

**JOHN STUART MILL'S CONCEPT OF INDIVIDUAL LIBERTY
A CRITICAL ANALYSIS**

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FACULTY OF ARTS
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AWKA**

(MARCH, 2016)

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**A Dissertation Presented to the Department of Philosophy in the
Faculty of Arts, Nnamdi Azikiwe University, Awka, in Partial Fulfillment
of the Requirements for the Award of PhD in Philosophy**

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(MARCH, 2016)

APPROVAL

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DEDICATION

This work is dedicated to the Blessed Trinity, my beloved parents Chief and Lolo A. N. Okoroafor, and to my brothers and sisters.

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ABSTRACT

Mill's concern in his theory was the preservation of individual liberty within a democratic society as an intrinsic good in itself. This work will be a critical analysis of how his political teachings brought benefits to the society. The method to be used in this work is that of a critical analysis. This will help the researcher to x-ray Mill's stand on individual liberty, to expose the denigration of individual liberty in a society and how Mill's concept of individual liberty can be used to remedy the situation. In order to solve the problem of individual liberty, Mill looked down on majority tyranny and mass mediocrity as a potent threat to individuality and liberty. He therefore set limits to legitimate interference by society in areas that strictly and exclusively belong to the individual. Thus, he made his famous dictum "I disapprove of what you say, but will defend to death your right to say it." His theory succeeded in liberating individuals from the shackles and chains of despotism. He has left for humanity an everlasting legacy for a better means of governance. Mill reminds the government that the society and individual flourish well in an atmosphere of liberty. For Mill, liberty was good in itself, for it helps in the development of a humane, civilized, moral person. The event of things today in society reveals a situation of serious denigration of individual liberty. There are oppressions and suppressions, perhaps in every nook and cranny of our daily experiences. People have been imprisoned without trial; the press has been so pitifully muzzled that it is very hard to get any reliable information from the mass media. Everything seems to be at a standstill. The political, economic, religious, educational and family sectors are all in shambles. In fact, the situation of the global world is a good clear picture of where liberty is being trampled upon. There is a death of liberty in our world today. Individuals are manipulated and not allowed to develop themselves. Based on the above assertions, this work will be facing the problem of analyzing the work of John Stuart Mill on individual liberty and its implication on politics, economy, religion, education and gender equality.

CHAPTER ONE

INTRODUCTION

1.1 Background of the Study.

The agitation for human freedom has remained a puzzle disturbing the mind of critical thinkers throughout the epochs. It has remained a perennial problem that had almost defied the intellectual and philosophical wizardry of many philosophers down the ages. A little scratch into the history of philosophy from early Greek scene to the contemporary period reveals polyphony of ideas towards giving solution to this lingering problem of individual liberty. This idea of liberty is well portrayed in the works of John Stuart Mill.

If anyone is liberal, it is surely John Stuart Mill. In Mill's thought, we find in a clearest form the entire elements that together make up the liberal outlook. We find in Mill a qualified affirmation of the priority of individual liberty over other political goods and the settled conviction that the human lot may be indefinitely improved by the judicious exercise of critical reason. Thus, on liberty, Mill stated one simple principle that governs the action of society and individual in the way of compulsion and control:

The sole end for which mankind is warranted individually or collectively, in interfering with the liberty of action of any of their

members is self protection. This is the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will is to prevent harm to others.¹

Mill defined the right of the individual to freedom. In his negative sense, it means that society has no right to coerce an unwilling individual, except for self defense. It is being left to oneself, all restraints qua restraints is an evil. In its positive sense, it means the grant of largest amount of freedom for the pursuit of the individual's creative impulse and energies and self development. For instance, Mill is of the opinion that if there was a clash between the opinion of the individual and that of community, it was the individual who was the ultimate judge, unless the community could convince him without resorting to threat or coercion. Mill laid down the ground for justifiable interference. Any activity that patterns to the individual alone represented the space over which no coercive interference, either from the government or other people, was permissible. The realm which pattern to the society was the space in which coercion could be used to make the individual conform to some standards of conduct. This distinction between the two areas was stated by the distinction Mill made between self - regarding and others regarding actions, a distinction ordinarily made by Bentham. Hence he says, "The only part of the conduct of anyone for which he is amenable to society is that which concerns others. In

the part that merely concerns him, his independence is of right, absolute. Over himself, over his own body and mind, the individual is sovereign.”²

1.2 Statement of the Problem

The issue of liberty has been an age long problem, which has confronted the human race for a long time. These questions like: What are the limits of individual liberty in a civilized society? Should we tolerate unlimited freedom of speech no matter how offensive the views expressed? Can the state ever be justified in interfering with what consenting adults choose to do in private? When, if ever, is coercion acceptable? Are all laws obstacles to individual's liberty or are they the condition of achieving it? Should one sometime force people to be free or is that contradiction in terms? These serious questions have eluded humankind since ages. These questions are not merely abstract puzzles for philosophers to ponder sitting on comfortable armchairs. They are the sorts of issues that people are prepared to die for. The crux of the problem is in what way can we still be free in our present day society? The event of things today reveals the situation of serious denigration of individual liberty. There are oppressions and suppressions, perhaps in every nook and cranny of our daily experiences. People have been imprisoned without trial; the press has been so pitifully muzzled that it is very hard to get any reliable information from the mass media. Everything seems to be at a standstill. The political, economic,

religious, educational and family sectors are all in shambles. In fact, the situation of our present day society is a good clear picture of where liberty is been trampled upon. Individuals are manipulated and not allowed to develop themselves. Based on the above assertions this work is faced with the problem of analyzing the work of John Stuart Mill on individual liberty and its application to politics, economy, religion, education and gender equality.

1.3 Purpose of the Study

The purpose of this work is to use the position of John Stuart Mill on liberty to educate people on their civil/ social rights and the limit of Government interference on their liberty. Thus, Cowling asked: “what is the rightful limit to the sovereignty of the individual over himself? Where does the authority of society begin? How much of human life should be assigned to individuality and how much to society.”³ Mill gave a solution to the above aforementioned problems by specifying the grounds on which the individual should not be punished and when he should be subjected to punishment consequent upon his action. Thus, he is of the view that “as soon as any part of a person’s conduct affects prejudicially the interests of others, society has jurisdiction over it and when a person’s conduct affects the interests of no person beside himself, or

need not affect them unless they like..... In all such cases, there should be perfect freedom, legal and social to do the action.”⁴

Another purpose of this work is to analyze John Stuart Mill’s theory of liberty and its implication on the area of politics, economy, religion, education and gender equality. This is because the rate at which individual liberty is being trampled upon in the political, social, economical, religious and educational sectors of the world is quite alarming. Experience has shown and proven that the freedom of the citizen of any country is a pre-requisite for the development of such a country, because a developed mind is an asset to its nation.

1.4 Scope of the Study

The problem of liberty, problematic as it has been, cuts across a very wide range of areas. For the critical expository study, like the one at hand, it does not require limited scope in treatment as such; hence, all relevant areas will be touched in details. Thus, in this work, expatiating the concept of individual liberty in John Stuart Mill will be done and to see how relevant it will be to the development and the stopping of all the anomalies in our society, because individual liberty implies development as conceived by John Stuart Mill.

1.5 Significance of the Study

It is hoped that the result of this work will create a general awareness on the individual's Civil and Social rights, and the limit of the government interference. This work is geared towards a critical analysis of Mill's work on Individual Liberty. It will remind our present day government that the society and individual flourish well in an atmosphere of liberty. Applying Mill's work to politics, economy, religion, education, and gender equality, it is believed that the global world will wear a holistic new look.

1.6 Method of the Study

Having seen the stand of Mill on Individual Liberty, the method of approach to this work will be that of 'Critical Analysis'. This Critical Analysis will help us to know that man is born with freedom. It will expose the idea that liberty far from being new in a certain sense has separated mankind almost from the remotest ages, from beasts. Cowling has it thus "he who lets the world....., choose his plan of life for him has no need of any other faculty than the apeline one of limitation."⁵ This method exposes how the concept of Mill's idea of liberty can be used to remedy present day societal problems. As a research work, library method of consulting books of different authors relevant to the topic "the Concept of Individual Liberty in John Stuart Mill" will be utilized.

Consulting relevant books on the topic through the internet system will also be used. In order to achieve the aim of this work, it is being divided into five chapters. The first chapter has to do with the introduction, which comprises of the background of the study, statement of the problem, purpose of the study, scope of the study, significance of the study and method of the study. It also has to do with the explication of the terms like, liberty, individual, state, society, authority, power, sovereign, and, government. Chapter two will examine philosophers' various views on Mill's concept of Individual Liberty. Chapter three is on the analysis of the concept of Individual Liberty in John Stuart Mill. Chapter four will be on the implication of Mill's idea of Individual Liberty on politics, economy, religion, education, and gender equality. Chapter five will be on the evaluation of the work and its conclusion.

1.7 Definition of Terms

The definition of terms has to do with the provision of precise definitions of those terms that are associated with the concept in view. The concept to be viewed here is Individual Liberty. What is required from one is a critical assessment of those terms in order to project unbiased notion of liberty as well as to educate those that are not exponents of this concept. The terms to explicate are as follows: liberty, individual, state, society, authority, power, sovereign, democracy, and government.

Liberty

Etymologically, liberty is derived from the Latin word “liber” which means “free”. The essential question is: What is liberty? Does it imply “the absence of hindrance or coercion?” To expatiate this single element, the Webster’s Universal Dictionary and Thesaurus have it that liberty is: “The exemption or release from slavery or imprisonment, personal liberty, The quality of being free, noble, nobility, generosity; the state of being able to act without hindrance or restraints, liberty of action.”⁶ By liberty, Angeles understands it as “the right of a person to choose from among alternative sources of action or goals without been restricted by authority”⁷. This implies that man should have a free hand to choose his line of action or livelihood without arbitrary control. Liberty then is the right of the individual to choose his own course of action unhampered by despotic government. It is not equivalent to anarchy, which results when the individual has complete freedom to do whatever he wishes, even at the expense of the liberties or rights of others. Liberty refers to the rights and immunities of all citizens in an organized civic community or society. Hence, for John Stuart Mill, it means the protection of an individual against the tyranny of the political rulers and majority.

Individual

An individual is a concrete and substantial being not an accident. This means that a human being, man or woman is an individual, which is..... a being who subsists, who persists in existence by himself. An individual then is also a singular being, one among many, a being in a multitude or a species. It is not a species, not even the most determine among all species, rather is a being in which the species is fulfilled under a singular form by individuation. According to Webster's Universal Dictionary, individual means "existing as separate thing or being, of, by, for, or relating to a single person or thing"⁸. Also according to Catholic Encyclopedia individual is defined "as the singular, substantial, concrete being considered in its undivided unity and as separate from every other being".⁹

In terms of individual unity we have Angel, human being, animal, a particular plant, a concrete thing. But on the area of human being, he exists as an individual by reason of something other than mere quantitative unity. This gives the human person an ontological status, "personality". An individual endowed with a rational nature is a person. The person is incommunicable; he is a whole within himself. By reason of his rationality, however, the human person must be further considered under a moral aspect. Now this aspect is of

two folds, moral reaction to himself and another to the society. The question is what is the moral obligation of the individual to the society and that of the society to individual? This will be addressed by John Stuart Mill in this work later.

State

A state is defined as a political organized body of people occupying a definite geographical territory with an organized government entirely free from external control and coercive power to secure obedience from its citizens and others. From the above definition it is a truism according to J.S. Mill that the state is meant for the purpose of self-guiding the liberty of man.

Society

It is a truism that human being is not alone in the world but lives in company with others like himself. Many living beings thrive in groups, clusters, or colonies in which there may be some degree of cooperation and even a primitive form of leadership. Hence, Fagothey defines society “as an enduring union of a number of persons morally bound under authority to cooperate for a common good”¹¹. In the same line, Locke defines society as “an organization under which people enter to ensure the observation of the law of nature so as to

guarantee the greater possibility of impartiality in the application and execution of rules that govern common life, and thereby increase the chance of peace (liberty) that impartiality entailed.”¹²

Deducing from the definitions given by Fagothey and Locke, the following characteristics are observable. For society to actually exist there must be members, otherwise there can be no togetherness, commonness of interests and activities. The members must be united in a stable and enduring way, otherwise working together may be only a haphazard occurrence. The state must cooperate or work together for the attainment of some end, which must be some common good that all the members will share in and that no member could accomplish singly. The society must be held together by bonds moral bonds of means and end, this is to say that either the members bind themselves by contract, pledge, or agreement, or else the bonds are imposed upon them by some laws, natural or positive. To guide the cooperative effort for the common good, society must be equipped with that moral power called authority.

Authority

According to Fagothey, authority is “the right of a society to direct and compel the members to cooperate towards the attainment of the ends of the society”¹² This means that Authority derives its right from the consent of the people. This also means that the authority vested on certain individuals through the consent of the people serves as a test of a government’s popularity. This is why even the military tries to legitimize its authority by seeking the consent of the people. In a democratic society, the electorate constitutes the source of power and political authority.

Authority may also be defined as the power or right to give orders and enforce obedience. Authority therefore gives one the right to command others to obey as a duty. The power of authority is derived from one’s office and the role the person plays in a given society. To clarify the two terms, *Power and Authority*, the differences are of great importance. One of the differences between power and authority is that the punishment that goes with exercise of power is graver than that of authority. Furthermore, while the main attribute of authority is legitimacy, power may not be legitimate, for instance military power lacks legitimacy. Also, while fear of sanctions is what compels people to obey order in power relations, legitimacy of the order based on the existing rules and

regulations or customs and tradition or the charisma of the possessor of authority compel people to obey order in authority relations.

Power

According to Webster's Universal Dictionary, power "is the ability to control the actions of others through the possession of means of sanction"¹⁴. By exercising power others may be forced to change their action against their will and to compel obedience on their part. Sanction which may be physical, social, or political is an instrument of power which is used to influence the action of others. Sanction is applied when there is non-compliance. We have different forms of power like, political, physical, economic and military power. Also power can be acquired through the constitution, position of authority, through coercion, through the charisma and through the control of economic resources.

Sovereign

Sovereign according to Longman Dictionary of Contemporary English has it as "having the highest power in a country, the person or a body of persons exercise the powers of state sovereign, absolute power of the state to exercise supreme legal authority over its own affairs within its territory without any external influence"¹⁵. It was a French political philosopher Jean Bodin (1530-

1596) who introduced modern theory of sovereignty into political theory and later developed by notable political theorists like J.S. Mill, Hobbes, Locke, Grotius, Rousseau, Diley, Bentham, and John Austin. For Mill the sovereign has no power to interfere in areas of individual freedom except for self-defense, hence in areas that strictly concern the individual he is a sovereign.

This is notable in his famous theory:

The sole aim which mankind is warranted, individually or collectively, in interfering with the liberty of action of any of their members, is self-protection. That is the only purpose of which power can be rightfully exercised over any member of a civilized community, against his will is to prevent harm on others.¹⁶

On this issue, Hobbes unlike Mill, the power given to the sovereign over the individuals is absolute. The sovereign was the sole source and interpreter of laws.

Democracy

According to Catholic Encyclopedia, democracy is “a system of government in which all qualified adult citizens share the supreme power directly or through their elected representatives a system of government based on popular consent; it is a government which is derived from public opinion and is accountable to it”¹⁷. Etymologically, the term democracy is derived from the two Greek words

Demo meaning people and Kratia meaning rule or government, hence meaning government by the people. This synchronizes with that given by Abraham Lincoln whose definition of democracy has become axiomatic as the government of the people, by the people and for the People.

Democratic government is the representation of all people's interest within the state and is described as open government because it permits freedom of speech and ideas. Democracy allows the people to choose or reject their leaders and their programmes when such one no longer serves the interest of the people. Although, democracy is regarded as the best government, Mill in his view of democratic government has the fear of the majority silencing the voice of the minority which he called the "fear of majority tyranny".

Government

If there is no agency or a body to regulate people's activities, the society will degenerate to what Thomas Hobbes called primitive society, where life was "solitary, poor, nasty, brutish and short". In order to prevent confusion and disorder in a society, people, according to Hobbes, will have to surrender their natural right of individual self-government to a body or an agency of the state called government. Hence, according to Catholic Encyclopedia, government is "a concrete system through which the objective of the state – the common good

is attained”¹⁸. Government may also be said to be a body vested with power and authority for maintaining security, peace and stability by making and enforcing conventional and fundamental laws in a given state or society. Through the formulation and implementation of policies in the state, government as a process or art of governing, regulates the activities of the citizens and at the same time steers the affairs of the state. Formation of government as an institution of the state arose as a result of people coming together and living together to form a society.

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CHAPTER TWO

LITERATURE REVIEW

Right from the ancient period to the contemporary era, the words “individual liberty” as a politico-philosophical concept have remained a source of disagreement and curiosity to many thinkers. Various explanations have been given on the concept and its proper meaning has remained a point of controversy among philosophical thinkers and even theologians. So we have many diversified and different meanings accorded to Individual Liberty, all in attempt to reach at what really individual liberty is all about. If anyone is liberal, it is surely John Stuart Mill. In Mill’s thought, we find in the clearest form the entire elements that together make up the liberal outlook. We find in Mill a qualified affirmation of priority of Individual Liberty over other political goods and the settled conviction that the human lot may be indefinitely improved by the judicious exercise of critical reasoning. To really portray Mill’s idea on Individual Liberty, many philosophers have written intensively on his idea of individual liberty. Hence, this work will make use of chronological method to arrange their views.

Mukherjee and Ramaswamy dived into Mill’s concept of “Individual Liberty” by bringing in his defense on the “Right of Individuality”, which meant the

right of choice. They comment that as far as self-regarding actions were concerned, Mill explained why coercion would be detrimental to self-development. First, the evils of coercion far outweighed the good achieved. Second, individuals were so diverse in their needs and capacities for happiness that coercion would be futile. Since the person was the best judge of his own interests, therefore he had the information and the incentive to achieve them. Third, since diversity was in itself good, other things being equal, it should be encouraged. Fourth, freedom was the most important requirement in the life of a rational person.

Moving further, they contended that according to Mill, positive liberty, i.e. autonomy and self-mastery were inherently desirable and it was possible if individuals were allowed to develop their own talents and invent their own lifestyles.

On the limitation of individual liberty, Mill according to Mukherjee and Ramaswamy contended that society could limit individual liberty to prevent harm to other people. He regarded liberty of conscience, liberty to express and publish one's opinions, liberty to live as one pleased and freedom of association as essential for a meaningful life and for the pursuit of one's own good. "If all mankind minus one were of one opinion, mankind would be no

more justified in silencing that one person than he, if he had the power, would be justified in silencing mankind”.¹

In Mukherjee’s and Ramaswamy’s opinion, Mill’s defense of freedom of thought and discussion were linked to the persecution of error.

Even if an opinion was incorrect, it ought to be articulated, for only through active interaction and dialogue could opinions evolve, otherwise they would lose their vitality and become dead dogmas.²

Hence for Mill, Ideas were to be subjected to critical scrutiny from other points of view for arriving at the truth. For them, Mill supported individuality, for great advancement in society were made possible only by creative individuals. Creativity could be effective only if allowed to function freely. In contrast to the views of early liberals on liberty, Mukherjee and Ramaswamy were of the view that early liberals defended liberty for the sake of efficient government, whereas for Mill, liberty was good in itself, for it helped in the development of a humane, civilized, moral person. It was “beneficial both to society that permits them and to the individual that enjoys them”.³

In spite of Mill’s elitism, Mukherjee and Ramaswamy concluded that he remained an uncompromising liberal, for he ruled out paternalism, the idea that law and society could intervene in order to do good to the individual. He explicitly ruled out interference in self-regarding actions. Evaluating Mill’s on his loopholes, they proposed that Mill failed to specify the proper limits of

legislation and was unclear when it comes to actual cases. For instance, he supported compulsory education, regulations of business and industry in the interest of public welfare and good, but regarded prohibition as an intrusion on liberty. Quoting Sir Ernest Barker, Mukherjee and Ramaswamy remarked that Mill, in reality, was a prophet of an empty liberty and an abstract individual.⁹ This observation flowed from the interpretation that the absolutist statements on liberty like the rights of one individual against the rest was not substantiated when one assessed Mill's writings in their totality. Mill qualified his statements, circumscribing his original intent on liberty. For instance, his compartmentalization between self-regarding and others regarding actions, and the tension between his tilt towards welfarism, which conflicted with individualism, were all indications of this incompleteness. To conclude their view on Mill's contradictions of ideas, Mukherjee and Ramaswamy exonerated Mill by pointing out that the tension that emerged in Mill was an inevitable consequence of attempting to create a realistic political theory which attempted to extend the frontiers of liberty as much as possible. They pointed out that no political theorist including the contemporary ones like Rawls, Nozick and Raz are free from these inevitable tensions.

Sabine and Thorson look at Mill's concept of liberty from the angle of comparison between Mill's liberalism and that of other liberals before him. To open Mill's package on liberty Sabine and Thorson comment:

This essay struck a definitely new look on utilitarian literature. As Mill himself said in another place, the utilitarians of his father's generation had desired liberal government not for the sake of liberty but because they thought it would be efficient government, and it was indeed true that Bentham had changed nothing but details when he turned from benevolent despotism to liberalism.¹⁰

Sabine and Thorson put it that the threat to liberty which Mill chiefly feared unlike early liberals was not government but a majority that is intolerant of the unconventional, that looks with suspicion on divergent minorities, and is willing to use the weight of numbers to repress and regiment them. According to them, this was a possibility that had never troubled the older generation of liberals, indeed that they had never thought of, as long as their problem had been to take government out of the hands of an entrenched minority.

For Sabine and Thorson, Mill's concept of freedom of thought and investigation, freedom of discussion, and the freedom of self controlled moral judgment and action were goods in their own right. They aroused in him a warmth and a fervor that hardly appeared in his other writings but which placed the essay "On Liberty" beside Milton's *Areopagitica* as one of the classical defenses of freedom in the English language.

Mill believed as a matter of course that intellectual and political freedom are in general beneficial both to the society that permits them and to the individual that enjoys them, but the effective part of his argument was not utilitarian.¹¹

In Sabine's and Thorson's view, when Mill said that all mankind had no right to silence one dissenter, he was really affirming that freedom of judgment, the right to be convinced rather than coerced, is an inherent quality of a morally matured personality and that a liberal society is one which both acknowledges that right and shapes its institutions in such a way that the right is realized. Hence, to permit individuality and private judgment, as if they were tolerated vices, is not enough; a liberal society puts positive value on them as essential to well-being and as marks of a high civilization. This valuation of free personality affected profoundly Mill's valuation of liberal government. For Sabine and Thorson, he did not defend popular government because it is efficient. He had grave doubts on its beneficial end, for he had quite lost his father's confidence that the apparatus of liberal government, such as the suffrage, would always be rationally used for beneficial ends. For Mill, the real argument for Political freedom is that it produces and gives scope to a high type of moral character.

In conclusion to Mill's work on liberty, Sabine and Thorson gave two criticisms. For them, when Mill went on from his general estimate of the moral worth of freedom to his practical rule for deciding what limitations either society or the state is justified in imposing on it, his essay was at its weakest. What he proposed was that it is possible to distinguish a class of self-regarding action which "affects the interests of no persons besides the agent" and with which neither society nor the state ought to interfere. Taken literally, this would reduce freedom to a triviality, since an act that affects no one but a single person probably will not affect him very much. Mill's argument avoided the appearance of triviality only because it was circular. To give balance to his view, Sabine and Thorson put it that his argument would be convincing only if there were a body of natural rights which belong intrinsically to individuals and of which they ought never to be deprived, but obviously no such line of reasoning was open to a utilitarian.

Another criticism given to Mill on his liberty by Sabine and Thorson is the fundamental difficulty of his argument, which never really analyzed the relationship between freedom and responsibility. At times he retained the traditional view derived from Bentham, that any compulsion or even any social influence is an abridgement of liberty. Yet he never supposed that there could be any important freedom without law and when he identified liberty with

civilization, he did not imagine that there could be civilization without society. Hence, they proposed that what Mill's theory of liberty required was a thoroughgoing consideration of the dependence of personal liberty on social and legal rights and obligations.¹³

The last criticism Sabine and Thorson gave to Mill is on the unclearness of his criterion for defining the proper limits of legislation, which became apparent when he went on to discuss actual cases. They were of the opinion that his conclusions conformed to no rule at all but depended on quite subjective habits of judgment. Thus, he regarded prohibition of the sale of alcoholic liquor as an infringement of liberty, though compulsory education is not a conclusion that certainly could not be justified on the grounds that a man's education affects other persons more than himself and he was prepared to accept a large and ill-defined regulation of business and industry in the interest of public health and welfare.¹⁴

In spite of the criticisms leveled against Mill on his view about liberty by Sabine and Thorson, they justify his action thus: "So far as Mill was concerned, he merely accepted the need for social legislation, probably on humanitarian grounds, with no clear theory of its justifiable limits".¹⁵

Samuel Enoch Stumpf analyzed Mill's view "On Liberty" through the angle of what he called "the appropriate region of human liberty". To start, he gave an appropriate quote from Mill, "On Liberty"

The sole end for which mankind is warranted, individually or collectively, in interfering with the liberty of action of any of their member is self-protection. The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.¹⁶

This is to say that an individual cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because in the opinions of others, to do so would be wise or even right. These are good reasons for remonstrating with him, or reasoning with him, or persuading him, or entreating him, but not for compelling him or visiting him with any evil in case he does otherwise. To justify the part in which anybody's action can be restrained according to Stumpf in Mill's view is when it must have been calculated to produce evil to someone else. The only part of the conduct of anyone for which he is amenable to society is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.¹⁷ This, then, according to Stumpf is the appropriate region of human liberty for Mill. For Stumpf, according to Mill, the appropriate region of liberty comprises, first, the inward domain of consciousness, demanding liberty of

conscience in the most comprehensive sense, liberty of thought and feeling, absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral, or theological.

According to Stumpf, the liberty of expressing and publishing opinions may seem to fall under a different principle, since it belongs to that part of the conduct of an individual which concerns other people, but, being almost of as much importance as the liberty of thought itself and resting in great part on the same reasons, is practically inseparable from it. Secondly, the principle requires liberty of tastes and pursuits, of framing the plan of our life to suit our own character, of doing as we like, subject to such consequences as may follow, without impediment from our fellow creatures, so long as what we do does not harm them, even though they should think our conduct foolish, perverse, or wrong. Thirdly, from this liberty of each individual follows the liberty within the same limits, of combination among individuals; freedom to unite for any purpose not involving harm to others; the persons combining being supposed to be of full age and not forced or deceived.

Following the above assertion, Stumpf, according to Mill has this to say: “No society in which these liberties are not, on the whole, respected is free, whatever may be its form of government; and non is completely free in which they do not exist absolute and unqualified”.¹⁸

This also implies that for Mill, the only freedom which deserves the name is that of pursuing our own good in our own way, so long as we do not attempt to deprive others or impede their efforts to obtain it. Each is the proper guardian of his own health, whether bodily, mental or spiritual. Mankind are greater gainers by suffering each other to live as seems good to themselves than by compelling each to live as seems good to the rest.

Outlining the reasons why individuals should be allowed to express their opinion without restraint Stumpf recapitulated four reasons as proposed by Mill. First, if any opinion is compelled to silence, that opinion may, as we can certainly know, be true. To deny this is to assume our own infallibility.

Secondly, though the silenced opinion be an error, it may, and very commonly does, contain a portion of truth; and since the general or prevailing opinion on any subject is rarely or never the whole truth, it is only by the collision of adverse opinions that the remainder of the truth has any chance of being supplied.

Thirdly, even if the received opinion be not only true, but the whole truth; unless it is suffered to be, and actually is, vigorously and earnestly contested, it will, by most of those who receive it, be held in the manner of a prejudice, with little comprehension or feeling of its rational grounds.

Fourthly, the meaning of the doctrine itself will be in danger of being lost or enfeebled, and deprived of its vital effect on the character and conduct; the dogma becoming a mere formal profession, inefficacious for good, but cumbering the ground and preventing the growth of any real and heartfelt conviction from reason or personal experience. According to Stumpf, these are the reasons, for Mill, which make it imperative that human beings should be free to form opinions and to express their opinions without reserve.

To conclude this section, for Stumpf, Mill had it that where not the person's own character but the traditions or customs of other people are the rule of conduct, there is wanting one of the principal ingredients of human happiness and quite the chief ingredient of individual and social progress.²²

Omeregbe sees Mill's idea of liberty from the perspective of the height of the adverse effect of individual action on other people.

As soon as any part of a person's conduct affects prejudicially the interest of others, society has jurisdiction over it, and the question whether the general welfare will or will not be promoted by interfering with it, becomes open to discussion. But there is no room for entertaining any such question when a person's conduct affects the interests of no person's besides himself, or needs not affect them unless they want (all person's concerned being of full age, and of ordinary amount of understanding). In all such cases, there should be perfect freedom, legal and social, to do the action and to stand the consequences.²⁴

For Omoregbe, Mill vigorously defended the freedom of the individual without interference by the state authority except when the activities of the individual adversely affect other people. He classifies the activities of the individual into two categories, namely, those that fall within “Social Sphere” and those that fall within the “Private Sphere”. The state can only interfere with those that fall within the “social Sphere” if they adversely affect other people. The state certainly has no business interfering with those that fall within the “Private Sphere” since nobody else but the doer alone is affected by it. This is to say that if a person’s action affects no one except himself alone, society should not prevent him from going ahead with it. He is free to use his freedom the way he likes, to do whatever he likes so long as what he does, does not adversely affect other people’s interest or welfare.

According to Omoregbe, for Mill other people may disapprove of his action but they have no right to stop him from doing it, intimidate him, or punish him for it, since it does not affect them adversely. Every man he says “has a natural right to the full expression and development of his character, whether other people like it or not”.

Omoregbe gave instances where Mill brought out instances of where liberty cannot be interfered upon, practically thus:

On the sale of drugs, poison, alcohol, by individuals. He objected to compulsory anti-smallpox vaccination, he objects to the enforcement of strikes by leaders of trade unions, and objects to government legislation to enforce the observance of the Sabbath. He would certainly object to government restriction on the sale of cigarettes.²⁵

Commenting on the above assertion, Omoregbe asks the question, but one wonders whether these things do not have adverse effects on other people, does the sale of drugs, alcohol, poison, and cigarettes not have adverse effect on other people? For Omoregbe, Mill may reply that the person who sells them does not force anybody to buy them or to use them. Therefore he should not be stopped from selling them and government should not make laws to restrict their sale.

Omoregbe balanced his view on Mill's idea of liberty by bringing in his view on marriage laws thus: "On the other hand, he approves marriage laws in so far as they protect the children. Of the marriage rights that comes into existence with children the state should also see that parents do not have more children than they can support. It is ... a mischievous act to add to the number of the poor"²⁶.

The questions Omoregbe asked were, but how can a government know how many children a particular married couple can train? Would it be right for government to decide for every married couple how many children they are to

have? Answering the questions Omoregbe answered on behalf of Mill thus: Mill would however consider these as exceptional cases.²⁷

To conclude his view on Mill's work, Omoregbe commended that Mill is a vigorous defender of the freedom of the individual in matters that fall within the category of the "Private Sphere". He is a defender of the freedom of expression, the freedom of opinion without state restriction. These are all cherished values of the democratic culture, which are abhorrent to dictators.

Okike O. Osi treated Mill's theory of liberty from the democratic point of view. Hence he says:

Mill was an ardent believer in democratic government. He said that the ideals of democracy were not realizable until the citizens were reasonably well educated, "Tolerant of opposing views and willing to make sacrifices on their interests for the good of the society". He was worried about the tendency of democracies to suppress individuality and over ride the minorities. His major concern was the growth of individual freedom and character.²⁸

Commenting further, Okike puts it that for Mill, enabling people to participate in governing themselves, representative government makes them more active, intelligent and well grounded than the best intentioned despotism. It gives training on the functions of political parties by cultivating their sympathies, strengthening their habit of looking at social questions from an impersonal

point of view and aiding the identification of their personal interests within the interest of the society.

According to Okike, the idealized form of democratic government for Mill, is the one in which the majorities and minorities are represented. He therefore, advocated for properly educated constituency that would be able and willing to select the best men available, that the views of the elected members must be in conformity with the views of the electorate since the elected members would be more educated, better informed and wiser on particular issues than the electorate.

Portraying Mill's view further, Okike has it that for Mill, the most important form of excellence, which any form of government could possess was to promote virtue and intelligence of the people. To determine the goodness of any particular government according to Mill, we have to examine how much it has improved the sum of the good qualities in the individuals collectively and individually. To end Mill's view on liberty, Okike has it that for Mill, it is only through education that progress could be attained by individuals and in society.

The term "Liberty" invokes such universal respect that most modern political economists, moralists and educationalist endeavour to find a conspicuous place for it somewhere in their systems and prescriptions. Mill is one of such people.

Edwin G. West examines Mill's essay on liberty based on its application on education. For West, after much serious thought, J.S. Mill argued for very special treatment on education and accordingly made the following proposals: First, education was to be made compulsory by law, secondly, the state was to see that this law was respected not by providing state schools (except in exceptional circumstances) but by instituting a system of examinations. Should a child fail to attain a certain minimum standard then his parents were to be taxed and the proceeds devoted to his continued education. Cases of exceptional poverty were to be met by special financial dispensations mapped out by the state from the payment of subsidies or taxes. In the light of Mill's concept of individual liberty via education, West finds it interesting to trace the course of Mill's reasoning which led to these above assertions. Thus he says:

However, when we examine Mill's basic case for intervention, that is to prevent harm to others, we discover that he moved away considerably from the purely negative concept of liberty. For to be strictly consistent with this notion, the only kind of harm to others which would be relevant is the harm of impeding another's freedom. The only acceptable formula in other words would be coercion to prevent coercion.²⁹

To explain this quote, West has it that Mill's idea of 'harm to others' is so wide that he fails to conceal his profound and complementary theory of the state with regard to which liberty has only a subordinate role to play. Thus, by 'harming' others, Mill sometimes implied physical injury but at others, as with

his opinion on offences against decency, lie, included injury to good manners. Again, harmful treatment of animals was yet another extension of the idea. Apart from this, 'harm' consisted of failing to perform what Mill considered to be 'assignable duties'. One of the most important of these was the 'correct' treatment of dependents and accordingly the proper education of children as the appropriate duty 'assigned' to the parent.

For West, Mill took it to be the main duty of the state, to protect all individuals regardless of age. He agreed with Roebuck that the power of the parent over his child was delegated by the state. The state could intervene the moment it was established that the parent was abusing this power, i.e on the grounds of doing harm to others. In West opinion, Mill extending the ideas of harm and cruelty to include the act of neglecting to develop the child's mental faculties, implies the belief that each child has a right to a minimum of education: "Education, also, the best which circumstances admit of their receiving, is not a thing which parents or relatives, from indifference, jealousy, should have it in their power to withhold".³⁰ In reaction to this, according to West, even if 'the best education which circumstances allowed' is capable of easy definition, many strict upholders of negative liberty would still question whether it is relevant to a legitimate case of doing harm to others. They may well concede that the state's duty of protection is clearly on when any of its members is

physically obstructed or injured so that his faculties are in some way impaired. They then put it, that if a parent neglects the education of a child it is not clear that its faculties have been impaired or injured. They may well remain potentially intact and free to be developed by the child at a later stage.

West, contended that a 'minimum education' appropriate to circumstances cannot be rigorously defined in any way that would satisfy all opinion. Education, for instance is a wider term than formal schooling he said. For him, J.S. Mill himself expressed the point thus: "Even if the government could comprehend within itself, in each department, all the most eminent intellectual capacity and active talent of the nation, it would not be the less desirable that the conduct of a large portion of the affairs of the society should be left in the hands of the persons immediately interested in him. The business of life is an essential part of the practical education of a people; without which, book and school instruction, though most necessary and salutary, does not suffice to qualify them for conduct, and for the adaptation of means to ends. Instruction is only one of the desiderata of mental improvement; another almost as indispensable, is a vigorous exercise of the active energies; labour, contrivance, judgment, self-control: and natural stimulus to these is the difficulties of life".³¹

For West, it seems to follow from this that the person most in contact with the ‘difficulties of life’ in a child’s family environment would be the parent and that he would at least be an appropriate person to consult.

In exposing Mill’s contradictory ideas, West, outlines some of the following points: Mill maintained that we should indulge ‘false’ opinions because of the possibility that they may be right, then how comes Mill, in the case of education, however, in several parts of his writings reveals a predilection for overruling parental opinion by state decree in order that his own view, or that of a group of educated, ‘rational’ or cultivated superior should predominate.³²

In response to this, West also has this to say:

We are given this impression most forcefully when we discover that on the subject of education, he throws away completely his subordinate argument for liberty, the argument that “each is the best judge of his own interest”. Ultimately it seems that his main anxiety was not so much that infants could not judge for themselves. His more serious assertion was that most adults could not judge properly either and that therefore freedom must after all be taken away from them at least in this sphere. For this is the first of Mill’s major exceptions to the laissez-faire principle which he discussed in *The Principle of Political Economy*.³³

For West, in spite of all this, however J.S. Mill the popular champion of liberty shows, in this field, anguished mental struggle over the whole question of state education.

Ogunkoya opens Mill's package on liberty through the theory he called the "Harm Principle". Although, for Ogunkoya, Mill did not make use of this word, 'Harm Principle', but he used it as central concept on which he justified the viability of Mill's theory of liberty in the area of healthy social relations and societal harmony. He applied it also in the light of the contemporary society. The "Harm Principle" is an outcome and essential part of Mill's theory of liberty as expressed in his famous essay, *On Liberty*. Thus, his task in the work consists of a deep analysis of Mill's "Harm Principle", as well as the identification of certain area of social relations (such as socio-political relations as found in Nigeria, and inter-group relation as found amongst religious sects), where this principle can be applied for societal harmony.

To be specific, in the 'On Liberty', for Ogunkoya, Mill is concerned about the effect of democratization as a better government compared to the autocratic governments of the time of antiquity. He makes a brief survey of the changing roles of liberty as a political ideal or concept, and how it has been subjected to varied degrees of denial and persecution. But the coming of democracy has made the power of the rulers distinguishable from those of the people, and so, there arose the need to find the limits to the power of the ruler in order to prevent unnecessary infringement of the rulers on the liberty of the people.³⁴

For Ogunkoya, Mill realized that the so-called majority rule is the rule of the people amongst themselves, and as such, it poses another problem- “the tyranny of the majority”.

In conjunction with Mill on the evil the tyranny of the majority can impose on the minority, Ogunkoya made this assertion:

It is indeed a fact that of all systems of government, democratic system in our days seems to be the fairest in term of the status of the individual liberty and the extent of the power of the ruler. But sad enough its practice does not completely remove the vestiges of tyranny in governance. Thus, the existence of democracy in a society does not remove injustice from the land. The fact that ‘the people’ make the laws does not rule out the possibility that the majority will pass laws which will oppress, or are otherwise unfair to the minority. Mill therefore regards the tyranny of the majority as a monster or evil, which we need to guard against. This tyranny of the majority may express itself either in formal structure of legal enactment or in form of government policy.³⁵

Based on the above assertion, Ogunkoya identifies two major concepts, according to Mill, to which attention should be paid in order to enhance progress in a civilized society, namely: (i) complete liberty of thought and discussion within a particular political order and (ii) the free development of individuality. Mill centers his focus on these two main independent aspects of human life. Ogunkoya presented the main spirit behind the writing of *On Liberty* according to Mill, thus:

... to assert one very simple principle, (which is) entitled to govern absolutely the dealings of society with the individual ... That Principle is that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their member is self-protection. That the purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to other.³⁶

On that note it seems proper according to Ogunkoya, for us to state unequivocally that Mill's essay *On Liberty* is concerned with the question of the nature and limits of power, which can be legitimately exercised by society over the individual. For him, Mill proposes a thesis that considerable amount of power be reserved for the citizens while the limits of the state intervention in individual liberty as well as the limits of public opinion as a way of ensuring good conduct of the citizen, be determined.

In conclusion of this section, having seen the stands of various philosophers and personalities on Mill's concept of individual liberty, the researcher will gear towards using the method of critical analysis as a lens in viewing Mill's work in order to expose its relevance to today's society. The researcher will also analyze Mill's application of his concept of liberty on political, economical, religious, and educational and gender sector which will reawake the consciousness of self realization and potential development in the lives of our modern day generation.

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CHAPTER THREE

MILL'S CONCEPT OF LIBERTY

3.1 Liberty and its Divisions

In the evolution of mankind and civilization, the concept of liberty has played a more important role than most concepts. Ebustein says “In all societies and groups, social, economic, religious, educational, or political- the relation between the individual and society always involves the issue of liberty- that is the extent to which the individual can determine his own destiny and act as he wished, unconstrained by others.”¹ Liberty far from being new in a certain sense has separated mankind almost from the remotest ages, but in the stage of progress into which the more civilized portion of the “species” (human being) have now entered, it presents itself under new conditions and requires a different and more fundamental treatment. It follows then that the term “liberty” which is synonymous with freedom is as old as humanity because from the on-set of man’s existential state on earth, it has been observed that man is endowed with freedom i.e. having freedom of will and action. Taking from the point of view of physical condition, liberty entails the movement of one from one place to another (freedom of movement). Psychologically, liberty is the open expression of the spontaneous character of man’s nature, but in politics, when we talk of civil liberty, it indicates the right to act within the

frame work of the law or according to Montesquieu “to do whatever the law permits.” For a moral philosopher, the word is the ability of one choosing his/her action freely.

Divisions of Liberty

It is a truism that just as there abound different conceptions of liberty according to different thinkers, so it is the issue of the divisions of liberty. Hence, the Encyclopedia Americana of International Edition tries to clarify the situation thus: “Liberty has many divisions and the emphasis on one rather than another constantly changes. In the 19th century, the demand for individual liberty occupied the centre of political stage. In the 20th century, attention shifted from the individual to the group-socio economic, national or radical”.²

The way or how a particular state conceives liberty determines a lot on how they will also conceive its division. Even though, there are numerous divisions of liberty, there are two main divisions of liberty namely civil and political liberty. Because of the scope of this work, I shall deliberate more on these two and comment on some other divisions of liberty.

Civil Liberty

This identifies those individual freedom upon which neither government, nor individual organizations can interfere upon. Any organized civil community or society has its liberties, which the individual has the right to claim without any interference from the government. Although the individual is a being in the state, whose duty it is to adhere to the demand of the state (government authority), the government in turn should not be despotic or dictatorial in the execution of its function. There is the limit which the government should not interfere based on the liberty of the individual. Hence, John Stuart Mill asserts that: “civil liberty refers to the nature and limit of the power, which can be legitimately exercised by society over the individual.”³ Man should not interfere with the liberty of action of anyone except for self protection. Power could rightfully be exercised on individual to prevent harm to others because “over himself, his body, and mind, the individual is sovereign.” Civil liberty is the sphere of action in which society, different from the individual has only direct control if any. It concerns directly the person’s life and conduct alone, without affecting others. Some of the areas in which the government cannot interfere include freedom of personal action (movement, assembly and association) and of opinion (religion, speech and press).

Political Liberty

According to the Encyclopedia International Edition, political liberty refers to the right an individual needs in order to participate in the political activities of the community. Political liberty can be found in moderate government when it is not abused. Speaking on the issue Nwoko says that: “Political liberty is not unlimited freedoms”. In government, that is in societies directed by laws, liberty can consist only in the power of doing whatever we ought to Will and not being constrained to do what we ought not to Will.”⁴ This suggests that the liberty of the individual should not be interfered upon by any government. The liberties of the individual are vital because according to Hayek “In an advanced society, any restriction on liberty reduces the rate of progress and development.”⁵ There should be separation of power in any government constitution in order to ensure liberty. According to Charles de Montesquieu, the three powers of government namely legislative, executive and judiciary must do their work efficiently and non should subsume the duty of another, if the political liberty of any state is to be upheld, if not there will be no liberty. Having known what civil and political liberties are, it is clear that both of them refer or point to the well being and non-interference of government or society into the right of the individual. Let us now consider other division of liberty.

Iroegbu, defines liberty as the “totality of what makes human life and existence blossom.”⁶ He listed the following types of freedom. Formal liberty- This is the freedom from constraint. It is the personal individual freedom to have one’s own body and mind, one’s person. It includes the freedom of thought and conscience, speech and expression, freedom from discrimination and freedom of private family life. Communal Liberty- This means power sharing. It is participation in the life of the community. Communal liberty is the “liberty to” and it includes the liberty of thought and expression in political matters, including the freedom of the press. Real Liberty- this is the access to external goods. It is the access to income and wealth, private and communal property, in short, what is generally called economic goods. Real liberty is both liberty-from and liberty-to. Liberty-from implies that the access to external goods frees one from the incapacities of poverty and want in the realization of one’s goods. Liberty-to is the freedom to use the external goods, which are necessary for such realization. Real liberty is in fact the ability and effectiveness for participation. Although there are numerous divisions of liberty, they all gear to one indispensable or basic fact which is nothing but the absence of constraint and the well being of the individual. Therefore, liberty implicitly, means that the individual has the right and freedom to choose what he wishes insofar as he does not interfere with the rights and liberties of others.

3.2 Human Being: A Liberal Being

Having considered the meaning and division of liberty, we need to ascertain whether man is a liberal being at all. That is, what do we really mean when we say that man is a liberal being? To expatiate further on this, let us have a cursory look at who man is which will help us in considering the liberty of man. The question of man has ever remained a problem for ‘great thinkers’ right from the ancient epoch to the contemporary era. Man’s history has been a thing of insult to his integrity, nobility and ways of life. Man himself has ever found it difficult to define himself. Man still remains a mystery even to himself, hence, Scheler writes, “man is a being so vast, so varied, so multiform that every definition to demonstrate himself is too limited. Man’s aspects are too numerous.”⁷

The indefinability of man notwithstanding, many people have given some definitions of man. The catholic encyclopedia says “man is an individual, a single substance resultant from the determination of matter by a human form.”⁸

Here man is seen as having material constituents. Aristotle in his own view saw man as a rational animal, a composite being with body and soul. It is a fundamental and ontological fact that man is a rational being and his rationality distinguishes him from other creatures. That is to say that his rationality is the quality that makes him a man. For Thomas Aquinas, man is a physical

substance, which is composed of body (matter) and soul (form). The absence of the soul will be the absence of the form and also without the body; the soul will not have its required organs of sense through which it gains knowledge.

Opposed to the liberty of man is the theory of determinism which holds that all man's actions are caused by certain factors. According to Baron Von Holbach, man is part of the universal nature and is subject to the causal laws of nature like everything else in the universe. In the same vein, psychologists like Sigmund Freud has it that all man's actions are determined by certain instinctive drives or impulses. Also in the same vein, the materialist holds that man is merely and purely speaking matter and a product of matter and nature. Removing the concept of soul from man also deprives him of freedom.

However, man as a concept in philosophy, theology and science has gained wide or broad acceptance as a being composed of body and soul capable of living in two worlds, material and spiritual. The Aristotelian and Thomistic conception of man will help us in understanding the liberty of man. Man by nature is a liberal being even though some thinkers reject this position. Freedom (liberty) is part of man's nature as a rational being and to lose one's rationality (e.g. sanity) is to lose one's freedom. Man's rationality tells him that certain actions are good and some are bad, and must be avoided, therefore,

the liberty of man comes in when he chooses the right course of action and neglects the bad actions or when he makes a choice or decision. According to Aquinas, man is made free/liberal from the beginning when God gave him free will (freedom) and left him in the hand of his own counsel. Supporting the idea of freedom, the libertarians maintain that man's actions are essentially free. Aristotle holds that for man to be morally responsible for his actions, those actions must be under his control. The action must stem from him without any coercion or restraint. Even though this controversy between freedom and determinism has continued in the history of mankind, it is obvious that man by nature is free in his actions. Man's rationality enables him not to trespass on the freedom (liberty) of others because his freedom stops where the freedom of others begins. It is pertinent to observe that if man were not liberal or free, how can he give account of his action whether moral, political, social, and religious, hence comes the issue of liberty of thought and discussion.

3.3 Liberty of Thought and Discussion

The conflict between individual liberty and the demands of the society and the state has long troubled the spirit of man. It was to this profound and difficult dilemma that John Stuart Mill addressed himself. Mill highly asserts the need for individual to be free of interference from the despotism of social opinion

and government action. This is viewed in his definition of liberty as the protection against the tyranny of the political rulers. Mill as a libertarian in propagating freedom of the individual appears to be attached to diversity. But the outcome of this diversity is the establishment of common opinions and a common way of arriving at moral and political truth. That is to say that men are to be free so far as possible to develop themselves individually. Therefore Mill asserts: "The consequence of allowing this freedom will not in the long run be diversity of opinion but at a very remote distance something approaching unanimity."⁹ The unanimity here may involve nothing more than agreement about the rightful method to be employed in solving moral and political dispute.

Man as a being is not only animalistic but also rationalistic. Man's rationality gives him the right or ability to live in a society with other men. But it is not enough for man only to live in the society and be subjected into it, man has the right to express his feelings and sentiments, hence the freedom of thought and expression. For Mill, the freedom of opinion and expression has been so highly praised especially in constitutionalized countries that the government cannot exert any power or coercion unless in agreement with the public. But Mill denies this right of the people to exercise such coercion either by themselves or by their government. He says that:

The power is illegitimate. The best government has no more title to it than the worst. It is as noxious as, or more noxious when created in accordance with public opinion than when in opposition to it. If all mankind minus one were of one opinion and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person than he, if he had the power, would be justified in silencing mankind.¹⁰

For Mill, there should be freedom of expression and discussion. Since it is only man that is *zoon longonakhon* – animal capable of speech. Martin Heidegger affirms this when he says, it is speech that makes man that being he is. Mill is advocating absolute freedom of speech; hence, D.D. Raphael defined freedom of speech as “the freedom to say what one likes.”¹¹ In the same manner, Laski says that:

...from the stand point of the state the citizen must be left unfettered to express either individually or in concert with others any opinions he happened to hold. He may preach the complete inadequacy of the social order... He may insist that the political system is the apotheosis of perfection ... whatever form taken by their expression he is entitled to speak without hindrance of any kind.”¹²

Mill is not exempted from those who advocate for absolute expression of opinion. For him, opinions are to be expressed whether good or bad and not to be silence. Hence, he is of the opinion that those who stifle opinion have a question to answer based on the fact that they are not sure that the opinion they suppress is wrong or not. Thus, Mill is of this view:

But the peculiar evil silencing the expression of an opinion is that it is robbing the human race; posterity as well as the existing generation, those who dissent from the opinion still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error.¹³

It is quite difficult then to say that such and such opinion is wrong or false.

Mill further argues that even if we are sure that an opinion is false, we still be wrong in stifling it. For him, too refuse a hearing to an opinion because they are sure that it is false is to assume that their certainty is the same thing as absolute certainty. Hence, Mill affirms that “all silencing of discussion is an assumption of infallibility.”¹⁴

In the same line of thought, Mill is of the view that it is a truism that man is a fallible being (capable of mistakes), but this does not mean that individuals should shrink away from their opinion and not act on them. If we were never to act on our opinions because those opinions may be wrong, we should leave all our interest uncared for and all our duties unperformed. The individual in the society has the right to join in the formulation of the truest opinion and not only by the government. Thus, “it is the duty of the government and of individual to form the truest opinion they can, to form them carefully, and never impose them upon others unless they are quite sure of being right.”¹⁵

Furthermore, Mill asserts that: “but when they are sure, it is not conscientiousness but cowardice to shrink from acting on their opinions and allow doctrines which they honestly think dangerous to the welfare of mankind ... to be scattered abroad without restraint...”¹⁶

On this issue, the question is, how can one be sure that his opinions are right? Opinion can be proved to be right based on discussion and experience and not experience alone. Hence, meaning hearing what can be said of one thing by different individuals. To buttress this fact, Mill says:

Because he has felt that the only way in which a human being can make some approach to knowing the whole of a subject- is by hearing what can be said about it by persons of every variety of opinion. No wise man ever acquired his wisdom in any mode but this nor is it the nature of human intellect to become wise in any other manner...¹⁷

The steady habit of correcting and completing our opinion by collating it with those of others so far from causing doubt and hesitation in carrying it into practice, is the only stable foundation for a just reliance on it. Commenting on the need for collection of opinions (wise and foolish) Mill says that: “The most intolerant of churches, the Roman Catholic Church, even at the canonization of a saint, admits, and listens patiently to, a “devil’s advocate.” The holist of man, it appears cannot be admitted to posthumous honours, until all that the devil could say against him is known and weighed.”¹⁸

Moving further, Mill is of the opinion that freedom of thought and opinion makes for a good thinker because it enables him stretch his intelligence very widely to whatever conclusion it may reach. For Karl Jasper, it is this ability to think extensively and speak freely that marks a man out as a free being. This he says, “I become free by incessantly broadening my world orientation, by limitlessly visualized premises and possibilities of action and by allowing all motives to speak to me and work within me.”¹⁹ So it is this freedom of thought and opinion that liberates man from the shackles of mental despotism.

Furthermore, because knowledge is divergent and the objects of knowledge different, liberty of thought and opinion avail us of the opportunities of knowing the different shades of a particular thing and affords one a better and deeper meaning of a situation. Free expression of thoughts and opinions furnished us with sharper views of an issue. By the admittance of criticisms we know our loopholes and then change for the future. For Mill, the truth-value of anything is to be assumed a posteriori and not a priori. Before truth or falsity is placed on anything, it must be pruned into criticism. Through criticizing our opinions, men can be freed from imminent mental slavery; it is a fact we have self-evident truths, which need not be debated upon. So Mill over stepped by affirming that the truth of anything should be verified.

To reverberate his connection on the legitimacy of this freedom of thought and opinion (expression), Mill says that no opinion should be stifled even though what it is opposing has been proved to be the truth. The false opinion is to be expressed because it will give more ground to the truth so that people will know the veracity of the truth. Having considered the occasion where the accepted opinion is true, it is left for us to look at the situation where the accepted opinion is false or wrong. Openness of views and opinions through freedom of thought and discussion enhanced the correction of wrong accepted opinions. For instance, the cracking of the atoms by Rutherford. Before this man, the Dalton atomic theory defines an atom as the smallest indivisible particle of an element. Rutherford's experiment revealed that the atom hitherto held as indivisible can be divided into its three component parts of Proton, Electron and Neutron. So Mill maintained that progress is desirable for human welfare and that freedom of thought and discussion is the only means to that end.

With this type of freedom of thought and discussion which guarantees the expression of individual's views on any subject at all one may ask, is one in expressing his views free to label or indulge in character assassination? This is where Mill made a great mistake. Mill did not speak on any limitation in

expressing ones view but rather he talked of some mannerism in expressing our view. Mill says that, “for the interest, therefore of truth and justice, it is far more important to restrain this employment of vituperative language.”²⁰ But the question is, should freedom of speech be so absolute as Mill views it? For Appdurai, freedom of speech means the right to say or write what one chooses, insofar as the nature of that thing is not seditious or blasphemous to another situation. By this, we see a limitation placed on the choice of object of speech. But for Mill, it is only based on the manner of expressing one’s view. Basically, common sense tells us that freedom of speech must not go into the privacy of another. It is only on general subject matter or on the theme of public importance. So we must be selective outside genera interest. Bearing this in mind, Laski sees freedom of speech as the, “absence of control on either general statement or personal statement of which the public import is immediate and direct.”²¹ For Laski, man should be free to express his opinion only on issues that have immediate and direct connection with public interest. Hence, it is pertinent to note that, although one is free to express himself on what concerns public interests, what one says must be true lest justifiable punishment is incurred.

Instances have been given by Mill where freedom of thought and opinion were being trampled upon in the past with the personality of Socrates and Plato,

Jesus Christ and his Saints. According to Mill, mankind can hardly be too often reminded that there was once a man named Socrates, between whom and the legal, authorities and public opinion of his time, there took place a memorable collision. He narrated his story as born in an age and country abounding in individual greatness, handed down to us by those who best knew both him and the age, as the most virtuous man in it. He is the acknowledged master of all the eminent thinkers who have since lived, whose fame, still grew after more than two thousand years. For Mill in spite of his fame in virtuous living he was put to death by his countrymen, after a judicial conviction for impiety and immorality. Impiety, in denying the gods recognized by the state; in believed in no gods at all. On that of immorality he was accused, in being, by his doctrines and instructions a “corrupter of the youth.” In connection of this Mill says: “of these charges the tribunal, there is very ground for believing, honestly found him guilty, and condemned the man who probably of all then born had deserved best of mankind, to be put to death as a criminal.”²²

To pass from this to the other instance of judicial iniquity, is the event which looks place on Calvary rather more than two thousand years ago. For Mill this man left on the memory of those who witnessed his life and conversation, such an impression of his moral grandeur, that twenty subsequent centuries have done homage to him as the Almighty in person, he was ignominiously put to

death, as a blasphemer. This person is no other than Jesus Christ whom the whole world regarded as the Almighty. On this two instances Mill had this to say:

Men did not merely mistake their benefactors; they mistook them for the exact contrary of what they were, and treated them as that prodigy of impiety, which they themselves are now held to be, for their treatment of them. The feeling with which mankind now regard these lamentable transactions, especially the later of the two, render them extremely unjust in their judgment of the unhappy actors.²³

Another instance connecting the prohibition of liberty of opinion was also mention by Mill as instance during his time; this is more on religious ground. According to him it will be said that we do not now put to death the introducers of new opinions; we are not like our fathers who slew the prophets, we even build sepulchers to them. It is true we no longer put heretics to death; and the amount of penal infliction which modern feeling would probably tolerate, even against the most obnoxious opinions, is not sufficient to extirpate them. Mill is of the opinion that we should not flatter ourselves that we are yet free from the stain even of legal persecution. Penalties for opinion, or at least for its expression, still exist by law; and their enforcement is not, even in these times exempted. The following instances were given by Mill thus:

In the year 1875, at the summer assizes of the country of Cornwall, an unfortunate man, said to be of unexceptionable conduct in all relations to

life, was sentenced to twenty-one months imprisonment, for uttering, and writing on a gate, some offensive words concerning Christianity. Within a month of the same time, at the old Bailey, two persons, on two separate occasions were rejected as juryman, and one of them grossly insulted by the judge and by one of the counsel, because they honestly declared that they had no theological belief.”²⁴

Speaking from the above quotation, it than means that those whose opinion is contrary to those of the orthodoxy will be termed heretics. The consequence is that it is not the minds of heretics that one deteriorated most by the ban placed on all inquiry which does not end in the orthodox conclusions. The greatest harm done is to those who are not heretics, and whose whole mental development is cramped, and their reason cowed, by the fear of heresy. The question is, who can compute what the world loses in the multitude of promising intellects combined with timid character, who dare not follow out any bold, vigorous, independent train of thought, lest it should land them in something which would admit of being considered irreligious or immoral? Among them we may occasionally see some human being of deep conscientiousness, subtle and refined understanding, who spends a life in sophisticating with an intellect which he cannot silence, and exhausts the resources of ingenuity in attempting to reconcile the prompting of his conscience and reason with orthodoxy, which yet he does not, perhaps, to the end succeed in doing. The truism is this, no one can be a great thinker who does not recognize, that as a thinker it is his first duty to follow his intellect to

whatever conclusion it may lead. To form great thinkers, freedom of thinking is required. Never has been or would be great thinker in atmosphere of mental slavery. It is a logical fact that humanity can never think of growth in development until we assert our mental freedom.

Mill in asserting that the liberty of opinion and expression of an individual should be held in a high extreme also thought of throwing the dogma of the orthodoxy which was held tenaciously to rational scrutiny in order to know the stand of the wisdom on which we stand. This is said of people who are termed heretics, he is of the view that in fashioning their opinion they have to ask themselves this question, even if my opinion is not questioned and is taken to be true, on what ground can I stand to refute my adversaries in due cause? They are not only to ask themselves this question, they should also ask themselves the question “on what ground is the doctrine or dogma of my adversaries stand?” This will give them a balanced view of their opinion. Thus, Mill says: “They have never thrown themselves into the mental position of those who think differently from them, and considered what such persons may have to say; and consequently they do not, in any proper sense of the word, know the doctrine which they themselves profess”.²⁵

Mill in his view concerning the church and freedom, is of the opinion that yes the teaching of Christ in the bible is perfect, but the teaching of the different sets of Christianity are not perfect for they have being diffused with the teaches of men, and for that reason liberty of opinion is necessary for truth to be known. Thus he says: "It can do truth no service to blink the fact, known to all who have the most ordinary acquaintance with literary history, that a large portion of the noblest and most valuable moral teaching has been the work not only of men who did not know, but of men who knew and rejected, the Christian faith".²⁶

In conclusion Mill has these four points to give why freedom of opinion and expression is necessary. First, if any opinion is compelled to silence, that opinion may, for aught we can certainly know, be true. To deny this is to assume our own infallibility. Secondly, though the silenced opinion be an error, it may, and very commonly does, contain a portion of truth; and since the general or prevailing opinion on any subjects is rarely or never the whole truth, it is only by the collision of adverse opinion that the remainder of the truth has any chance of being supplied. Thirdly, even if the received opinion be not only true, but the whole truth; unless it is suffered to be, and actually is, vigorously and earnestly contested, it will, by most of those who receive it, be held in the manner of a prejudice, with little comprehension or feeling of its rational grounds. Fourthly, the meaning of the doctrine will be in danger of being lost,

or enfeebled, and deprived of its vital effect on the character and conduct; the dogma becoming a mere formal profession, inefficacious for good, by cumbering the ground, and preventing the growth of any real and heartfelt conviction, from reason or personal experience. Having looked at freedom of thought and discussion, let us know the relevance of freedom of speech to the well being of individual in the society.

3.4 Liberty an Element of Individual Wellbeing

Having seen that for Mill it is imperative that human being should be free to form opinions and express them without reserve, it is pertinent to examine next, whether human being should be free to act upon their opinions, to carry them out in their lives without hindrance, whether physical or moral from their fellow human being, so long as it is at their own risk and peril. It is only when one think and expressed his opinions, which are not stifled, that one develops himself mentally and live will in the society. Thus, for Mill, all creative faculties and the great goods of life could develop only through freedom, and experiments in living.

It is vital to note that society (government) either collectively or individually in executing its function must respect the liberties of the individual. Like in the

expression of opinion the individual is free to act on his opinion insofar as it does not interfere with another's right, which definitely will make the opinion/action to lose its immunity, thus, "even opinions lose their immunity when the circumstances in which they are expressed are such as to constitute their expression a positive instigation to some mischievous act."²⁷ The above quotation denotes that there are occasion in which one's liberty can be interfered with. Commenting further on this, Mill writes:

The sole end for which mankind is warranted individually or collectively in interfering with the liberty of action of any of their members is self-protection, which the only purpose for which power can be rightfully exercise over any member of a civilized community against his will is to prevent harm to others.²⁸

In preventing harm to others, the government (authority) can rightfully interfere with the liberty of an individual. But to do this, precaution must be taken because the individual is sovereign. Bearing this in mind, Rader, M., asserts that "the principle (of human liberty) requires ... of doing as we like, subject to such consequences as may follow; without impediment from our fellow creatures, so long as what we do not harm them, even though they should think our conduct foolish, perverse or wrong."²⁹ For Mill, the liberty of the individual must be limited, if one must make himself a nuisance to other people. But if one refrains from molesting others in what concerns them and merely acts according to his own inclination and judgment in things which

concern himself, the same reason which shows that opinion should be free prove also that one should be allowed without molestation to carry his opinion into practice at his own cost.

According to Mill, with regard to things, which do not primarily concern others, individuality must assert itself. By individuality, he means acting as one wish without hindrance. But if this individuality is sacrificed to customs and traditions, social progress, originality and creativity for Mill will be dwarfed. In such a situation according to Bethrand Russell, a tragedy befalls the human race because “human beings cease to be individuals or to retain the native pride that is their birth right if they become machine-bureaucrat and the drill-sergeant, capable of being tabulated in the statistics without anything being omitted.”³⁰ When this situation arises, personal outputs are controlled and the greater parts of the citizen do not recognize individuality as a worthwhile but as a troublesome and possibly a convert attempt, to thwart the order in the society. Mill says, this is not the proper view of things. For him, customs should not be followed. But this does not mean that people should not be exposed to the general rules of conduct which the old hold with respect and which experience has proven to be preferable to another. No wonder Mill said

that, “nobody denies that people should be so taught and trained in youth as to know and benefit by the ascertained results of human experience.”³¹

For Carl Rogers, when individuals are exposed to these conditions they become more self-responsible, make for progress in self-actualization, become more flexible and more creatively adaptive. Once a human being has reached the age of matured faculties, he/she should be left to use and interpret experience in his own ways and apply them comfortably to his own ways or apply them comfortably to his own circumstances in order to progress in society and to foster originality in whatever he does. Thus, Mill is of the view that, “He who lets the world ... choose his plan of life for him has no need of any other faculty than the ape-like one of limitation.”³²

Mill in asserting that individuals are free to act on their opinion which primarily concerns them without interfering on another's liberty gave the following reason. One of the reasons is due to the imperfect nature of mankind. Hence, he is of the view that due to the nature of imperfection in man there can be differences in opinions, so there is also going to be different experiments of living. For this reason free scope should be given to varieties of character, short of injury to others. Mill denies the situation where traditions and customs of people are the rule of conduct. For him there will be want of happiness and

social progress. Thus, he says: “where, not the person’s own character, but the traditions or customs of other people are the rule of conduct, there is wanting one of the principal ingredients of human happiness, and quite the chief ingredient of individual and social progress.”³³

Mill is of the view that the object towards which every human being must ceaselessly direct his efforts, and on which especially those who design to influence their fellowmen must ever keep their eyes, is the individuality of power and development. He is of the opinion that for this two things (individuality of power and development) to be possible there must be two requisites “freedom, and a variety of situation”, which gives rise to originality.

For excellence in conduct to be acquired there must be diversity and originality in conduct. At the same time people should not live as if their wisdom is infallible, as if their coming into the world lead to the birth of wisdom. This is to say that they should also listen to the words of wisdom that has stood the test of time. In view of this Mill has this to say:

No one’s idea of excellence in conduct is that people should do absolutely nothing but copy one another. No one would assert that people ought not to put into their mode of life, and into the conduct of their concerns, any impress whatever of their own judgment or of their own individual character. On the other hand, it would be absurd to pretend that people ought to live as if nothing whatever had been

known in the world before they came into it. As if experience had as yet done nothing towards showing that one mode of existence, or of conduct, is preferable to another.³⁴

Another reason of assigning individuality to human being stem from the analogical illustration Mill gave with machine and tree. According to Mill, human nature is not a machine to be built after a model, and set to do exactly the work prescribed for it, but a tree, which requires to grow and developed itself on all sides, according to the tendency of the inward forces which makes it a living thing. For balance individuality and for enhancing proper individual development it is desirable, people should exercise their understandings, and that an intelligent following of custom, or even occasionally an intelligent deviation from custom, is better than a blind arid simply mechanical adhesion to it. He also advocate for a proper balancing of strong human impulses for it is perilous when not properly balanced. To argue against the idea that due to the nature of man's impulse other peoples' liberty will be trampled with, Mill has this to say:

Those who have most natural feeling are always those whose cultivated feelings may be made the strongest. The same strong susceptibilities which make the personal impulses vivid and powerful, are also the source from whence are generated the most passionate love of virtue, and the sternest self control. It is through the cultivation of these, that society both does its duty and protects its interest, not by rejecting the stuff of which heroes are made, because it knows not how to make them.³⁵

In continuation to the above quotation, Mill is of the view that a person whose desires and impulses are his own are the expression of his own nature, as it has been developed and modified by his own culture is said to have a character. On the other hand one whose desires and impulses are not his own, has no character, no more than a steam-engine has a character. If, in addition to being his own, his impulses are strong, and are under the government of a strong will, he has an energetic character. Therefore, whosoever, thinks that individuality of desires and impulses should not be encourage to unfold itself must maintain that society has no need of strong nature; he also of the opinion that a high general average of energy is not desirable.

Moving further to assert the need of individuality and refuting the voice of those who profess for the idea of being lost in the Crowd; Mill is of the notion that in our time, from the highest class of society down to the lowest, every one lives as under eye of a hostile and dreaded censorship, no one ask himself what do I prefer? Or, what would suit my character and disposition? Or what would allow the best and highest in me to have fair play, and enable it to grow and thrive? They rather ask themselves the questions that make them to have inclination except for what is customary, like what is suitable to my position? What is usually done by persons of my station, and pecuniary circumstances? Or (worse still) what is usually done by person of my station and circumstances

superior to mine? According to Mill this does not bring the best in mankind rather conformity is the first thing thought; they exercise choice only among things commonly done. This can be likened to what the doctrine of the Calvinistic theory did to humanity, thus they say “whatever is not a duty is sin”. This made people to do thing not in a manner they themselves prefer, but in the way of obedience, that is, in a way prescribed to them by authority; and, therefore, by the necessary conditions of the case, the same for all.

To bring the importance and necessity of the issue of individuality and to contradict the theory of Calvinism, Mill is of the view that if it be any part of religion to believe that man was made by a “good being”, it is more consistent with that faith to believe, that this being gave all human faculties that they might be cultivated and unfolded, not rooted out and consumed, and that he takes delight in every nearer approach made by his creatures to the ideal conception embodied in them, every increase in any of their capabilities of comprehension, of action, or of enjoyment. It is not by wearing down into uniformity all that is individual in themselves, but by cultivating it and calling it forth, within the limits imposed by the rights and interests of others, that human beings becomes a noble and beautiful object of contemplation. Individuality also make human life become more rich, diversified, and animating; it furnishes more abundant aliment to high thoughts and elevating

feelings, and strengthening the tie which bind every individual to the race, by making the race infinitely better worth belonging to. In proportion to the development of his individuality, each person becomes more valuable to himself, and is therefore capable of being more valuable to others. There is a greater fullness of life about his own existence, and when there is more life in the units there is more in the mass (society) which is composed of them.

In conclusion, having said that individuality is the same thing with development, and that it is only the cultivation of individuality which produces, or can produce, well-developed human beings, the argument is therefore, closed; for what more or better can be said of any condition of human affairs, than that it brings human being themselves nearer to the best thing they can be or what worse can be said of any obstruction to good, than that it prevents this, Doubtless, however, these consideration will not suffice to convince those who most need convincing; and it is necessary further to show, that these developed human beings are of some use to the underdeveloped- to point out to those who do not desire liberty, and would not avail themselves of it, that they may be in some intelligible manner rewarded for allowing other people to make use of it without hindrance.

3.5 The Limits to the Authority of Society over the Individual

Every individual is a member of the society and as such enjoys society's protection over his liberty. It seems right therefore, that for the sake of a smooth functioning of the society and in order to be able to secure the liberty of the individual within it, the state must be granted that exercise of domineering character over the individual which might involve some limitations of the individual liberties. So there is that danger of sacrificing the individual to the society and at the same time, the danger of "Laissez-faireism" on the part of the individual in the society. Bearing this mind, Mill asks: "what is the rightful limit to the sovereignty of the individual over himself? Where does the authority of the society begin? How much of human life should be assigned to individuality and how much to the society."³⁶

Mill gave some kind of solution to the above aforementioned problem by specifying the grounds on which the individual should not be punished and when he should be subjected to punishment consequent to his action. Thus; "As soon as any part of a person's conduct affects prejudicially the interests of others, society has jurisdiction over it..."³⁷ According to Mill, the individual in the society should own it as a duty, not to injure the interest of others especially their rights. Such is the condition in the mind of Mill, which makes the society justifiable in subjecting the individual to punishment. But it is Mill's conviction that the society should not interfere when it comes to "self regarding

actions”. In his own words Mill says: ...when a person’s conduct affects the interests of no persons besides him, or needs not affect them unless they like... in all such cases, there should be perfect freedom, legal and social to do the action...³⁸

Although Mill emphasized the sacredness of “self regarding action”, he equally affirms that the individual should be helped by others to distinguish the better from the worse and should be advised on a better line of action. For Mill, to foster smooth relationship, individual autonomy must not be prolonged “adinfinitum”. It must be limited. In the words of G.O Friel, he says: “For if men live together and each one of them is busy providing that which is necessary for himself, the society will be dissipated into distinct individual units unless there is... (The) care of what pertain to the good of the multitude.”³⁹ Also in emphasizing on the sacredness of self-regarding action, Mill advocates for a compassion on the side of the people towards an individual who might be damaging his life due to mismanagement. He is of the opinion that instead of wishing to punish him, we shall rather endeavor to alleviate his punishment, by showing him how he may avoid or cure the evils his conduct tends to bring upon him. He moved further by saying that he may be to us an object of pity, perhaps of dislike, but not of anger or resentment.

According to Mill, we shall also not treat him like an enemy of society, the worst we shall think ourselves justified in doing is leaving him to himself, if we do not interfere benevolently by showing interest or concern for him.

There is a pertinent question to ask. How can any part of the conduct of a member of society be a matter of indifference to other members? No person is an isolated being. It is impossible for a person to do anything seriously or permanently hurtful to himself, without the mischief reaching at least to his near connexions, and often far beyond them... For instance, if he injures his property, he does harm to those who directly or indirectly derived support from it, and usually diminishes by a greater or less amount, the general resources of the community; if he deteriorates his bodily or mental faculties, he not only bring evil upon all who depended on him for any portion of their happiness, but disqualifies himself the service which he owes to his fellow-creature generally, perhaps becomes a burden on their affection or benevolence; the truism in this matter is that if such conducts were very frequent, hardly any offence that is committed would not incur the general good. On this issue, Mill gave situations when an issue that is self- regarding can attract the guilty of social offence, hence, is subjected to reprobates and be justly punished, thus says:

In like manner, when a person disables himself, by conduct purely self-regarding, from the performance of some definite duty incumbent on him, to the public, he is guilty of a social offence. No person ought to be punished simply for being drunk; but a soldier or a policeman should be punished for being drunk on duty.⁴⁰

According to Mill, whenever, in short, there is a definite damage or a definite risk of damage, either to an individual or to the public, the case is taken out of the province of liberty, and placed in that of morality or law. On the other hand, Mill is of the view that with regard to the merely contingent, or as it may be called, constructive injury which a person causes to society, by conduct which neither violates any specific duty to the public, nor occasions perceptible hurt to any assignable individual except himself, the society should bear the inconvenience for the sake of the greater good of human freedom.

In conclusion of this argument, Mill is of the opinion that it should not be only through legal punishment that the society should use to bring individual to proper conduct. He advocated for proper education on the areas of morality.

Thus he says:

But I cannot consent to argue the point as if society had no means of bringing its weaker members up to its ordinary standard of rational conduct, except waiting till they do something irrational, and then punished then, legally or morally for it. Society has had absolute power over them during all the earthly portion of their existence: it has had the whole period of childhood and nonage in which to try whether it could make them capable of rational conduct in life.⁴¹

Another area of concern where the society tramples on individual liberty is on the area of making laws based on personal feelings otherwise known as the feeling of the majority. According to Mill, the evil he pointed out is not one which exists only in theory; thus, he gave instances where this is practicable; where the public of his age and country improperly invests its own references with the character of moral laws. Mill calls it “extending the bounds of what may be called moral police, until it encroaches on the must unquestionably legitimate liberty of the individual, one of the most universal of all human propensities. One of the instances considered by Mill is the antipathies which men cherish on no better ground than that person whose religious opinions are different from theirs; do not practice then religious observances especially their religious abstinence. To cite a rather trivial example, nothing in the creed or practice of Christians does more to envenom the hatred of Mohamedians against them, than the fact of their eating pork. Suppose now that in a people, of whom the majority was Muslim men, the majority should insist upon not permitting pork to be eaten within the limits of the country. This would be nothing new in Muslim countries. On the issue mentioned above, Mill gave the solution thus:

Would it be a legitimate exercise of the moral authority of public opinion? Also if not, the practice is really revolting to such a public.

They also sincerely think that it is forbidden and abhorred by the Deity. Neither could the prohibition be censured as religious persecution. It might be religious in its origin, but it would not be persecution for religion, since nobody's religion makes it a duty to eat pork. The only tenable ground of condemnation would be, that with the personal taste and self-regarding concerns of individuals the public has no business to interfere.⁴²

Another example of where religious practices infringes on individuals liberty according to Mill was on the issue of Spaniards manner of worship. According to Mill, majority of Spaniards consider it a gross impiety, offensive in the highest degree to the Supreme Being, to worship him in any other manner than the Roman Catholic, and no other public worship is lawful on Spanish soil. He cited also that the people of all Southern Europe look upon a married clergy as not only irreligious, but unchaste, indecent, gross, disgusting. The question that should be asked is this: What do Protestants think of these perfectly sincere feelings, and of the attempt to enforce them against non-Catholics? Another question is this, if mankind is justified in interfering with each other's liberty in things which do not concern the interest of others, on what principle is it possible, consistently to exclude these cases? Or who can blame people for desiring to suppress what they regard as a scandal in the sight of God and man? In order to solve this problem of religious feelings which infringes on human liberty, Mill has this comment to make:

No stronger case can be shown for prohibiting anything which is regarded as a personal immorality, than is made out for suppressing these practices in the eyes of those who regard them as impieties, and unless we are willing to adopt the logic of persecutors, and to say that we may persecute others because we are right, and that they must not persecute us because they are wrong, we must beware of admitting a principle of which we should resent as a gross injustice the application to ourselves.⁴³

Another area where Mill settled the problem of infringing on personal liberty is on the issue he called democratic feeling. This is the notion that the public has a right to a veto on the manner in which individuals shall spend their incomes. This tendency made it infamous in the eyes of the majority to possess more property than some amount, or any income not earned by manual labour. According to Mill, this tendency prevails widely among the artisan class, and it weighs oppressively on those who are amenable to the opinion chiefly of that class, namely, its own members. This is a diffusion of socialist opinions. It is known that the bad workmen who form the majority of the operative in many branches of industry, are decidedly of opinion that bad workmen ought to receive the same wages as good, and that no one ought to be allowed, through piecework or otherwise, to earn by superior skill or industry more than others can without it. They employ a moral police, which occasionally becomes a physical one, to deter skillful workmen from receiving and employer from

giving, a large remuneration for a more useful service. To tackle this issue Mill has this opinion to make:

If the public have any jurisdiction over private concerns, I cannot see that these people are in fault, or that any individual's particular public can be blamed for asserting the same authority over his individual conduct, which the general public asserts over people in general. But, without dwelling upon supposititious cases, there are in our day, gross usurpations upon the liberty of private life actually practiced, and still greater ones threatened with some expectation of success, and opinions propounded which assert an unlimited right in the public not only to prohibit by law everything which it thinks wrong but in order to get at what it thinks wrong, to prohibit many number of things which it admits to be innocent.⁴⁴

Having enumerated areas according, to Mill where the society should not interfere with individual liberty. It then means that Mill gave a balance treatment on the limit of the authority of the society over the individual. It therefore follows that the state is justified to limit or interfere with an individual's liberty in cases of imminent danger to the liberty of others which misbalances the natural order in the state. John Rawls recognizes the restoration of the natural order as a task incumbent on the state to undertake and to fulfill. Thus he says: "liberty ... is to be limited when there is a reasonable expectation that not doing so will damage the public order which the government should maintain."⁴⁵

Aristotle also supported this supremacy of the state over the individual and approves of this type of relation between them from a geometrical point of view. Hence he says "... the state has priority over the household and over any individual among us, for the whole must be prior to the part."⁴⁶ If Aristotle were to be understood from this statement, it means that whatever happens, the satisfaction of the state should always reign supreme and supersedes any other individual benefits. It can also be inferred from the statement that, interest of the state must be satisfied before that of the individual. The overall interpretation of Aristotle's statement is that the reason for the state to have an authority over individual liberty is no other reason but to protect their interest and to provide them in general the best opportunity for self-development.

Even though, there are justified ground for the state to interfere with the liberty of the individual, among liberal philosophers, there must be check and balances on the state in order to avoid the individual's liberty been interfered with wrongly and unwisely too. Common sense shows that the individual in the society has some liberties and that the state has no right to trample to those liberties which is what Mill called self-regarding actions. Having considered Mill's conception of liberty let us then take a look at Mill's legacy on politics economy, religion, education and gender equality.

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CHAPTER FOUR

SOCIOECONOMIC IMPLICATION OF MILL'S THEORY

Mill having been convinced that a good society is one which consist of a happy people, and that happiness comes out of self-reliance, rationality, tolerance, wide-ranging interest, and a compassionate temper, led down his theory of liberty. For Mill “coercion is logically at odds for the growth of any society but liberty leads to self-development and social progress. Hence, Mill applied his liberal principle in all areas of human endeavors ranging from politics, economy, religion, education and family.

4.1 POLITICS

For Mill, government is not a matter of natural right or social contract, as in many forms of liberalism. Forms of government are, rather, to be judged according to “utility in the largest sense, grounded on the permanent interest of man as progressive being.”¹ By this he means that forms of government are to be evaluated in terms of their capacity to enable each person to exercise and develop in his or her own way their capacities for higher forms of human happiness. Such development will be an end for each individual, but also a means for society as whole to develop and make life better for all.

Given the centrality of self development which is the health of the state, Mill argues that liberty is a fundamental human right. “The sole end,” he proposes, “for which mankind is warranted individually or collectively...in interfering with the liberty of action of any of their member, is self-protection.”¹² This will enable each to seek his or her own best; it will liberate a diversities of benefits to the individual and of all; and it will nurture moral freedom and rationality. With the latter come creativity and the means of social and intellectual progress. Mill’s on liberty remains the strongest and most eloquent defense of liberalism that we have. He argued in particular for freedom of thought and discussion which have been given a detailed analysis in the chapter three. “We can never be sure”, he wrote “that the opinion we are endeavoring to stifle is a false opinion, and if we were sure stifling it would be an evil still.”³ Our beliefs and actions are reasonable or not depending upon our capacity to critically assess them. Only through free debate can such critical skill be develop and maintained; our self-development as reasonable persons, capable of critical assessment for belief and action.

Before moving to Mill’s idea of government or politics, Mill thought of individuality as necessary to foster social institution. Hence, according to Mill, the best sort of person is one who individually is responsible for his or her beliefs and actions. It is not someone whose beliefs or actions are simply but

those that conform to some custom, or are simply those that they have always had, or are simply those asserted to be correct by some authority. The best kind of beliefs and actions are those that emerge from the person's own critical assessments. As for why that sort of person is the best, it is because such a one will not only be happy in his or her own case but will be concerned with, and contribute to, the happiness of others. Individuality is, in other words, one of the main ingredients of human happiness, and it is for that reason to be cultivated. Hence, as elsewhere, it is utility, the general welfare, that determines what is right and what is the best.

For the reasons given above, the idea of or the type of government propounded by Mill is democracy and representative government. For Mill, it contributes to the development of the individual, for much the same reason that free speech so contributes, and so these too are social institutions that are justified on utilitarian grounds. Mill agreed with Bentham and his father James Mill that democracy was the form of government that could best secure the happiness of all. But for him the end is not just well-being, as earlier utilitarians argued, the end that recommends democracy is the tendency to foster self-development and individuality. For representative government, in particular, he defended as that form which best encourages individuality. It provides moral training and encourages the development of natural human sympathies. Mill's defense of

democracy was much qualified. He strove to liberalize the press still severely bound by an absurd libel law that excluded effective social criticism. Citing the case of Nigerian political scenario, shows a case study of where dictatorship is being practice in the name of democracy. Presently she glory's to be practicing democracy when in actual case she is practicing military dictatorship.

On the other hand, with the influence of Coleridge Mill came to see that there were virtues in social system. He therefore came to appreciate the conservative argument that unrestrained freedom is dangerous. With reference to his work in the East India Company dealing with the governance of states in India with particular reference to the rule of Akbar in India, he allowed that despotic rule could be necessary under certain conditions for stable government. Thus, he suggest that, since people must be properly fit if democracy is to function well, a despotic form of government, if well-run with this aim in mind, might prepare its people for the exercise of responsibilities of a free electorate. His position here had some influence on British colonial administration.

On the area of administration, Mill, with de Tocqueville, stressed the importance of local government. He was highly critical of the chaotic from of local administration then in Britain, and his influence was effective after 1871 when the central government moved to bring about reforms. In like manner in his thinking about how best to administer a state as a whole, Mill, argued that

the best administration was one that relied upon professional skill. For instance he was prepared to accept the British form of parliamentary government where the executive is responsible to an elected assembly. Naturally enough, however, he was highly critical of the unelected British House of Lords, which he saw as another vestige of more primitive feudal society. Hence, for Mill, the best form of government could be determined by the test of experience and that experience found the Lords wanting. What Mill is speaking against had been repeating itself in history in almost all parts of the world. Looking at the portfolios of all the heads of states, governors and ministers of different countries, they had no professional knowledge of leadership. This is evident in Nigeria during her ministerial appointments. In the year 2011, Nigerian government appointed a chemist as minister of information.

Mill having prized democracy high as the best form of government, also having influence by Tocqueville's analysis of American culture came to think that the chief danger of democracy is that of suppressing individual differences, and of allowing no genuine development of minority opinion and of minority form of culture. Democracy might well impoverish the culture of the community by imposing a single and inflexible set of mass values. This form of government has the virtue of fostering intelligence, common moral standards, and happiness; but where the citizens are unfit and passive it can be

an instrument of tyranny. According to Mill, in general the only reliable safeguard can be institutions, educational in particular that can ensure the development of individuals with personalities strong enough to resist such pressure. Hence he says: "I regard it as wholly inadmissible that any person should participate in the suffrage without being able to read, write, and I will add, perform the operations of Arithmetic."⁴ Today what Mill had seen earlier as the problem of democracy, called tyranny of the Majority, which can be remedied through massive education is really the problem of democracy. Hence, looking at the issues of rigging elections in most African Countries depicts this. African nations should trace the history of democracy back to Mill's time if she really wants to succeed in her political sector

Another means suggested by Mill for the protection of minorities in a democratic system was a system of proportional representative. Finally, he also mention his acceptance of the principle of multiple votes, in which educated and more responsible persons would be made more influential by giving them more votes than uneducated. "No one but a fool, and only a fool of a peculiar description, feels offended by the acknowledgement that there are others whose opinion, and even whose wish, is entitled to a greater amount of consideration than his."⁵

In the act of voting Mill prescribed tests for checking performance, universal education for all children and plurality of votes to the better educated, in order to balance the lack of voting rights to the uneducated. Mill also recommended the disqualification of three other categories of dependants. First, those who were unable to pay local taxes; second, those who were dependent on public welfare would be excluded for five years from the last day of receipt, for “by becoming dependent on the remaining members of the community for actual subsistence, he abdicates his claim to equal rights with them in other respects.”⁶ The third category was of legal bankrupts and moral deviants like habitual drunkards. He, however, championed equal voting rights for all irrespective of their sex or color.

Mill looked upon voting, universal suffrage, democracy and liberty as conditionally good. They had to be conferred only on those who had the character of self control, and the ability and interest in using them for the public good. Mill succinctly explains his position thus:

To make participation in political rights the reward for mental improvement... I do not look upon equal voting as among the things which are good in themselves, provided they can be guarded against inconveniences. I look upon it as only relatively good, less objectionable than inequality of privilege.⁷

Mill also recommended open rather than secret ballot, for voting was a public trust which “should be performed under the eye and criticism of the public”⁸ open voting would be less dangerous, for the individual voter would be less influence by the “sinister interest and discreditable feelings which belong to himself, either individually or as a member of a class.”⁹

In conclusion to the legacy left by Mill on politics he had his final words on election with reference to education. He is concern to provide a form of government in which the members have as much education as is feasible, and which is selected through the process in which those who do the selection, the electors, become themselves educated as better citizens. A proper educated electorate would be willing and able to select the best as their governors. Accepting all Mill has suggested in his idea on politics by the Government of all countries, all the wars both national and international will be a thing of history.

4.2 POLITICAL ECONOMY

Mill deviated from the classical economic theory of laissez fair and advocated “optional” areas of interference. He realized that unless liberalism adopted itself to changing times, it would not be able to sustain itself, hence, he adopted the theorem of socialism. It was to Mill’s credit that he brought about

this change without giving up the fundamental of liberalism. Interestingly, his principle was published in the same year as Marx's communist Manifesto (1848). His acceptance of socialism was within the overall framework of a market economy. The shift in Mill's position was prompted by revolution in Europe in the 1840s, the Irish famine and the efforts of working men's organizations to improve their wages and conditions of work in the 1870s. Mill viewed the Irish famine and the emigration of population as a result of the system of hereditary ownership and absentee landlord farming. Hence, he proposed curtailment of the normal right of inheritance and compulsory redistribution of large holdings from absentee landlords to local peasants. He recommended interference in the market not pose of overruling "the judgment of individuals but to give effect to it."¹⁰ He also supported limiting of working hours, state control of monopolies and factory legislation for children. Having a close look on some African countries like Ghana, Togo, Nigeria, Liberia, Benin Republic, etc where monopoly of goods is the order of the day, it seems that Mill is a prophet of our time.

Mill visualized society as composed of free, equal, independent and virtuous citizens, who contributed their best towards the common good and would in turn receive fair rewards for their contribution. He rejected the hereditary class system, because it was inherently inefficient and obstructed progress. Mill did

not attack the land-owning class for receiving a steady increase in rent, while the capitalist faced diminishing returns and the labourer survived at the bare level of subsistence, rather he was critical of idleness and opulence, just as his father was, and attacked the conspicuous consumption of the new middle class in the same way as he castigated the old aristocracy. As opposed to the big bourgeois, he praised the small, landed proprietors for he learnt of their importance from Tocqueville as preservers of American democracy. Mill insisted that while increased production was important for poor countries, it was better distribution of existing wealth that mattered in advanced ones. He visualized a happy society as that consisted of:

a well paid and affluent body of labourers; no enormous fortunes, except what were earned and accumulated during a single lifetime; but a much larger body of person than at present, not only exempt from the coarser toils, but with sufficient leisure, both physical and mental, from mechanical details, to cultivate freely the graces of life, and afford examples of them to the classes less favourable circumstances for their growth.¹¹

Mill really led a classical campaign against the idea of marginalization of workers. This is seen in the case of African children serving cheap labor in developed countries. On the area of paying taxes, Mill advocated taxing inheritance above modest level, rather than industry and the economy, for that would curtail the incentive to work harder and save more than his peers. In

cases of intestacy or property without legal will, it would revert to the state after providing enough for the descendants. He opposed taxation on investment, by which wealth was created and “distributed in wages among the poor.”¹² While he desired to preserve the entrepreneurship of the bourgeois, he attacked the landed aristocracy which grew wealthy “without working, risking or economizing.”¹³ It was for this reason that he was against primogeniture. Thus, Mill combined a productionist and a distributionist view of economics. Mill advocacy of entrepreneurship is the only way out of the problem of unemployment for any country that is sincere to herself.

In general, Mill believed that the policy of *laissez faire* was the ideal, but it could be set aside for the purposes of education, care of children and the insane, planned colonization, relief for poor, public utilities like water and regulation of hours of work. The state would ensure that none starved. He did not advocate abolition of property or its equalization. He desired general *embourgeoisement* so that everyone worked for a living, enjoyed a decent standard of living and had sufficient leisure to cultivate one’s mind. Mill’s “socialism” was essentially libertarian, for it aimed at the full development of the individual’s faculties and the liberation of the human potentials. “The aim of improvement should be not solely to place human being in a condition of

which they will be able to do without one another but to enable them to work with or for one another in relations not involving dependence.”¹⁴

Mill was attracted to socialism because of its idea of human cooperation or partnership, but he was equally keen to preserve individuality and freedom. He did not advocate socialization of the means of production. He realized the need to change capitalism by bringing in the ethics of social welfareism and cooperation. This was because capitalism, even with incentive of self-interest, had not been able to eliminate parasitism, for those unwilling to work were able to develop ways to shirk work. Socialism with communal ownership had superior methods which forced lazy members to produce and work. The difference was that in a capitalist society an employer could dismiss a lazy worker, but in a socialist society he could be reformed by public opinion, which to Mill was the “most universal and one of the strongest method of control.” However, he was aware of potential tyranny within a socialist society, for he rejected all forms of paternalism as anti-progressive. He supported local workers, retail cooperatives and schemes of sharing profits between workers and managers, and other workers’ savings, investment and insurance schemes. He cautioned that these schemes, however beneficial to the large community should not “dispense with the inducements of private interests in social

affairs.” This was because there was no substitute for them, nor could one be provided.

Mill, therefore, could be classified as an “unrepentant defender of the *laissez faire* system of the economy and a radical Libertarian in his efforts to extend its practice and benefits from capitalist employer and the self employed to all peasant and industrial workers,”⁵ Mill described socialism as educative. He classified socialist perception in two distinct categories: (a) a vision of a new society based on free association of small self-governing units; (b) a more dramatic scheme of managing the total productive resources under a centralized authority. He favoured the first model, mistakenly attributing second to continental Europe. However, both these trends characterized British socialism thought.

Mill’s advocacy of the participation of workers in management and the need for just apportionment in the ownership of property, one that united him with the socialists of his time, had twofold implications for his views on citizenship. First, it was just that the industrious should be compensated for their contributions to the well-being of society, by not merely making them part of the body politics, but also granting them economic benefits. This view has been reiterated and refined by Rawls, who viewed productive capacities as social

assets, but insisted on granting incentives to the well-off to secure efficiency and productivity. Rawls ruled out rewards if they were unlearned. This was necessary if the difference principle had to be meaningfully implemented, so that not only was the worst off elevated but also the interests of the well-off protected. Second, it was through participation, whether in running a factory or workshop or government that an individual learnt to exercise his judgment and work for the common good. Judgment required thought, consideration of common good required altruism and participation did away with lethargy.

Moving further, Mill contended that trade union not only restored bargaining power between the workers and the captains of industry, but also ensured just and orderly economic development. He was against making membership within trade union compulsory. Nor did he believe in prohibiting the right to strike. This seems to be the foundation from which the theory of trade unionism practice in Nigeria originated. In 1869, Mill began a book on socialism, which remained incomplete. He expressed the need to reform the existing property Laws, so that everyone could share its benefits. He disliked the exploitation that private property entailed, but was more perturbed by the uniformity that socialism/communism enforced. He did not think that socialism would solve the problems that capitalism faced. Moreover, capitalism, far from increasing misery and justice, decreased them in the long run. He was

convinced that socialism would run into a dead end if it renounced its liberal heritage and supported an all powerful state. He alluded to the problem of maintaining property right within socialism. He also warned against the submersion of individuality within socialism. Mill summarizes the above points thus:

Already in all societies the compression of individuality by the majority is a great and growing evil. It would probably be much greater under communism, except so far as it might be in the power of the individuals to set bounds to it by selecting to belong to a community of person like-minded with themselves.¹⁶

For Mill, socialism prevented the proponents of *laissez faire* and the free market from becoming complacent. It remained, for him, a set of arguments and was not a viable potent political force: His views on socialism were formed by reading Blanc, Fourier, Owen and Saint Simon, rather than Marx and Engels. “He presided over the relative merits and demerits of socialism and capitalism like a referee in a heavyweight boxing context.”¹⁷

4.3 RELIGION

Mill remarks in his autobiography that he must have been one of the very few in Britain who were raised without any instruction in religion or belief in a deity, certainly he was generally taken to be an atheist or an agnostic. During his life, however, he published little on the topic of religion, for him it stifled

individuality and personal development. In Mill posthumously published three Essays on Religion (1874) - on “nature”, the “utility” of Religion” and “Theism” he criticized traditional religious views and formulated an alternative in the guise of the Religion of Humanity.

Mill’s criticism of traditional religious doctrines and institutions and his promotion of the “Religion of humanity” also depend largely on concerns about human cultivation and education. With the Benthamite “philosophic radicals”, Mill took Christianity to particularly pernicious superstition that fostered indifference or hostility to human happiness. More on the criticisms against religion Mill is of the view that there is an unfortunate tendency in supernatural religions to hinder the development not only of our intellectual, but also our moral nature, for it appeals to self-interest rather than to disinterested and ideal motives. This is evident on the type of religion practice by today’s religious adherents. Taking a look at what is happening in many countries of the world will ascertain the truth of matter. Bokoharamism in Nigeria is a test case of this assertion. He is also of the opinion that it stands in the way of the critical evaluation of social norms, thereby effectively prevents actions aimed at social change for the improvement of the human lot in the community.

More on the accusation leveled against supernatural religion, Mill is of the view that it appeals to the sense of mystery about what lies outside the narrow realm of what we know. For him the appeal should be of relevance if made by poetry: the realm of the unknown can be filled only by the imagination. "Religion and poetry address themselves, at least in one of those aspects, to the same part of human constitution; they both supply the same want, that of ideal conceptions grander and more beautiful than we see realized in the pose of human life."¹⁸

Moving further, according to Mill, Religion injures individuals by prescribing useless and painful practices like fasting, celibacy, voluntary self-torture, and so forth. It suggests vague terrors which often drive the victim to insanity and it causes remorse for harmless enjoyments. It injures society by creating antipathies against unbelievers, and in a less degree against heretics and nonconformists. It perverts public opinion by making innocent actions blamable; by distorting the whole science of morality and sectioning the heterogeneous dictates of certain blind and unaccountable impulses called the 'moral instinct or conscience'. Morality becomes a 'mere catalogue of reigning sentiments', because it has cast away the standard of utility. Mill has left a legacy that serves as a litmus for judging any religious practice.

On the positive side, Mill also has some reasons to encourage traditional religion in his work, the essay on “The utility of Religion”. Mill argues that much of the apparent social utility of religion is not derived from its dogma and theology but to its inculcation of a widely accepted moral code. Also the belief in a supernatural power has some utility in maintaining the code. Mill is also of the view that the belief in a supernatural encourages in some persons both the feeling that life is important and their sympathy of others.

Having seen the advantages and disadvantages of traditional religion it is pertinent to see Mill argument against the maxim “Follow Nature” proposed equally by the ancient stoics and modern Romantics as a poor guide to action. He is of the opinion that it is certainly contrary to the principle of utility. “Nature” might have two meanings, on the first, “nature” means “whatever happens”, and it recommends as right whatever happens, be it good or bad.

In this case, it offers no moral guidance whatsoever. On the second meaning, “nature” means “whatever happens without human interference” hence nature is opposed to artificial in the sense of being the result of human art. In this case it is contradictory since it itself is a matter of human art. Mill argues that nature in second sense offers us a view of as much evil as good, and so proposes more a challenge to change than an ideal for imitation. The task is not to follow

nature but to improve it, especially human nature. Virtue is not the consequence of nature but nurture, of cultivation.

Along with the criticism of religious moral effects that he shared with the Benthamites and the philosophic maxim “follow nature” Mill was also critical of the intellectual laziness that permitted belief in an omnipotent and benevolent God. He felt, following his father, that the world as we find it could not possibly have come from such a God given the evils rampant in it; either his power is limited or he is not wholly benevolent. Beyond attacking argument concerning the essence of God, Mill undermines a variety of arguments for His existence, including all a priori arguments. He concludes that the only legitimate proof is an a posteriori and probabilistic argument from the design of the universe- the traditional argument (stemming from Aristotle) that complex features of the world, like the eye, are unlikely to have arisen by chance, there must be a designer, Mill acknowledging the possibility that Durwin (in his 1859 the original of species) has provided a wholly naturalistic explanation of such features, that natural selection is the cause of apparent design in the natural world, removed whatever tentative support he had allowed for the existence of the existence of a benevolent creator. Hence, he propounded the religion of humanity.

In place of Traditional Religion and Stoics maxim of following Nature, Mill advocates for the religion call “the Religion of Humanity.” Inspired by Comte, Mill finds an alternative to traditional religion in the Religion of Humanity, in which an idealized humanity becomes an object of reverence and the morally useful feature of traditional religion are supposedly purified and accentuated. Here, according to Mill, humanity becomes an inspiration by being placed imaginatively within the drama of human history, which has a destination or point, namely, the victory of good over evil. Mill gives a beautiful description of this situation thus:

The unfolding of a great epic or dramatic action terminates in the happiness or misery, the elevation or degradation, of the human race. It is an unremitting conflict between good and evil powers, of which every act done by any of us, insignificant as we are, forms one of the incidents.¹⁹

In his idea of forming the religion of Humanity he is of the view that as we begin to see ourselves as participants in this Manichean drama, as fighting alongside people like Socrates, Newton, and Jesus to secure the ultimate victory of good over evil, we become capable of greater sympathy; moral feeling and an ennobled sense of the meaning of our own live. The Religion of Humanity thereby acts as an instrument of human cultivation. Mill’s idea on

his “Religion of Humanity”, I believe is the pivot on which every religious practice should stand.

4.4 EDUCATION

Following his father, James Mill, John Stuart Mill builds his theory of education on the foundation of Associationist Psychology. In his autobiography he says that his father’s associationist doctrine of the formation of human character by circumstances demonstrates the unlimited possibilities of improving the moral and intellectual condition of mankind by education. He sees the malleability of human character and capacities posited by associationism as integrally linked to possibilities for progressive, freedom-supporting social and political reform.

To address the interface between the psychological and sociological processes involved in the formation of people’s characters and capacities, especially those basic to autonomous agency, Mill sketches a new science of ethnology, the science of the formation of character’. The aim of ethnology provides systematic knowledge about how desired kinds of characters and capacities are produced by particular forms of education in light of the ‘laws of the mind’. The science of ethnology thereby corresponds to the ‘art’ or practice’ of education. Ethnology according to Mill helps to foster people’s capacities as

free agents. It helps to develop mental freedom by encouraging them to a conclusion through their own reasoning rather than inculcated with received truths. It tends to foster in people a continuing desire to exercise and develop their faculties. Building on these precepts, he conceives of education as “whatever helps to shape the human being-to make the individual what he is or hinder him from being what he is not.”²⁰ With this view Mill propose the idea of formal education.

Concerning formal education, Mill outlines the crucial role of ‘elementary education’ in his *principles of Political Economy*. “There are certain primary elements and means of knowledge’, he says, “Which it is in the highest degree desirable that all human being born into the community should be able to acquire during childhood.”²¹ He adds: “Instruction, when it really is such, does not enervate, but strengthens as well as enlarges the active faculties: in whatever manner acquired, its effect on the mind is favourable to the spirit of independence.”²² In ‘The Claim of Labour’ Mill links a basic education directly to people’s capacities for self-government and for knowing their own interests. He says that due to their lack of education English working people are so deficient in the power of reasoning and calculation that they are ‘insensible to their own direct personal interests. He contrasts the English worker with the Scottish peasant who, due to strong parish schools, has been a

reflecting, an observing, and therefore naturally a self-governing, a moral, and a successful human being because he has been a reading and a discussing one. Schooling, he concluded, is crucial for ‘converting’ English workers into rational beings – beings capable of foresight, accessible to reasons and motives addressed to their understanding; and therefore not governed by utterly senseless modes of feeling and action.

Mill explains his view of empowering formal education in two early articles in which he distinguishes educational practices that merely fill students up with facts from instruction that teaches them to think for themselves. He explains in his 1855 article thus: “One of these is the system of cram; the other is the system of cultivating mental power. One proposes to stuff a child’s memory with the results which have been got at by other people; the other aims at qualifying its mind to get at results by bits own observation, experience, and reflection.”²³ Mill elaborates his perspective in his 1832 essay, ‘On Genius’. The chief limitation to most people achieving their potential for ‘genius’, he contends, is then narrow educations. Modern schooling typically fails because it discourages young people from thinking of anything other than what they are told, or what is ‘professed by other people’; it is ‘all cram’ as if the world already knows everything. As an alternative, he recommends the educational approach of the ancient Greeks and Romans. What Mill is fighting against is

really made evident in Nigerian system of education where children are only being fed with dogmas and not allowed to reason out their way out of things.

He summarizes the above emphasis thus:

This consisted not in giving what is called knowledge, that is grinding down other men's ideas to a convenient size... it was a series of exercises from the thinking faculty itself, that the mind, being active and vigorous, might go forth and know...With power (of reasoning) thus formed, and no possibility of parroting where there was scarcely anything to parrot, what a man knew was he own, got at by his own sense or his own reason; and new acquisition strengthened the powers, by the exercise of which it had been gained.²⁴

Formal primary schooling then is an important mean to cultivate people's capacities for individuality and free agency (or autonomy) at least insofar as it engages them as active participants in the learning process, and exercises their capacities for reasoning and understanding.

Mill also addresses the role of higher education with respect to cultivating freedom and civic responsibility. He favors a classic model of 'liberal education' including an emphasis on logic, mathematics, classic, languages, history, analytical psychology, and political economy. In his view, the purpose of a university education is not to teach people vocational skills, but rather to make them 'capable and cultivated human beings'. Higher education should cultivate people's faculties of reasoning, judgment, observation, and

imagination, rather than training them to adopt particular conditions. These capacities are essential for people to judge between flitting opinion which are offered to us as vital truths and to form a rational conviction on great question of legislation and policy. Following Mill's system of education will really boost the standard of education of any country that adheres to it.

For present purposes, the most pertinent feature of Mill's view on higher education is his abiding interest in cultivating people's capacities of reasoning, judgment and imagination. His view of higher education also has some elitist aspects that stem largely from his use of elite English universities of the mid-nineteenth century as his models. He favors opening education to all men and women who demonstrate an aptitude for it; but he looks to higher education to form the 'great minds' that would authoritatively instruct the broader democratic public on matters of public policy, and he upholds a sharp dichotomy between liberal and vocational modes of education. As a result, his educational thinking offers some support for segmented education policy that largely restrict traditional education-education for freedom in the fullest sense- to some students (usually those from economically advantages backgrounds) while relegating most students to narrower vocational training. Yet this tendency in his thinking stands in some tension to the more persistent inclusive

tenor of his theory of education for freedom, especially his democratic egalitarian insistence that the mental cultivation necessary for people to become free, responsible, self governing agents can be made ‘ the inheritance of every person in the nation’. What Mill is advocating for is made manifest among our university graduates who cannot stand and profess sound argument.

The radical democratic dimension of Mill’s educational Thinking is most evident in his understanding of education ‘in its largest acceptance’. His account of education in the largest sense extends his theory of the kind of formal education that strengthens people’s cognitive facilities. “Whatever can be learnt in schools is important, he says, but not all is important. The main branch of education of human beings is their habitual employment, which must be either their individual vocation or some matter of general concern.”²⁵ To explain the above point more Mill says:

When education, in ...its narrow sense, has done its best, and even enable it to do its best, an education of another sort is required, such as schools cannot give. What is taught to a child at school will be of little effect, if the circumstances which surround the grown man or woman contradict the lesson. We may cultivate his understanding, but what if he cannot employ it without becoming discontented with his position, and disaffected to the whole order of things in which is cast? Society educates the poor, for good or for ill, by its conduct to them, even more than by direct teaching.²⁶

He reiterates this point in an 1846 newspaper article on Ireland in which he considers proposal to ‘correct’ the habits and characters of the Irish peasants.

Furthermore, he declares:

You will never change people unless you make them the instruments, by opening to them an opportunity to work out for themselves all the other changes. You will never change people but by changing the external motives which act on them, and shape their way of life from the cradle to the grave. Much has been said of popular education: but education does not mean schools and school books; these are the most valuable, but only as preparations and as auxiliaries. The real effective education of a people is given them by the circumstances by which they are surrounded...the unintentional teaching of institutions and relations.²⁷

In other words, formal schooling does little to develop people’s capacities for free action unites it is complemented by freedom-supporting education in the Larger sense of the term. For Mill this point has radically democratic implications. It leads hi to envision and work for democratic reform of major social institutions-families, economic enterprises, and representative government -`so that an education for freedom in schools can be joined with an education for freedom in the (broader) circumstances which surround the grown man or woman.

The educational shortcoming of most existing relationships and institutions, in Mill’s view, is that they resemble the ‘system of cram’ that characterizes constricted formal schooling. He asks in ‘One Genius’; ‘When he leaves school

does not everything which a young person sees or hears conspire to tell him, that is not expected he shall think, but only that he shall profess no opinion on any subject different from that professed by other people?’²⁸ This pressure to merely ‘go along’ is found in relationships of command and obedience that subject women to male dominance, laborers to employers, and all persons who live under despotic governments. In each case paternalism is rationalized by the claim that the governed, like young children, are unable to govern themselves. A similar dynamic is present whenever individuals let others choose their life plans for them, since such persons have need of no ‘other faculty than the ape-like one of imitation’,²⁹

Mill further develops this line of analysis in *The Subjection of Women*. He views the subjection of women by men as a product of male domination, custom, and tradition. He acknowledges that many women ‘voluntarily’ accept traditional roles and expectations, but he contends that the character of their educations calls into question the degree to which their submission is really free and voluntary: ‘The masters of women wanted more than simple obedience, and they turned the whole force of education to effect their purpose. All women are brought up from the very earliest years in the belief that their ideal of character is the very opposite to that of men; not self-will, and government by self-control but submission, and yielding to the control of the

others’³⁰. That is, nearly everything that constitutes the education of women works to stifle their capacities for self-control and self direction.

Mill employs a similar argument in *Principle of Political Economy* to refute the prevailing theory that the work lives of labourers ‘should be regulate *for* them, not *by* them. According to this theory, working people ‘should not be required or encourage to think for themselves, or give a look to their own reflection or forecast an influential voice in the determination of their destiny... (It is taken to be) the duty of the higher classes to think for then, and to take responsibility for their lot’. ‘The rich’, this theory holds, should be *in loco parentis* to the poor, guiding and restraining them like children. Of spontaneous action on their part there should be no need. They should be called on for nothing but their day’s work, and to be moral and religious’. This kind of routinized paternalism comprises the largest part of the practical education of most labouring men and women. Employers exercise their faculties by managing enterprise; yet the general run of laborers finds little in their jobs that invigorates their faculties or broadens their understanding. Thus, the hierarchical structure of capitalist firms stifles working people’s capacities for self-government.

Critical reflection upon the repressive character of existing social relationship enables Mill to envision freedom-supporting alternatives. He declares in *Representative Government*, “Between subjection to the will of others, and the virtues of self-help and self-government, there is a natural incompatibility.”³¹

The positive conclusion that he draws from this observation is that social and political institutions should learn to educate people for freedom, to the degree that they are organized to treat the people situated within them as potentially autonomous agents and cultivate their capacities for autonomy. Hence, he says in his *Principles*:

It is... of supreme importance that all classes of the community, down to the lowest, should have much to do for themselves; that great a demand should be made upon their intelligence and virtue as it is in any respect equal To: that the government should not only leave as far as possible to their own faculties the conduct of whatever concerns them alone, but should suffer them, or rather encourage them, to manage as many as possible of their joint concerns by voluntary co-operation; since this discussion and management of collective interests is the great school of that public spirit, and the great source of intelligence of public affairs, which are always regarded as the distinctive character of the public of free countries.³²

For instance, trade union and political organization organized by laboring men and women around matters of collective interest tend ‘to awaken (their) public spirit... and to excite (their) thought and reflection’. Likewise, while prevailing gender and family relations are ‘a school of despotism, the family can become

a ‘real school of the virtues of freedom’ if it is ‘justly constituted’ on the basis of equality between the sexes. Hence Mill sees analogous benefits to be gained from a policy that leaves adult members of society completely free to do as they please in ‘self-regarding’ matters. On this, Mill’s position is:

The human faculties of perception, judgment, discriminative feeling, mental activity, and even moral preference are exercised only in making a choice... He, who chooses his plan for himself, employs all his faculties. He must use observation to see, reasoning and judgment to foresee, activity to gather material for decision, discrimination to decide, and ... firmness and self-control to hold to his deliberate decision. And these qualities he requires and exercises exactly in proportion as the part of his conduct which he determines according to his own judgment and feeling is a large one.³³

In Mill’s view, then, people’s capacities for autonomy are cultivated to the extent that they are empowered to direct the course of their own lives. This educative effect is not limited to choice made by individuals acting alone; it also depends upon democratized social and political relationships that involve people in mutual self-government.

4.5 GENDER EQUALITY

Mill’s thought and activism could be distinguished from those of his predecessors within the liberal tradition, because of this application of the principles of liberalism to the question of women. For Mill, improving

women's position by giving them suffrage, education and employment opportunities was a stepping stone to progress and civility.

Mill rightly regarded improvement in the position of women as a concern not restricted to women alone, but of entire humankind. *The Subjection* therefore made a strong claim for equal status in three key areas: women's right to vote, right to equal opportunities in education, and employment. He acknowledged the tremendous impact the writings of his mentor (Bentham) and his father had on his intellectual development, for both of them had to grapple with the issue in the course of a long-drawn-out debate on the subject. The other intellectual influences on Mill with regard to the women's questions had been those of Harriet Taylor Mill, W.J.Fox, William Thompson and the Saint Simonians like Saint-Amand Bazard (1791-1832), Barthelemy-Prosper Enfantin (1796-1864) and Pierre Leroux (1797-1871), From whom he learnt to think in terms of stages of progress.

Liberty and self-determination were two themes that figured prominently in Mill's writings. Freedom, he believed, was the most precious and crucial issue for a human's well-being. In this context, women were the subjugated sex denied access to their own potential, and subjected to the unquestioned prejudices and biases of society. He declared his concern to show that

the existing relations between the sexes, the legal subordination of one sex to the other is wrong in itself, and now one of the chief hindrances to human improvement , and that it ought to be replaced by the principle of perfect equality admitting no power or privilege on the one side nor liability on the other.³⁴

Equality as a legal right between the sexes was Mill's main concern. He referred to women as both the subject and the enslaved class, for their Position was worse than that of slaves. Unlike slaves, they were in a "chronic state of bribery and intimidation combined". Bringing Mill's idea of women slavery to our present day society is evident on the issue of women circumcision that Nigeria as a country is still fighting till date. Mill's *The Subjection*

.... is avowedly devoted to condemning the legal inferiority of women in Victorian England, but it ends with an argument from the absolute value of liberty: no country would surrender its independence for any amount of prosperity, and no human being who has tasted freedom would give it up at any price. What further proof could there be of the supreme value of liberty, for women as well as for men?³⁵

Writing to Comte, Mill pointed out that women capacities were spent seeking happiness not in their own lives, but exclusively for the favour and affection of the other sex, which was only given to them on the condition of their independence. The parallel between women and slaves was used to depict the reality of nineteenth-century England, where, on marriage, the women became subservient to her husband both in physical being and property. For women,

marriage was like Hobson's choice, either marry or face the abuses and loss of dignity that subjugation and subservience entailed, or remain single and get deprived of educational and professional opportunities. A woman was not free within marriage, nor was she free to remain unmarried. Through the description of Eleanor Garrett (the sister of Millicent Garrett Fawcett, the suffrage leader), Mill explained how unmarried women in the nineteenth century were deprived of avenues for leading a good and independent life. He deplored the lack of freedom of choice for women, and contended that equality should be the ordering principle of societal and personal relationships what Mill is saying here is a true picture of what an African woman is suffering today. "The work was a pioneering effort, rightly honoured as one of the first essays to discuss the inequality of women as a political problem and to consider its sources and solutions in a scholarly manner."³⁶

Mill pointed out that opposition to sexual equality was not based on reason. To dismiss equality of sexes as a mere theoretical proposition did not lend credibility to the argument that women were weaker, and hence subordinate. He agreed that the majority opinion favoured inequality, but this he contended went against reason. The basis for such a supposition was that it was derived from the generality of the practice in the history of humankind, and hence was regarded as good. But Mill pointed out that the subordination of women was

only due to the fact that they were physically not as strong as men. In fact, the origin of women's subjection was in physical force, of the allegedly superior bodily strength of men. Consequently, while this had become a virtue in a man, the opposite, namely renunciation, patience, resignation and submission to power, have been regarded as characteristics of a gentle and graceful woman. The subjection of women was similar to slavery. "So true is it that unnatural generally means only unc customary, and that everything which is usual appears natural. The subjection of women to men being a universal custom, any departure from it quite naturally appears unnatural."³⁷

Mill pointed out that the rule of men over women was not entirely and altogether based on force. Women also accepted it voluntarily without complaint and became consenting parties to their subordination. Men, on their part, expected not only obedience, but even affection from women. This was ensured through education, training and the socialization process. Women from childhood were taught to be submissive, yielding and accommodating, rather than become independent with self-will and self-control. They were taught to live for others, their husbands and children. Selfless devotion was considered to be the best feminine trait, the glory of womanhood.

When we put together three things--first, the natural attraction between opposite sexes, secondly the wife's entire dependence on the husband, every privilege or pleasure she has being either his gift, or depending entirely on his will; and lastly, that the principal object of human pursuit, consideration, and all objects of social ambition, can in general be sought or obtained by her only through him, it would be a miracle if the object of being attractive to men had not become the polar star of feminine education and formation of character.³⁸

Sexual relations which were based on force gradually softened, and with the progress of society from status to contract, it came to rest on consent. In case of a pre-contractual social arrangement, birth determined one's position and privileges, while modern society was characterized by the principle of equality. Every individual enjoyed greater freedom of choice to pursue his own life and improve his faculties. However, women continued to be denied this opportunity, for they were still born to a particular place, and were not free to do what they chose to. Paradoxical as it seemed, the modern world accepted the general social practice of human equality, but not gender equality. For Mill, denying women an equal position only demeaned a man.

A most beneficial change, if the companionship were between equals; but being unequal's it produces... a progressive deterioration among men in what had hitherto been considered the masculine excellences. Those who are so careful that women should not become men, do not see that men are becoming, what they have decided that women should be, are falling into the feebleness which they have so long cultivated in their companions. Those who are associated in their lives, tend to become assimilated in character. In the present closeness of association between the sexes, men cannot retain manliness unless women acquire it.³⁹

Here Mill echoed the sentiments of his father, who too felt that men would be debased if they exercised dominance and power over their women. For both father and son, the ideal was a compassionate marriage between a strong-minded man and strong minded women. Like Wollstonecraft, John Stuart believed that women could earn their liberation with the support of men. Both presented a reasonable critique of male domination within marriage. Mill extended it by pleading for a relationship based on mutual friendship and respect. On this area is like the Western world is playing a greater role to ensure and promote Mill's view. With the little freedom granted to some women in our world today, we have really seen the advantages. Citing the issue of Ngozi Okonjo-iwuala, the formal World Bank President and the Minister of Finance during Obasanjo and Ebele Jonathan regime has really proved that what Mill is advocating for is right. Late Prof. Dora Akunyili, Formal Director General of National Agency for Food and Drug Administration and Control (NAFDAC) and the Minister of Information (2007-2010) with her rebranding agenda is also a test case.

Like Wollstonecraft, Mill rejected the contention that the nature of women differed from that of men, and that a woman's nature was contrived and

artificial. He dismissed the idea that the nature of women was different, because no one had ever seen a free woman in a free society. If women were the way they were, it was because of years of suppression and domination, and had nothing to do with their natures or dispositions. He subscribed to the view that, by and large, human nature and character were shaped by the circumstances in which individuals were found, and was sanguine that unless and until women were granted freedom, they could not express themselves. The process itself could take longer, but that could not be the basis for denying women the freedom and opportunities for their fullest development.

Like Wollstonecraft, Mill believed that women were as bright and gifted as men, and one granted the same “eagerness for fame”, women would achieve the same success. Moreover, a judgment regarding capacities and talent in women could be made only after generations of women benefited from equal opportunities for education and employment. He rejected the idea that it was natural for a woman to be a mother and a wife, and felt that it was the woman who should be able to decide whether to marry and manage a house, or to pursue a career. He contended that it was society, however, that had decided marriage to be the ultimate aim of a woman.

Marriage being the destination appointed by society for women, the prospect they are brought up to, and the object which it intended should be sought by all of them, except those who are too little attractive to be

chosen by any man as his companion; one might have supposed that everything would have been done to make this condition as eligible to them as possible, that they might have no cause to regret being denied the option of any other. Society, however, both in this, and, at first, in all other cases has preferred to attain its object by foul rather than fair means.⁴⁰

Like Wollstonecraft, and Margaret Fuller (1810-1913), Mill articulated and defended the right of women to be considered as free rational beings capable of choosing the life they would like to lead for themselves, rather than being dictated by what society thought they *should* be or do. Mill was confident that women, even if granted freedom and opportunities, would not fail to perform their traditional functions. It was not a question of a choice between domesticity and a career. The reason why men shied away from granting equal status to women was because *they were afraid of marriage on equal terms*.

As member of the English parliament, Mill supported a Married Woman's Property Bill. He contended that England had to move beyond the "savage state" where marriage was based on the idea that one had to have absolute power over the other. He pointed out that the position of the wife under the common law of England "is worse than that of slaves in the laws of many countries; by the Roman law, for example, a slave might have his peculiar status which to a certain extent the law guaranteed to him for his exclusive use."⁴¹

Mill further pointed out that marriage did not give the woman the dignity and equal status that she ought to get. Once married, she was totally under the control of her husband. She was denied by law right to her children and property. Hence, they must have the rights to property, inheritance and custody.

The woman, according to Mill was worse than a slave, a personal body-servant of a despot for her husband may compel her, claim from her and enforce the lowest degradation of a human being, that of being made the instrument of an animal function contrary to her inclinations

The law also granted the husband rather than the wife the right over her children. A mother did not become a legal guardian of her children in the event of the death of their father, unless expressly desired in the will of the deceased. If a wife decided to leave her husband, she could not claim anything, including her children. Mill pleaded, therefore, for equality of the sexes before the law, for that was crucial to ensuring a just arrangement. This, he felt, would be beneficial to all. Here he made an interesting point, that normally institutions such as slavery, political absolutism or the autocracy of the head of the family were judged by giving the *best examples in their support*, as the purpose of the law and institutions was not for good, but for bad persons. Moreover, any good

law should take into account domestic oppression and personal violence, considering the high incidence of such crimes. The only option was that:

... the equality of married persons before the law, is not only the sole mode in which that particular relation can be made consistent with justice to both sides, and conducive to the happiness of both, but it is the only means of rendering the daily life of mankind, in any high sense a school of moral cultivation.⁴²

A marriage contract based on equality of married persons before law was not only a sufficient, but a necessary condition for full and just equality between the sexes. For Mill, equality was a genuine moral sentiment that ought to govern all relationships, including the marital one. Such a sentiment could be instilled and nurtured within a family that had been justly constituted. Mill acknowledged the family as the real school for learning the virtues of freedom and liberation, yet it was here that sentiments of injustice, inequality and despotism were taught. The boy, by virtue of being a male, was treated and reared as if he was superior and better, thus dismissing the needs and interests of one-half of humankind to bear the consequences of subordination and inhumanness. The self-worship of the male in a traditional family, described by Mill as a school of despotism, was contrary to the modern principles of individuals being respected for what they *did*, rather than what they *were*.

A just family would nurture feelings of sympathy in equality and love, rather than subordination and command. Mill desired a transformation of the family to suit the temperament and spirit of the modern age, namely the spirit of equality and justice, and in the process bring about a moral regeneration of humankind. The relationship between a man and a woman in marriage should be based on mutual respect and mutual love, giving due regard to one another's rights. This would make them self-reliant and self-sufficient. Unless the equal and just worth of every human being was recognized, he could not enjoy equal right nor realize his full potential. Here, Mill has left for humanity a roadmap to follow, especially among Africans. A life of rational freedom devoted to the release of their full creative potential was as much a requirement for men as for women.

Mill's essay emphasizes the value of non-instrumental relationships in human life. His depictions of both corrupt and well ordered marriage trace the relationship of family to right political order. His vision of marriage as a locus of mutual sympathy and understanding between autonomous adults stands as an unrealized goal for those who believe that the liberation of women requires not only formal equality of opportunity but measures which will enable couples to live in genuine equality, mutuality and reciprocity.⁴³

Mill argued that men should not be trusted with absolute power. Such absolute power within the family and marriage only led to brutalization of women. He denied the need of one having the power of decision making within the

voluntary association between two persons, and cited the example of commercial partnerships. In matters where quick decisions were needed, it would make sense to have division of power, but one that involved changes of system or principles would need the consent of both parties. The division of affairs for practical purposes would depend on the *comparative qualifications of the couple*. *The man had an advantage*, being the older of the two, the breadwinner and provider of his family. In spite of his insistence on the need to restructure family relationships based on equality and fairness, Mill continued to perceive the family as one where a man earned the family income, and a woman would take care of domestic affairs.

Eisenstein (1986) noted that Mill reiterated the conventional assumptions about the woman's role in a patriarchal family. In bearing and rearing children, the woman contributed more to the household and its common life. In *addition* to these chores, if she went out and worked, it would impair the proper discharge of these functions. *The subjection* toned down the assertions made by Mill in 1832 that in the absence of servants at home, women would do all the work that a servant would have done if there was one and at the same time be a mother and a natural teacher to her children. Moreover, if the woman was well-protected and enjoyed an equal status within marriage, she would not feel the

need to labour outside her home, for when she married she chose a profession, that of managing her home and bringing up her children.

Like a man when he chooses a profession, so, when a woman marries, it may in general be understood that she makes choice of the management of a household and the bringing up of a family, as the first call upon her exertions, during as many years as her life as may be required for the purpose; and that she renounces, not all other objects and occupations, but all which are not consistent with the requirements of this.⁴⁴

Mill was also convinced that if suitable domestic help was made possible, then women, and all in particular the talented and exceptional ones, could take up a profession or a vocation. Like Wollstonecraft and Fuller, he argued that *the dignity of a woman was guaranteed if she had the power of earning her own living*. A married woman would have full right in her property and earning. She would have the right to enter a profession or take up a career. Women, He pointed out, were fully capable of becoming business partners, philosophers, politicians and scientists.

Mill has been criticized for recommending that women continue being confined within the family and home, which implied that they would not be able to develop the sense of justice to sustain public spirit, and continue to be selfish and narrow in their outlook. In this perception, he could not transcend

the nineteenth century image of woman as primarily homemakers and mothers. His focus was restricted only to middle- class woman.

Mill questioned the Lockean separation of paternal and political power, and raised the larger question about the status of the family. He treated the family as a conventional rather than as a natural institution. Yet he did not regard the family as political. In *On Liberty*, he solved the private- public divide and suggested personal judgment as a solution, but did not tackle the other important public- private dichotomy of the family versus the civil sphere.⁴⁵

Mill's position got further reinforced by his emphasis on the inherent incompleteness of mid-nineteenth-century English in particular, and Europe in general, because of the exclusion of the exclusion of woman from the public realm, which made his position very similar to that of Paine, who highlighted the hollowness of British democracy at the end of eighteenth century because of the exclusion of the majority of the people from the political process.

The Subjection of Woman, challenged much more than Victorian decorum, however, it was a radical challenge to one of the most fundamental and precariously held assumptions about marriage in the modern era, which is that it was a relationship grounded on the consent of the partners to join their lives. Mill argues to the contrary that the resumed consent given to woman to marry is not, in any real sense, a free promise, but one of social coerced for the lack of meaningful option.⁴⁶

In the *Principle of Political Economy*, Mill argued that women received low wages because of the prejudices of society, thereby making them appendages of men and giving the latter a greater share of “whatever belongs to both”. The second reason for low wages was surplus female labour for unskilled jobs. Both law and custom prohibited women from seeking any means of livelihood, other than being a mother and wife.

Mill pointed out that women were allowed to exercise their faculties freely and fully, the real beneficiary would be society, for it would be able to draw from a larger pool of mental resources. If women were properly educated it would not only brighten their dull and impoverished lives, but also enhance society in general. He understood the important point that equal opportunities *in education* meant equal opportunities in employment. If women were denied the latter, it was because men could not think of them as equals, and only desired to confine them to their domestic chores. He also pleaded for political right to vote and to participate in government as administrators and as rulers.

In the *Representative Government*, Mill commented that difference of sex could be the basis of political right. Citing examples like Joan of Arc, Elizabeth and Margaret of Austria, he argued that these women and others had proved that women were as competent as men to participate and manage political

offices. In granting the right to vote, Mill hope that women would be able to bring about legislation to remedy domestic violence. He objected to women being prevented by law to compete and contribute to society. He desired that the subjection of women to ended not merely by law alone, but by education, opinion, habits, and finally a change in family life itself.

In the *Principle*, Mill, observed the need to open industrial occupations freely to both the sexes, but the shortcoming of *The Subjection* was the neglect of the question of how women of all classes could find and keep their jobs. Mill failed to address the problem of women in the market place and as part of the labour force. Mill's concern was with the removal of the legal barriers erected by patriarchy that prevented the possibilities of a compassionate and interdependent relationship between a husband and wife, ensuring political equality for both men and women in political sphere. At that time, skilled female labour in the market place was still a remote possibility, whereas suffrage was the burning issue. The question of whether to grant women the right vote and citizenship was linked to their subordinate and inferior status—a prejudice that Mill felt was imperative to confront and combat.

Many of Mill's contemporaries acknowledged his importance because of his eminence, but did not regard him their leader, for in their opinion he had

ignored the plight of daughters, sisters or single women living alone or under the parental roof in *The Subjection*. His focus was on the wife and mother. Most Victorian Feminists voiced concern about the status and problems of single women. They focused on the problems that daughters faced, a relationship that all women shared and the most crucial problem in the society that did not give them independence. This seemed an appropriate framework for discussing the power of fathers and in delineating the basis of patriarchy.⁴⁷

However, the scope of *The Subjection* was much more wide than alleged by the Victorian Feminists, for Mill did see the plight of single woman in a society that gave undue importance to marriage. This was clear from his concern and description of Eleanor Garrett, who was denied the opportunities of leading a decent, independent life. The solution, according to him, was in giving freedom of choice to women, whether married or single. He could perceive clearly that the problem women faced were not merely those of misconception or false social notion, but of systematic domination, which was why he constantly used the language of justice, freedom and slavery to improve their lot.

Mill defended the right of individual women who wanted the opportunity to choose a life other than that of motherhood and marriage. He did believe that most women would not make that choice, but he certainly did not want to *force*

women into marriage by not offering them alternatives. He also defended the right of exceptional women to have their freedom of choice, and to make the home a dignified and honorable place for those who preferred domestic work. He did believe that ordinary men and women were slaves to custom, and it was necessary to remove the legal barriers which restricted women's opportunities.

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CHAPTER FIVE

EVALUATION AND CONCLUSION

5.1 EVALUATION

If anyone is liberal, it is surely John Stuart Mill. In Mill's thought, we find in a clearest form the entire elements that together make up the liberal outlook. We find in Mill a qualified affirmation of the priority of individual liberty over other political goods and the settled conviction that the human lot may be indefinitely improved by the judicious exercise of critical reason.

Having expounded Mill's Concept of Individual Liberty in his Social/Political Theory', justice has to be made either in commending or censuring him on the points that are necessary. We must not fail to acknowledge Mill's effort in defending Individual Liberty. His prominence as a liberalist was manifested by his distinctive ability to argue that the individual in the society has rights and privileges, which must be respected by the society as a whole. Mill fought to free the individual from the constraints and restraints of the society which were many and onerous in his day. In line with defending the Individual Liberty, Mill says that if laws or customs will tantamount to the denial of liberty it should not be followed. This shows the primacy Mill placed on liberty. Furthermore, he is of the opinion that the majority must not tyrannies the

individual or the minority group and there is no reason why the individual should not stand out to resist the social customs and traditions if circumstances warrant it. For Mill, the society should only interfere with individual's conduct only for self-protection in cases where such conducts have injurious consequences on other individuals of the society.

One also observes in Mill's theory certain contradictions and inconsistencies. Mill primarily saw democracy as a system of government that will work best for the propagation of his concept and he therefore advocated for it. Later on, on his discovery of the tendency of the *tyranny of the majority* in democratic government he then turned to advocates for the rule by a few intellectuals thus he alludes:

No government by a democracy, either in its political acts or in the opinions, qualities, and tone of mind which it fosters, ever did or could rise above mediocrity except insofar as the sovereign may have let themselves be guided by the counsels and influence of a more highly gifted and instructed one or few.¹

From the above quotation it is clear that there is a contradiction on Mill's view in his advocating for the government of one or few which is what he initially set to combat with his concept of liberty. Mill's insistence that self-regarding action should not be interfered with is problematic. He sort of made a distinction between the "self-regarding actions and the other-regarding

actions". The other-regarding actions can rightly be interfered with unlike the self-regarding actions which according to him is the affair of the individual and that the individual is to bear the consequences. On this issue Mill failed to understand that the real assessment of actions is not absolutely through the consequences but rather through the inward principle natural in every man, and the estimating circumstances also are put into consideration. Hence, it follows that, depending on the consequences certain acts may be treated as if they were private. So, it can be said that Mill possess a false dichotomy of actions by his "self-regarding" and "other-regarding acts", hence, David Spitz opines:

Mill's distinction cannot be maintained in its pristine form, for because so many human actions are of the mixed type embracing both the individual and the society. Mill would have been on a sounder ground has he contended himself with pointing out that they embody raring degrees of social implication.²

Mill also created confusion in his not separating the right to form individual conviction from the right to propagate them. He fuses them together insofar as the convictions do not affect others and belong to the self-regarding duties. But does it mean that thoughts like heresies, when taught, do not affect others, especially the society in general? Effects of heresies are glaring once it exists in a society. Mill also failed to specify the proper limits of legislation, and was unclear when it came to actual cases. For instance, he supported compulsory

education, regulation of business and industry in the interest of public welfare and good, but regarded prohibition as an intrusion on liberty.

The inconsistencies, contradictions and confusions caused by Mill notwithstanding, his concept of liberty took into cognizance the dignity, importance and rights of the individual. The individual will not be an authentic individual if his liberty is hampered. Advancing societies (Nigeria inclusive) should extol the individual liberty and eschew any restriction. For instance, for Nigeria to triumph in the present situation, its authorities should not be dictators and autocrats, because such qualities are the vehicles of acrimony and disorders. A true government should recognize the individual liberty such as the liberty of thought and expression, liberty of association and the liberty of action.

5.2 CONCLUSION

So far we have analyzed the concept of individual liberty on Mill, with its implication on politics, economy, education, religion and gender equality. The discussion so far made affirms the fact that liberty is a necessary prerequisite for a concrete individual existence and development. Mill defended the right of the individual to freedom. In its negative sense, it meant that society has no right to coerce an unwilling individual, except for self-defense “it is being left

to oneself; all restraints qua restraints is an evil". In its positive sense it meant the grant of the largest and the greatest amount of freedom for the pursuit of the individual's creative impulses and energies, and for self-development. For Mill if there is a clash between the opinion of the individual and that of the community, it was the individual who was the ultimate judge, unless the community could convince him without resorting to threat and coercion.

Mill laid down the ground for justifiable interference. Any activity that pertained to the individual alone represented the space over which no coercive interferences, either from the government or from other people, was permissible. The realm which pertained to the society or the public was the space in which coercion could be used to make the individual conform to some standard of conduct. The distinction between the two areas was stated by the distinction Mill made between self-regarding and other-regarding actions, a distinction made originally by Bentham.

The only part of the conduct of any one for which he is amenable to society is that which concerns others. In the part which merely concerns himself, his independence is of right, absolute. Over himself, over his own body and mind, the individual is sovereign.³

Mill defended the right of individuality, which meant the right of choice. As far as self-regarding actions were concerned, he explained why coercion would be

detrimental to self-development. First, the evils of coercion far outweighed the good achieved. Second, individuals were so diverse in their needs and capacities for happiness that coercion would be futile. Since the person was the best judge of his own interests, therefore, he had the information and the incentive to achieve them. Third since diversity was itself good, other things being equal, it should be encouraged. Lastly, freedom was the most important requirement in the life of a rational person.

Mill contended that society could limit individual liberty so as to prevent harm to other people. He regarded liberty of conscience, liberty of express and publishing one's opinion, liberty to live as one pleases and freedom of association as essential for a meaningful life and for the pursuit of one's own good. His defense of freedom of thought and expression was one of the most powerful and eloquent expositions in the western intellectual tradition "if all mankind minus one were of one opinion, mankind would be no more justified in silencing that one person than he, if he had the power, would be justified in silencing mankind.

Mill defense of freedom of Thought and Discussion was linked to the persecution of error. Even if an opinion was incorrect, it ought to be articulated, for only through active interaction and dialogue could opinions

evolve; otherwise they would lose their vitality and become dead dogmas. Ideas were to be subjected to critical scrutiny from other point of view for arriving at the truth. He supported individuality, for great advances in society were made possible only by creative individuals.

Mill was against the issue of the majority projecting itself as the controller of social opinion, as the “moral police”. Hence, social tyranny was exercised in subtle form like customs, conventions, mass opinion, which did not make an individual to stop and think where and how one had come to acquire these. There was an absence of “individuality”. Individuality, to Mill, was not mere non conformism, but signified the act of questioning, the right to choice. He encouraged eccentricity “the mere refusal to bend the knee to custom”. Mill also established an issue between the desirability of difference and the desirability of independence of character. It was only with moral and mental autonomy that there would be considerable variety of thought and behaviour.

Like his father James Mill, he also believed in the individual’s capacity of education by which he meant not only intellectual training or cultivation of critical enquiry, but also the training of individual character. He regarded individual character as a result of “civilization, instruction, education and culture.”⁴ Mill applied the principle of liberty to mature individual, and

excluded children, invalids, the mentally handicapped and barbarian societies in which race itself was considered “nonage”. Liberty could be withheld where individuals were not educated. He considered liberty as belonging to higher and advanced civilization, and prescribed despotism or paternalism with severe restrictions in case of lower ones.

Mill also cautioned against sacrifice or infringement of liberty for the sake of making a state strong. Such an action or policy would be inherently counter-productive, for state was made up of the individuals who composed them. His concluding paragraph was a good testimony of the liberal temper and outlook.

A state which dwarfs its men, in order that it may be more docile instrument in its hands even for beneficial purposes will find that with small men no great things can really be accomplished: and that the perfection of machinery to which it has sacrifice everything, will in the end avail it nothing, for want of the vital power which, in order that the machine might work smoothly, it has preferred to banish.⁵

Mill left his foot print on liberty also on the following: politics, economy, education, religion and gender equality. On education he is of the view that education should be made compulsory for the sole aim of empowering the individuals to develop themselves and for progress in the society. Coming to

the area of politics, Mill advocated for a democratic system of government. According to him a democratic society enhances individual liberty or individuality and also societal development. On his legacy on economy Mill advocate for free trade, trade unionism, equality, independence in the ownership of property. Moving to his view on religion, Mill opted for the religion of humanism or religion of the humanity which gears towards enhancing liberty of will and action. Finally, on the issue of gender equality, Mill pointed out that recognizing equality between the sexes will enhance societal productivity.

With the work of John Stuart Mill on liberty and its implications on politics, economy, education, religion and gender equality, the researcher believed that this work brings up our society to a level where liberty of the individuals can be respected. It will also reawake the consciousness of self realization and potential development in the lives of our present day generation.

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