

Förster provides us with a clear, theoretically justified, and systematic method for identifying and studying decent regimes in other years. Second, identifying these regimes provides a serious counterargument to critics who claimed Rawls' failure to identify examples of decent peoples demonstrated that his theory was, at best, unrealistic and, at worst, a cover for imposing liberal institutions on other states (p. 111).

Despite these strengths, there are two limitations in this book. The first chapters are challenging to read because the author does not define terms like peoples, decent regimes, and duty of assistance, among others. This problem is mitigated in later chapters when the author expands on these concepts. Förster's discussion of the Society of Peoples is also less developed compared to other arguments. She suggests that the Society of Peoples, which would be modeled on the EU, would operate alongside the United Nations to assist underdeveloped (burdened) states, manage outlaw states, and ensure fair trade. This arrangement raises important, but unaddressed questions. Would the decisions of the Society of Peoples, especially on issues of intervention, trump those of the UN? If so, in what ways might this arrangement stimulate conflict and violence between members of the Society of People and outlaw states?

In comparison to Förster, *The Rule of Law in the Real World* is broader in scope and methodology. Rather than focusing on one author, Gowder integrates insights from philosophy, political science, economics, legal, and development studies into his conceptualization of the rule of law. He then conducts historical analyses of the case of Athens and Britain to demonstrate the value of this conceptualization. The following chapter then develops his theory of commitment and the maintenance of the rule of law using strategic modeling tools. The book concludes with suggestions for policy approaches; a new, empirical measurement for the rule of law; and a particularly relevant discussion on the United States and police brutality.

Gowder's conceptualization of the rule of law is notable for its nuance and concreteness. Rather than characterizing the rule of law as dichotomous, Gowder argues legal systems should be ranked on a continuum from weak (countries with regular, public systems) to strong (egalitarian) versions of the rule of law. More importantly, Gowder is particularly effective at delineating this continuum. The clearest example is his characterization of generality (equality). While the literature commonly identifies legal systems as equal if they meet the standard of "like cases being treated alike," Gowder argues it is easier to differentiate systems using a standard of relevant distinction (p. 29). Gowder gives the example that, unlike the concept of relevant distinction, the standard of "like cases" does not clarify why a general system would allow governments to reserve seats for the handicapped at the front of the bus, but make it illegal to require racial

minorities to sit at the back of the bus. Race is irrelevant to seating arrangements, but physical disability is not.

Similar to Förster, Gowder develops a new measurement for the rule of law in Chapter 8. Gowder clearly describes how he used item response theory and the World Justice Project's data to construct a unidimensional, hierarchical scale for the rule of law. The discussion suggests the new measure may be superior in avoiding problems of weighting, as well as weeding out irrelevant factors traditional rule of law variables capture (like crime control rates).

Although the discussion of measurement in Chapter 8 is useful to researchers, the discussion on rule of law promotion is less practical. Gowder focuses on suggesting policy approaches since he is not a practitioner. The problem with these suggestions is that they are overly broad. For instance, Gowder suggests practitioners develop the egalitarian component of the rule of law by "...eliminating legalized discrimination by gender, race, religion, class, sexual orientation, and other group identities" (p. 172). While this guideline is valuable, it is unclear how development practitioners would do so, outside of recommending a local approach.

Both books offer significant, if different, insights into debates on peace, justice, and order. Förster adds to the debate on regime type and international order by reinvigorating a framework that was largely criticized or ignored by the academic community. *The Rule of Law in the Real World* contributes significantly to discussions on measuring and studying the rule of law, particularly the value of using interdisciplinary tools. Together, these books suggest strategies for promoting institutions that encourage peace and order, while avoiding ethnocentrism.

Family and the Politics of Moderation: Private Life, Public Goods, and the Rebirth of Social Individualism.

By Lauren K. Hall. Waco, TX: Baylor University Press, 2014. 200p. \$49.95.

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— Paul O. Carrese, *U.S. Air Force Academy*

In our era of great political and also intellectual polarization, there has been a small revival of interest in moderation as having both philosophical and political substance, beyond seeking a mushy middle ground or compromise to defuse conflict. Lauren Hall's refreshing and impressive book explores aspects of the political theory of moderation found in the family as a vital institution that, in turn, is a pillar of a healthy liberal society. She mostly examines works of political philosophy and theory, but supporting themes arise from sociology, sociobiology, and public policy studies on the family, including its mutually influential relationship with social structures and patterns. The family is a locus of moderation in practice,

and also a topic for political philosophy on moderation (from Aristotle to Montesquieu, Burke, and Tocqueville), while being severely criticized by Plato, Marx, and Ayn Rand. This is because, per Hall's definition of moderation, family reconciles and balances seemingly competing principles of human life and human nature. The radical philosophers, demanding analytical simplicity or one principle above all, thus reject all traditional conceptions of family. Hall's defense of "social individualism" captures this point: Humans are by nature both social creatures and individuals concerned with one's security and freedom; family as a marriage of adults who nurture their children in perpetuity is a fulcrum that balances or reconciles the tensions between these natural tendencies. In liberal societies it is a product of individual choice, in a private sphere apart from the collective or state, while being a social entity that realizes its connections to and need for a healthy social-political order. Family educates us toward understanding, and practicing, the complexity of our being and preempts the extremes of either radical individualism or collectivism, to which our natures, and thus politics, can be twisted or warped.

The family is thus, in Hall's account, both an important topic for political philosophy and a model for more balanced, less polarized modes of philosophizing and politics. Given that our universities and journals, our broader intellectual discourse, and our politics are increasingly marked by self-sorting into narrow-minded schools and sects which grow increasingly intemperate toward differing views, Hall's study is both a model and a tonic. This is not to say that it is boring or mushy. Disciples of the radical moderns Marx and Rand, and of the liberalism of Hobbes, Locke, and Rawls, will disagree with her account of these thinkers and their views of family and society. Readers will discover subtlety and riches in the moderate liberal philosophies of Montesquieu and Burke, once commonly known among theorists and now largely neglected (much more attention being focused on radical, single-minded theorizing). Finally, the concluding chapters apply insights from this broad assessment of thinkers to a polarizing topic of intellectual and political discourse: same-sex marriage and whether it could be a sound evolution of traditional family forms, worthy of private and public support.

Hall joins recent works on a philosophy of moderation as the virtue of avoiding single-mindedness, of accepting complexity regarding human nature, thinking, and politics. It is the virtue of avoiding extremes, and the cycle of polarizing that extremes beget. She does not note these, but I would include Harry Clor (*On Moderation*, 2008), Aurelian Craiutu (*A Virtue for Courageous Minds: Moderation in French Political Thought*, 2012), and Peter Berkowitz (*Constitutional Conservatism: Liberty, Self-Government, and Political Moderation*, 2013). Both in thinking and politics, given our complex natures, we

should seek harmony rather than monotones, and blends or balances rather than "ideal theory" that elevates one principle or sect above others in thinking (and, I would add, in our journals and faculty hiring). She also connects this deeper philosophical tradition to recent scholarship in a Tocquevillean vein that emphasizes mediating institutions between the individual and the state, including Robert Putnam's *Bowling Alone* (2000). One larger argument is that the radical quality of laissez faire and social Darwinist liberalism eschewed efforts by Montesquieu and Burke to temper the atomism of Hobbes and Locke. This extreme liberalism of the 19th and 20th centuries produced a theoretical single-mindedness and individualism (economic and political) that undermined the family, thereby weakening both individuals and a healthy liberal community, and leading to still greater extremes of thought and practice—from Marx and fascism on the collectivist pole to Rand on the individualist one. This persuasive argument sets up Hall's recourse to Montesquieu, the philosopher of both intellectual and political moderation, who in turn influences Burke and his distinctive conceptions of these themes.

Montesquieu and Burke are not relativists or constructivists, but natural law philosophers attuned to the complexity of human nature and social-political reality. They emphasize family because it embodies the balance of individual and community, nature and custom, private and public, past and future, love of one's own and communal justice. A flourishing family thus is indispensable for a moderate liberal politics. For Hall, it is no accident that our theorizing and politics became so polarized as the culture of monogamous marriage and family disintegrated in the past century. Family requires us to moderate our individual wills and desires for the good of a social whole, but also protects individual dignity and a private sphere. We have to tolerate others and diverse views, mesh reason and passion, and balance a range of human goods and concerns such as liberty, equality, stability, and reform. Montesquieu and Burke connect advocacy of a complex, balanced constitutional order to the complexity and pluralism in the nature-custom blend of family. This is the culture, law, and politics of the just and flourishing middle ground, a vibrant and complex harmony of principles, institutions, and individuals. Hall thus reveals Montesquieu as the ground of Burke's ideal that the "little platoons" of society be in mutual dependence with the political order.

This rewarding book stumbles at the close in analyzing monogamy, abstractly—among two gay adults as well as in traditional marriage and family—as a new middle ground. Gay marriage is the moderate alternative to the demonstrable failures of other new forms: single-parent, polygamous, and childless (or single child) families. Buttressing gay monogamy with norms of "family" and "marriage" would redress our trend of family disintegration; assist

children damaged by such instability; and, transcend our polarization on these issues. Her attempt at a politically and philosophically moderate stance on this polarized issue does not comport, however, with her emphasis on nature in Montesquieu and Burke, nor earlier recourse to sociobiological studies about the naturalness, health, and indispensability of a monogamous marriage and its biological children for family and society. Among later thinkers influenced by these two great moderates, she occasionally cites the libertarian Hayek as well as (in my view the more balanced) philosopher Tocqueville; her tendency to rely more upon Hayek may explain why, in closing, she favors an adaptation of family that features individual choice (companionate or affectionate versus conjugal marriage), a private sphere, and democratic egalitarianism. She doesn't acknowledge that, on her own terms, this is a radical transformation beyond nature, beyond traditional religion in the liberal democracies, and beyond appreciation of benefits afforded children and couples from the diversity of roles in traditional marriage. Suddenly, as well, there are no social science or sociobiology studies cited in support. The spirit of moderation calls for further argument and evidence here, rather than denunciation either by those advocating traditional marriage, or only gay monogamy as an adaptation, or for a wider range of alterations. Hall's important contribution to political philosophy and public discourse deserves such engagement rather than the extreme responses of either neglect or sectarian censure.

Leo Strauss, Man of Peace. By Robert Howse. New York: Cambridge University Press, 2014. 188p. \$29.99 paper.
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— Manfred Henningsen, *University of Hawaii at Manoa*

The name of Leo Strauss has been used over the years for narrow ideological purposes. Defending the reputation of the political philosopher against this ideological abuse by his neo-conservative followers is rare. In light of the bellicose reputation the neo-conservative Straussians have gained as the result of their intellectual influence during the Reagan and both Bush presidencies, the title of Robert Howse's book is surprising. Even more surprising is the fact that Howse himself is not a Straussian but attacks them throughout the book as members of a "sect" who have distorted the legacy of the philosophical master thinker by employing his texts for their narrow ideological goals. But he doesn't only go after the Straussians. He is equally critical of non-Straussians like Anne Norton, whose book *Leo Strauss and the Politics of American Empire* (2004) he frequently singles out in order to prove how misleading her, and the interpretations of others, really are.

Robert Howse is a professor for International Law at the NYU Law School and serves on its advisory board for

the Center of Law and Philosophy. He doesn't say whether he became interested in political philosophy and the work of Strauss in this capacity or whether there were other reasons that motivated him to engage in a hermeneutic exercise that can only be called a declaration of love for the texts of Strauss. Yet there is another strange companion in this close reading of the books and lectures by Strauss, namely the French-Russian philosopher Alexandre Kojève. Kojève did not only introduce members of the French intellectual elite to Hegel's *Phenomenology of the Spirit* in the 1930s and 1940s, but also taught Straussians Allan Bloom and Francis Fukuyama in Paris how to read Hegel. The Hegelian notion of the 'end of history' that Fukuyama sensationalized in an article in 1989 and a follow-up book played a major role in the discussion between Strauss and Kojève because for Strauss history had no meaning but created only enclaves of wisdom, whereas for Kojève the end of history meant the end of all meaning.

Howse uses Kojève throughout the book as his witness of prosecution against a fellow jurist, namely Carl Schmitt. He knows that Kojève, who got his Ph.D. together with Hannah Arendt in 1932 under the supervision of Karl Jaspers in Heidelberg, was a Marxist and a specialist for European affairs in the French foreign office. But he obviously doesn't know what Jacob Taubes, the son of a Swiss rabbi and professor of Jewish Studies at West-Berlin's Free University, wrote in 1987 (*Ad Carl Schmitt. Gegenstrebiges Fügung*) about Kojève's frequent visits in Plettenberg, Schmitt's hometown: "Where else in Germany should one go? Carl Schmitt is the only one with whom it's worthwhile talking." Taubes added that Kojève made the Plettenberg stopovers on his regular journeys to and from Beijing. Taubes was also a close friend of the Swiss writer Armin Mohler, who had been a secretary of Ernst Jünger and Carl Schmitt before becoming the secretary of the Carl-Friedrich-von-Siemens-Stiftung in Munich. His dissertation in Basel (1949) on the conservative revolution (*Die Konservative Revolution, 1918–1932*) was mentored, strangely enough, by Karl Jaspers who had moved after the war to Switzerland. Mohler who died in 2003 has become today the intellectual god-father of the rightwing anti-Merkel movement. Howse calls him a neo-fascist. Though he was a reactionary, right-wing conservative who had applied for admission to the *Waffen-SS* in the 1940s but they did not trust him and he was rejected. He was succeeded at the Siemens-Stiftung by Heinrich Meier whom Howse pursues with a strange vengeance because he has written books on Schmitt and Strauss and their relationship, books Howse disagrees with. He asserts that Meier had "youthful roots in the extreme right, who has made a career of extolling his own (admiring) version of Strauss's virtues as a warlike thinker" (p. 26).

Carl Schmitt represents for Howse the counter figure to Strauss; he personifies the tradition of "German