

Free Institutions, Virtuous Citizenship, and Nationality in John Stuart Mill's Political Theory: The Connections and the Strains

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Abstract

The aftermath of 9/11, when a series of four coordinated terrorist attacks by al-Qaeda, an Islamic terrorist group, upon the United States in New York City and the Washington, D.C. areas on September 11, 2001 brought J. S Mill's political philosophy to the fore of political discourse. Indeed, Mill's political thought has helped to understand and redefine liberty and sovereignty in our contemporary world. His philosophy promoted the notion that any action taken to maximize the greatest happiness of majority of the people was right. How can individual liberty or freedom reconcile with the demands of common good? This paper will begin by stating that the aim here is not to provide all the answers but to draw attention to the core of Mill's political theory. Mill's philosophies have shown what liberal utilitarianism is and how it supports a system of rights that can guarantee individual liberty. We discuss the connection between Free Institutions, Virtuous Citizenship, and Nationality in Mill's political thought and draw attention to the contradictions and tensions between them. The implications of the tension go deeper than Mill's theory because as we are all aware, the 9/11 incident poses a conflict between individual liberty and greatest happiness of the greatest number of people. As we shall presently demonstrate, this paper promises a rich contribution to knowledge and has an advantage of both historical hindsight and a vast body of accumulated research and discourses.

Keywords: John Stuart Mill, political theory, Virtuous Citizenship, Free Institutions, free society, Nationality, Liberty, Representative Government.

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Introduction

Mill, one of the most influential thinkers of the 20th century, introduced and made famous the distinction between free institutions, virtuous citizenship and expounds his concept of nationality within the context of his ideas on individual freedom. Because we are in the field of academic research here, we shall have to simplify Mill considerably for easy analysis. What is most crucial for us is his definition of government in many ways, in an attempt to identify the role of government in maintaining order and progress in a democratic society. Mill defines order in terms of the preservation of all kinds and amounts of good which already exist and progress as consisting in the increase of them which already exist (Mill, 1975: 160). He goes on to draw a parallel and bring together, the concepts of liberty and democracy but recognizes potential tensions between practices of individual liberty – the freedom of pursuing our own good in our own way – and practices of democratic self-government in economic life as in political life, yet regards both as indispensable (Baum, 2007:7). His understanding of liberty and democracy match his wider effort to balance the freedom of citizens to share in determining the laws and public policies governing them with individual liberty.

In his famous seminal work, J.S. Mill and Liberal socialism, Baum (2007:4) describes Mill's liberal proposals in terms of '*maximal economic freedom*' and underscores *the extent to which [Mill] provides support for the democratic... goal of extending democracy and the freedom of self-government beyond the state and into modern economies.*

What we have said about Mill's works in general can also be said about Baum's contribution. Both are sources of knowledge. They offer confirmations and elaborations; and they provide powerful, articulate, lucid and enlightened amplifications – propositions about representative government. More pertinent to the present discussion, Mill talks about the importance of political institutions as mechanisms with which to foster in members of the community the various desirable qualities, moral and intellectual; or rather ... moral, intellectual, and active. A government that exhibits such desirable characteristics will not only operate in the most efficient manner, but will also likely be perceived as the best in all other areas since, for as he concludes,

“it is on these qualities..., that all possibility in the practical operations of the government depends (Mill,1975:167-8). Free Institutions, Virtuous citizenship and Nationality are some of the central elements of Mill's political thought and his interest in them stem largely from his fascination about representative government.

Free Institutions

Mill observes that national unity is a crucial prerequisite for a realistic, free representative government. It is obvious that national unity is a key ingredient of free institutions. Institutions of state and, even, democracy acquire national unity only with the consent of the people. Where there is no consensus, you are left with direct antagonism and naked animosity. So important is national unity to this business of nationality and free institutions. On that note, we come to the heart of the issue. If the arguments of virtuous citizenship and free institutions are the most important elements in pursuit of nationality, arguably, the most critical observation or statement in support of this claim is contained in the following sentences: free institutions are next to impossible in a country made up of different nationalities. Among a people without fellow-feeling, especially if they read and speak different languages, the united public opinion, necessary to the working of representative government, cannot exist (Mill, 1988: 392). From the above, it is clear that Mill's conception of free institutions is best understood in the context of a country where people, even if from different ethnic backgrounds share nationalistic patriotism, central language as medium of communication and forge united public opinion, necessary to the working of representative government.

He observes that in any free society, liberty can be divided into three types, each of which must be recognized and respected: liberty of thought and opinion, liberty of tastes and interests and liberty to join people of like-minds a common purpose that is not hostile to anyone. In practice, each of Mill's freedoms contravenes society's tendency to compel obedience and submission to societal norms. He brings the consideration together when he clearly articulates his views thus: it is in general a necessary condition of free institutions free institutions that the boundaries of governments

should coincide in the main with those of nationalities (Mill, 2012).

Central to his discussion of free society, is the notion that a just state will interfere as little as possible in lives of its citizens. Thus, a person in a free society ought to have a range of alternative lifestyles and interests available to him uninhibited by state bureaucracy. Therefore, individuals living in a free society must be liberated from the inconveniences of custom and convention, from societal conformist pressures as well as the limitations of legal and political correctness, in areas where no one is put on harm's way. Therefore, free society encompasses not only people's choices and actions as independent individuals but also domains in which people share with others in practices of mutual self-government with respect to social and political institutions that govern their lives (Baum, 2007:6). What Baum teaches us, his main contribution to the debate on Mill's political thought, is that institutions of state in a democracy must work to earn the consent of the different nationalities that live together as a precondition for acquiring free institutions. It follows, therefore, that nationality is a necessary precondition of free institutions or put in a different way, free institutions is dependent upon the connection between state and nation.

Nationality

National unity, according to Mills, is a key condition for viable, free representative governments. He discusses nationality in chapter XVI of his essay, "On Representative Government" under the chapter -Of Nationality as Connected with Representative Government:

A portion of mankind may be said to constitute a Nationality if they are united among themselves by common sympathies which do not exist between them and any others – which make them co-operate with each other more willingly than with other people, desire to be under the same government, and desire that it should be government by themselves or a portion of themselves exclusively. This feeling of nationality may have been generated by various causes. Sometimes it is the effect of identity of race and descent. Community of language, and community of religion, greatly contribute to it. Geographical limits are one of its causes. But the strongest of all is identity of

political antecedents; the possession of a national history, and consequent community of recollections; collective pride and humiliation, pleasure and regret, connected with the same incidents in the past. . . .Where the sentiment of nationality exists in any force, there is a prima facie case for uniting all the members of the nationality under the same government, and a government to themselves apart. This is merely saying that the question of government ought to be decided by the governed (Mill, 1988: 391).

Over all, the main essence of nationality is '*fellow-feeling*', which is the bonding together or the sense of oneness of the various people living within a geographical area to live and do things together in their territorial space. A nation does not have to be an organic entity, but a people who share strong sentiment of living together. There are places where different nationalities are so mixed together to the extent that it is only realistic for them to be under one government: The population of Hungary is composed of Magyars, Slovaks, Croats, Serbs, Roumans, and in some districts Germans, so mixed up as to be incapable of local separation; and there is no course open to them but to make a virtue of necessity, and reconcile themselves to living together under equal rights and laws (Mill, 1975: 384). Switzerland and South Africa are other examples of nations that are populated by people of different ethnic and cultural backgrounds. Where sentiment of nationality exists in any force, Mill (1988:392) says, there is a prima facie case for uniting all the members of the nationality under the same government, and a government to themselves apart.

He is supportive of the argument for merging a given nationality under a single state as an expansion of the idea of self-government. In his thinking, multi-national states are vulnerable to ethnic conflicts. His characterization of nationality combines two crucial elements that have remained interconnected in most debates of the topic: the sympathies felt for one another by the members of a given group and the historical and other external causes tending to encourage those sympathies--race, descent, language, religion, geography, and especially political antecedents.

For him, nationality can be said to exist when a people share common understanding different from

the ones shared with other people. He emphasises national character and explains it thus: That which alone causes national interests to exist, which alone enables anybody of human beings to exist as a society, is national character (Mill, 1867: 365). Clearly, Mill makes the point that language, race or religion is not the major ingredients that sustain or promote nationality; rather, common experiences appear to be the chief factor. That is why Mill (1975: 380) identifies identity of political antecedents, the possession of a national history.... as the strongest elements in a nationality. He reckons that the enthronement of a liberal society depends on the principle of nationality.

Mill (1975:383) establishes the connection between nationality and free institutions: when there are either free institutions or a desire for them, in any of the peoples artificially tied together, the interest of the government lies in an exactly opposite direction. Mill (1975:384) goes further to identify what he referred to as 'several considerations' which are likely to cause tension in practice. Its application, he argues, is often precluded by geographical hindrances. It is important to point out that not all nationalisms can be classified as liberal, but a liberal state feeds on the shared aims or commonality and the mechanisms of its free institutions.

Virtuous citizenship

Virtuous citizenship has become a topic of leading interest in contemporary political discourses. This may be on account of the increasing realization that state institutions and policy alone do not necessarily guarantee a high standard of 'representative government.' On Liberty, Mill presents an eloquent discourse on citizenship and remains an essential reference point for most of his reflections on what virtuous citizenship is about. Mill states 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 a sufficient warrant. He cannot, he argues, rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise, or even right. These are good reasons for remonstrating with him, or reasoning with him, or persuading him, or entreating him, but

not for compelling him, or visiting him with any evil, in case he does otherwise (Mill,1997:31).

It is too simplistic to review Mill's disputation above from a modern liberal perspective, where freedom could mean the liberty to pursue whatever life style a citizen finds convenient provided no one is put in harm's way. But the qualitative and quantitative elements of human freedom are important to Mill, for as he states, I regard utility as the ultimate appeal on all ethical questions, but it must be utility in the largest sense, grounded in the permanent interests of man as a progressive being. Those interests... authorize the subjection of individual spontaneity to external control, only in respect to those actions of each, which concern the interest of other people (Mill, 1997:14). Emphasis here is on qualitative freedom which is the freedom to become a virtuous citizen. Mill studied political economy and describes it in terms of the science which treats the production and distribution of wealth, so far as they depend on the laws of human nature (Mill, 1969: 318). For him, man is a progressive being that seeks happiness. It is this aspect of man that led him to study political economy. For him, the happiness that man strives for is only achievable through the exercise of virtue. So, all virtuous citizens must pull all resources together in order to achieve the greatest degree of man's happiness with the standards of distributive justice (Mill, 1969: 214-5). Mill's depiction of virtuous citizenship sounds modest enough, but in fact it encapsulates an awesomely ambitious account of what is required of the individual so his community could truly flourish. His proposition of what it means to be a citizen is intended to be a conceptualization of the experience of freedom, pursuant happiness of for the development of properly human capacities.

Virtuous citizenship, from the portrait Mill has painted, describes the pool of attributes and attitudes held by the citizens that are believed to help sustain the potency and endurance of representative government. Liberalism, open-mindedness, a sense of equity, and loyalty are some examples of such virtues. Virtue is of the utmost importance for citizens and representatives. A virtuous citizen ignores monetary compensation and makes a commitment to resist and eradicate corruption. If representatives are to remain sacred; it

is necessary to serve in a truly representative way, ignoring self-interest and individual will.

Mill links his arguments with such propositions like 'the extension of the suffrage' and educational plans, which will enable majority of the population, attain that freedom on which the notion of virtuous citizenship is believed to depend on. Mill proposes a political realm, where all citizens become active participants in their own governance. This breeds the most favourable environment for realization of virtuous citizenship. From Mill's views, citizens who are certain of self-determination and committed towards contentment will be happy to contribute to wellbeing of the state, and in such setting, his actions will find expression in the notion that a good government derives from virtuous citizenship. Thus, a shared nationality will likely provide the crucial grounds for a working liberal virtuous citizenship.

Mill establishes the connection between free institutions, virtuous citizenship and nationality with admirable clarity and identifies a 'more vital consideration': among a people without fellow-feeling, especially if they read and speak different languages, the united public opinion, necessary to the working of representative government, cannot exist (Mill, 1975:382). Thus, unless the various peoples that make up a given society possess the common understanding and conviction that is nourished by a shared nationality, it will be nearly impracticable to establish free institutions.

Mill's thesis is highly revealing because it clarifies for him, what nationality really means. Since almost all states are multi-cultural, his thesis may appear like suggesting despair, but since his argument does not suggest that free institutions are near impossible in multi-cultural societies, what his argument seems to suggest is that he is contemplating a more provisional explanation of nationality than as it might first seem to be the case. He makes a normative claim and underscores the dual character of the national community. It is, he says, only some division of the human race should be free to do if not to determine with which of the various collective bodies of human beings they choose to associate themselves (Mill, 1975:381). Mill is suggesting that national cultures can offer the sense of membership that supports virtuous citizenship or the membership of a state.

Common nationality reinforces shared common understanding and this, in turn provides mutual pride and humiliation, common historical antecedents and shared sympathies. To share a nationality is to share in a self-awareness of where the individual belongs in the history of humanity. It offers one the framework within which the individual plans, expresses and pursues one's aims and ambitions in life. Mill advocated for adult suffrage and linked female suffrage in his work, 'The Subjection of Women' with propositions to secure equal political and legal rights for women: ...the principle which regulates the existing social relations between the two sexes- the legal subordination of one sex to the other -is wrong in itself...it ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side, nor disability on the other (Mill, 1975:427). He attempts to explain the individuals' 'freedom of action' in two ways. The first is as "the liberty of each to govern his conduct by his own feelings of duty, and by such laws and social restraints as his own conscience can subscribe to" and secondly, in terms of individuals being given sufficient influence in the regulation of their affairs (1975:542). The reason he advocates for universal suffrage is, in part, on the basis that individuals who are deprived of voting rights are definitely taken advantage of by those who wield political power, and because the virtues of citizenship are developed by the application of equal rights.

Is the Connection free of Tensions?

Governments and political leaders have long grappled with questions of how to square their commitment to civil liberties and the rules of law in times of national crisis. It was Rehnquist (1998: 218) who noted that the government's authority to engage in conduct that infringes civil liberty is greatest in time of declared war. Rehnquist's observation is important here as it promptly underscores the tension between the various principles that form Mill's political thoughts. In the aftermath of the terrorist attacks of September 11 2001, taking steps to securing America's territorial space from further attacks has become the cardinal priorities of the country's foreign and domestic policy. Yet the steps taken and the manner in which America's new security programs responded to national security issues have generated widespread

concern over the protection of the civil liberties of the American people as enshrined in the U.S. Constitution.

Mill has been seen by some critics as an elitist democrat (Shirley, 1965:306) because in his thesis on political democracy, *Considerations on Representative Government*, he defends two fundamental principles, extensive participation by citizens and enlightened competence of rulers, two principles that are clearly in tension. In *Representative Government*, Mill paints a positive portrait of the effects of political participation on intelligence and the mental feeling. He explains the practice of democratic politics in terms of a school of public spirit (1975:198) and compares it with a personal life that is influenced by the freedom of economic self-interest. By contrast, Mill, in *On Liberty*, relates political participation with “the tyranny of the majority (1975:9) who have the will to control others, and with the harsh effects of a hostile public opinion on the individual opinion. His notion of individuality, which can be understood as a model of citizenship, can help understand this tension.

Although it is assumed that Mill promoted nationality but careful deconstruction of his treatment of the subject exposes the main thrust of his arguments. The attempt to exploit self-interest for the promotion of the common good appears ingenious and has been an incredibly good idea in building a modern nation-state, but it is not certain if self-interested values will not conflict with societal values. The tension is if it is possible for citizens to political officer holder to account, it might be difficult to make citizens accountable to others.

Indeed, the focal point of his argument is evident: Where the sentiment of nationality exists in any force, there is a prima facie case for uniting all the members of the nationality under the same government, and a government to themselves apart. This is merely saying that the question of government ought to be decided by the governed. (1975:381). As Varouxakis (2008:90) clearly points out, [Mill’s] rationale for this recommendation is that representative government is not likely to work in a state composed of mutually hostile groups of people (nationalities) that

put their ‘sentiment of nationality’ above ‘the love of liberty.’

Alan (1974:214-5).argues that Mill, in his theory of nationality, had in mind the example of the Austro-Hungarian Empire, which denied freedom to its subject peoples and denied them political rights to which they were entitled. Mill, he states, was anxious to stress the benefits of mixing nationalities; there was no wanting to preserve racial or cultural purity, no sense that aliens might contaminate the well-springs of national identity.

Grader (1985:210-11) identifies two distinct impressions: the idea of national unity based on sentiment, and the idea of democratic sovereignty from Mill’s assumptions. Mill, she states, accepts the fusion of these ideas, but adds to the notion of democratic government the idea of good government and the freedom of individual choice .She points out the key elements that are lacking in Mill’s argument: [Mill’s] argument would have to show that individual’s desire to associate on the basis of nationality is consistent with political liberty for all and good government, and ... that it is only the consensus of those sharing similar nationality which forms the foundation of political efficacy .Thus, it is not certain if Mill came out championing clearly, the active endorsement of nationality. What Mill appear to be saying is that nationality is a reality of life and so, if citizens believe strongly about their nationality to the extent they could not afford to be governed by people of another nationality or share with people of different nationalities, they should be permitted to establish their own state.

In what appears to be an endorsement of Comte’s view of natural sequence of human development, which transformed from the theological, metaphysical to the positive stages, which tally with the sequence of human growth, Mill reasons that advanced variety of civilisation can control the less culturally advanced one; but barbarians have no rights as a nation, except a right to such treatment as may, at the earliest possible period, fit them for becoming one (Mill, 1875:168).For the first impression, the idea of national unity which may result in what Grader refers to as ‘absolutism and revolution’ cannot be said to be in harmony with good government. Rather, nationality which is shaped by the state is more likely to be the one that

the citizens owe political allegiance. For the second, two points are clear. Firstly, that 'free institutions are next to impossible in a country made up of different nationalities' and secondly without national sympathy 'the grand and only effectual security in the last resort against the despotism of the government is in that case wanting: the sympathy of the army with the people (1975:382). For Grader (1985:211, 'American experience' amply contradicts the first argument. The US, she says, is a multinational state and it does have free institutions. On the other hand, though, it can be argued that the 'American experience' is a representation of Mill's contention that ...if the era of aspiration to free government arrives before this fusion has been effected, the opportunity has gone by for affecting it (1975:388). It is not difficult to identify the paradox in Mill's statement above.

It is not clear whether it suggests that if a state is not united based on nationality prior to the establishment of free institutions, it will be impossible to attain national unity or in a situation where the period of seeking free institutions has already come, the unification of nationalities will readily be submissive to the philosophy of free institutions. For the second, it is not clear if the notion of free institutions is firmly instituted before the nationality theory. It is possible to explain the establishment of free institutions in the US with regards to the constitutional declaration of 1787. But US witnessed a radical transformation between that time when it was made up of 13 states, a population of 3.9 million people, a land mass of 865,000 square miles and 1860, when it consisted of 34 states, a population of 31.5 million people and a land mass of 2,900,000 (Grader, 1985: 211-2). It may be argued and perhaps rightly, that America's case is different in the sense that the population or the various peoples who populate the country, came as individual families and relations who could not acquire any distinct territorial base from which to lay any claim of incursion, invasion or forced citizenship against the state.

It is important to point out that Mill did not advance weighty territorial argument in the causes of national 'fellow-feeling' when he writes ...the strongest of all is identity of political antecedents; ... connected with the same incidents in the past (Mill,1975: 380). It is obvious that the

different nationalities that populate the US has different traditional experiences and 'political antecedents' whether it was that legacies of slavery or subjugation.

Finally, whether tensions are identifiable in Mill's political thoughts or not, the relevance of his idea of nationality, free institutions and virtuous citizenship for the student of international politics cannot be denied. It is important to note that his ideas can help the student understand that nationality helps to fertilise the grounds for free institutions, which in turn engenders virtuous citizenship.

Conclusion

In this paper, we have shown the intellectual force of Mill's political thoughts on the concepts of Free Institutions, Virtuous Citizenship, and Nationality and the relevance of these ideas in contemporary discussions on political theory. From Mill's point of view, the success of free institutions must depend on the extent to which citizens are able to exemplify liberal virtues-those excellences of character that accord with a commitment to the demands of public reasonableness (Macedo, 1990:397). By virtue of reasonableness, Macedo is simply arguing that for free institutions to succeed, citizens must be willing to settle political disputes through dialogue or other peaceful means as opposed to the use of violence or coercion. Self-discipline and tolerance are very important virtues that citizens must be prepared to exhibit so that free institutions can function successfully. The 911 terrorist incidents have shown that collective security is of much more importance than individual liberty and citizens can sacrifice personal freedom to reduce the threat of terrorism.

As a great defender of liberty, Mill understands that liberty is a fundamental democratic principle, yet he describes security as 'the most vital of all interests.' He is merely restating that free institutions must be dependent upon the citizens' willingness to make personal sacrifices for public interest, trade civil liberties for security, and have confidence in the government's ability to protect them. Our interests, he says, vary enormously from person to person depending on our characters and desires. But security no human being can possibly do without; on it we depend for all our immunity from evil. Security of person and property, and equal justice between individuals, he concludes, are the first

needs of society, and the primary ends of government (Mill, 1972: 355).

The events of post-911 'war on terror' have not only questions America's commitment to individual privacy rights protected by the Fourth Amendment but have also challenged its core value- liberty. The threat of another attack led to a significant re-evaluation of America's security policies: vastly expanded security apparatus, laws granting the federal government greater surveillance powers, aggressive investigatory and prosecutorial practices some of which violate international and constitutional laws- all in the bid to America safe. Since 9/11, US citizens have become even more fearful that their government will go too far in compromising their constitutional rights of freedom in the guise of keeping them safe. Even in the wake of the April 15 2013 Boston Marathon bomb explosions, in which two brothers, motivated by ideologies of extreme Islamic fundamentalism, allegedly detonated explosives that took the lives of three and wounded more than 280 people, some Americans are concerned that in the bid to make America more secure, they may be required to tolerate civil liberties intrusions in exchange for increased security.

If the 911 hijackers and April 15 2013 terrorists had shown 'a commitment to the demands of public reasonableness,' the fear of individual loss of liberty would have been non-existent. In so many ways, liberty must be controlled. For Mill therefore, security rather than liberty is absolute. Liberty, he says, is often granted where it should be withheld, as well as withheld where it should be granted (Mill, 1974:175). Security not liberty remain the very foundation of society and progress for it release[s]...the individual from the cares and anxieties of a state of imperfect protection, sets his faculties free ... attach him to social existence... fosters all those feelings of kindness and fellowship towards others, and interest in the general well-being of the community (Mill, 1972:188). The issues of liberty and security exemplified by both terror incidents in the US have highlighted the real tension between virtuous citizenship, free institutions and nationality.

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