



Research Paper

# Millian Concept of Individual Liberty and Minorities' Rights in Nigeria's Democracy

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## Abstract

One of the key preoccupations of liberal political philosophy has revolved around the concept of liberty. Liberties in themselves 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. For Mill the civil liberty or social liberty in perspective consists of the nature and limits of which can be legitimately exercised by the society over the individual. This review paper, examine John Stuart Mills concept of individual liberty and minority rights in Nigeria's democracy between 1999-2024. The method adopted is the qualitative descriptive design which was based on philosophical insights of the phenomenon in perspective. Needed information for the paper was generated from Mill's treatise on liberty and other textual documentary sources dealing on the issues of minorities' rights in Nigeria's democracy since 1999. Generated information where analyzed using the qualitative content analysis method due to the normative nature of the information. The paper argued that minorities' rights have been trampled upon by the Nigerian state masquerading through governmental institutions thereby leading to collective victimization in the areas of appointments and elections into government offices. While people with disabilities, are not considered in government employment and appointment. No society in which such rights are not respected is free, whatever may be its form of government; and non is completely free in which it (minorities rights) does not exists absolute and unqualified. Accordingly, the paper posits that the Nigeria political system should be streamlined in such a way that there will be genuine democratic representation which entails proportionate representation of all groups of classes both minorities and majorities.

**Keywords:** Liberty, Individual, Minority, Rights, Democracy

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## I. Introduction

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, that 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.

The tenable character of liberty can be traced in leading historical events, such as the revolt against the Stuart monarch, Charles 1 of England which put him to the gallows in 1649 for the sake of establishing the supremacy of *lex* (law), over *rex* (lang). Of independence in 1776, which terminated the era of British colonial hegemony and also that of the French people of 1789 to achieve '*Liberty*' along with '*equality*' and '*fraternity*', as well as other statements of eminent political thinkers which all can be put to empirical test.

For Mill (1859), the civil liberty or social liberty in perspective consists of the nature and limits of which can be legitimately exercised by the society over the individual. One key take-off, in Mill's approach is the fear of social and cultural homogenization in democratic societies. So Mill argued that self-protection is the legitimate reason for interfering with the liberty of the individual. 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 of 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 (Mill, 1859, p.11).

As such, individually or collectively, no one should interfere with the liberty or action of another except it be for "self-protection". Thus, power could only be rightfully exercised on someone to prevent harm to others. Not even for his own good is sufficient reason to restrain him, he could be persuaded not restrained. Only when it concerns others can he be restrained over himself, his body, and mind, the individual is sovereign. Thus, the understanding is that liberty is mutually exclusive, making it possible to highlight such principles of liberty that include liberal principles and democratic principle. The democratic principle is that the individual liberty maybe limited by legislation enacted through a democratic process, if doing so does not violate any requirement of justice. In this sense a representative democracy – liberal democracy.

Democracy on its part has been a subject of intense debate. According to Crick (1993 cited in Omololu, 2020), in its growth and development it is a system adopted and practised in a variety of ways. Its component features have made it attractive to all sorts of society. The Economic Intelligence Unit (EIU), seems to be guided by this view, even when it does appear not to be compactable with a particular society. As such the EIU embarked on categorization of democracies in its 2018, Democracy Index. The Economist Intelligence Unit, classified democratic regimes types into four (4) categories.

In the first category (full democracies), countries with full democracy exhibited greater respect for political freedom and civil liberties and also tend to be underpinned by a political culture that is assessable to flourishing of democracy (EI Unit 2018). In such countries there appears to be the existence of satisfactory functioning of the government, independent and diverse media based on the principles of liberty and an effective system of checks and balances with independent judiciary and enforcement of judicial decisions.

The second category consists of the flawed democracies, characterized by free and fair election and even if there are problems such as infringements on media, and minor suppression of political opposition and critics basic civil liberties are respected. The third category consists of electoral processes that are characterized by seeming substantial irregularities that often prevent them from being both free and fair. Government pressure on opposition parties and candidate tends to be common, serious weaknesses are more prevalent than in the 2<sup>nd</sup> category. Corruption tends to be wide spread and the rule of law is weak. Civil society tends to be weak. Typically, there is harassment of and pressure on journalist and the judiciary is not independent. This is known as the hybrid regimes.

The fourth category includes the authoritative regimes, with an absence of, or heavily circumscribed political pluralism. Countries in this category are mostly characterized by dictatorships, with a semblance of some formal institutions of democracy that have little or no substance. -Authoritarian regimes.

These defining features of a democratic society indicate a growing study of country cases in terms of the actual implementation of democratic theories, principles and norms in the light of the controversies that have surrounded the precise nature of the concept of democracy within democratic societies. Liberal democracy is a democracy based on the recognition of individual rights and freedoms.

In liberal democracy, an elected government cannot discriminate against specific individuals or groups when it administers justice, it protects basic rights such as, freedom of assembly and freedom of speech, it

provides for collective security; it distributes economic and social benefits. Thus, liberal democracy like Mill's conception of liberty emphasizes freedom of the individuals.

This review paper, adopted the qualitative design to synthesize existing literature on the Millian Concept of Individual Liberty and Democracy within the confines of Nigeria's Democracy. The descriptive design states what is happening, how it is happening, and where it is happening in order to discover behavioural patterns and possible trends (Nsiegebe, 2020). The method involves the philosophical reflections of information gotten from textual documents and analysis of the democratic practices in Nigeria. The source of data was secondary, while the collection method was by sieving of information from the textual documents. Given the nature and source of data collection method employed, qualitative content analysis method was used to incisively analyze generated data.

## **Conceptual Discourse**

### **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. 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 without external hindrances to his personality. This view by Cook (1998), discuss about the negative aspect of liberty. 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.

### **Negative and Positive Liberty**

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 threat 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.

### **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. 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 and choice Democracy could be seen in the light of socialist and liberal perspectives.

In the Communist view in countries such as the former Soviet Union, which saw themselves as democratic state, democracy meant collective equality rather than individual freedom. In Europe and United States, democracy has been associated with multiparty regimes, civil liberties and individual freedoms.

### **Liberal Democracy**

The precise nature of democratic rules has been the subject of fierce ideological and political debate. Historically, liberal democracy have it's origin from the West. That is the 18<sup>th</sup> century Europe and the age of enlightenment, during which it was argued that human affairs should be guided by reasons and principles of equality and liberty (Pace 2009, p5). Pace, further contends that; "the liberal democracy denotes visions of a society made up of individuals and of the defense of their rights as the primary social goal.

This kind of democratic practice is hinged primarily on the codification of such fundamental rights as a pre-condition to its survival. But it does not in its entirety define what constitute democracy. Zakaria (1997), for example, has argued that constitutional liberalism and democratic government are not necessarily connected. Contributing to what is liberal democracy, Zakaria, defines liberal democracy as a political system marked not only by free and fair elections, but also by rule of law, a separation of powers, and the protection of basic liberties of speech, assembly, religion and property. Quite misleading is the believe that liberal democracy is the democracy as people imply it today. Thus, elections then are regarded as embodying the popular or majoritarian aspect of liberal democracy (Plattner, 2004).

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.

### **The Limits of 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 in 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?

Mill gave a 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 interest of others, society has jurisdiction over it... According to Mill, the individual in the society should own it as a duty, not to injure the interest of others especially the right. 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 interest 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...(p12).

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 option. For Mill, to foster smooth relationship, individual autonomy must be prolonged adinfinitum, it must be limited. In the words of Friel (nd), 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 greater number. 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 endeavour 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 and resentment. According to Mill, we shall also not treat him like an enemy of society, the worse 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 connections, 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 follow-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 simply the beg drunk but a soldier or a policeman should be pudied the being drunk on duty (p13).

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 place 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, connective injury which a person cases 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 city 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 conduct in life (Mill 1859, p23).

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 most 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. (Mill, 1956 p34).

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 (Mill, 1956).

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 weigh 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.

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. Rawls (1980) 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. Aristotle (304-322BC) 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 superior to the part. 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.

Mill is led to his famous principle enunciated in, *On Liberty*: 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. 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 opinion of others, to do so would be wise, or even right (Mill, 1859).

A society which respects this principle enables individuals to realize their potential in their own way. It liberates a mature diversity of interest and feeling, and it nurtures the moral freedom of reason and will. Throwing open the gates to talent, creativity and dynamism, it produces the social conditions of moral and intellectual progress. This Millian argument remains the strongest defence of any liberalism founded on teleological ethics. It is a resource upon which teleological liberals will always be able to draw, whether or not they accept Mill's hedonistic conception of the human good or his aggregative conception of the good of all.

### **Democracy and Protection of Minority Rights in Nigeria between 1999 - 2023**

Mill's views on liberty and democracy is that, first, the concept of individual liberty emphasized the importance of personal freedom and autonomy, and this extended to minority groups. 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, and that minority groups should not be excluded from the process.

Mill was straight to the point on issue of minority rights, when he asserted that the individual must be protected from “**tyranny of the majority**”, operating through the acts of the public authorities. These consisted of the governing one, or a governing tribe or caste, who derive their authority from inheritance or conquest, or democracy; who at all events, did not hold it as the pleasure of the governed, and whose supremacy men did not venture, perhaps did not desire, to contest whatever precautions might be taken against its oppressive exercise. Such power is regarded as necessary, but also as highly dangerous; as weapon which they would attempt to use against their subjects, no less than against external enemies. The aim of patriots therefore, is to set limits to the power which the ruler should be suffered to exercise over the community, this limitation is what is meant by liberty in the form of the rights of the minority.

Though the minority question has engaged the attention of analysts and political leaders around the globe for decades, it is not until recently that the word “minority” was properly conceptualized (Geldenhuis and



Rossou, 2001). Francesco Capotorti, Special Rapporteur of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, in 1979 proposed the following definition of a minority: 'A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members - being nationals of the State - possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.' In order for the interest of the minorities to be preserved, international declarations have advocated for rights of the minorities, that must be respected and promoted. A compelling political case for the recognition of minority rights alongside individual rights, has recently been made in *The Rights of Minorities: A Declaration of Liberal Democratic Principles concerning Ethnocultural and National Minorities and Indigenous Peoples*. Initiated by the Liberal Institute of Germany's Friedrich Naumann Foundation (aligned to the Free Democratic Party), the Declaration was adopted in September 2000 by members of 38 indigenous peoples, national and ethno-cultural minorities from 26 countries.

The rights and liberties of the individual, emphasized by liberal democracy, include the right to freely associate with others – and hence have a 'group- related dimension' too, the Declaration points out. The group or minority refers to 'a community based on common cultural, linguistic or religious heritage', with which people associate freely and voluntarily. Such groups have a right 'to be different' from each other and from the majority in a particular state. The enforcement of human rights and the rule of law, the Declaration notes, will go a long way to protect minorities. Yet the Declaration acknowledges that modern states 'are thoroughly interventionist, with a high density of regulation, and thus tilted towards uniformity'. As long as this tendency towards uniformity at the expense of diversity persists, 'specific measures to safeguard minority rights are called for (Geldenhuis and Rossou, 2001).

The Rights of Minorities declaration relates to the recognition of diversity to freedom. The latter, according to the Declaration, means diversity; uniformity in human society can only be achieved with coercion. Consequently, 'the rights of minorities are of paramount importance to all who cherish freedom'. The Declaration goes so far as to insist that 'no society and no country can be termed a liberal democracy that does not acknowledge, implement and respect the rights of minorities' (Geldenhuis and Rossou, 2001). Or to put it differently, 'wherever minorities exist, their being different must be respected by the majority as part and parcel of their innate and inalienable right to be free'. Governments consequently, have an obligation to refrain from all attempts at the coerced assimilation of minorities, the Declaration states. The Declaration is adamant that group-specific rights, as postulated in the document, are designed to prevent discrimination against minorities and to create substantial equality. The 1999 Constitution of the Federal Republic of Nigeria (as amended) also made provisions in its chapter four that forbids discrimination of anyone on the basis of gender, religion and ethnicity. And liberal democracy by its very nature ought to protect the rights of the minority groups.

In Nigeria's democracy, the minority rights are hardly protected and promoted. What is common in Nigeria is a situation where the majority groups trample on the interest of the minorities in both the political and economic spheres. Political positions are often shared among the majority groups to the exclusion of the minority groups.

**Table 1: Nigeria's Head of State/Government (Ethnic Tenure) (Oct. 1 1960-till date)**

S/N	Name	Title	State	Ethnicity	Zone	Period	Ethnic Tenure
1	Dr. Nnamdi Azikiwe	President (Ceremonial)	Anambra	Igbo	South	1/10/1960- 15/1/1966	5 Years, 5 months and 8 days
2	Alh. Abubakar Tafawa Balewa	Prime Minister	Bauchi	Jarawa	North East	1/10/1960- 15/1/1966	5 Years, 5 months and 8 days
3	Maj. Gen. J.T.U. Aguiyi Ironsi	Head of State	Abia	Igbo	South East	16/1/1966- 29/7/1966	months and 13 days
4	General Gowon	Head of State	Plateau	Angas/ Beron	North Central	29/7/1966- 29/7/1975	9 Years
5	Gen. Murtala Mohammed	Head of State	Kano	Hausa	North West	29/7/1975- 13/2/1976	6 months and 15 Days
6	General Obasanjo	Head of State	Ogun	Yoruba	South West	13/3/1976- 30/9/1979	3 Years, 7 Months and 17 days
7	Alh. Shehu Shagari	President	Sokoto	Fulani	North West	1/10/1979- 31/12/1983	4 Years 2 Months and 30 days
8	Maj. General Mahammadu Buhari	Head of State	Kastina	Fulani	North West	31/12/1983- 27/8/1985	1 Year 7 Months and 26 Days
9	General Ibrahim Babangida	Head of State	Niger	Gwari	North Central	27/8/1985- 26/8/1993	8 Years
10	Chief Shonekan	Head of State	Ogun	Yoruba	South West	26/8/1993- 17/11/1993	2 Months and 23 Days
11	General Sani Abacha	Head of State	Kano	Kanuri	North	17/11/1993-	4 Years 6 Months and 22

12	Gen. Abdusalami Abubakar	Head of State	Niger	Nupe	West North Central	8/6/1998-29/05/1999	Days	11 months and 21 Days
13	Chief Olusegun Obasanjo	Executive President	Ogun	Yoruba	South West	29/05/1999-29/05/2007	8 Years	
14	Musa Yaradua		Kastina	Fulani	North West	29/05/2007-05/05/2010	2 Years, 11 Months and 6 Days	
15	Dr. Jonathan	Goodluck Acting Executive President	Bayelsa	Ijaw	South-South	6/05/2010-29/05/2011	1 Year 23 Days	
16	Dr. Jonathan	Goodluck Executive President	Bayelsa	Ijaw	South-South	29/05/2011-29/05/2015	4 Years	
17	Muhammadu Buhari	Executive President	Kastina	Fulani	North West	29/05/2015-29/05/23	8 Years	
	Chief Bola Ahmed Tinubu	Executive President	Lagos	Yoruba	South-west	29/05/23-Date		

**Source: Compiled by Authors**

Table 1 above shows that out of the fourteen (14) heads of state and presidents that have ruled the Nigerian state, only one can truly be said to be from a minority ethnic. All the other thirteen (13) are from majority ethnic groups.

**Table 2: Military and Paramilitary Appointments by the Muhamadu Buhari Administration – 2015 - 2023**

S/N	Name	Position	Region	Years
1	Babagana Monguno	National Security Adviser	North	8
2	Solomon Arase (2015-2016)	Inspector-General of Police	South	1
3	Ibrahim Idris Kpotum (2016-2019)	Inspector-General of Police	North	3
4	Adamu Mohammed (2019 – 2021)	Inspector-General of Police	North	2
5	Usman Alkali Baba (2021 – 2023)	Inspector-General of Police	North	2
6	Lawal Daura(2015-2018)	D.G DSS	North	3
7	Yusuf Bichi	D.G. SSS	North	5
8	Maj. Gen. Abayomi Olonisakin	Chief of Defence Staff (CDS)	South	6
9	Gen. Lucky Irabor	Chief of Defence Staff (CDS)	South	2
10	Gen. Tukur Burafai	Chief of Army Staff (COAS)	North	6
11	Maj. Gen. Faruk Yahaya	Chief of Army Staff	North	1 year, eight months
12	Ibrahim Attahiru	Chief of Army Staff	North	Four months
13	Vice Admiral Ibok-Ete Ibas	Chief of Naval Staff (CONS)	South	6
14	Air Vice Marshal Sadique Abubakar	Chief of Air Staff (COAS)	North	6
15	Air-Vice Marshal Ishiaka Oludayo Amao	Chief of Air Staff (COAS)	South	2
16	Rear Admiral Awwal Zubarau Gambo	Chief of Naval Staff (CONS)	North	2
17	Col. Hameed Ibrahim Ali (rtd)	C.G Customs	North	6
18	Muhammad Babandede	CG Nigerian Immigration Service	North	5
19	Idris Isah	CG Nigerian Immigration Service	North	2
20	Abdullahi Gana Muhammadu Kelechi Madu	CG of NSCDC	North	6
		CG of NSCDC	South	2
21	Ja'afaru Ahmed (2015-2021)	CG of Nigeria Conventional services (NCS)	North	6
22	Haliiru Nababa	CG of NCS	North	2
23	Ibrahim Magu	Chairman of EFCC	North	5
24	Abdul Rasheed Bawa	Chairman of EFCC	North	3
25	Baboye Oyeyemi	Corps Command of FRSC (2015- 2021).	South	6
26	David Ali Bui	Corps Command of FRSC (2021- date)	North	2
27	Ekpo Nta	ICPC Chairman (2015-2019)	South	4
28	Bolaji Owasanoye	ICPC Chairman (2019- 2023)	South	4

**Source: Compiled by Authors**

From table 2 above, out of the twenty-eight (28) heads of the military and para-military outfits, only three (3) are from minority ethnic groups. Furthermore, another category of minority group whose liberty and rights have been violated by the Nigerian authorities since the return of democracy in 1999, are the people living with disabilities. According to the U.S Department of State (2023), persons with disabilities often faced restrictions to equal access. While the law prohibits discrimination based on disability and provides persons with

disabilities the right to equal access to education, health services, public buildings, and transportation, persons with disabilities often did not have such access. The government did not always enforce the law.

Persons with disabilities faced social stigma, exploitation, and discrimination, and relatives often regarded them as a source of shame. Many indigent persons with disabilities begged on the streets. Mental health-care services were almost nonexistent. Children with disabilities faced significant hurdles obtaining educational services. A report from the Joint National Association of Persons with Disabilities stated primary and secondary students with disabilities were confined to understaffed and underequipped schools. Inclusion programs in mainstream schools were rare.

Persons with disabilities faced significant barriers to civic participation. In February 2023, the government signed the Electoral Act Amendment, which included provisions for improving access to voting for persons with disabilities.

It is attempted in two ways; first, by obtaining a recognition of certain immunities called political liberties of the minority or rights of the minority, which is regarded as a breach of duty for the majority acting through governmental institutions to infringe, and which, if infringed, specific resistance or general rebellion, would be held justifiable. Second and generally expedient is the establishment of constitutional checks; by which the consent of the minorities can be obtained

Summarily, minorities' rights have been trampled upon by the government leading to collective victimization. In the area of appointments, the majority ethnic groups dominated all key government positions. People with disability, are not also considered in government's employment and appointments.

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. 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 of theirs, or impede their efforts to obtain it. Each is the proper guardian of his own health, whether bodily or mental and spiritual. Mankind are greater gainers by suffering each other to live as seems good to themselves, than by compelling each to live as seem good to the rest.

## **II. Conclusion**

Firstly, Millian conception of individual liberty and democracy is that, the concept of individual liberty emphasized the importance of personal freedom and autonomy, and this extended to minority groups. 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, and that minority groups should not be excluded from the process. But, democratic practice in Nigeria stands out to be an out negation of this principle as enunciated in the Millian concept of individual liberty. Mill believes that the primary purpose of government is to protect individual liberty, and that the state should only interfere with individual liberty in order to protect the rights of others. For example, he believes that the state should not interfere with an individual's freedom of expression or the minority rights of appropriate representation unless such is inciting violence or causing harm to others. In this way, Mill argued for a balance between the protection of individual rights and the protection of the rights of others. What this means is that the state can use moderate force, where necessary to prevent violence or harm to others. However, there are evidence that Nigerian Police Force and sometimes military has used excessive force against citizens on a number of cases, which is quite contrary to Mill's postulation.

## **III. Recommendations**

Minorities' rights were also trampled upon by the government leading to collective victimization. In the area of appointments, the majority ethnic groups dominated all key government positions. People with disability, are not also considered in government's employment and appointments. There cannot be liberty when the rights of some depend upon the pleasures of others. The common rules must bind those who are in majority as well as those who are in minority. No groups of men must be in a position to encroach upon another groups enjoyment of the rights which attach to them as citizens. Therefore, the Nigerian political system should be streamlined in such a way that there will be genuine democratic representation which entails proportionate representation of all groups of classes, both minorities and majorities. Because, if the minorities are not well represented, the government becomes the "**tyranny of the majority**" in this sense; it is not the opinion which represents most of the people that prevails, but that the minorities should also have their own representative recognized.

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