



Research Paper

John Stuart Mill's Theory of Liberty and Freedom of Conscience in Nigeria's Democratic Practices

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Abstract

Liberty is the provisions of rights and their due enforcement by the state, which ensures freedom to a citizen to enable him to seek the best possible development of his personality. Accordingly, individual's freedom of conscience is a subject that is integrally connected to the ideals of liberal democratic settings as a method and system of government. Like J. S. Mill's 'Theory of Liberty', liberal democracy emphasizes individuals' liberties. This paper reviewed the 'freedom of conscience' in Nigeria's democratic practices since the dawn of the 4th Republic within the confines of John Stuart Mill's treatise on liberty. The paper is anchored on the Classical Liberal Theory of John Locke as its analytical perspective. The method adopted for the review was the qualitative descriptive method based on philosophical reflections. Key information were drawn from textual documents such as J. S. Mill's treatise on liberty, the 1999 constitution of Nigeria as amended and other relevant textual materials. The paper argues that; in spite of the practice of democracy (liberal or constitutional democracy) in Nigeria since the dawn of the 4th Republic (1999-2024); the Nigerian authorities consistently violated the liberty of conscience of Nigerians, which include; infringements on rights to freedom of expression of the citizens, manifest in attacks on journalists, censorships and conscription of the media, restriction of religious groups based on their faith and the likes. Accordingly, the paper posit that; the real meaning of liberty changes from age to age and that liberty lives within restraints as such, a proper definition of the term 'freedom of conscience' should be clearly made and incorporated into the country's ground norm, with its accompanying enforcement mechanisms and protocols in a way that incorporate the liberty of each individual which is necessarily relative to that of others.

Keywords: Freedom, Liberty, Conscience, Individual, Democracy

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I. Introduction

From the ancient to the medieval period and through the renaissance and modern era, one of the key pre-occupations of liberal political philosophy has revolved around the concept of liberty. This is more so, in view of the fact that the momentous subject of rights is integrally connected with the concept of liberty (freedom). In essence, liberties are construed as rights, which implies right to be free. It is a state of being free in a society, from control or oppressions or restrictions that may be imposed by authorities on a person's way of life, behaviour or political views (Obomanu 2020). Liberties in this sense constitute individual rights in all facets of political life but especially in the rule of law and control of political institutions by an informed public opinion (Amadi, 2021).

According to Johari (2012), liberty is the provision of rights and their due enforcement by the state, which ensures freedom (liberty) to a citizen which enables him to seek the best possible development of his personality. The subject of rights naturally ushers in the form of one of the essential ingredients of a liberal

political order, attaching significance to the continuous initiative of man. In essence, it is the elaborate provision of rights that prevents the frustration of creative impulse, resulting in the destruction of special character of man. It is therefore, obvious: *"without rights, there cannot be liberty, because without rights men are the subjects of law unrelated to the needs of personality"* (Laski 1938). That is why Mill (cited in Amadi, 2021) holds the view that, the justice in social utility reproduces itself in human society when each individual is given freedom to make choices and bear responsibilities. It is not a freedom without limits but one checked by discipline and civilized conduct, which attracts the corresponding rights.

Essentially though, liberty has not meant the same thing for all thinkers in the western political philosophy; but what really beset, is how to reconcile the idea of its uses with the provisions of restraints. This explains why certain different ways of arguing for citizens rights and liberties is common in political discourse especially in democratic settings. This further suggests that the state is obligated to extend a given sets of rights to the citizens for them to exercise their democratic rights and obligations. That is why Johari (2012) argues that liberty means the absence of constraints and not the absence of restraints and limitations. It does embrace the area of man's choice and at the same time calls for the proper justification of the limits or restrictions on such an area. This draws attention to the relationship between liberty (civil liberty) and democracy (democratic rights).

Mill defined the right of the individual to freedom in its negative sense; it means that society has no right to coerce an unwilling individual, except for self-defence. 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 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 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 other regarding actions, a distinction ordinarily made by Jeremy Bentham. Hence he says, the only part of the conduct of anyone for which he is amendable 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 (Mill 1859, p11).

Liberal democracies today usually have universal suffrage, granting all adult citizens the right to vote regardless of race, gender or property ownership. Liberal democracy emphasizes the separation of powers, an independent judiciary and a system of checks and balances between branches of government and the media. Liberal democracy can be understood as a political system which is defined by democratic political participation and individual rights. A liberal democracy is a limited democracy or synonymously, a constitutional democracy; it is the ideal of most classical liberals. Thus, liberal democracy like Mill's conception of liberty emphasizes freedom of the individual.

This review paper, adopted the qualitative method to synthesize existing literature on the freedom of conscience in Nigeria's democratic practices between 1999-2024 within the confines of J. S. Mill's theory on liberty. The descriptive approach employed states what is happening, how it is happening, and where it is happening in order to discover behavioural patterns and possible trends (Nsiegbie, 2020). The method involve the philosophical reflections of information gotten from textual documents and analysis of the democratic practices in Nigeria using John Stuart Mill Theory of Liberty as a yardstick of assessment. The source of data was secondary, while the collection method was by sieving of information from the textual documents that include the 1999 constitution of Nigeria as amended and J. S. Mill treatise on liberty. Given the nature and source of data collection method employed, qualitative content analysis method was used to incisively analyzed generated data.

Conceptual Explications

The Concept of Liberty

Liberty means freedom of religion, freedom of speech, assembly and forth, but for most liberals, it means more. Liberals; traditional and contemporary consider 'liberty' as the core of liberal ethical political theory. Locke, one of the founders of classical liberalism believed that individuals are naturally free subjects only to the law of nature. According to him;

To understand political power correctly and derive it from its proper source we must consider what state all men are naturally in. In this state, men are perfectly free to order their actions, dispose of their possessions and themselves, in any way they like, without asking anyone's permission – subject only to limits set by law of nature (1689 [2008], p.3).

The natural right of liberty is a right not to be interfered with; “(to be at) liberty is to be free from restraint and violence from others” (Locke, pp. 6 & 57). This is a right to what contemporary liberals describe as ‘negative freedom’. In Locke’s view, restrictions can be placed on the actions of individuals to give them advantages of a political society; these restrictions are justified only so far as they are necessary to obtain these goods.

However, the idea of liberty cannot be defined in quite precise terms. Because what really besets is how to reconcile the idea of liberty with the provisions of restraints. In other words, if liberty is to be differentiated from license, or man’s right to do what he wills, the issue of restraints is bound to figure in (Johari, 2012). At the same time, what engages our attention is that if restraints can preserve liberty, they can also destroy it. Hence the question as to what should be done to reconcile the two in a harmonious manner and thereby offer a plausible definition of the term liberty arises.

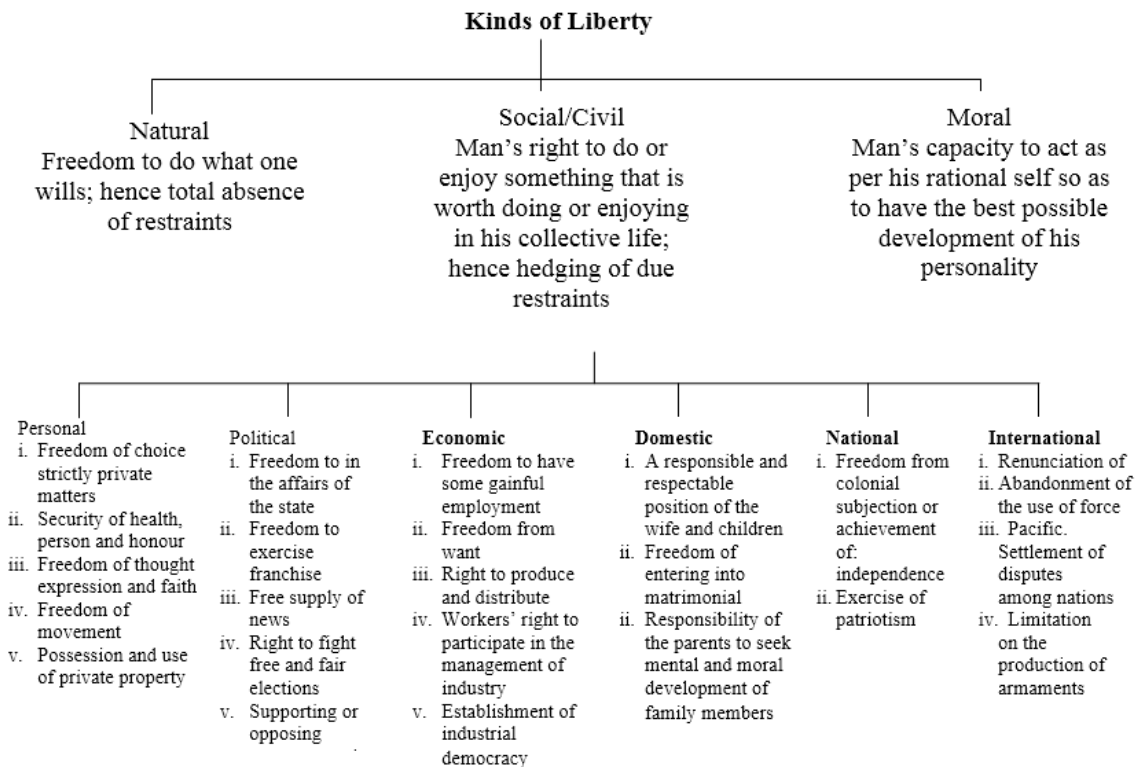
But there are two important points to note;

1. The really meaning of liberty changes from age to age and;
2. Liberty lives within restraints and that a proper definition of the term; should be made in a way it incorporates both in view of the fact that liberty of each individual is necessarily relative to that of others. As such, for instance; attempting to distinguish between ‘feeling free’ and ‘being free’ shows that a man may feel free even when he gets himself locked up in a room as per his own choice, and may not feel so in case he is inadvertently locked up in a room by another person. What is to be seen in a situation like this is that one should feel free to use one’s opinion without impediments. In this sense, it can be argued that, liberty is the freedom of the individual to express himself without external hindrances to his personality. In Laski’s (1930) view, liberty is the larger maintenance of that atmosphere in which men have the opportunity to be at their best selves. That is to say, that liberty is the most essential condition for the enjoyment of rights.

If studied in incisively more elaborate terms, the real meaning of liberty is involved in the dilemma of its negative and positive dimensions. The delicate question of the proper relationship between liberty, on one hand and authority on the other is such that, the subject matter is bound to hover between two opposite poles (Johari, 2012).

The negative dimension of liberty is contained in an affirmation of the absence of restraint in purely idealistic terms, it means to hinder the hindrances to good life. The works of some liberal political philosophers such as Mill’s treatise “on liberty” assumes this dimension. Among the recent exponents of the case of ‘negative liberty’ is Hayek (1976). To him, the positive idea of liberty which is supposed to be more easily linked with equality is not really a concept of liberty at all, but something else masquerading as liberty. In this sense, the individual has some assured private sphere, that there is some set of circumstances in his environment with which others cannot interfere. As such the element of ‘choice’ is decisive. That is to say that, the range of physical possibilities from which a person can choose, at a given moment, has no direct relevance to freedom. A man is free when he is not subjected to coercion by the arbitrary will of another person. Coercion occurs when an agent’s actions are made to serve the will of another, not for his own but for other’s purposes. Coercion implies action in the sense that a person who is coerced chooses to be what he does. It occurs only when one person threatens with the intention of thereby getting the other to act in conformity with his will (Johari, 2012). This according to Hayek (1976), means that freedom implies the availability and capacity to exercise meaningful and effective choices, mere economic factor should not be taken into account.

For Mill, liberty is based on the principle of self-determination. He argues that individuals should be free to pursue their own interests and goals, as long as they do not harm others. This conception of liberty emphasizes the importance of individual autonomy and rejects the idea that the state should impose a single conception of good life on its citizens. For him liberty is not merely the absence of external constraints, but rather the ability to live one’s life according to one’s own values and beliefs.



Adapted from Johari, 2012, with insights by Authors

Individual Liberty of Conscience

As rational creatures endowed with inherent liberties; it seems conceivable therefore that the individual possesses conscience which directs, aids and determines his actions to the realization of the self. Mill explains this as “thought and feeling; absolute freedom of opinion and sentiment of all subjects”. It includes also, liberty of expressing and publishing of opinions.

To this end, Mill argued that; protection against the tyranny of the “magistrate” is not enough: there is the needs also for the protection against the tyranny of the prevailing opinion and feeling; against the tendency of society to impose, by other means that civil penalties, its own ideas and practices as rules of conduct on those who dissent from them. There is therefore a limit to the legitimate interference of collective opinion with individual independence of conscience and to find that limit and maintain it against encroachment is as indispensable to a good condition of human affairs as protection against political despotism.

This region of civil liberty according to Mill, comprises firstly, the inward domain of consciousness; demanding liberty of conscience, in the most comprehensive sense; in calculating absolute freedom of opinion and sentiment on all subjects, practical or speculative scientific, moral or theological. The liberty expression and publishing opinions does appear 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 such importance as the liberty of thought itself, and resting in great part on the same reasons, it is practically inseparable from it.

Freedom of Mind: This sort of freedom falls in within the domain of freedom of conscience. First of all, there is the case of intellectual freedom that includes right to speak, print, or seek in concert with others its translation into an event. There should be complete freedom of speech and opinion in matters of religion and social affairs. For this, it is needed that there should be no censorship on the publication of the news, or that no man should be punished or harassed for expressing his dissent. The means of mass communication should be free so that people may not be misled by the trend of Goebbelism. Methods of surgery or electric shock for the sake of brainwashing the opponents and the dissidents are politically unwise and ethically unsound. Allied to this is the freedom of discussion that enables the people to understand the views of others and form their own views after making a critical evaluation of different trends. In brief, the freedom of mind is based on the assumption that the men who cease to think, cease also to be in any genuine sense. A government can always learn more from the criticism of its opponents than from the eulogy of its supporters. To stifle that criticism is, at least, ultimately, to prepare its own destruction.

Freedom of the Press: In a democratic system the instruction of public opinion by a free and full supply of news is an urgent necessity. The people who are expected to judge every issue on its merit are unfree if they have to judge not between rival theories of what an agreed set of fact means by competing distortion but what is at the outset an unedifying and invented mythology. Whether this distortion or suppression or censorship is state-controlled or by special interests operating within a democratic system, tends to make prisoners of men who believe themselves to be free. The press has been described as the fourth estate' of the realm in view of its importance in relation to the existence and operation of other principal organs of a political organisation. So strong is the emphasis of Laski on the freedom of the press that he disapproves of any censorship even during the times of war on the ground that an executive that has a free hand will commit all the natural follies of dictatorship. It will assume the semi-divine character of its acts. It will deprive the people of information upon which it can be judged.

The Concept of Democracy

The word "democracy" derives from the Greek word *demokrati*, which is combination of the words *demos*, a Greek word meaning 'the people, and *kratia*, designating power strength or rule'. Hence, from the Greek perspective democracy' was understood as an idea resembling rule by the people or the actual and direct participation of the citizens in public affairs. This was manifested through the assembly of the Athenian community (Oquaye, 2004). In the view of O'Neill (2009), in support of the Greek democracy says, democracy is a system where political power resides with the people". Thus, the people have the right to choose leaders to rule them at any electioneering period. In my view, democracy means the power of the people.

The word democracy is capable of being used in many different ways, provoking either good or bad feelings and depending on the ideals envisaged when defining democracy, it may have different meanings; for instance, one hears of the people's democracies of the communist world, democracies of the free world, it was also said that Hitler described Nazism as true democracy (Nwoko, 1988). Democracy means "the government of the people, by the people, and for the people" (Abraham Lincoln in his famous Gettysburg Address as cited in Oquaye (2004:60). For Mill, democracy is more than just a form of government, it is also a way of life. He defines democracy as government by discussion, in which all citizens have the right to participate in the political process and to have their voices heard. He argues that democracy should be based on the principle of equality, and that all citizens should have equal access to education and information. He also argues that democracy should be pluralistic, meaning that there should be a variety of opinions and beliefs represented in the political process. For him, democracy is not just about holding elections, but about creating a society in which all citizens have the opportunity to participate in the decision-making process and to shape the direction of their community. In other words, democracy is not just about voting, but about creating a space for citizens to engage in meaningful dialogue, and to influence the political decisions that affect their lives. Mill was critical of many of the democratic systems that existed in his days which still exist today. He believed that most forms of democracy were actually oligarchies, in which a small group of people held all the power. He argued that a true democracy must include a broad range of voices and perspectives, and that it must be responsive to the needs and interests of all citizens. He believed that democracy be a continuous process of deliberation, not just a periodic exercise of voting (Mill, 1859).

The expression "government of the people" according to Lincoln, means the power to rule is originative from the people, "by the people means" the rulers represent the governed that is the citizens. The governments legitimacy and power emanate from the people, the government is responsible to the people, government is guided by the people and the definition also connotes direct democracy (Oquaye, 2004). So from Lincoln's definition, democracy means ruling in the interest and with the power of the citizen. The question is, what about those who come to rule a country through coup d'etat or the use of the barrel of gun? There are also governments who come to power and rule but not through democratic processes as happened in Ghana between the 1970s and the 1980 in Ghana. Are they as per the definition a government by the people? And for the people; means those in authority rule on behalf of the people. Do governments actually rule on behalf of the people?

Most rulers get to power to pursue their own personal and selfish interest as it is the case in most underdeveloped countries and not that of the ordinary citizens. That is why during elections, the politicians manipulate the system to win power for the attainment of their own interest.

Democracy is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote" (Schumpeter, 1947). In a democratic system, there are institutional structures like the electoral administration, executive, the legislature, the judiciary and the press. These are some of these institutions that make the concept of democracy to function effectively.

A political system is defined as democratic to the extent that its most powerful collective decision-makers are selected through periodic elections in which candidates freely compete for votes and in which virtually all the adult population is eligible to vote" (Huntington 1991:195). The competition for votes should be done in a civilized way with the exchange of ideas, policies and programmes as to how one is capable of ruling a country. Democracy is said to have a positive attributes and that presupposes the idea that, what is democratic is good and the opposite is the reverse. Democracy stands for stability, freedom of expression of conscience and choice.

Schumpeter (1947), defines democracy by a "minimalist" standard when he avers that democracy is a political system in which the principle positions of power are filled "through a competitive struggle for the people's vote. Democracy also means the sovereignty of the wishes and aspirations of the electorate in decision making (Adeyemo, 2009). But these views that suggests that democratic governments must reflect the wishes of the people and that people have the right to vote and be voted for via elections, a brand of democracy, appropriately termed liberal democracy and cannot be said to be representative enough as it emphasizes material conditions before citizens can adequately participate in the democratic change. That is why Shivji (1991) cited in Saul (1997), avers that; it's (Liberal Democracy) inspiration from Western liberalism centered around notions of limited government, individual rights, parliamentary and party institutions, the centrality of the economic and political entrepreneur of the market place, etc.

However, Locke (1690) and Montesquieu (1952) in their separate works opined that: "Only a constitutional government, restraining and dividing the temporary power of the majority, can protect individual freedom. Thus fundamental insight (and values) gave birth to a tradition of political thought, liberalism and to a concept – liberal democracy.

These views by Locke and Montesquieu have tended to give impetus to the promoters of the liberal aspect of democracy. Some argue that liberal democracy is the best political system for ensuring Kant's Perpetual Peace (Pace, 2009). For Zakaria (1997), such democracies which does not satisfy the doctrine of free and fair elections via a multiparty system, operationalized by the constitution is illiberal (illiberal democracy). This assertion thus lends credence to the central features of liberal democracy as contended by Heywood (2007) to include:

1. Liberal democracy as an indirect and representative form of democracy in that political office is gained through success in regular elections that are conducted on the basis of formal political equality.
2. Liberal democracy is based on competition and electoral choice. These are achieved through political pluralism, to tolerance of a wide range of contending beliefs, and the existence of conflicting social philosophies and rival political movements and parties.
3. In liberal democracy, there is a clear distinction between the state and civil society. This distinction is maintained through the existence of autonomous groups and interests, and market or capitalist organization of economic life.

Conversely, Ake (1996), contend that; liberal democracy is fixated on the political sphere and on abstract universalism. And that it has been difficult to recognize this problem because for more than a century now, in the West, democracy has meant liberal democracy, nothing less. It is generally seen as a political system that offers the freedom of the individual and adds nothing to collectivism, except when the majority rule is to apply. Broadly speaking, the concept of democracy as have been stated so far, is that brand of democracy that put the elite in a vantage position at the expense of the masses is in vogue, especially in transition countries and in Africa in particular.

Analytical Perspective

Classical Liberal Theory of John Locke (1689)

Classical liberal theory is one of the constitutive elements of modern society. Liberal political ideas emerged against the background of the collapse of the feudal social order and the emergence of a society based on market relations. Liberalism simultaneously promoted the ideals of freedom and equality, and strict separation between a public and a private realm. However, classical liberal theory assertion that principles of equality and freedom should be limited to the public realm has led many later thinkers to see the transformation of power in private family households as the last remaining objective of an incomplete revolution.

Classical liberalism's legacy, among other things is a continuing tension between anti-patriarchal demand for equality associated with rule by consent in public life and the creation of a separate private sphere still based on patriarchal prerogatives. This tension has given rise to a demand for equality between the genders, even in the private sphere of the family. Indeed, the family has often been seen as a key institution and, in some cases, the very locus of patriarchal rule (Hattersley, 1987). However, the demand for gender equality has

different variants depending on different analyses of the significance of the family for the subordination of women.

The protection of liberty is central to liberal theories about the nature and function of law. Following John Stuart Mill, liberals argue against the enforcement of morality on the ground that society's view of what is morally right does not justify the use of compulsion or control. Actions such as what wrong or harm individuals, but to which they consent – often called victimless crimes – are not appropriately criminalized on the liberal view.

Rawls (1993), talks about *Political Liberalism* as an alternative to comprehensive realism, which marked an important new development in liberal theory. Other conceptions of liberalism such as the perfectionists and autonomy-based theory of Joseph (1991), offer comprehensive philosophies of life, which include ideas of personal character, friendship, and association. By contrast, political liberalism is a moral conception concerned only with the basic structure of a society, and presented as a view that is independent of any comprehensive doctrine. Its fundamental terms such as the idea of individuals as free and equal citizens are derived from the public political culture of a liberal democracy. Political liberalism recommends its principles as a way of fairly resolving disagreements in a pluralistic society; it does not expect free and equal citizens to agree on one comprehensive conception. Political liberalism instead locates an overlapping consensus in the midst of reasonable pluralism. Like liberalism itself, political liberalism is a family of conceptions, which share the aim of finding fair terms of social cooperation among free and equal members of a democratic society.

Assumptions of the Classical Liberal Theory of John Locke

The theory argues that each man has a natural right to life, liberty and property and that governments must not violate these rights. This implies that freedom places limits on coercive actions, particularly against the most dangerous, which is the threat of physical aggression and violence. The two greatest sources of such potential aggression being (1) one's fellow citizens and (2) the state under which one lives. Accordingly the classical liberal theory assume that the presence of limited government, opposes all "absolute, arbitrary, unlimited and unlimitable power. That is, the liberal government must be its opposite: non-absolute, non-arbitrary and limited. As Hayek (1960, p.87), puts it; "the coercion which the government must use, is reduced to a minimum and made as innocuous as possible by restraining it through known general rules". Such a limited state is not the same as the so called minimal state-libertarianism.

In essence, the classical liberal theory stands as a defence of the three principles of freedom. That is; freedom from private coercion (private property), freedom from public coercion (limited government), and state provision of limited public goods.

Thus the following assumptions suffice;

1. There is such a thing as a coherent set of classical liberal principles;
2. That these principles can be roughly summed up into three principles as earlier posited;
3. That the libertarian interpretation is not sufficient for a good society;
4. That the classical liberal interpretation is sufficient for a good society;
5. That the theory provides a blueprint for a limited welfare state.

These assumptions sum up as a justifiable purpose why the theory is suitable for this review paper, because it essentially explores the core values of democratic practices that is expected to advance Nigeria's democracy as a society which has aligned itself to the western democratic traditions, particularly when attempt is made to situate it within the context of John Stuart Mill's treatise "on liberty".

The assumptions of the theory is also useful to expound on how Nigeria's democratic practices since the 4th republic have been grinded under the fangs of the coercive character of the Nigerian state. It exposes the needing corrections in the democratic decision-making, the promotion of basic human rights and welfare and the provision of public goods. For instance, in 'on liberty', John Stuart Mill sets out the classical liberal principles that ground democracies. Political thinkers in Mill's era were concerned with how much control the government should have over the actions and beliefs of individuals. In this work, Mill stresses that for society to progress and for individuals to live flourishing lives; individuals must have autonomy over choices of beliefs and actions. The state can interfere if a person's action are going to harm someone else, but if no harm will be done, then the person should have freedom to believe or act as he or she chooses. In this regard, Mill traces the evolution of the concept of liberty over time, with the view to determining those basic individual liberties that must be defended from tyranny. That is, from tyranny of the majority chiefly operating through the acts of the public authorities. But reflecting as a democratic tenet.

Liberty of Conscience and Nigeria's Democratic Practices Between 1999-2024

Firstly, Mill defines liberty as the limits that must be set on society's power over individuals. In times of tyranny, enforcing liberty meant protecting individuals from tyrants. Accordingly, Mill outlines liberty of conscience as one of the liberties that must be defended from tyranny like other tyrannies.

Liberty of conscience is the right of an individual to hold their own beliefs, and to freely express those beliefs without interference from the government or other groups. So, to evaluate this in Nigeria since the return to democracy in 1999, it is imperative to look at the degree to which citizens have been able to freely express their beliefs, and whether the government has interfered with this right.

According to Mill (1859, p13) "the object of this essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties, or the moral coercion of public opinion. 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 number, is self-protection. That 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 sufficient warrant". He 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 do otherwise. To justify that, the conduct from which it is desired to deter him must be 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, or right, absolute. Over himself, over his own body and mind, the individual is sovereign.

But there is a sphere of action in which society, as distinguished from the individual, has, if any, only an indirect interest; comprehending all that portion of a person's life and conduct which affects only himself, or if it also affects others, only with their free, voluntary, and undeceived consent and participation. When I say only himself, I mean directly, and in the first instance: for whatever affects himself may affect others through himself; and the objection which may be grounded on this contingency, will receive consideration in the sequel. "this, then, is the appropriate region of human liberty. It comprises, first, the inward domain of consciousness; demand 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". 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.

One aspect of liberty of conscience is freedom of religion. On freedom of religion, Mill argued that the state should not interfere in matters of religion. He believed that religion was a deeply personal matter, and that it should be left to individuals to decide what they believe. His views were based on his commitment to individual liberty and his belief that everyone should be free to pursue their own conception of the good life. He believed that religious freedom was essential to a free and just society, and fought against attempt to limit it. The Nigerian constitution also made provisions for freedom of religion, and in line with the constitutional provisions, religious groups have generally been able to practice their religious beliefs without interference from the government. However, there have been some restrictions on politicizing, or attempting to convert people to another religion. There have also been attempts in certain sections of the country to prevent people from voicing their religious beliefs. More often than not, such restrictions have sparked religious violence, which the government has been accused of not doing enough to prevent or stop, giving the impression that the government is subtly encouraging or supporting violations of people's freedom of worship. In the application of sharia law in some states in the northern part of the country, for instance, while sharia law is technically only applicable to muslims, it has sometimes been applied to non-muslims, and there have been instances of discrimination and violence against non-muslims as a result. Additionally, there have been cases of individuals being arrested or detained for their religious beliefs. A good example is the arrest and detainment of the leader of Islamic Movement of Nigeria (IMN), Al Zac Zakky and his wife (Premium Times, Dec 2015). Cases also abound where Christians have been killed by angry mobs for reportedly defaming Islam, insulting the Prophet, or blasphemy with impunity. Evangelist Eunice Elisha was reportedly killed on July 9, 2016 for preaching in Kubwa, Abuja FCT (Thursday, July 2016). In the same year, the wife of a *Deeper Life* Pastor Mrs. Bridget Agbaheme was beheaded by a mob of religious extremists who accused her of defaming the Islamic religion also reported in

National daily. In March 2021, Talle Mai Ruwa was killed and burned by irate youths in Sade, Bauchi State for allegedly insulting the Prophet of Islam. (Vanguard, March, 2021).

In May 2022, Deborah Yabuku, a Nigerian female Christian student of Shehu Shagari College of Education in Sokoto, was murdered in cold blood and burned alive for blasphemy claims. In Maiduguri, police also arrested one Naomi Goni for alleged blasphemy against the Prophet of Islam. Mrs. Rhoda Jatau, a nurse, escaped death in Warji, Bauchi State in a suspected blasphemy case. A Muslim, Ahmad Usman, was recently stoned and burned alive in Abuja after being accused of blasphemy. In all of these cases, the government failed in its duty to protect the citizens' freedom to hold religious beliefs (Barkindo and Dyikuk, 2022).

Not only that, Christians are also marginalized by government policies and practices. Discrimination against Nigerian Christians through the enactment of laws, policies, and government-led initiatives particularly in the North indicates strong preference for the Muslim population and further restricts the full exercise of religious freedom for non-Muslims. Adherents of the Christian faith in northern Nigeria are subjugated under the Fulani Emirate System and denied freedom of worship or land acquisition for building of Churches. In a position paper presented at the Northern Governors Forum meeting held on 7 May, 2009 at the General Hassan Katsina House in Kawo, Kaduna State, the Christian Association of Nigeria (CAN) Northern States listed 35 ethnic minorities forced under the Fulani Emirate System and called for a change of status quo. This ill treatment is in addition to denial of equal rights to education, specifically admission into public institutions, and employment opportunities (Barkindo and Dyikuk, 2022).

Flowing from that; inflecting persons perceived that when society is itself the tyrant society collectively, over the separate individuals who compose it – it means of tyrannizing are restricted to the acts which it may do by the hands of its political functionaries. Some government policies are enacted to give advantage to Muslims. For example, in 2019, some Arewa youths under the aegis of Coalition of Northern Groups (CNG) gave southern leaders 30 days to accept the Rural Grazing Area (RUGA) policy intended to favor Fulani herders in peace and a 30-day ultimatum for President Buhari to implement it. After public outrage, *Punch* Newspaper (March, 2019), reported that the project was suspended. On August 7, 2020, President Buhari signed the Companies and Allied Matters Bill 2020 into law to regulate the activities of religious bodies including investigating their finances. Social commentators saw this as an affront on the Church because the law excluded Islamic institutions, which are covered by Sharia law's penal code (Barkindo and Dyikuk, 2022).

In December 2019, the Chief Justice of Nigeria (CJN), Justice Ibrahim Tanko-Muhammad, advocated for the teaching of Sharia law in Nigerian universities in arabic language in his remarks at the 20th Annual Judges Conference at the Faculty of Law Moot Court, Kongo Campus of Ahmadu Bello University in Zaria, Kaduna State (The Punch Newspaper, 2019). On his part, as reported in the Nigerian Tribunal (2009), Justice Muhammad Danjuma blamed Muslims for not being courageous enough to move Sharia law forward in Nigeria and urged them to do what is necessary to advance Sharia. In April 11, 2008, when CAN demanded to know whether Nigeria was a full member of the OIC, Minister of State Alhaji Tijani Kaura took three days to respond in the affirmative. Nigeria's former Minister of State for Foreign Affairs, Dr. Nurudeen Mohammed, also allegedly described Nigeria as an "an Islamic State with the largest Christian population" at an August 2012 OIC meeting in Mecca, Saudi Arabia. He made this statement in defiance of sections 10 and 42 of the 1999 Constitution, which stipulates that Nigeria is secular with a multi-religious population (Barkindo and Dyikuk, 2022).

In a similar circumstance, Christian parents woke to attempts by the Ministry of Education to merge Christian Religious Knowledge (CRK) and Islamic Religious Knowledge (IRK) in the basic curriculum in 2017. While all students (including Christians) are forced to take Arabic and Islamic studies as a compulsory course, Muslim students do not take Christian Religious Studies (CRS) where it is taught. In fact, in over 80 percent of government-owned primary and secondary schools across northern Nigeria, there are no CRS teachers because the government does not employ them. Christians saw the merger as a ploy to enforce the teaching of Islam on Christians. After much agitation, the Nigerian Educational Research and Development Council (NERDC) was asked to separate the two subjects (Barkindo and Dyikuk, 2022).

Society can and does execute its own mandates like Nigeria does within its own democratic tenets: if it (society) issues wrong mandates instead of right, or any mandates at all in things with which it ought to meddle, it practices a societal tyranny more formidable than many kinds of political oppression, since though not usually upheld by such extreme penalties, it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving of soul itself.

Another aspect of liberty of conscience is the freedom to express one's opinion. Mill emphasizes that it is evil to silence the expression of opinions because "it is robbing the human race; prosperity 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..." (Mill 1859, p18). Freedom to express one's opinion is anchored on the right to freedom of expression and press (Section 39 1999 CFRN as Amended). Press freedom allows for the free exchange of information and ideas. In Nigeria, democracy has not guaranteed press freedom, as there have been some concerns about harassment and intimidation of journalists. There have also been reports of government's censorship and the closure of media outlets.

One issue to consider is the role of government in regulating the media. The Nigerian Broadcasting Commission (NBC) is the regulatory body for broadcasting in the country. There have been concerns about the role of the NBC, as some have accused it of being biased in its regulation. For example, some critics have accused it of been too lenient towards pro-government media outlets, while being too harsh towards those that are critical of the government.

As indicated earlier, the return of democracy in 1999 has not relieved journalists of legal restriction as well as the hostility they face from the political class. In 2001 for instance the press was caught up in an often-turbulent national debate over the adoption of an Islamic legal system known as Shari by Nine (9) Northern States. Ahmed Sani, governor of the state labeled local journalists as "force of destruction" and ordered the official state radio not to air anti-Shari news items. In March of that year 2001, he ordered security agents to seize all copies of three daily newspaper; The Nigerian Tribune, The Vanguard, and The Guardian, because they contained reports on Shari (The Guardian, March 2001).

Press freedom also suffered under Sharia as reporters found guilty of publishing offensive stories were to receive 60s strokes of cane at a public forum that would be witnessed by their editors and booed by the print and electronic media (UNHCR, 2001). Again, press freedom also suffered in region where secessionist movements are active for instance, a journalist, Cornelius Igbokwe, editor of the monthly magazine, The Globe was arrested and detained for five days for criticizing MASSOB's demands for an independent state to which the local police apparently subscribed (Refworld, 2001).

To further clampdown on freedom of speech, embodied by the Press, The Nigerian Press Council (Amendment) Decree No. 60 issued in 1999 established a regulatory office staffed by journalists paid by the government to enforce professional ethics. The council eventually, became a tool for censorship of the Press. The Press Council is empowered to accredit and register journalist and can suspend journalists for backing their profession. All Nigerian Publication must register annually with the Council, which imposes a fine of US\$2,500, or up to three years jail term for publicity without license. In all these; the 1999 constitution of Nigeria as amended in section 38(1) makes provision for the freedom of thought, conscience and religion or belief. But did not clearly define what constitute these liberties and how they can be promoted and enhanced. Mere provision of it in the constitution is not enough safeguard for its expressions.

Table 1: Lists of Media Houses Shutdown and Reporters arrested by NBC

1	9/09/1999	Cyril Mbah, a reporter with Hallmark News Magazine was arrested and taken to the Enugu State Government House.
2	7/09/1999	NBC shutdown "Here and There" an Ibadan based Cable Transmission Station.
3	5/10/1999	19 Broadcasting stations were banned from transmitting for failure to pay "referral fees". Against those banned are ABG Communications, DAAR Communication owners of Raypower Radio Station and AIT, DBN Television and Multi-International Television
4	2/10/1999	About 20,000 copies of the London-based monthly Magazine, "African Today" were impounded by the Customs Department in Lagos, over "uncomfortable" headline.
5	13/10/1999	Jerry Needham, editor of the "Ogoni today was arrested and detained for 24 hours by the police in Ogoni Land in Rivers State for publishing a report of police brutality in the area.
6	November, 1999.	The Editor of "The Pioneer" Newspapers, Obiora Ekanem was sacked for publishing a story which the Akwa-Ibom State Government viewed as being in favour of a faction of the PDP in the State.
7	27/11/1999	Journalist arrested in Uyo – Akwa-Ibom by the police for undisclosed reasons.

Source: Adapted from RefWorld 2001 with insights by Authors

Table 2: Cases of Arrest of Journalists 2008 - 2023

S/N	Date	Name	Charge
1	2008	Sam Amuka	Sedition for publishing an article criticizing of president Yar'Adua.
2	2009	Tony Momoh	Sedition for publishing an article criticizing a government law agent for Shari.
3	2010	Gbenga Faturoti	Sedition for publishing an article on alleged corruption.
4	2011	Temitope Ogunbanke	Sedition for publishing an article on political violence.
5	2012	Okey Ndibe	Arrested and detained for a week for writing a book about president Goodluck Jonathan.
6	2013	Two Journalist	Writing and publishing a book about the kidnapping of school girls.
7	2014	Omoyele Sowore	Detained for covering a protest against government corruption.
8	2016	Wilson Uwujaren	Detained for writing against illegal government corruption.

9	2018	Abubakar Usman	Detained for reporting on a police crackdown on protests
10	2017	Oluwole Sowore	Detained
11	2018	Joness Abiri	Detained for allegedly defaming the governor of Bayelsa.
12	2019	Samuel Ogundipe and Luka Bimuyat	Arrested and detained for reporting alleged government's misconduct.
13	2020	Tobore Ovuorie	Detained for reporting on sex trafficking
14	2022	Nicholas Ibekwe	Arrested and detained for reporting alleged police misconduct.
15	2001	Kunle Ajibade	Charged for sedition for reporting on military coup.
16	2006	Chris Anyanwu	Arrested and detained for two weeks for writing an article on president Olusegun Obasanjo.
17	2007	Gbenga Aruleba	Arrested and detained for seditious publication for reporting on the president Obasanjo.

Source: Field Work, 2024

The above table shows how media practitioners in Nigeria are attacked and intimidated by the Nigerian authorities. As noted by PEN America (2019), in Nigeria, the civic space continues to shrink. Clear examples of this are the consistent attacks on freedom of information and expression as well as media freedom, which are all constituent parts of a country's civic space. Since 2015, attack on journalists and media activists have continued unabated. Between January and September 2019, at least 19 journalists and media practitioners have suffered attack. Amnesty International has been closely monitoring these attacks and now reports on how they have contributed to the violation of other human rights in Nigeria. These attacks take the form of verbal and physical assault, as well as indiscriminate arrest and detention by Nigerian authorities. These violations are mostly perpetrated by Nigeria's security forces - the Nigeria Police, the Nigerian Army and officials of the Department of State Service (DSS), and they occur when journalists and media practitioners seek access to information, share information or express critical views that could drive public opinion (www.amnesty.org).

Often times, dissenting views expressed by media practitioners are criminalised, particularly when they revolve around sensitive issues. Also, the stifling of freedom of expression for these groups occurs in circumstances where journalists are pressured to disclose their sources of information. Those who spoke to Amnesty International confirmed that they came under intense pressure from Nigeria's security officials to reveal their sources of information, particularly when they published stories that focused on corruption, elections and armed conflict. Some of the journalists were kept under surveillance, while others received death threats via telephone calls from unidentified people. Many journalists also came under attack while reporting the 2019 General Elections across Nigeria (www.amnesty.org).

The failure of Nigerian authorities to investigate cases of indiscriminate arrest, detention and prosecution of journalists and media practitioners ensures that perpetrators are not held to account for these human rights violations. Victims who suffered arbitrary arrest and detention told Amnesty International that they were tortured and pressured to write confessional statements, which were used to prosecute them in court (Snaddon, 2016). While many of them faced indiscriminate charges such as 'defamation', 'terrorism' and 'cyberstalking', others had charges such as 'kidnapping', criminal trespass and theft of state documents brought against them. Worse still, many of the journalists were prosecuted under the Cybercrime Act and Terrorism (Prevention) (Amendment) Act 2013, alongside other laws. The Terrorism Prevention (Amendment) Act 2013, prescribe the death penalty for those found guilty. Thus making journalism a dangerous venture (www.amnesty.org).

In cases where journalists and media practitioners sought legal redress for violations suffered, the authorities have failed to obey court judgements, while halting access to justice and the right to an effective remedy. Reporters Without Borders, an organisation that conducts advocacy for freedom of information and press freedom, ranks Nigeria 120 out of 180 in its 2019 Data of Press Freedom ranking. The report also rated Nigeria as 'difficult' for press freedom and net freedom. Also, the Committee to Protect Journalists (CPJ) in its 2018 Global Impunity Index, stated that there were thirteen unresolved murders of journalists in Nigeria within the reporting period.

II. Discussion

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. Under national and international law, Nigeria has an obligation to respect, protect, promote and fulfill the right to freedom of expression and media freedom. However, from the foregoing analysis, the Nigerian authorizes flagrantly violated this right.

Protection therefore, against the tyranny of the magistrate is not enough: there needs protection also against the tyranny of the prevailing opinion and feeling; against the tendency of society to impose by other means that civil penalties, its own ideas and practices as rules of conduct on those who dissent from them; to refer the development and compel all characters to fashion themselves upon the model of its own. There is a limit to the legitimate interference of collective opinion with individual independence and to find that limit, and maintain it against encroachment, is as indispensable to a good condition of human affairs, as protection against political despotism.

For Mill, the liking and disliking of society, or of some powerful portion of it, are thus the main thing which has practically determined the rules laid down for general observance, under the penalties of law and opinion. As in general, those who have been on advance of society in thought and feeling have left this condition of things unassailed in principles, however they may have come into to occupy themselves rather in inquiring what things society ought to like or dislike, than in questioning whether its likings or disliking should be a law to individuals. They preferred endeavouring to alter the feelings of mankind on the particular points on which they were themselves heretica, rather than make common cause in defence of freedom, with heretics generally.

The time, it is to be hoped, is gone by, when any defence would be necessary of the "liberty of the press" as one of the securities against corrupt or tyrannical government. No argument, we may suppose, can now be needed, against permitting a legislature or an executive, not identified in interest with the people, to prescribe opinions to them, and determine what doctrines or what arguments they shall be allowed to hear. This aspect of the question, besides, has been so often and so triumphantly enforced by preceding writers, that it need not be specially insisted on in this place. Though the law of Nigeria on the subject of the press, is a servile to this day as it was in 1999. Little danger of its being actually put in force against political discussion, except during some temporary panic, when fear of insurrection drives government official from their shells; and, speaking generally, it is not, in constitutional countries, to be apprehended that the government, whether completely responsible to the people or not, will often attempt to control the expression of opinion, except when in doing so it makes itself the organ of the general intolerance of the public. Let us suppose, therefore, that the government is entirely at one with the people, and never thinks of exerting any power of coercion unless in agreement with what it conceives to be their voice. But deny the right of the people to exercise such coercion, either by themselves or by their government. The power itself is illegitimate. The best government has no more title to it than the worst. It is as noxious, or more noxious, when exerted in accordance with public opinion, than when in or 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 if he had the power, would be justified in silencing mankind. Were an opinion a personal possession of no value except to the owner; if to be obstructed in the enjoyment of it were simply a private injury, it would make some difference whether the injury was inflicted only on a few persons or on many. "But the peculiar evil of 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 live impression of truth, produced by its collision with error.

In Nigeria, from the peculiar circumstances of our political history, though the yoke of opinion is perhaps heavier, that of law is lighter, than in most other countries and there is considerable jealousy of direct interference, by the legislative or the executive power with private conduct; not so much from any just regard for the independence of the individual, as from the still subsisting habit of looking on the government as representing an opposite interest to the public. The majority have not yet learnt to feel the power of the government their power, or its opinions their opinion. When they do so, individual liberty will probably be as much exposed to invasion from the government, as it already is from public opinion.

III. Conclusion

On liberty of conscience, Mill believed that individuals should be free to express their opinions and ideas, even if they were unpopular or controversial. He saw this as a key part of individual liberty, and he argued that the state should not be able to censor or restrict speech. However, the Nigerian authorities have violated the individual's right to freedom of thoughts and expression by first, enacting laws that restrict speech and the media. Second, the government has been known to censor the media, with the aim of gagging or suppressing the media, particularly the electronic media. This has been due through the Nigerian Broadcasting Commission (NBC). The government is also known to use intimidation and violence to silence dissenting voices.

Mill's views on liberty and democracy is that, first, the concept of individual liberty emphasized the importance of personal freedom and autonomy. He believed that the state should not interfere in the personal affairs of individuals, and that this principle should apply equally to all members of society, regardless of their race, religion, or gender. Second, his concept of democracy emphasized the importance of equal representation and participation in government. He argued that all citizens should have an equal voice in the political process.

On freedom of religion, Mill argued that the state should not interfere in matters of religion. He believed that religion was a deeply personal matter, and that it should be left to individuals to decide what they believe. His views were based on his commitment to individual liberty and his belief that everyone that everyone should be free to pursue their own conception of the good life. He believed that religious freedom was essential to a free and just society, and fought against attempt to limit it. However, the Nigerian authorities, since the return of democracy in 1999 has infringed on this right, first in the application of sharia law in some states in the northern part of the country. While sharia law is technically only applicable to muslims, it has sometimes been applied to non-muslims, and there have been instances of discrimination and violence against non-muslims as a result. Additionally, there have been cases of individuals being arrested or detained for their religious beliefs. The debilitating condition of individual liberty of conscience in Nigeria's democratic practices has seriously impugned on the country's democratic advancement and has remained a clog to the actualization of the individual's personal development.

IV. Recommendations

Findings showed that in spite of the practice of democracy, the Nigerian authorities consistently violated the liberty of conscience of Nigerians. The right to freedom of expression of the citizens was infringed upon. In the northern part of the country, Christians were restricted from practicing their religion freely. There were several instances where Christians were killed by burning maiming, lynching, mobbing and shooting, without the government bringing the culprits to book. There are also cases of infringement on the right of expression of the citizens through several means. There were instances of attacks on journalists and conscripting approach to the censorship of media contents in the guise of several folly claims by the government.

However, two important points are to be drawn to our knowledge however; one is that, the real meaning of liberty changes from age to age and two; liberty lives within restraints, as such a proper definition of term should be clearly made and incorporated into the country's ground norm with its accompanying enforcement mechanisms in a way that will incorporates the liberty of each individual which is necessarily relative to that of others. In this sense, the liberty of conscience of the Nigerian citizens will be seen to not only be protected but also prevented from being violated. This will reduce infringements on individuals liberty of religion, right of expression and that of thought and opinion. Thereby enhancing individual personal development; consistent with the overall advancement of the society.

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