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LEFT, RIGHT, AND MERITOCRACY Comment on M. Sandel's *The Tyranny of Merit*

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As one would expect from my esteemed colleague Michael Sandel, *The Tyranny of Merit: What's Become of the Common Good?*¹ is provocative and important, ranging gracefully across space and time and effortlessly from philosophical conundrums to telling anecdotes or bits of data. *The Tyranny of Merit: What's Become of the Common Good?* offers salutary critiques of its most likely readers, well-educated liberal Democrats: it is our “elite condescension and credentialist prejudice”² that is largely responsible for pushing less-educated white Americans into a populist politics frequently expressed as racism, xenophobia, and authoritarianism. Sandel insists that populism is not at its core racist and authoritarian; rather, it is a cry of anger, frustration, and humiliation about being manipulated into losing a meritocratic race that technocratic, purportedly liberal, cosmopolites both set up and declared themselves to have won.

That is a crude summary of a textured and nuanced argument, and I have emphasized the shock value of Sandel's more modulated analyses. Nonetheless, I don't think I have distorted his core assertion. I agree with a great deal of it and have learned even more.³ But because this is a comment and not a review, I will summarize a few key points in order

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1 MICHAEL J. SANDEL, *THE TYRANNY OF MERIT: WHAT'S BECOME OF THE COMMON GOOD?* (2020).

2 *Id.* at 205.

3 Anticipating Sandel's proposal for lotteried admission among all qualified students to high-status universities in order to blunt meritocratic excess, I once found myself proposing something similar in a job interview at an excellent, very leftist, small liberal arts college. It did not go well.

to set up a few disagreements; coming to terms with *The Tyranny of Merit: What's Become of the Common Good?* has sharpened my thinking in ways for which I am grateful.

Although the history of meritocracy winds through Martin Luther and John Calvin, and then Thomas Jefferson, Margaret Thatcher, and Ronald Reagan, Sandel locates its contemporary center in the American Democratic party. Successful coastal Democrats promote globalization, light control of markets, and moral accolades for the most successful. Winners deserve their high status, and losers must accept the sting of failure; after all, the magic of Pareto optimality will eventually improve the lot of everyone more than redistribution or regulation could do. As Sandel points out, Bill Clinton, Barack Obama, and Hillary Clinton all described any given preferred policy as “not just the right thing to do, it’s the smart thing to do.”⁴ No wonder that those not deemed sufficiently smart or right—disproportionately white, non-coastal, non-college-educated men—became defensive, then humiliated, then angry. This dynamic began long before Donald Trump descended his golden escalator. As I noted in *Facing Up to the American Dream*, published in 1995, in the ideology of the American dream, “failure is unseemly for two reasons: . . . people who fail are presumed to lack talent or will . . . [and] if success implies virtue, failure implies sin.”⁵ Hence, the rise of populism, with its confusing mixture of democratic impulses, racism and authoritarianism, communitarian strands, and admiration for (some of) the rich.

This analysis is at least partly correct, but it points to three puzzles. First, meritocracy does not fully define the American left and—symmetrically—it does partly define the American right. On the one hand, many liberal or leftist politicians, scholars, and public intellectuals challenge or reject meritocracy. In her speech accepting the presidential nomination in 2016, Hillary Clinton urged her listeners to “put ourselves in the shoes of young Black and Latino men and women who face the effects of systemic racism and are made to feel like their lives are disposable.”⁶ Democratic candidates and office holders consistently endorse an increased minimum wage, guaranteed health insurance regardless of purportedly bad behavior, affirmative action for “diverse” students, and other policies that are not at the core of meritocracy. Bernie Sanders presented himself as the candidate of the working class—twelve percent of his primary supporters later voted for Trump in the 2016 general election.⁷

4 SANDEL, *supra* note 1, at 93.

5 JENNIFER HOCHSCHILD, *FACING UP TO THE AMERICAN DREAM: RACE, CLASS, AND THE SOUL OF THE NATION* 30 (1995).

6 Hillary Clinton, Address to the Democratic National Convention (July 28, 2016), in *Hillary Clinton's DNC Speech: Full Text*, CNN POLITICS (July 29, 2016), <https://www.cnn.com/2016/07/28/politics/hillary-clinton-speech-prepared-remarks-transcript>.

7 Danielle Kurtzleben, *Here's How Many Bernie Sanders Supporters Ultimately Voted for Trump*, NPR: POLITICS (Aug. 24, 2017, 2:53 PM), <https://www.npr.org/2017/08/24/545812242/1-in-10-sanders-primary-voters-ended-up-supporting-trump-survey-finds>.

On the other hand, conservative politicians and lay people often *are* strong meritocrats. In 2012, presidential candidate Mitt Romney described to donors the “forty-seven percent” of voters

who believe the government has a responsibility to care for them, who believe that they are entitled to health care, to food, to housing, to you-name-it. . . . [M]y job is not to worry about those people. I’ll never convince them they should take personal responsibility and care for their lives.⁸

In 2020, President Trump issued an executive order proclaiming “the fundamental premises underpinning our Republic: that all individuals . . . should be allowed an equal opportunity under the law to pursue happiness and prosper based on individual merit.”⁹

Public opinion surveys, in fact, show conservatives to be more likely than liberals to hold individuals responsible for their mobility, poverty, or situation in life. As Sandel points out, conservative voters are furious about “line-cutters” who push themselves forward without earning their status, and they resent pampered city dwellers who would fail in a rougher rural environment.¹⁰ In short, meritocracy is the province of neither left nor right. Rather, Americans dispute what counts as merit, what conditions are necessary for merit to be able to rise above constraints, who should create those conditions and how, and when other values should supersede meritocracy. Those are intense and politicized debates, perhaps now more than ever—but they are not primarily debates between leftist meritocrats and right-wing communitarians.

Second, meritocracy is not new. Sandel recognizes that, of course, but I think he overstates the argument that merit has recently become much more tyrannous. I have room here only to point to a few earlier exemplars—but consider (1) Benjamin Franklin’s *Autobiography* with its elaborate checklist of virtues to be cultivated in order to attain wealth and prominence;¹¹ (2) Ralph Waldo Emerson’s uncharacteristically succinct observation that “there is always a reason, *in the man*, for his good or bad fortune, and so, in

8 David Corn, *SECRET VIDEO: Romney Tells Millionaire Donors What He REALLY Thinks of Obama Voters*, MOTHER JONES (Sept. 17, 2012), <https://www.motherjones.com/politics/2012/09/secret-video-romney-private-fundraiser/>.

9 Exec. Order No. 13, 950, 85 Fed. Reg. 60683 (Sept. 22, 2020), <https://www.whitehouse.gov/presidential-actions/executive-order-combating-race-sex-stereotyping/>.

10 ARLIE RUSSELL HOCHSCHILD, *STRANGERS IN THEIR OWN LAND: ANGER AND MOURNING ON THE AMERICAN RIGHT* (2016); KATHERINE CRAMER, *THE POLITICS OF RESENTMENT: RURAL CONSCIOUSNESS IN WISCONSIN AND THE RISE OF SCOTT WALKER* (2016).

11 BENJAMIN FRANKLIN, *THE AUTOBIOGRAPHY OF BENJAMIN FRANKLIN* (2012).

making money”;¹² (3) Russell Conwell’s “Acres of Diamonds” sermon, preached over 5,000 times at the turn of the twentieth century, which exhorted its hearers that

you ought to get rich, and it is your duty to get rich. . . . The men who get rich may be the most honest men you find in the community. . . . [T]he number of poor who are to be sympathized with is very small. . . . [T]here is not a poor person in the United States who was not made poor by his own shortcomings;¹³

and finally, (4) Pa’s song in the best-selling *Little House in the Big Woods* series:

It’s cowards alone that are crying,
And foolishly saying: “I can’t!”
It’s only by plodding and striving,
And labouring up the steep hill
Of life, that you’ll ever be thriving,
Which you’ll do, if you’ve only the will.¹⁴

None of these, of course, are richly developed philosophical arguments—but all point to a celebration of success and its attendant righteousness, coupled with scorn for failure and its attendant disgrace. There is, perhaps, nothing new under the sun, and meritocracy is certainly not new.

Third and most broadly, *The Tyranny of Merit: What’s Become of the Common Good?* has induced me to ponder the historical migrations of “conservative” and “progressive” philosophies. Meritocracy rose as what we might now call a left-wing challenge to traditional methods of and justifications for inequality—ancestry, race, gender, priestly anointing. Thomas Jefferson’s call for governance by a “natural aristocracy” of “virtue and talents” was an attack on the “artificial aristocracy, founded on wealth and birth, without either virtue or talents.” It was, in its time, a boldly egalitarian claim. So, in its time, was Lincoln’s claim that, although Black Americans never could or should be socially equal to whites, they should be free, and have the full right to the fruits of their labor and to strive to improve their social condition. So, in its time, were women’s demands to have their accomplishments judged by the same criteria as men’s. In short, meritocracy was a moral and philosophical weapon against unfair hierarchy. *The Tyranny of Merit: What’s Become of the Common Good?* forces us to ponder whether merit has now become the foundation of a new unfair hierarchy, to be challenged in its turn by populism or some other ideal.

12 Ralph Waldo Emerson, *Wealth* (1860), <https://emersoncentral.com/texts/the-conduct-of-life/wealth/>.

13 Russell Conwell, *Acres of Diamonds* (1882), <https://www.americanrhetoric.com/speeches/rconwellacresofdiamonds.htm>.

14 LAURA INGALLS WILDER, *THE LONG WINTER* 334 (1940).

This line of thinking about *The Tyranny of Merit: What's Become of the Common Good?* leads me to a final observation. At roughly the same time that meritocracy was arguably switching sides from radical to status-quo-preserving, the politics of identity was moving in the opposite direction. Liberals used to celebrate Americans' ability to choose how much of their heritage to retain and how much to turn themselves into a different kind of person that they preferred to be. I will never forget an elderly relative's pride as she described her successful struggle to move away from her ethnic family enclave and culture in order to become an independent, secular scholar; she brought to mind the many authors of the "from . . . to" genre of immigration memoirs.¹⁵ Reverend Martin Luther King Jr. expressed the same then-radical impulse in his call to evaluate people by "the content of their character" rather than "the color of their skin."

The right has moved in the opposite direction with regard to the importance of the identity into which one is born. At least before the twentieth century, conservatives understood people's life trajectories, and perhaps their characters, to be largely fixed by the circumstances of their birth. In *Pride and Prejudice*, Lady Catherine de Bourgh is outraged that "the shades of Pemberley are to be thus polluted" by the marriage of Elizabeth Bennett to her nephew, Mr. Darcy. Elizabeth does not dispute the view that rank at birth should determine one's life trajectory; she retorts that "In marrying your nephew, I should not consider myself as quitting that sphere. He is a gentleman; I am a gentleman's daughter; so far we are equal." History is full of examples of men proclaiming that women must not be permitted to become politicians or medical doctors, or that descendants of enslaved Africans were incapable of higher education, or that it was natural for Jews to be money lenders and then bankers.

By now, to put it too crudely, identity politics has become the province of the left rather than the right. To explore that shift is to move too far beyond *The Tyranny of Merit: What's Become of the Common Good?*—but the fact that Sandel has led me to ponder historical changes in the intersection of political stances and philosophical arguments might suggest to readers just how thought-provoking this book is.

15 A few examples: MARY ANTIN, *FROM PLOTZK TO BOSTON* (1899); EDWARD STEINER, *FROM ALIEN TO CITIZEN* (1914); RICHARD BARTHOLDT, *FROM STEERAGE TO CONGRESS* (1930).