Michael Sandel's Vain Quest for the Common Good

REVIEW: 'The Tyranny of Merit'   'The Tyranny of Merit: Can We Find the Common Good?' by Michael Sandel / us.macmillian.com

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In 1640, in *The Elements of Law: Natural and Politic*, Thomas Hobbes mischievously observed that "a democracy, in effect, is no more than an aristocracy of orators." From silver-tongued statesmen to clever sophists and crude demagogues, the best talkers, Hobbes suggested, subvert democratic equality by stirring the people's passions, shaping the public's agenda, and commandeering the majority's will. Two millennia earlier, Aristotle illuminated a deeper obstacle to democracy's egalitarian aims: Even where all are committed to democratic deliberation, some few are bound to stand out —winning praise, acquiring status and renown, and exciting jealousy and resentment —for their rare dedication to, and their singular labors to achieve, the common good. The aspiration to excel and the striving to distinguish oneself from the crowd, apparently, are woven into the fabric of human nature and set limits on equality's reach and the just claims of community and the common good.

Harvard professor Michael Sandel has a talent for talking about equality—and gesturing at community, invoking the common good, and appealing to justice—that has lifted him to the top of his profession and brought him fame and fortune. Although his velvety prose and adroit equivocations tend to obscure the premises and implications of his reasoning, he has consistently maintained over the course of a long career that the greatest threat to equality, community, the common good, and justice in America is freedom in America.

In *The Tyranny of Merit: Can We Find the Common Good?*, which was published to national and international acclaim last year and issued this year in paperback with a new prologue, the distinguished Harvard professor argues that the antagonism in

America between equality, community, the common good, and justice, on the one side, and freedom on the other has reached catastrophic proportions. Amid the bitter divide in the United States between progressive elites and conservative-leaning middle-class and working-class voters, Sandel elaborates the sensational claim that it is meritocracy—the view, central to the modern tradition of freedom, that a "just society" provides all individuals "an equal chance to rise as far as their talent and hard work will take them"—that is tearing the United States apart. It turns out, however, that Sandel is not opposed to the rule of every form of merit. The thrust of his argument indicates that he wishes to replace the allegedly despotic rule of technocrats, economists, and financiers with the ostensibly refined and compassionate rule of experts in moral reasoning capable of leading national conversations about a common good in America that, in his telling, has been and remains elusive.

The oddities and incongruities of Sandel's mature views already appear in his earliest successes in the 1980s as a young professor in Harvard University's Department of Government (I taught there in the 1990s). As he has accumulated accolades over his 40 years in residence on the banks of the Charles River, the tensions have intensified between the equality and community that he preaches and the exclusive personal brand that he has assiduously burnished and globally marketed.

His first book, *Liberalism and the Limits of Justice*, was published in 1982 and made his name. In the fashion of the day, the highly theoretical work lazily assumed that the modern tradition of freedom culminated in Harvard philosophy professor John Rawls's 1971 magnum opus, *A Theory of Justice*. Sandel's critique of Rawls, and by implication of the modern tradition of freedom—reaching back to John Locke and including Adam Smith and Friedrich Hayek—revolves around an invidious contrast between a rights-based politics that protects the freedom of the individual and a properly democratic and just politics grounded in community and dedicated to the common good. The book led astray generations of graduate students—who carried their confusion into their scholarship and teaching and disseminated it far and wide—by suggesting that to affirm that individuals are by nature free and equal is to cast off moral constraint, deny the social side of our humanity, and disregard or disparage the goods people can enjoy only in common. Sandel's subsequent books—on democracy, bioethics, the limits of the market, and justice—never wander far from the accusation that the root cause of injustice in America is the attachment to individual freedom.

In the 1980s, Sandel launched a Harvard class called "Justice" that quickly surpassed the competition in popularity. In the spirit of his writings, the course has tended to cast aspersions on individual freedom in the name of equality, community, justice, and the common good. At the same time, the class has elevated the professor's status and boosted demand for his services. In the 1980s, the course served as a star vehicle for Sandel within Harvard. In the internet age, Harvard made the course available online, turning him into an international intellectual celebrity, not least in the People's Republic of China.

The Harvard course typically features Sandel holding forth alone on a grand stage in an ornate theater, on occasion in front of more than 1,000 students. Orchestrating the examination of select opinions about morality and politics and their application to a carefully chosen set of public policy issues, the professor poses questions to the massive audience and plays off the responses offered by the small number of students who have the chance to participate. In the guise of facilitating conversation, Sandel dons the persona of the consummate high-brow talk-show host and draws attention to himself as the master of ceremonies. Within the framework of a course touted as preparation for the assumption of civic responsibilities, Sandel reinforces the conceit that the apex of civic life consists in demonstrating publicly one's capacity to reason abstractly about morality.

The Tyranny of Merit refines, extends, and updates Sandel's career-long effort to expose the oppressiveness and delusions of individual freedom. America's "market-driven, meritocratic ethic" replaces his first book's culprit—"the unencumbered self"—as the principal adversary. Rooted in the commonsense American conviction that individuals should be free to develop their talents, advance their interests, and enjoy what they earn and acquire, the meritocratic ethic, according to Sandel, has been embraced and purified over the last four decades by the left as well as the right, and, thanks to the support of both parties, has achieved ascendancy within American politics.

The cost has been staggering, contends Sandel. Meritocracy "fueled resentment and prompted the backlash" that in 2016 resulted in Donald Trump's election as president of the United States. Left unfettered, Sandel counsels, the meritocratic ethic will further fray "our social bonds and respect for one another" and intensify citizens' estrangement from "a politics of the common good."

The contest for admissions to elite colleges and universities, according to the longtime Harvard professor, epitomizes the tyranny of merit. By basing admissions on students' ability and talent, higher education sends a toxic message: The admitted are winners who have earned the social status and remunerative and prestigious jobs conferred by a degree from a top institution of higher education while the rejected are losers who deserve an inferior social rank and lower incomes.

Sandel has a point—about the elites. Harvard does exude a sense of superiority. And the propensity to equate success in one endeavor—say graduation from, or a perch on the faculty at, an elite university—with excellence in many domains and the entitlement to status, wealth, and power is a common human failing.

But Sandel's depiction of the balance of power in higher education bears little relation to elite campuses. At Harvard and elsewhere, an expanding dictatorship of grievance increasingly enfeebles the commitment to merit, at least insofar as merit is understood in the spirit of liberal education—that is, acquiring knowledge, pursuing the truth, thinking independently, and maintaining a community devoted to free and open inquiry.

Consistent with familiar progressive concerns, Sandel himself calls attention to the longstanding practice at Harvard and elsewhere of relaxing standards to admit the children of wealthy alumni. He does not so much as mention, however, the multiplicity of assaults on merit at our best universities spearheaded by progressives to promote intellectual homogeneity.

These include the attacks on free speech—from the policing of microaggressions to the harassment and disinviting of outside speakers; the gutting of due process; the hollowing and politicization of the curriculum; the disparate evaluation of highly qualified Asian candidates in the apparent effort to meet affirmative-action targets; the inflating of grades; and the allocation of substantial resources to build diversity, equity, and inclusion bureaucracies the purpose of which is to achieve proportional representation of races by discriminating based on skin color. A modicum of attention to his own university would have revealed to Sandel that far from exercising tyranny, merit—grounded in talent and drive—is in danger of subjugation by the forces of social justice, progressively understood.

With the assistance of a brief, eccentric history of merit—which dwells on the Bible while neglecting Plato and Aristotle and relies heavily on the German sociologist Max Weber's *The Protestant Ethic and the Spirit of Capitalism* while mostly ignoring the progressive and conservative traditions in America—Sandel himself shows that recognition of the claims of merit is nothing new. Yet he insists that something important has changed: "Over the past four decades, the language of merit and deservingness has become central to public discourse."

Sandel points the finger at two market-friendly conservatives: President Ronald Reagan and Prime Minister Margaret Thatcher. By embracing technocracy—"the belief that market mechanisms are the primary instruments for achieving the public good"—and globalization, Reagan and Thatcher established merit's tyranny, according to Sandel. Their market-friendly progressive successors, President Bill Clinton and Prime Minister Tony Blair, carried forward the replacement of moral reflection and political judgment in public affairs with economic efficiency. While spurring prodigious economic growth, technocracy and globalization also produced, Sandel emphasizes, vast inequalities and stagnant wages that exacerbated pride among the elites while inflaming resentment among those left behind.

Sandel's assertion—central to his case against meritocracy—that political elites have been enthralled by economic efficiency to the exclusion of other considerations cannot be squared with reality. Take, for example, President Clinton's failed 1993-1994 attempt to reform health care, the successful 1996 compromise welfare-reform bill negotiated with Speaker of the House Newt Gingrich, and the 1999 Kosovo intervention. These enterprises were followed by President George W. Bush's Faith-Based & Community Initiative and No Child Left Behind Act along with the global war on terror. Then there was President Barack Obama's nearly trillion-dollar 2009 stimulus package, the 2010 Affordable Care Act, and the 2015 Iran deal (JCPOA). President Donald Trump reimposed control over America's southern border, renegotiated—particularly with China—trade deals, and, in 2018, abrogated the Iran deal. And now President Joe Biden has opened the southern border; advanced a massive, entitlement-laden spending package; proceeded with a national vaccine mandate; and promulgated throughout the federal bureaucracy guidelines for evaluating employees that emphasize the identity group to which they belong and their contribution to the achievement of proportional representation of races in the workforce. He also pursued reentry to the JCPOA, precipitously withdrew from Afghanistan, and, with the appointment of John Kerry as special presidential envoy, has been pushing for a climate-change deal with China.

Say what you will for or against these major undertakings stretching across five presidencies and almost 30 years; none can be explained exclusively or even primarily as aimed at "satisfying consumer preferences as measured by the gross domestic product."

To his credit, Sandel calls out his fellow credentialed elites for their bias against less-educated people, which he aptly refers to as "the last acceptable prejudice." He laments the "[e]lite disparagement of the working class" as evinced in then-candidate Hillary Clinton's ugly description in 2016 of Trump voters as "deplorables," and then-candidate Barack Obama's grim and condescending characterization in 2008 of small-town Pennsylvanians as clinging bitterly to guns, religion, bigotry, and anti-immigration and anti-trade sentiment. He urges the affluent and influential to recognize that by creating a society open to effort and ability, meritocracy in the United States "encourages the winners to consider their success their own doing, a measure of their virtue—and to look down on those less fortunate than themselves"

while disposing elites "to forget the luck and good fortune that helped them on their way." He warns that it is a mistake to interpret the populist wave that Trump rode into the White House "mainly in economic terms, as a protest against job losses brought about by global trade and new technologies." Populist discontent, Sandel stresses, reflects justified resentment of a new "hereditary aristocracy" whose wealth, status, and power enable them to pass on to their children the training and skills to win admissions to the finest universities and thus retain for their families and their class the most prestigious and powerful jobs.

Try as he might, though, Sandel cannot escape the prejudices of the progressive elite in which he holds a high rank. For example, while criticizing the tendency to "denounce the upsurge of populist nationalism as little more than a racist, xenophobic reaction against immigrants and multiculturalism," he encourages the belief among fellow progressives that the bigotry on the other side of the aisle is, while not the whole story, real and consequential. In his account, moreover, middle-class and working-class Americans, especially those lacking a college degree, suffer from "nagging self-doubt: perhaps the rich are rich because they are more deserving than the poor; maybe the losers are complicit in their misfortune after all." Such skewed assessments, the result of attempting empathy from a distance rather than talking and listening to Trump voters, fosters the elite conviction that ordinary people are right to believe that society has stuck them with the short end of the stick.

Many members of the middle class and working class, however, see things differently. They do not believe that life outside the tony precincts of blue America is a cause for regret or a mark of shame.

Sandel generally overlooks that many Americans are more likely to disdain Harvard for its haughtiness and for the pretensions of its faculty and graduates to impose their progressive views and preferences on the entire nation than to aspire to send their children there. He fails to consider that substantial numbers of Americans are proud of their local way of life, have no yearning to live in Manhattan or Silicon Valley, and

mostly want progressive elites to mind their own business. And for the most part he ignores the abundant evidence that the anger and the resentment of the people who live beyond urban centers and the wealthy suburbs that surround them stem from the political class's faulty conduct: Many members of communities in red America believe that elites have recklessly opened the southern border and suspended immigration laws; promiscuously spent taxpayer dollars with little concern for the long-term effects on the nation's fiscal health; tarnished America's good name by bungling wars and diplomacy; converted much of the mainstream media into a propaganda arm of the Democratic Party; mobilized powerful government agencies—the IRS, the FBI, and the Department of Justice—against the conservative grassroots as well as its democratically chosen standard-bearer; and, not least, transformed the educational system—from kindergarten through graduate and professional education—into an assembly line for the reproduction of leftist ideology.

Despite the many causes for concern, including a few vague doubts that he himself raises, Sandel rejects the possibility that the primary problem with meritocracy in America is the failure of many members of our intellectual and political elites to perform their jobs well. Instead, he sets out to discredit the very idea that human beings deserve the fruits of their labor.

Sandel directs—against meritocracy and in favor of government regulation and redistribution—an argument that 40 years ago he faulted John Rawls for employing in favor of government regulation and redistribution. In his first book, Sandel observed that Rawls' contention that our "assets and attributes" are "arbitrary from a moral point of view" undercuts moral judgment and the ascription of responsibility: "the self is left bare," wrote Sandel, "of any substantive feature or characteristic that could qualify as a desert base." The veteran Sandel, however, relies on the flawed argument exposed by the young Sandel, the better to discredit meritocracy. Or, rather, a strawman version of meritocracy.

On the ridiculous assumption that defenders of merit typically subscribe to the extreme view that "we are, as individuals, wholly responsible for our fate," Sandel maintains that our talents and character are not of our own making but rather a result of external causes—whether favorable genetic inheritances, divine providence, nurturing environments, or the good fortune to live in a society that rewards our specific talents, including the talent for effort. He tendentiously and without argument classifies all that as luck. Since "we do not merit or deserve the benefits (or burdens) that derive from luck," Sandel reasons, we cannot reasonably claim responsibility for our actions and the results they produce. So, for example, fathers and mothers who relentlessly drive their children to set aside all else in the competition to gain acceptance to the best colleges can't be held accountable for the anxiety and fragility they induce in their offspring, because the parents' disposition to equate happiness with an Ivy League degree is itself—like all passions, thoughts, and deeds —a result of the luck of the draw.

In passing, Sandel recognizes what is at stake: "The meritocratic argument," he writes, "is above all a claim about human agency and freedom."

It is pertinent to add that the anti-meritocratic argument that he employs for tactical advantage—that individuals deserve no credit for their virtues and, it follows, no blame for their vices—represents a radical break with the American constitutional tradition and the moral and intellectual sources that sustain it. Sandel's reduction of character to the remorseless laws of cause and effect or to arbitrary chance assumes the falsity of biblical faith's teaching that human beings are made in the image of God and classical political philosophy's account of natural right. It cannot be reconciled with the belief in the rights shared equally by all on which America is founded. It flies in the face of James Madison's observation in *Federalist* 10—reflecting the Constitution's moral and political premises—that "the first object of government" is "the protection" of human beings' diverse capabilities and qualities, and the equal protection of the unequal attainments that inevitably result. And it opens the door to authoritarian schemes of centralized social and economic control and radical redistribution.

Having gone to philosophical extremes—and thereby legitimating political extremes —to combat the tyranny of merit, Sandel offers tepid proposals to rescue America

from the crisis that he insists engulfs the nation. His principal education initiative involves establishing for the fewer-than-2,000 places in each Harvard entering class a "lottery of the qualified" among the tens of thousands of applicants who each year meet a high threshold of achievement. This, he suggests, would contain the pride of those admitted and soften the envy and resentment of those denied admission. His main recommendations concerning the economy include wage subsidies for low-income workers; tighter federal regulation of trade, outsourcing, and immigration; and "shifting the tax burden from work to consumption and speculation."

If this is the best Sandel has to offer in the face of a tyranny that he believes is wrecking the body politic and ravaging citizens' ability to contemplate a common good, then it is hard to resist the conclusion that he is, from his own point of view, a quisling or a fabulist. If he believes that the United States embodies a cruel and grievously unjust meritocracy, his modest reforms—which call for little sacrifice from himself and his colleagues while empowering his class by expanding government's power—render him a collaborator with, and a profiteer from, a soul-destroying regime. If he believes that his underwhelming measures are proportional to the problem, then his sustained resort to the language of tyranny makes him a fabulist, concocting a scandalous accusation against freedom in the United States that could hardly have been better calculated to keep the author's rewards rolling in from fellow elites at home and overseas, who take pride in denouncing America.

Numerous minor flaws in Sandel's book betray the sheltered progressive sphere in which he operates. For example, the disgraceful criminal trespass at the U.S. Capitol and interference with vital government functions by Trump supporters on January 6 was not, as Sandel writes, "a violent siege," which implies a military operation. Sandel omits mention of the many—right and left—who preceded him in illuminating the destabilizing divide between credentialed technocratic elites in America and the people, including James Burnham in *The Managerial Revolution* (1941), Mickey Kaus in *The End of Equality* (1992), Charles Murray in *Coming Apart* (2012), and David Goodhart in *The Road to Somewhere* (2017). Sandel belittles Trump voters' nationalism as "intolerant" and "vengeful" though for the most part they want to preserve tolerant local communities from imperious federal regulation and to put America's vital interests at the center of American foreign policy. He asserts that classical liberal Friedrich Hayek "viewed the welfare state as antithetical to freedom"

despite Hayek's explicit affirmation in *The Road to Serfdom*, his most influential work, that the preservation of freedom is consistent with a genuine social-safety net. And, absurdly, Sandel asserts that while receding in the United States, the American dream is "flourishing" in China—where the Chinese Communist Party confines approximately one million Uyghurs in concentration camps; deprives Tibetans, ethnic Mongolians, and Christians of religious liberty; subjects the entire nation to dissent-crushing, high-tech surveillance; terminated Hong Kong's freedom last year in flagrant violation of China's international obligations and stepped up its threats to do the same to Taiwan; and, in every region of the world, is at work fashioning an international order more congenial to authoritarian government.

The fundamental flaw in Sandel's book is the organizing conviction that the principal source of America's political pathologies is the "exhilarating promise of individual freedom," which spawns a "harsh ethic of success" that weakens democracy, generates injustice, and obscures the common good. The instances of meritocratic excess that Sandel reasonably criticizes reflect not a working out of the premises of individual freedom but rather the failure of progressive elites to understand freedom's promise and to cultivate the virtues, associations, and institutions that enable citizens to honor it. That failure stems in no small measure from an educational system—especially higher education, which trains K-12 teachers—that neglects the principles of freedom when it doesn't inculcate scorn for them. Sandel's abiding antipathy for freedom and persisting puzzlement over the common good are symptoms of the problem.

Although it has eluded Sandel for 40 years and counting, the common good in the United States is neither hidden nor mysterious. It is proclaimed in the Declaration of Independence, institutionalized in the Constitution, and woven into the fabric of American history. It consists in securing, and exercising responsibly, the rights shared equally by all. America's common good is suited to a people of diverse religious beliefs and a multiplicity of views about how to live a decent and fulfilling life. It is achieved through the establishment of a limited government that focuses on protecting individual rights rather than dictating matters of conscience and legislating morality.

The Constitution provides abundant mechanisms, not least its ultimate reliance on the people, for adjusting course and promoting justice. And it offers citizens remarkable opportunities to practice their faith or do without faith; enjoy and care for their families; study, work, and acquire property; join together in an endless variety of voluntary associations; maintain, exit, and enter communities; debate public affairs, vote for the candidates most likely to effectively represent their views and interests, and, when the spirit moves, run for office; and pursue happiness as they understand it consistent with the toleration of the like pursuit of happiness by others.

Liberal democracy in America can never have too many citizens gifted in, and excelling at, preserving and improving our nation's constitutional heritage.

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