron attempt to argue the case for subjecting the (undefined) 'elderly' to limits not imposed on other generations.<sup>1</sup> They think it is required, for a number of rather odd and some clearly false reasons.

We argue that selective lockdown of the elderly is unnecessary and cruel, as well as discriminatory. Further, it constitutes an unjustifiable deprivation of the liberty of the elderly—whoever Savulescu and Cameron take this group to be, since they do not give a cut-off.

The authors claim four justifications for such measures:

1. The first is that the benefits to others are so significant as to outweigh the loss of liberty to the elderly, a group that is most frequently classified as 'vulnerable'. We say this is untrue if the losses to the elderly are unnecessary and if those benefits can be achieved by more acceptable policies. Moreover it seems at best ungenerous, and at worst wicked, to make the most vulnerable bear the largest and most onerous sacrifices that may be thought to be 'necessary' in an emergency.
2. The second justification is that the restriction of liberty will benefit the

elderly themselves because 'they have the greatest chance of dying and stand to gain most from the loss of liberty.' We say again: not if there are other more just and more justifiable ways of achieving that benefit. If there are viable and ethical alternatives to locking up the elderly, the elderly do not gain. It is massively implausible on the face of it to claim that the prisoner benefits from her involuntary incarceration. It is those not incarcerated that gain most. If the elderly wish to have the 'gains' that flow from lockdown they can, as individuals and families, voluntarily choose those gains by so called 'self-isolation'. To lock'em up, whether they like it or not, is tyranny and not protection.

3. The third justification is that 'loss of liberty' at this point in time is inevitable. 'The alternative is a loss of liberty for the old and young.' We say why not? And if not for all, why not, for example, just for the 'young'?
4. Finally, Savulescu and Cameron claim: 'To continue to require everyone to be locked down is to engage in levelling down equality. This is because for the elderly to experience the benefit of not contracting COVID-19 everyone must experience the same deprivation of liberty, even though everyone else will not experience the same benefit and does not pose the same risk of overwhelming the healthcare system.'

To address this last claim, we need first to be clear that so called 'levelling down equality' is the only true way of achieving equality of outcome, but almost always comes at unacceptable cost. This is because many advantages some have over others whom those advantageous capacities would benefit, literally cannot be delivered. For example, if the deaf cannot be successfully treated for deafness, nor the blind made to see, nor the lame to walk, and if there is not enough money in the world to make everyone billionaires, it is at least conceivable (but not of course ethical or permissible) to blind the sighted, deafen the hearing, maim the strong, and impoverish the billionaires.

But while levelling down may achieve equality of outcome, it demonstrates the impoverished and self-defeating nature

of any such conception. It simply does not constitute 'levelling down equality' because it is not a conception of anything that could be called a principle of moral or political equality. No reasonable person accepts equality of outcome as a viable conception of moral and political equality, it entirely misses the point. Equality is not about equal misery but about giving equal concern, respect and protection to all. In Ronald Dworkin's terminology, citizens are entitled, where liberty is at stake, not to 'equal treatment, which is the right to an equal distribution of some opportunity or resource or burden' but rather to 'treatment as an equal which is the right, not to receive the same distribution of some burden or benefit, but to be treated with the same concern and respect as anyone else.'<sup>2</sup>

'Levelling down' is simply a red herring, a gratuitous and insulting label to attempt to pin on those with whom one disagrees.

In the COVID-19 pandemic, the universal lockdown was never a device designed to secure universal misery, rather it was an attempt to create, in the vocabulary of its advocates, a total 'circuit-breaker' or 'fire-break' to arrest the spread of the fire of the pandemic. Like all such devices it is intended to be of the shortest needful duration and, if it is to be of any use, needs to be big enough, and comprehensive enough, to stop the fire in its tracks.

## ON THE RELATIVE ABILITY OF THE 'ELDERLY' TO THRIVE IN LOCKDOWN

Leaving aside the general rights and wrongs of any given individual being subject to lockdown, a more elderly group is likely to be less able to cope with the privations lockdown brings. It is generally true that younger generations are more technologically savvy, and a significant proportion of social interaction and communication occurs through online means. No doubt online contact lacks something in comparison to meeting and interacting in person, but this has become increasingly significant in lockdown circumstances with these means replacing 'analogue' interaction on which the elderly are more reliant. Of course older people have the capability to engage in these, but, particularly among those who left the workforce before such a time as the internet became so central to our lives—the last 10–15 years—there has perhaps been less impetus to learn how. Consequently, a greater proportion of an older person's social interaction tends to be reliant on getting out of the house or welcoming others in, on mixing in person

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with others, whereas younger generations might be more adaptable.

Younger people are also more likely to engage in hobbies and pursuits that exist solely, or partly, in a digital sphere; or which are accessible through online means. The same goes for other elements of a healthy life—indoor exercise using online trainers or guides generally requires a degree of technological experience to partake in or set up, which can be unnatural, even alienating for elders to engage with.

Further, elder generations may be more reliant on assistance from family or other sources—either for social contact or for other, more essential forms of support such as care. It has proven difficult—even now, most of a year into the pandemic—for even the more technologically inclined to reliably arrange deliveries of certain medicines, or even groceries. For a person not used to an ‘online life’ the barriers to an acceptable standard of living are significantly raised. If instead a younger relative or friend or altruistic stranger shops on their behalf, then there is more travel, more contact with others—more cumulative risk transferred onto that person.

Another reason not to pick on the elderly in this pandemic is their vulnerability, not simply to succumb to COVID-19, but another weakness the elderly have which is proportionally greater than that experienced by most other age groups in the population. That weakness is elapsed

lifetime or reduced life expectancy. An often underestimated part of that burden is the inability to visit, and be visited by, loved ones, opportunities that they know they may not live to see resumed. The anguish, of both the dying elderly who cannot be comforted by their loved ones, and of their loved ones who are denied a leave-taking with their elderly friends or relations has been one of the most wicked, and in our view unjustified features of the way the global pandemic has been so often managed in so many locations.

## CONCLUSION

We feel compelled to ask: why pick on the elderly when, for example, young adults, are more resilient and seem (possibly) as, or even more, responsible than the elderly for the spread of COVID-19 in the population at large? It appears that the elderly are being used as a ‘soft target’ for a rather damaging and demeaning form of adverse exceptionalism.

It seems to us that the best principle to adopt remains that of Jeremy Bentham, in his famous ‘dictum’: ‘everybody is to count for one, nobody for more than one’.<sup>3</sup> This is the only truly impartial principle of moral and political equality.

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