MICHAEL J. SANDEL

The Tyranny of Merit

What's Become of the Common Good?

allen lane

THE TYRANNY OF MERIT

ALSO BY MICHAEL J. SANDEL

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CONTENTS

THE TYRANNY OF MERIT

PROLOGUE

When the coronavirus pandemic hit in 2020, the United States, like many other countries, was unprepared. Despite warnings the previous year from public health experts about the risk of a global viral contagion, and even as China contended with its outbreak in January, the United States lacked the ability to conduct the widespread testing that might have contained the disease. As the contagion spread, the wealthiest country in the world found itself unable to provide even the medical masks and other protective gear that doctors and nurses needed to treat the flood of infected patients. Hospitals and state governments found themselves bidding against one another to acquire testing kits and life-saving ventilators.

This lack of preparedness had multiple sources. President Donald Trump, ignoring the warnings of public health advisors, downplayed the crisis for several crucial weeks, insisting in late February, "We have it very much under control . . . We have done an incredible job . . . It's going to disappear."[1] The Centers for Disease Control and Prevention (CDC) at first distributed flawed test kits and was slow to find a fix. And decades of outsourcing by American companies had left the United States almost entirely dependent on China and other foreign manufacturers for surgical masks and medical gear.[2]

But beyond its lack of logistical preparedness, the country was not morally prepared for the pandemic. The years leading up to the crisis were a time of deep divisions—economic, cultural, political. Decades of rising inequality and cultural resentment had brought an angry populist backlash in 2016, resulting in the election of Trump, who, shortly after having been impeached but not removed from office, found himself presiding over the gravest crisis the country had faced since the terrorist attacks of September 11, 2001. The partisan divide persisted as the crisis unfolded. Few Republicans (only 7 percent) trusted the news media to provide reliable information on coronavirus; few Democrats (4 percent) trusted the information Trump provided.[3]

Amid the partisan rancor and mistrust came a plague that demanded the kind of solidarity few societies can summon except in times of war. People throughout the world were implored, and in many cases required, to observe social distancing, to abandon work and stay at home. Those unable to work remotely faced lost wages and disappearing jobs. The virus posed the greatest threat to those of advanced age, but could also infect the young, and even those who could ride it out had parents and grandparents to worry about.

Morally, the pandemic reminded us of our vulnerability, of our mutual dependence: "We are all in this together." Public officials and advertisers reached instinctively for this slogan. But the solidarity it evoked was a solidarity of fear, a fear of contagion that demanded "social distancing." The public health required that we express our solidarity, our shared vulnerability, by keeping our distance, by observing the strictures of self-isolation.

The coincidence of solidarity and separation made sense in the context of a pandemic. Apart from the heroic health care providers and first responders whose help for the afflicted required their physical presence, and the cashiers in grocery stores and the delivery workers who risked their health bringing food and supplies to those sheltering at home, most of us were told that the best way to protect others was by keeping our distance from them.

But the moral paradox of solidarity through separation highlighted a certain hollowness in the assurance that "We are all in this together." It

did not describe a sense of community embodied in an ongoing practice of mutual obligation and shared sacrifice. To the contrary, it appeared on the scene at a time of nearly unprecedented inequality and partisan rancor. The same market-driven globalization project that had left the United States without access to the domestic production of surgical masks and medications had deprived a great many working people of well-paying jobs and social esteem.

Meanwhile, those who reaped the economic bounty of global markets, supply chains, and capital flows had come to rely less and less on their fellow citizens, as producers and as consumers. Their economic prospects and identities were no longer dependent on local or national communities. As the winners of globalization pulled away from the losers, they practiced their own kind of social distancing.

The political divide that mattered, the winners explained, was no longer left versus right but open versus closed. In an open world, success depends on education, on equipping yourself to compete and win in a global economy. This means that national governments must ensure that everyone has an equal chance to get the education on which success depends. But it also means that those who land on top come to believe that they deserve their success. And, if opportunities are truly equal, it means that those who are left behind deserve their fate as well.

This way of thinking about success makes it hard to believe that "we are all in this together." It invites the winners to consider their success their own doing and the losers to feel that those on top look down with disdain. It helps explain why those left behind by globalization would become angry and resentful, and why they would be drawn to authoritarian populists who rail against elites and promise to reassert national borders with a vengeance.

Now, it is these political figures, wary though they are of scientific expertise and global cooperation, who must contend with the pandemic. It will not be easy. Mobilizing to confront the global public health crisis we face requires not only medical and scientific expertise, but also moral and political renewal.

The toxic mix of hubris and resentment that propelled Trump to power is not a likely source of the solidarity we need now. Any hope of renewing

our moral and civic life depends on understanding how, over the past four decades, our social bonds and respect for one another came unraveled. This book seeks to explain how this happened, and to consider how we might find our way to a politics of the common good.

April 2020
Brookline, Massachusetts

INTRODUCTION:

GETTING IN

In March 2019, as high school students awaited the results of their college applications, federal prosecutors made a stunning announcement. They charged thirty-three wealthy parents with engaging in an elaborate cheating scheme to get their children admitted to elite universities, including Yale, Stanford, Georgetown, and the University of Southern California.[1]

At the heart of the scam was an unscrupulous college-counseling consultant named William Singer, who ran a business that catered to anxious, affluent parents. Singer's company specialized in gaming the intensely competitive college admissions system that had in recent decades become the primary gateway to prosperity and prestige. For students lacking the stellar academic credentials top colleges required, Singer devised corrupt workarounds—paying proctors of standardized tests such as the SAT and ACT to boost students' scores by correcting their answer sheets, and bribing coaches to designate applicants as recruited athletes, even if the students did not play the sport. He even provided fake athletic credentials, photoshopping applicants' faces onto action photos of real athletes.

Singer's illicit admissions service did not come cheap. The chairman of a prestigious law firm paid $75,000 for his daughter to take a college entrance exam at a test center supervised by a proctor paid by Singer to

ensure the student received the score she needed. One family paid Singer $1.2 million to get their daughter admitted to Yale as a soccer recruit, despite the fact that she did not play soccer. Singer used $400,000 of the payment to bribe the obliging Yale soccer coach, who was also indicted. A television actress and her husband, a fashion designer, paid Singer $500,000 to get their two daughters admitted to USC as bogus recruits to the crew team. Another celebrity, the actress Felicity Huffman, known for her role in the television series *Desperate Housewives*, somehow got a bargain rate; for only $15,000, Singer put in the fix for her daughter's SAT.[2]

In all, Singer took in $25 million over eight years running his college admissions scam.

The admissions scandal provoked universal outrage. In a polarized time, when Americans could scarcely agree on anything, it drew massive coverage and condemnation across the political spectrum—on Fox News and MSNBC, in *The Wall Street Journal* and *The New York Times*. Everyone agreed that bribing and cheating to gain admission to elite colleges was reprehensible. But the outrage expressed something deeper than anger at privileged parents using illicit means to help their kids get into prestigious colleges. In ways that people struggled to articulate, it was an emblematic scandal, one that raised larger questions about who gets ahead, and why.

Inevitably, the expressions of outrage were politically inflected. Surrogates for President Trump took to Twitter and Fox News to taunt the Hollywood liberals ensnared in the scam. "Look at who these people are," Lara Trump, the president's daughter-in-law, said on Fox. "The Hollywood elites, the liberal elites who were always talking about equality for all, and everyone should get a fair shot, when here is the biggest hypocrisy of all: That they're writing checks to cheat and get their kids into these schools—when the spots really should've gone to kids that were actually deserving of them."[3]

For their part, liberals agreed that the scam deprived qualified kids of the places they deserved. But they saw the scandal as a blatant instance of a more pervasive injustice: the role of wealth and privilege in college admission, even where no illegality was involved. In announcing the indictment, the U.S. Attorney declared what he took to be the principle at stake:

"There can be no separate college admissions system for the wealthy."[4] But editorial and opinion writers were quick to point out that money routinely plays a role in admissions, most explicitly in the special consideration many American universities accord children of alumni and generous donors.

Responding to Trump supporters' attempts to blame liberal elites for the admissions scandal, liberals cited published reports that Jared Kushner, the president's son-in-law, had been admitted to Harvard despite a modest academic record after his father, a wealthy real estate developer, had donated $2.5 million to the university. Trump himself reportedly gave $1.5 million to the Wharton School of the University of Pennsylvania around the time his children Donald Jr. and Ivanka attended the school.[5]

THE ETHICS OF ADMISSION

Singer, the mastermind of the admissions scam, acknowledged that a big gift sometimes gets marginally qualified applicants admitted through the "back door." But he pitched his own technique, which he called the "side door," as a cost-effective alternative. He told clients that the standard "back door" approach was "ten times as much money" as his cheating scheme, and less certain. A major gift to the college offered no guarantee of admission, while his "side door" of bribes and fake test scores did. "My families want a guarantee," he explained.[6]

Although money buys access in both "back door" and "side door" admissions, these modes of entry are not morally identical. For one thing, the back door is legal, while the side door is not. The U.S. Attorney made this clear: "We are not talking about donating a building so that a school is more likely to take your son or daughter. We are talking about deception and fraud, fake test scores, fake athletic credentials, fake photographs, bribed college officials."[7]

In prosecuting Singer, his clients, and the bribe-taking coaches, the feds were not telling colleges they could not sell seats in the freshman class; they were simply cracking down on a fraudulent scheme. Legality aside, the back door and the side door differ in this respect: When parents buy

their child's admission through a big donation, the money goes to the college, which can use it to improve the education it offers all students. With Singer's scheme, the money goes to third parties, and so does little or nothing to help the college itself. (At least one of the coaches Singer bribed, the sailing coach at Stanford, apparently used the bribe to support the sailing program. Others pocketed the money.)

From the standpoint of fairness, however, it is hard to distinguish between the "back door" and the "side door." Both give an edge to children of wealthy parents who are admitted instead of better-qualified applicants. Both allow money to override merit.

Admission based on merit defines entry through the "front door." As Singer put it, the front door "means you get in on your own." This mode of entry is what most people consider fair; applicants should be admitted based on their own merit, not their parents' money.

In practice, of course, it is not that simple. Money hovers over the front door as well as the back. Measures of merit are hard to disentangle from economic advantage. Standardized tests such as the SAT purport to measure merit on its own, so that students from modest backgrounds can demonstrate intellectual promise. In practice, however, SAT scores closely track family income. The richer a student's family, the higher the score he or she is likely to receive.[8]

Not only do wealthy parents enroll their children in SAT prep courses; they hire private admissions counselors to burnish their college applications, enroll them in dance and music lessons, and train them in elite sports such as fencing, squash, golf, tennis, crew, lacrosse, and sailing, the better to qualify for recruitment to college teams. These are among the costly means by which affluent, striving parents equip their progeny to compete for admission.

And then there is tuition. At all but the handful of colleges wealthy enough to admit students without regard for their ability to pay, those who do not need financial aid are more likely than their needy counterparts to get in.[9]

Given all this, it is not surprising that more than two-thirds of students at Ivy League schools come from the top 20 percent of the income scale; at

Princeton and Yale, more students come from the top 1 percent than from the entire bottom 60 percent of the country.[10] This staggering inequality of access is due partly to legacy admissions and donor appreciation (the back door), but also to advantages that propel children from well-off families through the front door.

Critics point to this inequality as evidence that higher education is not the meritocracy it claims to be. From this point of view, the college admissions scandal is an egregious instance of the broader, pervasive unfairness that prevents higher education from living up to the meritocratic principle it professes.

Despite their disagreements, those who consider the cheating scandal a shocking departure from standard admissions practices and those who consider it an extreme example of tendencies already prevalent in college admissions share a common premise: Students should be admitted to college based on their own abilities and talents, not based on factors beyond their control. They agree, in other words, that admission should be based on merit. They also agree, implicitly at least, that those who get in based on merit have earned their admission and therefore deserve the benefits that flow from it.

If this familiar view is right, then the problem with meritocracy is not with the principle but with our failure to live up to it. Political argument between conservatives and liberals bears this out. Our public debates are not about meritocracy itself but about how to achieve it. Conservatives argue, for example, that affirmative action policies that consider race and ethnicity as factors in admission amount to a betrayal of merit-based admission; liberals defend affirmative action as a way of remedying persisting unfairness and argue that a true meritocracy can be achieved only by leveling the playing field between the privileged and the disadvantaged.

But this debate overlooks the possibility that the problem with meritocracy runs deeper.

Consider again the admissions scandal. Most of the outrage focused on the cheating, and the unfairness of it. Equally troubling, however, are the attitudes that fueled the cheating. Lying in the background of the scandal

was the assumption, now so familiar that it is scarcely noticed, that admission to an elite university is a highly sought prize. The scandal was attention-grabbing not only because it implicated celebrities and private equity moguls but also because the access they tried to buy was so widely desired, the object of fevered striving.

Why is this so? Why has admission to prestigious universities become so fiercely sought that privileged parents commit fraud to get their kids in? Or, short of fraud, spend tens of thousands of dollars on private admissions consultants and test prep courses to boost their children's chances, turning their high school years into a stress-strewn gauntlet of AP classes, résumé building, and pressure-packed striving? Why has admission to elite colleges come to loom so large in our society that the FBI would devote massive law enforcement resources to ferreting out the scam, and that news of the scandal would command headlines and public attention for months, from the indictment to the sentencing of the perpetrators?

The admissions obsession has its origins in the growing inequality of recent decades. It reflects the fact that more is at stake in who gets in where. As the wealthiest 10 percent pulled away from the rest, the stakes of attending a prestigious college increased. Fifty years ago, applying to college was less fraught. Fewer than one in five Americans went to a four-year college, and those who did tended to enroll in places close to home. College rankings mattered less than they do today.[11]

But as inequality increased, and as the earnings gap between those with and those without a college degree widened, college mattered more. So did college choice. Today, students commonly seek out the most selective college that will admit them.[12] Parenting styles have also changed, especially among the professional classes. As the income gap grows, so does the fear of falling. Seeking to avert this danger, parents became intensely involved with their children's lives—managing their time, monitoring their grades, directing their activities, curating their college qualifications.[13]

This epidemic of overbearing, helicopter parenting did not come from nowhere. It is an anxious but understandable response to rising inequality and the desire of affluent parents to spare their progeny the precarity of

middle-class life. A degree from a name-brand university has come to be seen as the primary vehicle of upward mobility for those seeking to rise and the surest bulwark against downward mobility for those hoping to remain ensconced in the comfortable classes. This is the mentality that led panicky, privileged parents to sign up for the college admissions scam.

But economic anxiety is not the whole story. More than a hedge against downward mobility, Singer's clients were buying something else, something less tangible but more valuable. In securing a place for their kids in prestigious universities, they were buying the borrowed luster of merit.

BIDDING FOR MERIT

In an unequal society, those who land on top want to believe their success is morally justified. In a meritocratic society, this means the winners must believe they have earned their success through their own talent and hard work.

Paradoxically, this is the gift the cheating parents wanted to give their kids. If all they really cared about was enabling their children to live in affluence, they could have given them trust funds. But they wanted something else—the meritocratic cachet that admission to elite colleges confers.

Singer understood this when he explained that the front door means "you get in on your own." His cheating scheme was the next best thing. Of course, being admitted on the basis of a rigged SAT or phony athletic credentials is not making it on your own. This is why most of the parents hid their machinations from their kids. Admission through the side door carries the same meritocratic honor as admission through the front door only if the illicit mode of entry is concealed. No one takes pride in announcing, "I've been admitted to Stanford because my parents bribed the sailing coach."

The contrast with admission based on merit seems obvious. Those admitted with sparkling, legitimate credentials take pride in their achievement, and consider that they got in on their own. But this is, in a way, misleading. While it is true that their admission reflects dedication and hard

work, it cannot really be said that it is solely their own doing. What about the parents and teachers who helped them on their way? What about talents and gifts not wholly of their making? What about the good fortune to live in a society that cultivates and rewards the talents they happen to have?

Those who, by dint of effort and talent, prevail in a competitive meritocracy are indebted in ways the competition obscures. As the meritocracy intensifies, the striving so absorbs us that our indebtedness recedes from view. In this way, even a fair meritocracy, one without cheating or bribery or special privileges for the wealthy, induces a mistaken impression—that we have made it on our own. The years of strenuous effort demanded of applicants to elite universities almost forces them to believe that their success is their own doing, and that if they fall short, they have no one to blame but themselves.

This is a heavy burden for young people to bear. It is also corrosive of civic sensibilities. For the more we think of ourselves as self-made and self-sufficient, the harder it is to learn gratitude and humility. And without these sentiments, it is hard to care for the common good.

College admission is not the only occasion for arguments about merit. Debates about who deserves what abound in contemporary politics. On the surface, these debates are about fairness: Does everyone have a truly equal opportunity to compete for desirable goods and social positions?

But our disagreements about merit are not only about fairness. They are also about how we define success and failure, winning and losing—and about the attitudes the winners should hold toward those less successful than themselves. These are highly charged questions, and we try to avoid them until they force themselves upon us.

Finding our way beyond the polarized politics of our time requires a reckoning with merit. How has the meaning of merit been recast in recent decades, in ways that erode the dignity of work and leave many people feeling that elites look down on them? Are the winners of globalization justified in the belief that they have earned and therefore deserve their success, or is this a matter of meritocratic hubris?

At a time when anger against elites has brought democracy to the brink, the question of merit takes on a special urgency. We need to ask whether the solution to our fractious politics is to live more faithfully by the principle of merit, or to seek a common good beyond the sorting and the striving.

1

WINNERS AND LOSERS

These are dangerous times for democracy. The danger can be seen in rising xenophobia and growing public support for autocratic figures who test the limits of democratic norms. These trends are troubling in themselves. Equally alarming is the fact that mainstream parties and politicians display little understanding of the discontent that is roiling politics around the world.

Some denounce the upsurge of populist nationalism as little more than a racist, xenophobic reaction against immigrants and multiculturalism. Others see it mainly in economic terms, as a protest against job losses brought about by global trade and new technologies.

But it is a mistake to see only the bigotry in populist protest, or to view it only as an economic complaint. Like the triumph of Brexit in the United Kingdom, the election of Donald Trump in 2016 was an angry verdict on decades of rising inequality and a version of globalization that benefits those at the top but leaves ordinary citizens feeling disempowered. It was also a rebuke for a technocratic approach to politics that is tone-deaf to the resentments of people who feel the economy and the culture have left them behind.

The hard reality is that Trump was elected by tapping a wellspring of

anxieties, frustrations, and legitimate grievances to which the mainstream parties had no compelling answer. A similar predicament afflicts European democracies. Before they can hope to win back public support, these parties must rethink their mission and purpose. To do so, they should learn from the populist protest that has displaced them—not by replicating its xenophobia and strident nationalism, but by taking seriously the legitimate grievances with which these ugly sentiments are entangled.

Such thinking should begin with the recognition that these grievances are not only economic but also moral and cultural; they are not only about wages and jobs but also about social esteem.

The mainstream parties and governing elites who find themselves the target of populist protest struggle to make sense of it. They typically diagnose the discontent in one of two ways: As animus against immigrants and racial and ethnic minorities or as anxiety in the face of globalization and technological change. Both diagnoses miss something important.

DIAGNOSING POPULIST DISCONTENT

The first diagnosis sees populist anger against elites mainly as a backlash against growing racial, ethnic, and gender diversity. Accustomed to dominating the social hierarchy, the white male working-class voters who supported Trump feel threatened by the prospect of becoming a minority within "their" country, "strangers in their own land." They feel that they, more than women or racial minorities, are the victims of discrimination; and they feel oppressed by the demands of "politically correct" public discourse. This diagnosis of injured social status highlights the ugly features of populist sentiment—the nativism, misogyny, and racism voiced by Trump and other nationalistic populists.

The second diagnosis attributes working-class resentment to bewilderment and dislocation wrought by the rapid pace of change in an age of globalization and technology. In the new economic order, the notion of work tied to a lifelong career is over; what matters now are innovation, flexibility, entrepreneurialism, and a constant willingness to learn new skills. But,

according to this account, many workers bridle at the demand to reinvent themselves as the jobs they once held are outsourced to low-wage countries or assigned to robots. They hanker, as if nostalgically, for the stable communities and careers of the past. Feeling dislocated in the face of the inexorable forces of globalization and technology, such workers lash out against immigrants, free trade, and governing elites. But their fury is misdirected, for they fail to realize that they are railing against forces as unalterable as the weather. Their anxieties are best addressed by job-training programs and other measures to help them adapt to the imperatives of global and technological change.

Each of these diagnoses contains an element of truth. But neither gives populism its due. Construing populist protest as either malevolent or misdirected absolves governing elites of responsibility for creating the conditions that have eroded the dignity of work and left many feeling disrespected and disempowered. The diminished economic and cultural status of working people in recent decades is not the result of inexorable forces; it is the result of the way mainstream political parties and elites have governed.

Those elites are now alarmed, and rightly so, at the threat to democratic norms posed by Trump and other populist-backed autocrats. But they fail to acknowledge their role in prompting the resentment that led to the populist backlash. They do not see that the upheavals we are witnessing are a political response to a political failure of historic proportions.

TECHNOCRACY AND MARKET-FRIENDLY GLOBALIZATION

At the heart of this failure is the way mainstream parties conceived and carried out the project of globalization over the past four decades. Two aspects of this project gave rise to the conditions that fuel populist protest. One is its technocratic way of conceiving the public good; the other is its meritocratic way of defining winners and losers.

The technocratic conception of politics is bound up with a faith in markets—not necessarily unfettered, laissez-faire capitalism, but the broader belief that market mechanisms are the primary instruments for achieving

the public good. This way of thinking about politics is technocratic in the sense that it drains public discourse of substantive moral argument and treats ideologically contestable questions as if they were matters of economic efficiency, the province of experts.

It is not difficult to see how the technocratic faith in markets set the stage for populist discontent. The market-driven version of globalization brought growing inequality. It also devalued national identities and allegiances. As goods and capital flowed freely across national borders, those who stood astride the global economy valorized cosmopolitan identities as a progressive, enlightened alternative to the narrow, parochial ways of protectionism, tribalism, and conflict. The real political divide, they argued, was no longer left versus right but open versus closed. This implied that critics of outsourcing, free-trade agreements, and unrestricted capital flows were closed-minded rather than open-minded, tribal rather than global.[1]

Meanwhile, the technocratic approach to governance treated many public questions as matters of technical expertise beyond the reach of ordinary citizens. This narrowed the scope of democratic argument, hollowed out the terms of public discourse, and produced a growing sense of disempowerment.

The market-friendly, technocratic conception of globalization was embraced by mainstream parties of the left and the right. But it was the embrace of market thinking and market values by center-left parties that proved most consequential—for the globalization project itself and for the populist protest that followed. By the time of Trump's election, the Democratic Party had become a party of technocratic liberalism more congenial to the professional classes than to the blue-collar and middle-class voters who once constituted its base. The same was true of Britain's Labour Party at the time of Brexit, and the social democratic parties of Europe.

This transformation had its origins in the 1980s.[2] Ronald Reagan and Margaret Thatcher had argued that government was the problem and that markets were the solution. When they passed from the political scene, the center-left politicians who succeeded them—Bill Clinton in the U.S., Tony