

imperative to launch a “last-ditch effort” to stop the terminal decay of the planet (chap. 8).

Undoubtedly Phillip W. Gray’s name will be added to the list of twenty-first-century scholars—a list that includes the names of David Ohana, Richard Shorten, Emilio Gentile, and David Roberts—whose work has deepened our understanding of the extremities inherent in modernity’s radical politics.

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Daniel A. Bell and Wang Pei: *Just Hierarchy: Why Social Hierarchies Matter in China and the Rest of the World*. (Princeton: Princeton University Press, 2020. Pp. x, 270.)

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The Warring States-era Chinese philosopher Xunzi warned that “if a lord of men [*renzhu*] is not impartial and just, then his followers will not be loyal.” But what do just orders look like, and what forms of “partiality” or self-interested behavior compromise their legitimacy?

Like Xunzi, Daniel Bell and Wang Pei argue that hierarchical relationships—between private individuals, members of political communities, and states (all of which early Confucian thinkers addressed in various ways) as well as between humans and animals or machines (rarely discussed in Confucian thought)—can be perceived as legitimate, even by people in subordinate ranks, if these relationships reflect certain values. Hierarchy as such is not illegitimate; only the wrong types are.

Their book examines such context-based justifications for hierarchy, often borrowing from or adapting Confucian ideas but also borrowing from a number of eclectic sources, including Daoist thinkers, Aristotle, Montaigne, Levinas, Bentham and other utilitarians, Karl Marx, and, in an early section, the *Kama Sutra*. The book’s origins are attributed in part to “crazy conversations fueled by fine wine and good food” (x), and the atmosphere of dinner party conversation is reproduced in the book by the sometimes cursory nature of these citations. For example, the authors state that “our target is the view that all social relations should be equal” (14), and cite Rousseau for this position with the only sentence in the book that mentions him. Rawls is disposed of with similar brevity, while

others with much to say about hierarchy, such as Hegel or Max Weber, go high unmentioned.

It is fitting, in any case, that the quotidian instance of “just hierarchy” that introduces the book is that of formal banquets in Shandong Province. A similar and more universally relatable example would be wedding receptions, where guests also tend to be placed in various hierarchies and subgroupings and, East or West, few invitees are unlikely to demand absolutely egalitarian seating arrangements. There is indeed a politically relevant phenomenology here to be unpacked: Why do most of us accept unequal rankings in some aspects of social life, while rejecting them in others? But, of course, the stakes of nonparticipation differ quite radically between different kinds of hierarchical orders—as Mao Zedong said, a revolution is not a dinner party.

From the banquet table, the book takes the argument for justifiable hierarchy to the level of social life in general, then to that of the state, international order, and finally species. Chapter 1 sketches how friendships and family life can be characterized by various forms of justified inequality, particularly when roles “shift” over time or are based on context. Chapter 2 then argues for meritocracy paired with an ethos of “service” as a form of political legitimation, focusing on the Chinese Communist Party and leaning heavily on the authors’ previous writings on meritocratic rule in modern China, including the promotion of officials on the basis of objective performance. Chapter 3 turns to inequality among states and offers a slapdash proposal for a kind of consensual revival of Chinese hegemony in East Asia based on principles of “mutually beneficial” hierarchy. All too quickly, chapter 4 then turns to the relationship between humans and animals, arguing for legitimate “subordination without cruelty.” Lastly, chapter 5 argues for an inequality of man and machine, with continued “enslavement” of the latter depicted as necessary for human well-being—the book does itself no favors by closing with the science fiction scenario of a self-aware artificial intelligence threatening humanity, with the Chinese Communist Party as a last line of defense for the species (206). That electoral democracies would not be equally able to respond to this far-off threat is assumed on grounds so vague that they hardly leave the category of *petitio principii*.

The book’s other arguments are also often presented sketchily, though usually in a more convincing manner than is this closing section. Still, even here, there are some valuable discussions, such as the examination of ways artificial intelligence might displace the real human relationships that are central to Confucian thought. The authors explicitly describe their aim as opening up lines of inquiry, rather than reaching any firm conclusions. On the other hand, the book is also explicitly described as a reaction to real-world political events, a point underscored in an associated 2017 “manifesto,” signed by a number of philosophers, defending the notion of hierarchy against populist movements ostensibly challenging this abstract concept from both the Right and the Left (<https://aeon.co/essays/hierarchies-have-a-place-even-in-societies-built-on-equality>).

Needless to say, as an immanent feature of human social existence, “hierarchy” as such is likely not under real threat. Populist political movements wax or wane, and recent forms seem to largely represent reshufflings of hierarchies (or perhaps the reimposition of erstwhile economic, geopolitical, or racial hierarchies), rather than efforts at true leveling. The Trump administration’s efforts to reduce taxes on the wealthy, deregulate businesses, close national borders, and leave multilateral organizations, for example, were hardly aimed at bringing about a more equal economic or geopolitical order. The rejection of EU technocracy on show in the Brexit process does not seem about to abolish the entrenched status differences permeating British society or its economy. Nor has any advance by the Left since the 2017 manifesto given much reason to take seriously the specter of a wholly flattened social order. More broadly, radical egalitarianism has been on the decline as a motivating ideal in global politics since at least the 1970s, as demonstrated in the work of Samuel Moyn and others.

Like the manifesto, the book often has little to say about the unjust elements of actually-existing hierarchies. While this is clearly deliberate, the authors would be more successful in analyzing “the gap between the meritocratic ideal and reality” (91) if they paid more attention to the ways that “unjust” hierarchies can not only lead to forms of abusive subordination but also disempower those subordinated to effect changes to their situation. There are, interestingly, a few gestures in this direction in the discussion of Chinese politics in chapter 2, where it is argued that “[some more] democracy is necessary to save political meritocracy in China” (95), in part by helping to police official commitment to meritocratic ideals.

The limits of the book’s breezy reasoning are most evident in chapter 3, which dismisses the hard-won foundational norm of modern international law, the equal sovereignty of states and mutual rights against intervention (129), with a breathtaking rapidity that is all the more surprising given that modern China has been one of that norm’s most ardent defenders. It is more likely that, by strictly maintaining such a position, and avoiding quixotic pursuits of regional dominance like those argued for here, China can best grow its influence. Even Xunzi himself, who argued that real hegemonic authority stems from “strategic reliability” (123), might express such a view were he alive today.

This book has value as a conversation starter. One wonders, though, whether by framing their arguments in opposition to exaggerated threats of radical egalitarian leveling, the authors are simply avoiding the real problems of globally entrenched political and economic hierarchies that feature neither genuine consent nor robust opportunities for supervision by those they subordinate. Xunzi’s student Han Feizi once wrote that the best way to persuade rulers is to “accentuate the aspects of the matter that induce pride and eliminate those that cause shame.” Reading this book might well add to the pride of those atop various governmental or social chains of command. Whether it

would push their authority any closer to the ideals it describes is an open question.

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Cass R. Sunstein and Adrian Vermeule: *Law and Leviathan: Redeeming the Administrative State*. (Cambridge, MA: Belknap Press of Harvard University Press, 2020. Pp. 188.)

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Cass Sunstein and Adrian Vermeule are two of the most prominent legal theorists in America today. They are also among the most influential defenders of the modern administrative state. In *Law and Leviathan* they join forces to address, and hopefully (in their view) to settle, the “low-grade cold war” over the legitimacy of the administrative state (1). Their argument on behalf of such a settlement is thoughtful and intriguing, and it should be taken seriously by both supporters and skeptics of the administrative state.

The authors’ goal is to “understand and address the concerns of the critics” of the administrative state “from the inside” (6). While they do not agree with the administrative state’s critics, they grant that their concerns “should be taken seriously and addressed” (15). Sunstein and Vermeule argue for a grand settlement in which the administrative state’s critics might be willing to accept the “surrogate safeguards” of administrative law to be “tolerable as a non-ideal second best” outcome (11).

The authors advance a theory of the “morality of administrative law” that attempts to replicate or preserve constitutional checks and balances in the wake of the administrative state (8). (However, to be clear, they do not accept the skeptics’ premise that those constitutional checks and balances have been eroded by the administrative state’s arrival.) Administrative law’s morality has two critical features. First, it tracks Lon Fuller’s theory of the morality of law, attempting to implement that theory in the context of administrative law. Second, it is not based on explicit constitutional or statutory authority, but has instead been crafted by courts through “disparate judge-made doctrines . . . unified by a commitment to [law’s] morality” (103).

The first chapter describes what they call the New Coke, which is “shorthand for a cluster of impulses stemming from a belief in the illegitimacy of the modern administrative state” (19). This New Coke invokes the heroic example of