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HUMBLE PIE IS COLD COMFORT Comment on M. Sandel's *The Tyranny of Merit*

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Capitalism has always had winners and losers, and losers have been unevenly distributed among particular groups. From the beginning, people of color have been among capitalism's biggest victims and have made up a disproportionate number of the poor. Even before the Reagan–Thatcher era, conservative cheerleaders for capitalism justified the uneven distributions of markets by blaming the victims. In the United States, for example, according to the famous *Moynihán Report*, Blacks were at the bottom of the pecking order because of a “culture of the underclass” that included fatherless families and teen pregnancy.

The last several decades have witnessed two important developments in this landscape. First, beginning in the late 1980s, New Democrats went all in for a neoliberal version of capitalism that encouraged free trade and deregulation. Instead of blaming the victims for their losses under neoliberalism, the New Democrats encouraged the losers to try harder, to get a college education in order to avoid the worst effects of economic restructuring. Education featured centrally as the star of their “equal opportunity” show—the great equalizer that would ensure that everyone had a fair chance at being a winner. Affirmative action helped get Black and brown students into higher education to jump-start their success (although Democratic elites never fully defended it, seeing it as anti-meritocratic).

Second, capitalism acquired some new losers along the way. In the wake of global restructuring, long-term wage stagnation, and the Great Crash of 2008, capitalism's losers came to include the white working and middle class (especially white working- and middle-class men). Democratic elites doubled down on their meritocratic rhetoric and

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on their push for displaced workers and their children to get job retraining or a college degree. There was some cultural bashing as well. Certain politicians, including Bill and Hillary Clinton and Barack Obama, dissed various members of the working class, calling them trailer trash, deplorables, and simpleminded people who were clinging to their guns and religion.

Of course, we all know what happened next. In 2016, Donald Trump rode the wave of a populist backlash, capitalizing on white working-class resentment, to find a pathway to the White House. According to many commentators, Trump's electoral success depended heavily on the millions of non-college-educated white men who were infuriated by what they perceived as their relegation to second-class status.

In *The Tyranny of Merit: What's Become of the Common Good?*,¹ Sandel calls out those Democratic elites for their abandonment of white working-class men to the cruelty of the market. Sandel's argument is actually narrower than that: Sandel does not take issue with capitalism, job displacement, or wage stagnation, but instead he takes issue with the meritocratic rhetoric that Democratic elites have used to justify the restructured economy's wins and losses. Sandel takes particular aim at the hubris that meritocracy-talk generates among the winners and indicts as overly harsh the moral judgment that meritocracy imposes on capitalism's losers. In Sandel's view, such judgments erode solidarity, demean and demoralize those left behind, and disempower ordinary non-college-educated citizens.

In the way of affirmative prescription, Sandel argues for a rethinking of meritocracy and its attitudes toward success and failure. Beyond arguments for a wage subsidy and a fancy-school admissions lottery, he argues chiefly that elites should be more humble, be more attentive to the role that luck has played in their success, and be more affirming of the dignity and respect of all work—not just the work of the college-educated professionals that people their ranks.

There is much to recommend Sandel's book as an argument targeting Democratic elites for their snobbish assumption that the elite deserve their riches and the lumpen proletariat do not because they have not worked hard enough. Others have written glowing reviews of the book, with which I mostly agree. Sandel deserves effusive praise, both for being willing to critique the Democrats and for making his critique of the elites so accessible. However, I write to make two critical points.

First, Sandel fails to recognize that people of color are also victims of capitalism and the rhetoric of meritocracy that Democratic elites use to justify capitalism's uneven distribution. Because Sandel's critique is focusing on the white working class as capitalism's newest victims, and the effect of meritocratic rhetoric on them, he only briefly mentions

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

people of color. More specifically, aside from a section on the difficulties that affluent children face in getting into selective colleges, Sandel's book focuses almost exclusively on white working-class men, which makes it seem as though they are the only ones affected.

Although Sandel is welcome to focus on whatever group of capitalism's victims he chooses, the book's title and framing suggest a more general study of meritocracy. In that framework, Sandel's exclusive focus suggests that capitalism and meritocracy have harmed primarily, and maybe only, the white working class and then mostly men. There's certainly a distinctive story to tell about the white working class, and others have begun to tell it.² But as a book about the tyranny of meritocracy in general, the book's argument suffers from its overly narrow focus on this group of people.

We can see this best in the sections of the book where Sandel should be talking about African Americans and Latinos, but he does not. For example, when pointing out that globalization and automation have hurt American workers, he cites to statistics only about white men.³ But it turns out that African American workers are disproportionately concentrated in the kinds of support roles most likely to have been affected by automation.⁴ Indeed, William Julius Wilson wrote a whole book about the effect of globalization and economic restructuring on African American workers. In his book *When Work Disappears*, Wilson tied the disappearance of African American jobs and the emergence of the ghetto to industrial restructuring, globalization, and foreign competition.⁵ Indeed, theorists have argued that Black workers might well have been the miners' canaries, warning of the future effects of restructuring on white workers.⁶

Similarly, when Sandel compares Americans to Danes and Canadians on economic mobility, he neglects to mention that, even as the number of African Americans going to college has increased, Black children born to parents in the bottom household-income

2 See, e.g., JUSTIN GEST, *THE NEW MINORITY: WHITE WORKING CLASS POLITICS IN AN AGE OF IMMIGRATION AND INEQUALITY* (2016) (describing white working-class alienation in the United States and United Kingdom); JOAN C. WILLIAMS, *WHITE WORKING CLASS: OVERCOMING CLASS CLUELESSNESS IN AMERICA* (2017) (analyzing fears of the white working-class people about their economic future).

3 "The median income of American males has been stagnant, in real terms, for half a century. Although per capita income has increased 85 percent since 1979, white men without a four-year college degree make less now, in real terms, than they did then." SANDEL, *supra* note 1, at 197.

4 Black workers are concentrated in automation-vulnerable occupations, such as office administration and support, transportation, and food preparation. David Baboolall et al., *Automation and the Future of the African American Workforce*, MCKINSEY REPORT (Nov. 14, 2018), <https://www.mckinsey.com/featured-insights/future-of-work/automation-and-the-future-of-the-african-american-workforce>.

5 WILLIAM JULIUS WILSON, *WHEN WORK DISAPPEARS: THE WORLD OF THE NEW URBAN POOR* (1997).

6 LANI GUINIER & GERALD TORRES, *THE MINER'S CANARY: ENLISTING RACE, RESISTING POWER, TRANSFORMING DEMOCRACY* (2002).

quintile still have only a 2.5% chance of rising to the top quintile of household income, compared with 10.6% for whites, a gap that rivals that between Americans and Canadians.⁷

Sandel also wholly ignores the effect of the rhetoric of meritocracy on people of color. He might have noted, for example, the research finding that, for Latino students, believing in meritocracy erodes student self-esteem over time when they don't measure up.⁸ More surprisingly, when Sandel discusses conversations about merit that begin in the 1980s, he leaves out any sustained discussion about the stigmatizing effect of meritocracy on race-conscious affirmative action in college admissions. This struck me as a pointed omission, perhaps a deliberate choice to close the door on any conversation about meritocracy and race.

Most tellingly, when Sandel first describes the emergence of a populist backlash during the 2016 election,⁹ he describes it as working class, rather than white working class.¹⁰ But, of course, it wasn't the working class who triggered the populist backlash associated with Trump's election. It was the white working class without a college degree. As scholars of the election have shown, this group's resentment of elites was coupled with a deep anti-immigrant, anti-Black sentiment. Sandel is right to note that this resentment is not just naked racism, but he is wrong to imply that it has relatively less to do with race and more to do with meritocracy.

Again, I am not arguing here that people of color should be Sandel's focus, or that there is no distinctive story to tell about the white working class. Rather, I am arguing that the impact of restructuring and the use of meritocratic rhetoric to justify restructuring's wins and losses together have affected more than just white working-class men—all members of the working class have been affected in very historically specific ways. In a general book about globalization and meritocracy, Sandel's argument suffers from its deliberately narrowed focus on the smaller group.

7 Raj Chetty et al., *Race and Economic Opportunity in the United States: An Intergenerational Perspective*, 135 Q.J. ECON. 711, 733 (2020). Indeed, in Sandel's own citation of Chetty for the United States–Canadian gap, Chetty acknowledges this variation.

Relative mobility is lowest for children who grew up in the Southeast and highest in the Mountain West and the rural Midwest. Some [commuting zones] in the United States have relative mobility comparable to the highest mobility countries in the world, such as Canada and Denmark, while others have lower levels of mobility than any developed country for which data are available.

Raj Chetty et al., *Where Is the Land of Opportunity?*, 129 Q.J. ECON. 1553, 1556 (2014). “Perhaps the most obvious pattern from the maps . . . is that intergenerational mobility is lower in areas with larger African American populations, such as the Southeast.” *Id.* at 1605.

8 See Erin Godfrey et al., *For Better or for Worse: System-Justifying Beliefs in Sixth Grade Predict Trajectories of Self-Esteem and Behavior Across Early Adolescence*, 90 CHILD DEV. 180 (2019).

9 SANDEL, *supra* note 1, at 71.

10 Sandel does mention that “some members of the working class” trafficked in racism when voting for Trump. *Id.* at 72. Although Sandel does use the phrase “white working class” elsewhere, he frequently uses “white working class” interchangeably with “working class,” as though these terms were equivalent, throughout the book.

Second, Sandel misdiagnoses the problem as meritocracy rather than neoliberal capitalism. This misdiagnosis means that he doesn't take the problems of white working-class men seriously enough to offer them a real solution. In several chapters, Sandel goes so far as to suggest that for the white male worker, the problem is less that he has lost his manufacturing job and more that he has been humiliated over the loss. Indeed, in one chapter, Sandel cites to the Case and Deaton study of "deaths of despair" to suggest that these deaths are attributable to worker humiliation as opposed to the material loss they suffered.¹¹ But the study authors themselves attribute these deaths to the flaws in capitalism—to the weakened position of labor, the consolidation of power among corporations, and to the long-term wage stagnation, job loss, and accompanying loss of social capital that have all accompanied restructuring.¹² They say little about meritocratic rhetoric or even humiliation at the hands of elites as an underlying cause.¹³

Because he has misdiagnosed the problem, Sandel offers little in the way of real solutions for the displaced white worker. He devotes much of one chapter on education to a proposed lottery for college admissions at fancy schools, a lottery among those who are "qualified" to do the work at those schools. He spends several pages anticipating objections from elites, as though structural inequality wouldn't doom the majority of the white and non-white working class to fall into the group of unqualified applicants, or as though the majority of these groups still wouldn't apply to fancy schools for reasons other than their GPA. Sandel does mention important non-elite forms of education, like community college or job training, but only in a drive-by sentence after discussing the fancy-school lottery.

That Sandel has misdiagnosed the problem becomes clear in the other solutions-focused chapter on the dignity of work. Here, Sandel endorses a wage subsidy program that looks something like a universal basic income program. This solution, which looks far more promising than an attitude shift, seems to concede that the problem is, in fact, more material than rhetorical. Even then, those programs offer only a supplement to wages for displaced workers forced into precarious jobs in the informal economy. Wage subsidies don't solve the underlying job displacement problem, and they don't solve the meritocracy problem either. Sandel does suggest that policy-making choices should prioritize job creation, a recommendation that Joe Biden appears to be taking to heart with his early labor-focused cabinet picks. But Sandel spoils the soup by arguing that job creation should perhaps be more important than environmental clean-up goals.

11 *Id.* at 199.

12 ANNE CASE & ANGUS DEATON, *DEATHS OF DESPAIR AND THE FUTURE OF CAPITALISM* (2020).

13 Roge Karma, *Deaths of Despair: The Deadly Epidemic that Predated Coronavirus*, VOX (Apr. 15, 2020, 8:50 AM), <https://www.vox.com/2020/4/15/21214734/deaths-of-despair-coronavirus-covid-19-angus-deaton-anne-case-americans-deaths> (interview with Case and Deaton).

Beyond the wage subsidy, the book offers white working-class men little concrete relief, other than the exhortation to progressive elites to be humble and to respect the dignity of non-college-degree work. But shifting rhetoric won't provide high-wage, stable jobs with opportunities for advancement. That's a big part of why Trump won—because he promised he would bring back the manufacturing jobs that had disappeared or been automated away—although he never really made good on that promise. And that's why Trump might have won again, had the pandemic not intervened: in part because of an inherited hot economy, Trump was on track to outpace both Bush and Obama in job creation before the pandemic disrupted everything.¹⁴

Sandel is right to focus on the losses suffered by white working-class men, and should have expanded his focus to include the legions of others that neoliberal capitalism and meritocracy have victimized. But the core problem for all writ large is capitalism and writ small is job loss. Meritocracy is just the sideshow. A fancy-school lottery and a suggestion to elites to eat humble pie is cold comfort for those who suffer the pain of a restructured economy. And although it might be unfair of me to expect a philosopher to fix the material problems of global capitalism, I am reminded of advice I got from a mentor in law school (whose brother was a famous philosopher). My mentor told me that philosophy raises the most important questions for society to resolve but has relatively less to offer than other disciplines in the way of answers. As a book about raising questions, Sandel's book succeeds in spotlighting important issues. As a book about answers, Sandel's book has much less merit.

14 Brian O'Keefe & Nicolas Rapp, *How President Trump Measures Up on Job Creation in 6 Charts*, FORTUNE (Oct. 19, 2020, 7:00 AM), <https://fortune.com/longform/comparing-trump-on-jobs-us-economy-past-presidents-obama-bush-clinton/> (using U.S. Bureau of Labor Statistics data).