

14. State legitimacy

Synopsis: States create, store and disseminate information on their citizens (1); Creation of information (2); Storage and dissemination of information (3); Storage of information (4); Dissemination of information (5–6); State legitimacy: A state is legitimate when it is able to create, store and disseminate information on its citizens (7–8); Is control over these types of processing necessary? (9); States do not engage in this type of information processing consciously (10); Failed states (11); Does legitimacy give rise to platform rights? (12);

1.

States create, store and disseminate information on their citizens.⁴⁶³

2. Creation of information

As has been established,⁴⁶⁴ at the time of his or her birth each human acquires a name and a citizenship. This makes that human an individual.⁴⁶⁵ The creation of new personal information jointly by that individual and its state continues for the term of that individual's life, for as long as a human remains a Being.

3. Storage and dissemination of information

Each of the other two types of processing carried out by states on their citizens is also of paramount importance. Although they follow the creation of personal information, they are no less important for the individuals concerned. To carry out a meaningful life,⁴⁶⁶ individuals need to have their personal information, first, safely stored for the rest of their lives and, second, transmittable at will to third parties by their states.

463 See Chap. 7, par. 6.

464 See Chap. 7, pars. 4 and 5.

465 See Chap. 8.

466 See Chap. 7, par. 3.

4. Storage of information*

Individuals need to have their personal information stored securely by their state for the duration of their lives, that is, for as long as they remain Beings (and for a short period thereafter, even though they will have become Things, to make transactions by other individuals possible).

Individuals need this information to be consistent and not tampered with, in order to enable them to transact with any third party over the course of their lives. This information also needs to be kept securely to ensure their safety: if the records of the name or the citizenship of any individual are lost or altered without the individual's agreement then that individual would be in immediate, physical peril. Although storage of their personal information can be achieved individually (i.e. one can keep proof of identity in a safe location at home), such storage is insufficient because individual safekeeping is contestable and, significantly, information kept in this manner is perishable (as a result of natural disaster, war etc.).

5. Dissemination of information*

Individuals need their personal information, as created on them by their states, to be transmittable to third parties at their will, with the intermediation of their state granting validity to the transmission. Trust in human transactions is tacitly or explicitly provided by the state through validation (or even direct transmission) of the personal information concerned. Any contract between individuals implies that these individuals exist within a state. Sometimes state-issued unique identifiers (e.g., identity card or passport numbers, tax numbers, etc.) are needed too.

Unless personal information is authoritatively transmitted by the state, any transaction among individuals is impossible. It is not, therefore, simply a matter of contract execution, but of the existence of contracts at all.

This transmission is formal, at an individual's request. In this way it differs from the tacit, implied transmission seen in Chapter 7, that John is actually John and Mary is Mary. The latter is implied in any human communication and makes states natural to humans. The former is a processing operation, invoked each time by the citizens concerned. It may simply involve transmission of name and citizenship (for the simplest of transactions), but it usually goes far beyond this, to include any and all subsequently enriched personal information of the individual concerned (family status, health, education, employment etc.).

6.

Any alteration of the personal information that states create, store and disseminate on their citizens is impossible—at least from the citizens' end: their bond with their states is an unbreakable one.⁴⁶⁷ They can, of course, ask for changes, even changing their name and their citizenship; however their original, at birth information will always be there, it will never go away. Nor can an individual be selective—for example, they cannot choose to create information but not to store it: all three processing operations are natural and necessary to them.

On the part of the state, any alteration of that personal information or any inability to carry out (any one of) these information processing operations is similarly impossible—or, at least, it is so important to individuals as to constitute a specific threshold, that of state legitimacy.

7. State legitimacy*

It is the ability to execute all these three processing operations (creation, storage and dissemination of information) that makes any particular state legitimate to its citizens. A state is legitimate when it is able to create, store and disseminate information on its citizens.

As long as a state is able to provide its citizens with a name and a citizenship at birth, and to subsequently store safely and transmit authoritatively this and any other enhanced co-created personal information whenever and to whomever required by its citizens, then legitimacy is warranted for the state concerned. By contrast, if this ceases to be the case for any one of these processing operations then legitimacy is lost (or was never achieved in the first place, in the case of new states).

State legitimacy is a fact, a concrete material finding that exists or does not exist in the analogue (and the digital) world.⁴⁶⁸ A state is either legitimate for its citizens, because it carries out these three types of information processing, or it is not legitimate because it does not do so. State legitimacy is not a principle within any political theory connected to decision-making by a government, nor is it the purpose of a state or a justification for any subsequent action by a government or any other actor.

467 See Chap. 8, par. 6.

468 See also par. 10.

8.

These three processing operations can be carried out only by states, at least in the analogue world. This is the situation with which humans have lived and been used to since the time they gained self-consciousness and started talking to each other.

However, the situation in the digital world today remains contested.⁴⁶⁹ To the extent that humans are the users of the digital world within the digital territories of states,⁴⁷⁰ states retain their monopoly. The role that the break-up of territoriality, as well as that of artificial Beings, will play remains to be seen.⁴⁷¹

9. Is control over these types of processing necessary? *

Control is the ability to allow or prohibit a processing operation.⁴⁷² Is it possible that a state carries out the above three types of processing operation but does not control them, that is, it carries them out at the instructions of another state?⁴⁷³

In most of the ancient world (with the notable exception of city-states and isolated states) this was actually the case. For example, the state of Nazareth existed within the Jewish Kingdom that existed under the Roman Empire. The idea of state sovereignty⁴⁷⁴ came quite late on in human history, through the concept of the modern Westphalian⁴⁷⁵ state (and this is perhaps the determining difference between modern and 'old' states in state theory today⁴⁷⁶).

Control of these three processing operations is therefore not necessary to warrant a state's legitimacy. A state may continue to carry out these

469 See also Chap. 7.1, par. 6.

470 See Chap. 17, pars. 11 and 12.

471 See Chap. 17, pars. 9 and 13.

472 See Chap. 6, par. 1.

473 Specifically, of another government, the state having no (conscious) will of its own (see Chap. 11, par. 8).

474 Meaning of government sovereignty; the state is always sovereign on the information platform that it, after all, created; see Chap. 16 par. 2 and note 16/2/1.

475 See note 16/1/3.

476 See, however, Chap. 8, par. 3.

operations for its citizens without it (specifically, its government) having control over them, that is, another state may be able to affect them.⁴⁷⁷

10.

States do not engage in this type of information processing consciously. A consciousness is not assumed for them—a state is not a person.⁴⁷⁸

Of course, a state, because it is a Being, will process information because it can. While it can (and it does) engage in any other type of information processing, these three specific processing operations are the natural⁴⁷⁹ result of personal information creation for its citizens from the moment they are given names at their birth and thereafter. They are not the result of some conscious decision reached after what might be perceived as rational thinking by the state.

A (or any) government's decision to affect these three processing operations in any manner (for example, by giving specific names to specific individuals (e.g. to slaves), or by prohibiting the transmission of information by certain individuals to certain others) ought not be confused with the processing operations which are carried out anyway, automatically and in the background, by the information platform that is the state.

11. Failed states

Can a state be legitimate to its citizens but not exist in the analogue world? This would appear to be an absurdity; a state is a Being and, if it is legitimate, processing is carried out by it and thus it exists (as a Being, not a Thing) in the analogue world.⁴⁸⁰

It may be the case, though, that other states do not recognise a state, that is, they prohibit the dissemination of information on its citizens to their own, they refuse to process its information.⁴⁸¹ In this case, a state may be legitimate with regard to its citizens but fail them in practice, that

477 See also note 16/2/1.

478 See Chap. 11, pars. 11 and 8.

479 Meaning of logical, see note 1/1/1 (therefore, in this case, what is 'natural' is not based on need, see Chap. 5, par. 5).

480 See also par. 7.

481 Because states, with the exception of the EU, are still living in a state of nature, see Chap. 19, pars. 2 and 7.

is, it seriously reduces its citizens opportunities to augment their information processing compared to the opportunities afforded to the citizens of other contemporary states on the planet. Whether this would lead to the state crumbling from within cannot be determined (and certainly such a state would not be a ‘failed state’, which is an entirely political, and thus arbitrary, term).

12. Does legitimacy give rise to platform rights?

If the state carries out these three information processing operations (creation, storage and dissemination) as the natural result of personal information creation for its citizens,⁴⁸² and states are, themselves, natural to humans,⁴⁸³ do these three types of processing give rise to any platform rights?⁴⁸⁴

In essence, they do—to the platform rights of equality, liberty and security.⁴⁸⁵ The creation of personal information by the state means that all humans are born equal in the eyes of the state (because all humans are given a name and a citizenship by it). Similarly, because there are no intermediaries in the individualisation relationship between a state and its citizens, all humans are born at liberty (from other humans). This information also needs to remain secure, at least for the duration of their lives (security of information). All of the above are logical⁴⁸⁶ inferences of the finding that states are natural information platforms for their citizens.

At the same time, however, the above does not imply that individuals are the same as their information, the sum of the information created, stored and disseminated on the information platform that are their states.⁴⁸⁷ Although this may be the case in the digital world, it is certainly not so in the analogue.

482 See par. 10.

483 See Chap. 8.

484 See Chap. 22, par. 5.

485 See Chap. 22, pars. 6–9.

486 See note 1/1/1.

487 See, however, Chap. 1, par. 1.