Where does real freedom begin? T.H.Green, P.P.Nicholson and the necessary but elusive binaries of freedom
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Introduction

T.H.Green's theory of freedom presents us with some of the most significant and influential arguments about the nature of modern liberty. It fueled the ideology of New liberalism[1] and no account of liberalism overall can be complete without it. It produced the most credited concept of positive freedom in political theory to date.[2] I argue that its contribution to the analysis of modern liberty has yet another aspect: it helps elicit the nature and significance of binary conceptualisations of liberty. I will show that the binary of juristic and true freedoms – a key feature of Green's lecture 'On the Difference Senses of Freedom' – is a complex one as it serves different purposes. The first objective of the binary is to establish a clear and convincing distinction between real and non-real freedoms, while the second one is to explain how moral development impacts the formation of freedom. I argue that, because the binary fulfils two different objectives, the conceptual boundary between juristic and true freedom moves back and forth.

Initially, the binary of true and juristic freedoms (Figure 1) is vital for the process of eliciting a meaningful and normatively viable concept of freedom: this is what in this paper I will refer to as 'real' freedom. I argue, however that this initial juristic-true freedom binary should be replaced by two other, more precise and potentially more useful ones. The revised binaries emerge as a consequence of a resultant reconceptualising of juristic freedom. I argue that once we understand and accept Green's claim that true freedom is the real concept of freedom, we are in a position to rethink our experience of freedom altogether. From this new vantage point, we can conceptualise better the experience previously captured by the category of juristic freedom. The issue is as follows. True freedom has been established as the real freedom,[3] but I argue it is an exclusive and exceptional concept. The bulk of the ordinary experience of freedom remains outside true freedom, and therefore I believe, within the category of juristic freedom. But once we have gained understanding of what it is that makes true freedom real, we can find elements of this in certain exercises of juristic freedom. What we can see is that the category of juristic freedom has been too broad and has covered experiences some of which do and some do not contain essential aspects of real freedom.

Effectively, after we see the implications of true freedom, the category of juristic freedom should split in two: juristic real and juristic non-real (Figure 2). This leaves us with two new binaries (Figure 3): the initial but re-located binary of non-real and

real freedoms, where non-real now includes only juristic non-real, and real includes juristic real and true freedom; and the binary of juristic real and true freedoms.

Figure 1: Green's original binary

Juristic	True = Real
also defined as 'outward' or 'primary' freedom: exemption from compulsion by others and power to do as one prefers	*also defined as 'inner' or 'real' freedom: exercising moral agency, having attained perfection in an adequate institutional context*

Figure 2: How juristic freedom splits in two

Juristic Non-Real	Juristic Real	True
(i) experiencing progressive satisfaction in an inadequate institutional context and (ii) lacking a moral component to motivation	*(i) experiencing progressive satisfaction in an adequate institutional context and (ii) motivation containing a moral component*	*exercising moral agency, having attained perfection*

Figure 3: The two new binaries

Binary (a)

Non-Real	Real
includes only juristic non-real	*includes juristic real and true*

Binary (b)

Juristic Real	True

One might argue, that the important new binary should be the first one (Figure 3 Binary a). After all, this is what Green intended to deliver: an insightful vision of real freedom. We could also say, that once the concept of true freedom has helped us see the 'real' dimensions of juristic freedom, it would have accomplished its function. I would argue however that the distinction between juristic real and true freedoms (Figure 3, Binary b) stills exists and it has its own function. This binary explains how 'moral experience' impacts the formation of freedom (DSF, 244). As sections 2, 3 and 4 of this paper show, the concept of true freedom reflects the fact that the process of

moral development is motivated by two factors: progressive satisfaction and pursuit of a moral ideal. But as we will see, each of these factors may trigger different and potentially discordant developmental curves. True freedom is the point where the two curves meet. In this sense it is a unique experience. It is crucial, however, to establish it as a real exercise of freedom, as it will play a decisive role in guiding juristic freedom in the right direction. The issue is that even though juristic real is the routine freedom we practise, it is not a default state of affairs.[4] It exists within the horizon of true freedom. One exercises juristic real, only if we true freedom is available to her as a possibility.

What we have is a fluctuating binary between non-real and real freedom. Initially the bar is very high: a large scope of usages of freedom is dismissed as not adequate enough for the sake of outlining an absolutely authentic, non-controversial concept of real freedom. Therefore to start with, only true freedom is real. But then, the bar lowers, real freedom expands, as we are now capable of describing a broader range of freedoms as real. However, a valid binary *within* real freedom emerges in this process as well.

1. Green's objectives and strategies in exploring the meaning of freedom

Green's task in his lecture 'On the Different Senses of "Freedom" as Applied to Will and to the Moral Progress of Man' (DSF) is to establish the real sense of freedom. He does so through indirect and direct critique of freedom as generally understood. As the title of the lecture suggests, his exploration focuses on freedom in its relation to the will, by reflecting on people's 'consciousness, or their "inner life" (i.e. their life as viewed from within)' (DSF, 229). From the outset of the lecture Green establishes the opposition between 'outward' and 'inner' freedom, that is, between the generally accepted understanding of freedom as 'some exemption from compulsion by others' (DSF, 235, 229) and freedom as 'the goal of moral endeavour' (DSF, 242), as experienced in the battles with our inner demons, so to say. His objective is to show that the study of freedom in relation to the will is essential for understanding the nature of freedom and indeed the only path that can give us an insight into real freedom. One of the main conclusions of the lecture is that 'exemption from compulsion by others' is not a real freedom.

This initial setting of the lecture in the juxtaposition of outward freedom, expressing 'social and political relation', and inner freedom, is interesting. Although Green will subsequently discard the outward freedom due to a number of significant deficiencies, he will retain one of its features as an aspect of inner freedom. Both freedoms reflect a relation of confrontation: in the case of outward freedom this is a social relation, and in the case of inner freedom, this is a relation between clashing motivations. These relations of confrontation are similar but clearly not the same. Green even says that we refer to freedom in relation to the will, that is, to inner freedom, only as a 'metaphor' (DSF, 229), thus giving some logical priority to outward freedom.

We will see that this initial distinction between outward and inner freedom does not capture the essence of what is wrong with the general understanding of freedom and

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[4] One could also exercise juristic non-real freedom. The paper does not say much about this category, but the arguments developed here give some indication about its contents.

what the exact nature of real freedom is. But it indicates that Green is making a leap in his analysis of liberty, taking it out from its own social and political terrain into the metaphysics of the will. The reference to inner freedom as a 'metaphor' is a recognition of this leap but also an attempt to legitimise it. Also, his concept of true freedom will not be accomplished on a purely metaphysical terrain: it will be more than inner freedom. In fact, both outward and inner freedoms have their external and internal dimensions. True freedom is superior on both counts.

Green refers to the outward freedom as freedom in the 'primary' or 'juristic' sense, and to his version of inner freedom, as 'true' or 'real' freedom. For the remainder of the paper, I will use Green's term 'juristic' freedom, as it is the technical term, so to say, which covers his references to 'primary' or 'outward' freedom. I will also use his term 'true' freedom for the kind of freedom he recommends as 'real'. As I have already stated, both his juristic and true freedoms have their external and internal dimensions. The external and internal dimensions of juristic freedom are clearly visible in its definition. The juristic sense of freedom reflects 'that relation between one man and others in which he is secured from compulsion. All that is so implied is that a man should have a power to do what he wills or prefers' (DSF, 234). Both the external and the internal dimensions of juristic freedom are deficient. The external one does not allude to the adequate social arrangements which make freedom possible. The internal dimension – power to act as one wills - does not say enough about how the will functions, how satisfaction is achieved and how moral experience is intertwined in the attainment of freedom. The status of juristic freedom vacillates between fully inadequate and partially correct. If all there is to juristic freedom is its external dimension, that is, the lack of compulsion by others, then it is fully inadequate as 'no reference is made to the nature of the will' at all (DSF, 234). But because it does actually imply 'power to do what [one] wills or prefers', it does show its embeddedness in the function of the will and as such makes a relevant statement on freedom.

Indeed, Green claims that juristic freedom is a stage in the process of development that leads to true freedom. I argue that because juristic freedom is a necessary aspect of the process of 'rationalis[ing] and moralis[ing] the citizen' (DSF, 232), it carries aspects of real freedom (section 5). In order to show this, I will turn first to Green's understanding of the nature of the will as implied in his concept of true freedom (section 2). Once all key aspects of true freedom are explained, it will then be easy to work out backwards in what circumstances juristic freedom is a genuine predecessor of true freedom and could be therefore seen as a real kind of freedom.

In summary, juristic freedom plays different methodological roles in Green's lecture. On the one hand, it is the springboard of the analysis to freedom. It is based mostly on its 'outward' aspect, and its only valuable component is that it captures a relation of confrontation which we will also see in the inner freedom. On the other hand juristic freedom is the first stage in the process leading to true freedom. Juristic freedom, as one's power to do what she prefers, does make a reference to some relevant aspects of the nature of the will. This double positioning of juristic freedom, as a counterpoint of true freedom *and* as a step towards it, achieves different objectives. First, it achieves Green's own explicit objective of helping develop a sense of real freedom. In addition, it comes to show that we have two normatively viable senses of freedom, where the first (true freedom) captures the parameters of what is absolutely desirable

and the second (juristic real freedom) captures the routine activities in which we engage with it.

It is this second function, as a stage in the development towards true freedom, that is of greater interest here. Green's theorisation of juristic freedom as the 'first form' (DSF, 241) of the experience of freedom is incomplete and I believe Nicholson's analysis throws light on how it could be understood. Nicholson elicits the Hegelian dialectics behind the three senses of freedom Green discusses: formal, juristic and true. He argues that there is 'teleological sequence, with real freedom as the final cause and therefore present both at the beginning in potentiality, and in the end as the goal to be realised' (Nicholson, 119). The exact order of the teleological sequence, as Nicholson sees it, is real freedom, formal freedom,[5] juristic freedom and then real freedom again. My analysis modifies Nicholson's sequence to an extent with the purpose of developing a more complete picture of juristic freedom itself and of the dialectic between juristic real and true freedoms. I do not view formal freedom as an independent stage of freedom as I believe it is incorporated in the internal aspect of juristic freedom. So the sequence which corresponds to my analysis would start with juristic freedom (the apparent freedom, roughly defined, that has many problematic aspects), followed by true freedom (as the absolute form of real freedom), and completed by juristic real freedom (real freedom as practiced in routine activities). While Nicholson argues that all freedoms in the teleological sequence are legitimate aspects of the 'unified whole' of freedom (Nicholson, 120), I think that some of the usages of freedom which Green discusses have to be discarded because they are not forms of real freedom. Hence the sequence is teleological but also methodological.

2. How the will works and the progressive nature of satisfaction

The idea of development is fundamental for Green's understanding about how the human will works. It is also crucial in seeing how the pursuit of freedom is inherent in human agency. Green's theory shows how our appreciation of freedom is embedded in the dynamism of the process of development which characterises most of human experience. The process of willing is such that it has an inbuilt experience of freedom. It is important to say at this early point, that the will on its own does not carry all the parameters of this dynamism. But the functioning of the will conveys the nature of human agency and understanding it correctly is instrumental in developing a full grasp of how freedom is constituted.

For Green the will, freedom and self-satisfaction are mutually definitive. The will is the capacity for freedom (DSF, 228). The will is free by default in the sense that the will directs the actions of the self: there is no agency above me that moves my limbs, no will above my will. The will is the capacity which puts my agency in motion.

So for Green, human will is free by default as it is our faculty for freedom. Also, the will is always directed towards self-satisfaction. Green claims that 'in all willing a man is his own object to himself' (DSF, 228) which means that the objects to one's will are objects in which one seeks self-satisfaction. One's will is always directed towards an object 'which the man makes his own, or with which he identifies himself' (DSF, 228). The will is always free for two reasons: it is always directed towards self-

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[5] Formal freedom is the default freedom of the will which is discussed in the next section.

satisfaction and this process is always to some extent rational. Note 'to some extent'. The will is free by default but not rational by default. The will can become fully rational: a 'reconciliation of will and reason' is highly desirable and this reconciliation is the essence of true freedom (DSF, 246). But, the will always has elements of reason in the sense that one is always conscious of the objects in which he seeks self-satisfaction; in the sense that it is not purely impulsive.

So the function of the will, which is the pursuit of self-satisfaction, is always to some extent rational, because in every act of willing one is self-conscious. One is aware of the explicit and implicit choices he makes through his actions. If we were to look at the way Green defines the will and freedom, and we had to pin point what exactly makes the will thus defined, free, we could say that freedom is derived from this permanent orientation towards the self and this permanent presence of some form of rationality, seen as authorship or self-consciousness.

True freedom is different from the default freedom implied in willing. The complexity of the process of self-satisfaction introduces complexity in the notion of freedom: true freedom marks the point where this complexity is resolved. The problem is that we do not find satisfaction in all objects we pursue. The fact that the will is always free and seeks satisfaction by default does not mean satisfaction is always found. Simply following our will does not guarantee us satisfaction therefore the freedom of our will could be of limited value. Freedom does not acquire its value until we find self-satisfaction. If we see and accept this, we could then appreciate how much the understanding of freedom would depend on the dynamic of self-satisfaction: explaining this dynamic in a particular fashion is, I believe, one of Green's key contributions to the theorisation of liberty. The fact that the intention to find self-satisfaction is always there, but not the success of finding it, indicates a problem: this is a problem to which the default freedom of the will does not, but true freedom does have a solution.

Green argues that self-satisfaction can only be found if we seek it in the right object, which is a form of perfection seen as the full development of one's abilities and a successful internalisation of moral duties. In Green's words, a right object is the one whose attainment contributes towards 'the realisation of the seeker's possibilities or his progress towards perfection'(DSF, 228); which accords 'to the law of his being' which is 'the law which determines where this self-satisfaction is to be found'; it has to be sought in the right 'spirit'(DSF, 228); we cannot have a full possession of this object 'which we only approach to fall away from it again'; and we are drawn to it as it is an object 'of which we know enough' (DSF, 229). These quotes allude to the complexity in the process of satisfaction mentioned at the beginning of the section. Although we know about and are drawn towards the objects in which we will find self-satisfaction, we 'ordinarily' desire the wrong objects. This is because 'we have not brought ourselves to "gladly do and suffer what we must"' (DSF, 229). So the nature of the will is such, that it is simultaneously pulled in two opposite directions: the 'law of our being' guides it towards the objects where true satisfaction will be found, that is perfection and moral agency, but actual desires steer it towards the wrong objects. This double pull is captured well in the following quote: 'a man is subject to a law of his being, in virtue of which he at once seeks self-satisfaction, and is prevented from finding it in the objects which he actually desires, and in which he ordinarily seeks it' (DSF, 229).

This double pull – towards objects that are good and truly satisfying, on the one hand, and objects that bring faster gratification but fail to make us better in terms of self-improvement and moral disposition, on the other hand - is the engine that propels human development. It also throws light on why this process of development is experienced as freedom. What happens in practice is that we start by seeking satisfaction in the wrong objects, but we learn our lesson. We then turn to objects that are better in their capacity to improve us or make us morally better persons. We may suffer in the short term due to limited gratification but will be rewarded in the long term by a deeper level of satisfaction. We find that not all that we wish for is satisfying. This is captured by Green commenting on the possibility of people '*wishing* for something which yet they do not *will*' (DSF 242). There is a gap between gratification and satisfaction and we are always trying to close this gap. This process demonstrates the inbuilt dynamism of the will.

We always seek satisfaction, but because in the process we get wiser about what is good, the nature of what we want is in a permanent state of flux. Thus the experience of development is an experience of successive confrontations: confrontations with obstacles to one's improvement. One needs to win these confrontations in order to keep moving forward. The experience of winning these confrontations is an experience of freedom. This dynamism comes partly from the fact that improving is difficult, but also from the fact our capacity to be better generates new desires that have new obstacles on the path of their achievement. Development is a liberating experience. Not just because of the inherent sense of empowerment, but because of the perpetuity of the battle with obstacles implied in it.

Freedom is embedded in the progressive nature of satisfaction. This is not how Green puts it – these are the terms in which I summarise Green's parallel and intertwining theories of will and freedom. Putting it in these terms, however, allows me not just to put succinctly one of the most significant insights in Green's theory, but also to question the exact terms in which he defines true freedom and some of the ways in which he differentiates it from juristic freedom.

What I would like to show is that the cut-off point between non-real and real freedom fluctuates. The association of true freedom with a state of perfection and fully acquired moral agency sets the bar too high. Arguably the bar should be lower, so as to capture the whole process of development towards perfection and moral agency and to portray it as pertaining to the domain of real freedom. This fluctuation of the cut-off point between non-real and real freedom can be seen as an analytical weakness of Green's narrative. My objective is to ascertain more firmly where the cut-off point should be. But in doing so, I will show that we have two cut-off points, each fulfilling a different function. In doing so I will argue against Green that significant aspects of juristic freedom are real. I would like to reposition the cut-off point between non-real and real freedom. But I will defend Green, in setting a high threshold for true freedom by eliciting the reasons why, even though juristic freedom can be real, we still need the exceptional and exclusivist concept of true freedom.

3. True freedom as exceptional and exclusive

True freedom has several definitive features which reflect key characteristics of the will. First, it is found in the state of perfection seen as full development of our faculties. Second, it is found in the acquisition of moral agency. Third, it involves the experience of ultimate self-satisfaction. These features of true freedom are not accidental: they reflect important aspects of the human will, some of which we discussed in the previous section, but some of which will receive more attention shortly. Human action, or the will, is premised on the pursuit of self-satisfaction. Human faculties can develop if right steps are taken and the more developed they are, the more satisfaction their exercise generates. Also, we mentioned that human action always has an element of rationality. The will is always free, because of the aspect of self-awareness, of being aware of the implications of our desires for our self as a whole. The more rational our objectives are, the more likely we are to find satisfaction in them. The most rational objective is the acquisition of moral agency. This is possible as a result of a gradual process of adjusting personal interests to the common good, or in the words of Green, of 'fusing' our 'natural impulses' with 'higher interests' (DSF, 244-5).

There is a common element in these three characteristics of true freedom: they all represent a form of achievement or completion. This element – the fact of achievement or completion – marks, according to Green, one of the significant differences between juristic and true freedom. While juristic freedom is the freedom of opportunity, true freedom is based on a successful achievement of a particular kind. Here is this difference expressed in Green's attempt to articulate the deficiency of juristic freedom: 'It is a form of self-enjoyment, however, which consists essentially in the feeling by the subject of a *possibility* rather than a *reality*, of what it has in itself to become, not of what it actually is' (DSF, 241, emphasis added). True freedom consists in the realisation of a potential. The mere existence of a potential is not enough. Juristic freedom is open ended and carries an unknown future, while true freedom is based on an accomplished end; it is an occupancy of a cherished terrain.

Further evidence of this exceptional status of true freedom is Green's reference to the uniqueness and momentariness of its achievement. True freedom is an experience of 'peace or blessedness, which consists in the whole man having found his object; which indeed we never experience in its fullness, which we only approach to fall away from it again' (DSF, 228-9). True freedom is based on a reconciliation of will and reason, but Green is clear that only in 'God, or rather in the ideal human person as he really exists in God, they are actually one; i.e. self-satisfaction is for ever sought and found in the realisation of a completely articulated or thoroughly filled idea of the perfection of the human person' (DSF, 246). There are clear indications that the experience of true freedom is not part of the daily routine, but a reward for a systematic and conscientious effort. This exceptional status of true freedom makes Green vulnerable to his own critique of Kant whose vision of freedom had rather limited application, that is, it was attained only 'in rare acts of the best man' (DSF, 231).

We cannot help not noticing a tension in Green's narrative. His fixation on the end result, the need to associate true freedom with 'the thoroughly filled idea of perfection', on the one hand, does clash with his understanding of development underpinning his theory of the will, on the other hand. Indeed, one of the most powerful aspects of his argument is his disclosure of the deep link between freedom

and development. Freedom is associated with the inherent dynamism of development, with its mobility, the process of permanent change and thus permanent engagement in overcoming difficulties. I argued that freedom can be understood against the context of the progressive nature of satisfaction. One of the conclusions here is that, if one is in a process of development, one is experiencing the kind of freedom that reflects properly the function of the will.

We can therefore question Green's decision to associate true freedom with the reality, but not the possibility of perfection and moral agency. What is it, that the process lacks and only the completion gives? Green's own commentary on the nature of ordinary human beings shows understanding that what we actually have is the potentiality not the actuality of perfection. 'In the historical man - the men that have been and are coming to be – [will and reason] *tend* to unite.' (DSF, 246) The italicisation is Green's.

The answer to this question is that the sense of overcoming, moving forward, gaining ever stronger feeling of satisfaction does not capture fully the meaning of true freedom. We need to understand the link between true freedom and moral agency, before we can explain how the process of development is linked to real freedom. In this sense the high threshold of true freedom has its justifications and I now turn to them.

4.   The function and the contents of the final step to freedom

As alluded to earlier in the paper, juristic freedom plays different methodological roles in DSF. On the one hand, it is the counter point to true freedom. By focusing on the wrong externalities – exemption from compulsion other others – and by partially or completely ignoring the inner life of the will, it is inadequate, and potentially misleading, for the purpose of explaining the real nature of freedom. But juristic freedom has a second methodological role, as well. It appears as a stage in the process of personal development, as the first form under which we experience freedom. This is because, as part of one's real experience, juristic freedom is not just lack of obstacles, but also some form of willing, so to say. It is 'a power to do what [one] wills or prefers' (DSF, 234). Green's more detailed description of juristic freedom in the following quote shows the key aspects of the inherent liberating dynamics of the process of development, discussed in section 2. The experience of juristic freedom is a result of overcoming a confrontation, it is a personal victory over the obstacles on one's path. 'So far as such freedom is established for any man, this assertion of himself is made good; and such freedom is precious to him because it is an achievement of the self-seeking principle. It is a first satisfaction of its claims, which is the condition of all other satisfaction of them. The consciousness of it is the first form of self-enjoyment…' (DSF, 241).

This, second, casting of juristic freedom as a vital stage on the path of reaching true freedom would be of great interest to any liberty scholar. I have argued before (Dimova-Cookson, 2012) and argue here, that in this form, it is likely to represent a real sense of freedom. Explaining how it is real, however, would depend crucially on understanding true freedom. Hence seeing the value added by true freedom is very important.

The question we face is, what does the 'reality' of true freedom add over and above the 'possibility' offered by juristic freedom (DSF, 241). Green's commentary following this crucial statement of difference is helpful. The idea is that even though juristic freedom is a freedom acquired through our own effort and as such is an authentic experience of personal development, it does not contain all that is needed to acquire true freedom. It lacks a definitive vision of the common good. 'To a captive on first winning his liberty, as to a child in the early experience of power over his limbs and though them over material things, this feeling of boundless possibility of becoming may give real joy; but gradually *the sense of what it is not* – of the very little that it amounts to – must predominate over the sense of the actual good as attained in it' (DSF, 241, emphasis added). So although this understanding of juristic freedom is based on an adequate vision of how the will functions, it still misses a key element. It has 'no sense of an object in which [one] can satisfy himself having been obtained' (DSF, 241), no clear vision of a meaningful purpose. Such vision is provided by two things: by an ideal of a common good, of a moral law ('the law which [one] recognises as that which he ought to obey' (DSF, 241) and by the right type of institutions – for which Green uses the general term 'organisation of life' (DSF, 247). True freedom is based on the realisation of such an ideal within the framework of the correct institutions.

We could still ask, however, why the acceptance of such an ideal – or the existence of the correct type of institutions – will make the exercise of true freedom different from juristic freedom. Could we not be free in the process of taking the right steps towards these ideals but still short of having realised them? Why does only the realisation, but not the process leading towards it, count as an experience of real freedom?

The answer to this question is the following. True freedom can be experienced as freedom, only when moral agency has been acquired. And it is only when true freedom has become actually experienced that it can serve as an ideal and impact the nature of the more routine pursuits with which we associate juristic freedom. So only after true freedom has been accepted as a viable exercise of freedom, can it influence the broader experiences of freedom.

Green's theory about the stages of moral development throws light on why one is truly free only after the acquisition of moral agency, that is, only when duties have been fully internalised (DSF, 247-8). In the early stages of this process we follow our duties because we have to, but often against our own preference. This would not count, however as a free exercise of duty. Fulfilling your moral duties is not the same as acquisition of moral agency. It is possible that one does the right thing but is not truly free, because the duties clash with her other desires. It is only when the duty becomes the most desirable thing to do that its exercise is free. Fulfilling duty can be the most satisfying thing only when moral agency has been developed. The key point here is that the desirability of duty is not something that is pre-given – it is something that is cultivated through the 'fusing' our 'natural impulses' with 'higher interests' (DSF, 244-5). Only after the gap between gratification and true satisfaction is overcome, can we desire duty enough so that we could say that acting on it is more satisfying than pursuing an alternative path. True freedom is not a commonplace but it is possible. Establishing this possibility has crucial consequences.

Without true freedom, the antithesis between duty and freedom could be seen as a necessary feature of human experience. This antithesis obtains every time when we find some form of satisfaction in doing other than our duty. But such antithesis makes either freedom less worthy or duty less attractive. If true freedom is possible, this antithesis is not necessary. The existence of true freedom makes the aspirations towards moral goals worthwhile and it increases the appeal of these goals in principle.

So far, I have shown that true freedom becomes possible only after the acquisition of moral agency. The latter is an outcome of a long and challenging process of character cultivation. The possibility of true freedom also depends on the existence of a distinct moral ideal. True freedom obtains when this ideal is fully internalised by the agent. I would argue that a partial internalisation of such ideal is also enough and this would be a key characteristic of juristic real freedom. But my emphasis here is on the necessity of such an ideal to exist. If such an ideal does not exist, true freedom or juristic real freedom would not be possible. This brings us to the significance of the relevant institutions. Moral ideals exist as upheld by social institutions: 'every progress towards perfection on the part of the individual character presupposes some embodiment or expression of itself by the self-realising principle in what may be called – to speak more generally – the organisation of life' (DSF, 247). Green refers to 'laws and institutions' but also to 'relationships, courtesies and charities … arts and graces through which perfection is to be attained' (DSF 246). The ideals upheld by these 'organisations of life', to use Green's general term, also exist as upheld by individuals. Indeed true freedom occurs only when these ideals are adopted and fully internalised. The exercise of true freedom itself can be seen as a moral ideal.

True freedom is a synthesis of high satisfaction and a fulfilment of a moral ideal, and as such is the end point of two different journeys, each of which on its own may not result in true freedom. It is possible to live up to a moral ideal but experience more hardship than satisfaction, that is, to be dutiful but not free. It is also possible to undergo a process of development and improvement, and experience progressive satisfaction, but lack a moral objective altogether. This disparity between moral development and progressive satisfaction makes true freedom tricky and elusive. This shows that the qualities of the human agency, or which in Green's case is the same, the qualities of the will, are not enough to guarantee us the attainment of true freedom. Even if we, by natural design, follow a developmental curve because we can improve our faculties and do experience increasing satisfaction in the process, this developmental curve may lead in a wrong direction. Green comments on the fact that the cultivation of natural impulses through 'discipline' is not a guarantee that we are in the process of attaining true freedom:

'Such discipline does not amount to reconciliation of will and reason; it is not even, properly speaking, the beginning of it, for the reconciliation only begins with the direction of the impulse after self-satisfaction to the realisation of an idea of what should be, *as such* (because it should be), and no discipline through inheritance or education … can bring about this direction…. On the contrary, the most refined impulses can be selfishly indulged' (DSF, 246).

The concept of true freedom reflects and tries to resolve the possible disparity between the development accompanied by increased satisfaction and the process directed towards the fulfilment of a moral objective. Ideally these two developmental

curves are intertwined. The discipline we use to refine our impulses and thus gain higher levels of satisfaction, could also help us to cultivate a moral character. But it is not impossible for these two processes to follow different, dissonant, developmental curves. This disparity is caused by the fact that moral progress is not a straight upward gradient. The mismatch between doing the right thing and experiencing satisfaction can be increased in cases where, as indicated in the quotation above, 'the most refined impulses [are] selfishly indulged': that is where the development curve of some kind of improvement and the accompanying progressive satisfaction goes in an opposite direction to that of advancing a moral ideal. This disparity is also exacerbated by the existence of inadequate social institutions,[6] as we will see in the following section.

If true freedom was the end point of a smooth upward gradient, one could not easily make the case for a new concept, as there would be no obvious tipping point, or threshold. It is because the moral developmental curve does not follow a smooth upward path and indeed because we go through different, sometimes dissonant, developmental processes, that true freedom is not guaranteed in advance, that is, it not already implied in the exercise of juristic freedom. True freedom occurs when the different developmental curves meet: when the path of refinement leading to increased satisfaction converges with the path of moral development.

We can see that true freedom is an achievement and it is more likely to take place if it is normatively embraced and socially encouraged. It is its own reward due to the high satisfaction associated with it, but the satisfaction experienced in the end, comes after a good deal of 'discipline' on the way and, so the satisfaction on its own, does not provide sufficient motivation.

5. Juristic real freedom: the presence of morality in ordinary experience

The understanding of true freedom leads to a fundamental rethinking of juristic freedom. True freedom comes into play after a tipping point, but the experience leading to it must be of a certain nature and we can now think back, so to say, to what this experience must be. If we take on board Green's vision of juristic freedom as the step towards true freedom, we could say that the experience preceding true freedom is the experience of juristic freedom, but understood in a new light. As a result of this retrospective analysist of juristic freedom we can split Green's original concept into two: into a juristic real and a juristic non-real freedom.

Juristic real freedom must contain components which make the attainment of true freedom possible. The theory behind the concept of true freedom threw light on the stumbling blocks in its path, one of which was the possibility of finding high level of satisfaction in objects lacking moral credentials. Therefore the concept of juristic real freedom must include engagement with a morally worthy objective. The concept should also make reference to the availability of an adequate institutional setting. In the remainder of this section, I would like to show how exactly the routine exercise of freedom has a moral component and what the nature of the adequate institutions promoting juristic real freedom should be.

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[6] These would be institutions that reward the advancement of an exclusive rather than inclusive common good.

Nicholson's pioneering analysis of Green's freedom can help me navigate my way at this juncture. Nicholson spelled out some of the most significant, and indeed most radical, features of Green's theory: radical not just for Green's own, end of the nineteenth century, context. Explaining Green's true freedom in the end of the twentieth century academic context, when liberal theory was heavily impacted by scepticism towards positive freedom, was never going to be an easy task. But Nicholson did it with little effort to downplay the normative aspects of Green's claims: in fact, he defended rather forcefully Green's theory of positive freedom and the accompanying critique of the negative concept. For example, Nicholson spelled out and fully endorsed Green's argument that one 'can achieve real freedom only in a society, and can enjoy it only to the extent that every other member enjoys it too'. Nicholson also insisted that 'Green would never, and need never concede that he is introducing a new definition of "real freedom" which goes beyond ordinary language' (Nicholson, 120, 127). He saw Green's true freedom as a viable alternative to the generally accepted negative freedom. He also developed arguments to the effect that it is a superior concept of freedom. He re-messaged, in an end of twentieth century language, Green's argument that true freedom is the real freedom.

I will look at the two arguments sketched above – how institutions make freedom possible and how true freedom is part of ordinary experience – starting with the second one first. Nicholson argued that 'Green's conception of real freedom is neither new nor abnormal. It follows long-standing philosophical and ordinary usage … for Green as much as for Bradley, moral philosophy theorises ordinary moral experience' (Nicholson, 128). Nicholson refers to Green's own examples of how we experience frustration when our development is impeded or when we fail to live up to our own moral standards. Overcoming this frustration is one of the most widely shared experiences of freedom (DSF, 241-2). He refers to Green's list of philosophers who depict freedom as a form of moral experience and he extends this list; he brings new relevant observations by surveying Green's cultural context and by offering ample evidence of the type of language employed in the public domain at the time (Nicholson, 128-9). He demonstrates the ways in which, language, culture and philosophy convey the interdependence between freedom and the pursuit of moral objectives.

However, Nicholson argues that establishing that true freedom is part of ordinary experience, does not get us far: it does not show that it is a superior form of defining freedom. This is because 'there is more than one ordinary usage of freedom,' and 'everyday and philosophical language give support to both the negative and the positive views' (Nicholson, 129). Then Nicholson proceeds to make the argument – very much in tune with what I argued in sections 3 and 4 - that the exercise of true freedom relies on more than ordinary experience: it reflects a state of moral agency and it depends on the appropriate institutions.

My current objective, however, is to show that we are capable of experiencing freedom in the pursuit of moral objectives, even before we have attained moral agency, that is, before we have cultivated the perfect character that would consistently turn us in the direction of duty as this is where satisfaction will be sought. In other words, there is real freedom even before true freedom.

In his discussion of how institutions impact the exercise of freedom Nicholson reiterates Green's point that a 'man gains his idea of how to be free, his idea of what he ought to be, from his society'. Then he comments that this process of embracing the moral objectives of social institutions is in fact 'a general process of moralisation and socialisation' (Nicholson, 130). The interesting question here is, in what way moralisation and socialisation partake in the exercise of freedom. In the spirit of what I argued in sections 3 and 4, I would insist, that neither of these processes amount to an exercise of true freedom. We could still make the case, however that they can count as an exercise of some form of freedom on the grounds that they contribute to personal development and progressive satisfaction. Socialisation and moralisation are intertwined processes that allow one to make the best of the existing social arrangements. Socialisation enhances one's skills to fit in her social settings and to promote her wellbeing more effectively, while through moralisation one internalises moral standards and pursues her wellbeing within these constraints. These processes introduce a moral component in one's development but are still short of full moral agency. But I would argue that the enhanced personal development resulting from the processes of socialisation and moralisation does represent an exercise of juristic freedom.[7] That will also be juristic *real* freedom as it has a moral component. So the adequate institutions are a vital requirement for the exercise of juristic real freedom as they introduce the moral component in the personal developmental process. This particular way of linking institutions with freedom, answers the question about what would count as an adequate institution. It has to be such that it provides moral in addition to social standards.

In fact Nicholson makes very specific claims about the nature of institutions necessary for real freedom: one 'can achieve real freedom only in a society, and can enjoy it only to the extent that every other member enjoys it too'. No one has real freedom in a society where one man's freedom is 'another's oppression' (Nicholson, 120, 131). The moral ideal advanced by social institutions should advance the common good of all and not the partial good of some. True freedom cannot be unfair as it cannot be exercised at the cost of somebody else not being able to do so. Staying within Green's original juristic-true freedom binary, Nicholson argues that in a society where some are slaves to others, masters do enjoy juristic freedom, but not true freedom (Nicholson, 130-1).

My new binary of juristic real and true freedoms allows me to make a slightly different assessment. In such a society masters would not have juristic real freedom, because it will be hard for them to advance the common good within the existing social framework. It will not be easy for them to integrate a moral component in their personal development. They could enjoy true freedom however, if they choose to follow their moral conscience and advance the common good (including that of the slaves) by disobeying official institutions. True freedom offers an intrinsic reward to moral motivation. Adequate institutions are needed more for the support of juristic real freedom as they provide the reward for the moral elements in the process of personal development.

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[7] I discuss the link between juristic freedom and personal wellbeing in Dimova-Cookson, 2012 and 2003.

Good institutions pre-empt the need for true freedom. Indeed, true freedom is called for when the common good can be advanced only by resisting the dominant social norms. In this sense true freedom can be also seen as a mechanism of social critique and social change.

Conclusion

Nicholson's analysis of Green replicates, to an extent, the methodological puzzle I outlined at the beginning of the paper. Nicholson affirms the different senses of freedom Green develops in DFS and concludes his compelling interpretation by stating that Green's account of freedom should not be confined to any one of its senses. 'All three are freedom, being interconnected parts to a unified whole.' (120) However, he ends his analysis with a sustained critique of Weinstein's affirmation of negative, and dismissal of Green's positive, freedom. There Nicholson concludes that 'Green's perspective extends beyond negative freedom in two [important] directions' and that 'it is a better framework for discussing politics from the moral point of view' (Nicholson 131). This final argument demonstrates that true freedom is not one of two equally valid alternative usages of freedom, but one substantively superior to the negative one. So for Nicholson, as for Green, the role of juristic freedom shifts from that of a key component of the whole of freedom to that of an apparent but defective alternative to true freedom.

I believe that this fluctuation of the role of juristic freedom reflects a necessary re-conceptualising of freedom that results from the understanding of true freedom. 'Real' juristic freedom can be understood only after true freedom is accepted. Routine experiences of freedom are complex and multi-dimensional, hence the concept of juristic freedom, as a primary and outward concept, is a rough sketch based on how freedom is generally understood. True freedom, on the other hand is a very distinct, considered and complete concept. Once finalised, it can become a critical tool for a normative assessment of the different aspects of juristic freedom. This assessment leads to distinguishing real from non-real juristic freedoms, which in turn helps us understand better - and if we believe true freedom is real, consciously fuel - the dialectic between the two real senses of freedom.

Nicholson's emphasis on the teleological sequencing of the different senses of freedom, starting and finishing with real freedom, is an alternative way of conveying the idea that no sense of freedom can find its proper place before we have a clear vision of what the key aspects of real freedom are. Arguably these aspects come into sharp focus in the concept of true freedom. Once we see them, we are in a position to comment on the types of personal development and social institutions we should be willing to support.

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