

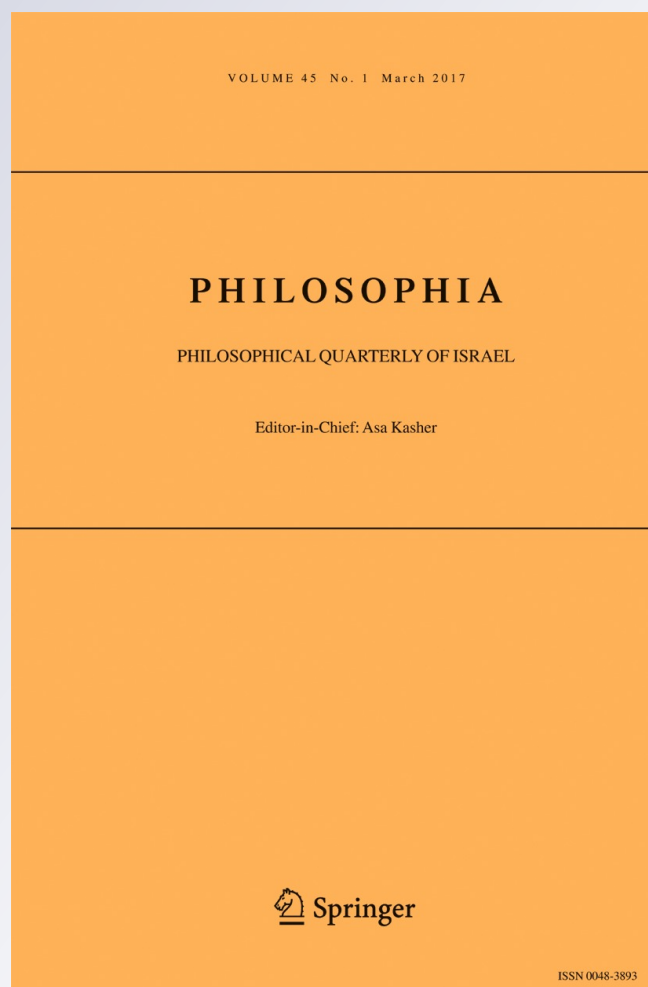
Eamonn Butler, Classical Liberalism: A Primer

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Eamonn Butler, *Classical Liberalism: A Primer*
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It is always a challenge to teach undergraduate students the real nature of that venerable worldview called “classical liberalism,” which most American students—to the extent that they have even heard of the phrase at all—equate with progressive liberalism (i.e., interventionist welfare-statism). So we are lucky Eamonn Butler has written a concise and clear introduction to the subject.

In the brief introduction (Chapter 1), Butler lays out his goal: to introduce the reader to the key tenets of, historical advocates for, and central debates about classical liberalism (hereafter “CL”). He notes that the phrase “classical liberalism” covers a wide ranch of views—from conservatism to libertarianism. CL is an ideology; actually, I prefer the somewhat antique term “worldview” (in the sense of an overarching way of perceiving reality). It is a worldview that holds that individual liberty as a central value, but also one that views limited government as essential—that is, it rejects anarchism. Accepting the need for some government but the need to keep it as small as feasible sets up the key debate among classical liberals: how big a government and how wide its scope. I call this the “classical liberal demarcation problem”: if one says that he agrees that government is legitimate and necessary, but only to a certain limited degree, he is epistemically obligated to indicate that degree, i.e., that line beyond which the government should not extend.

In chapter 2, Butler moves on to the definition of CL. He describes classical liberals as thinkers who place liberty centrally in their value systems, though they do recognize other values (such as loyalty, honesty and security), especially in other areas of life. But in the social, economic and political realms, it is the central value. Of course rights can conflict, and classical liberals often disagree on where to draw lines between permissible personal behaviors and impermissible ones (i.e., ones that the government can legitimately prohibit).

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Butler briefly sketches ten principles that more precisely characterize CL. The first principle is the ideal of complete liberty, that is, the desire to maximize freedom in the economic, political and social areas of society. The philosophic grounding of this principle is a matter of disagreement among classical liberals. Some classical liberals take freedom to be good in itself, others hold that freedom is good because they take freedom to be a key part of what constitutes being human, yet others (the utilitarians) because they hold liberty in fact produces the most happiness for society, while others (the social contractarians) because they believe that liberty is what people in a state of nature would agree upon.

The second principle is primacy of the individual, meaning that absent compelling reasons, personal freedom trumps collective benefit. This principle is based on several considerations. First, there is the recognition of the metaphysical fact that any community is nothing over and above the individuals in it at any given point in time. Then there is the observation that among those individuals there is seldom if ever unanimous about anything of consequence, nor is there an identity of personal interests and preferences. Furthermore, it is historically clear that nations in which liberty is sacrificed to some leader's or elite group's idea of the collective good have witnessed mass atrocities and economic misery—this last because no autocrat or group of autocrats can possibly have all the knowledge needed to determine optimal choices.

The third principle is that a community needs to minimize coercion, in the sense that classical liberals want communities in which individuals are not allowed to threaten or use force against other individuals. For this reason, classical liberals are willing to grant government monopolistic use of force, but only on condition that any use of force be justified and limited.

The fourth principle is that of toleration, understood as allowing others to believe, say and do as they choose, even if the majority finds those beliefs or practices repellant. The only legitimate reason for not tolerating other people's actions is stop the infliction of actual harm to others. Besides being a good in itself, toleration enables a peaceful, cooperative society.

The fifth principle is that government needs to be constrained and democratic. Again, there are a number of reasons to hold this view. For one thing, people in government are no less self-interested than people in private in private industry—this is the crucial insight of Public Choice Theory. For another thing, there is the social contractarian insight that the whole reason people allow a government is to protect their rights, not surrender them. Thus legitimate government power is based upon individual consent.

The sixth principle is the rule of law, i.e., the notion that everyone is subject to the same public laws. A classical liberal community is one where laws are agreed upon and open to inspection by the community, rather than imposed arbitrarily by some government official. And all members of the community are equal before the law, regardless of morally irrelevant considerations such as religion, race, or gender. This of course requires a neutral court system. This principle is clearly justified on utilitarian grounds: without it, the rules governing what we can do are inherently unpredictable, so none of us can make any long-term plans.

The seventh principle is trust in spontaneous order, in the sense that those institutions tend to be best that are the result of an evolution in a large community of people, as opposed to being specifically designed by a small number of individuals, no matter

how bright or community-minded those individuals are. (Of course, it is again Public Choice Theory that the individuals in government are not any more community-minded and less self-interested than anyone else). As Butler so appropriately notes, most of the major institutions are the result of “human action”—meaning the rational choices of groups of real people—rather than the specific design of a limited number of “specialists.” For example, as magnificent a tool as is the English language, no person or small group of people designed it, nor could they have. It is the collective result of the lived experience of countless millions of people, down to today, that produced this supple instrument of communication.

The eighth principle is that the wealth of society comes from the spontaneous order of the marketplace. This implies mutual respect for the private property of individuals and the contracts those individuals freely make. From this flows the free market, with individuals trading freely and specializing in areas of competitive advantage.

The ninth principle is that of the value of civil society, meaning the phalanx of mediating organizations that lie between the individual and the state—churches, families, clubs, charities, schools and so on. The classical liberal rejects the idea that human beings are isolated atoms just as much as the statist communitarian does, but feels that it is civil society rather than the state alone instills our virtues, and equally importantly, civil society shields us from the excesses of power of the state.

The tenth principle is that of the shared human values of life, liberty and property, with a thriving community based upon respect and voluntary cooperation. Here Butler makes an insightful point, one to which I will return shortly: the classical liberal understands that to maintain a modern state, including the administration of justice and the defense of the people, requires a fairly robust government: the classical liberal doesn't envision the “tiny, laissez-faire night-watchman state” as characterized by the critics of CL (p. 12). He ends by making the point that the contemporary American meaning of the term “liberal” is a significantly different usage of the term: a “modern,” “new” or (as I prefer) “progressive” liberal—while he may share some commitment to personal freedom (mainly in abortion and other matters related to sexuality), desires a much bigger state (an expansive welfare apparatus, specifically) than does the classical liberal.

In Chapter 3, Butler sketches the history of CL, starting with the Anglo-Saxon's evolution of common law, the law that emerges from the interactions of ordinary people (as opposed to the “law of princes”, i.e., law imposed on the people by powerful authorities). Also important in the evolution of British law was the Magna Carta (1215), which curbed the power of the King to seize property, deny trial by jury, or deny due process. The seventeenth Century saw thinkers such as John Lilburne (who advocated the view that rights are innate or natural, rather than given to us by government or law) and Richard Overton (who advocated a written “social contract” between free people); along with the shift of power from the Monarchy to the Parliament, with the decisive act of Parliament giving the throne to William of Orange, who in 1689 signed the Bill of Rights (which directly influenced the American one). Butler concisely discusses the contributions to CL of Locke, Montesquieu, Voltaire, Turgot, Adam Smith, Kant, Paine, and the classical utilitarians Bentham and Mill. He notes very briefly the rapid rise and growth of interventionist (statist) government in response to the changes wrought by the Industrial Revolution, and the “modern revival” of CL in the 1980s, and its basis in the work of the “Austrian School” of economists (Menger, Mises and

Hayek) as well as the Chicago School (Knight, Friedman, and Coase). He concludes the Chapter with brief discussions of the Public Choice Theory thinkers (Buchanan and Tullock) and the work of the contrarian philosopher Robert Nozick.

In Chapter 4, Butler looks at how CL explains and defends freedom. He notes that some CL thinkers defend freedom as intrinsically good. Others (such as Jefferson) say that freedom is one of our natural rights—indeed, a foundational one, since without being free to act, we are not free to exercise any other rights. Others (such as Locke) argue for freedom from a social contractarian perspective, i.e., arguing that rational people would only choose to live in a society that gave them the right to rebel if the government deprived them of their freedoms—though other social contract writers (especially Hobbes, Rousseau, and John Rawls) were not classical liberals. Still other CL thinkers argue for freedom on the basis of social usefulness (utility)—it leads to social prosperity by allowing individuals to innovate, as well as channeling self-interest to serve the public (by market discipline). Butler adds that most classical liberals view freedom as being negative—i.e., freedom from coercion by others—rather than being positive—i.e., having the power and resources to achieve your goals. In addition, CL thinkers usually take rights as being “natural”—meaning possessed by people prior to governments, with governments enacted to protect those rights, not to infringe upon them.

Chapter 5 explores CL morality. Butler points to the great value classical liberals put on toleration, and approve of coercion only if justified. The only justification (from the CL perspective) is to prevent real harm (as opposed to mere offense) to others. And he reviews the arguments various CL writers have adduced for toleration. One such is the sheer cost (financial and human) to society of trying to enforce conformity. Montesquieu pointed out that peace is more likely if religion and politics are kept separate in a society. Another CL argument for toleration (urged by Isaiah Berlin) is that people even in the same culture have different values from others; moreover, they rank them differently in order of preference. Put more simply, different people have different preference functions. Mill offered another more positive argument for toleration, viz., that we should welcome differences of opinion—i.e., intellectual diversity—since from the clash of diverse ideas we are more apt to come up with useful innovations. In short, intellectual tolerance is the very fuel of human progress. (Here Butler nicely cites Oliver Wendell Holmes’ observation that the best test of truth of an idea is its survival in the marketplace of ideas). Yet another argument for toleration—first put forward by Wilhelm von Humboldt, and later echoed by Mill—is that variety of experience spurs intellectual and moral development. Still another argument for toleration is based on the observation that intolerance usually has unintended negative consequences. For example, intolerance of alcohol led to Prohibition, which led to the flourishing of organized crime. All of these considerations make classical liberals hesitant to use coercion to squelch unpopular views or practices.

In Chapter 6, Butler offers a precis of the CL view of government and politics. He explores what I termed earlier the CL demarcation problem, i.e., the question about where to draw the line in government action. Early classical liberals espoused a night-watchman state, where the only legitimate purpose of government is to guard people’s (negative) rights, essentially confining itself to defense, policing and providing a justice system. But later thinkers held that the government had other legitimate functions. Adam Smith held government could legitimately fund infrastructure and education.

Mill agreed, and added as legitimate government funding of scientific research and regulation of working conditions and trade. Hayek advocated providing the poor with a minimum of necessities, along with social insurance and assistance after national disasters. Friedman advocated a guaranteed minimum income.

Butler rightly notes that while the CL thinkers who advocate the government provide social goods and safety net programs argue that these government programs increase human liberty, but still these programs ultimately require taxing citizens, that is, the taking of their property. He doesn't consider the obvious reply that even providing the minimal protections—policing, defense, and a court system—of the night-watchman state require taxes. Even night-watchmen need to be paid. I will return to this point later.

However, Butler does note that CL thinkers have positive reasons for wanting to limit these programs. For one thing, government has a habit of undergoing “mission-creep” (or what we might call the problem of governmental pleonexia). And he offers some principles for limiting these programs, such as while government may assist in seeing that some things (such as access to minimal health care) are available to everyone, it should not be the direct provider. And while government may regulate a market (to minimize market failure), it “should remain an *umpire* and not become a... *player*.” (p. 54). Again, while government may ameliorate abject poverty, it should not aim at redistributing wealth to achieve equality (i.e., eliminate relative poverty).

In other words, CL doesn't recognize “social” or “distributive” justice. Being born poorer than others is a misfortune but not inherently unjust. In CL, Butler indicates, justice is only “commutative” (or “retributive”): it involves resolving disputes and punishing those who violate others rights. He finishes the chapter by making some useful points. One is that Public Choice Theory reminds us that when politicians offer people government support, it is invariably out of self-interest, so politicians are ever-tempted to buy votes with other people's money. Also, democracy is imperfect, in that while the free market can reconcile differences between people, democracy involves choosing between competing interests. Finally, CL thinkers agree that the framing of constitutions limiting and dividing the power of government is a valuable tool in keeping government in check.

In Chapter 7, Butler discusses CL society. From the CL perspective, useful human institutions typically arise spontaneously. This includes natural languages, markets, common law, prices, and money. And they evolve, retaining their usefulness as conditions change. They evolve often by trial and error, which is facilitated by the freedom of the people involved. As people spontaneously work out problems, they develop tacit codes of rules that may be hard to spell out, like the rules of grammar. And codes of conduct (such as traditions, morals, customs of courtesy, and so on) facilitate our social life, even though we are not compelled by government to follow them—we do so voluntarily. The rules of justice are not designed, but arise spontaneously. Governmental laws—framed and enacted by governments—may not be just. Butler notes that pieces of legislation that are retrospective (making legal actions committed in the past illegal), infeasible (incapable of being followed), incomprehensible (incapable of being understood) or unfairly enforced offend the “natural” law and are unworthy of being considered real law. Accordingly, CL thinkers agree that the ideal for a well-ordered society is the “rule of law,” meaning laws that are general (without a mass of exceptions), stable (not changing so quickly people cannot keep up),

and universal (applying to everyone). This is why most classical liberals find common law to be so much more likely to be just than laws enacted by legislatures. CL thinkers agree that for a government to deliver the rule of law is not easy, and requires substantial resource directed towards a justice and court system—which is why a limited government still needs to be robust.

In Chapter 8 Butler briefly discusses CL and economics. He discusses Hayek's insight that pricing as a mechanism of "telecommunication"—it is an information transmission mechanism. If the price of x goes up, it tells existing producers of x to produce more of it, it tells consumers to use less of x , and it encourages innovators to try to find substitutes for x . The spontaneous order of the market employs the distributed intelligence of hundreds of millions of minds, and is a dynamic process. This spontaneous economic order functions by tacit rules, rules about property. It requires the recognition of legitimate ownership of property, and allows people to trade property freely. From this arises the division of labor which makes all the players more productive, increasing economic prosperity. This economic order works best if it is free. Free markets allow competition, and the force of competition makes self-interested producers create ever better products at ever lower prices. The market thrives under low taxes, modest regulation, and stable currency. When government has taxes too high and regulation too excessive, the economy grows slowly or contracts. When excess currency is created, it tends to produce inflation. And free trade simply extends these insights across borders, resulting in greater growth and lower international tension.

In Chapter 9, Butler discusses CL today. He briefly sketches the decline of CL through the late nineteenth Century, the Great Depression of the 1930s, and the period of WWII and immediately after it. But starting with the work of Hayek, there was a revival in CL, especially in the work of Friedman, George Stigler, Gary Becker, and James Buchanan. (This revived CL was given the term "neo-liberalism," which would be a reasonable term but for the fact that it was used as a term of abuse by those of statist disposition). The revived CL achieved influence after the economic doldrums of the 1970s and (later) the demise of the Soviet Empire. But classical liberals struggle to this day with those who favor an ever-expanding state, the progressive liberals.

Chapters 10 through 14 contain useful compendia for the student. In Chapter 10, Butler gives very clear and concise descriptions of sixteen seminal CL thinkers. First is John Locke, often considered the "founding father" of CL, whose *Two Treatises of Civil Government* introduced the notion that the legitimacy of government rests upon the consent of the governed. Second is Bernard Mandeville, whose *The Grumbling Hive* (re-published as *The Fable of the Bees*) introduced the idea that the spontaneous order that arises from the voluntary actions of self-interested individuals could be socially beneficial. Third is Voltaire, whose *Philosophical Letters on the English* scathingly criticized the intolerance of the Church. Fourth is Adam Ferguson, who explored the concept of self-interest producing creative diversity, which in turn drives innovation (hence progress), as well as the concept of spontaneous order creating the most socially useful institutions. Fifth is his contemporary Adam Smith, who (influenced by Ferguson) argued that the force of competition would cause self-interested individuals to produce good for society, and that specialization—the division of labor—would increase efficiency and hence prosperity. His arguments for free trade and against crony capitalism are instructive to this day. Sixth is Thomas Jefferson, whose opposition to religious intolerance and large concentrations of power served America

well. Seventh is the oft-neglected Frederic Bastiat, whose skepticism about government founded upon his understanding of how easy it is for rent-seekers to capture government, and more generally, the inability of most ordinary people (and even many trained economists) to see all the costs or benefits of any action. Eighth is Richard Cobden, who argued (and, politically speaking, successfully) that free trade would in fact benefit the poor, and increase international peace. Ninth is John Stuart Mill, whose classic *On Liberty* defended basic libertarian ideas (such as free speech and self-ownership) on—to the chagrin of some modern libertarians!—utilitarian grounds. Tenth is Herbert Spencer, who was the first grand intellectual to apply evolutionary theory to political and economic philosophy—something that even today is not commonly done. Spencer advocated minimal state economic intervention, under the idea that this promotes diversity and innovation, which in turn promotes better societies to evolve.

Moving on to the twentieth Century, the eleventh CL thinker Butler summarizes is Friedrich Hayek, whose work on business cycles led him to theorize that boom and bust cycles are due to government manipulation of credit, and made him a lifelong major critic of Keynesianism. His experience living through the rise of Nazism and WWII led him to write several classics on political philosophy, most notably *The Road to Serfdom*, *The Constitution of Liberty*, and *The Fatal Conceit*. In the first he sketched how the roots of totalitarianism lie in increasing central planning, in the second attempted to lay out the principles underlying free societies, and in the third argues that the central delusion of those who favor large government is that somehow “experts” could construct a well-functioning society the way engineers can build a complex machine. Twelfth is Ayn Rand, whose immensely popular novels advocated a radical individualism, specifically, that people should all follow their rational long-term self-interest. Thirteenth is Isaiah Berlin, a powerful advocate of toleration of the widespread diversity of goals and interests that people actually have. He distinguished between negative and positive liberty—with the former being the right to non-interference by others, the latter being the right to be enabled to achieve your goals. Berlin admitted the value of both types of liberty—which, I would note, many contemporary classical liberals do not (rejecting “positive rights” in particular as genuine)—but feared that the push for more positive liberty would undermine negative liberty. Fourteenth is Milton Friedman, whose work on the theory of money helped show that the Great Depression was a case of government rather than market failure, and who put forward an array of free market solutions to social problems, such as vouchers to improve schools and privatizing state pensions. Fifteenth is James Buchanan, who (with Gordon Tullock) laid the foundations of Public Choice Theory in their masterwork *The Calculus of Consent*. Buchanan’s work explores the concept of the prevalence of self-interest in politics and how it explains widespread government failure. Sixteenth is Robert Nozick, who in *Anarchy, State, and Utopia* argued that redistributive taxation violates human autonomy, and that the state has only minimal legitimate functions (namely, preventing individuals from being the victims of force, theft, breach of contract and fraud).

Chapter 11 has a collection of quotations from CL writers—including from the Magna Carta—on topics such as: natural rights; limited government; spontaneous order; benign guidance; the dangers of planning and controls; justice and the rule of law; economic freedom; personal freedom; and political freedom. Chapter 12 gives a time-line of 50 key events in the history of CL, from 930 CE (the founding of the

world's first parliament) to 1989 CE (the fall of the Berlin wall). Chapter 13 has a list of suggested further readings and relevant websites.

As well done as is Butler's primer, he would have done well to consider a few additional issues—which, even if they added to the length of the book by (say) one-fourth, the book would still have been quite short.

First, in his discussion of how minimal a government should be (Chapter 6)—what I have termed the CL demarcation problem—Butler doesn't mention a distinction some CL economists have offered. That is to distinguish between "social goods" and "public goods." A social good is something the public generally desires, and may or may not be supplied by the free market. This vague term applies to pretty much any good. A public good is one that is non-rivalrous—meaning that anyone can use it without diminishing its availability to other people—and non-excludable—meaning that nobody can be stopped from using it. Public goods clearly include: national defense; public infrastructures (highways, ports, lighthouses, etc.); clean air; public schooling; and non-proprietary knowledge (i.e., knowledge not covered by patents of such like). The problem with public goods lies in their non-excludability. People will be inclined to be "free riders," that is, they will those goods without paying unless made to do so by government taxation. Other goods—such as food, clothing, and so on are excludable, hence (it is said) the proper province of the free market. But other thinkers deny that this distinction solves the CL demarcation problem, since it leaves open whether a public good like public schooling should be provided at all, and whether non-public goods such as food should not be provided—after all, people may be insufficiently charitable.

This leads to a second important issue worth exploring. Some contemporary classical liberals—and some other political philosophers¹ as well—have begun to systematically discuss the most fundamental right of all: the right to *exit*. If all the other taxpayers in my country agree that they are willing to pay (say) 75 % of their incomes to provide for an extensive list of agreed-upon social goods in some agreed-upon order of preference, but I disagree, shouldn't I have the right to permanently leave the country and renounce my citizenship, free from any penalty (such as an "exit tax")? It may be that ultimately the only way we can solve the demarcation problem is by (among other things) providing a robust right to exit, which is a far more practical right than the right to rebel, at least for single individuals.

A third issue Butler might have considered concerns the view classical liberals take of national defense. I cannot speak for the tribe of British classical liberals (for whom I leave it to Butler to speak), but here in the U.S., this is a huge topic of contention between self-styled libertarians and self-styled conservatives—the former often represented by the Libertarian Party, and the latter by the Republican Party. American libertarians tend to be very isolationist and suspicious of the military, arguing that national defense is social good upon which the government spends far too much. Conservatives point to the principle of federalism here: there are different levels of government (federal, state, and municipal), each of which has its own special focus as regards promotion of social goods. K-12 education is the concern of municipalities and higher education the states, transportation and major criminal prisons the concern of the

¹ A recent spirited discuss of the right to exit is found in Gillian Brock and Michael Blake, *Debating Brain Drain: May Governments Restrict Emigration?* Oxford: Oxford University Press (2015).

states, but national defense is surely the most important concern of the national government (and only it).

A fourth issue Butler might have explored is how various classical liberal theories work in support of one another, i.e., the consilience of classical liberal ideas. Consider for example Hayek's critique of socialist planning and Buchanan's Public Choice Theory. Together they form a more powerful critique of socialism (and interventionism) than either alone. Together they argue that the reason that a cadre of bureaucrats—no matter how numerous, intelligent and personally disinterested they are—cannot set up optimal economic enterprises is not merely that they could never gather all the requisite information and do the calculations needed, but worse: there are no such completely rational and disinterested individuals. It isn't that such individuals aren't as plentiful as blackberries, but rather that they are precisely as plentiful as unicorns.

A fifth issue Butler might have dilated upon is implicit in his few discussions of Nozick's "night-watchman" state. He argues that classical liberals realize the need for a fairly robust, and he suggests in places that Nozick's desire for a night-watchman ("minarchist") state may be too minimal. But Butler doesn't address the strand of American libertarianism that frankly embraces anarchism. This line of thought was broached by the nineteenth Century writers Lysander Spooner and Benjamin Tucker, and has been more recently (and cogently) advocated by Murray Rothbard, who called this perspective "anarcho-capitalism." How should a classical liberal view anarcho-capitalism? After all, it cleanly solves the CL demarcation problem, by simply denying that there is anything that government can legitimately do! Butler doesn't explore this.

One view—perhaps the most common among CL thinkers—is that anarcho-capitalism is simply unrealistic and should be dismissed. It is "mirror-Marxism": just as Marx naively thought that society could dispense with private enterprise altogether, and rely solely on government, the anarcho-capitalist naively holds that society can dispense with government altogether, and rely solely on private enterprise. Both notions (under this view) are dangerously idealistic and ahistorical.

I would suggest an alternative—more sympathetic—view that CL thinkers might explore, one which might be called "pragmatic methodological anarchism." Under this view, while classical liberals should work towards a minimal state—that alone being a monumental undertaking, considering how big governments have grown—classical liberals should always be open to replacing any governmental solution with a purely free market one, supposing it can be shown to work in practice.

Finally, Butler's book lacks an index.

Notwithstanding these omissions, Butler's primer is excellently done. It is admirably suited to be a main text for any course in Political or Social Philosophy, and as a supplementary text for Business Ethics or Contemporary Ethical Issues classes. It is also worth the price for anybody wanting to understand the classical liberal worldview. It not only superbly describes the rich tradition of classical liberalism, but the continuing vibrant relevance of the philosophy.