

Leveling down health

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I. Telic egalitarianism and leveling down

Nowadays, only one in 3,800 women dies from pregnancy or child birth in OECD countries, but one in 16 still does in sub-Saharan Africa. Vast health inequalities exist inside countries as well. In developing countries, medically assisted birth was recently the privilege of 85% among the richest quintile and only 36% among the poorest one (Crow and Lodha 2011, 71, 75). Likewise, about 90% of the world's visually impaired people live in developing countries (Vision 2020 staff 2011), and, inside the US, low-income and racial and ethnic minority populations tend to be at greater risk for undiagnosed and uncorrected eye and vision disorders and diseases than the general population (American Public Health Association 2009).

Such vast health inequalities are of great concern. To me, they are concerning not *only* insofar as they testify that more could have been done for the health of the worse off, and not only insofar as they correlate, predict or cause poor individual outcomes, among the worse off or everyone. They are concerning in their own right.

A natural basis for concern about health inequalities in their own right is the following approach to equality:

Canonical telic egalitarianism: If some people are worse off than others (through no fault or choice of their own), this is always in itself bad because it is unfair. More inequality makes things worse (and more equality, better) *not* only insofar as the inequality is instrumentally or inherently bad for anyone. In at least one respect, inequality is bad in itself.

Following Gerald Cohen, Larry Temkin and others, I too believe in canonical telic egalitarianism (Cohen 1989, 97, 910-911; Temkin 1993a, 282; 2003a, 73; Forthcoming; Lippert Rasmussen 2001; Norheim Forthcoming; Eyal 2007). The most influential challenge to this approach is Derek Parfit's Leveling Down Objection:

If inequality is bad, its disappearance must be in one way a change for the better, however this change occurs... Similarly, it would be in one way an improvement if we destroyed the eyes of the sighted, not to benefit the blind, but only to make the sighted blind. These implications can be more plausibly regarded as monstrous, or absurd (Parfit 1997, 210-1; compare Temkin 1993a, 247-8).

As Parfit correctly points out, what we intuitively feel is that there is *nothing* to recommend blinding the sighted, even though their loss of eyesight would increase equality. This draws many to doubt that increased equality improves distributions in *any* respect and hence, that equality has any intrinsic worth. Of course, telic egalitarianism can be coupled with external constraints or overpowering external aims that, all things considered, prohibit leveling down. But that would not save telic egalitarianism from saying, counter-intuitively, that leveling down remains, at least in one way, an improvement.

A related objection to canonical telic egalitarianism is purer in that active harmdoing is *not* considered:

The Raising Up Objection claims that there is *no* respect in which a situation is normatively worsened merely by improving some people's lives. But, it is claimed,... since raising up may undeniably increase inequality, this shows that there is *nothing* valuable about equality *itself*..." (Temkin 2003b, 776).

To illustrate the Raising Up objection, imagine that everyone is blind, that we are able to cure or treat only some, and that we do so. Is there *anything* worse about the new situation, compared to everyone's remaining equally blind? Had we known that not all could be assisted, would we have *any* reason to refuse to assist some? Intuitively, the answer is negative. More broadly, most medical and public health interventions do not help all patients, and that does not make them a mixed blessing, only a less-than-complete blessing.ⁱⁱ

Larry Temkin defends canonical telic egalitarianism from the Leveling Down and the Raising Up objections. Section II of this chapter explains what is compelling and what is still missing in Temkin's defense. Section III indicates that, despite some shortcomings of Temkin's own defense, the intuitions underlying these two objections must be false, and Temkin's canonical telic egalitarianism is probably correct. Section IV considers why these false intuitions arise.

II. The continuing challenge for Temkin

Temkin advances two central responses on behalf of canonical telic egalitarianism. First, he re-iterates that egalitarians can be pluralists, who endorse not only fairness (which they understand in part as equality), but also other values, which may override this component of fairness (Temkin 2003a, 2003b). However,

Appealing to [the distinction between pure egalitarianism and pluralist egalitarianism] does not help telic egalitarianism give a convincing response to the Levelling Down Objection, for it is implausible to suppose that, other things being equal, a state of affairs is better in even one respect than a state of affairs in which some are in this condition and others are better off (Mason 2001, 252; see also Brock 2002, 364).

In other words, Temkin's response fails to account for some of our intuitions about the blindness examples, namely, those according to which there is *nothing* to recommend blinding the sighted or failing to help a selection of the blind.

Temkin provides an additional, far better response. He argues that the intuition that such egalitarian policies would improve *nothing* probably stems from false views. Therefore, upon reflection, any such intuition must be discounted. Originally, Temkin formed this point as a critique of what he calls:

The *Slogan*: One situation *cannot* be worse than another *in any respect*, if there is *no one* for whom it is worse in any respect.

Temkin discusses both the Slogan and Parfit's "*wide* person-affecting principle that assesses the goodness of alternative outcomes... in terms of how people are affected, for better for worse, in each outcome" (Temkin 1993b, 248; 2003b, 776-7). He gives one response to both:

Most firmly judge that there is at least *one* respect in which vicious sinners faring better than saints is worse than the sinners and saints both getting what they deserve, even if the saints are just as well off in the two alternatives. But neither the Slogan nor the wide person-affecting principle can capture this judgment. Thus, like the Slogan, the wide person-affecting principle is unable to capture the noninstrumental value of proportional justice, a value to which many are committed. More generally, the wide person-affecting principle... allows *no* scope for *any* impersonal noninstrumental ideals (Temkin 2003b, 777).

As a response to the *Slogan* and to the wide person-affecting principle, Temkin's point is quite compelling. But the point does not fully address the Leveling Down and the Raising Up Objections. It only shows that some impersonal factors—in the Sinners and Saints' case, perhaps proportion to personal desert—make things inherently better or worse. That does not show that any specific impersonal factor makes things better or worse. What is at stake in the blindness examples is impersonal equality—a quite different impersonal factor—and in most people's intuitions about the latter examples, some ways to achieve equality improve nothing. What if the determinate concern that canonical telic egalitarians, and immediate competitors like prioritarrians, purport to articulate—call it intrinsic concern for the worse off—can only be met by serving the personal good of the worse off? Put differently, we should focus not just on any

moral concern, but on the concern that, as an historical matter, attracted egalitarians and immediate opponents' attentions. That concern probably formed the impetus for many of the economic left's battles for redistribution and poverty-reduction over the years. We should ask: Is *that* concern really served by policies that aid no one?

This is not just an academic worry. Parfit's prioritarianism, along with a host of non-canonical interpretations of egalitarianism, avoid describing the bulk of equal outcomes that rest on leveling down (or on refusal to selectively raise up) as superior from the viewpoint of that concern (Parfit 1997; Mason 2001, 248-9; Wolff 2001; Hirose 2009; Otsuka and Voorhoeve 2009, 183-4; Daniels forthcoming). Parfit and these renegade egalitarians could argue that, properly articulated, the left-wing concern for the worse off is in no direct way served by harming the more fortunate; that concern makes sense only within the bounds of promotion and protection of individual welfare and health (properly weighted in favor of the worse off). What the concern for the worse off demands is on that existing interpretation fundamental commitment to serving the personal good of the worse off. Leveling down fails to express proper concern for the worse off, precisely because it lacks basic commitment to anyone's personal good.

Therefore, Temkin still needs to address:

The *Targeted Slogan*: One situation cannot be inherently worse (or better) than another in terms of how it addresses the *concern for the worse off as such*, if there is *no one* (not even the worse off) for whom it is worse in any respect.

By "worse for someone", I mean worse for either an identified individual's welfare, prospects, health, etc. *or*, in a "wide" sense, worse for a "statistical" person (that is, worse for the welfare,

prospects, health, etc. of a yet-unidentified person). Thus, what the *Targeted Slogan* asserts is that in order for a distribution to be worse in terms of the concern to which canonical telic egalitarianism and Parfitian prioritarianism purport to give voice, that distribution must be worse in terms of the conditions specified in the *Slogan* and in the *wide* person-affecting principle, namely, it must be worse for someone. I now offer reasons to reject the *Targeted Slogan* and with it some of the prioritarian and egalitarian alternatives to canonical telic egalitarianism.

III. Signs that Temkin is nevertheless right

The following five examples indicate that, despite the *Targeted Slogan*, concern for the worse off as such can benefit from uncompensated setbacks to personal welfare (and prospects, health, etc.), and from other developments that do not improve welfare, either for the worse off or for anyone else.

1. The organ pool

A *directed organ donation* is an organ freely given for transplantation but earmarked to a specific named person or group. The organ can come from a live or a deceased donor. *Public solicitation* for organ donors, often *via* commercial websites, is currently undertaken by patients who need organs and hope to receive a directed donation. It is likely that “permitting directed, living kidney donation would result in a very small increase in the number of people willing to donate to a stranger.” Why? Because “some donors have come forward and indicated they would not have thought to do so except for the personal stories reported by [organ solicitors]” (Hanto

2007). To keep things simple, I set aside a number of ways in which permitting directed kidney donation and its solicitation may simultaneously decrease the number of donated kidneys.ⁱⁱⁱ

Assume then that permitting them results in a net increase in the kidney pool. To permit these practices would thus greatly benefit the recipients, move up everyone behind them on the waiting list, and set back no one's prospects of finding a kidney. It would seem to help some and harm no one. Nonetheless, many observers support disallowing public organ solicitation (Hanto 2007; Kluge 1989; Ross 2002; Adams et al. 2002; Caplan 2004).

Some of the observers point out that in the US, the UK, and elsewhere, so-called racist/discriminatory organ donations are already rejected (Hanto 2007; Adams et al. 2002), despite similar potential for Pareto improvement. A *racist/discriminatory directed donation* is a donation to a specific social group, such as a certain race or denomination, or one that excludes a specific group (Hanto 2007). In a famous case from Florida, the family of a murdered Ku Klux Klan sympathizer agreed to donate his organs on the condition that they be transplanted into white recipients. Accepting the donation would have immediately moved everyone on the organ waiting list—non-whites included—one spot ahead, with the exception of non-white patients at the top of the various organ lists. The latter patients would be denied the racist donor's organs; still, their chances of obtaining an organ would not decrease. If the racist donation were rejected (as it eventually was), there would simply be one fewer donation. Setting aside speculation on the long-term causal effects (which may go either way), the racist donation would not take away organs or higher placement on waiting lists, either from these patients or from anyone else on the list—white or non-white. If so, accepting racist directed donations would Pareto improve access to organs for transplantation: benefit some and harm none (Veatch 1998). It would, moreover, benefit nearly all affected non-white patients, by moving them one spot ahead on the waiting list.

That we nevertheless reject racist directed donations suggests that Pareto improvements hardly defeat all other moral considerations.^{iv}

According to some of the observers, public solicitation for directed donations is also somewhat unfair, even absent specifications of race or religion (Hanto 2007; Kluge 1989; Ross 2002; Adams et al. 2002; Caplan 2004):

Some candidates will have greater media appeal than others. A six-month-old child... tugs at our heartstrings, while a middle-aged alcoholic may not... unless the alcoholic is a national hero... But organ allocation ought to be based on need, and not on media appeal (Ross 2002).

For some of these observers, this concern with unfairness sufficiently justifies procrustean limitations on public solicitation and directed donations. We may disagree with them on *that*, and still accept the observers' concern about unfairness. Indeed, a kidney patient's inability to tell a moving story and look "attractive" to potential donors does not somehow undermine his or her claims. Even when solicited directed donations enlarge the organ pool and cost no one an organ, they continue to be less than perfectly fair toward some non-recipients, in comparative terms. Whatever the right policy on soliciting directed donations may be, organ solicitation illustrates an important theoretical point: the gap itself is unfair—in this case, toward those non-white patients whose acute needs give them claims to the next available organs.

From a canonical telic egalitarian standpoint, the sense of unfairness is understandable. A patient's inability to produce a moving personal narrative hardly justifies the momentous comparative disadvantage: lesser access to a potentially life-saving resource. Between the

inarticulate patient and the successful organ solicitor, there exists what Jerry Cohen in a different context calls *unequal access to advantage* (Cohen 1989). It is true that allowing organ solicitation would benefit many other patients on the waiting list, including *many* who are also much sicker than average and perhaps likelier to be relatively worse off in further ways. It would thus not only maximize organ availability but typically make its distribution fairer overall. Yet accepting it would remain unfair toward any patient heading a waiting list when her need is greater. Herein, I propose, lies the root of our concern. We notice the unfairness toward that patient, which the added fairness toward others might outweigh only in part. That unfairness seems to boil down to the same gap in welfare or health that canonical telic egalitarians are concerned about.

Defenders of the *Targeted Slogan* may try to deny the existence of any bad unfairness toward any of the worse off as such, referring any moral repugnance to accepting solicited directed donations to other fundamental problems. I believe that such a response would fail. Note, in particular, that the repugnance to accepting solicited directed donations does *not* seem to stem from *mere*:

1. *Desertarian* disproportion, as distinct from egalitarianism: The recipients are not sinners and the non-recipients not saints.
2. *Complicity* in extreme wrongdoing. To donate an organ to a complete stranger partly because he or she has a touching story remains praiseworthy: solicited directed donations are unlike racist directed donations. While it might have been even nicer to donate it to the patient with the greatest need, keeping such a donation legal is not wrongful complicity in nefarious acts.

3. *Procedural* injustice: Admittedly part of the problem with the “solicitation of organs from deceased donors [is that it] bypasses the patient who is first on the waiting list” and in that procedural sense, “it violates the principles... of justice on which allocation policies are based...” (Hanto 2007; see also Kluge 1989; Adams et al. 2002).^v But that procedural concern captures only part of the problem. On the rare occasions that the solicitor is known to be neediest, and to rank low only because the sharing network uses medically-outdated exclusion criteria, solicitation of organs from deceased donors seems much fairer. Certainly this procedural concern cannot exhaust the problem with solicitation for *live* organs, where there is currently no waiting list and yet, allocation to the best e-narrators continues to seem somewhat unfair.
4. *Social inequality*, as distinct from inequality in canonical telic terms: Allowing solicited donations may be thought to question needier non-recipients’ equal worths. But it would seem to do so because of the prior unfairness, toward these non-recipients, of the action being tolerated. Why otherwise would an action that increases the organ pool question equal worth?^{vi}
5. *Discrimination* against minorities: It is true that some publicly solicited directed donations track minority racial, religious, or socio-economic affiliation, formally (as in racist donations) or informally (Ross 2002; Hanto 2007). However, solicited directed donations seem to remain somewhat unfair even when they do not. Even donations that track nothing but the recipient’s personal ability to write moving narratives seem somewhat unfair (Kluge 1989; Ross 2002; Caplan 2004; Hanto 2007). The unfairness of these Pareto-improving donations challenges the *Targeted Slogan*. What remains unfair

about them is often the unequal access of inarticulate individuals to these potentially-life saving organs.^{vii}

In sum, solicited directed donations illustrate that Pareto improvements do not rule out unfairness towards the worse off. This is not to say that we should clamp down on organ solicitation, which in my personal view remains justified and welcome on the whole. The point is simply to question the *Targeted Slogan*.

2. Them that's got shall get (so that them that's not shan't lose)

Sometimes, the most effective way to help the sick and the poor is to give even better infrastructure, governance, health services, or income to the rich and the healthy. Let me give some examples. Frequently we cannot bypass benefiting the developing world's urban elites if we are to finally reach the rural poor (Bloom and Sachs 1998; Wagstaff 2001)—for instance, it is usually most effective to locate a new hospital in a well-served urban center with regular electric power and accessibility from all surrounding rural areas, rather than to locate it in one underserved rural area. During pandemic, healthy doctors and nurses are unlikely to show up for work, unless we give them privileged access to treatment or vaccination (Persad, Wertheimer, and Emanuel 2009).^{viii} Privileged and healthy high economic performers may threaten to “secede”, taking with them their skills and capital, unless we expand their privilege (Cohen 1992). Some hold that we cannot maintain the quality of health- and other public services over time without inviting, or forcing, the already-privileged classes to utilize and then politically support these services (Wagstaff 2001; Segall 2004; Eyal 2010). Giving to the poor alone can stigmatize reliance on services, shame recipients, and diminish utilization (Van Parijs 2004).

On some such occasions, there is no alternative policy that would benefit the poor more. For example, as I mentioned, locating a hospital in an underserved village would often make it non-accessible to many sick and impoverished populations. Then, two things should be said: first, we probably ought to benefit the already-privileged a lot, partly so that we may help the sick and the poor populations somewhat; second, to do so would be a compromise. We should benefit the rich despite something. A dilemma or an internal struggle may precede our decision. We may recall the injustices, the nepotism, the inheritance, and the sheer luck that brought the “haves” their brighter prospects, and we may lament that giving them more would increase an already unfair gap.

This duality is lost on the *Targeted Slogan*. It must deny that inequality-augmenting yet strongly Pareto-improving policies could raise concerns about the less-fortunate. Pluralists who endorse canonical telic egalitarianism can respect this duality. They acknowledge that, while these policies benefit everyone, and may be justified all things considered, they increase unfair inequality.

3. Enhancements

Imagine that for a while it seems as though we could develop a beneficial enhancement that I shall call *Luxury Vision*, to serve only the already healthier segment of the population. *Luxury Vision* allows the onlooker to see objects with prettier backgrounds than in reality, for example, with a tropical island or an ancient wall background. Many other attractive features are available which safely and substantially enhance users’ happiness. Of course, *Luxury Vision* cannot help the blind and the depressed, or those who cannot afford it. It requires regular monitoring and so will remain very expensive, with no chance of attracting government subsidies. What it does is to

help the relatively healthy rich use their privilege to gain more pleasure. In no way does it serve-- or harm—the greater society.

Eventually, however, it turns out that for technical reasons, we will not be able to develop *Luxury Vision*. The already-privileged will have to do without the added pleasures that this enhancement would have enabled. The level of welfare equality will have to be greater than was expected.

The unavailability of this exclusive enhancement to the already-privileged arguably preserves fairness in the population, a bit more than its availability would.^{ix} In this case, my intuitions differ considerably from my intuitions on the case we mentioned above, of failure to raise up the blind by providing them basic eyesight. There, I shared the feeling that selectively raising up is strictly an improvement. A plausible interpretation is that, above sufficiency level (at least) failure to raise up selectively can remain fairer to worse-off parties when it serves canonical telic egalitarian goals, without being good for anyone. Intuitively, the (admittedly small) concern for the worse off in terms of distribution of enhancements and luxuries persists when the source of the inequality is a Pareto improvement. Whether my feeling on raising up some of the blind reflected sound reason or bad bias, that reason or bias probably stemmed from the our special sensitivity to providing basic needs, which is independent form and teaches little about the truth canonical telic egalitarianism.^x

4. All for one

Sometimes we must choose whether only some will suffer or all will suffer. A cruel enemy besieges our town, threatening that unless we send out one person to die, we shall all die. A trade union deliberates whether to protest the sacking of some members by resigning collectively. The

master of the ceremony must decide whether diners who received their dishes can start eating before others receive theirs.

Different ethicists would react to such cases in different ways. Few would say that egalitarian leveling down—dying, resigning, or awaiting food *as one*—is an obligation. But many would insist that leveling down is praiseworthy, or at least permissible, and certainly intelligible. This seems to recognize some sound reason to suffer as one. Something of genuine (though perhaps only partly commensurate) value is lost when someone suffers alone. What exactly is lost? Arguably, fairness toward the sufferer: through no fault or choice of her own, she fares worse than her peers. Canonical telic egalitarianism can accommodate defeasible reasons to level down to the sufferer's level, as a matter of fairness. The *Targeted Slogan* cannot.

5. The swimming pool

Occasionally, equality-enhancing leveling down and failure to raise up selectively are probably justified all things considered, and not only in one respect. On some such occasions, the reason that they are justified seems to include unfairness toward the worse off. The latter cases cast strong doubt on the *Targeted Slogan*.

Consider Jonathan Wolff's case of a modern-day racially-segregated public swimming pool in a Southern US town. As Wolff says, when desegregation is unfeasible politically, it is probably right for the town mayor to shut down the pool, preferring that no one have access to a swimming facility over whites only having access. Further details make it clear that shutting down the pool is a genuine leveling down, and *not*, for example, mere strategic posturing to force desegregation (Wolff 2001).

Let us agree with Wolff that this is a case of justified leveling down. This would place obvious pressure on the *Slogan*, but does it also challenge the *Targeted Slogan*? Wolff may answer in the negative: he suggests that the justification for leveling down here is the value of “social equality”: of a society where all are treated as equals, and *not* the value of distributive equality (or distributive prioritarianism), whose significance he seems to dismiss (Wolff 2001, 2010). For example, Wolff correctly points out that what matters here is the thick meaning of pool segregation in a country where historically, segregation often expressed racism and unequal respect.

Wolff is right that something like social equality is the primary justification for leveling down here. Closing the segregated pool is important for reasons far beyond allocating correctly the relatively trivial benefit of access to swimming. The direct justification is that a pool for whites-only would be widely understood as dismissive of non-whites’ basic status. However, I believe that it would do so in part because it flaunts their relevant entitlements to use the pool. Clearly, black citizens did nothing to deserve the “punishment” of reduced entitlements. Thus, far from questioning the existence of unfairness toward the worse off, the social inequality of the segregated pool could rely on and indicate that unfairness, challenging the *Targeted Slogan*. Wolff’s example supports distributive egalitarianism and not *only* what Wolff seems to consider an incompatible alternative: social equality.

A natural interpretation of all this is canonical telic egalitarian. All things considered, leveling down is usually wrong. But sometimes, fairness matters a lot, say because the degree of fairness happens to command high symbolic value (say, in terms of expressing equal respect), higher than the relevant aggregative value. On such occasions, leveling down can make outcomes better. Elsewhere I intend to prove that, when the comparative value of fairness

exceeds a certain threshold, egalitarians must hold that leveling down is an improvement *tout court*. As Wolff's example illustrates, this implication is not necessarily an unappealing one.

Of course there are additional reasons why the white-only pool may undermine social equality. For example, it may suggest that non-whites are impure and dangerous to swim around; it wastes an opportunity for citizens to meet and "rub shoulders" with one another as friends would; it borrows meanings from a history of racist segregation. As a general matter, distributive injustice is neither necessary nor sufficient for social injustice. However, sometimes it is a contributor, and here, the perspicuous unfairness in (otherwise unimportant) access to swimming seems to be a significant contributor to the disrespectful message of racial segregation.^{xi}

IV. An error theory

And how was the play otherwise, Mrs. Lincoln?

(a favorite joke)

The cases I presented suggest that the *Targeted Slogan* is false, and canonical telic egalitarianism is true. Why then does the intuition persist that equalizing achieves *nothing* in the blindness cases? Put differently, if, as I argued, Temkin is right and both leveling down and failure to selectively raise up are always improvements in at least one respect, why do we sometimes feel as though they aren't? Recall our feeling in the blindness cases—that there is nothing to recommend leveling down or failure to raise up. Let me suggest a new response.^{xii} Equal outcomes always have (defeasible) inherent value. They maintain it even when based on leveling down or refusing to selectively raise up basic health. But it is usually morally wrong to

acknowledge this value, and our intuitions on the blindness cases reflect this wrongness more than they capture the truth.

Consider an analogy. Virtues like tact and consideration sometimes call on us to deny, to others and even to ourselves, that there is anything good about someone's calamity, even when there is something good about it (Heyd 1995). It is best not to tell people, "Your mother died after long hospitalization, which is awful all things considered, but at least society saved money by not having to keep a bed for her." Usually it is best not even to secretly think, "There was certainly a silver lining to his mother's death—one extra bed available." Such words and thoughts are non-empathetic and, when made public, likely to hurt the bereaved.

In the blindness cases, it admittedly *feels* as though there is nothing to be said for equality. However, that feeling may merely reflect practical reasons to say and feel that nothing is gained, without it being the case that nothing is gained. Practical reasons to deny what is the truth can encompass more than tact and consideration: a variety of moral and prudential reasons may be implicated (Stich 1990, ch. 5; Nozick 1993, ch. 3; Crisp 2000; Stroud 2006).

When basic needs are at stake, there can be stronger, more enduring reasons to deny the potential gain from leveling down and from failing to selectively raise up. Here is one candidate reason. Human beings are often callous, or even cruel, toward non-family, especially distant others. Therefore, there is usually reason to cultivate an approach of complete intolerance toward severe human suffering. This way, when a proposal comes along to ignore or to cause severe suffering, any excessive willingness to accept the proposal is tempered by knee-jerk hostility toward it. Such immediate hostility makes it more likely that we will do the right thing most of the time. While occasionally, we have sound reason to ignore or to cause suffering, having this

hostility remains preferable to lacking it. It probably helps us act correctly on more occasions than it leads us astray (Hare 1981; Adams 1976).

Partly as a result, we have cultivated strong reluctance to acknowledge that there is anything to be gained from neglecting or causing severe suffering. When we are asked if a certain good thing—in this case, equality—warrants blinding the sighted, “moral alarm bells” go off. We deny that there is anything to recommend leveling down. We have a documented tendency to resist both committing direct violence—which blinding the sighted would involve (Greene 2008, 63)—and refusing to rescue—which refusing to raise up a real subset of the blind would involve (McKie and Richardson 2003, 2407). Indeed, when someone needs rescue, we regularly deny that there is *any* reason not to attempt rescue, even when reasons of opportunity cost and the pre-emption of moral hazard probably exist (McKie and Richardson 2003, 2407). Given how rarely the value of equality overrides basic needs, it is usually fruitful to simplify decision making when basic needs are at stake by denying that there would be any point in frustrating basic needs on egalitarian grounds. Such uniform denial does not only simplify decisionmaking; by blocking the appeal to egalitarian excuses, it makes self-serving, cruel miscalculations more difficult.

Helpful as this policy may be in general, it instills tendencies to dismiss the value of equality when it competes against basic needs. It does so even when equality matters. Thus, on leveling down and failure to selectively raise up basic goods, we tend to feel that equality would gain nothing—although Temkin is right that it would gain something.

Consider this. Although we so readily shared Parfit’s intuition that having the sighted join the blind is not even “in one way a change for the better,” it quite obviously *is* in one way! Very often there *is* value in leveling down seeing-capacity: less envy and tension, a better power balance, and a stronger sense of social solidarity, shared fate, classlessness, and community.

Leveling down that capacity also carries symbolic value: everyone's sharing one fate with respect to eyesight may contribute to social equality. Additionally, eyesight is in some ways a "positional" good. The blind could benefit from other people's becoming or remaining blind. There would be improved job prospects and probably greater political willingness to provide good services to the blind, resulting in fungible gains—say, more Braille books in public libraries.^{xiii} And since everything else is equal between the average blinded and the average sighted person, including personal deserts, some versions of desertarianism would consider it intrinsically good if the two groups had equal average welfare.

Some of these alleged values are instrumental and some are intrinsic. Some are personal and some, impersonal. Reasonable people would disagree on which are real values, and how to characterize which. The matter is highly complex. In so readily agreeing with Parfit, we neglected these multiple potential gains from blinding the sighted. We immediately denied that anything stands to be gained from blinding them without, for example, first confirming that no one stands to gain from the sighted becoming blind (a gain that would thwart true leveling down). That unthinking response should give us pause. Was there nothing dogmatic about our response? Might we have deliberately "forgotten" something? One account of what happened is as follows. Parfit's question set off moral alarm bells, making us protective and strongly reluctant to admit that anything could be said for blinding the sighted. In the moments that followed, we denied the value of the equality that would be gained from blinding them. The reason we did so was *not* that nothing could be gained from that equality. In fact, several good things obviously could. Rather, we did it for some other reason, perhaps for the reason I speculated about above—our hostility toward any attack nonbasic needs. That reluctance to admit that there is any point in leveling down or in refusing to raise up basic health may be

morally motivated. We may have good practical reasons to preserve that reluctance. But in blinding us to the value of telic equality, it leads us epistemologically, and sometimes morally, astray. For one thing, it disguises one reason for concern about global inequalities in health.

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ⁱⁱ So the especially low availability of dialysis and kidney transplantation in India's public sector constitutes, intuitively, *no* reason to deny these services in Britain (except insofar as the British budget could be used to alleviate India's shortages): compare Harris 2010, 29-30.

ⁱⁱⁱ Permitting directed, solicited donations may undermine trust in the organ distribution system, thereby dissuading some non-related donors, and discouraging patients from asking family members for organs (Hanto 2007).

^{iv} While my main argument is different, I believe that *part* of the reason why accepting racist directed donations seems so problematic is canonical telic egalitarian: accepting them could remain unfair toward some non-whites.

^v Indeed, a person may rank highest on an organ waiting list, not because she is the worst-off (e.g. the one with the worst prognosis), but because she would benefit the most from being the next recipient. Bypassing *such* a patient is problematic, not for affecting the worst off, but just for procedural reasons.

^{vi} For more on this, see the subsection "The Swimming Pool" below.

^{vii} Dien Ho suggested to me that, intuitively, the unfairness is reduced if solicited donations are allocated by lottery among patients on the list—although this process does not allocate the organs equally or purely on the basis of need, either. Whether or not this would reduce unfairness, some unfairness would clearly persist. To allocate a rare medical resource to the less needy patient is somewhat fairer when resulting from a fair lottery, but it is not optimally fair.

^{viii} I am grateful to Candice Player for this example.

^{ix} In conversation, Temkin compared this case to his case of the immortality berries, where he points out that children who are afraid when told that one day they will die, are often consoled by hearing that everybody will. Temkin speculates that death's universality makes it more palatable by making it fairer. An "immortality berry" that enhanced only some would make others' mortality harder for them to accept, by introducing unfairness (Temkin

2003, p. 781). In my view, death's universality makes it more acceptable to children by making death seem species-appropriate, natural, and part of a "normal" cycle. Enhancements would spoil that normality, not only the fairness, which I suspect concerns children less. My own enhancement example cannot be similarly debunked.

^x Likewise, imagine that some people are millionaires and some are billionaires. For reasons lying outside anyone's control, all the billionaires become millionaires and incur no further disadvantage. There are no other effects. Intuitively, isn't there, at least in one respect, an improvement?

^{xi} What if, thanks to rare circumstances, pool segregation would increase distributive equality? Imagine that the relatively harsh Southern sun made it slightly too risky for whites to swim at the local beach, but just safe enough for non-whites to do so. Therefore, whites would lack access to swimming at the beach, while everyone else could and often would swim at the beach. Now assume that the aforementioned swimming pool were a covered one, and that, since even beach-goers loved variety, the pool would be regularly overbooked, preventing whites from swimming at all. In such rare circumstances, equality in the distribution of access to swimming could be improved by keeping the covered pool for whites only. Otherwise, many whites would regularly be unable to swim. Perhaps in this case a segregated pool could increase distributive justice in that sphere. Still, such segregation would be only somewhat more tolerable—arguably not tolerable enough—because formal segregation would do violence to social equality. My point is only that such farfetched circumstances would make segregation *somewhat* less bad, precisely because the distributive unfairness, and hence, the threat to social equality, would be lesser.

^{xii} Temkin 1993b, 316-7 gives another error theory.

^{xiii} Contrast with Segall 2010, 112ff. On positional goods and leveling down in general, see Brighthouse and Swift 2006. On how where all are blind, blindness is so much easier that being sighted is considered a problem, see the short story "The Country of the Blind" (Wells 1999).