

# Stay Tuned Transcript: What Is Justice? (with Michael Sandel)

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**Preet Bharara:** From CAFE welcome to Stay Tuned. I'm Preet Bharara.

*(Voiceover by guest, Prof. Michael Sandel)*

People are hungry to engage in discussion and debate about big ethical questions that matter: They're hungry to figure out what they believe about their own lives, and what is the right thing to do. And they're also eager to argue and debate and reason with fellow citizens in public about questions of justice and injustice, equality and inequality, what it means to be a citizen.

I find this hunger (all over)—especially in young people who are eager for these discussions. And I think this reflects the fact that we have too few occasions, too few public gathering places in our civic life that enable us to think together and reason together in public about big questions that matter.

I think this is a mistake. I think by trying to avoid engaging with our deepest disagreements about justice and ethics and morality in the common good we impoverish public life. We drive ourselves further apart, because we don't cultivate the art of listening. Even where we disagree, the art of listening is an important civic art. And we're not very good at it these days.

## Reason and Listen

That's Harvard professor Michael Sandel, a man who thinks writes and talks all about justice. He lives and breathes it, and he helped me formulate my ideas about justice when I was just a

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teenager. Today Professor Sandel joins me to discuss his life's work, which happens to center on the themes that drive this show, justice, ethics and democracy.

Sandel teaches political philosophy at Harvard College. His introductory course which I took, Justice, was the first Harvard class to be recorded and posted online for free. It has now been viewed by tens of millions of people across the globe. We talked through why Sandel thinks public discourse today is empty, and the consequences of meritocracy. That's coming up. Stay Tuned.

Michael Sandel, Welcome to the show.

**Michael Sandel:** Good to be with you Preet. Thanks so much for having me.

**Preet Bharara:** You were my professor when I was a freshman at Harvard College thirty-two years ago, in a big class. I believe in the catalog, denoted as a Moral Reasoning 22. That was called aptly and broadly, "Justice." And it was the most eye opening class that I think I had in my entire time, because it dealt with issues of justice broadly.

What I think was important, the gift I think you gave me and thousands of other students, not necessarily that you change the substance of my thinking, although in some ways, I'm sure you did, but that you influenced the methodology at my thinking. That I learned how to be a more critical analyzer of facts and circumstances and principles because of the way you taught that class.

**Michael Sandel:** Well, moral intuitions can only take us so far when trying to reason, and sometimes they may mislead us.

This matters to education, because it seems to me that one of the main points of a liberal arts education, and education, and humanities, is really to figure out what we believe and why. And for that project, our moral intuitions, our first impressions matter. They're a starting point for reason, reflection, but they're not necessarily the final destination.

We have to figure out moral reasoning consists in bringing into alignment our judgments in particular cases, our opinions about what to do, and the principles by which we live or believe we should live if we think about it.

So this, I think, is what philosophy is fundamentally about figuring out what we believe and why. I also think it matters to a healthy civic life that citizens be able to engage in this kind of deliberation and debate.

**Preet Bharara:** It's also a method of persuading other people, as opposed to just using examples reasoning matters, right?

**Michael Sandel:** It does, it's a matter of persuasion. And doubtless you've found this and displayed this in the courtroom. That it's very difficult to persuade people, unless one can first identify what they think is the right thing to do, and why they believe that because otherwise, it's very difficult to really connect with the principles of people with whom we may disagree.

**Preet Bharara:** So, can I tell you the thing that I've thought about a lot?

**Michael Sandel:** Yeah.

**Preet Bharara:** And maybe you encountered this with other students who you've run into again, years later. I found college to be fascinating, and I found the depth of the debate on social and moral questions, and it was one of the things that I studied, endlessly fascinating.

When you talk about what we would now call hot button, political issues. I guess they were hot button then also, like abortion. These are among issues you talk about in the class later, the death penalty, affirmative action, I guess in more recent times marriage equality.

I remember debating those things with fellow students and other folks and with professors and TAs, sometimes into the evening. We got into basics, and we really had at it on the fundamental question, is it okay or not? Is abortion justifiable or not?

I found that later in life, meaning starting in my mid 20s, there were very few conversations like that, that I've had with people, because they're difficult to have outside of that sort of early awakening to reasoning, and to debate and discussion on the college campus. And also you find, and maybe this is giving up too soon, you find that people's views on these things are pretty much fixed.

And so the debates, obviously, about reproductive choice, and marriage equality, all those things happen still. But I don't feel like they happen at the same fundamental level that people were comfortable with talking about on campus. And maybe that's all inverted now. Maybe I have that all wrong. Does that make any sense to you?

**Michael Sandel:** It makes a lot of sense Preet. One of the, to me, most precious things about teaching undergraduates in particular is I think there is a window in our lives that runs roughly from age 18 to one's well be generous, mid, late 20s, maybe early 30s.

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There is a window when we are eager to explore what we believe are fundamental questions. And when we're willing to reflect and debate and argue late into the night in a dorm room, as you were describing you did as a freshman.

And somehow, as we get older, maybe it has to do with entering the world of work. That window begins to close, and we don't notice it at first. But unless we are really attentive to preserving our openness to moral and philosophical reflection. We find that before long the window has closed.

Our views are more or less texts. And the debates we have about politics and moral questions and questions of justice, are mainly offering views that are already preformed rather than exploring a new. And so, this is why I find teaching undergraduates to be a special privilege, the window is still open.

I engage audiences of all ages, and now in interactive discussion, lectures, debates on these kinds of questions Preet, but I invariably find, and this is true, whether in the US or in countries, cultures around the world. I invariably find that young people, let's say, up to and including in their 20s, tend to be more open in this way.

And part of what I think we need to do to make our civic life go better is to try to extend that window to preserve a certain measure of openness for this kind reflection and deliberation.

### **Civic engagement – Openness to change**

**Preet Bharara:** Should we begin earlier? Is there a version of your justice class that is or could be or should be taught in middle school for example?

**Michael Sandel:** Well, up to a point and we did an experiment from some years after you took the class Preet. We filmed the entire class and made it available on public television. Now, it lives online free for anyone who wants to see it.

And a number of middle schools and high schools tell us that they've made use of some of the lectures and episodes. It's all available free at [justiceharvard.org](http://justiceharvard.org). It's also on YouTube for anyone who wants to see. Justice is the name of the course.

But I think as a general matter, the best way to prepare students in middle school and beyond, the best way to equip students, elementary school, middle school, even high school is to make sure they are exposed to history and literature.

History and literature are concrete. They raise philosophical questions, but they raised those questions in the context of debates about The Revolutionary War, let's say, or the struggle over

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slavery and abolition, for example. Or in literature, debating how this or that character deals with a dilemma.

I would rather have my students be exposed to a rich array of literature and history in middle school and in high school, and then by the time they get to college, by the time they're 18, they're ready to read philosophers and figure out what they think about them.

**Preet Bharara:** You say another thing that's kind of jarring and surprising. Less so given the answer you just provided on the importance of having concrete things to learn. And it is an article of faith among lots of thinkers, that depth of knowledge and time spent exercising your brain on issues of philosophy is good, and it's good for democracy. And it's good for figuring out what our institution should be, and it's good for perfecting the social contract and everything else. And that's what the founding fathers did. I mean, in some ways, it was a practical expression of a certain political philosophy, a certain kind of liberal democracy that was being seen. An ordered society that was being established.

But you say in the first lecture, the following, "You have to allow for the possibility that political philosophy may make you a worse citizen, rather than a better one. Or at least a worse citizen before it makes you a better one. And that's because philosophy is a distancing, even debilitating activity." What do you mean by that?

**Michael Sandel:** Well, what I mean is that philosophy, in a way, asks questions about the way things are. About the way the laws happen to be at this at that moment in history. Socrates got into trouble for doing philosophy because the people of Athens saw him challenging, questioning, and inviting young people to challenge the laws and the conventions and the assumptions by which people lived.

And this can be threatening, this can be dangerous, this can distance at least provisionally distance citizens from the norms that govern their community, the conventions, the laws. The reason, though distancing, this kind of questioning can also make better citizens is that democratic citizens should cultivate the habit of critically examining the assumptions and the principles and the laws by which they live, because that's the only way we can reason about justice and aspire to a more just society.

We saw this in American history in the abolitionists questioning, challenging the justice of existing arrangements. And in a certain way, I suppose you could say in the 1830s, in 1840s, the abolitionists were estranged from the norms and standard practices of their society.

And yet, they pointed us to a more just society. That's what I mean, we have to be prepared for the dislocating aspect of questioning, of challenging the laws and assumptions by which we live. But that dislocation, that unease is central to being a democratic citizen.

## **Challenging conventions can be “dangerous” but that danger is central to democracy.**

**Preet Bharara:** There’s also an unrelated issue, I guess, of whether people think that kind of discussion and talk is elitist, whatever that word means in current society. And I’ll give you an example. I’ve had on the show now a few of the presidential candidates running on the Democratic side, including one by the name Pete Buttigieg, and when I looked at his background and preparing for the interview I noticed he had an interest and studied at Oxford, political philosophy, Kant and Rawls.

I thought it was a great thing that somebody who aspires to be the president is well read not just in history, but also in philosophy and has given deep thought to some of these issues, even though there may not be any daily impact of that on policy decisions that he’s putting out or policy proposals that he’s putting out.

I saw on social media, some people said how lovely it is that a candidate can talk about political philosophy, and then I saw other people say, well, that’s not going to get many votes. That’s going to alienate people. Do you have a comment on that divide?

### **Elitism -**

**Michael Sandel:** I do not think that philosophy is an elitist activity. Now, we’ve been talking about how philosophy needs to be rooted in the concrete in the practical dilemmas and controversies that we encounter every day. This is not restricted to elites. Everyone, whatever their social background, or job or way of life, everyone encounters hard choices, moral dilemmas, whether in looking at the headlines, or in navigating our way through our personal lives.

Think of your experience in the courtroom when you seek to persuade a jury. The beauty of the jury system is that it doesn’t consist of a group of elites who are there meant to reflect on the case and to be persuaded.

What gathers the jury is a very concrete particular case, and a question of what to do about it. Questions of fact, questions of law, and sometimes questions of values. Deliberation in the democratic society is like that, too. And so, I think having political leaders who are alive to the philosophical dimension of public life is a healthy thing, especially if they can connect philosophical principles and ideals, to the concrete lives, we live into the arguments they are trying to bring to bear, whether it’s to do with tax policy or health care, or under what conditions to take the country toward.

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These are very concrete questions that everyone can have a view about. And yet that draws upon competing philosophical principles. That's why I don't think it's an elitist pursuit.

### **Concrete stories -**

**Preet Bharara:** Yes, as long as rooted in the concrete. And in fact, some of these debates that have been going on for decades that we call social hot button issues, some of them, the views on these things have changed very dramatically in a short period of time. Since the time I took that class with you, years ago, the United States of America has come around to a very different acceptance of gay marriage, marriage equality. That happened over a fairly short period of time considering other kinds of reforms that people have sought, and equal protection that people have sought over time.

And it wasn't done through moral reasoning, it seems. It seems it was done through people having concrete experiences with the actual suffering and inequality that people were facing by being denied a certain right, and also experienced with just meeting other human beings who are different from them, and find that there's a lot more that they had in common with those people than otherwise.

Also true in the courtroom, you mentioned the arguments you make, a lot of it is through storytelling. Even now when we're talking about the crisis at the border. We're talking about the immigration policies that relate to deportation. The things that often seem to capture the minds of people are an individual story of an individual person or an individual child.

There's a story just in the last couple of days about someone who was deported to Baghdad, who had diabetes and who just passed away. And the cruelty of that policy can be debated philosophically, morally, legally, ethically. But the thing that often changes minds is the concreteness of that story.

**Michael Sandel:** It's true that concrete stories can often persuade us. And this certainly played an important part in achieving same sex marriage in this country. And it surely has played a part in the immigration debates.

The only thing I would add Preet, is that true persuasion happens when the public mind changes, as it did, just as you say, with surprising speed on same sex marriage. But I think for the public mind to change two things have to happen at once. People have to be exposed to concrete stories that moved them and help persuade them to rethink their position, whether about immigration or about same sex marriage.

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But if they are actually changing their minds about the policy, they are also changing their minds about the principle. Even though a moving story may lead them in the first instance to rethink their underlying principles and commitments.

I think one of the reasons why the immigration debate is so fraught politically is that our public discourse has failed to address the larger issues of principle that are at stake, and that are not easy to solve. And those larger principles include the question, what if anything, is the moral significance of national borders? Do we owe more to our fellow citizens than to citizens of other countries who may be in need and want to come here?

These are big philosophical questions that rarely get debated directly in the fury and maelstrom we have in politics over immigration. Instead, we're arguing about the wall and about Trump and about this inflammatory language of invasion, and how damaging that is. Those are important points to address.

But I think ultimately, we can't avoid the larger questions of principle, which in the case of immigration lying deep in the background or competing conceptions of what national community means and what to do, and it comes into tension with universalist or cosmopolitan universal moral commitments.

And I think part of the poverty of our public discourse today is that we're not very good at addressing big questions of values, or ethics, or justice, and arguing them out on the basis of civility, and mutual respect. I think we need to find a way to a better kind of public discourse in just this respect.

**Preet Bharara:** I wonder if part of the reason for that is that in the exercise of politics, in the project of politics, there are particular goals. A politician is trying to get elected, a politician is trying to broaden his or her base. And when presented bluntly and forthrightly with some of these questions and debates, the best route, in order not to alienate people, is to avoid first principles and avoid taking a stance on something that's deep and personal, and on which people are divided rather than sort of hit around the margins and be sort of generally disarming.

The reason I mentioned that is, we've been talking about a time when I was very young in your class. But there's a story that I didn't know until recently about you when you were young, in high school in California, and I'll set it up and then you can describe what happened. It sounds like you were a pretty arrogant kid.

**Michael Sandel:** Right.

**Preet Bharara:** Maybe you deserve to be. And you were very, very proud of your debate skills. You decided, well, you wanted to have a public debate in your high school. I don't know

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what kind of kid does this, maybe someone who goes on to be a Rhodes Scholar and a prominent professor at Harvard. Sound familiar?

**Michael Sandel:** Yes.

**Preet Bharara:** You sent a letter to the governor of California asking for a debate in public in your school. I think that that invitation was declined initially. I believe you sent the governor a bag of jellybeans upon which the governor said yes. And that person was?

**Michael Sandel:** Ronald Reagan.

### **Debate with Governor Reagan -**

**Preet Bharara:** Ronald Reagan. So, you debated... You were a high school senior?

**Michael Sandel:** Yes.

**Preet Bharara:** And all of your classmates come to the auditorium, and it's the height of the Vietnam War. And you think you're going to debate and crush Governor Reagan? Correct?

**Michael Sandel:** That is what I thought. I was 18 years old. I was a high school debater. I thought a pretty good one, and I didn't have a very high view of Ronald Reagan or his forensics skills. He was by then a very prominent figure, a leading conservative voice in the Republican Party. He was Governor of California. He had already sought the presidency once and fallen short. But he turns out he lived in the district of my high school, which was in Pacific Palisades, California, a suburb of Los Angeles. And so yeah, I thought this would be interesting.

Also, I was fascinated with politics. I was a political junkie. Everyone in my high school ranged from liberal to left liberal to left. It was an upper middle class public high school. Everyone there had long hair at the time, this was 1971. So it was right at the time, as you were saying Vietnam War, protests against the Vietnam War.

Ronald Reagan's views were not shared by hardly anyone in my high school. It was a high school at 2,400 people. He was for the Vietnam War; we were against it. He was against the United Nations; we were for it. He was against the Welfare State and Social Security. We were for those things. And he was also at that time against the 18 year old vote, which of course, we were very much for. I thought it would be an easy matter to dispatch him in a debate, mainly though I wanted him to come because I thought it would be interesting to engage with him, and to have my classmates engage with him on these big political questions. And lo and behold, he came.

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**Preet Bharara:** How did it go?

**Michael Sandel:** I would say I lost the debate.

**Preet Bharara:** How did he win the debate?

**Michael Sandel:** Well, I had a list of the toughest questions and all the issues I just mentioned, I could think of and grilled him one by one. I can't say that he persuaded any of us to change our minds about these issues about the Vietnam War, or the Welfare State or Social Security, or the 18 year old vote. But he listened attentively.

He displayed a kind of disarming respect really, and humor, civility. He took us seriously. I think that surprised us. Answered, offering his views, and after I had my go, we opened the floor to questions from the students, the same thing happened. And at the end of the hour, I thanked him, he got into his limousine at the back of the auditorium, and he went back.

We didn't quite realize what had happened. He'd not swayed our views on any of the issues. But I think he did somewhat change our view of him we had been inclined beforehand, and the distance to see him in demonized terms almost. And the charm, more than charm, the kind of perspective he showed us. I think later, nine years later, it turned out helped him be elected President of the United States, even though he even then did not persuade everyone of his unfettered laissez-faire approach to economics, and the various other... Some of the hard line positions he had. And so, that was really a telling lesson in politics.

### **More than listening is required to change minds.**

**Preet Bharara:** What does that say about the ability to get underneath things and to make progress in exposing why some of these positions may be wrong in public debate because the questioning is not enforced by a judge. It's open public square.

I wonder if you have a charming, talented politician who knows how to be respectful and can state the reasons that they have for their positions, even if you disagree completely it's basically a recitation of reasons and the other side recites their reasons, you don't get anywhere. And that's kind of an impasse. Is that how it's supposed to be?

**Michael Sandel:** Well, it was an impasse in the sense that we were not persuaded of his views. I suspect because the 18 year vote had come into effect. I suspect very few of the 2,400 people there ultimately voted for him, very few. So you could say it was an impasse. But some learning took place. I don't know whether on both sides, maybe not on both sides.

But I think, well speaking for myself, I learned something about the importance of disagreeing with mutual respect, and civility and attentiveness. If you fast forward to political discourse these days. And what goes on, what takes place on cable TV, and much of talk radio. There's been a real decline.

### **Being rude -**

What passes for public discourse these days consists mainly of shouting matches where partisans don't listen to one another, are not even addressing the policies or the principles of the positions with which they disagree.

I think this is contributed to the frustration that so many people have about mainstream politics in the US and in democracies around the world. The hollowness, the emptiness, of public discourse. If I could just add one thing about that hollowness, it goes back to something you said a moment ago.

### **Being too polite -**

We do have a tendency to try to avoid controversy or moral questions or ethical disagreements in politics. Politicians have that tendency. And we as ordinary citizens have that tendency because we know that in pluralist societies, people disagree about ethical questions. It says we think that we would find our way to a more tolerant society if we could just steer clear of questions of moral principle and the conceptions of justice or the common good.

I think this is a mistake. I think by trying to avoid engaging with our deepest disagreements about justice and ethics and morality and the common good we impoverish public life. We drive ourselves further apart because we don't cultivate the art of listening. Even where we disagree, the art of listening is an important civic art. And we're not very good at it these days.

**Preet Bharara:** You know, we have one solution, podcasts.

**Michael Sandel:** Podcasts. There you go. I think there is hope.

**Preet Bharara:** We're trying a little bit.

**Michael Sandel:** There is hope in podcasts, Preet, as you know, as this 100th anniversary of your podcast has demonstrated.

**Preet Bharara:** I'm going to ask you an impossible question about what advice you might give to people when they're considering whether or not something is just and there's lots of different areas where the issues of justice and fairness come in, in the criminal justice realm,

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economic policy, distribution of wealth is part of economic policy, decisions to go to war, healthcare, all sorts of things.

What's your advice to the average person who may be listening when they're trying to decide is it right or just that a particular corporation does or does not pay taxes? Or is it right or just that a police officer was not arrested after an incident where a young unarmed black person was killed? Or any one of a number of things, tariffs or anything else that have a moral dimension. What questions should people ask themselves in judging is that fair or not? Is that just or not?

**Michael Sandel:** Well, on one level, I think there's no single answer to the question you've asked, Preet. There's not an answer if you're looking for a formula. Some philosophers of the past have thought it that a formula is possible.

### Formulas -

For example, the utilitarians when we discussed at the outset, said there is a formula. The right thing to do, the just thing to do is whatever maximizes the overall balance of pleasure over pain, happiness over suffering. So, if the utilitarians are right about that, then for all of the questions you just mentioned, that's the way to decide it. But I think it's a mistake. I think moral reasoning by plugging in formulas of that kind I think that's misleading.

#### Utilitarians

*noun*

a family of consequentialist ethical theories that bases judgements as right and proper on actions that maximize happiness and well-being for the greatest number of people

The advice I would give to people who are wrestling with questions of justice and injustice, trying to formulate their views is if they can to engage in discussion and deliberation and debate with those who disagree with them, at least in their first impression. Or if they don't have access to people who hold the view opposite to theirs. Or if one hasn't even formulated the preliminary view, to listen to people if you can find them engaged in a recent debate about the question. And then at least the issues at stake can become clear.

**Preet Bharara:** Do you think it's possible to decide whether abortion should be permitted or prohibited without taking a stand or making a judgment about the moral permissibility of abortion.

**Michael Sandel:** There are far too few venues for this kind of recent deliberation and debate. In this respect, the media is failing us.

I also think that higher education needs to do more to provide occasions for students, young people to do just what you are doing in the dorm with your friends late at night, which is having been inspired or provoked by a set of challenging cases, or readings, to sit and argue it through with people who may disagree with you, who may like you be trying to formulate their own views. I think higher education needs to provide more occasions for this. I certainly think that in public light, the media has to provide more opportunities for this kind of reason, debate about big moral questions that matter.

**Preet Bharara:** Is there something you would recommend for people to read? Are their texts that form a basis for moral education or moral reasoning? Something people should pick up and read? [crosstalk 01:02:36].

**Michael Sandel:** Well, the one... I mean, if my book is the one to begin with, is my book "Justice: What's the Right Thing to Do?" which actually is based on the course you took.

**Preet Bharara:** Yeah, I know, I've read it.

**Michael Sandel:** But beyond that, and really one of the points of the Justice course and the Justice book is to invite people to read some of the famous philosophers of the past going all the way back to Socrates or Plato who wrote up the dialogues of Socrates. That might be the best place to start.

It's interesting that here, we've been talking about how philosophy needs to be rooted in the concrete in the everyday. If you go back to the first philosopher in the Western tradition, Socrates. That's exactly what he did. Socrates didn't even write any books. He didn't give any lectures, didn't have any TED talks or YouTube lectures.

**Preet Bharara:** He mostly tweeted, I think.

**Michael Sandel:** Well, he did the... Well, it's not the equivalent, I suppose of tweeting. He wandered the streets of Athens and encountered citizens, ordinary citizens, not fellow philosophers, and asked questions. Questions about the meaning of justice, the meaning of truth, the nature of the good life. But concrete questions, does might make right for example, and he got into disputes and arguments and debates. And he drew other people into it as if in a dorm room.

That's how philosophy began. It emerged from everyday encounters. Now, Socrates was pretty good at posing and framing these encounters with the everyday and asking the questions. But this rootedness in the concrete is captured in Socrates dialogues, which Plato wrote up and really made the foundation of philosophy in the Western tradition, so that that might be a good place to start.

## “The Tyranny of Merit” -

**Preet Bharara:** You’re working on a new book, as we speak, called the “Tyranny of Merit.” And that’s an interesting question that relates to profound justice issues. For lots of folks, I’ll just remember one more thing you did in that class 32 years ago that stuns me still. Here we are about 1,000 freshmen at Harvard College, a pretty hard school to get into. And the relevance of that is in the question that you asked. You asked the audience of students, raise your hand if you’re first born in your family. At least in my class, about three quarters of the kids raised their hand. What is the random chance that any particular group of 1,000 people would be the first born?

**Michael Sandel:** Right. It is an experiment that we did then and I did subsequently, and the result was always the same.

The reason for asking that question, and the reason that all these hands going up is so striking, is that students who get into a place like Harvard tend to think I got in thanks to my own effort. It was my doing that I landed here, and therefore I deserve whatever benefits flow from my admission.

We often forget the elements of contingency and luck and good fortune that enable us to have the various opportunities that come our way in life. And so, this question, this experiment was a way of prompting students to reflect on that question. What is the role of my own doing in gaining admission to Harvard College? And to what extent were elements of luck and good fortune a factor?

This is a question that I think we need to ask as a wider society. What I’m writing about in this new book that you’ve asked me about Preet is, why is it that in recent decades the successful in our society seem deeply to believe that it’s all they’re doing to have landed on top? Whether that means success in terms of money, or power, or prestige or recognition, there does seem to be in recent decades a growing sense that those who succeed deserve their success. That it’s their own doing. That they’re not indebted to the grace of God, or the luck of fortune or favorable family circumstances or the place where they were born and grew up. And I think this overweening sense that that successful deserve to have landed on top actually has had a corrosive effect on the sense of community. The sense in which we are all in this together.

If the successful believe it’s all their doing that they landed on top, I think they’re less likely to care for those less fortunate than themselves. And those who land on the bottom or who struggle to make ends meet may become resentful of this attitude. And I think this resentment animates a lot of the populist anger and backlash against elites and that’s what I’m trying to sort out.

**Preet Bharara:** That's a very profound point you make. And I want to read to you something you've written along these lines in which will get us to segue to the inevitable discussion about Donald Trump. You have written on this issue of meritocracy. One of the deepest political divides in American politics today is between those with and without a college degree.

And if you look at the polling that also represents one of the sharpest divides between people who voted for Trump and people who did not vote for Trump. And then you go on to say, which is an interesting thing for a renowned and longtime college professor to say, "Liberals and progressives have so valorized to college degree, both as an avenue for advancement and as the basis for social esteem. That they have difficulty understanding the hubris a meritocracy can generate, and the harsh judgment it imposes on those who have not gone to college." Then you say, "Such attitudes are at the heart of the populist backlash, and Trump's victory."

### **Two-thirds of Americans do not have a four-year college degree.**

**Michael Sandel:** Right. I think meritocratic hubris is a big part of what's generated the resentment that led to Trump. It's easy to forget that most Americans do not have a college degree. Only about one in three have a four year college degree, two thirds of Americans don't. And so, if we begin to conduct our public life as if social esteem were dependent on a college degree, and all of the attitudes associated with that, that neglects two thirds of the country.

I think that a lot of the anger and resentment against elites that fueled the election of Trump in the US. It's also true of Brexit in Britain, and authoritarian populace who have found success in other democracies. I think a lot of the anger has to do with the sense that elites are looking down on ordinary working people, and that the dignity of work. Work in the ordinary sense. People who make things and who perform useful services in their communities, that the dignity of work has been eroded.

I think that the response to Trump has to go beyond decrying his violation of norms of democratic politics, that's certainly serious. There's the racism and xenophobia, and that provokes outrage, and rightly so. But I don't think Democrats will succeed unless they find a way to speak convincingly to the dignity of work, and what it means to accord social esteem to people who may make valuable contributions to the economy and to the common good, but who are not wealthy, who are not part of the professions, who don't hold positions of power. There is a legitimate grievance buried in all the ugliness associated with support for Trump.

**Preet Bharara:** Is anyone doing that on the stage at the moment you think, on the Democratic side?

### **Overcoming meritocratic hubris of Democrats -**

**Michael Sandel:** Not as effectively as I would like to see. I think that of the current crop of candidates, three or four have gestured in the direction of politics that is concerned with the dignity of work. But I think they need to go further. I think they need to be more explicit on what it would mean to restore the dignity of work, to overcome the meritocratic hubris of elites. Because creating any sense of solidarity or a sense of mutual responsibility for one another really depends on addressing the legitimate grievances that many working people have against those who have inhaled I think too deeply of their success.

**Preet Bharara:** You also talk about the role of outrage and moral outrage and you've written this, "Moral outrage can be politically energizing, but only if it is channeled and guided by political judgment." What the opposition to Trump needs now is, and this is an interesting phrase, is an economy of outrage, disciplined by the priorities of an affirmative political project.

So how do we economize on outrage? What does that mean as a practical matter in the aftermath of these devastating shootings in El Paso and in Dayton, the President said a lot of stuff and didn't say a lot of stuff. And after other things happen, it's easy for people who don't like his policies and don't like his rhetoric to get outraged. How do they practice an economy of outrage?

**Michael Sandel:** By paying less attention to every tweet that issues from Trump and focusing on the ones that really matter? Now, the ones that speak about an immigrant invasion, those really matter, and they need to be attended to. The ones that provoke racial bigotry, and hatred, those really matter and need to be addressed. But I think that the chaos... Trump thrives on generating chaos, and a kind of undirected outrage. I think much of the breathless coverage, for example, of what Mueller would come up with.

For a year there was breathless cable news coverage. Every day, every hour, breaking news we were told of this or that speculation about what might be in the Mueller report. I think so much of that was kind of anticipatory, unfocused outrage ill spent. It was a kind of distraction.

I think it led many Democrats and critics of Trump to hope and expect that Robert Mueller would deliver us once and for all from the Donald Trump presidency, I never thought that was realistic. I think it was a kind of misplaced political energy.

Democrats also need a more affirmative response to the predicament of workers who for basically four decades have had stagnant wages. The Democrats need to critically examine the embrace by the Democratic Party over the past four decades, basically, of a market driven version of globalization that heaped its rewards on those at the top and basically left the bottom half of the country, no better off than they would otherwise have been. That takes its toll, not only on the lives that ordinary working people live, it also takes its toll on the credibility of the Democratic Party.

Here's another way of putting it, Preet. I think the idea that after Trump, the Democratic Party can simply go back to the way things were before Trump was elected as if this were a kind of random interruption. I think that's a fundamental mistake. I don't think that returning normalcy, where normalcy means going back to the embrace of market driven globalization and the results that that had. I don't think that's feasible. I think Democrats have to find a way to speak to the grievances, to the legitimate grievances, not xenophobia and the racism, but the legitimate grievances that are entangled with the ugly sentiments that led to Trump.

**Preet Bharara:** Finally, to your mind, how would you define what patriotism is?

### **Patriotism -**

**Michael Sandel:** I think we need to revise patriotism for progressive purposes. I think that liberals and democrats have made a mistake in recent decades allowing patriotism to be monopolized by conservatives.

Patriotism at its worst shades into xenophobia. My country, right or wrong. Love it or leave it. That's the dark side of patriotism understood as nationalism or xenophobia. But that's not the only way of understanding patriotism.

Patriotism at its best means having pride in one's country and conceiving that we have a special responsibility for those with whom we share a common life. That we have a special responsibility for our fellow citizens. And I think that that sense of patriotism, patriotism bound up with a sense of community, of mutual responsibility, pride in our traditions, an attempt to identify the meaning of traditions we share, contested though those traditions might be, that kind of patriotism is important morally and civically.

And I think liberals and progressives need to do a better job of articulating a conception of patriotism that points to the common good.

**Preet Bharara:** Professor Sandel, it has been a real treat and a real honor to have you on the show. Thank you.

**Michael Sandel:** My pleasure Preet. Thank you so much.

**Preet Bharara:** Well, that's it for this episode of Stay Tuned. Thanks again to my special guest, Michael Sandel. Tweet your questions at Preet Bharara with the hashtag AskPreet or you can call 669-247-7338 and leave me a message. That's 669-24 Preet or you can send an email to [staytuned@cafe.com](mailto:staytuned@cafe.com).

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