

**MILL MEETS MALAYSIA: LIBERTY AND
SOCIAL STRATIFICATION**

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MILL MEETS MALAYSIA: LIBERTY AND SOCIAL STRATIFICATION

by

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**PERTEMBUNGAN MILL DENGAN MALAYSIA:
KEBEBASAN DAN PENSTRATAAN MASYARAKAT**

ABSTRAK

John Stuart Mill (1806–1873) merupakan seorang ahli falsafah politik terkemuka yang banyak menyumbang kepada pemahaman mengenai kebebasan. Salah satu karya beliau yang terkenal ialah *On Liberty* yang menghujahkan had sesebuah masyarakat boleh melaksanakan kuasa terhadap anggotanya. Tesis ini berusaha mengkaji kesesuaian *On Liberty* dalam konteks masyarakat Malaysia. Hal ini kerana, kerajaan Malaysia tidak terlepas daripada menerima kritikan disebabkan oleh sekatan-sekatannya terhadap pelbagai aspek kebebasan individu. Tesis ini bertujuan untuk mengenal pasti faktor-faktor yang menyebabkan individu atau kumpulan dalam masyarakat berstrata sosial Malaysia daripada menggunakan kebebasan individu mereka. Ia juga tertumpu kepada menganalisis mekanisme yang mana sistem stratifikasi sosial menghalang pelaksanaan kebebasan individu dan akhir sekali, ia berhasrat untuk mewujudkan hubungan antara konsep kebebasan individu Mill dan sistem stratifikasi sosial di Malaysia. Bagi mengkaji hubungan antara *On Liberty* dengan Malaysia, tesis ini menggunakan reka bentuk kualitatif dengan menggunakan sumber primer dan sekunder seperti buku, artikel jurnal, artikel surat khabar dan data elektronik. Tesis ini mempunyai tiga bab utama yang menyokong objektif kajian ini. Pertama, kebebasan individu Mill dan masyarakat Malaysia. Kedua, kebebasan bersuara Mill dan masyarakat Malaysia. Ketiga, peranan kerajaan menurut Mill dan hubungannya dengan kerajaan Malaysia. Tesis ini merumuskan bahawa dasar dan peraturan tertentu menghalang Malaysia daripada mencapai kebebasan individu dan kebebasan bersuara yang dianjurkan oleh Mill. Ia juga menyatakan bahawa kerajaan

Malaysia memainkan peranan penting dalam mengemudi jalan untuk mengekalkan penerimaan kepelbagaian secara berterusan di samping menghadkan penstrataan masyarakat.

**MILL MEETS MALAYSIA:
LIBERTY AND SOCIAL STRATIFICATION**

ABSTRACT

John Stuart Mill (1806–1873) is a prominent political philosopher who has contributed extensively to understanding liberty. One of his notable books is *On Liberty* in which he argues about the extent a society can exercise its power towards its member. This thesis explores, *On Liberty*'s applicability in a Malaysian context. This is because the Malaysian government is not exempt from criticism due to its restrictions on various aspects of individual freedom. This thesis is aimed to identify the factors causing individuals or groups within Malaysia's socially stratified society from exercising their individual freedom. It is also focused on analyzing the mechanism by which the social stratification system impedes the exercise of individual freedom and lastly, it intends to establish the relationship between John Stuart Mill's concept of individual freedom and the social stratification system in Malaysia. To study the relationship between *On Liberty* and Malaysia, this thesis carries a qualitative design using primary and secondary resources such as books, journal articles, newspaper articles and electronic data. It has three main chapters to argue the aim of this study. They are first, Mill's individual liberty and Malaysian society. Second, Mill's freedom of speech and Malaysian society and lastly, Mill's role of government and the Malaysian government. The thesis concludes that certain policies and regulations are hindering Malaysia from achieving Mill's individual liberty and freedom of speech. It also states that the Malaysian government plays a major role in navigating the path to establish continuous embrace of diversity while limiting social stratifications.

CHAPTER 1

PRELIMINARY

1.1 Introduction

John Stuart Mill (1806–1873) was a person blessed with an environment that helped him cultivate his intellect in the right direction. In his *Autobiography* 1873, he mentions that he owes much of his growth to his father, James Mill, who educated him with a profound curriculum. Even though he was exceptionally educated compared to others of his age, he was a modest person. He has realized that the prominent qualities to achieve the highest form of happiness are, first, to realize the ways to achieve the most one could. Secondly, to be happy and motivated once achieving the tiniest part of what one wished for and lastly, to maintain composure when achieving the things that one aimed for (Mill, 1924, p. 98). These three qualities that Mill highlights to stay jovial show that he prioritized his self-fulfillment over anything else. As a person who gives importance to self-fulfillment, the most notable ideas that he has developed are human-centered, which falls under practical philosophy that includes ideas on happiness, morality, equality, and freedom (Macleod, 2020). In relation to his ideas, he shares a similar interest in and encouraged the representative government as well as freedom of speech (Mill, 1924, p. 105).

Most of Mill's ideas are relatable to naturalism (Macleod, 2020), and so does his theory of freedom. Several definitions are attached to the word 'freedom,' which makes it used in various ways. According to Hill (2020), freedom is related to both our metaphysical and physical world, and they can never exist independently. In the metaphysical aspects, humans are entitled to their freedom of will, and in the physical world, they are entitled to their political rights and experience freedom while living in a society. Mill himself was a reformer who sided the "Philosophical Radicals" that

revoked Corn Laws, favored extension of suffrage, and several other political measures of his era (West, 2008). According to Mill, liberty is superior to justice and equality because he mentions in his *Logic* that an individual's progression is dependent on her experience of both intellectual and practical aspects of her life (Robson, 1968, p. 184). Therefore, without the freedom to experience, it is difficult for a person to enhance her life.

Next, in this study, I will compare a century-old western philosopher, Mill's idea, to a colonized, eastern, culturally diverse country – Malaysia, a country known for its plural society. Abdul Rahman Embong (2002) denies that Malaysian society is neither a 'melting pot' nor a plural society. His idea of describing Malaysian society is more inclined towards the model Etzioni (1996) suggested in studying American society. He asserts that Malaysian society functions in a mode of "community of communities" where multiple communities live together by protecting their self-identity, histories, and cultural incidents. However, this is not something that can cause a rupture to the unity or the progress of society. Etzioni mentions that it is possible to create harmony between the concept of diversity and unity if the association between unity and diversity is well-structured. The past development of mankind has proven that the solidarity of a nation does not rely on the practice of one language or the similarity of culture. However, it relies on the capability of the government and economic legislation to recognize and provide fundamental benefits general to every community in a society (Cham, 2008). Contrary to this, in his *Consideration of Representative Government*, Mill states that it is not possible to create a unanimous choice if the society is absent of fellowship, mainly if it consists of people practicing various languages. Thus, in this study, I will examine the relationship between

Malaysian society made up of “community of communities” and Mill’s (2001, p. 286) ideas on well-functioning society and government.

Before proceeding to the next section, research objective, I’d like to state the necessary key points that will help the study to be written systematically. First, in order to avoid assigning false gender pronoun, I’ll use “she”, “hers”, and “her” in my study as a gender-neutral pronoun. For instance, in places where the specific author’s gender is unknown, or when there is an individual statement not referring specifically to anyone, the mentioned gender pronoun will be used. Second, this philosophical study focuses on both the theoretical and practical aspects of Mill’s ideas. The primary theoretical concept is liberty, and its practicality will be compared with Malaysian society.

1.2 Problem Statement

Mill (1924, p. 152) mentions that society needs to identify a way to preserve individual liberty while balancing the unrestricted right to possess world resources. In other words, an individual is entitled to use the world’s resources without staking their liberty. He envisions a society that does not allow someone to live on another person’s labor, but which permits everyone to work and share their products with others on the ground of the principle of justice. He also believes that it is plausible to live in a society mentioned earlier if and only if the workers and the proprietors understand the importance of unity in achieving common goals and not the individual interest that fuels them.

“We saw clearly that to render any such social transformation to be either possible or desirable, an equivalent change of character must take place both in the uncultivated herd who now compose the laboring masses and in the great majority of their employers. Both these classes must learn by practice to work and combine for generous purposes, or

at least for public and social purposes, and not as hitherto solely for narrowly self-interested ones.” (Mill, 1924, p. 153)

If we compare Malaysian society to Mill’s ideal society, we indeed have a long way to go. Not only in the sense of shared labor in Malaysian society left behind but also in exercising one’s freedom. Since decades ago, the Malaysian government has been highly criticized for its restrictions on various aspects of citizens exercising their freedom. A record of frequently declaring “Emergency Rule” to suspend Federal or State parliament, abuses of authority in the form of ISA where the government justified the act by stating such detention is to constraint communist ideology, imposition of heavy restriction on media, and owning the major broadcasting channel and using them to spread their ideology (Brennan, 1982) shows that Malaysian government has a record of breaching citizen’s freedom in multiple forms. Has this issue stopped or been reduced throughout the past years?

When examined closely, one of the reasons Malaysia ought to fall back in building good governance can be the tendency to not to disclose truths. There are incidents in the past that support this statement. Mill has emphasized the role of freedom of opinion in upholding truths. He has mentioned that “truth of an opinion is part of its utility... for the best men, no belief contrary to truth can be really useful” (Mill, 1865, p. 13). Alas, in Malaysia, truth does not really hold the highest account. One of the most significant crimes in Malaysia, which has acrimoniously polarized Malaysians, and the truth behind the incident was closed into a container and sealed away deep in the darkness was May 13, 1969, riot. Two races fought, and Malaysians died, but there was limited investigation done and none were identified guilty, and there were parties that benefited from the incidents (Thomas, 2021, pp. 29-29).

Moreover, even Tunku Abdul Rahman, widely known as *Bapa Kemerdekaan* (Father of Independence), was accused of being responsible for the May 13 riots. In his book *13 Mei: Sebelum dan Selepas*, Tunku strongly rejected Tun Dr. Mahathir's allegation that his actions had caused the riots. While underscoring the importance of safeguarding Malay rights and privileges, grounded in the historical context of Tanah Melayu prior to the formation of Malaysia, Tunku also emphasized the need to uphold the rights and dignity of other races who had fought alongside the Malays for the nation's independence. Notably, Tunku Abdul Rahman also responded to Tun Dr. Mahathir's involvement in the allocation of 238 Malay reserved properties to the Federal Construction Company. Although Tun Dr. Mahathir had placed blame on Tunku, the latter provided several points in his defense. Tunku pointed to provocative post-election celebrations by DAP and Gerakan, as well as suspected communist involvement, among the various factors that warranted consideration in understanding the causes of the May 13 incident.

For many years, the May 13 riot was widely perceived as the result of the opposition's inappropriate celebrations following their electoral success. However, beginning in July 2006, this dominant narrative began to be questioned. Kua Kia Soong asserts that the riot was not a spontaneous outbreak, as claimed by Tunku Abdul Rahman, but rather a pre-planned event. According to Kua, it was part of a political coup within UMNO aimed at replacing Tunku Abdul Rahman with Tun Abdul Razak (Kua & Ling, 2007). This raises a critical question: Why has the truth behind May 13 remained sealed and contained? Despite extensive media coverage and scholarly discussion, there was no formal trial or prosecution following the incident. Instead, a state of emergency was declared, resulting in a significant political shift in the country.

This is only one of the examples of incidents that has happened in Malaysia, which is contrary to Mill's advocacy. Even though Mill is a Western philosopher, his ideologies are relevant to every society that practices democracy including Malaysia. Why? Because Mill focuses extensively on the common issues in a democratic society such as tyranny of majority, danger of conformity, government oppression, discrimination and power struggle. On top of that, his book *On Liberty* captures the essence of individuality and highlights the importance of liberty by clearly illustrating the types of liberty, ways to protect it and when it should be upheld. There are cultural differences between Mill's world and Malaysia, but when it comes to political ideologies, Mill's democracy and Malaysian democracy are two peas in a pod. Malaysia as a plural society, highly reflects Mill's ideology and advocacy on pluralism and thus, makes Mill's ideas applicable in a Malaysian context. Additionally, Mill's *Three Essays on Religion* shows that he understands the role of religion in society, and this can be seen in his stand on protecting individuality. Even though Mill is agnostic, and neither could support nor reject theism (Carr, 1962), he understands the role of religion in a society – in his words, the *utility* of religion. Thus, Malaysia, with 'belief in God' as its first principle, should be able to function democratically while allowing religion to perform its utility to its people. It should also guarantee to protect the truth.

Mill (1865, pp. 12–13) asserts that no one has the right to abstain someone from knowing the truth by hiding the truth even for the reason of protecting that person because it is not certain that the prevention of truth actually protects that person. Therefore, if there is any information where the Malaysian government decides specifically one group of people should be abstained from receiving truths for the sake of the group or other 'better' purposes, then that issue should be discussed in this study. In a nutshell, theoretically, Mill has laid out ideas to create a better society and

government which protects individual freedom. What will happen if we compare Mill's ideology to a socially stratified Malaysian society? Does our social and political practice are aligned with the famous contemporary political libertarian Mill?

1.3 Research Objectives

1. To identify how specific individuals or groups within Malaysia's socially stratified society are restricted from exercising their individual freedoms as advocated by John Stuart Mill.
2. To analyze the mechanisms by which the social stratification system in Malaysian society systematically restricts the ability of Malaysians to exercise the freedoms that John Stuart Mill advocates.
3. To establish the relationship between John Stuart Mill's concept of individual freedom and the social stratification system in Malaysia.

1.4 Research Questions

1. What societal factors prevent specific individuals or groups within Malaysia's socially stratified society from exercising their individual freedoms as advocated by John Stuart Mill?
2. How does Malaysia's social stratification system impede the exercise of individual freedoms that John Stuart Mill advocates, and what are the broader societal consequences of these restrictions?
3. Why does the relationship between John Stuart Mill's concept of individual freedom and the social stratification system in Malaysia hinder individuals from different social classes in exercising their freedoms?

1.5 Literature Review

Broadbent (1968) elucidates the relationship between the class system and political system that Mill left behind in his major work, *Principle of Political Economy*. Not only that, but the scholar also relates Mill's class conflict with Alexis de Tocqueville's *Democracy in America*. As a result, Broadbent is able to deliver the domination of the class system in society in a holistic manner. He highlights the issues that Mill raised on the capitalist system. The capitalist system fosters specific ideas that the democrats stand against, and it can never be undone entirely from capitalism unless alterations are done to the current economy. Mill's issues in his century are first, the unjust environment that the capitalist system produced to develop and apply individual's capabilities; second, the uneven authority of the middle class; third, the materialistic culture; lastly, the clashes between economic classes. However, the extent of the existence of the problems mentioned in the 21st century is to be questioned. The scholar did not discuss the impact left on society as a whole by the class system. This study focuses on the class system that exists in the production sector, between the employee and employer. Not only that, Broadbent ventured into the paradox on Mill's idea on the rejection of capitalist economies but not a capitalist society. According to Mill, in a capitalist society, individuals should be rewarded enough for their labor and also, they are also entitled to owning the property if and only if they are able to produce equal to the amount they owned. In a nutshell, Broadbent's major concern was Mill's economic class, and the conflicts pinned around the system that can dragoon political events.

Mohammad Haji-Yusuf (1984) studies the significance of ethnicity and race in the implementation of New Economic Policy and explores the catalyst that provoked the varied behaviors between the dominant determinant of group actions – ethnic and

social class groups. The researcher identifies that the group he studied did not take a neutral stand in a situation where race is involved. Their educational background does not stand a chance against their family and subgroup interests. Mohammad Haji-Yusuf also identifies that an individual's status in the social class plays a minor role in their behavior towards government policy. However, integration between an individual's position in the socio-economic ranking and their background on hometown has resulted in a varied result between and within the studied sub-cultured groups (Malays, Indians and Chinese). Moreover, he notifies that the information gathered through experiments on group behavior regarding government policy and socio-economic status plays a significant role in determining their behavior. Therefore, he concludes that it is necessary to include both the ethnic and socio-economic background of individuals to understand the group's behavior towards industrialization. Mohammad Haji-Yusuf's research was able to produce robust data on the ethnic and class relations, and he has also agreed to the assumption that the augmentation of the economy would eventually lead to the thinning of the horizon of inter-ethnicity. This research was conducted more than two decades ago; thus, the possibility of the socio-economic status prevailing ethnic background in determining an individual's attitude towards government policy is possible.

Brennan (1982) addresses the formation of Malaysian society after World War II as a "*mixed but did not combine*" community. He stresses that the racial issues in Malaysia are rooted in the class system. A class system diverges into three prime groups: the peasantry formed mainly by the Malay and native Bornean, the countryside proletariats consist of Indians and Chinese, followed by a plural city proletariat. The scholar asserts that Malaysian society's function depends on the class system due to the capitalist system, and the state favors the ruling class. Following this, Brennan

argues on the Malaysian government breaching citizen's freedom through enforcing unjustifiable laws. The scholar also stresses that Malaysia's image internationally as a conflict-free and successful multi-racial society is merely an illusion. However, Brennan did not suggest enough on the extent to which a government could interrupt individual's and information media's freedom, and there was a lack of speculation of the practicality of the idea of freedom in Malaysian society.

Mohd Azizuddin Mohd Sani (2010), in his *Freedom of Political Speech and Social Responsibility in Malaysia*, illustrates the importance of freedom of speech and the ways the Malaysian government has denied this importance. In Chapter 3, the author draws a relationship between liberal theory and freedom of speech. He elaborates on the role of freedom of speech to bring out the truth, protect individual autonomy, and promote self-government. Azizuddin dwells on the division that was created in liberalism due to the different opinions among the promoters of liberty itself. He criticizes that this division raises disadvantages in liberalism theory as a political philosophy. After weighing the strengths and weaknesses of liberty as a political theory, Azizuddin navigates into 'Asian values' brought up by the Asian leaders to rebuts the influence of Western ideas of freedom into Asia. In the next chapter, the author manages to identify issues that constrains the freedom of speech of Malaysians. However, Azizuddin did not focus much on the existing division in Malaysia. The divisions cause people in power to be in power and the powerless to remain powerless. Freedom of speech can never be realized unless there is a shift in the system of power holders by the upper-class minority who belong to the majority in this country, dispersed to the citizens of all classes and backgrounds.

Owuamalam et. al. (2017) studies class system in Malaysia and align it with Australia to identify which among these two theories, system-justification theory and

social identity theory, plays a major role among the selected countries' low-status groups to adapt to a class system that does not benefit them. From their research, it is clear that some Malaysians are unaware of the existing class system that hampers their growth. However, even if they are aware of it, they are not upfront about the unjust situation because they prefer to maintain their respective social individuality established in their community (ethnic group), thus, inclining towards the community's interest. From this research, the scholars identify the reason behind Malaysians and Australians sustaining a system that does not benefit the lower-class citizens. Since this paper focuses on identifying the element that sustains the system, it did not mention what sort of 'disadvantage' are researched. The research paper did not venture into the impact left on the existence of such a system and situations that protect the system. However, it is undeniable that this research proved the existence of an unjust class system in Malaysia.

In a nutshell, Broadbent research is on the relationship between Mill's political system and class system; Mohammad Haji-Yusuf explores the ethnic-based policies and the impact it left on different ethnic groups in Malaysia; Brenan's study is regarding the class system that produced as a result of World War Two in Malaysia; Azizuddin criticizes the curfew imposed on freedom of speech in Malaysia and lastly, Owuamalam's study is a comparative study regarding Malaysia and Australia on class system and growth of society. All the mentioned researchers and other researchers whose ideas are not referred here have not studied Malaysian society from the lens of Mill's. Therefore, I embark on a journey to study Malaysian society, specifically the socially stratified society, and the extent of applicability of Mill's ideas regarding freedom in society to identify whether the social stratification in Malaysian society obstructs Malaysians from exercising their liberty.

1.6 Research Methodology

In this section, I intend to illustrate the method that I've chosen to achieve the objective of the research and to define the important theories that will be used in this study. Before proceeding any further, let me elaborate on the points of John Stuart Mill being the focused philosopher of this study. Being a philosopher who has written considerable amount of work on value theories such as justice, freedom, government, and rights, he has a great influence in contemporary issues. For instance, Shanley (1981) has written on *Marital Slavery and Friendship* referring to Mill's *The Subjection of Women*, Dyzenhaus (1992) on *Mill and Harm of Pornography*, Christopher O. Tollefsen (2014) on *Mill and the Pro-Life Cause* and so forth. There are plenty of references made to Mill's value theory to draw suitable arguments on current social issues which show that his ideas are widely acceptable and practicable. Additionally, among recent philosophers, he has produced a well-explained and argumentative essay on liberty. Thus, I chose Mill to study the idea of liberty and the application of the concept to the 21st century Malaysian society.

Among the famous works of Mill, this study's prime focus is on his *On Liberty*. In his *On Liberty*, he has divided his idea of freedom into three different categories. First, it is on the liberty of thought and discussion. Second, on individual freedom, and third, on the restrictions of the government on individual. In this research, each section of Mill's discussion on freedom will be related to past and current scenarios in Malaysia. The freedom that I relate here is neither absolute freedom nor freedom in a state of nature. It is unequivocally Mill's conception of freedom. Therefore, there would be minor inclusion on other types of freedom that intellectuals aside Mill have expressed. Since there are multiple ways to define freedom, I must set out the definition that I use for this study. It can be found in the section afterward.

Other than that, important references will be made from his *Utilitarianism*, *Consideration On Representative Government*, and *Autobiography*. A textual study on the above-mentioned work would be carried out in order to understand Mill's freedom and also his view on society and nation. Meanwhile, the writings of other scholars on this area will also be examined to grasp Mill's idea from different perspectives. The studied ideas will be compared and contrasted with Malaysian's social stratification system. The ideas that will be juggled throughout the research which acts as the pillars of this research are liberty, principle of utility and social stratification. There will be three important divisions in this study – Mill's individual liberty and Malaysian society, Mill's freedom of speech and Malaysian society, lastly, Mill's role of government and the Malaysian government. In the first two divisions, there will be *Scenario 1* and *Scenario 2* to provide a vivid example of the main idea of discussion. It intends to give directions to the flow of the discussion of the chapters by presenting a context to relate to. There won't be any scenarios in the third division which is Chapter 4 because the chapter discusses freedom not in the individual aspect but society as a whole and the role of government.

Books, newspapers, scholarly articles, documentaries, and other valid resources will be used to extract information on the aimed topic. Both primary and secondary resources are to be included in the information findings. Therefore, this study carries a qualitative design which enables a holistic and in-depth interpretation of the issue being studied. This study focuses heavily on Mill's liberty on Malaysia's socially stratified society. Freedom of thought, freedom of speech, the government's role and constitutional liberty are the areas of which will be covered under the umbrella of Mill's liberty. This study does not include any data from interviews, focus-group study or surveys. The analysis is based on historical and existing records. Last but not

least, this study examines the nuances of Mill's liberty in the Constitution of Malaysia and excludes the state-level law and politics.

1.7 Conceptual Definition

To provide conceptual clarity and establish the theoretical foundation of this study, three key concepts—liberty, the principle of utility, and social stratification—are defined and discussed in the following sections.

1.7.1 Liberty

Libertarianism is associated with classical liberal theory which was promoted by John Locke, David Hume, and Adam Smith who were the advocates of a laissez-faire market system. Libertarians give importance to differentiating public and private life. They are keen to promote the individual's sovereignty and insist that the members of society are free and equal in the aspect of conscience. Not only that, but they also advocate that individuals should be treated as having sovereignty over property (van der Vossen, 2019). Libertarianism was differentiated from liberalism in the way that, libertarians emphasized individuality, in a tone that individuals are rational beings, and that the liberty to act, associate without coercion and to own properties, ought to be protected. Libertarianism emerged from the view that liberalism had failed to uphold its own principles (Freedman, 2015a, p. 36). According to John Gunnell, liberalism was recognized as one of the key branches of political study after World War I, and it gained prominence as a significant political theory during the rise of World War II (Bell, 2014).

Since then, liberty has become one of the most widely used terms in philosophy, especially in the field of political philosophy. Therefore, the meaning pinned to the theory is pervasive. In order to grasp the gist of the term, I will briefly

explain liberty from the eyes of prominent philosophers that contributed to the articulation and glorification of the term. That includes Thomas Hobbes' (1588–1679) liberty under sovereignty; John Locke's (1632–1704) classical liberalism; needless to say, Mill's liberty; Isaiah Berlin's (1909–1997) two types of liberty and lastly, Robert Nozick's (1938–2002) liberty which champions individual autonomy and property rights. The rationale to narrow the scope of the discussion on liberty into these four thinkers is that, to capture the change in articulation of the definition of liberty.

First and foremost, Hobbes' liberty is related to his idea on the natural state of humans and the need on existence of a ruler 'like' *Leviathan*. His stand is a total freedom of individuals in a society is equivalent to the state of nature where individuals are set on war against one and other (Owen, 2005). He affirms that there is no one who understood the idea of a city as a body that acts as 'one person' and this shall be due to the writers who write on politics without truly mastering the definition of sovereignty (Skinner, 2008, p. 50). He identifies a "freeman" as someone who is able to do whatsoever he wants to do with his strength and intelligence without any obstacles and for Hobbes this could only be possible when the individual's freedom is bound to the law. Thus, he gives importance to civil society over the state of nature (Owen, 2005). Hobbes liberty shall be identified as a codomain of a sovereign regime, where of course, the ruler acts dutifully and justly.

On the other hand, Locke affirms that it is plausible for individuals to be governed and free simultaneously. He believes that when a person decides to comply with political life, they have to trade their trust towards the rulers by upholding fairness and mutual security which preserves individual's natural rights (Cranston, 1986). In his *Second Treatise of Government* (1980), he states that humans are born bound to

none and therefore, they are free to decide to which government they are providing with their consent.

“The liberty of man, in society, is to be under no other legislative power, but that established, by consent, in the common-wealth; nor under the dominion of any will, or restraint of any law, but what that legislative shall enact, according to the trust put in it” (Locke, 1980, p. 17).

Therefore, in the context of Locke, individual liberty holds the highest account, and the government is obliged to protect individual liberty and should never impose any laws that constrain an individual from exercising her liberty.

Liberty, in the context of Mill, is not just constraining the authority and consensus gentium in forcing people but liberty should encourage other than negative values, especially, “individuality” (West, 2008, p. 24). Even so, Mill’s liberty is unlike traditional libertarianism because Mill’s liberty has limits. First, Mill only encourages a particular form of basic liberties and discourages the application of liberty per se. Next, the application of basic liberties is bound to the harm principle. If one’s action injures or places someone at a risk, then constraining the individual’s basic liberty is justifiable. Lastly, Mill does not accept liberty as intrinsic goods. For example, Mill is against paternalism, but he is not against practicing paternalism towards kids (Brink, 2008, pp. 50-52). Therefore, Mill’s liberty is subject to deliberation. His idea on liberty is also influenced by his inclination towards utility. He argues that beyond the entitlement for self-expression, the oppression of custom and viewpoints is deleterious because such an oppression is against utility. By drawing a connection between utility and liberty, Mill, in his *On Liberty*, was able to distinctly state that a person who has not been involved in inappropriate social control is profoundly independent as Mill believes that it enables individuals to identify their own strength, learns to strive and set a path to greater achievement (Robson, 1968, pp. 184-186).

On the other hand, Berlin desires freedom to be treasured more for all that it is rather than for its function, therefore, even if freedom does not promote any improvement for society as a whole or for individuals, the importance should be given for freedom (Putterman, 2006). Berlin introduced his dichotomic view on liberty, negative and positive liberty, in his essay published in 1958 (Carter, 2019). Positive liberty perceived to answer the query of ‘by whom should a person be governed?’ and on the other hand, negative liberty is to answer the question ‘how much should one be governed?’ (Berlin, 1969, p. 39). Berlin emphasizes that historically there are no incidents that have resulted in the misuse of the theory of negative liberty as much as of its opposite ideology positive liberty which has resulted in his attempt to disclose the variation of positive liberty comparatively to negative liberty (Berlin, 1969, pp. 39-40). In other words, Berlin’s attempt to elaborate on positive liberty is similar to the one that has taken by Mill in his *On Liberty*. Both desired to clearly state the dos and don’ts of the power holder on an individual’s freedom.

For Nozick, liberty and rights are intertwined. You cannot have one without the other. Liberty-rights should not have obligations on others (Mack, 2014). For instance, an individual is free to wear bright shoes as long as she is not obligated to do so or not enforcing her likes to wear bright shoes on someone. Nozick’s safeguarding people from obligations makes him to justify that tax is also a form of breaching individual liberty as it can be considered as forced labor. Citizens have no choice but to pay tax, and so, not having a choice makes it the enemy of Nozick’s liberty. On the other hand, Mill had a more collective thought process as he considers tax justifiable as it waters the collective spirit of society (Berger, 1982). Compared to Nozick’s Mill’s liberty at least, theoretically sounds applicable as it has a visible border around the idea of liberty practiced in society.

It is proven that freedom or in another ‘evolved’ way known as liberty has multiple definitions. Even the existence of choices is to be questioned in the realm of actual freedom. Jiddu Krishnamurti (1895–1986) mentions that if intelligibly viewed, in executing a righteous act there are no options and options are results of doubts and uncertainty which hinder freedom (J. Krishnamurti Official Channel, 2014). Similarly, it is necessary to decide on which definition one ought to venture to carry out a study on freedom if not, the scholar loses his/her own freedom to the available multiple dimensions of freedom and not knowing the direction to take. In this study, freedom is defined in regard to two main principles – harm principle and principle of utility. Thus, freedom is (adopting from Mill’s idea on freedom) when individuals are able to express themselves and act without any restriction yet obeying harm principles and when the government and the society follow the principle of utility in enforcing rules and regulations related to the exercise of freedom.

1.7.2 Principle of Utility

Utilitarianism is also known as universalistic hedonism, which recognizes an action is acceptable if it produces a result that brings happiness for all (Stokes, 2018, p. 254). Jeremy Bentham being the founder of classical utilitarianism explained ‘utility’ as “... property in any object, whereby it tends to produce benefit, advantage, pleasure, good, or happiness, [...] or [...] to prevent the happening of mischief, pain, evil or unhappiness...” (Bentham, 2000, pp. 14-15).

Utilitarianism theory eliminates certain flaws in deontological moral theories. Utilitarianism has an upper hand over deontological moral theories because, first, it does not rely on intuition; second, deontological theories have conflicting ideas unlike utilitarianism which is monist; third, deontological theories consist of several

absolutism principles which create contradicting platform for ideas and lastly, utilitarianism has a reliable procedure to choose the right action unlike deontological moral theories which lacks both consistency and reliability in decision making (Gillon, 1985).

There are no clear definitions to illustrate what exactly principle of utility of Mill stands for, however, if we are required to explain what it is, then the best explanation is, it is a concept that promotes happiness as the only aspired end (Brown, 1973). He opposes the misinterpretation that principle of utility is against pleasure, or it is everything to pleasure. Mill defies Epicurean's comparison of human life with swine as humans have faculties that function higher than the swine (Mill, 1962, pp. 5-7). As a qualitative hedonist, Mill emphasized not only the quantity of happiness but also its quality. He famously wrote:

“Of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference, irrespective of any feeling of moral obligation to prefer it, that is the more desirable pleasure.”
(Mill, 1962, p. 8)

This passage expresses Mill's method for determining which of two pleasures is more desirable. When we are presented with two options, whether actions, decisions, or experiences, that are capable of producing pleasure, the way to judge which yields the higher pleasure is by deferring to the preference of those who have experienced both, provided that their choice is not influenced by any sense of moral duty.

His principle of utility advocates the maximization of happiness and minimization of unhappiness. Therefore, in his context, it is fine to practice rules that produce the best result as stated earlier, and for the greatest number of people (Edwards, 1986). Nevertheless, there are people who stand against utilitarian who refer happiness as not the only ends and consider happiness as the improper way of

approving and disapproving actions (Mill, 1962). In argument against those statements, Mill (1962, p. 33) in *Utilitarianism* stated he did not deny the possibility of individuals having other desires, but those desires are part of *ingredients of happiness*. In other words, despite whatsoever one wants/desires/obeys with freewill, it is for the sake of achieving one prime goal – happiness. The flow chart below illustrates a simple individual's desire in daily life.

Purchasing a phone with high pixel camera → Snapping quality pictures → Uploading the pictures at social media account → Gaining likes and comments for the uploaded pictures → Being happy with the captured picture.

Referring to the above flow chart, despite desiring multiple things, according to Mill's argument, every individual at the end of the day wants to secure happiness. Mill's utilitarianism is refuted by Moore (1922, p. 108) by stating in his *Principia Ethica* that Mill has engaged naturalistic fallacies where he associated the 'good' with the 'desirable' and the desirable with the 'actually desired' and pleasure is not the only thing that people want (desire). According to Curry (2006), there are eight versions of naturalistic fallacy – (i) shifting from is to ought, (ii) shifting from facts to values, (iii) defining good by associating the term with other values, (iv) asserting good as innate value, (v) relating revolution as a result of goodness, (vi) asserting whatever that is natural to be good, (vii) asserting whatever that exist at present should exist and lastly, (viii) replacing justification with explanation. In this context, the naturalistic fallacy that Mill exercises in his *Utilitarianism* is the third and fourth version.

For instance, when a vegetarian argues that killing animals is not good, they are relating good with empathy and mercy, thus, in the context of Moore (1922), committing naturalistic fallacy. Similarly, some don't welcome homosexuality because their idea of good overlaps with norms, thus, they are committing naturalistic

fallacy. In short, empathy is not the synonym of good; norm is not the synonym of good.

Since Mill's ethics is chiefly based on the principle of utility, there shall be no arguments of his concept of liberty is based on principle of utility as well. However, Stegenga (1973) refutes that Mill applies principle of utility in his concept of liberty. First, Stegenga states that Mill's concept of liberty that he conveys in *On Liberty* is a negative freedom, freedom *from* as against the idea of principle of utility which advocates a positive aspect of freedom – freedom *to*. Second, Mill has given priority to the truth in his essay on liberty by mentioning that truth shall prevail even if the truth does not lead to happiness. Third, Stegenga highlights the usage of the word 'utility' in the Chapter 2 of *On Liberty* and informs that Mill merely use the word *utility* to indicate *usefulness* and not the concept of *pain and pleasure*. Fourth, Stegenga mentions that Mill refutes principle of utility by stating that no one can force an individual to act or restraint for the betterment of the individual or for the happiness of the individual.

Opposing Stengenga's perspective, Strasser (1984) mentions that Mill succeeds as a person who promotes liberty while at the same time being a utilitarian. Strasser emphasizes that Mill promotes individual liberty as an important element that needs to be protected in a society because there exists utility in protecting liberty. Above all, it is necessary to note that Mill mentions principle of utility shall be the absolute tool to be used to solve conflicts in a society by stating "*I regard utility as the ultimate appeal on all ethical questions...*" (Mill, *On Liberty*, 1865, p. 6).

Utilitarians devote themselves to achieving the greatest happiness for the greatest number; however, their ideology is not welcomed by certain scholars such as John Rawls (1921-2002). Rawls believes that any restrictions on liberty and not having

freedom equally can never be defended that such actions are to assist common interest. Not only that, but they are also considered to be an act of injustice because it only serves the general interest (Lynos, 1972). Rawls defines principle of utility as a system that is design in a way which heightens the equipoise of satisfaction of a group of people based on an idea that a welfare of an individual is formulated from the concatenation of satisfactions that an individual undergoes at various times and so, he refutes principle of utility as not considering the significance of the distinctions among individuals (Rawls, 1999, pp. 21-24).

Since this study is regarding Mill's ideas (primarily liberty), it is necessary to understand principle of utility as his ethics as mentioned earlier, is based on the concept of utility. In a nutshell, I have explained the definition of principle of utility, application of principle of utility through identifying activities that produce highest pleasure, the relationship between utility and justice, the relationship between utility and liberty and arguments against utilitarianism.

1.7.3 Social Stratification

Social stratification is defined as the construction of classifications that function in a stratified system that does not constitute equality where people are classified into several categories that grade them. The categories are designed in a way that restricts people's access to money, power, and chances (Ogunbameru, 2020 p. 126). Stratification deals with the question of by what means one group has higher freedom and opportunities than the other groups. Thus, studying stratification means trying to understand the disproportions that exist among people which perpetuate betwixt and across generations (Bottero, 2005, p. 3). History has shown several types of social stratification systems such as slave system, estate system, caste system, and

class system (Oyakule & Oyeyipo, 2002). In explaining this system on a larger scale that involves several communities, the system is perceived to have two principles, ascriptive and achievement. We often associate liberal democratic countries with having people of achieved status, as most of the ideas pinned around democracy are to eradicate ascribed differences and to contrive equality in society. However, the extent of this in reality is to be questioned (Blau & Duncan, 2008).

A study on social stratification can never exclude Max Weber (1864–1920) and his theories. According to Weber, society is divided into three systems that give importance to economy, status, and party (Waters, 2015, pp. 7–8). He asserts among these three types of stratification, individuals experience the *Stand*-based, in other word status, the most in their daily life. It is embedded in society in the form of race, ethnicity, occupational standing, companionship at the institution of tertiary education, or other innumerable of unstructured classifications that a person uses to live through their life (Waters, 2015, p. 38).

On the other hand, Karl Marx (1818–1883) views stratification as the result of class differences in the society. His theory initiates to promulgate the idea that stratification enables the influence of the dominant economic class to multiply their income and protect their monetary, social, and ideological control. The dominant class consecrates its influence to further maintain the social status not only through contriving a norm that perceives inequality as admissible but also preserve such a composition for the following generations (Langman, 1987). Unlike Weber who is certain that regardless of materialistic logic, the society is stratified in the form of honor since the premodern era, Marx is certain that the society is stratified through capitalism which is a product of capital accumulation (Waters, 2015, p. 38).

Next, Mill relates class to political power by expressing that the power holders who govern are highly influenced by their standing on socio-economic status (Broadbent, 1968). Mill's writings on social stratification are not many but particularly he gives importance to the role of class in society. Mill defines "class" in several ways, mainly, learned classes and economic classes. Nevertheless, he notices the significant relation between the latter and political strength, thus, asserting that economic class relations are the pivotal causal factor of political history (Broadbent, 1968). In this study, the system of social stratification that will be examined are ascribed status (race & religion) and acquired status (economic class & power systems).

1.8 Organization of Thesis

Chapter 1 is the preliminary section which elaborates on the background of this thesis. The chapter incorporates problem statements followed by a brief review of previous studies done related to this study. It also elaborates on the method of study and explains the main theories that will be discussed in the thesis.

Chapter 2 explores the concept of individual freedom. The chapter is titled "Mill's individual freedom and Malaysian society" and is divided into three subtopics. The first subtopic elaborates the exercise of individual freedom in society. Second, describes freedom in the context of human nature and the third topic relates Mill's individual freedom and Malaysian Constitution.

Chapter 3 delves into freedom of speech and carries "Mill's Freedom of speech and Malaysian Society" as the title. The chapter dissects the ideas pinning speech freedom and explains in many details the role of media in the context of freedom. Then, lastly, the idea of tolerance when involving free speech is also studied.