

1. Introduction

Thomas Hill Green (1836-1882) was a significant public intellectual of the industrial era, a theoretician as influential in the late nineteenth century as John Rawls or R. H. Tawney in the twentieth. One of the first professional philosophers in England, he was also an Oxford city councillor and an activist for domestic and foreign causes; overcoming his natural reserve, 'he spoke clearly and definitely on the most important political issues of his day' (Ulam, 1951, p. 18). A turnout of some two thousand at his funeral was indicative of the esteem in which he was held (Richter, 1964, p. 372). However, Green's work fell into disrepute in the twentieth century, his arguments judged to have failed the rigorous examination of analytical philosophy. For example, W. D. Ross (1930, p. 51) believed that there was 'patent error' in Green's work, Isaiah Berlin (1969, p. 133) 'confusion'; while Stuart Hampshire's verdict (quoted in Tyler, 2010, p. 16) was that he 'left no legacy of convincing argument or insight'. I wish to argue, very much to the contrary, and alongside a small but growing number of what for want of a better term might be called Green revivalists (e.g. Boucher and Vincent, 2000; Carter, 2003; Leighton, 2004), that not only was his work of intrinsic merit, but that Green can speak powerfully to the issues of our own day.

More particularly, I want to show that Green can assist with some acute ethico-political problems confronting the post-industrial world, issues associated with the coming of the so-called information society, such as information rights, intellectual property and privacy. He can do so because his philosophical writings provide durable theoretical foundations for a contemporary normative project, a repository of arguments and insights conducive to an ideal of the information society as the good society. This article thus represents somewhat of a new departure. The Green revivalists have not addressed information society issues, focusing instead on standard philosophical concerns, such as the libertarianism/communitarianism debate, and have done so from comfortably inside the industrial paradigm. On the other hand, scholars from alternative disciplines or of interdisciplinary orientation who have sought to revisit classical thinkers for their applicability to post-industrialism, have overlooked Green, invoking instead more predictable authorities, like Karl Marx and Jeremy Bentham (e.g. Dyer-Witford, 1999; Lyon, 2001). My hypothesis is that an exploration of the conceptual space between these two stools will be richly rewarded with guidance on the perplexities surrounding the socio-technical system of the 'cyber' century.

2. Idealism and the Question Concerning Metaphysics

No one doubts that Green was the father figure in what became known as British Idealism, the school of nineteenth-century thought that imported the contributions of continental philosophers, such as Kant and, particularly, Hegel, as part of an attempt to advance beyond the dominant domestic tradition of Lockean empiricism. He distinguished himself not only as an innovator but also as the 'complete' philosopher, producing an entire system of ideas that encompassed logic, metaphysics and ethics—in the useful Stoic analogy,

the egg's shell, yoke and white. My focus in this article will be on the white, the moral philosophy and the political philosophy derived from it, but the yoke is also significant, both in its own right and also through the distinctive way that Green made it the basis of his prescriptions. It is logical to begin any exposition with metaphysics, which I take to be the study of the nature of ultimate reality and of how that reality can be known. While the following account can only be rudimentary, it will hopefully be sufficient at least to suggest the desirability of helping to rouse a long-dormant tradition. There is much in Green's metaphysical platform that not only resonates with postmodern sensibilities, but also bolsters current initiatives to refashion the world as a networked information society—or so it will be argued.

To know is to relate. That might sound uncontroversial, but for Green as for many other idealists, coherent knowledge of the world entailed the existence not only of self-conscious, knowing subjects, but also of an overarching supreme intelligence, namely God or, in Hegelian nomenclature, the Absolute. The basic steps in the characteristic idealist deduction can be summarised as follows. Suppose, as per materialism, that reality is constituted by physical things, for example, bodies; now bodies involve volume, texture, time, location, etc; but all such properties cannot be integrated except by a mental act; yet bodies exist even when any particular human, and indeed all humans, are not apprehending them; therefore, it is necessary to postulate some kind of universal mind; moreover, our individual grasp of reality can only be explained as our sharing in this absolute consciousness; so mind not matter is the ultimate reality; ergo, idealism; on the other hand, to argue that bodies, etc, exist independently of human/divine consciousness condemns them to being forever inscrutable, devoid of meaning; ergo, the absurdity of materialism; ergo, again, its antithesis, idealism (Green, 1885; Green, 1907). 'The existence of one connected world', as Green put it in his most important work, *Prolegomena to Ethics*, 'which is the presupposition of knowledge, implies the action of one self-conditioning and self-determining mind'; such is the only means by which, 'taking the world and ourselves into account, we can put the whole thing together' (1907, p. 198).

Central to this uncompromising world-view was a sharp distinction between the 'empirical' and the 'ideal' self (Green, 2003c, p. 189). 'The real man' is not 'an object of observation', Green plausibly asserted (1886a, p. 108). Our real, inner person, he proceeded to argue, is linked to God via our reason and especially that mode of reason called conscience, a relation which inevitably has far-reaching normative ramifications. 'Through certain *media*, and under certain consequent limitations, but with the constant characteristic of self-consciousness and self-objectification', Green explained, 'the one divine mind gradually reproduces itself in the human soul. In virtue of this principle in him man has definite capabilities, the realisation of which, since in it alone he can satisfy himself, forms his true good' (Green, 1907, p. 206). The good life thus requires a sustained effort to find and then realise our ideal self. This process might have its own challenges, but what was beyond question for Green was that it involved more than a pandering to the arbitrary desires of our empirical selves. In the context not only of British empiricism, but of the entire epoch's

naturalistic zeitgeist, such claims were original; as an Anglican bishop observed after Green's death, he had 'allowed men to believe once more in the soul' (quoted in Plant, 2006, p. 24).

Green maintained that the whole of moral and thus political philosophy rests on such metaphysical postulates. As he expressed it, 'a "right" is an ideal attribute, "ideal" in the sense of not being sensibly verifiable, not reducible to any perceivable fact or facts' (Green, 1886b, p. 362). Human equality is therefore also only an ideal. The proposition 'all humans are born equal', or even the more plausible 'all humans are equal in fundamental value', cannot be supported, still less proven, by appeals to physical evidence. They are a priori statements, whose formulation requires a value judgement, an act of 'intuition', in the sense of 'a judgment not derived deductively or inductively from other judgments' (Green, 1907, p. 249). The empiricist can do nothing with them, either for or against. The idealist, however, is able to say that these propositions and many others reflect an ideal, transcendent reality that underlies the material, apparent world. The reason why one needs a metaphysics of ethics is in order to give an account of the basis of important moral assumptions, such as these. Ontology, the yoke, is about finding certain universals, certain fixed points out of which the white of normative values can be generated. In this way, then, idealism turns out to be what validates democracy and all social progress.

There has been an attempt to airbrush away the spiritual dimension of Green-style idealism, its 'baroque metaphysics' (Ronald Dworkin quoted in Tyler, 2012, p. 51). For example, Colin Tyler, arguably now the pre-eminent Green scholar, asserts that Green's position is only credible 'once its religious overtones have been removed' (Tyler, 2010, p. 83). Offering instead a 'humanist' interpretation, Tyler reduces the eternal consciousness to the 'necessary substratum' of each individual consciousness, which is no more than 'shorthand for abstract human characteristics' (Tyler, 2010, pp. 81, 85, 174). It could well be argued that this substratum is as much a black box as the mysticism of any (pan)theist; moreover, that to say that faith 'infects' Green's philosophy (Tyler, 2010, p. 69), or infects anything, is to indulge in pointless rhetoric. But certainly Tyler (2010, p. 186) does violence to all the relevant texts when he says that the spiritual element is a mere 'heuristic projection [i.e. device]'. Such a mechanistic reading strikes at the core of Green's philosophical project, bowdlerises it. Yet we can agree wholeheartedly with Tyler when he concludes, nevertheless, that the theist and the humanist can share the belief that ideals are necessary, that these need to be established by metaphysical inquiry, that Green's specific world-view can be recovered, and that, however construed, Green's 'is an ideal which is needed in the present age' (Tyler, 2012, p. 272).

According to another Green scholar, contemplating back in the 1970s what he saw as the increasingly evident inadequacy of the dominant scientific-technological paradigm, the time had come to 'dare "metaphysics"' (Rodman, 1973, p. 573). Since then the arrival of the information society, and cyberspace in particular, has strengthened the case for a reopening of these questions about the nature of reality and our relation to it. An enlarging cohort of contemporary scholars, across various disciplines, is sensing this. For example, what was circulated as a 'Magna Carta for the Knowledge Age' declared unequivocally that 'the central event of the 20th century is the overthrow of matter'; 'the powers of mind', it continued

idealistically, ‘are everywhere ascendant over the brute force of things’ (Dyson *et al.*, 2004, p. 31). ‘Something’, concurred Albert Borgmann at the turn of the millennium (1999, p. 11), ‘seems missing in a world consisting only of matter and energy—some principle of order or structure—and information appears to be the needed ingredient’. Sociologist Manuel Castells (2000) portrays what he calls the ‘The Information Age’ as a global system of ‘real virtuality’ operating in ‘timeless time’. And Luciano Floridi’s nascent philosophy of information, which seeks to envelop the whole egg too, claims that new information and communication technologies, such as bioinformatics and nanotechnology, involve the ‘re-ontologization of our ordinary environment’ (Floridi, 2013, p. 9). ‘At the end of this shift’, he speculates, ‘the infosphere will have moved from being a way to refer to the space of information to being synonymous with Being itself’ (Floridi, 2013, p.10).

The burden of this preliminary section is not to elucidate or assess any such claims. It is simply to illustrate the legitimacy of revisiting the metaphysical work of Green from a post-industrial, informatised perspective. Across a spectrum of categories—substance, self, space, time—the age appears to be offering notes towards a new paradigm. It is not absurd to suggest that Green’s idealism can be part of the attempt to conceptualise informationalism, to define the parameters of the changes that are taking place, perhaps even to grasp, borrowing another characteristic idealist phrase, ‘the informing principle of the whole’ (quoted in Boucher and Vincent, 2000, p. 97). We seem to be at the point where the ‘question concerning technology’ (Heidegger, 1977) is demanding that we also confront, as of course Heidegger himself did, the question concerning metaphysics. In particular, there is a case for saying that cyberspace should now be subjected to a critical metaphysics, and that from some kind of transcendental vantage-point we should seek to work out how the new supermedium can support our sagging social morality.

Perhaps the matter can be put more boldly. *Prolegomena* and the rest of the Green oeuvre are shot through not only with technical metaphysics but also with a passionate millenarianism, a sublime vision of a reconciled spiritual order featuring ‘the intercommunication of mankind on terms of recognised equality’ (Green, 1907, p. 325). Is it not precisely such an ideal that the internet and the global information society have brought much more clearly, and unprecedentedly, into focus? However, the crucial difference with Google’s or Facebook’s versions of human connectedness is that Green’s rested on strong philosophical and ethical foundations. If one’s ‘mission is to connect the world’ (Mark Zuckerberg quoted in Grossman, 2014, p. 36), then the rolling-out of software or hardware, commendable and impressive though such exercises can be, surely demands accompaniment by a corresponding effort at ‘removal of obstacles to that recognition of a universal fellowship which the action of reason in men potentially constitutes’ (Green, 1907, p. 251). It is this spiritual, or, at least, cognitive, aspect that the tech ‘evangelists’—Silicon Valley’s own term—neglect. This is not to insist that Green’s or any other form of neo-idealism is necessarily right. It is only to say that, since ontological issues can no longer be avoided, Green’s work could be part of the hinterland that leads to their solution.

3. The Common Good as a Normative Template

Whether or not Green's metaphysics is salvageable, his political philosophy—and especially his doctrine of the common good—has been a favoured candidate for retrieval. Tyler has recently (forthcoming, p. [2]) gone as far as to assert that Green is 'the greatest philosopher of the common good'. I share this opinion, and shall try to show that it is his most valuable legacy specifically because it offers much to the development of what the hour requires: a normative, i.e. ethically-rooted, theory of the information society. The concept of the common good has already been represented in a diversity of promising ways, in terms of an 'information commons', or as a movement advocating 'open source', or else as contributory to the 'political public sphere', etc, but what has generally been missing from such accounts is a robust philosophical foundation. As we shall see, Green lays down a level of conceptuality that is capable of underpinning and integrating the existing partial frameworks, and thereby of beginning to bring into view a powerful conception of the information society as the good society.

While the common good will probably be nominated sooner or later in any theory of the ends of political union, Green from the start foregrounds it, making it the central concept of his normative philosophy as set out in *Prolegomena to Ethics*. This in itself is distinctive and constructive. Indeed, whatever its content, wider usage of the term 'the common good' can only enhance the language of twenty-first century debates. It is substantively, however, that Green's concept of the common good must be judged, and this task needs considerable care. Its most important ingredient, paradoxically, is a primal individualism. 'Our ultimate standard of worth', Green influentially wrote (1907, p. 210, italics in original), 'is an ideal of *personal* worth. All other values are relative to value for, of, or in a person'. As we have already seen, Green believed that 'man has definite capabilities, the realisation of which forms his true good' (Green, 1907, p. 206). Those capabilities are both moral, the capacity to develop virtues, and non-moral, such as that of becoming a craftsman or a philosopher. In fact, even the latter can be deemed moral in the sense that people have a duty to fulfil all aspects of their potential. Green's second-most important work, *Lectures on the Principles of Political Obligation*, embarks explicitly where *Prolegomena* finishes, with this doctrine of value as constituted by the moral development of individual character. 'The value, then', it argues, 'of the institutions of civil life lies in their operation as giving reality to these capacities [for moral progress]' (Green, 1886b, p. 338).

The common good denotes not some holistic abstraction but the fulfilment of the good of every individual. This must be stressed, because Green has often been accused of sacrificing the individual to the collective. 'To speak of any progress or improvement or development of a nation or society or mankind,' he contended, 'except as relevant to some greater worth of persons, is to use words without meaning' (Green, 1907, p. 210); adding, as if to distance himself explicitly from Hegelian nationalism, that 'the life of the nation has no real existence except as the life of the individuals composing the nation' (Green, 1907, p. 211). So there is no super-ordinate ontological entity, except of course the divine mind working through human persons. However, while individualistic, Green's common good is emphatically not hedonistic. Much of *Prolegomena* is dedicated to distinguishing his

philosophy from utilitarianism, which had started its long dominance as the British house-ethic of public policy. Green's is basically a much more moralistic conception. Pleasure had its place but was fully subordinate to more fundamental goods, especially the moral good of a virtuous life. Politics should be geared to the fulfilment not of our animal, empirical natures but of our higher selves.

However, while the individual is in an ultimate sense the main unit, he or she is also essentially formed by social relations. 'Human society presupposes persons in capacity—subjects capable each of conceiving himself and the bettering of his life as an end to himself—but it is only in the intercourse of men', Green argued, 'that the capacity is actualised and that we really live as persons' (1907, p. 210). Thus there is a reciprocal relationship, a mutual constituting: 'without society, no persons...[and] without persons, without self-objectifying agents, there could be no such society as we know' (1907, p. 218). Man, in idealist nomenclature, is a concrete universal. However, this is true in more than just a philosophical, passive sense. An essential part of every individual's true good is making an active contribution to the well-being of others. As Green put it in what became another influential saying, 'citizenship only makes the moral man' (quoted in Nettleship, 1888, p. cxii). Of course, this was a restoration of the Athenian conception of the good life, wherein the individual is a political animal, whose chief function is to further the welfare of the polis. So while the telos of any community is the self-realisation of each individual as an end-in-himself, this necessarily involves service of the ends-of-others. In Tyler's appealing formula (2012, p. 42), the common good can thus be epitomised as 'a eudaimonically-enriching kingdom of ends'.

Yet the common good now surpasses its Greek incarnation. It is a major part of Green's argument that its content changes over time. 'No ideal', he explained, 'can go more than a certain distance, in the detail of conduct which it requires, beyond the conditions of the given age' (Green, 1907, p. 318). Classical ideals could not be as elevated as those of modern Christendom. Greek philosophy had served its purpose by offering to early Christianity 'an intellectual medium through which its members could communicate and cooperate with each other in furtherance of the universal object' (Green, 1907, p. 338). But the definition of the virtuous life had now been intensified by saintly ideals such as purity and mercy. Certainly, therefore, Green would have had to plead guilty to the charge of religious perfectionism, and he would have been very happy so to do. Indeed he even occasionally dared to refer to the higher self as the "Christed self" (Vincent, 2006, p. [5]). However, he insisted that there had also been a *broadening* of the common good. Christianity had universalised the idea of brotherhood, 'the ideal of a society in which every one shall treat every one else as his neighbour, in which to every rational being the well-being or perfection of every other such agent shall be included in that perfection of himself for which he lives' (Green, 1907, pp. 236-237). And that conception was in historical perspective radically egalitarian, rescuing women from polygamy and slaves from bondage, and generally establishing 'rights which all men and women, as such, are entitled to' (Green, 1886b, p. 541).

Pulling all the metaphysical and ethical strands together, we are in a position to offer a reading of Green's conception of the common good. First, it is based upon a fundamental

doctrine of human equality. This, he correctly notes, is purely an ideal; it is an article of faith, not something that could ever be demonstrated. So we can say that Green intuitively sees the good society as a community of equals. Secondly, he argues that people attain fulfilment through their involvement with others, by in some way serving them; they cannot be fully realised otherwise. Thus Green envisages a synergy arising out of common life, i.e. out of citizenship. Thirdly and most importantly, he exalted, in a fundamental sense, the individual, the private person; but his ideal individual was not the empirical, pleasure-seeking self but the higher, moral self, indeed the Christed self. We thereby arrive at an overall formula for the good society: An Egalitarian Community of Synergistically-Interacting Private Christs. Not everyone will relish such a loaded interpretation, to be sure. Tyler's formula, quoted above, prefers Greek and Kantian language, part of his playing down of the religious dimension of Green's thought. However, whichever influences one chooses to emphasise, the result is a highly potent concept of the good society that can act as a normative template, both for the critique of contemporary social forms and for guidance as to the final goals of political reform.

An application to the twenty-first century situation will obviously depend on the national context. Speaking of the information societies of Europe and America, however, the template's relevance seems particularly strong. Public discourse here has been largely voided of overt moral categories, especially of ideals of perfection and higher selfhood. Instead, the technical, algorithmic approach of utilitarian welfarism has become even more entrenched than it was in Green's day, a trend obviously encouraged by computerisation. Yet the ethic is not necessarily correct, or, at any rate, not necessarily sufficient. In fact, we have perhaps seen its drawbacks in an increasingly individualistic and hedonistic culture. The strength of Green's doctrine of the common good is that it stresses the civic, solidaristic dimension of social existence. This is surely what is needed today for a public philosophy that can inspire projects of social reconciliation and reconstruction. The individual remains supreme, as neo-liberalism—all liberalism—rightly stipulates. But because it shows that self-realisation has an irreducible component of communality, the Greenian common good indicates a way of combating atomic society. To cash it out today does not require anything like the impossibility of universal faith in Christ, or, for that matter, in Kant. What is needed is only a willingness to retrieve the best of our religio-moral ideals, such as human brotherhood—those 'normative conceptual clusters' that Jurgen Habermas (2005, p. 44) finds deeply embedded in western culture—and to acknowledge their continuing applicability to public affairs. Such could be part of the solution to the normative crisis arguably facing many post-industrial nations, and perhaps even point a way forward for the global system as a totality.

Cognate concepts such as the information commons, open source, the public sphere, etc, now begin to fall into place. Each represents a facet of the common good. The ideal of an information commons is important because it expresses the conviction that people cannot achieve self-realisation, cannot reflect their essential solidarity with others, in a fully commercialised cyberspace. Yet the common good is not co-extensive with the information commons; it may accommodate also an information economy partly driven by non-communal agencies, including business corporations, so long as these are operating in a way

that benefits society as a whole. Open source similarly has its place but is not paramount. The public sphere is vital in an information society as an environment for synergistic interaction, yet so is the private sphere, where we are left alone to be what at bottom (ex hypothesi) we are: potential private Christs. And so on. All such considerations are subsidiary to an overarching first principle, which is the common good. Admittedly, Green's formula is not as it stands very forthcoming with priority rules detailing how each element should be ranked or what to do when claims conflict; but it at least provides a framework within which such casuistry can be meaningfully and purposefully pursued. The discussions of specific issues such as copyright and privacy below will hopefully further support the case for its utility. However, before zeroing in on information-policy particulars, it is necessary to properly cover Green's positive theory of the state.

4. Statism: Industrial and Post-Industrial

'The state', according to a famous formulation in *Political Obligation* (1886b, p. 437), 'is an institution for the promotion of a common good'. The proposition at first glance might seem almost tautological, in the sense that states by definition involve common ends, but the key word is 'promotion'. The state does not exist just for protection, to guard against external enemies or to save individuals and their property from internal threats, as in minimal-state theories; it is not 'a mere policeman on a grand scale' (Green, 2003e, p. 333). On the contrary, it should have a dynamic, proactive function. Progress towards the good society, viz. to an egalitarian community of synergistically-interacting private Christs—or some such—demands a maximally-minded, although not absolutist, state. The state should accordingly exercise its positive role in a wide range of interventionist modes. It should be a 'remover of hindrances', a 'harmoniser of social relations' (Green, 1886b, pp. 453-454), and the 'powerful friend' of ordinary people (Green, 1888, p. 375), inter alia. Updated, we might say that the state's job, on Green's argument, is to facilitate people's life chances, to roll out a raft of measures to cement diversity and social inclusion, and to pay special attention to the welfare of the worst off. In practical terms, such modes warrant the building of an extensive infrastructure of effective social, economic and political institutions.

Green's statism manifested itself in numerous specific ways in his own space-time situation, all of them concerned with delivering his nation from what he saw as the injustices of pre-industrial and then also industrial arrangements. First, there should be a democratic polity. 'Will, not force, is the basis of the state', another highly influential Greenian dictum (1886b, pp. 427ff.), implied what one might expect: government by consent, regular elections, separation of powers, the extension of the franchise, etc. Much of this was already roughly in place in Great Britain, but on the franchise question the Liberal Party of Green's day was still active in pushing through concrete changes. Green himself was in the most progressive camp of Liberal opinion, arguing for women's rights as well as male suffrage. However, political democracy was only a beginning. For Green the common good pointed beyond the horizons of classical liberalism, towards a new model of social democracy. 'We mean', he asserted (Green, 1907, pp. 226-227), '—not indeed a revolution—but a gradual

subversion of the existing fabric of privilege', the core problem being 'an oligarchy of wealth...protected by a system of law, which makes many poor to make a few rich...[and] the mass of the people...ignorant' (Green, 1907, p. 227).

Central to the British project of social reconstruction was educational reform. Green was a leading advocate for primary and secondary education for all, a goal to which he contributed practically by helping to bring into being Oxford High School for Boys and other schools. 'But', he insisted presciently, 'popular education is not enough. We must open higher education' (Green, 1907, p. 227). The realisation of people's potential, for which alone, according to his philosophy, society and state are formed, would be impossible in the absence of a seamless, accessible national school and university system that could enable the discovery and development of their latent talents. 'The state', Green summarised (2003a, p. 110), 'is an education-machine'. He did not demand that all educational institutions be state-owned or -run, conceding a delegated role for religious bodies and other agencies. And while he criticised the moral culture and social effects of elite private schools, he never argued for their abolition; that would have been a step too far towards infringement of the rights of the individual. Nevertheless, the Greenian good society, populated by an educated and therefore socially-useful and politically-sophisticated citizenry, would clearly be dramatically different from the status quo. It anticipated, indeed, today's post-industrial society, which 'makes higher education—human capital—the foundation for position and privilege' (Bell, 1999, p. lxv).

In the economic realm, the right of ownership in private property was fundamental. Its primary justification was not Lockean but metaphysical, the need of persons to express or objectify themselves as part of their journey to self-realisation. Thus property ownership rights should be extensive, including unlimited accumulation and bequest; Green even declared himself against the taxing of unearned increments (1886b, pp. 517ff.). On the other hand, he did not believe that property rights were absolute. Like all institutions, they needed either directly or indirectly to serve the common good, by being arranged in such a way that they advanced the permanent interests of the many and especially of the poor. Here too the status quo was unacceptable. 'Civil society may be and is founded on the idea of there being a common good', Green argued (1907, p. 289), 'but that idea in relation to the less favoured members of society is in effect being unrealised and is unrealised because the good is being sought in objects that admit of being competed for'. In his eyes, the main problem in Victorian Britain was still the feudalistic land ownership system that survived largely intact from the pre-industrial era. Because land is a finite, rivalrous resource, a zero-sum game, and was being passed on in the most exclusive possible way, it remained the principal cause of oligarchy. Thus land, above all resources, required 'special control', including, as in France, the abolition of primogeniture (Green, 1886b, p. 535). This was for Green the main unfinished business of liberalism, a sine qua non of any real progress to social democracy.

Industrial capitalism was a different matter altogether. Green had no fundamental philosophical problem with the new productive forces, because he believed that they would enrich everybody and thereby advance the common good, at least over time. While land and labour were antitheses, the 'interests of capital and labour are identical', he asserted (Green,

2003b, p. 186). New products and businesses were emerging ex nihilo to create net new wealth, and to a potentially infinite extent. It was true that only a few individuals owned factories and other productive enterprises, but there was no intrinsic bar on widespread stakeholding, and some of 'the better sort of labourers' were indeed beginning to take advantage, at least in the form of cooperative societies (Green, 1886b, p. 531). But as well as being materially beneficent, there was for Green a meritocratic element in capitalism. Under it, the individual, the ultimate source of all moral value, could exercise and refine virtues in a responsible as well as profitable way. It is clear from his private papers that he implemented these pro-capitalism beliefs: he had shares in the Great Northern Railway Company, among other startups (Green, n.d.a). Morally responsible capitalism was indeed conducive, he believed, to a transition to social democracy. 'A negative equality before the law', as he optimistically put it, 'comes to be supplemented by a more positive equality of conditions' (Green, 1907, p. 317).

Securing the common good, however, also meant keeping law attuned to the changing circumstances wrought by industrialisation. 'New situations of life', Green wrote (1886b, p. 446), 'may arise out of the extended dealings of man with man which the state renders possible, e.g. through crowding of population in certain localities, which makes new modes of protecting the people virtually a matter of right'. The masses, he recognised, could not flourish under unregulated commodity production, and he therefore strongly supported trade union rights, health and safety legislation, environmental regulations, etc. In his seminal public lecture, *Liberal Legislation and Freedom of Contract* (1888), Green faced head-on the quandary of how political restraints could be justified on liberal grounds. He conceded that freedom of contract and associated capitalist freedoms were being reduced by Liberal social legislation. However, this was only apparently incompatible with liberty, he argued. There was another kind of freedom, striven for by the higher self and found in the fulfilment of potential. The former was merely a negative, the latter a positive freedom, a freedom to become; and positive freedom trumped negative freedom. 'There is', he announced, 'no right to freedom in the purchase or sale of a particular commodity, if the general result of allowing such freedom is to detract from freedom in the higher sense, from the general power of men to make the best of themselves' (Green, 1888, p. 383). Ergo, social legislation was consonant with the historic mission of liberalism. There has been no shortage of critics of this concept of positive freedom (e.g. Popper, 1966; Berlin, 1969), but what cannot be denied is that its articulation was a key moment in the development of Victorian liberalism. As Melvin Richter demonstrated throughout his benchmark study, *The Politics of Conscience: T.H. Green and his Age* (1964), Green was believed to have provided the philosophical basis for the interventionist liberalism made necessary by industrialisation.

Caution is required when seeking to assign Green's position to modern political categories. It seems safe to say that it is left-of-centre. The concept of the common good tends to be associated with the Left, in that it seems to open the door to state interference in the economy and other sectors of society. At a deeper level, the very claim that the individual cannot be fulfilled without others is pro tanto collectivist. The common good also provides justification for systemic support specifically of the worst off, suggesting that Green can be

characterised as a theorist of what became known as the welfare state. However, while Green's position can thus be described as a form of left-liberalism, one must question those Green enthusiasts who go further and claim him for socialism. For Matt Carter, for example, Green was an 'ethical socialist' (Carter, 2003); for Tyler, a 'liberal socialist' and '*primarily* a socialist' (Tyler, 2012, p. xiii, italics added). This is surely highly debatable, in view of the emphatic endorsement of capitalism, noted above. Like his peer John Stuart Mill, Green was clearly attracted by the radical and levelling sides of socialism, but both thinkers were too sensitive to the rights of the individual to commit very far. His own uncle, Rev. David Vaughan (1825-1905), was a Christian Socialist, yet Green did not follow his example. And, as if to remove any lingering doubt, he expressly distanced himself from 'practical socialism', 'socialists', and the proletariat's 'jealousy of the rich', alarmingly evident in Berlin, Paris and London (Green, 2003b, p. 187).

Green's critics mark this down as woefully inconsistent. 'What Green did not perceive', argued Greengarten, 'is the fundamental incompatibility between his theory of the true good and capitalist market society, between man as self-realizer and market man'. Indeed, he continued (Greengarten, 1981, p. 6; see also Carter, 2003, p. 178), 'in remaining consistent with the market ethos—personal independence, private property in one's goods and person, the right of unlimited individual appropriation—Green incorporated into his model of the good society and the truly moral man those very elements which formed the underlying cause of the crisis of his age'. But that is too harsh. Green's opinion of capitalism reflected his historical context, when new industries were appearing, denting thereby the bastions of landed power and wealth. They were self-evidently improving social mobility and creating surplus wealth, albeit they were not redistributing nearly enough of it. It is no use bemoaning this. Capitalism was indeed still a progressive force, a signal improvement on feudalism, offering some degree of emancipation. It is wrong-headed too to dogmatise that personal independence and the private ownership of goods cannot exist in the good society. Yet Greengarten is correct that his near-namesake does not convincingly explain how even an ideal capitalism can realise the common good or the unity of mankind (Greengarten, 1981, p. 124). Green asserts, but does nothing to prove, that the interests of labour and capital are identical. And while he upholds a profound metaphysical egalitarianism, he does not do enough to see off the empirical inequalities that his fiscal policies would undoubtedly foster.

So there are undeniable tensions in Green's position, but it would be a grave mistake to deduce that it cannot be a source of serviceable ideas for today. The under-determination of his principles as regards empirical political economy is neither surprising nor fatal. Mill's ambivalence over socialism has not stopped his being regarded as a continuing fund of progressive ideas. Rawls would later leave wide open the choice between public ownership and a market order; that did not prevent his being one of the most influential theorists of justice in the twentieth century—and he too was mistaken for a socialist (e.g. Bell, 1999, p. 444). The truth is that there is an essential tension in left-liberalism. Green was conflicted not because of ontological peculiarities or logical lapses, but because he yearned simultaneously for the freedom of the individual and the community of justice. Left-liberalism necessarily involves a synthesis, a combination of discrete philosophical values and consequently the

apparent impurity of a mixed economy. Moreover, we must bear in mind Green's rule that the content of the common good is evolutionary. If grassroots capitalism was needed in his day to quickly generate concentrations of wealth that could counteract the greater evil of a monstrous landed aristocracy, that does not mean that the economic system should be interpreted in the same way today. The social democratic philosopher's stone, of freedom plus fairness, of an economy simultaneously acquisitive and accessible, remains the objective, but the forms under which it should be pursued may differ.

We are now indeed at a structurally similar juncture, another 'Greenian moment' (Leighton, 2004), privy not to an industrial revolution this time but a post-industrial one. In an epoch where 'what counts is not raw muscle power, or energy, but information' (Bell, 1999, p. 37), and digital technology has largely shaped our physical and mental worlds, information policy—broadly defined as decisions regarding the political, social and economic roles of information—becomes paramount. The Greenian ideal should thus now be retrieved as a critical and prescriptive resource relevant for addressing a new 'global economy...based on finance, information and natural resources' (Tyler, 2012, p. 238). For it articulates a permanent claim on behalf of the dignity of the individual, and as such offers a potential antidote to the ongoing impact of technological determinism and its logical entailment, the calamity of a technocratic order. The private Christ that each person, at their best, is, must not be treated as a means to the ends of technocrats, political or corporate—must not be conveniently automated, sorted, deleted, or otherwise dehumanised. At the same time, Green's common good philosophy is the foil of antistatism, the dominant neo-liberal ideology of the Castellsian Information Age. A positive theory of the state is arguably as needful now as it was in the mid-nineteenth century. Such may be the only means by which we will be able to deal effectively with the numerous policy problems of the twenty-first century.

5. Topical Information Policy Issues

Green's philosophy can thus help in the process of developing a broad foundation for a conception of the good information society. However, if we are to succeed in hearing his voice clearly, it is necessary to move from general theory to specific issues. Although answers to new questions cannot simply be read off from Green's concept of the common good, that concept and its inherent statism can act as a template inside which applied thinking can be structured, where possible supplemented by additional germane textual material. Accordingly, this final section examines a trinity of salient areas of contemporary information policy, with a view to identifying how Greenian principles might work out for them, namely, freedom of information, intellectual property and personal privacy. They are only a subset, of course, of a larger totality of topics, but they presumably take us close to the centre of any report on the information society's moral-political problematic. Sufficient generalisable insight can be expected from seeing what considerations emerge in these particular cases, and what kinds of institutional reforms or inventions those considerations might imply.

5.1 Freedom of Information

Few would deny that in general terms the coming of the information society implies a right to information. The logic seems unanswerable once the hypothesis is put. If information is so central to the character of post-industrial society that it is actually definitive of such, then it would seem to follow—particularly for any political philosophy built around a concept of the common good—that persons must ipso facto enjoy a right of access to the definitive resource. But that is only a start. A profusion of problems immediately arises. Is the putative right on a par with established rights to life, liberty, etc? If so, did it originate in the agrarian era or the industrial, or has it appeared *ex nihilo*? If the former, is the right to information an extension of the right to liberty or property? And what kind of information are we talking about? Presumably not inside-trader information, say, or low-grade entertainment. Is it then a right primarily to political information? But if so, what type of political information? The truth is that despite almost global rhetoric about a right to information, there is little genuine purchase on the nature and significance of this apparent new entitlement.

Green's work offers several pointers which can advance the whole discussion. Its lucid Hegelian conception of the nature of a right, as 'a principle endowed with power' (Green, n.d.b), is a sound beginning. We know too that for Green rights are not static, being determinable by the evolving higher needs of individuals interacting in political societies. As we have seen, his theory of the common good was designed to support such a developmental conception, with the practical aim of vindicating the increasingly ambitious social goals of British liberalism, in education, factory legislation, etc. But by the same token, Greenian principles offer us now what has long been needed in the information society debate, a way of justifying an additional right, one not realised, or even properly stated, in the industrial era, namely, the 'blessed Right to Know' (Kent Cooper quoted in Foerstel, 1999, p. 15).

This is the key conceptual move. By way of corroboration, it is significant that Green sometimes alluded to information as a discrete component of social progress. 'What the working-men wanted', he said in a documented speech (Green, 2003d, p. 256), 'was knowledge and information in order that they might take the [Liberal] side which had been an enemy to privilege and monopoly'. Putting such rhetoric into practice, Green personally founded and financed the British Workman Institution in Oxford. Promoted as an alternative to pubs in pursuit of his temperance beliefs, it was also envisaged as a kind of Habermasian political public sphere, where working-class people could get 'the best information on the topics of the day' from a range of books and national newspapers, enabling 'the rational and temperate discussion of public affairs' (Green, 2003d, p. 259). Green also exposed local politicians, including party colleagues, for electoral financial irregularities (Green, 2003d, pp. 370-376); this brave foray into what would now be called open government might have cost him popularity and even, had he lived longer, high political office. Certainly it suggests that it was hard political information that Green valued, not entertainment or any other lesser epistemic form.

It is safe, therefore, to surmise that the Greenian good society would now embrace freedom of information (FoI), understood in its standard legal sense as the right to access

government information. We can be confident too that, in the spectrum of FoI regimes, it would lean towards the strongly liberal, pro-disclosure type that features free requests, limited exemptions, independent ombudsmen, enforced compliance and the like. However, the common good seems to demand more than a purely formal entitlement. If the right to know is not to be part of a mere paper-world, to borrow another Hegelian image, if it is to be a fully-fledged right and as such a genuinely positive contribution to the growth of freedom in human history, then it needs to be actualised by a material sufficiency. It is a commonplace that glowing constitutional rights in developing countries are regularly cancelled out by the 'right' to die of starvation. But in affluent nations, themselves still developing qua informational states, FoI too needs to be substantive. In concrete terms, the right to know needs now to be somehow institutionalised as part of a reconstituted welfare state. If this is indeed the drift of T.H. Green's left-liberalism, it is no surprise that Mark Bovens (2002, p. 333) should similarly have arrived at a substantive, 'socioliberal' construal of information rights, while working forward from the chronologically more advanced left-liberal base of T.H. Marshall (1893-1981).

5.2 *Intellectual Property Rights*

Another dimension of information justice, no less topical, is intellectual property rights (IPRs). The logic of the information society thesis makes it easy to see why this issue too should have emerged from the legal backwoods to the forefront of political lobbying. Property in information must be as significant an issue to an information age as the ownership of industry was in the industrial era or land ownership in the pre-industrial. Philosophical stances dutifully reproduce previous positions, from communism to anarcho-capitalism, with mainstream debate addressing not the basic legitimacy of IPRs but their extent and modality, particularly as regards public-access safeguards. A range of significant nineteenth-century voices has been brought into this conversation, notably those of Marx and Mill; for obvious reasons the seventeenth-century doctrine of property rights of John Locke is also often invoked (e.g. Moore, 2001). However, Green again has been overlooked, even though his nuanced synthesis of individualism and collectivism is distinctly relevant.

This issue is indeed ideal for exercising both wings of Green's philosophical political economy: endorsement of capital accumulation, on one side, and championship of the public interest, on the other. His work supplies a very strong moral justification for private, i.e. both personal and corporate, appropriation of rights in intellectual property, such as copyrights and patents. Indeed his metaphysics implies that any attempt at a communism of information, such as that advocated in *Information Liberation* (Martin, 1998) and, arguably, implemented de facto by the likes of Google, would fundamentally impede the realisation of the self. The private Christs who populate the ideal community must have their creativity protected, no less than their lives and liberties. If the soul cannot be fully satisfied without such mundane attachments as a house and a garden, we can be sure that it also needs possession of the fruits of mental labour; nor can a knowledge economy sensibly proceed on any other premise. It is actually tautological that property in the expression of ideas must be a special concern of any idealist. And Green practiced, as ever, what he preached, touching Clarendon Press for '60 per cent of the profits' from *Prolegomena* (Green, n.d.c).

Moreover, Green would not have fallen into the trap of thinking that the beguiling secondary properties—surface features—of information, its potential public-good aspects of non-exclusivity, non-rivalrousness, low marginal cost, etc, render it fit for comprehensive common ownership. His vision of the good society was ideal but not utopian, and he appreciated that scarcity is destined to mark not only physical assets but valuable information too, that conflict is a necessary rather than contingent feature of humans living together in empirical communities. Nor is it safe to say now that Green's controversial claim about the long term interests of capital and labour being identical, has finally been vindicated. This is a naivety in his thought, a dogma, that the putative quiddities of information are unlikely to negate. Rather, the intrinsic tension in Green's doctrine of capitalism is simply resprung as the focus turns from industrial to information capitalism.

Nevertheless, it is also obvious that the doctrine of the common good points to firm limits on the private ownership of intellectual property, and that Green's statism allows for a progressive understanding of fair use. If the 'appropriation' of finite resources is acceptable only if 'it contributes on the whole to social well-being' (Green, 2003b, p. 583), the current rightward drift in IPRs must be viewed with great concern. The common good does not sit easily with their relentless vertical and horizontal expansion. The copyright term, originally fourteen years in England and the United States, has been extended in much of the world—a revealing instance of near-global consensus—to life-time of author plus seventy years. There can be no sense in which such an excessive post mortem monopoly can contribute to an author's self-realisation. Recurrent efforts to further constrain 'fair use'/'fair dealing' during the elongated term also clearly militate against the ideal of an egalitarian, synergistically-interacting community; one could indeed almost read Green's entire political philosophy as an essay on fair use. Comparable considerations apply to the increasing horizontal reach of IPRs. In particular, we can deduce that his good society would not indulge information capitalism to the extent of its patenting of the hallowed ground of human DNA. The state, then, must interfere. The topic is complex, but perhaps enough has been said to show that this prime site of the information society's normative crisis stands to benefit hugely from Greenian principles.

5.3 Privacy: the Ultimate Entitlement

Daniel Bell, one of the chief progenitors of the information society thesis, observed long ago (1978, p. xiv) that 'the distinction between the public and the private' is a hallmark of liberalism. Now, in the internet era, this boundary is in acute need of repair. As Wikileaks disclosures illustrate, states surveil without restraint the activities of innocent citizens. Meanwhile employers increasingly disrespect the convention of office hours—a major achievement of the reformers of the industrial period—by demanding continuous email and mobile-phone availability. The founder of Facebook has literally declared the obsolescence of privacy as a social norm. And so on. Anthropologists can argue that personal privacy has never been a universal norm. However, for those, hopefully still a majority, for whom it remains a top-level good, current developments across all realms of society must be deeply troubling. Indeed, given that totalitarianism, the total control of individuals by rulers, is

now—arguably for the first time in history—technically possible, the battle to contain intrusive social power may have become the supreme democratic issue.

While, as we have seen, Green's philosophy offers obvious support for an open society, it also provides for the defence of individual privacy within such a society. Typically, however, the 'important steps' that he and other idealists, 'made in the analysis of rights, and of privacy as a moral right, were totally ignored', as Glenn Negley noted (1966, p. 325). Green actually seems to have been especially sensitive to the privacy issue, to the challenges of 'an inquisitorial age' (quoted in Nettleship, 1888, p. xlv). And even as an undergraduate he was looking to the values of the Judaeo-Christian tradition as a source of resistance. 'There are thoughts and feelings in the individual', he wrote in 'Legislative Interference in Moral Matters' (Green, 2003e, p. 32), 'which are private to himself and God'. It is not just the state ('legislator'), he went on, that must be checked, but also the church and the 'voice of or usage of society', i.e. public opinion: 'none of these powers', Green insisted (2003e, p. 34), 'should restrain the freedom of the individual's inner life'. We have already seen how such claims evolved into Green's mature metapolitics, which allowed for 'new situations of life', like 'extended' human interaction, making 'new modes of protecting the people virtually a matter of right' (Green, 1886b, p. 446). It is hard to resist then the inference that new formulations of a fundamental right of privacy now represent a vital mode of popular protection, geared *inter alia* to our infinitely-extending second lives in virtual reality.

Perhaps here, with talk of God and an inquisitorial church, the charge of anachronism might at last seem to weigh too heavily. But more than any other, this issue revives the question concerning metaphysics. To win public agreement on the value of privacy in a pluralistic, postmodern society may well involve, of course, some toning down of Green's doctrine of the essential person as a constituent of a cosmic consciousness. However, it is also likely that privacy will never be secure in the absence of subscription to a thicker metaphysics of the self than what is on offer in most current expressions of empiricism. While correctly registering Green's sense that human beings are not 'just nodes in a network', Tyler jumps to the assertion that his subject does not rely on 'a mythical essentially idiosyncratic private sphere' (2012, pp. 7, 67). However, this is again to de-ontologise Green's entire corpus, to eviscerate him. Tyler himself might think that such a sphere occupies the realm of myth, but Green did not. Like it or not, Green saw the human spirit as somehow sacred. It was this profound metaphysical status that ultimately dignified all persons, thereby setting non-negotiable limits on those state and other modes of interference that frequently bedevil empirical societies. Green's may be a chronic form of 'privacy fetishism' (Fuchs, 2011, p. 224), but perhaps soon we shall indeed be left with the unpalatable choice of either metaphysical or political absolutism.

6. Conclusion

'Idealism', according to David Boucher and Andrew Vincent (2000, p. 21), 'fulfilled a number of roles in societies that were experiencing the effects of industrialisation,

modernisation and secularism'. I have argued that Green's version also provides precious materials for post-industrial, postmodern societies needing to come to terms with the impact of another definitive process: informatisation. It is quite clear that phenomenal technological advances have begun to pose enormously difficult questions, even down to the level of ontology. We urgently require a satisfactory response, not necessarily a complete 'system', but some kind of metaphysical breakthrough that can help us to make sense of the new techno-economic paradigm and its part in the proverbial grand scheme of things. Pointing beyond the narrow horizons of legacy empiricism and materialism, Green's idealism may contain at least part of the solution, the yoke, for which we are probing. Additionally, his concept of the common good can help us to address the information society's ongoing normative crisis. Most policy decisions seem now to be executed largely technocratically; where social morality is invoked at all it invariably leans towards utilitarianism, with its inbuilt individualism and hedonism. The good society, Green credibly countered, is a society where all can achieve their maximum potential, the fulfilment of their better selves. But the private Christ—Buddha, Muhammad, Mandela, etc, should another exemplar be preferred—that, at our very best, each of us is—can only be fully realised through communion with other members of society. In some direct or indirect way each must serve a common end by contributing to the lives of others. That is the key enduring message of Green's intricate metapolitics.

According to Roy Hattersley, one of his admirers on the Left, Green was 'the only genuine philosopher English social democracy has ever possessed' (quoted in Tyler, 2010, p. 15). And crucial to that vision of social democracy was a positive theory of the state. Only the state, in Green's eyes, had the wherewithal to secure the ultimate end of political society, the actualisation of the egalitarian community of synergistically-interacting higher selves. This demands something between the night-watchman state and absolutism, a morally-minded democratic authority ready to 'interfere' in the economy and society in pursuit of the public interest. The great practical merit of Green's white work, and this above all is what has continued to attract adherents for well over a hundred years, is that it supplies a robust basis for progressive state action while remaining genetically liberal. I have argued that this synthesis is as relevant for the post-industrial epoch as for previous ones, and have endeavoured to demonstrate its utility by teasing out some of the implications for a sample of salient live issues, namely, FoI, intellectual property and privacy. Much further work remains to be done, but hopefully it has been possible here to achieve at least a glimpse of some of the arrangements that should feature in a well-ordered future polis. To make the information society the good society ought to be every citizen's real aim, and a largely forgotten Victorian idealist, perhaps counter-intuitively, shows us the way.

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