

## Levelling Down

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### Abstract

Egalitarians were once often accused of wishing to 'level down'; bringing everyone down to a lower level if this is the only way to secure equality. In the light of work by Rawls and Parfit it is possible to construct recognisably egalitarian theories which avoid levelling down. However in this paper it is argued that in some special cases it is right to level down, even if this does not improve the situation of the worst. These are cases where inequality has a certain symbolic function or meaning.



## Levelling Down

Egalitarianism, we were once told, is the 'politics of envy'. It is better, so egalitarians were alleged to believe, to make everyone equal than to allow inequalities, even if some or all would be better off. Thus egalitarians were said to favour 'levelling down' jealously refusing to allow, or even undoing, Pareto improvements over equality: improvements that made at least one person better off without making anyone else worse off. In the worst case, it is said, egalitarians will recommend dragging everyone down to the same level, even if everyone is worse off than they would have been in an unequal society.

This accusation now seems rather dated. Post Rawls (1971), Frankfurt (1987) and Parfit (1998) most of those who call themselves egalitarians would say that they too would oppose levelling down, all things considered, preferring some form of sufficiency or prioritarian position. Some theorists put things this way: although justice requires equality, considerations of Pareto efficiency always trump considerations of justice. Others set out their view another way: the Pareto principle is itself a principle of justice, and so levelling down can never be required by justice.

I wonder, though, whether it is time to re-examine this knee-jerk antipathy to levelling down. Can it never be right to level down? In the abstract levelling down sounds mean-spirited, or wasteful, or both, but when we look at examples need this always be the case? This is my question here.

## 1. The 'Real-Pareto' Maxim

We should note, from the outset, that if a theorist favours some redistribution, then some forms of levelling down, in some circumstances, may be inevitable. To explain, once we have chosen our 'currency' of justice, legitimate redistribution in that currency may require levelling down in some other currency. Suppose, for example, we want to maximise the preference satisfaction of the worst off. Doing this may require us to move to a form of society in which everyone, including the worst off, has fewer material resources. For example the worst off may now get better use of , and thus more preference satisfaction from, their smaller bundle of resources because of reduced over-crowding effects. Preferring a lower total stock of material goods may in one way seem inefficient or wasteful but this is irrelevant. The point to note is that a change that is Pareto efficient in terms of one currency may very commonly be Pareto inefficient in terms of another. Once this point is recognised we see that the accusation that a proposal will be Pareto inefficient may, in itself, be a very weak objection; it all depends on its efficiency in the correct currency.

Few, I think, will have reason to object to anything I have said so far. But many will be strongly attracted to the following line of thought: although levelling down in 'irrelevant' currencies is sometimes acceptable, levelling down in the correct currency never is. Once we know what the real currency of justice is, there is never a sufficient reason for levelling down. Call this the real-Pareto maxim.

Is the real-Pareto maxim correct? Its attraction is based, I think, on a type of moral individualism. The guiding thought is that the only things in the world that are good or bad are good or bad for particular or individual human beings (or other members of the moral community). Consequently to show that something is bad one must show that it is bad for a given individual. If we cannot point to an individual who is worse off under situation x than they would be under situation y then x cannot be worse than y.<sup>1</sup> If you agree with this apparently appealing thought then you accept the real-Pareto maxim.

Is Pareto-efficiency required by justice or by efficiency? A view associated with Cohen (Cohen 1989, p. 911) is that properly speaking, justice requires strict equality (equal access to advantage) but where justice leads to Pareto inefficiency, it is wrong to insist on justice. So on a strong statement of this view, there are two values in play - - justice and efficiency - - and efficiency (at least real-Pareto efficiency) trumps justice. The socially best outcome may, in some respects, be unjust. The alternative view is that the Pareto efficiency is a principle of justice, and so there is no outweighing of different values; just a more complex view of justice.

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<sup>1</sup> I am aware that this principle loses its grip in respect of policy choices that affect the make up of future populations. (See Parfit 1984, part 4, for the classic discussion.) Here I ignore such cases.

This alternative view, I have been persuaded,<sup>2</sup> is highly implausible, at least if taken in its full generality. Suppose that by whatever is our preferred currency we have achieved equality. Suppose now that by some economic freak we have two choices: we can either stay as we are, or we can rearrange things so that one particular person, Harry, now has ten times as much as anyone else, although no-one else's share has changed, even in the correct currency. If we refuse to permit this change we might be accused of being mean-spirited, wasteful or narrow-minded, but it does not ring true to say that we have been unjust to Harry (assuming, of course, he has no other special claim for the resources), except perhaps in the most extended sense of justice, where to act unjustly is simply to do something wrong.

Now if this example is accepted it does not show that Pareto-improvements are never required by justice. All it shows is that some Pareto-improvements are not required by justice. Thus this on its own does not establish that the real-Pareto maxim is purely a maxim of efficiency. However I think we have this much: if we wish to insist that levelling down in the correct currency is always wrong, then we have conceded that in a certain range of cases, however small, requirements of efficiency trump requirements of justice where they conflict. But should we accept this?

The view we are considering, then, is that where we can make at least one person better off in the relevant sense without making anyone worse off in that sense

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<sup>2</sup> By Michael Otsuka, to whom I owe the following example.

then we should always do so. As we have seen, in broad terms the explanation for this is that in a given range of cases efficiency always trumps equality. However, it is worth noting that the explanation can be elaborated - - i.e. the relevant range of cases can be specified - - in importantly different ways:

- a) The absolute view: efficiency always trumps equality in cases where efficiency gains for some do not lead to losses for anyone. (These are the real-Pareto cases.) However we must never let the position of the worst-off fall.
- b) The relative view: efficiency always trumps equality in the real-Pareto cases. However we can also allow losses, even to the worst off, if the losses are relatively slight when compared to the gains that can be made elsewhere. (The small-loss/great gain cases.)

The absolute view, then, says that the only efficiency gains that are justifiable are Pareto improvements. The relative view - - one version of which is Parfit's prioritarianism - - adds that some utility gains are also acceptable, even if they are not Pareto improvements.

Although the relative view might be defended on intuitive grounds, it does seem that there are also theoretical reasons that make the absolute view the harder to defend. The absolute view appears to make at least two assumptions:

a) Justice is so important that we should never make the worst off even worse off (however trivially) for the sake of others.<sup>3</sup>

b) Efficiency is so important that whenever we have the chance we should make someone better off, provided it does not make anyone (or at least the worst off) worse off.

In other words, in one range of cases justice trumps efficiency (when the efficiency gains are partly at the expense of the worst off), in another range of cases efficiency trumps justice (when the efficiency gains are not at the expense of the worst off).

Now there is a certain mathematical elegance about this, and I would not claim that there is any inconsistency in holding this combination of views. The difficulty is at a different level. What plausible argument could justify this combination? What good reason can be given for allowing the trumping to 'switch' on a hair-trigger in this way? Consider again the case of Harry. We are required to make him ten times better off than others, provided no-one else is thereby made worse off. But if a single person loses a fraction of a percent of what they already have then this change becomes impermissible. Now there is no difficulty in showing that the combination of theses set out above has this consequence. The difficulty is explaining what reason there can be for holding the combination of theses that gives such importance to such

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<sup>3</sup> Some will say that justice allows the worst off to become worse off still when it is their own fault. I want to ignore that complication in what follows as it does not affect the substance of the argument.

a boundary. Why should we pay such overwhelming attention to the actual current level of the worst off?

Thus we can see the relative view as tacitly responding to this line of rhetorical questioning. Once the importance of efficiency is acknowledged, the claim that there is any range of cases where justice trumps efficiency is dropped. Now it is important not to misunderstand this: we need to be clear about the distinction between 'trumping' and 'beating'. As I understand the distinction, value  $x$  trumps value  $y$  iff in any case of conflict value  $x$  always beats value  $y$ , and, on a case by case basis, no further justification need be given to explain why. In cases of ordinary beating, one value beats another because in that particular case the combination of the weight and extent of one value is greater than the combination of the weight and extent of another. In such cases we have to go through the argument and comparison before we can reach a resolution. In trumping cases such a procedure is unnecessary.

In consequence, to say that justice never trumps efficiency does not entail that efficiency always wins. In fact it is consistent with the outcome that in the cases under consideration efficiency never wins. The point is that we need to look at the details of each case to come to a resolution. Thus on the relative view, there is a range of case where justice generally wins. But there is no range where justice trumps efficiency.

The absolute view, as we have seen, assumes that there is a range of cases where efficiency trumps justice, and another range of cases where justice trumps efficiency. This leads to what I called hair-trigger switching of trumping, which

seems hard to justify. So in apparent recognition of this difficulty the relative view abandons the claim that there is a range of cases where justice trumps efficiency. However we now have something else in need of explanation: why was that the correct abandonment? Why not, instead, abandon the claim that efficiency trumps justice? Or, as I would prefer, why not give up both claims, and thus look at the issues on a case by case basis?

Diagnostically, we might suggest that those who assert the real-Pareto maxim, including holders of the relative view, have been so concerned about the levelling down objection that they have wanted to set out a view where levelling down is, in principle, never acceptable.<sup>4</sup> This seems to me an over-reaction. Suppose we could come up with a view in which levelling down was acceptable only in certain very special cases, and, in such cases we can be clear that first, the circumstances do indeed justify levelling down, and second, they are sufficiently special that there is no reason to believe that this reasoning will spread to other types of cases. Wouldn't that be a sufficient reply to the levelling-down objection?

The most likely response to this alternative proposal is that we simply will not find any such cases. If so, first, even those of egalitarian sympathies can agree with

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<sup>4</sup> Thus I would say that this is a case where the development of an egalitarian position has been hampered by taking too much notice of right-wing criticism.

For another example see Wolff 1998.

their critics that levelling down is never justified, and, second, it may be that the best explanation of such a generalisation is that (real-Pareto) efficiency trumps justice.

The only way of settling this is to look at some apparent cases of levelling down. But first it is worth recalling a point made early on in this paper. Whether or not a change is a Pareto-improvement is always relative to currency. Therefore what may be a levelling down in one currency may be a Pareto improvement in another. From this it follows that from a given example in which there appears to be a levelling down we cannot conclude that it is a genuine case. For when the right currency is specified it might turn out that no levelling down was involved after all.

Indeed this makes the discussion methodologically complex. Suppose I present an example in which it looks as if levelling down is legitimate. We might take this as proving my case that efficiency does not trump equality. But we could just as easily take it to show that we have not yet put our finger on the correct currency of justice. Thus there are two ways of taking any apparent example of levelling down: first, as a counter-example to the real-Pareto maxim; second, as evidence that we still have not yet achieved clarity on the question of the currency of justice.

Some will feel that there is something ad hoc, perhaps question begging, about the second strategy. After all, it will render the real-Pareto maxim close to true by definition, or at least treat it as having axiomatic status. Cutting off debate in this way seems both unphilosophical and premature. But in response, it seems that no one has yet provided a definitive statement of the ultimate currency of justice -

(hereafter 'real well-being' which I shall simply use as a placeholder<sup>5</sup>) - - and so we need any help we can get. If a discussion of apparent levelling down can yield insight into the nature of real well-being that is a valuable enough result in itself. If the price of this is to treat the real-Pareto maxim as an axiom, that need not be too high to pay. The methodology, then, would be to continually refine our understanding of real well-being until apparent counter examples to the real-Pareto maxim disappear.

And, in indeed, this strategy is far from risk free. For there are other constraints on an acceptable account of real well-being, and the question then would be whether they can consistently be met together with the real-Pareto constraint. In particular the following two seem plausible:

a) It must be finitely storable.

b) It must be such that it is possible to provide at least a partial order of well-being so that we can identify the worst off.

If, after all our efforts, we cannot come up with an account of real well-being which satisfies these constraints and can be made consistent with our intuitions about apparently acceptable levelling down, then the most plausible strategy must be to give up this approach, and to admit that the real-Pareto maxim should be

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<sup>5</sup> Thus I do not intend to beg the question against those who believe that the correct currency is to be formulated in terms of primary goods, or resources or advantage or basic capabilities or anything else.

abandoned. But we are, of course, a long way from that point yet, and we will not conclusively reach it in this paper, for I will not attempt to state an account of real-well being that satisfies the real-Pareto maxim. But I will attempt to identify some difficulties that stand in the way.

## 2. Richard Norman on Social Equality

Let us begin our study of cases by considering the following argument from Richard Norman, who, like me, suspects that the levelling down objection has been overplayed. Norman argues for what he calls Socially-Located Egalitarianism (SE) which he defines thus:

Equality is a socially-located value, a conception of social justice i.e. egalitarians should object to inequalities of well-being between people in the same community. (Norman 1998, p. 38)

It is worth quoting the argument at length:

We can imagine circumstances in which, from the standpoint of SE, equality at a lower level of well-being might be seen as preferable to inequality at a higher level of well-being for everyone. Imagine an egalitarian community at a fairly low level of economic development whose members, though not

experiencing great hardship or absolute poverty, have a simple life style.

Given the opportunity of economic development which would make them all better off but introduce substantial inequalities, they might prefer to remain less prosperous but equal. I am not thinking here of the typical attendant evils of industrialisation such as crime and social conflict and environmental pollution which would enable us to explain their choice by saying that they would not really be better off. I am supposing that they would acknowledge that they would be better off with economic development, but they still prefer equality. It is not, as it might appear ..., a crazed obsession with uniformity and symmetry and neatness. It is a preference for certain kinds of social relations. They may fear that, with greater inequality, they will become more distanced from one another, their society will become less co-operative, the more prosperous among them will become disdainful and supercilious and the less prosperous will become either more servile or more resentful, and they will no longer be united by shared experience and a shared condition.

(Norman 1998, p. 51)

This initially plausible account of apparently justified levelling down allows us to bring out several issues. First, it is worth noting that Norman is clearly aware of a point mentioned above: levelling down may be more apparent than real. If inequality brought crime and pollution, perhaps this would make the worst off

worse off still. They could, then, object to the inequality on the grounds that it makes them worse off. This could not be construed as 'real levelling down', a violation of the real-Pareto maxim. To avoid this response, Norman stipulates that the example involves no such loss.

Nevertheless, his opponents will claim that Norman has not done enough to register the importance of this kind of point. We must note that several ways of assessing levels of well-being seem implicit here. Economic development makes everyone better off, it is said. Certainly there will be improvements in standard of living: cars and washing machines replace bicycles and hard, unfulfilling, toil. In material terms, then, inequality improves the lot of everyone: they have more resources and their standard of living is higher. Nevertheless, SE is defined in terms of well-being, not material resources or standard of living. That there may be occasions where we must level down in material resources in order to boost the well-being of the worst off is only to be expected. Arguably it might also be the case that we may need to level down in terms of standard of living in order to increase the well-being of the worst off: a car may be insufficient consolation for alienation from one's fellow human beings.

Clearly Norman thinks his example is a significant one, and introduces it as one where the equal society involves a lower level of well-being for everyone. Nevertheless the people 'prefer to remain less prosperous but equal'. There are various complexities here. First the language has shifted somewhat. Is 'prosperity' a welfare term, a standard of living term or material resources term? If either of the

latter two, then, once more the real-Pareto maxim is not challenged. So we must read 'less prosperous' as 'having a lower level of well-being'. But now we must ask, who prefers this? We are told that 'they' do, where this is most naturally read as whoever it is who is empowered to speak for the society as a whole. Should we then read this as 'everyone'? Certainly as we read on, we can be persuaded that neither future-rich or future-poor could much like the prospect of anticipating what they might become: who wants to become disdainful and supercilious or servile and resentful? But here the same strategy of defence bites again: the real-Pareto theorist will say that what we are agreeing to when we agree with Norman is that these gains in well-being from equality are more apparent than real. When we weigh an easier life but distant social relations against honest toil in equality we realise we are better off as we are. So, the real-Pareto theorist will argue, there is no levelling down after all. We stick with equality for fear of making people worse off in what really counts. In conclusion, then, this example does not show that real levelling down can be acceptable. Can a more convincing illustration be found?

### 3. Race and the Swimming Pool

You are the mayor of a small town in the Southern States of the US. Your town has a swimming pool which is open to all. Against your opposition, your State Senate passes a new law: swimming pools must be racially segregated. If there is only one

pool, then it must be made available to whites only. As mayor, you do not have funds to build another swimming pool, but in any case object to racial segregation. However if you try to disobey the new law, you will be removed from office, and replaced with a State official. But rather than allowing a whites only swimming pool you decide to shut it down completely. Your opponents then accuse you of levelling down.

So two related questions arise. First, is this really a case of levelling down in any interesting sense? Second, if so, is it justified? But let me be dogmatic. I will assume in this case that it is justified. So if it is a case of levelling down it is a case of justified levelling down.

There are some fairly obvious things that can be said, immediately, to make it appear that, although this is a levelling down in short-term access to swimming pools, it is not a real levelling down, that is, a violation of the real-Pareto maxim. Presumably the most promising way of making out such a case would be to argue that there is a sense in which blacks are better off with the swimming pool closed than open only to whites. And no doubt there are ways of expanding on the details to make this clearly so. The opposing view is that at least on one expansion of the case things are better (the state of affairs is better justified) with the swimming pool closed even though the blacks are not better off. But is there such an expansion? Let us first remove some distractions.

a) Strategic posturing

It could be suggested that this policy is not so much a case of levelling down as an attempt to put pressure on the authorities - the State - to repeal their new law. If the State wants to improve conditions for whites, and sees that this is now tied together with improved conditions for blacks, then they may have no alternative to repeal the law. However it is perfectly possible that this is simply the latest move in an incremental policy of State racism, and no such tactics, when attempted in the past, have paid off. Thus as Mayor you have no reason to believe that the authorities will be swayed to any degree by anything you do.

#### b) Reinforcement of inequality

In some cases a policy of segregation or exclusion can have accumulating effects. Consider a debate that sometimes takes place about whether a golf club can properly exclude Jews, or blacks, or women. Sometimes it is said that a private club can set its own rules: if people want to mix only with a certain type of person than this is up to them. Many replies to this are often made, but one prominent response is that a golf club, typically, is not simply a place where people go to play golf, but also to make social and business contacts. Thus anyone who is a member of the club is further advantaged by access to a level of opportunity that is not readily available to non-members. So non-members may see their well-being decline both relative to the members and in absolute terms as the members consolidate their social and business

advantages. In this way, then, non members are not only excluded from golf but lose further in life's competitive struggle. Consequently closing the golf club would make non members better off in at least one significant respect.

In general this is an important argument. But we can, I think, stipulate that it does not apply to the case of the swimming pool. At the swimming pool people just swim. No deals are struck, there is no bar or cafe in which people enjoy a rich social life and consequent opportunities. So these longer-term accumulating effects simply do not apply. There is no reason to believe that this non-competitive inequality will lead to a competitive inequality - - an inequality in a fixed supply of goods - - in which those who do badly are thereby made worse off than they would be under conditions of equality.

c) Moral virtue and solidarity

Suppose that the white users of the pool were extremely sympathetic to the plight of the blacks, and felt that if the blacks were excluded they, the whites, would not want to use the pool anyway to show solidarity, or at least to avoid the moral taint of taking advantage of an unfair situation. Hence in one sense closing the swimming pool does not harm anyone. The whites would feel better if it were closed, and are better off in terms of what really counts - - virtue - - and the blacks are better off for this expression of solidarity. On this reading closing the pool is very far from an example of levelling down: indeed it may be a strong Pareto-improvement!

In reply it can be conceded that we can imagine such preferences, but that the case for closing the swimming pool is not premised upon them. Consider the case where the whites greatly resent the closing of the pool, and set up a protest against it. The blacks do not benefit from increased solidarity because none is shown. If, even in this case, it is justified to close the swimming pool, then considerations of virtue and solidarity are not the prime justifying factor.

d) Fairness as well-being

Nevertheless, it may be replied that even if the whites do not show solidarity, there is still at least one sense on which the blacks are better off for the closing of the pool. For that situation is fair and the previous situation was unfair. Being treated unfairly is a way of being made worse off.

This is a claim, though, that can come in importantly different versions, and of different degrees of plausibility, and it is necessary to make some distinctions.

Consider the following claims:

- a) The fact that a situation is unfair to you makes you worse off.
- b) The fact that you correctly believe a situation to be unfair to you makes you worse off.
- c) The fact that you believe a situation (whether correctly or incorrectly) to be unfair to you makes you worse off.

- d) A combination of your belief that a situation is unfair to you, and your feeling resentment or envy or anger at this unfairness, makes you worse off.
- e) Envy or resentment of others who have more, even though this is not believed to be unfair, makes you worse off.

Let us take these in order. As to the first, although the claim has some plausibility there seem to be theoretical reasons to avoid it. For it is natural to think that the fairness of a situation is at least partly determined by the well-being of the people in that situation. If, then, the fairness of the situation partly determines well-being levels then, for many cases, indeterminacy threatens. So for reasons of conceptual clarity it is sensible to deny (a), which means devising a measure of well-being which does not allow that the mere fact that a situation is unfair to you makes you worse off.

It might be thought, though, that when we add the correct belief that the situation is unfair the case for claiming that there is an impact on well-being becomes stronger. For here we have something undeniably internal to the agent. Yet in reply, it should be said that if the belief is correct then taking it into account is a type of double-counting: unfairness must already be taken into account, and so what does the belief in unfairness add? If the belief is incorrect it seems quite bizarre to take it into account at all. (cf Dworkin 1981, pp. 198-201) And aside from moral concerns, indeterminacy threatens again.

This may not seem enough to head off this challenge. After all, a belief that a situation is unfair to you, whether a correct belief or not, can eat away at your life and generate misery of the most literal sort. However, if this is true we have moved to a different claim: the source of the well-being loss is the belief plus the further effect this belief has on one's mental life. So we should now consider the fourth claim above, having dismissed the first three.

On a natural theory of well-being, suffering from envy and resentment are clear forms of lack of well-being. Thus a theory of well-being that excludes them is must be theoretically, rather than analytically, motivated in that respect.<sup>6</sup> But before continuing with this line of thought it is worth reminding ourselves of the place in the argument.

The question we are addressing is that of whether closing the swimming pool makes the blacks better off. The immediate version of this question is whether closing it makes them better off in the following respect: it turns an unfair situation into a fair one. I have argued that this is not a way of making people better off, and thus this is not a way of avoiding describing the situation as one of levelling down. We now have a different suggestion: closing the swimming pool reduces the anger or

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<sup>6</sup> I should acknowledge that those who argue that the current currency is resource-based, to the exclusion of well-being, have no reason to pursue this issue, at least in these terms. Thus the following paragraphs should concern only those who believe that well-being is at least part of the currency of justice.

resentment or envy felt by the blacks, and thus makes them better off in one respect. For this reason, once more, we need not describe the case as levelling down.

For the purposes of my main argument, however, we can remain agnostic on the question of whether envy affects well-being. For it seems to me that the case for closing down the swimming pool is not premised on the blacks having a feeling of these or any other sort. Although there could be cases where the blacks are envious of the whites this need not be the case. If this is conceded and it is still conceded that the swimming pool should still be shut, even if the blacks do not care whether it is shut, then we still have a case of apparent levelling down. Further investigation is necessary.

However although not strictly necessary to the argument, the question of whether envy or similar emotions can affect well-being in our theoretically pure sense of well-being is undeniably an interesting question and worth pursuing. Here the consensus view seems to be that it is not a relevant determinant: Rawls (Rawls 1971 pp. 530-41) and Nozick (1974, p. 162) both suggest that arguments from envy have no place in the theory of justice. However, given that such feelings can cripple a life it seems harsh to judge that they should simply be ignored.

It seems to me that the idea that envy should not be taken into account may be based on the following argument:

- a) If we were to take envy into account as a determinant of well-being we would have to compensate those who were envious.
- b) To compensate those who are envious means taxing the non-envious.

c) It is highly counter-intuitive and morally unattractive to redistribute from the non-envious to the envious just in virtue of that difference.

Therefore:

d) Envy should not be considered a determinant of well-being.

Now it would be possible to contest (c), but I will not consider that. Rather, I think (a) requires examination. It is based on what could be called the 'compensation' paradigm: that if there is injustice then compensation of some sort should be made. This goes hand in hand with what we might think of as the 'thermometer' model of well-being: that one can model well-being as one does temperature, and if it falls then it should be restored to previous levels by the simplest and easiest method: normally a compensating cash payment. But well-being may be a highly complex notion, and compensation can be quite inappropriate in some cases. To take the case of envy, if A is envious of B, and one think this an undesirable situation, then there seem to be at least four ways of remedy:

a) Compensate A.

b) Remove from B whatever it is that is the cause of the envy. (Levelling resources is one example of this, although if envy is a determinant of well-being this would not be real-levelling down.)

c) Induce false beliefs in A so that A no longer has the beliefs that gave rise to the envy. (For a real example of this, see Wolff 1991, p. 125.)

d) Induce character changes in A so that A is no longer an envious person.

Once this is spelled out it seems to me that we should acknowledge that envy can be detrimental to well-being, but it should not be assumed to be in the same category of well-being loss, to, say, hunger or lack of shelter. It may not call for compensation, but it may call for remedy of the fourth type, and there may be reasons to tax everyone - - envious and non-envious alike - - to try to establish 'envy clinics' for the most serious cases, just as there are clinics for other character disorders. But if these fail it does not follow that there is a case for any compensation and still less for complete levelling down.

It follows from this that any mere fact that the blacks are envious of the swimming opportunities of the whites is in itself no reason for closing the swimming pool. But in any case, as I have suggested, the intuitive plausibility of the case for closing the pool does not rest on considerations about envy.

#### e) Symbolic value

Some may have been uncomfortable with my use of the categories 'blacks' and 'whites' in discussing this case, and would have preferred that I used the niceties often followed in such discussions, describing the groups as the blues and the greens or the bigfeet and the smallfeet. But the examples do not work so well as fiction: it is vital, I think, to the discussion that there is an implied history and background.

To explain, let me contrast this with a different case. Suppose the State edict was not that blacks should be excluded, but that people with red hair should be

banned, on health grounds. Perhaps the situation is that it has been discovered that red hair contains a chemical which reacts with water to induce sickness in those who do not have red hair. (Ignore the question of why this has only been found out now.) Just as before the State insists that swimming should be segregated, this time on public health grounds, and if there is only one pool it should be available only to the majority group; the non-red-haired. Again, as before, you as Mayor, do not have the resources to build a second pool.

Now it seems to me that it could be a perfectly reasonable decision of the people as a whole to close down the pool, to express solidarity. But it also seems that the case in justice for doing so is very weak indeed; almost to the point of vanishing altogether. In this clash between Pareto-optimality and fairness, optimality seems the clear winner in this case. But superficially the two cases look very similar. How can we make the distinction between cases?

The answer will, of course, be obvious. The black/white case is a racist policy, based on a standing pattern of discrimination against a group which is already worse off. The red hair case does not have these features. One feels much more prepared to ensure that no-one is relatively disadvantaged by deliberately unjust treatment than to ensure that no one is relatively disadvantaged by public health policy which turns out to be uneven in its effects. Is it, then, that in one case we feel entitled to stand up to the malice of the rulers, whereas in the other there is no malice present?

But this is not quite right. Suppose, to adjust the example somewhat, the racist policy is a legacy of past legislation that no one believes in but no one has bothered

to repeal. Thus although there may be negligence, there is no malice. But this hardly seems to make a difference to the acceptability of levelling down. Why, then, does one inequality, related to skin colour, matter so much when another, related to hair colour, matters much less, when the inequalities are, in some sense, the same?

To use an argument from Ann Phillips it is not true that the inequalities that matter most are the ones that are most unfair in themselves. Rather, certain inequalities have a further symbolic meaning or function and can express an explicit or implicit ranking of citizens into groups of different worth. (Phillips 1999) To adapt one of Phillips' examples, it would not normally matter very much if eye surgeons happened to be paid less than equally trained, skilled and dedicated ear surgeons. But if eye surgery happened to be a job performed mostly by women or by members of a minority and ear surgery by white men, then things look very different. Purely contingent unfairness is much easier to accept than a systematic pattern which is to the disadvantage of a previously disadvantaged group. What we see here is a type of intersection between political equality and economic equality. Sometimes it seems right to level down in economic, or, at least, well-being, terms, in order to achieve political equality, or, at least, to remove clear barriers to political equality.

Now, with these reasons on display we have to revisit the question of whether this is well-represented as a case of levelling down after all. Three positions appear possible:

a) Yes - this is a genuine case of levelling down.

b) No - this is a case where the worst off are made better off in an already well-understood sense.

c) No - this is a case where the worst off are made better off in a subtle new category of well-being.

If one treats the real-Pareto maxim as axiomatic it is necessary to attempt to defend (b) or (c). Suppose, though, on the basis of further reflection (a topic for a further occasion) we conclude (a). Sometimes, then, we should level down. But I have only suggested that this is relevant when there are symbolic factors at play, which send messages of deep political inequality. This is not the politics of envy, or a cancer that will spread to allow all sorts of levelling down. Thus I would provisionally conclude that levelling down can be reasonable in a very special sort of case. Those sympathetic to equality should not be ashamed of this.<sup>7</sup>

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