26. Liberalism

'As for me, I only exist 'at home' (in myself); and as for that other life of mine which lies in what those who love me know of me, considered naked and simply in itself, I am well aware that I feel no fruit or joy from it, other than from the vanity of an imagined opinion.'

Michel de Montaigne

***Synopsis**: The individualisation of humans and the limits of this philosophy (1–2); Individualistic political theories (3); The distinction between the public and the private spheres (4); The inherent conundrum that individualistic theories have to deal with (5–8); The digital world and the right to informational self-determination (9–10); In need of an alternative political theory (11).*

1. The individualisation of humans and the limits of this philosophy*

States turn humans into individuals.[762] It is states that provide each human with a name and a citizenship at birth, making them uniquely identifiable over space and time—and, therefore, an individual. Once individualised in this way, humans are able to satisfy their need to augment their information processing.[763]

2.

In the manner described above, humans become individuals. This is the individualisation of human beings. It is a natural process, common to all humans ever since they gained self-consciousness. Individualisation is a technical procedure that takes place automatically for each and every human on the planet—there is no political theory behind it.[764] Therefore,

762 See Chap. 8, par. 1.

763 See Chap. 5.1.

764 Of course, other than that humans become individuals that are uniquely identifiable in space and time, and thus are different to other pack animals (or artificial Beings,

this procedure demarcates the borders of this political philosophy of information, beyond which this philosophy cannot expand.

3. Individualistic political theories*

Individualisation is different to, and ought not to be confused with, individualism or individuality—or any other political theory of the individual, for that matter.

Individualism is a political theory that considers the individual the only social[765] unit, and gives priority to its various needs.

Individuality is a cornerstone of the political theory of liberalism. It assumes a unique character for each human, and therefore adds qualitative features to individuals which need to be nourished within a specific political system.

4. The distinction between the public and the private spheres*

What is important to note is that, regardless of variations and differences in approaches (which can of course be quite significant in everyday politics), all individualistic political theories are based on a fundamental dichotomy: specifically, that an individual is composed of a private and a public sphere[766] (or a private and a public self).

The dichotomy works, and makes sense, through conflict.[767] The two spheres that supposedly make up an individual are conceived to be mutually exclusive: each time one of them increases it does so at the expense of the other.

If this theoretical model is accepted, which one of the two spheres is to be supported? Conveniently, two political theories have emerged, one for each.

Liberalism[768] broadly favours the private sphere over the public. It basically suggests that each individual's private sphere is not only inalienable (i.e. it should not be completely dominated by the public one), but that it

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for that matter). On morality, and whether it can be avoided altogether, see Chap. 23, par. 3.

765 Consider, however, that society is a group of individuals who are individualised by a specific state (see Chap. 8, par. 5).

766 The contents of each being left deliberately vague.

767 Obviously, because the self is imagined to be constrained.

768 The name is derived from its support of the private sphere, at the core of which reside, supposedly, an individual's thoughts and ideas, and thus imagination. In

should also be increased (nourished, fostered) as much as possible (again, to the detriment of the public one). At its extreme, meaning the complete domination of the public by the private sphere, lays anarchism and libertarianism.

On the other hand, communitarianism broadly favours the public sphere over the private one. Here belong all political theories that formulate a 'common will of the people' with which the private sphere of each individual needs to merge. At its extreme are authoritarian regimes that entirely deny the existence of any inalienable private sphere.

5. The inherent conundrum that individualistic theories have to deal with*

Nevertheless, if seen from an informational point of view, this assumption, the dichotomy between the private and the public self, is basically false, it does not exist. The state, because it is the information platform that individualised humans and made it possible for them to live meaningful lives, has access to all information, it is omnipresent.[769] For the state, there is no private and public sphere. It is just information processing as usual. In other words, the state knows everything anyway. It cannot avoid doing so as it is an indispensable, ever-present party to any information creation and processing that takes place by any one of its citizens on its (information) platform.

This is the basic problem, the inherent conundrum for any individualistic theory, on the information platform that is the state. What is to be done with the fact that the state knows everything anyway?

Of course, so formulated, the question is stylistic: the state is not a person, only an informational infrastructure. It enables knowing but it does not know itself, it has no purpose[770] (let alone consciousness); effectively, it is the Being that runs the state, meaning its government (specifically 'its' individuals) that can know everything anyway, through its control[771]

essence, liberalism yearns for freedom, but achieves liberty instead (see also Chap. 25).

769 See Chap. 7, par. 3, and also Chap. 16, par. 2.

770 See Chap. 11, par. 7.

771 See Chap. 12, par. 1.

of the information platform that is the state. Basically, because the state is omnipresent, its government can be (relatively) omnipotent.[772]

6.

In view of the above, the government, representing the public sphere, is at an inherent advantage, which explains why liberalism has had to come up with a number of ideas to limit government,[773] while communitarianism provides practically none (it simply developed theories to justify its claim instead).

7. *

Understandably, one could claim that the practical result of the above false dichotomy is the same, no matter the theory behind it (meaning, whether one accepts the dichotomy of the self or not). That is, in view of humans' need to augment their information processing, and because information in the analogue world is finite,[774] those asking for more liberties for themselves in order to be able to process (to act) more will always come up against those who would prefer not to give these to them (because they wish to keep these opportunities for themselves, so as to increase their own information processing). Conflict, regardless of whether innate or the result of comparison, is inherent in an environment (system) of scarcity.

Whatever the case may be, within an individualism context (and resulting political systems) it is clear that the middle political ground (those accepting the theory of the two spheres and therefore supporting some balance between them) has a harder time than the extremes, which, each for its own purposes, want the system of the two spheres gone. This explains why historically, democracy (the epitome of individualistic political systems and itself a perpetual balancing exercise) has had (and still has) a harder time defending its case, and why the two extremes (far right and far left) meet (in their wish to abolish the dichotomy and individualism itself).

772 See Chap. 12, par. 10.
773 See Chap. 12, par. 8.
774 See Chap. 1, par. 16.

8.

However, the most serious problem caused by these individualistic theories and their false dichotomy between a private and a public self is that they pit the individual against the state, causing state malaise.[775] This is not only unnatural on the information platform that is the state (because states are natural to humans[776]), but is also counterproductive, in the sense that it requires a Sisyphean effort to make countless subtle distinctions work while also trying to strike a balance each time: there are myriad instances that the government should (pretend to) not know of and others that it is expected to know of (the same case sometimes falling into both categories, for example in cases of emergency[777]).

9. The digital world and the right to informational self-determination*

In the digital world the false dichotomy between a private and a public self is accentuated, because, for the first time in humanity's history, total and complete control is possible. The digital world is an artificial world; control is embedded in the system, in the sense that those who have constructed and maintain it are able to know and monitor at all times[778] all behaviour in it (regardless of whether that of individuals or artificial Beings).

This is a fundamental, tremendous change from the analogue world. In the analogue world the state may be omnipresent and the government (relatively) omnipotent, nevertheless these are only possibilities, not facts. The reality depends on the processing capabilities available at any given time. In other words, the state *does* know and the government *can* know all that an individual does in any moment of his or her life, however whether they *actually actively know* this, whether they actually process any and all information so as to acquire that knowledge is a completely different matter. From the beginning of humanity until very recently, processing was done manually (e.g. on paper), and therefore actual knowledge was impossible to achieve. Computing has improved processing capacities tremendously, but the immense variation of the analogue world still impedes actual, real-time

775 See Chap. 13, par. 10.
776 See Chap. 8.
777 It is on this premise that the dictator (Fuehrer) theory is based—which takes us back to Caesar (and even before that, to Aristotle's *aesymnetes*).
778 See Chap. 1, par. 17.

total knowledge, at least it does today. Significantly, however, this is not true in the digital world, where the complete opposite is the case.

10.

By way of a response to the completely new challenges facing humanity, the distinction between an individual's private and public spheres has already been projected onto the digital world. A new right, the right to data privacy, emerged in the 1970s, when computers first appeared, and quickly took over the world, adopted by liberal and authoritarian regimes with equal enthusiasm.[779] At its basis lies the assumption that individuals have a right to determine (in principle, at least) for themselves (i.e. through self-determination) how information that lies within their private spheres is used in both the analogue and the digital worlds.

However, in this way the conundrum of the two spheres will be perpetuated—specifically, in an environment (system) where the supposed dichotomy of the two spheres could not be further from reality, due to the technical specifications of the digital world.

11.

If the two basic premises underpinning much of modern human life (social contract theory and the individualistic theories) are fundamentally flawed, what could replace them? Because both engage with the 'should' rather than the 'is', they are prescriptive rather than descriptive, and thus the answer to this question is beyond the scope of this philosophy.

New political theories need to be devised to provide us with alternatives for the roles of the state and humans, as well as all other Beings, in both the analogue and the digital worlds.

779 Of course, differing in the extent of its application, i.e. whether it also applies in full in the public sphere (i.e. the government, the public sector) too. Whatever the case may be, the vast majority of states today have introduced legislation that tacitly subscribes to the individualism dichotomy (see also par. 2).

Notes for Archipelago Chapters

'As long as we live, we are devoted to self-improvement, and we shall not cease to make our writings more polished and more complete until we cease to breathe. No one is so good a man that he could not be made better; and no book has had so much work put into it that it cannot be made more perfect.'[1]

1 Erasmus, Ep. 1341A:1465–86 (quoted in Erasmus, *The Adages of Erasmus* (1536), ed. William Barker (Toronto: University of Toronto Press, 2001), xxi).

The distinction by Coleridge was made at his Table Talk of 2 July 1830: 'Every man is born an Aristotelian, or a Platonist. I do not think it possible that anyone born an Aristotelian can become a Platonist; and I am sure no born Platonist can ever change into an Aristotelian. They are the two classes of men, beside which it is next to impossible to conceive a third.'[2] Consider also Emerson:

> "As thinkers, mankind have ever divided into two sects, Materialists and Idealists; the first class founding on experience, the second on consciousness; the first class beginning to think from the data of the senses, the second class perceive that the senses are not, final, and say, The senses give us representations of things, but what are the things themselves, they cannot tell."[3]

2 Samuel Taylor Coleridge, *The Table Talk and Omniana of Samuel Taylor Coleridge* (1836) (London: Oxford University Press, 1917), 118.

3 Ralph Waldo Emerson, *The Selected Writings of Ralph Waldo Emerson*, ed. Brooks Atkinson (New York: Modern Library, 1950), 87.

Notes on the Prologue

On paragraph 1

0/1/1 On the use of the word 'philosophy' in the title of this book

Monod, a biologist, claimed that the use of this word would be an unwise choice, because 'nothing more is needed to earn it a distrustful reception from other scientists, and from philosophers a condescending one at best', his own excuse being 'the duty which more forcibly than ever thrusts itself upon scientists to apprehend their discipline within the larger framework of modern culture'.[4] This is also my own excuse for releasing a political philosophy,[5] although I am not a trained political philosopher. (However, I would dare to say that law (my own field of expertise) lies closer to political philosophy than biology.) Perhaps, most importantly, it is developments in the field of law, which have had to deal urgently with the digital world (arguably, it was the first among all human sciences to have to do so), that have allowed a new viewing of the analogue world.

Having said that, the influence of the EU (and the EU's law) is evident. This book, which is basically *made in Brussels* (in the meaning of being the capital of the EU), untangles the, until now, unresolved true nature of the EU (see also note 19/11/1)—a theoretical, and practical, problem that has deeply imprinted on my own way of thinking. Every scholar is a product of his or her time and environment, and this truism holds true from Plato (the student of Socrates, who was executed by a democracy) and Aristotle (the student of Plato and personal friend of the first-ever king over Greeks) to, for example, Hobbes (the friend and tutor of a king whose own father, a king, had been beheaded), Rousseau (whose 'rusticity'[6] and love of a simple life in nature was perhaps the result of him being born in Geneva, a place far from the metropolitan centres of his time) and, even more recently, Kohr (who humbly admitted that the greatest influence on his philosophy

4 Jacques Monod, *On Chance and Necessity* (New York: Alfred A. Knopf, 1971), 8.

5 On the, probable, effect on a political philosophy when one is released by lawyers, as opposed to, for example, by ethics philosophers, see note 0/1/7.

6 See Maurice Cranston, 'Introduction', in Jean-Jacques Rousseau, *The Social Contract* (1762), ed. Maurice Cranston (London: Penguin, 1968), 17.

against state bigness was the fact that 'he was born in a small village in Austria').[7]

0/1/2 On the 'craziness' of the undertaking

Providing a single, general theory of the state to explain its existence throughout human history, and even more so if it is a single-line theory,[8] is, according to Bourdieu, a 'crazy undertaking'.[9] Specifically, in view of the 'monstrous literature' on this topic, which is terrifying because it is impossible to master, there is also 'hubris in [the] undertaking'[10]—both remarks with which anyone would (be crazy not to) readily agree. And then there is always Oakeshott's stern warning that 'A man, it is generally agreed, may make himself ridiculous as easily by a philosophical system as by any other means'.[11]

Still, because information processing has made a new viewing of human activities possible, such an effort will be undertaken in this book, in full knowledge of its limitations, particularly when trying to bring together centuries of human progress in many different, disparate scientific fields. In other words, finding inspiration in the Durants' audacity, 'only a fool would try to compress a hundred centuries into a hundred pages of hazardous conclusions. We proceed.'[12]

At the end of the day, I take refuge (if not find solace) in Machiavelli's desperate call for assistance, when he realised that it is not possible to put all of humanity's most serious topics (individuals, states, governments, property, freedom, human rights etc.) into a single book: 'although this enterprise may be difficult, nonetheless, aided by those who have encouraged me to accept this burden, I believe I can carry it far enough so that a short road will remain for another to bring it to the destined place.'[13]

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7 Leopold Kohr, *The Breakdown of Nations* (Dutton, 1978), xii.
8 See also the predicament of single-line definitions of the state in note 7/1/3.
9 Pierre Bourdieu, *On the State: Lectures at the Collège de France, 1989–1992* (Cambridge: Polity, 2015), 40.
10 Bourdieu, *On the State*, 125.
11 Michael Oakeshott, *Hobbes on Civil Association* (Indianapolis: Liberty Fund, 2000), 11.
12 Will Durant and Ariel Durant, *The Lessons of History* (New York: Simon & Schuster, 1968), 13.
13 Machiavelli, *Discourses on Livy* (1517), trans. Harvey Mansfield and Nathan Tarcov (Chicago: The University of Chicago Press, 1996), 6.

0/1/3 Clarity among 'political philosophy', 'political science' and 'political theory'

It has been (convincingly) claimed that political philosophers (or normative political theory) focus on what is desirable, on what *should* or *ought to be* the case, while the social sciences, including political science, through a strong empirical element, focus on what *is* the case.[14] Accordingly, political philosophers see what they think the state ought to be like in the state as

14 See Held, placing, for example, Hobbes, Locke and Mill with the former and Weber with the latter (David Held, *Political Theory and the Modern State* (Cambridge: Polity Press, 1989), 13 (he also discusses the role of political theory on 3). Of course, at around the same time, sociologists claimed Weber (and Durkheim) for their own domain of 'political sociology' (see, for example, Anthony Giddens, 'Introduction', in Emile Durkheim, *Durkheim on Politics and the State* (1890), ed. Anthony Giddens (Stanford: Stanford University Press, 1986), 1). This domain is also engaged with an 'explanation of the peculiar social structure called the state' (Philip Abrams, 'Notes on the Difficulty of Studying the State (1977)', *Journal of Historical Sociology* 1/1 (1988), 60), which seems different again to the field of 'political socialisation' (Irving Louis Horowitz, 'Socialization Without Politicization: Emile Durkheim's Theory of the Modern State', *Political Theory* 10/3 (1982)).
On a more recent approach to the nature of political philosophy, see Larmore, who claims that legitimacy is the primary object of political philosophy (Charles Larmore, *What Is Political Philosophy?* (Princeton: Princeton University Press, 2020), 5). See also Miller, who defines political philosophy as 'an investigation into the nature, causes, and effects of good and bad government', thus giving precedence to governance, whereby the state is merely 'the political institutions through which authority is exercised' (David Miller, *Political Philosophy: A Very Short Introduction* (Oxford: Oxford University Press, 2003), 2).
As regards political science, the issue is whether it is focused or not on the state. See, for example, Bendix and Lipse: 'Political science starts with a state and examines how it affects society, while political sociology starts with a society and examines how it affects the state, i.e., the formal institutions for the distribution and exercise of power' (cited in John P. Nettl, 'The State as a Conceptual Variable', *World Politics* 20/4 (1968), 591). Or, as put more succinctly by Garner: 'political science begins and ends with the state' (cited in Frederick Mundell Watkins, *The State as a Concept of Political Science* (New York: Harper & Brothers, 1934), 1). Pierson notes, 'That academic division of labour which once (and briefly) split the social sciences into the discrete study of the state (political science), economy (economics) and society (sociology) [has broken down]' (Christopher Pierson, *The Modern State*, 3rd edn. (London: Routledge, 2011), 1).
Of course, the focus of political science on the state is not uncontested; see, for example, Alexander Passerin d'Entrèves, *The Notion of the State: An Introduction to Political Theory* (London: Oxford University Press, 1967), 59.

it is, while social scientists interpret state-related facts each time, defining only incidentally what the state itself actually is.[15]

The reasons for this programme for political philosophy, that is, not to seek the truth but only to make suggestions, go as far back as (and are perhaps due to) Aristotle's classification of politics under the 'practical sciences' (those concerned with action) rather than under the 'theoretical' ones (those concerned with the truth).[16] Picking up his *Politics* (and also Plato's *Republic* and *Laws*, which, although antecedent, apply the same line of thinking), political philosophers thereafter obliged.[17]

Of course, at the basis of (current) political philosophy lies, basically, the social contract theory: the assumption that the state is a result of artificial agreement among groups of humans for whatever purpose and under whatever conditions (see Chapter 13, pars. 2 and 3). This is a fundamental assumption that was introduced by Plato and has basically never been questioned since (except by Aristotle, who, however, provided only a half-baked alternative). Obviously, if the artificiality of the state is taken for granted, other than observing and assessing it as such (i.e. as it *is*), one (regardless of whether a political philosopher or a political scientist) has every reason to examine its merits (what it *should be* or *could have been*). After all, morality is in inherent in any human endeavour (see Chapter 23, par. 3).

This leaves us at a loss when trying to distinguish between political philosophy and political science. Indicatively, Britannica, although defining political science as 'the systematic study of governance by the application of empirical and generally scientific methods of analysis', making it therefore

15 See also Strauss, who clarifies that '[t]he theme of political philosophy is the City and Man. The City and Man is explicitly the theme of classical political philosophy. Modern political philosophy, while building on classical political philosophy, transforms it and thus no longer deals with that theme however legitimate, if one has not understood the original form' (Leo Strauss, *The City and Man* (Chicago: University of Chicago Press, 1978), 1).
On a plea to free political science from the exclusive study of the state, as late as the 1930s, see Watkins, *The State as a Concept of Political Science*, 82.

16 See Jonathan Barnes, *Aristotle: A Very Short Introduction* (Oxford: Oxford University Press, 2000), 40.

17 Consider also Gombrich's claim as regards art: 'There really is no such thing as Art. There are only artists' (Ernst Gombrich, *The Story of Art*, 16th edn. (London: Phaidon Press), 15).

distinct from political philosophy, uses the same basic texts of reference for both (political philosophy and political science).[18]

This book therefore, as with any matter pertaining to the state, attempts to provide clarity: any science being a philosophy (that is, it seeks truth, which is never to be wholly attained),[19] the term political philosophy as used so far in history only accounts for political theories (unproven hypotheses).[20] However, 'political philosophy' and 'political science' can be used as synonyms to denote the science of seeking the truth in matters of the state (the *polis*).[21] In other words, there is no (longer) a *should*, but only an *is*.[22]

(It is claimed here that) An informational basis can offer us this.[23] This philosophy is not normative, although it reflects on the state, the government, human nature, morality, property, freedom and so on. That being said, it is empirical, in the simplest of meanings: because every one of us has a name, this makes us uniquely identifiable throughout space and time. Thus everyone should quickly realise that a (human) name needs to be warranted in order for it to serve its (human) purposes, by something external: the state.

This philosophy, therefore, unlike any other, makes no assumptions but is empirical to the greatest extent possible. It does not assume a social

18 M. G. Roskin, 'Political Science', *Encyclopedia Britannica*.

19 See Plutarch: 'in philosophy, no progress or awareness of progress can be assumed if the mind is not freeing and purifying itself of fallibility' (Plutarch, *Essays*, trans. Robin Waterfield (London: Penguin, 1993), 122).

20 See also Sidgwick's use of the term 'politics' (as distinguished from 'ethics'); Henry Sidgwick, *The Methods of Ethics* (1874) (Indianapolis: Hackett, 1981), 15.

21 On equating the state with the *polis*, see note 0/1/9.

22 See also Hegel: 'This book, then, containing as it does the science of the state, is to be nothing other than the endeavour to apprehend and present the state as something inherently rational. As a work of philosophy, it must be removed as far as possible from any attempt to construct a state as it ought to be. The instruction which it may contain cannot consist in teaching the state what it ought to be; it can only show how the state, the ethical universe, should be understood' (Georg W. F. Hegel, *Outlines of the Philosophy of Right* (1820), trans. T. M. Knox, ed. Stephen Houlgate (Oxford: Oxford University Press, 2008), 14; see also note 13/6/1). It should be remembered, however, that his idealism ultimately led to the creation of totalitarian political systems in any case (see also note 11/4/5).

23 See also Floridi, who considered the philosophy of information a 'philosophia prima' (Luciano Floridi, *The Philosophy of Information* (Oxford: Oxford University Press, 2011), 25), or 'information' the 'Cinderella in the history of philosophy', with digital technologies 'inviting Cinderella out of the kitchen and allowing her to join the party' (Luciano Floridi, *The Routledge Handbook of Philosophy of Information* (London: Routledge, 2016), 1).

contract or a 'state of nature' or a 'veil of ignorance' or 'social classes', or any other hypotheses that other political philosophies (in essence, political theories) are based on. Theories and assumptions are of course necessary in science, but only to be tested, to prove a point. When the assumption is taken as a given, the cart is put in front of the horse: this is no longer science but politics, the personal preferences and prejudices of the theorist, and of those who choose to believe them.

0/1/4 A state theory

Depending what one thinks (modern) state theory should include,[24] this book could be interpreted as a state theory, because of its emphasis on the state.

0/1/5 On the use of 'informational' in this book

The adjective 'informational', whenever used in this book, means 'based on information' and not 'informative', as is otherwise usually the case.

Similarly, 'information' and 'data' are considered synonyms in this book.[25] However, to avoid confusion, 'data' is a term not employed here at all.[26] It is not therefore assumed here that any processing of data leads to the formation of information, that is, that (human) meaning (thus, the formation of information) is given to the data (which are sometimes meaningless to humans) through their processing.

Having said that, the term 'informational' is practically implied every time within the context of a political philosophy of information. Beings and Things are effectively *informational* Beings and Things. It is only to avoid repetition that this is not mentioned each time.

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24 For example, 'a theory of the state should encompass a theory of politics and a theory of government'; in turn, 'a theory of politics should explain the distribution and use of power, violence, and coercion within a society, and a theory of government should explain both the structure of governments and the behavior of political officials and employees of the government' (Douglass C. North, John J. Wallis and Barry R. Weingast, *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History* (New York: Cambridge University Press, 2009), 268).

25 Notwithstanding the basic tenet of the philosophy of information that information equals 'data + meaning' (see Floridi, *The Philosophy of Information*, 83).

26 At least, not on its own; in the composite form, 'dataset', it denotes cumulatively Beings and Things; see Chapter 1, par. 2.

0/1/6 What this philosophy is not

The following few notes (0/1/7 and 0/1/8) explain what this philosophy is not (intended to be).

0/1/7 Not a moral philosophy

This is not a political philosophy promoting morality of any kind (see also note 5.1/1/1) or any political system.[27] In other words, it is not a political philosophy 'to acquire knowledge of the good life and of the good society'[28] or of the '*summum bonum*'.[29]

This political philosophy attempts to explain the *why* and the *how*: why and how things are as they are around us today. As regards the *should*, how things around us *should* be (or *should have been*), this is a project left for a later stage. After all, how could anybody claim they know what needs to be done, if they do not first explain where we are exactly?

Admittedly, this is not usually the case: most political philosophers (certainly, the most famous ones) wrote with a preference for a political system in mind: Plato, Aristotle, Machiavelli, St Augustine, Hobbes, Locke and Rousseau all defended a certain type of political organisation. In turn, this has never troubled the political philosophers who studied and furthered their works.[30]

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27 On moralism in political theory see Bernard Williams, 'Realism and Moralism in Political Theory', in Robert E. Goodin and Philip Pettit (eds.), *Contemporary Political Philosophy: An Anthology* (Oxford: Wiley, 2019). On the need to separate the two, see Larmore, *What Is Political Philosophy?*, 3.

28 Leo Strauss, *What Is Political Philosophy? And Other Studies* (Westport, CT: Free Press, 1959), 10.

29 Which, as aptly explained by Mill, concerns 'the foundation of morality' (John Stuart Mill, *On Liberty, Utilitarianism, and Other Essays* (1859), ed. Mark Philp and Frederik Rosen (Oxford: Oxford University Press, 2015), 115). On the connection with morality, see also Immanuel Kant, *Critique of Practical Reason* (1788), trans. Mary Gregor, 2nd edn. (Cambridge: Cambridge University Press, 2015), 89.

30 On political philosophy being necessarily connected to moral philosophy, see Leo Strauss, *The Political Philosophy of Hobbes: Its Basis and Its Genesis*, trans. Elsa M. Sinclair (Chicago: University of Chicago Press, 1952), 6, and (for philosophy overall), 79.

Rawls originally claimed that there is no distinction between moral and political philosophy, but later, perhaps regretting this approach, introduced the term 'reasonable pluralism' to account for his ultimately moralising 'justice as fairness' theory (John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), xv and xvii).

However, this expectation from political philosophy, the search for the *summum bonum*, is wrong. What is *good* is political. It is already moral, subject to an opinion, a political programme. To validate an opinion is not philosophy, which is the search for wisdom, but politics. If this is so, then philosophy needs to be true to its name; in other words to be (only) a search for wisdom. This is exactly what this book does, and why it can be considered a philosophy. It seeks to understand and explain how, and why, things are as they are.[31] For example, on the notorious[32] questions of whether somebody who wishes to cross a dangerous bridge should be stopped or whether someone should be forced to receive protection against smallpox (or be vaccinated against Covid-19, as in the recent past), this philosophy will not tell you what to do. It will not explain how to balance personal with public interests, but only that somebody will always try to cross a bridge no matter how dangerous and no matter how forewarned, and that someone will always refuse to be protected against diseases, no matter how lethal—and why this is so.

Of course, it could always be argued that what was *good* in Aristotle's time and thereafter, after long-term practice (and admittedly world domination by the West) has created the 'how things are' today that this philosophy discusses. Although this is an *ad infinitum* (chicken and egg) reasoning, this philosophy is absolved, because, by suggesting that states have been natural to humans ever since humans started communicating, it is not affected by how things developed—in fact, this is exactly what does not interest it at all. Once the true nature of the state is revealed, under the new light offered to us by the digital world, anyone will be able to formulate their own ideas on what needs to be done.

In the same vein, on a candid assessment that political philosophy is moral philosophy out of desperation, 'because "most men" do not obey precepts', see Strauss, *The Political Philosophy of Hobbes*, 98.

On a lamentation that this is not the case for sociology too, see Jürgen Habermas, *The Postnational Constellation: Political Essays*, trans. Max Pensky (Cambridge, MA: MIT Press, 2001), 58.

31 Therefore, it is a study of the nature, but not necessarily of the 'well-being of civic societies'; see George H. Sabine, 'What Is a Political Theory?', *The Journal of Politics* 1/1 (1939), 1.

32 In the sense that they have caused quite a stir among the different schools of philosophers and remain, to this day, basically unanswered, see Isaiah Berlin, *Liberty: Incorporating Four Essays on Liberty*, ed. Henry Hardy (Oxford: Oxford University Press, 2002), 196; also Cranston, 'Introduction', 36.

In any event, this could not have been a moral philosophy.[33] Because it describes what is natural to humans (states) and it uses human needs to explain how and why things are as they are, it could not possibly moralise. (Or rather it should not moralise, accepting that there is no morality in Nature or that Nature's morality, whatever it is, should be taken for granted—this being a kind of morality in itself, of course.) If the reader accepts the claims of this philosophy, then moralising inferences could be made on its basis—however it, itself, needs to stay away from morality of any kind (even the most humanistic, seemingly benign sort).

Having said that, it is clear that morality cannot be avoided altogether (see Chapter 23, par. 3). Ultimately, the basic (good/bad) questions about humans and human life can only be theorised (being as they are, unanswerable) in a moral way: Are humans born good or evil? Is ownership (property) something good (improving human life) or bad (depleting nature)? Is luck in humans something good (to be celebrated) or bad (to be compensated)? Replies to these questions are deeply moralising and, ultimately, political. This is why a conscious effort has been made in this book to keep away from them, that is, to take them for granted: there is ownership (therefore, property, capitalism) in human life, there is luck (therefore, inequality, meritocracy) in human life, and humans are born with a need (to augment their information processing) that is neither good nor evil. Although even the act of taking the above for granted reveals a certain (affirmative) morality (if not political inclination), this is as far as a political philosophy aiming to explain how and why things are (and not how they should be or could have been) may go.

In view of the above, a suggestion of a 'should', instead of an examination of the 'is', as is the case in this book, will follow at a later stage. Any new moral philosophy will have to be divided into three parts, focusing on individuals, artificial Beings and the state (the latter, basically a political theory) respectively.

33 Perhaps the decision not to release a moral political philosophy is unavoidable when such political philosophy comes from lawyers (e.g. Kelsen, Schmitt); exactly the opposite is the case when a political philosophy comes from ethics philosophers (e.g. Rawls, Nozick).

0/1/8 Not a theory, nor a policy nor a political programme

This book is also not a theory: a 'theory' is a belief, what one thinks. It therefore lies dangerously close to political theories and political recommendations.[34] Because this is not what this book is about, this term is not used in it.

It is of course well understood that this can be an important self-limitation. Laslett's argument (although formed within the ungrateful theoretical exercise of resolving whether Hobbes's *Leviathan* or Locke's *Two Treatises* is 'a work of greater importance'[35]), that '[Hobbes's] influence about politics has been enormous, but his purchase over what men do politically has been negligible'[36] is a stern warning against any political philosophy that does not include even a hint of policy in it.[37]

Not to disappoint, an important policy recommendation, and thus a theory, will be suggested in Chapter 19, as is noted in the title of this book. It being, namely, that states themselves are currently found in a 'state of nature' (borrowed from social contract theory, for illustration purposes only) and that they therefore need to form 'platforms for platforms' for their proper individualisation. The chapter suggests that the EU is the precursor of things to come—and that the EU itself could be enlarged by countries not necessarily located in (the continent of) Europe. This is a theory.

The archipelago theory will, however, be introduced with the utmost care not to disturb a political philosophy (a search for truth in the relationships among political actors, i.e. Beings) that claims to be natural to humans—and thus disconnected from the controversies of actual political systems (or, much worse, policy), even if these have lasted for centuries and are still affecting humans.

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34 In the words of Sabine, who does not, however, distinguish political theory from political philosophy, as is the case for most others too (see, however, Strauss, *What Is Political Philosophy?*, 13), 'quite regularly, a political theory does contain, or imply, a policy' (George H. Sabine, 'What Is a Political Theory?', 4).

35 Peter Laslett, 'Introduction', in John Locke, *Locke: Two Treatises of Government* (1689), ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), 92.

36 John Locke, *Two Treatises of Government* (1689), ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), 91.

37 In the same vein, Rawls richly obliged, not to be outdone by the utilitarians against whom he wrote (see Rawls, *Political Liberalism*, xv).

0/1/9 What this philosophy is

The 'is nots' above also provide an outline of what this political philosophy is actually intended to be: an explanation of how things are and why things are how they are, and not a suggestion of how they should be—at all times with a focus on the state.

The same can be said after a simple substitution of the Greek words for 'political philosophy' in the way its inventors would (most likely) have seen them: 'polis' being basically the 'state', and 'political' anything pertaining to the state: thus a political philosophy is a state philosophy, a political system is a state system (see Chapter 12.1, par. 1) and, when it is famously claimed that 'man is a political animal',[38] it is meant that man is an animal living, as per its nature, in states—a basic claim in this book.

Similarly, 'philosophy' is the search for the truth;[39] therefore if being classified back then it would have been as a science and not (as is the case today) a theory.

0/1/10 Not a response to the digital world

This political philosophy is motivated by an urgent need: to deal with the change brought about by the advent of the digital world; to demonstrate how the digital world is overturning assumptions that have been made by humanity ever since it emerged, while at the same time making a new viewing possible. In order, however, to identify the change, we first need to understand how things really are—however, this can be achieved through an examination under the new light shed by precisely this change.

Therefore, this is not a philosophy that addresses, in the meaning of following, the findings of science, it is not a system of thought created in response to the digital world, to accommodate its needs—this will be constructed at a later stage. For the moment this is only a new way of viewing, opened up by science, by the digital world. The informational approach has always been there for humans; however it is only now that technology has made it possible to discern it for the first time.

38 Aristotle, *Politics*, 1253a7.

39 In full awareness, of course, that 'Sophia' is wisdom and not truth ('Aletheia').

0/1/11 Not a time-specific approach

This political philosophy is thus a-temporal, not time-specific, timeless.[40] In other words, states are natural to humans and have always been information-processing platforms for them. Humans have always needed to augment their information processing. This philosophy is therefore not intended to be an interpretation of the present or of any specific period in human history or of any specific part of the planet.[41]

Of course, other political philosophies, for example social contract theory, are also intended to be a-temporal too: it is assumed that there has always been a social contract that formed a 'body politic' among the citizens of any given state in human history (after the 'state of nature' was abandoned) which gave authority to their government.

0/1/12 No assumptions made

Similarly, no distinctions with regard to gender, race, ethnicity, religion, geographical location or any other characteristic are made here—other than the unavoidable one of the Unique Human Observer Perspective (see note 1/1/1). Indeed, this (or any other) philosophy would be very different if it was written by (what we humans consider) an animal or a machine.

0/1/13 A philosophy of the many, not of the one: the (philosophical) truth

Although not discriminating with regard to space and time, this is actually a philosophy focused on and taking account *of the many*, of the majority of individuals and not of a single individual.[42] In other words the actions of the many are taken into account (e.g. those living on the information platform that is their state) and not of any smaller, exceptional groups. If one or a few individuals do not perform an action at any given moment, out

40 Of course it is time-specific with regard to the digital world—but this time-specificity is to be assessed in the future, retrospectively.

41 In contrast to the view that political philosophy 'may be understood to be what occurs when this movement of reflection takes a certain direction and achieves a certain level, its characteristic being the relation of political life, and the values and purposes pertaining to it, to the entire conception of the world that belongs to a civilization' (Oakeshott, *Hobbes on Civil Association*, 4), meaning that it is therefore civilisation- (and time-) specific.

42 Political philosophy examines the actions of the many, while moral philosophy examines the actions of the individual.

of choice or otherwise, others do act, do perform this action. For example, it is claimed here that no unwritten law exists (in Chapter 20, par. 2): this would seem to exclude morality (if unwritten) from controlling humans' actions, which is demonstrably not true—for example, vegetarians[43] will not eat meat although no law prohibits it. This is where the focus on the many (necessary for any political philosophy) comes in: perhaps a single or a few individuals who are vegetarians will not eat meat despite no (written) law prohibiting it, but others (many more) will. On the contrary, if the law prohibited meat-eating then the majority would stop.[44]

Similarly (and perhaps even more controversially!) the truth, philosophical or otherwise, is material (see note 0/1/13), created by Beings (humans) and understood as such by the many in a specific state—otherwise it does not exist, it is not the (or a) truth. Truth exists through materialisation and acceptance as such by the many.[45] A not-yet materialised truth, an unwritten philosophy, has not yet reached us, and, as such, does not exist. For example, (to take this approach to its limits) witchcraft may exist in a specific state, it may be considered real (that is, true) if it is widely believed in (i.e. it produces results in the analogue world) in that particular state.

0/1/14 A machine-readable philosophy

For the past few years (the digital world is only a couple of decades old), humanity has been trying to make (all of) its knowledge readable by machines so as to enable humans to communicate with them (see Chapter 1.1, par. 15). Once this has been accomplished, the next step will be for machines to communicate with each other. This philosophy addresses the former efforts, in the hope that the latter will follow—perhaps, in the

43 A discussion in humanity that goes back at least as far as Pythagoras (Nietzsche also had a lot to say about it); despite this, vegetarianism has apparently never gained traction, even after all these centuries.

44 Thus creating a new morality, see also Chap. 23.

45 Consider Aristotle: 'even where there are many people, each has some share of virtue and practical wisdom; and when they are brought together, just as in the mass they become as it were one man with many pairs of feet and hands and many senses, so also do they become one in regard to character and intelligence. That is why the many are better judges of works of music and poetry: some judge some parts, some others, but their collective pronouncement is a verdict upon all the parts. And it is this that gives sound men their superiority over any individual man from the masses' (Aristotle, *The Politics*, trans. Thomas A. Sinclair and Trevor J. Saunders (London: Penguin, 1981), 1281a39).

meaning of the 'other' philosophy hopelessly (and self-deceivingly while also catastrophically) looked for by Nietzsche, a philosophy that will be written by machines.[46]

Unavoidably, therefore, this philosophy perceives and interprets all of the natural and the digital world as (material) information and all life as (material) information processing. Admittedly this is a highly functionalist approach,[47] a mechanistic–materialist one (see also note 5/2/4).[48] At the same time it is, however, a conscious choice taken by this author, in line with an Aristotelian (rather than Platonist) perspective, even if machines were never considered in his discussions—the difference being that while in the past philosophers could (and did) endlessly speculate about the material and the (or any) world of ideas, machines are a reality and an opportunity that cannot be ignored.[49]

To this end, and in this context (including for the purposes of experimentation!), this book has been reconstructed in a wiki (https://archipelago.wiki).

46 A philosophy that would also address the endless doubting of Pyrrhonians, although Montaigne was right to address them: 'The Pyrrhonian philosophers, I see, cannot express their general conception in any kind of speaking; for they would require a new language on purpose' (Michel Montaigne, *The Complete Essays* (1580), trans. M. A. Screech (London: Penguin, 2004), 590)—that new language being machine code.

47 Similar, for example, to that adopted by Kelsen, when he equated the state with the legal order, and examined all relevant issues (admittedly, not those pertaining to human life) exclusively from this point of view (Hans Kelsen, *General Theory of Law and State* (1945) (New Brunswick: Transaction Publishers, 2006), 207).

48 Which of course Nietzsche would accuse of being nothing other than a 'useful stylistic abbreviation' (Friedrich Nietzsche, *Beyond Good and Evil* (1886), trans. Marion Faber (Oxford: Oxford University Press, 1998), 14), if only he (or any other human philosopher for the same matter, see note 1/1/1) could overcome this difficulty himself.

49 At the same time, however, Nietzsche's strong warning also needs to be taken into account here, when it comes to a potential machine-produced philosophy: 'Strictly speaking, there is absolutely no science "without presuppositions", the very idea is inconceivable, paralogical: a philosophy, a "belief" must always exist first in order for science to derive from it a direction, a meaning, a limit, a method, a right to existence' (Friedrich Nietzsche, *On the Genealogy of Morals* (1887), trans. Douglas Smith (Oxford: Oxford University Press, 1996), 127).

0/1/15 A unifying, monocausal theory

As repeatedly stressed, since Plato[50] no philosophical idea has been entirely new. The same is true here: nothing said here is entirely new or unprecedented. Instead, a re-interpretation of ideas expressed throughout human history is attempted, under the light afforded to us for the first time by the digital world.

Similarly, a scholar could spend his or her entire lifetime on any one of the topics or subtopics touched upon in the chapters that follow, and it still would have been a life (academically) well spent. To the greatest extent possible, experts on all the topics discussed in this book have been consulted, but, of course, it is entirely possible that theories are misrepresented or state-of-the-art research findings escape me. Although this book does not aim to serve as a jack of all academic trades and readers are actively discouraged from using it as an introduction to any one of its subtopics, it does aim to present a unifying theory. It is to this end that brief analyses of such varied topics as the origins of writing or the philosophy of language or naming studies are attempted—not in an effort to display erudition (or to claim comprehensiveness) but simply to demonstrate that the basic tenets of this theory can hold their ground from a multitude of perspectives. Hopefully, therefore, if any part or parts of it crumble, the theory will still stand—this, after all, being the ultimate test of the validity of any unifying theory.

Equally, however, to be convincing, a unifying theory needs to be able to explain many and diverse facts.[51] Because the selection within the context of a political philosophy has been already made (the topics of the nature of the state, human nature, the role of government, property, freedom, human

50 All of (Western) philosophy being a footnote to his, as observed by Whitehead. This claim has time and again been confirmed in the topics that are of interest to this book: for example, the idea of the 'noble savage' or the 'noble primitive', as exalted by Rousseau, was discussed, in more or less the same manner, in *The Laws* (679b); most notably, the basic idea underlying the social contract, that states are artificial and the result of agreement among humans, was first expressed by him (see also note 13/2/2). Specifically on state theory and in order to witness how little modern theory (rule of law) has added to older theory, see Georg Jellinek, *Allgemeine Staatslehre*, 3rd edn. (Berlin: Julius Springer, 1929), 613.
Having said that, this political philosophy most certainly does not agree that states are the result of agreement or in any way artificial. Other points of difference with Plato will be demonstrated throughout (as is also the case with a single point of agreement, see note 5/5/1).

51 See Mancur Olson, *The Rise and Decline of Nations: Economic Growth, Stagflation, and Social Rigidities* (New Haven: Yale University Press, 1982).

rights etc. figuring prominently in the relevant analyses), one cannot but oblige.

The informational premise, however, is ever-present: humans need to augment their information processing, and individualisation through their states is the only way to achieve this, thus making states natural to them. As such, it is indeed a monocausal approach,[52] at least if all of the above are combined into a single cause that can be found in the origins of the state, as well as in human history and culture.

That having been said, Olson's self-limitation applies here as well: 'At most—at the very most—the aspiration is to provide the equivalent of Sherlock Holmes's observation of the dog that didn't bark: to provide a missing clue that gives us a better understanding of the whole story.'[53]

0/1/16 A new thought (philosophical) system

This book does not share the vast ambition of constructing a new philosophical system, in the sense of a complete architectural theoretical construction wherein a theoretical foundation and a superstructure are 'planned as a single whole, with civil philosophy as the top storey',[54] as attempted by Spinoza and, arguably, achieved by Hegel. However, it does aim to introduce a new thought system (in the simple meaning of establishing consistency among all of its concepts). It does so by placing information at its epicentre and treating all life as information processing, asking its readers to start thinking along these lines.

0/1/17 On the focus on the state

The state has been, and still is, the centrepiece of any political philosophy since Plato invented the term. This is a view also upheld here, where it is claimed that states are natural to humans, the mechanisms necessary for them to have a meaningful life.

That being said, no assumptions are made about the actual relationship between states and their citizens on each occasion. The philosophy does

52 Also in the sense of Archilochus' hedgehog (see also Isiah Berlin, *The Hedgehog and the Fox: An Essay on Tolstoy's View of History*, 2nd edn. (Princeton: Princeton University Press, 2013), particularly 2.

53 Olson, *The Rise and Decline of Nations*.

54 Michael Oakeshott, *On Human Conduct* (Oxford: Clarendon Press, 2003), 16.

not address Plato's claim that, 'we are bound to admit that the elements and traits that belong to a state must also exist in the individuals that compose it. There is nowhere else for them to come from'.[55] Nor is the truth of Cassirer's observation that 'The nature of man is written is capital letters in the nature of the state'[56] (and thus, nor does it address whether unique characteristics for nations or peoples exist—or to what extent) (see, however, Chapter 18).

On paragraph 2

0/2/1

Consider Jenkyns: 'A theory should contain as little explanatory apparatus as possible and yet be able to explain as much as possible.'[57]

On paragraph 4

0/4/1 On whether the (modern) state is dead

The question of whether the (modern) state is dead is addressed in a number of (mostly post-1980s') political philosophy books and academic literature.[58]

Similar, but not identical to such death announcements, are alerts about a lessening interest in the notion of the state. For example, Caporaso identified a decline in interest in the state based on trends in political philosophy, namely logical empiricism and pluralism,[59] a view also shared much later

55 Plato, *The Republic*, trans. Desmond Lee (London: Penguin, 2007), 186 (435e).

56 Cassirer Ernst, *An Essay on Man: An Introduction to a Philosophy of Human Culture* (1944), ed. Peter E. Gordon (New Haven: Yale University Press, 2021), 63.

57 Richard Jenkyns, 'Introduction', in Lucretius, *The Nature of Things*, ed. Richard Jenkyns (London: Penguin, 2007), 11.

58 See, for example, David Runciman, *Confronting Leviathan: A History of Ideas* (London: Profile Books, 2021), 8; Georg Sørensen, 'The Transformation of the State', in C. Hay, M. Lister and D. Marsh, *The State. Theories and Issues* (Houndmills, NY: Palgrave Macmillan, 2006), 1–8.

59 James A. Caporaso (ed.), *The Elusive State: International and Comparative Perspectives* (London: Sage Publications, 1989), 7. Even before him a decline in interest in the notion of the state, at least in the US, could be identified, for example, by Nettl ('The State as a Conceptual Variable', 561); for an analytical explanation as to why this may have occurred, see also Passerin d'Entrèves, *The Notion of the State*, 60.

by Nelson.[60] Mitchell described the processes of (and the reasons for) the abandonment and then reintroduction of the study of the state in the social sciences in the US since the 1950s.[61]

All of the above indicate a certain *malaise* (see Chapter 13, par. 10) with regard to the notion of the state, without, however, providing any conclusive specific attribution—or verdict.

0/4/2

On the distinction between modern and ancient states (which, consequently, assumes that modern states are alive (even if barely) while ancient ones are dead), see Chapter 8, par. 3.

0/4/3

On the Westphalian state, see note 16/1/3.

On paragraph 5

0/5/1 On the relationship between developments in political philosophy and social, political or financial upheaval and disruption

As regards the time-specificity of political philosophy see, for example, Runciman who noted, when (re-)opening the question of the nature of the state while discussing Maitland's interest in it in 1900, that 'the modern British state was a remarkably successful one, and the success of the institutional changes of the seventeenth century meant that the institutions of British public life in the early twentieth century had never been under sufficient "strain" to raise these phenomenological questions in a pressing form.'[62]

Similarly, as noted by Sabine, 'It is a remarkable fact that, in a history extending over nearly twenty-five hundred years, a considerable part of the

60 Brian Nelson, *The Making of the Modern State: A Theoretical Evolution* (New York: Palgrave Macmillan, 2006), 2.

61 Timothy Mitchell, 'Society, Economy, and the State Effect', in George Steinmetz (ed.), *State/Culture: State-Formation After the Cultural Turn* (Ithaca: Cornell University Press, 1999).

62 David Runciman, 'Is the State a Corporation?', *Government and Opposition* 35/1 (2000), 94.

most significant writing on political philosophy was done in two periods of only about fifty years each and in two places of quite restricted area',[63] meaning Athens, with Plato, Aristotle and the lapse of the city-state, and England, with Hobbes, Locke and the formation of the constitutional state.

Accordingly, Rawls noted the practical role of political philosophy as 'arising from divisive political conflict [and the need] to settle the problem of order.'[64]

0/5/2 On singularity

On the prophetic (currently expecting the next milestone to occur in 2045) use of the term 'technological singularity', see, for example, Vernor[65] and Kurzweil.[66]

On paragraph 6

0/6/1

This approach, therefore, to the milestone moments in humanity's development siding with Trinitarianism.[67]

63 George H. Sabine, 'What Is a Political Theory?', 3. In the same vein, he connected the 'conception of the state primarily as power' with 'facts which were doubtless of sufficient importance in their day to justify the definition [but which have largely passed away]' (George H. Sabine, 'The Concept of the State as Power', *The Philosophical Review* 29/4 (1920)).

64 John Rawls, *Justice as Fairness: A Restatement*, ed. Erin Kelly (Cambridge, MA: Harvard University Press, 2001), 1. See also, for example, his connection of the emergence of Protestantism with the factual development of the principle of toleration (while explaining the path to the principle of liberalism) in Rawls, *Justice as Fairness*, 192.

65 Vernor Vinge, 'The Coming Technological Singularity: How to Survive in the Post-Human Era', *Science Fiction Criticism: An Anthology of Essential Writings* 81 (1993).

66 Ray Kurzweil, 'The Singularity Is Near', in Ronald L. Sandler (ed.), *Ethics and Emerging Technologies* (Springer, 2005).

67 Ernest Gellner, 'Soviets Against Wittfogel; Or, the Anthropological Preconditions of Mature Marxism', in John A. Hall (ed.), *States in History* (London: Basil Blackwell, 1986), 78.

On paragraph 7

0/7/1 Minerva's owl

Minerva's owl, which flies only with the falling of dusk, is a metaphor used by Hegel to illustrate that philosophy comes onto the scene only when actuality is mature.[68]

0/7/2

On new light making new perspectives possible, see, for example, Einstein's remark to Heisenberg in 1925: 'Whether you can observe a thing or not depends on the theory which you use. It is the theory which decides what can be observed.'[69]

68 Hegel, *Outlines of the Philosophy of Right*, 16.
69 Quoted in Edward Hallett Carr, *What Is History?* (London: Penguin, 2018), 13.

Notes on Chapter 1

On paragraph 1

1/1/1 The Unique Human Observer Perspective

Because this is a human philosophy (as is, after all, also the case for any other philosophy), it cannot avoid taking the unique perspective of a human observer, meaning that it is a human who wrote this book, and it is addressed to other humans.[70] Surely, if, for example, an artificial Being (specifically, a computer program) were to have written it (assuming that such Beings ever have a use for books), its perspective, and resulting analysis, would be entirely different.

Therefore, the claim that *everything is information* is relevant to us, humans. All that exists in the analogue and digital worlds is information to us, because it is we who observe it and assess it in this manner (and also, for anything not existing in Nature, it is we who created it too). In other words, this philosophy's viewpoint is uniquely human—it is written from the Unique Human Observer Perspective.

This issue (or, limitation, depending on the viewpoint) has of course been long discussed, from Protagoras' 'man is the measure of all things' to Kant's transcendentalism and 'thing in itself',[71] to Nietzsche's stern critique of the 'prejudice of philosophers'[72]—without anyone offering any solution to it.

It is also steeped in our thinking, ingrained in our way of understanding and processing information: for example, when Borges claimed that the Minotaur knew it was a monster and wanted to die, to assist Theseus in

70 Without wishing to enter into the question of whether humans are considered 'the most excellent work of nature' as mooted by Hobbes (Thomas Hobbes, *Leviathan* (1651), ed. John Gaskin (Oxford: Oxford University Press, 1996), 7.

71 See also Kant on his concept of 'space', which was fundamental to his *Critique of Pure Reason*: 'we can accordingly speak of space, extended beings, and so on, only from the human standpoint. If we depart from the subjective condition under which alone we can acquire outer intuition... then the representation of space signifies nothing at all' (Kant, *Critique of Pure Reason,* 159).

72 Us, humans, being that 'particular kind of life' that is putting these words onto paper; Nietzsche, *Beyond Good and Evil*, 7.

achieving its own death,[73] he implicitly claims for what is apparently a non-human (the Minotaur) not only self-consciousness but also an anthropomorphic and anthropocentric self-consciousness (that of a monster). Apparently, it is impossible for a human to think in non-human terms, however expanded (through technology or otherwise) his or her abilities may become. After all, the sciences are not excused from taking this Unique Human Observer Perspective either.[74]

In addition, this philosophy's logic is also human. All inferences (for example, on the need of any naming system to have a registry (see Chapter 8.1, par. 5) or on the existence of platform rights (see Chapter 22, par. 5)) are reached using human logic;[75] all understanding (for example, on hierarchies as an organisational method, see note 6/7/1) and all meaning are human too.

On this philosophy also unapologetically adopting a materialist, functionalist approach, see note 0/1/8.

In any event, because this is ultimately an attempt to interpret human nature, Nisbett's 'universal [human] constraints' apply here too:

> *[F]irst, awareness of the element of art that lies in all efforts to grasp reality, no matter how undergirded by pretentious methodologies and computer systems these efforts may be; second, that however one proceeds, with whatever degree of objectivity and devotion to truth, he cannot escape the limitations imposed by the form of his inquiry; and third, that many words through which social scientists, humanists and others approach reality are unalterably metaphoric.*[76]

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73 In his myth, *The House of Asterion* (to be found, for example, in Jorge Luis Borges, *Collected Fictions*, trans. Andrew Hurley (London: Penguin, 1999), 216).

74 Consider Stewart, on 'mathematical existence': 'There's a strong consensus that mathematics isn't reality: it just resembles reality in useful ways. A mathematical object or process exists if it doesn't lead to logical contradictions' (Ian Stewart, *Infinity: A Very Short Introduction* (Oxford: Oxford University Press, 2017), 129.

75 See Aristotle: 'the principles of logic are common to all disciplines and cannot in any case be demonstrated, because they are self-evident and demonstration depends on them' (Aristotle, *The Metaphysics*, trans. Hugh Lawson-Tancred (London: Penguin, 2004), 51). See also Kant's 'transcendental logic' (Kant, *Critique of Practical Reason*, 197): 'Such a science, which would determine the origin, the domain, and the objective validity of such cognitions, would have to be called transcendental logic, since it has to do merely with the laws of the understanding and reason, but solely insofar as they are related to objects a priori'.

76 Robert A. Nisbet, 'Genealogy, Growth, and Other Metaphors', *New Literary History* 1 (1970), 351.

1/1/2 A definition of information(?)

Because, within a political theory of information, everything around us is information, information cannot be defined.[77] Information for the purposes of this book has no specific meaning: when the air, the earth, its minerals and the houses built upon it are all treated as 'information', as well as the books, keyboard, computer and coffee sitting on my desk (the desk itself, also being 'information'), it becomes obvious that no definition can be found for it.

Meaning can be given to it (contextual, societal, moral etc.), but then that is not simply information, it is information that has been processed (see Chapter 4).

On the non-distinction between information and data, see note 0/1/5.

1/1/3 The philosopher's stone

Information, then, is the philosopher's stone.

On *prima materia* and the relevant discussion (which is vast, therefore the focus here is only on the connection with Aristotle), see, for example, Robinson[78] or Scharle[79] (as well as Leclerc[80]), but also King.[81]

1/1/4 On digital ontologies

On the still much-debated topic of digital ontologies, see, for example, Knox and Walford,[82] as well as Luque-Ayala et al.,[83] but also Floridi.[84]

77 On the definition of information within a philosophy of information context, see Floridi, *The Philosophy of Information*, 83.

78 Howard M. Robinson, 'Prime Matter in Aristotle', *Phronesis* 19:1 (1974).

79 Margaret Scharle, 'A Synchronic Justification for Aristotle's Commitment to Prime Matter', *Phronesis* 54:4–5 (2009).

80 Ivor Leclerc, *The Nature of Physical Existence* (London: Routledge, 2013), 116.

81 Hugh R. King, 'Aristotle Without Prima Materia', *Journal of the History of Ideas* 17:3 (1956).

82 Hannah Knox and Antonia Walford, 'Digital Ontology: Theorizing the Contemporary Fieldsights', *Society for Cultural Anthropology* (24 March 2016).

83 Andrés Luque-Ayala, Ruth Machen and Eric Nost, 'Digital Natures: New Ontologies, New Politics?', *Digital Geography and Society* 6 (2024).

84 Luciano Floridi, 'Against Digital Ontology', *Synthese* 168 (2009).

1/1/5 On information clichés

If there is any merit in clichés (stereotypes being a fundamental human information-processing mechanism[85]), then the two most frequently met with regard to information perhaps deserve some mention and explanation here: the first pertains to 'information is power' and the second to 'information wants to be free'.

As regards the former, notwithstanding a connection with (scientific) knowledge,[86] information actually is (in fact, has been) power in the analogue world, because it is not infinite (see par. 16); therefore, the more one processes the better, because individuals want to augment their information processing (see Chapter 5.1). However, in the digital world, because information is infinite, it is information processing (as opposed to information hoarding) that is power.

As regards the latter, the fact is that information, even if it 'wanted to' (information can be, but is not necessarily a Being), it could not be 'free', if the exact meaning of free is 'outside the control of a state', because it is unavoidably through states that information is materialised in the first place (see par. 7, as well as Chapter 8.1, par. 4). Consequently, information does not want to be free; similarly, information is not a 'public good'.[87]

On paragraph 2

1/2/1

Beings and Things have an informational context and meaning (on the use of 'informational', see note 0/1/5).

85 On the relationship between the two, see, for example, W. Hugh Jansen, 'A Culture's Stereotypes and Their Expression in Folk Cliches', *Southwestern Journal of Anthropology* 13/2 (1957).

86 Allegedly first formulated in these exact terms ('knowledge is power') by Bacon, and repeated by Hobbes (who for a period, served as his secretary) in *Leviathan*.

87 As, for example, claimed by Olson: 'A state is first of all an organization that provides public goods for its members, the citizens' (Mancur Olson, *The Logic of Collective Action: Public Goods and the Theory of Groups* (Cambridge, MA: Harvard University Press, 2002), 15).

1/2/2

On every human being an 'informational entity', see also Floridi,[88] with further reference to Proust.

1/2/3

On names and humans' naming of Beings and Things as their (i.e. humans') only way to understand and process their information, see Chapter 8.1.

1/2/4

On the purpose of a Being or a Thing, see note 5/2/2.

On paragraph 3

1/3/1

A search for what is could quickly turn metaphysical: see, for example, Aristotle: 'Being and that which is indicate both (a) what is potentially and (b) what is actually.... We say that the Hermes is in the stone and that the half-line is in the line and we say that corn is corn even when it is not ripe.'[89]

1/3/2

On the need to perceive each dataset as a closed system, see also Spinoza's definition: 'That thing is said to be finite in its own kind that can be limited by another of the same nature',[90] thus considering a body or a thought limited by another body or thought, respectively (but not a body by a thought, therefore revealing that his intention is material, to enable processing, and not quantitative—and therefore, does not interfere with whether a thing can be infinite in number or not; see par. 16).

88 Luciano Floridi, 'The Ontological Interpretation of Informational Privacy', *Ethics and Information Technology* 7/4 (2005), 194.
89 Aristotle, *The Metaphysics*, 126 (1017b).
90 Baruch Spinoza, *Ethics*, ed. Edwin Curley (London: Penguin, 1996), 1.

On the same topic, see also Wiener's approach to the 'concept of an organisation'.[91]

Finally, see also Montaigne's 'No matter how varied the greenstuffs we put in, we include them all under the name of salad.'[92]

On paragraph 4

1/4/1

See also Smith's approach to a system (resembling machines): 'Systems in many respects resemble machines. A machine is a little system, created to perform, as well as to connect together, in reality, those different movements and effects which the artist has occasion for. A system is an imaginary machine invented to connect together in the fancy those different movements and effects which are already in reality performed.'[93]

1/4/2

On coherence (and thus, Reason) in the analogue and the digital worlds, see Chapter 4.1, par. 3.

On paragraph 6

1/6/1 On exhaustion (of a Being or a Thing)

A processing operation, although always on a Being or a Thing, may or may not exhaust it.[94] In other words, a specific processing operation may include all of a person or a Thing (e.g. processing the information of George or Mary, or processing the information of a table or a tree), and refer to it as such, but it may also include only part of the same (e.g. in the above example, processing only the educational information of George or Mary, or processing only the material the table is made of or the locational

91 Norbert Wiener, *Cybernetics: Or Control and Communication in the Animal and the Machine* (Cambridge, MA: MIT Press, 2019), 155.

92 Montaigne, *The Complete Essays*, 308.

93 Adam Smith, *Essays on Philosophical Subjects* (1795), ed. W. P. D. Wightman (Indianapolis: Liberty Fund, 1982), 66.

94 The discussion on how a thing can be exhausted or consumed ultimately pertains to how it is used, see note 4/5/1.

information of a tree). Unless otherwise specified,[95] processing on a dataset implies the processing of all its information.

On paragraph 7

1/7/1

Consider also Hobbes: 'Conception of the future is but a supposition of the same, proceeding from remembrance of what is past; and we so far conceive that anything will be hereafter, as we know there is something at the present that hath power to produce it.'[96]

1/7/2

On the issue of the control exercised by a Being over any newly created (or processed) information, see Chapter 6, par. 4.

On paragraph 8

1/8/1 Personal information

If one of the datasets is an individual, then the other dataset is (in essence, contains) personal information to that individual[97] in the meaning of data privacy law—admittedly, within a binary perspective where (material) information is either personal or non-personal to a specific individual.[98]

95 For example, this distinction is of particular relevance in the discussion of property (see Chap. 24).

96 Thomas Hobbes, *The Elements of Law, Natural and Politic*, ed. Ferdinand Tönnies (London: Routledge, 1969), 33.

97 In the meaning of data privacy law; see, for example, article 4(1) of the EU General Data Protection Regulation (European Parliament and Council Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L119 (27 April 2016), 1).

98 In EU law, see article 4(1) of the EU General Data Protection Regulation, as well as, Regulation (EU) 2018/1807 (Regulation (EU) 2018/1807 of the European Parliament and of the Council of 14 November 2018 on a framework for the free flow of non-personal data in the European Union, OJ L 303) on non-personal data.

1/8/2 On the definition of the self

Thus transforming Ortega's 'I am myself plus my circumstances'[99] into *I am myself plus my information*, meaning the datasets relating to me.

On paragraph 9

1/9/1

On the notion of the materialisation of information, see Chapter 1.1, par. 5.

On paragraph 10

1/10/1 On Nature as a Being

On Nature as a Being, consider Heidegger's 'physis means the emerging and arising'.[100]

See also Aristotle's 'nature of a thing', as 'the factor which initiates movement and rest within that thing in which it is itself immediately, not incidentally, present.'[101]

1/10/2 On unity or individuality in Nature

On the same topic, Spinoza affirms that 'For it is certain that nature, considered wholly in itself, has a sovereign right to do everything that it can do, i.e., the right of nature extends as far as its power extends.' Nevertheless, he goes on to claim that 'the universal power of the whole of nature is nothing but the power of all individual things together', so as to ascertain that 'it follows that each individual thing has the sovereign right to do everything that it can do, or the right of each thing extends so far as its determined power extends'.[102] This is, however, not true: the whole is not 'nothing but' the sum of its parts, but, on the contrary, an entirely different Being (in the same way that the state is not the sum of its citizens, see Chapter 11, par.

99 José Ortega y Gasset, *Meditations on Quixote* (1914), trans. Evelyn Rugg and Diego Marín (Urbana, IL: University of Illinois Press, 2000), 168.

100 Martin Heidegger, *An Introduction to Metaphysics* (1953), trans. Ralph Manheim (New York: Anchor Books, 1961), 51 (see also, 11).

101 Aristotle, *Aristotle's Physics*, trans. Richard Hope (Lincoln: University of Nebraska Press, 1961), 23 (192b23ff).

102 Baruch Spinoza, *Theological-Political Treatise* (1670), ed. Jonathan Israel (Cambridge: Cambridge University Press, 2007), 195.

4). Spinoza could have reached the same conclusion (that 'each individual thing has the sovereign right to do everything that it can do, or the right of each thing extends so far as its determined power extends') without the first claim. However, his elimination of the parts in favour of the whole is in line with his philosophy of unity in his *Ethics*.

In general, one can distinguish between philosophies of unity, where the whole is the sum of its parts and all parts strive to unite with the whole, and those that make no such claim, that is, they see no (idealistic) unity in Nature (or anywhere else)—within these philosophies the parts maintain their individuality.[103] The former came into existence with Plato[104] and include the philosophies of Spinoza above, Kant, Hegel, Schopenhauer and so on. The approach advocated in this book falls firmly into the latter category:[105] the parts, specifically individuals, do not strive to unite in a whole, that is, humans are not living in a bee hive.[106]

On paragraph 11

1/11/1 On simulacra

The digital world can be viewed as a simulacrum corresponding to stages three and four of Baudrillard's theory.[107] This theory was of course developed and used in a very different context (media and culture), but can be

103 See, for example, Aristotle, *The Metaphysics*, 248 (Book VIII, 1045a), or Hume (in David Hume, *A Treatise of Human Nature* (1739), ed. Ernest Campbell Mossner (London: Penguin, 2004), 252; or David Hume, *Enquiries Concerning Human Understanding and Concerning the Principles of Morals* (1739), ed. Peter Millican (Oxford: Oxford University Press, 2007), 46).

104 See, for example, *Timaeus* 30d-33c (e.g. in Plato, *Timaeus and Critias*, trans. Desmond Lee (London: Penguin, 1977), 50.

105 In other words, there is no Diotima's (absolute) beauty' (in Plato, *The Symposium*, trans. Christopher Gill (London: Penguin, 1999), 47 (210a).

106 See Plato, *The Republic*. trans. Christopher Rowe (London: Penguin, 2012), 247 (520b); see also Chapter 5.1, par. 7.

107 Jean Baudrillard, *Simulacres et Simulation* (Paris: Galilée, 1981). See, particularly: 'The simulacrum is never that which conceals the truth—it is the truth which conceals that there is none. The simulacrum is true.' (Jean Baudrillard, *Simulacra and Simulation*, trans. Sheila Faria Glaser (Ann Arbor: University of Michigan Press, 1994), 1). (The Ecclesiastes quote is reused in this book in the way in which it was intended by Baudrillard.)

of use here as well—after all, its connection to the metaverse of online video games has already been clearly identified in the relevant theory.[108]

1/11/2

On the discovery by Europeans of the New World and the parallels of their mindset of amazement and of endless possibilities with the contemporary mindset, see note 1/16/4.

On the resemblance of current digital world conditions with early stage colonialism and company-states, see Chapter 7.1, par. 5.

1/11/3 On the connection of the digital world with the (open) sea

The connection of the digital world with the open seas has been present since its early days,[109] hence the use of terms such as 'navigating the Internet' or 'web surfing'—not to mention that 'Netscape Navigator' was the public name of the first commercial Internet browser (replaced commercially by 'Internet Explorer').

1/11/4 One digital world

In spite of numerous contemporary (commercial) efforts to create multiple digital worlds (or many versions of it), for example the (proprietary) metaverse, in order to serve obvious business interests (as is the case today for enclosed online information platforms),[110] for the purposes of this analysis the digital world is considered one world.

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108 See, for example, Kareem Mohamed and Shema Bukhari, 'The Media in Metaverse; Baudrillard's Simulacra, Is Metaverse that Begins the Apocalypse', *SSRG International Journal of Communication and Media Science* 10/1 (2023).

109 Also in connection with 'freedom', see, for example, 'Cyberspace, like the high seas, was first conceptualized as a free space, beyond the control of any government' in Jack Goldsmith and Tim Wu, *Who Controls the Internet?: Illusions of a Borderless World* (Oxford: Oxford University Press, 2006), 3.

110 Causing the emergence of such notions as 'digital feudalism'; see, for example, Sascha D. Meinrath, James W. Losey and Victor W. Pickard, 'Digital Feudalism: Enclosures and Erasures From Digital Rights Management to the Digital Divide', in *Advances in Computers* 81 (2011). See also the law-maker's response regarding, for example, the use of the term 'virtual environments' when defining AI systems in the EU's AI Act (see European Parliament and Council Regulation (EU) 2024/1689 laying down harmonised rules on artificial intelligence and amending Regulations

On paragraph 12

1/12/1

From this point of view, the 'Cyber–Physical World (CPW) convergence'[111] suggested by pervasive (ubiquitous) computing or computers that will 'vanish in the background'[112] may blur, but will not change this distinction.

On paragraph 14

1/14/1

On the use of (and access to) information, see note 4/5/1.

On paragraph 16

1/16/1 On the material limitations of the digital world

It is, of course, understood that the digital world is created by computers, which exist in the analogue world; their number is finite, and thus possibly controllable (as is also true of the energy these computers need to function). However, even ignoring the fact that computer ownership is widely dispersed (with effectively most humans on the planet owning more than one), the digital world is created by their combined processing power, and, for the moment at least, it is difficult to imagine that this could become extinct.[113] In any event, the use of 'infinity' here is functional and not ontological.

(EC) no. 300/2008, (EU) no. 167/2013, (EU) no. 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act), OJ L2024/1689, Article 3(1)).

111 See, for example, Marco Conti et al., 'Looking Ahead in Pervasive Computing: Challenges and Opportunities in the Era of Cyber–Physical Convergence', *Pervasive and Mobile Computing* 8/1 (2012).

112 Mark Weiser, 'The Computer for the 21st Century', *Scientific American* 265/3 (1991).

113 On the notion of 'digital scarcity' (only, however, for digital assets that subsist on a blockchain—thus excluding all other digital (digitised, as well as digital-born) information from its scope) see Primavera De Filippi, Wessel Reijers and Morshed Mannan, *Blockchain Governance* (Cambridge, MA: MIT Press, 2024), 44–5.

1/16/2 On our thinking based on scarcity of resources

On the claim that political philosophy (as well as general philosophy, religion, ethics and our thinking overall) is based on scarcity/the finite nature/the knowable end of resources, little needs to be said. For example, Hobbes based his 'state of nature' theory that conflict is natural to humans on the assumption that 'whatever appears to a man to belong to his felicity he must strive for with all his powers, and men who strive for the possession of the same object are enemies of one another' and on the idea that '[t]he natural condition of man is one of the competition of equals for the things (necessarily scarce because of the desire for superiority) that belong to felicity.'[114] He concluded that 'when all the world is overcharged with inhabitants, then the last remedy of all is war; which provideth for every man, by victory or death.'[115]

1/16/3 On Locke's explanation of property—and of the social contract

Locke based his approach to social contract theory on property,[116] in fact (immodestly) claiming that 'property I have nowhere found more clearly explained, than in a book entitled, *Two Treatises of Government*'.[117] As property was such a key idea in his theory (and with his ideas, and those of other social contract theorists being behind much of how we live today, at least for those of us living in liberal democracies), it is worth seeing how he explains it, that is, what it is that is so unique about his explanation (which is overturned in the digital world).

Locke explains property in terms of appropriation (human labour),[118] as well as evolving in a linear process from initial abundance to his world of entrenched property rights:

> *Nor was this appropriation of any parcel of Land, by improving it, any prejudice to any other Man, since there was still enough, and as good left;*

114 See Oakeshott, *Hobbes on Civil Association*, 37.

115 Thomas Hobbes, *Leviathan*, 230.

116 Of course taking into account that, when he spoke of property, he meant effectively the 'Lives, Liberties and Estates' of a person (Locke, *Two Treatises of Government*, 350). In any event, on the perennial question of (the traditional meaning of) property, see Chap. 24.

117 Cited in Laslett, 'Introduction', 3.

118 See also, Karl Olivecrona, 'Locke's Theory of Appropriation', *The Philosophical Quarterly* 24/96 (1974).

> *and more than the yet unprovided could use. So that in effect, there was never the less left for others because of his inclosure for himself.... No Body could think himself injur'd by the drinking of another Man, though he took a good Draught, who had a whole River of the same Water left him to quench his thirst. And the Case of Land and Water, where there is enough of both, is perfectly the same.*[119]

Such initial abundance, however, was not to remain forever, because in the immediately following paragraph, Locke claims that

> *God gave the World to Men in Common; but since he gave it them for their benefit, and the greatest Conveniencies of Life they were capable to draw from it, it cannot be supposed he meant it should always remain common and uncultivated. He gave it to the use of the Industrious and Rational, (and Labour was to be his Title to it;) not to the Fancy or Covetousness of the Quarrelsom and Contentious.*[120]

Consequently, abundance ended, and the land and whatever was on it came under property rights. It is these that then, according to Locke, gave rise to the social contract and his take on the 'True Original, Extent, and End of Civil Government' (as per the title of his famous *Second Treatise*).

However, what if this abundance never ended? What if the land and the water were, to all intents and purposes, endless?

1/16/4 Information in the analogue world is finite

Famously, Archimedes wrote *Psammites* in order to disprove the assertion that the number of grains of sand on the surface of the Earth is infinite.[121]

On the relationship between what is notionally finite but practically infinite (a finding that also affects computing power and the number of computers used to create the digital world, see note 1/16/1), see Stewart on the largest number: 'Of course we can write $10^{10/100\ +1}$, but for any pre-specified notational system, there comes a point when it's not possible to write a bigger number down. There's not enough time or not enough

119 Locke, *Two Treatises of Government*, 291.
120 Ibid.
121 See Stewart, *Infinity*, 21.

room. Our finite world, though gigantic, can't continue the process as we naively imagine.'[122]

1/16/4 On the (imagined) infinity of resources in the sixteenth and seventeenth centuries and the creation of modernity

A similar imagined infinity of resources was noted in the sixteenth and seventeenth centuries, as a result of both the discovery of the New World and scientific breakthroughs. This change of perspective led to the break with ancient, Greco-Roman thinking and to the creation of modernity. This can be seen, for example, in Bacon's work (when discussing the 'New Atlantis'): 'The end of our foundation is the knowledge of causes, and secret motions of things; and the enlarging of the bounds of human empire, to the effecting of all things possible'.[123] This point is also made by Bruno ('Innumerable suns exist; innumerable Earths revolve around these suns'[124]) and even Locke ('As much Land as a Man Tills, Plants, Improves, Cultivates, and can use the Product of, so much is his Property... Thus in the beginning all the World was America, and more so than that is now; for no such thing as Money was any where known'[125]).

On more recent approaches, see, for example, Webb's 'Great Frontier' thesis (specifically, the 'boom hypothesis of modern history'[126]), as well as Koyre's explanation of the 'the story of the destruction of the Cosmos and the infinitization of the universe'.[127]

On the connection with company-states, see Chapter 7.1, par. 5.

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122 Ibid., 52. On the notion of infinity in Aristotle and natural philosophy, see Leclerc, *The Nature of Physical Existence*, 41.

123 Francis Bacon, *Francis Bacon: A Critical Edition of the Major Works*, ed. Brian Vickers (Oxford: Oxford University Press, 1996), 480.

124 Giordano Bruno, *On the Infinite, the Universe, and the Worlds* (1584), trans. Scott Gosnell (London: Cassell & Company, 2014), 102.

125 Locke, *Two Treatises of Government*, 290 and 301.

126 Walter Prescott Webb, 'The Great Frontier' (Nebraska: University of Nebraska Press, 1986), 13.

127 Alexandre Koyré, *From the Closed World to the Infinite Universe* (Baltimore: Johns Hopkins Press, 1957), 2.

Notes on Chapter 1.1

On paragraph 1

1.1/1/1

See also the 'it from bit' theory, in note 3/1/1.

On paragraph 5

1.1/5/1 Materialisation versus actualisation

Materialisation means the acquisition of matter, and therefore actual, physical existence in the analogue world or the digital world. It is not the same as actualisation. Hegel, in his *Philosophy of Right*, claims that 'the system of right is the realm of freedom made actual'.[128] Although actualisation may also include materialisation, actualisation may remain non-existent in the analogue world, that is, it may include ideas, thoughts and so on.

On paragraph 14

1.1/5/1

See also Negroponte enthusiastically embracing the digital change that started in the mid-1990s: 'The change from atoms to bits is irrevocable and unstoppable.'[129]

On paragraph 16

1.1/16/1 Zero cost of reproduction

The functional infinity of information in the digital world is also achieved through the already identified zero cost of reproduction of digital informa-

128 Hegel, *Outlines of the Philosophy of Right*, 26.
129 Nicholas Negropont, *Being Digital* (London: Hodder and Stoughton, 1995), 4.

tion; that is, information can be reproduced indefinitely, at zero marginal cost.[130]

On paragraph 17

1.1/17/1 On the effect of digital-born information

The creation of digital-born (and even more so, digital world–only) information creates unprecedented opportunities and challenges for humanity. For example, in the analogue world, due to the costs of the reproduction and distribution of tangible information, dissemination took place through intermediaries (publishers, record companies, studios etc.) who selected what to disseminate. This is no longer the case. Similarly, tangible information is hard to move around, precisely because of its weight, something that is not a factor for digital-born information. Consequently, publishers may no longer be needed as anyone can now publish, and disseminate, their thoughts. By the same token, state records can now be kept anywhere, meaning not necessarily in state buildings owned by the state authorities, as has been the case until now (see also note 9/6/1).

On paragraph 18

1.1/18/1 On the digitisation of the self

For the moment what is taking place is the digitisation of information on the self, meaning, in practice, the meticulous digital record-keeping of our daily lives[131]—which is, nevertheless, no different from what certain individuals have always done in the past with pen and paper (famously, for example, Samuel Pepys in 1660). If, however, this is a natural trait of humans, the combined effect of information digitisation and ever-increas-

130 See, for example, Negroponte ('A bit has no color, size, or weight, and it can travel at the speed of light'; Negroponte, *Being Digital*, 14) or Shapiro and Varian ('Information is costly to produce but cheap to reproduce. Once the first copy of a digital good has been created, additional copies can be made at virtually no cost'; Carl Shapiro and Hal R. Varian, *Information Rules: A Strategic Guide to the Network Economy* (Boston, MA: Harvard Business Press, 1999), 10).

131 On the 'datafication' of human lives see, for example, Viktor Mayer-Schönberger and Kenneth Cukier, *Big Data: A Revolution That Will Transform How We Live, Work, and Think* (Boston: Houghton Mifflin Harcourt, 2013). On the 'quantified self', see, for example, Deborah Lupton, *The Quantified Self* (London: John Wiley & Sons, 2016).

ing processing capabilities may turn this from being an interesting (if not self-indulgent and egotistical) pastime into something very different.

1.1/18/2

On digital states, see note 17/4/2.

Notes on Chapter 2

On paragraph 2

2/2/1 On the rights of Things

On the (legal) rights of Things, see note 25/5/2.

On paragraph 7

2/7/1

On the purpose of organisations to further the common interests of their members see, for example, Olson[132] or Coleman.[133]

On paragraph 9

2/9/1

On the state as an organisation, see also note 11/2/1.

On paragraph 11

2/11/1

On purpose in life, see note 5/2/2.

On paragraph 12

2/12/1

On artificial Beings, see Aristotle:

> *For suppose that every tool we had could perform its task, either at our bidding or itself perceiving the need, and if—like the statues made by*

132 Olson, *The Logic of Collective Action*, 7.
133 James S. Coleman, *Foundations of Social Theory* (Cambridge, MA: Harvard University Press, 1990), 311.

> *Daedalus or the tripods of Hephaestus, of which the poet says that 'self-moved they enter the assembly of the gods'—shuttles in a loom could fly to and fro and a plucker play a lyre all self-moved, then master-craftsmen would have no need of servants nor masters of slaves.*[134]

2/12/2

Heidegger opposed Hegel's definition of the machine as an autonomous tool. This was correct, because he claimed a standing-reserve status for a machine, during which it is completely unautonomous, 'for it has its standing only from the ordering of the orderable'.[135] A standing-reserve status is the only option for words or money, these artificial Beings having been created when human information-processing capabilities were limited. This is no longer the case with computer programs, which have been designed to never be in a standing-reserve position, to act irrespective of *ad hoc* human orders. (The programming itself, admittedly, may be an order, but with so many variations in the actual actions possible for the artificial Being that the action becomes virtually autonomous.)

2/12/3

On use (and uses of information), see note 4/5/1. However, the existence of unlimited, variable uses for each Thing does not affect the claims in this paragraph: for example, a knife was created with the purpose of cutting, regardless of how many cutting uses, and how different they may be, to which it could potentially be put. On the other hand, artificial Beings were created with the purpose of processing information for a multitude of (unforeseeable and unchartable) purposes, a non-specific purpose if compared with that of any other Thing.

134 Aristotle, *The Politics*, 65 (1253b23).

135 Martin Heidegger, 'The Question Concerning Technology' (1962), in William Lovitt (ed.), *The Question Concerning Technology, and Other Essays* (New York: Garland Publishing, 1977), 17.

On paragraph 14

2/14/1 On effigies

On the use of effigies to showcase the 'double body' of monarchs, see, for example, Kantorowicz.[136]

On paragraph 16

2/16/1

On language, see also note 8/1/4.

On paragraph 17

2/17/1 On money

There is a vast bibliography on money,[137] not to mention a whole science (of finance). In addition, a number of books are aimed at non-academics or professionals—which, after all, are more likely to deal with the question *per se* of what money really is, and from which it becomes obvious that the answer is that we do not really know.[138]

On paragraph 18

2/18/1 On computer programs

The term here is used in the meaning of information technology,[139] to denote its difference from software (and regardless of the distinction between operating systems and applications). In general, however, it is noted that

136 Ernst Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology* (1957) (Princeton: Princeton University Press, 2016), 382.

137 See, in any case, Adam Smith, *The Wealth of Nations, Books I–III* (1776), ed. Andrew S. Skinner (London: Penguin, 1999), 126.

138 See, for example, Gavin Jackson, *Money in One Lesson: How It Works and Why* (London: MacMillan, 2022); David McWilliams and Michael Lewis, *Money: A Story of Humanity* (London: Simon & Schuster, 2024).

139 Compare, for example, the definitions given by Britannica and Wikipedia, respectively: 'computer program, detailed plan or procedure for solving a problem with a computer; more specifically, an unambiguous, ordered sequence of computational instructions necessary to achieve such a solution', and 'A computer program is a sequence or set of instructions in a programming language for a computer to execute' (as retrieved on 14 May 2025).

this is an unsuccessful term (in the sense that it needs the definition of 'computers' in order for it to work, itself a notoriously difficult term to define), and is mostly abandoned in daily practice.

On paragraph 19

2/19/1

On money, see, for example, Aristotle:

> *Not all the things that we naturally need are easily carried; and so for purposes of exchange men entered into an agreement to give to each other and accept from each other some commodity, itself useful for the business of living and also easily handled, such as iron, silver, and the like. The amounts were at first determined by size and weight, but eventually the pieces of metal were stamped. This did away with the necessity of measuring, since the stamp was put on as an indication of the amount.*[140]

On paragraph 20

2/20/1 On the death of computer programs

It may be the case that computer programs can process information but the digital world in which they live no longer allows them to do so, as is the case, for example, for old software: a computer game from the 1970s will still work (i.e. it can process information), but only if a suitable digital environment is made available for it.

140 Aristotle, *The Politics*, 82 (1257a28).

Notes on Chapter 3

On paragraph 1

3/1/1 The 'it from bit' theory

In 1989 Wheeler formulated the 'it from bit' theory: '[In other words], every physical quantity, every it, derives its ultimate significance from bits, binary yes-or-no indications, a conclusion which we epitomize in the phrase, it from bit.'[141] In some more detail,

> *[i]t from bit symbolizes the idea that every item of the physical world has at bottom—at a very deep bottom, in most instances—an immaterial source and explanation; that what we call reality arises in the last analysis from the posing of yes–no questions and the registering of equipment-evoked responses; in short, that all things physical are information-theoretic in origin and this is a participatory universe.*[142]

That is, the universe at its foundation is not made of matter or energy, but of information.[143]

On paragraph 2

3/2/1

A 'thing' in Hegelian theory is 'something not free, not personal, without rights', or, 'when "thing" is contrasted with "person" as such... it means the opposite of what is substantial, i.e. that whose determinate character lies in its pure externality'.[144]

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141 John Archibald Wheeler, 'Information, Physics, Quantum: The Search for Links', in Anthony Hey (ed.), *Feynman and Computation* (Boca Raton: CRC Press, 2002), 310.

142 Ibid., 311.

143 In which case, the Being is an observer in Wheeler's theory—however, this image expressly does not turn this into an idealist approach, i.e. Things (as well as Beings) do not exist because they are observed (by an observing Being).

144 Hegel, *Outlines of the Philosophy of Right*, 58.

Consider also (with regard to the juxtaposition of Beings with Things) Nietzsche's 'will to power':

> *A 'will' can have an effect only upon another 'will', of course, and not upon 'matter' (not upon 'nerves', for example): one must dare to hypothesize, in short, that wherever 'effects' are identified, a will is having an effect upon another will—and that all mechanical events, in so far as an energy is active in them, are really the energy of the will, the effect of the will.*[145]

There is, of course, a rich philosophy on things and their nature; see, for example, Walter Benjamin 's 'soul of the commodity'[146] or Ortega's 'things and their meaning'.[147]

On paragraph 4

3/4/1

On purpose, see note 5/2/2.

145 Nietzsche, *Beyond Good and Evil*, 36; see also note 5.1/1/2.
146 Walter Benjamin, *The Arcades Project* (1940), trans. Howard Eiland and Kevin McLaughlin (Cambridge, MA: Belknap Press, 1999), 369.
147 Ortega y Gasset, *Meditations on Quixote*, 87.

Notes on Chapter 4

On paragraph 1

4/1/1 On the actions of processing

A good, indicative list of the actions possible while processing information can be found in the text of the EU's General Data Protection Regulation (GDPR): 'collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.'[148] The only significant difference here in this political philosophy from the GDPR definition is that processing also includes the creation of information. In the GDPR processing does not include creation because it regulates the processing of existing information (i.e. datasets).

4/1/2 Some clarifications on terminology

The terms 'processing' and a (single) 'processing operation' are interchangeable, unless otherwise specified.

Similarly, the terms 'types of processing' and 'categories of processing', denoting more than one processing operation (regardless of whether on one or more individuals), will be used interchangeably, also unless otherwise specified.

On paragraph 2

4/2/1

A thought (the processing of immaterial information) can either lead to another thought (similarly, therefore, the processing of immaterial information) or to the materialisation of that thought into a dataset.

148 European Parliament and Council Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), art. 4(2).

4/2/2

Aristotle famously claimed that everything we do is an end or a means to an end,[149] essentially implying that all actions are composite actions (an *end* that has been accomplished is composite in itself, and the *means to an end* denotes no standalone action—it has purpose in it).

On paragraph 3

4/3/1

The bundling of all possible interactions by Beings with information into one, single term (processing) may deprive each of these actions its autonomy; however, other than for ease of reference, it also warrants that moral considerations (e.g. who has access/why/to what extent) are avoided (morality needs singularity, i.e. to focus on a single action each time). A separation of the term into its component actions would, therefore, fall under a separate moral philosophy of information (see also note 0/1/7).

On paragraph 4

4/4/1

On living and processing information in an actionable and not purely contemplative manner, consider the Hobbesian definition of life as 'but a motion of limbs' and the idea that 'life itself is but motion'.[150]

Also consider Nietzsche: 'Every action that has ever been done, has been done in an entirely unique and unprecedented manner, and the same will be true of all future actions.'[151]

149 'Every art and every investigation, and similarly every action and pursuit, is considered to aim at some good. Hence the good has been rightly defined as "that at which all things aim"' (Aristotle, *Nicomachean Ethics*, trans. J. A. K. Thomson (London: Penguin, 2004), 3 (1094a)).

150 Hobbes, *Leviathan*, 7 and 41 respectively; see also John Gaskin, 'Introduction', in Hobbes, *Leviathan*, ed. John Gaskin (Oxford: Oxford University Press, 1996), xxvii.

151 Friedrich Nietzsche, *The Joyous Science* (1886), trans. Kevin R. Hill (London: Penguin, 2018), 182.

On paragraph 5

4/5/1 Use of information

Use of information[152] by a Being (specifically, a human) implies knowledge and necessitates a morality. This is why it is not analysed within this political philosophy (see note 0/1/7). Only the actual processing of information, taken as an external fact, is of concern here.

On the actual and material uses of information (specifically of datasets), which can vary vastly (but never exceed their given purpose), see note 5/2/2, as well as Chapter 3, par. 4.

On humans' becoming users in the digital world—the latest addition to human evolution—see Chapter 17, par. 11.

On the connection of use with regulation, see note 20/7/1.

On paragraph 11

4/11/1

On Tilly's theory of states being the result of war ('states make war and war makes states'), see note 7/1/11.

4/11/2

On conflict and humans, see also Chapter 5.1, par. 9.

On paragraph 12

4/12/1 On state centralisation

State centralisation is a crucial (and for some scholars, the defining) characteristic of states (which also runs throughout human history).[153]

152 Including access to information, see Chap. 6, par. 6 (and also Chap. 21, par. 3).

153 See, for example, Mann: 'the state is a differentiated set of institutions and personnel embodying centrality, in the sense that political relations radiate outward to cover a territorially demarcated area, over which it claims a monopoly of binding and permanent rule-making, backed up by physical violence' (Michael Mann, *The Sources of Social Power: Volume 1, A History of Power From the Beginning to AD 1760* (Cambridge: Cambridge University Press, 2012), 37). See also Spruyt: 'In a similar vein, the transition from a feudal system to a system of states is often explained by the rising costs of warfare and the increasing size of armies in the later Middle

On this topic, see also Mill: 'But I believe that the practical principle in which safety resides, the ideal to be kept in view, the standard by which to test all arrangements intended for overcoming the difficulty, may be conveyed in these words: the greatest dissemination of power consistent with efficiency; but the greatest possible centralization of information, and diffusion of it from the centre.'[154]

Ages.... This mode of warfare therefore favored a large tax basis and centralized authority. Feudal units lacked the sheer size required for this warfare. Efficiencies of scale dictated centralization of states' (Hendrik Spruyt, *The Sovereign State and Its Competitors: An Analysis of Systems Change* (Princeton: Princeton University Press, 2020), 83). Finally, see also Skocpol: 'Strengthened states—more centralized, bureaucratic, and autonomously powerful at home and abroad—emerged from all three Revolutions' (Theda Skocpol, *States and Social Revolutions: A Comparative Analysis of France, Russia, and China* (Cambridge: Cambridge University Press, 1979), 285).

154 Mill, *On Liberty, Utilitarianism, and Other Essays*, 110.

Notes on Chapter 4.1

On paragraph 1

4.1/1/1 On the 'Reason' of the Enlightenment

Thus transforming Descartes' famous '*cogito ergo sum*'[155] into a material and neutral, 'I process information therefore I am alive', because, as has been seen, all living informational Beings process information—our lives are the sum of information processing (see Chapter 1).[156]

However, during the Age of Enlightenment, the process of reasoning, Reason (in essence, an imagined human capacity for rational, critical and independent thinking), became an end, and simultaneously a fact. See, for example, Locke, 'We are born Free, as we are born Rational';[157] Kant, 'The motto of enlightenment is therefore: *Sapere aude*! Have courage to use your own understanding!';[158] or Diderot, 'Reason is to the *philosopher* what grace is to the Christian. Grace determines the action of the Christian; reason determines that of the *philosopher*'.[159]

Nevertheless, Reason with a capital 'R' is here expressly and specifically *not* used to denote the Reason of the Enlightenment (something that would

155 Rene Descartes, *Discourse on Method and the Meditations* (1637), trans. F. Sutcliffe (London: Penguin, 1968), 53.

156 See also Hayek: 'for Descartes reason was defined as logical deduction from explicit premises'. Furthermore, 'only what is true in this sense [Cartesian reason] can lead to successful action, and that therefore everything to which man owes his achievements is a product of his reasoning thus conceived. Institutions and practices which have not been designed in this manner can be beneficial only by accident. Such became the characteristic attitude of Cartesian constructivism with its contempt for tradition, custom, and history in general. Man's reason alone should enable him to construct society anew' (Friedrich A. Hayek, *Law, Legislation and Liberty* (1973) (Oxon: Routledge, 2012), 11).

157 Locke, *Two Treatises of Government*, 308. See also Laslett's addition, that 'reason means even more than this and has further consequences for natural liberty and equality. Conceived of as a law (the law of nature), or almost as a power, it is sovereign over all human action' (Laslett, 'Introduction', 95).

158 Immanuel Kant, *Political Writings* (1784), trans. H. B. Nisbet, ed. Hans S. Reiss (Cambridge: Cambridge University Press, 1991), 54.

159 César Chesneau Du Marsais, 'Philosopher', in *The Encyclopedia of Diderot & d'Alembert Collaborative Translation Project*, trans. Dena Goodman (Ann Arbor: Michigan Publishing, 2002).

imply acceptance of, for example, assumptions about critical reason, humans' uniqueness etc.), but only an algorithm, the carrying out in sequence of more than one interconnected processing operation by a Being on a dataset. In this context, capitalisation is considered necessary in order to differentiate this use from use of the (non-capitalised) 'reason', which would, perhaps, invoke connections with causality.

4.1/1/2

Although here algorithm and method are used interchangeably, in computer science the two terms differ; according to Knuth,

> *So this is an algorithm. The modern meaning for algorithm is quite similar to that of recipe, process, method, technique, procedure, routine, rigmarole, except that the word 'algorithm' connotes something just a little different. Besides merely being a finite set of rules that gives a sequence of operations for solving a specific type of problem, an algorithm has five important features: finiteness, definiteness, input, output, effectiveness.*[160]

However, see also the software studies approach, where the algorithm is defined as 'provisionally, a description of the method by which a task is to be accomplished'.[161]

On paragraph 5

4.1/5/1 Unity versus singularity (of purposes)

If all processing has a purpose, is there a general purpose for it all? Is all processing interconnected, meaning that any and all processing affects any and all Beings? Is there an ultimate purpose which all processing carried out in the analogue and the digital world aims to achieve?

While in this book it is argued that no unity of purpose or of any other kind exists (i.e. humans have no specific purpose in their lives, or, better phrased, each has his or her own purposes), this is a question with which humanity has struggled since it appeared on the planet and to which it still has not been able to provide an answer—precisely because processing is external, but purpose is not (see also note 1/10/2).

160 Donald E. Knuth, *The Art of Computer Programming*, 3rd edn. (Reading, MA: Addison-Wesley, 1997), 4.

161 Andrew Goffey, 'Algorithm', in Matthew Fuller (ed.), *Software Studies: A Lexicon* (Cambridge, MA: MIT Press, 2008), 15.

On paragraph 7

4.1/7/1 Processing as a cultural phenomenon

On processing being not (only) neutral, but also a cultural phenomenon see, for example, Vesting's approach.[162]

On algorithmic bias see, for example, European Union Agency for Fundamental Rights, *Bias in Algorithms – Artificial Intelligence and Discrimination.*[163]

On paragraph 8

4.1/8/1

For many it is Reason that distinguishes humans from animals, with this idea beginning with Plato[164] and being perpetuated by, for example, Aristotle,[165] Polybius,[166] Plutarch,[167] Cicero[168] and even Kant.[169]

162 Thomas Vesting, *State Theory and the Law: An Introduction* (Cheltenham: Edward Elgar, 2022).

163 EU Agency for Fundamental Rights, *Bias in Algorithms—Artificial Intelligence and Discrimination* (Vienna, 2022).

164 Plato, *Statesman*, trans. Christopher J. Rowe (Oxford: Aris & Phillips Classical Texts, 2005), 46 (263d).

165 Aristotle, *Politics*, trans. Ernest Barker (Oxford: Oxford University Press, 1995), 11 (1253a9-18).

166 Polybius, *The Histories*, trans. Evelyn S. Shuckburgh (Westport, CT: Greenwood Press, 1962), 182.

167 See, in particular, his essay 'On the Use of Reason by "Irrational" Animals' (Plutarch, *Essays*, 383).

168 Marcus Tullius Cicero, *On Duties*, ed. M.T. Griffin and E.M. Atkins (Cambridge: Cambridge University Press, 1991), 21.

169 Found in, for example, Immanuel Kant, 'Idea for a Universal History With a Cosmopolitan Aim', trans. Robert B. Louden, in Robert B. Louden and Günter Zöller (eds.), *Anthropology, History, and Education* (Cambridge: Cambridge University Press, 2007), 108.

Notes on Chapter 5

On paragraph 1

5/1/1 On Democritus' 'chance and necessity'

The philosophy of chance and necessity (where, however, 'necessity' is not the same as 'need' as used in this book—see note 5/1/2) has its origins in pre-Socratic antiquity,[170] but interest in it shows no signs of abating, even today.[171] In Goethe's words, 'The texture of this world is made up out of necessity and chance.'[172] Similarly, Plato considered that 'the all-controlling agent in human affairs is God, assisted by the secondary influences of "chance" and "opportunity", which best be accompanied by "skill"'.[173]

On chance, see also note 5/7/1.

However, 'opportunity', as referred to in par. 3, is not the same as 'chance'; in none of the eight main interpretations of chance given by Dudley[174] is opportunity listed among them.

Chance and necessity may be used in different ways as methodological tools. For example, Monod, using them to explain evolution, spoke of an 'accident', which is unpredictable because it is always singular, that was then multiplied into billions of copies: 'Drawn out of the realm of pure

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170 Monod (erroneously) attributing to Democritus the saying that 'Everything existing in the Universe is the fruit of chance and necessity' (Monod, *On Chance and Necessity*, 1). However, Democritus was a determinist—it was, in fact, Epicurus who added chance (through the swerve/clinamen) to the mix.

171 For this application, for example, in quantum mechanics, see John Dudley, *Aristotle's Concept of Chance: Accidents, Cause, Necessity, and Determinism* (Albany: State University of New York Press, 2012), 12; in the field of biology, see Monod, *On Chance and Necessity*.

172 But he continues by saying, 'Human reason holds the balance between them, treating necessity as the basis of existence, but manipulating and directing chance, and using it. Only if our reason is unshakeable, does man deserve to be called a god of the earth' (Johann Wolfgang von Goethe, *Goethe, Volume 9: Wilhelm Meister's Apprenticeship* (1796), trans. Eric A. Blackall (Princeton: Princeton University Press, 1995), 38). However, this is an approach with which this book does not agree (see Chap. 4.1).

173 Plato, *The Laws*, trans. Trevor J. Saunders (London: Penguin, 2004), 166 (par. 6, but see also par. 8 on ability).

174 Dudley, *Aristotle's Concept of Chance*, 11.

chance, the accident enters into that of necessity, of the most implacable certainties'.[175] See also Bourdieu, citing Husserl's analogy on chance and necessity being the genesis of a city.[176]

5/1/2 On 'need' vs. 'necessity'

Necessity is a term frequently used in philosophy within, for example, a logic–philosophical context[177] or a metaphysical one[178] (or even a legal one, see note 5/2/5).

In this book, however, it is used in its basic meaning of 'the need for something' or, even more appropriately for the purposes of this analysis, 'something that you need, especially in order to live'.[179]

On paragraph 2

5/2/1 On need

All Beings have needs—needs are natural to them, as a result of their coming into existence in the analogue or the digital worlds. What needs Beings have are set by their nature: for example, humans need air and food, whereas artificial Beings (specifically, computer programs) need the digital world. Of course, the nature of Beings is then also (but not exclusively) evolutionarily co-shaped by these needs, in an unbreakable bond.

From the Unique Human Observer Perspective (see note 1/1/1) we can, to a greater or lesser extent, know the needs of humans[180]—but this is much less true of animals. The length of the list of human needs notwithstanding,

175 Monod, *On Chance and Necessity*, 118.

176 Bourdieu, *On the State*, 137.

177 As regards the notion of 'necessity' in analytical philosophy, although the relevant analysis largely exceeds the purposes of this book, the topic of what is necessary or 'essential' has long occupied analytical philosophers, with the two opposing camps (unsurprisingly) supporting that it is respectively possible or impossible to know (see, for example, Harold Noonan, *Routledge Philosophy Guidebook to Kripke and Naming and Necessity* (London: Routledge, 2014), 3).

178 See, for example, Aristotle, *The Metaphysics*, 120 (1015a20), or Spinoza, *Ethics*, 2.

179 With this definition taken from *Cambridge Academic Content Dictionary*, 'Necessity' (Cambridge: Cambridge University Press).

180 Even brief deliberation over (human) needs reveals that they can be infinitely classified based on a variety of criteria (biological, well-being etc.) that are also specific in time and space (to the region on the planet).
On the division of (general) needs between the categories of vital needs and agency needs, see L. A. Hamilton, *The Political Philosophy of Needs* (New York: Cambridge

need is the cause of human feelings, desires, thoughts and ideas—their only reason to act, to process both material and immaterial information. In the cases of organisations and artificial Beings, because their nature is given to them by the humans who have created them, their needs are, initially at least, knowable to humans.

Lack is inherent in need. In other words, a need is something that can never be fulfilled once and for all, it is never satisfiable.[181] In other words, need forces a Being to constant action.

The concept of need seems to be (at least, if compared with necessity, see note 5/1/1) little explored in philosophy.[182] It is much more widely explored in psychology, with regard to human needs and their connection to drive.[183]

University Press, 2003). Here too need is 'defined ultimately in terms of human functioning, not in terms of lack' (ibid., 24). Although information is finite in the analogue word, lack is not the motivating factor for information processing. Humans need to process information in order to survive, but they also need to augment their information processing—in both cases lack does not come into play (at best, it would be competition among humans, again taking into consideration that in the analogue world information is finite). Having said that, the need to process information is not only a 'vital need' ('general ineluctable need', ibid., 35) but by far predates any other need listed therein (shelter, clothing and caloric intake; ibid., 35). It is information processing that warrants that all of these needs will be served—and, obviously, the same is true of any other need in 'social' or other similar lists following the vital needs above. Having noted the above, Hamilton's suggested 'state of needs' (ibid., 134), actually reflects what states as information platforms already do, meaning serving the basic need of humans to process information.

Similarly, for an attempt to reply to (important, political) questions such as 'which needs are important?' or 'are needs politically and morally justified?', see, for example, Soran Reader (ed.), *The Philosophy of Need* (Cambridge: Cambridge University Press, 2005), 10.

Needs can also be viewed in philosophy as 'desires'. See, for example, Epicurus: 'Some desires are (1) natural and necessary, others (2) natural but not necessary, still others (3) neither natural nor necessary but generated by senseless whims' (Epicurus, *The Art of Happiness*, trans. George K. Strodach (London: Penguin, 2013), 177.

181 See, for example, Hume ('In man alone, this unnatural conjunction of infirmity, and of necessity, may be observ'd in its greatest perfection'; Hume, *A Treatise of Human Nature*, 537) or Nietzsche ('To be sure, there is no sleight of hand by which we can make a poor virtue into a rich and abundant one, but perhaps we can make a virtue of necessity and reinterpret its poverty as beautiful' (Nietzsche, *The Joyous Science*, 52).

182 See Gillian Brock (ed.), *Necessary Goods: Our Responsibility to Meet Others' Needs* (Lanham: Rowman & Littlefield, 1998), vii; Reader, *The Philosophy of Need*, 1.

183 See particularly, Maslow's hierarchy of needs (Abraham Harold Maslow, 'A Theory of Human Motivation', *Psychological Review* 50/4 (1943).

5/2/2 On purpose in life

A purpose in the life of a Being or a Thing (see also note 11/7/2) is always and invariably given (or identified, thus given). It is not innate to them, it does not exist in Nature; no Being or Thing is born or created with a natural purpose imprinted on it. For one (Being) to give a purpose to another (Being or Thing), it must be above it in a hierarchy, controlling it.

Non-biological Beings (organisations and artificial Beings) have a purpose in their lives that is given to them by the humans that created them. The same is the case for Things that are artefacts. Of course, the presence of a given purpose does not preclude or prejudice in any way the uses they (non-biological Beings and artefacts) are actually put to (see also note 4/5/1, and Chapter 3, par. 4)—they can, however, never exceed their given purpose.

Biological Beings (humans and animals), as well as the state,[184] have no specific purpose in their lives, they do not come into existence with or for a preordained purpose.

Of course, this *purpose in life* has nothing to do with a processing-operation-specific purpose, which is connected to reason (see Chapter 4.1, par. 2).

5/2/3 On the relationship between need and purpose

An explanation of the interrelation between need and purpose for Beings may be enlightening. It is need that causes the will to process information (i.e. to act) in Beings. It is also need that gives them the ability to reason (see Chapter 4.1), to put one processing operation (action) next to another so as to achieve a (or any) purpose. It is therefore through their ability to reason that Beings give purpose to each processing operation they execute (any action that they carry out).

But, which processing operation to do? Which need to serve first? The needs of Beings can never be satisfied in full, once and for all. A Being has to choose.

At this point a distinction is necessary: biological Beings have no purpose, whereas non-biological Beings do (the one given to them by humans at the time of their creation, which is, after all, the result of processing).

184 See Chap. 11, par. 7; on the family, which also has no specific purpose in life, see note 8/2/1.

Humans (and animals), therefore, are able to choose which processing operation to undertake, which action to carry out, which purpose to set for themselves each time. By contrast, organisations and artificial Beings are constrained by their given purpose: whatever processing they choose to do must ultimately serve that purpose—and cannot exceed[185] it. (States are the only exception to this: although they are in essence an organisation, they have no purpose.[186])

Put another way, the primary, dominant need of non-biological Beings is to serve their purpose, whereas biological Beings have no primary, dominant need.

It is in this choosing that self-consciousness and morality come into play for humans (see Chapter 23). The ability to choose one action over another, to set a purpose for our actions implies self-awareness and an ability to act morally.

5/2/4 A functional, mechanistic approach

The will of any Being to undertake a processing is taken as a given as a result of the fact that Beings having needs (otherwise, they would be Things). No assumption is made as to whether this will is natural-born or God-given, conscious or unconscious, rational or irrational, predetermined, or completely free and unaccountable. It is considered present in humans, animals, organisations and artificial Beings, because they can process information, and not present in Things, because they cannot.

Similarly, Reason is merely the ability to create an algorithm to process information with a purpose. All Beings use it—it is the direct result of their having the will to process (how else could they process information to serve their needs, these needs being what cause the processing in the first place?).

The same is true of need; needs are not explained or categorised or placed in any particular hierarchy.

Admittedly, this is a functional, mechanistic approach: attention is only paid to the fact of the processing, as caused by need (and opportunity, see par. 7), without assessing it in any way. It is only at a later stage, when humans (and animals), having no specific purpose in life, choose which processing to perform (and which to avoid), that an assessment could be

185 This does not mean that their purpose is satisfiable in full, and thus finite; on the contrary, because they are designed with an intentionally open-ended purpose, they are forced to constant action (see Chap. 2, par. 11, and note 6/2/1).

186 See Chaps. 2, par. 9, and 11, par. 7 (and also note 5/2/2).

made—however, such an assessment would belong to the field of morality, and thus not to this political philosophy.

5/2/5 The distinction between needs and (legal) rights

It is in the context of information processing that the distinction between needs and legal rights, which has long caused discussion,[187] becomes clear. A human has the will to process information in order to serve its needs. This does not, however, also give it the right to do so, to serve these needs. (The same is, after all, also true for platform rights: although they exist, inherently on the information platform that is the state, they are not necessarily (in fact, often have not been) recognised throughout space and time in human history (see also Chapters 21 and 22).)

5/2/6

It is Strauss[188] who specifically noted that a philosophy of will (in essence, a clear distinction between a capacity to act and to take decisions (command) and the capacity to reason and plan) was introduced to social contract theory by Hobbes (who appointed the Sovereign as the provider of will) and Rousseau (who replaced the Sovereign with the equally absolutist General Will, see note 13/2/5).

On paragraph 3

5/3/1 On the need to survive

The need to survive is the need of Beings to remain alive, to keep processing information. As such, this need is connected to self-consciousness, which is why it is only felt by biological Beings (animals, including humans) and not organisations or artificial Beings (at least for the moment, as regards computer programs). (It is not, however, a matter of fulfilling their purpose for organisations and artificial Beings, because their purpose can never actually be completely fulfilled.)

187 See, for example, David Wiggins, *Needs, Values, Truth: Essays in the Philosophy of Value*, 3rd edn. (Oxford: Oxford University Press, 1998), 1.

188 Strauss, *The Political Philosophy of Hobbes*, 160.

The primacy of the need to survive (or consideration of it as the need of needs) is not easily accepted. Humans (and sometimes animals too) may forfeit their lives, for example through suicide or in self-sacrifice for some cause (family, state, religion, morality etc.). In spite of that, however, the need to survive has been placed as the basis of political philosophy, most notably by Hobbes while he was laying the foundations for social contract theory,[189] as 'necessary par excellence'.[190]

On paragraph 5

5/5/1 A rare Platonist moment

Recourse to the idea of the essence of, for example, a house, clothing or, for that matter, a state, in order to assess what it is exactly that is necessary, and thus natural, to the respective Being, may be perceived as the only occasion when this analysis becomes a Platonist one[191]—although, in an effort to avoid it, one can simply think of a 'class of objects' in terms of computer programs.

5/5/2

A similar attempt to remove excess from the basic idea was employed by Plato when distinguishing between 'necessary' and 'unnecessary' desires (e.g. the desire for bread and meat as opposed to the desire for a more varied and luxurious diet).[192]

On something not existing in Nature but also able to be considered 'natural', see particularly Hume:

> *Mankind is an inventive species; and where an invention is obvious and absolutely necessary, it may as properly be said to be natural as any thing*

189 See, for example, Thomas Hobbes, *On the Citizen* (1641), trans. Michael Silverthorne, ed. Richard Tuck (Cambridge: Cambridge University Press, 1998), 71; as well as Hobbes, *Leviathan*, 86.

190 Strauss, *The Political Philosophy of Hobbes*, 165.

191 See also Heidegger's reference to 'what endures', in Heidegger, 'The Question Concerning Technology', 30.

192 Plato, *The Republic,* 295 (559a). This was the beginning of a long stretch of reasoning that continues, for example, in Berlin's 'basic needs' (Isaiah Berlin, *The Crooked Timber of Humanity: Chapters in the History of Ideas* (Princeton: Princeton University Press, 2013), 322).

that proceeds immediately from original principles, without the intervention of thought or reflection. Tho' the rules of justice be artificial, they are not arbitrary. Nor is the expression improper to call them Laws of Nature; if by natural we understand what is common to any species, or even if we confine it to mean what is inseparable from the species.[193]

5/5/3

Compare also Hegel: 'what is rational is actual and what is actual is rational',[194] in his attempt to present the state as something inherently rational.

On paragraph 7

5/7/1 On opportunity

According to the Cambridge Dictionary, opportunity is 'an occasion or situation that makes it possible to do something that you want to do or have to do, or the possibility of doing something'.[195] Meriam-Webster defines it as 'a favorable juncture of circumstances'.[196] Opportunity, even in the form of chance, has not attracted much theoretical attention, in spite of the fact that it is frequently used as a theoretical methodological tool.[197]

5/7/2

On the relationship of opportunity with chance, see note 5/1/1.

193 Quoted in Christopher Morris, 'Can Artificial Rights Be Natural?', *Reason* 43/1 (2023), 124.
194 Hegel, *Outlines of the Philosophy of Right*, 14.
195 Definition of opportunity from *Cambridge Advanced Learner's Dictionary & Thesaurus*, 'Opportunity' (Cambridge: Cambridge University Press).
196 *Merriam-Webster.com*, 'Opportunity'.
197 See, for example, Andreas Anter, *Max Weber's Theory of the Modern State: Origins, Structure and Significance* (Basingstoke: Palgrave Macmillan, 2014), 89, with further bibliography.

On paragraph 8

5/8/1 On the philosophy of actions

The processing of information being an action that is performed by humans, the philosophy of actions comes into play. While the relevant discussion exceeds the purposes of this analysis, here it is enough to note that need and opportunity in this book are used as motivating reasons, meaning 'a reason that the agent takes to favour her action, and in light of which she acts'.[198]

198 Maria Alvarez, 'Reasons for Action: Justification, Motivation, Explanation', in Edward N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (Winter 2017 Edition), accessed on 15 May 2025.

Notes on Chapter 5.1

On paragraph 1

5.1/1/1 The need to augment our information processing is neither good nor bad nor connected to morality

This book takes neither a moral nor a quantifying approach. Although augmentation is a need, and, in fact, a need of needs (see par. 2), whether satisfaction of a need is something good (and under which conditions, if any) is the domain of morality. After all, even if considered good, its satisfaction would not necessarily lead to happiness.[199]

Nor does it take a quantifying, mathematical approach. Unlike utilitarianism, this is not a moral philosophy, it does not tell people what to do (see note 0/1/7). Its sole aim is to understand and explain how, and why, things are as they are. By contrast, utilitarianism is explicitly a moral philosophy: 'The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure.'[200] Therefore, while the approach outlined in this book explains that humans need to augment (increase qualitatively) their information processing because of their nature, because they simply exist, utilitarianism offers a way forward, suggesting what humans should do taking consideration of the maximisation of happiness, 'the greatest happiness for the greatest number', as the guidance for action.[201]

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199 See also note 5.1/1/2: execution of a specific type of processing merely opens up the opportunity for another to follow.

200 Mill, *On Liberty, Utilitarianism, and Other Essays*, 121. See also Sidgwick: 'By Utilitarianism is here meant the ethical theory, that the conduct which, under any given circumstances, is objectively right, is that which will produce the greatest amount of happiness on the whole; that is, taking into account all whose happiness is affected by the conduct' (Sidgwick, *The Methods of Ethics*, 411).

201 On act-utilitarian and rule-utilitarian, see Mark Philp and Frederick Rosen, 'Introduction', in John Stuart Mill, *On Liberty, Utilitarianism, and Other Essays*, ed. Mark Philp and Frederick Rosen (Oxford: Oxford University Press, 2015), xxix. On utilitarianism's approach to state justification see Chap. 13, par. 6.

Nor does this book take a 'rational-choice' approach. This approach is perhaps aptly summarised as the assumption that 'all actors are rational, self-interested wealth maximizers'.[202] Not only is such an approach economics based[203] (see the inclusion of 'wealth' in the quotation above), but, importantly, no 'rationality' or 'morality' of any kind is assumed here.

5.1/1/2 Augmentation of information processing and the pursuit of happiness

Nor is augmentation of information processing related to the pursuit of happiness. Because the US Declaration of Independence places 'the pursuit of happiness' as high on the list of inalienable human rights,[204] one cannot but wonder whether the two are connected: both being open-ended (the Declaration neither defines happiness or the means to achieve it, nor attributes any specific purpose to its citizens), could it be that augmentation of information processing and the pursuit of happiness are one and the same?

This is not the case, however, because happiness has a moral content (being in itself a positive thing and a pursuit in one's life), whereas here it is not claimed that if an individual augments his or her information processing he or she will be happy. Happiness is a value that is notoriously difficult to define and understand,[205] and it is far from certain that the augmentation of information processing is the way to achieve it (see also note 5.1/8/2).

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202 Quoted in Julia Adams, 'Culture in Rational-Choice Theories of State-Formation', in George Steinmetz (ed.), *State/Culture: State-Formation After the Cultural Turn* (Ithaca: Cornell University Press, 1999), 99.

203 See also John Scott, 'Rational Choice Theory', in Gary K. Browning, Abigail Halcli and Frank Webster (eds.), *Understanding Contemporary Society: Theories of the Present* (London: Sage, 2000). Consider also Moe: 'The problem, as I saw it, was that the [rational choice] theory tended to view political institutions as structures of voluntary cooperation that resolve collective action problems and benefit all concerned, when in fact the political process often gives rise to institutions that are good for some people and bad for others depending on who has the power to impose their will' (Terry M. Moe, 'Power and Political Institutions', *Perspectives on Politics* 3/2 (2005), 215).

204 Van Doren noted that, 'Where Locke had used the word "property", Jefferson had used "the pursuit of happiness"', finding the latter 'a broader, more generous concept' (Charles Van Doren, *A History of Knowledge: Past, Present, and Future* (New York: Ballantine Books, 1992), 226).

205 See, for example, David G. Myers and Ed Diener, 'The Pursuit of Happiness', *Scientific American* 274/5 (1996).

On the same topic, Spinoza's conclusion of his moral philosophy, according to Scruton at least, claims that 'it is in our nature constantly to increase our power [adequacy of ideas], that this is the source of all pleasure.'[206]

See also Nietzsche's approach, relevant to his *will to power*:

> *All animals, including la bête philosophe, strive instinctively for an optimum combination of favourable conditions which allow them to expend all their energy and achieve their maximum feeling of power; equally instinctively, and with a fine sense of smell which is 'higher than any reason', all animals loathe any kind of trouble-maker or obstacle which either actually obstructs their path to this optimum combination or has the potential to do so (—I am not talking here about their path to happiness, but their path to power, to action, to the most powerful action, which is in most cases actually the path to unhappiness).*[207]

5.1/1/3

The augmentation of information processing is not work-ethic relevant. For example, 'idlers' also need to augment their information processing. Johnson, who took a special interest in idleness, claimed of so-called idlers that, 'He that neglects his known duty and real employment, naturally endeavours to crowd his mind with something that may bar out the remembrance of his own folly, and does any thing but what he ought to do with eager diligence, that he may keep himself in his own favour'.[208] Therefore, it is the type of processing that anyone may opt in or out of, not the need to augment it per se.

5.1/1/4

On the relationship between history and knowledge, Van Doren noted that 'the history of mankind is the history of the progress and development of human knowledge. Universal history... is no other than an account of how mankind's knowledge has grown and changed over the ages'.[209]

206 Roger Scruton, *Spinoza: A Very Short Introduction* (Oxford: Oxford University Press, 2002), 81.
207 Nietzsche, *On the Genealogy of Morals*, 86.
208 Samuel Johnson, *Selected Writings*, ed. Peter Martin (Cambridge: Harvard University Press, 2009), 169.
209 Van Doren, *A History of Knowledge*, xvii.

On paragraph 2

5.1/2/1 Relationship with other needs

Humans, of course, have (countless) other needs too, most pressing among them the biological ones of having enough air, food and so on. When it is claimed here that the augmentation of information processing is the need of needs, it is meant that this need serves, and is caused by, all and any one of these other needs. For example, the need for air has developed into, among others, the need for good air quality, the need to survive in inhospitable environments and so on (see also note 5/2/1).

5.1/2/2 On the term 'augmentation'

The term is used here, admittedly in its US and not British English meaning, to denote improvement and not mere addition.[210] One must also avoid confusion with 'augmented reality' (see Chapter 1, par. 12) and 'data augmentation', meaning the process of artificially generating new data from existing data.[211]

5.1/2/3 Augmentation does not mean knowledge

Augmentation of information processing is not the same as augmentation of human knowledge. Although it is true that augmentation means the processing of new information, this new information is taken factually, that is, regardless of whether it contributes or not to human knowledge (which would, ultimately, be a moralising finding).

On paragraph 3

5.1/3/1 Why do only humans need to augment their information processing?

The most frequent explanation for humans' need to augment their information processing, and thus creativity, pertains to their inquiring nature and restlessness. However, what exactly this nature involves is anybody's

210 See particularly *Encyclopedia Britannica*, 'Augment' (2025).

211 On data augmentation see, for example, David A. van Dyk and Xiao-Li Meng, 'The Art of Data Augmentation', *Journal of Computational and Graphical Statistics* 10/1 (2001).

guess: Lucretius, for example, stresses discontent,[212] while Hobbes stresses self-preservation: a human 'cannot assure the power and means to live well, which he hath present, without the acquisition of more'.[213]

Another explanation as to why only humans need to augment their information processing could relate to the fact that only humans among all Beings are conscious of their biological end, the point in time when they will no longer be able to process information and will be turned into Things (whereby, information will be able to be processed about them but not by them—as is the case, for example, for Lucretius and Hobbes themselves, in the previous paragraph). In other words, the human need to constantly process new information may be the result of the fact that they know they will die.[214]

If any of these explanations are the cause, if discontent, self-preservation or knowledge of an end have caused human creativity, will artificial Beings (specifically computer programs, since organisations, money or words have more or less proven their case over their long history), which supposedly do not share any of the above characteristics, be able to create new information? After all, it is accepted that the processing of immaterial information (thoughts, ideas, feelings), which once materialised gives birth to creativity, is only possible for biological Beings (see Chapter 1.1, par. 3).

In other words, there may well be a time in the future (sooner, rather than later) when computer programs will have processed all information available in the analogue and digital worlds. However, this will happen as a matter of capacity (one that humans themselves could never reach), and not of computer programs' own will or purpose. It is humans that will have given this purpose to (one or more) computer programs. Once this is done, it remains to be seen whether computer programs will be able to create new information. If they can, this would imply that they do have a need to augment their information processing to reach an imagined, rather than existing, end (see par. 5). If not, computer programs may end up like Borges' Funes the Memorious, who never forgot anything he had learned, but admitted that, for this reason, his memory was a 'garbage heap'. Funes was unable to think, because 'to think is to forget differences, to generalize,

212 As in the epigram of this chapter.

213 Hobbes, *Leviathan*, 66.

214 See also Pascal: 'When the universe has crushed him man will still be nobler than that which kills him, because he knows that he is dying, and of its victory the universe knows nothing' (Blaise Pascal, *Pensées* (1670), trans. A. Krailsheimer (London: Penguin, 1995), 66).

to make abstractions'[215]—at least, according to human understanding[216] (on the Unique Human Observer Perspective, see note 1/1/1).

5.1/3/2

See also Nietzsche, who connected self-consciousness and language: 'If this observation is correct, then I may proceed to the conjecture that consciousness has developed only under the pressure of the need for communication.... In short, the development of language and the development of consciousness (not of reason, rather, only of reason become self-conscious) go hand in hand.'[217]

On paragraph 7

5.1/7/1

Individual as opposed to hive processing[218] is not juxtapositioned here in order to discount the latter. Within the hive, after all, individualism remains, that is, each unit remains distinguishable from the others, even as part of a group with similar characteristics. However, for humans it seems impossible to even approach the information processing within a hive without first 'individualising' (at least some of) its units[219]—we seem unable to understand it in any other way.

By the same token, humans' approach to information processing, and thus to the individualistic way of life, has been contrasted in literature

215 Jorge Luis Borges, *Ficciones*, trans. Anthony Kerrigan et al. (New York: Grove Press, 1962), 154.

216 Accordingly, the issue of whether computer programs can think, and thus create (i.e. software as creator or inventor) has been resolved in (intellectual property) law in the negative, at least for the moment. More widely, the issue, however, remains open. For the relevant legal analysis see, for example, Ryan Abbott, 'I Think, Therefore I Invent: Creative Computers and the Future of Patent Law', *Boston College Law Review* 57 (2016).

217 Nietzsche, *The Joyous Science*, 353.

218 On this topic, see also Wiener's physiological explanation (Wiener, *Cybernetics*, 156).

219 See, for example, the work of Seeley on honeybees, who gave unique 'individualising' colours to each bee so as to observe their behaviour (Thomas D. Seeley, *Honeybee Democracy* (Princeton: Princeton University Press, 2010), 14).

(science fiction) with aliens' (thus non-human) hive-like, interconnected processing in more cases than can be accounted for (e.g. Skynet[220] etc.).

5.1/7/2

This political philosophy subscribing to an Aristotelian[221] viewpoint, it is, unavoidably, against the Platonist idea of a unity (taken up, among others, by Spinoza, Hegel, Schopenhauer and even Nietzsche—all important differences among these thinkers taken into consideration), a whole in Nature to which individuals ideally belong (and strive to return).[222]

In the same vein, the claim that humans process information as individuals and not as an indistinguishable unit within a (bee)hive is a hint on Plato's Republic, where predetermined social groups were meant to work together harmoniously within a beehive[223] (see also note 1.10.2).

5.1/7/3

Of course, collective societal purposes do exist; however, their formulation, and how they are served by each individual, is a matter of morality and politics.

On paragraph 8

5.1/8/1

On all rational beings always having an objective, see De Jasay: 'Rational beings have objectives they seek to attain, and they deploy their available means in the way they think will maximize the attainment of these objectives'.[224]

220 James Cameron (dir.), *The Terminator* (Orion Pictures, 1984).
221 'But obviously man is a political animal in a sense in which a bee is not' (Aristotle, *The Politics*, 60 (1253a7)); see also the Foreword.
222 See also note 1/10/2 (as well as 4.1/5/1).
223 Plato, *The Republic,* 247 (520b).
224 Anthony de Jasay, *The State* (Indianapolis: Liberty Fund, 1998), xi.

5.1/8/2 On the pursuit of happiness

Admittedly, from this point of view, human happiness, in the sense of the fulfilment of all the objectives of a human, is never attainable. Because of constant new objective-setting, it is condemned to remain forever a pursuit, never to end. The stoic or epicurean *ataraxia* (or Buddhist nirvana), whereby all wishes are (considered) fulfilled, passions quenched and an individual has no more wishes, is not possible. An individual will always have one more, new wish. Hobbes was right to claim that 'felicity is not in a repose of mind satisfied'.[225]

Consider also Mill's famous dictum, 'It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied.'[226]

On paragraph 9

5.1/9/1 On placing assumptions about human nature at the basis of any political philosophy

As aptly noted by Oakeshott, in reference to *Leviathan* but in an assertion that is generally applicable to all political philosophy that takes the nature of humans as its starting point, 'The nature of man is the predicament of mankind. A knowledge of this nature is to be had from introspection, each man reading himself in order to discern in himself, mankind. Civil philosophy begins with this sort of knowledge of the nature of man.'[227]

5.1/9/2 On the connection between assumptions about human nature and political beliefs

The assumption each of us makes about human nature may help to distinguish (contemporary) right-wing from left-wing ideology. In short, right-wingers assume that humans are born bad; therefore conflict is natural to them, and thus they need to be tamed through religion and the law and rules of human societies, so as for each, individually, to follow a (non-preordained, random) path in life. On the other hand, left-wingers assume that

225 Hobbes, *Leviathan*, 65; see also note 5.1/1/2, as well as Chap. 25.
226 Mill, *On Liberty, Utilitarianism, and Other Essays*, 124.
227 Michael Oakeshott, 'Introduction to Leviathan', in Gabriella Slomp (ed.), *Thomas Hobbes* (London: Taylor & Francis, 2017), 11.

humans are born good, that they will live harmoniously if left alone and that where there is bad in the world (or in their behaviour) those individuals only need to be shown the right path to correct it (with, naturally, the right path being implicitly known—or at least it may be known—to the left-wingers).[228]

5.1/9/3 On conflict being natural to humans

Hobbes is arguably the main proponent of conflict being natural to humans (war of all against all), with his political philosophy based on that assumption.[229] That being said, he would vehemently object: although 'men's natural Disposition is such that if they are not restrained by fear of a common power, they will distrust and fear each other, and each man rightly may, and necessarily will, look out for himself from his own resources' he believed that 'it does not follow from this Principle that men are evil by nature'.[230]

It is, however, the finite resources in the analogue world that cause this conflict:[231] As noted by Gauthier,

> *Men become enemies because they desire the same commodities as needful to their preservation. If the state of nature were a state of plenty, then men might refrain from hostility. But given that a man, in order to survive, may need some object which is also needed by his fellows, then competition necessarily follows. And as Hobbes shows, diffidence follows competition.*[232]

However, his (ultimately pessimistic) approach to human nature was, naturally, disputed, in favour of some innate altruism in humans too, almost as soon as his book was published.[233]

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228 See, for example, Floridi, who connects (schematically) the former with Hobbes and the latter with Socrates (Luciano Floridi, 'How to Counter Moral Evil: Paideia and Nomos', *Philosophy & Technology* 35/1 (2022)).

229 On a discussion of the limitations of Hobbes's approach see, for example, Gregory S. Kavka, 'Hobbes's War of All Against All', in Christopher W. Morris (ed.), *The Social Contract Theorists: Critical Essays on Hobbes, Locke, and Rousseau* (Oxford: Rowman & Littlefield, 1999).

230 Hobbes, *On the Citizen*, 11.

231 See also Hume's approach to scarcity (and the nature of man) giving birth to justice (Hume, *A Treatise of Human Nature*, 547).

232 David P. Gauthier, *The Logic of Leviathan: The Moral and Political Theory of Thomas Hobbes* (Oxford: Oxford University Press, 2000), 18.

233 See, for example, Pufendorf's 'sociability (socialitas)' (Samuel Freiherr Von Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, trans.

Notwithstanding Hobbes' approach, however, the assumption that conflict is natural to humans is common to practically all social contract theorists.[234]

5.1/9/4

On the 'state of nature', see note 8/2/3.

5.1/9/5 Do humans need a master? The 'crooked timber of humanity'

What is outlined in the above (note 5.1/9/3) is also useful to address the equally basic question of human nature, of whether humans need a master. The affirmative response to this was most famously claimed by Kant, who thought so because

> *[man] certainly abuses his freedom in relation to others of his own kind. And even although, as a rational creature, he desires a law to impose limits on the freedom of all, he is still misled by his self-seeking animal inclinations into exempting himself from the law where he can. He thus requires a master to break his self-will and force him to obey a universally valid will under which everyone can be free.*[235]

In the same vein, Berlin famously expanded upon the 'crooked timber of humanity'.[236]

Notwithstanding others' beliefs on this matter (see also note 5.1/9/2), what is important to note is that these (and our) assumption(s) is/are made

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Michael Silverthorne, ed. James Tully (Cambridge: Cambridge University Press, 1991), 7; or even Locke, *Two Treatises of Government*, 280.

234 See, for example, Kant's 'nation of devils': 'the problem of setting up a state can be solved even by a nation of devils (so long as they possess understanding). It may be stated as follows: 'In order to organise a group of rational beings who together require universal laws for their survival, but of whom each separate individual is secretly inclined to exempt himself from them, the constitution must be so designed that,...', Kant, *Political Writings*, 112. Similarly, see also Rawls's 'circumstances of justice': 'The circumstances of justice may be described as the normal conditions under which human cooperation is both possible and necessary. Thus, as I noted at the outset, although a society is a cooperative venture for mutual advantage, it is typically marked by a conflict as well as an identity of interests' (John Rawls, *A Theory of Justice* (1971) (Cambridge, MA: Harvard University Press, 1999), 109).

235 Kant, *Political Writings*, 46; the same 'narrowness of soul' that is natural to men is used by Hume to justify the emergence of government (Hume, *A Treatise of Human Nature*, 589).

236 Berlin, *The Crooked Timber of Humanity*.

on the basis of the analogue world. It is the analogue world that, until now, humanity has known and dealt with. The digital world is expected to test this assumption in a twofold manner: (1) because information in it is infinite; and (2) because it is a controlled environment (see Chapter 1, pars. 16 and 17 respectively).

On paragraph 10

5.1/10/1

On whether states are shaped by their citizens, in the sense that their citizens set the level of processing on their state each time (ultimately leading to the 'character of a (nation) state' or even a Hegelian (Platonist) metaphysical merging of the nation and the state) or whether there are other conditions at play as well (e.g. climate, geography), see Chapter 18.

Notes on Chapter 6

On paragraph 1

6/1/1

Because this is a purely technical approach, any conditions placed on the person of the Being that controls a processing are not important. In other words, the *why* (what purposes did the Being wish to serve when it allowed or prohibited the processing, what reasons it had for its decision etc.) and the *how* (was the Being fully informed? Free in its decision-making?) are not important. At this stage, what is important, other than control itself, is which Being is in a position to give it (see also par. 7).

6/1/2 The connection with accountability

The question of whether it is the Being that controls a processing (and allows or prohibits it for another) or the Being that actually carried it out, having requested to do so (because it will, whenever it can), that should be held responsible (i.e. carry any consequences) for a specific processing belongs to the domain of morality. Although this question has been (and is still) answered differently in different states throughout humanity's history, at this stage it only needs to be noted that acceptance of accountability implies individuality (i.e. an acceptance that humans develop individually, see Chapter 5.1, par. 7).

6/1/3 On the connection of control with sovereignty

In the case of states, control is connected with sovereignty (see Chapter 16). In the words of Goldsmith, 'For a system to be an independent and absolute one, it is only necessary that there should be no appeal outside it, that it should not be (normatively) dependent, derivative or subordinate.'[237] What is important here, of course, is the content of the parentheses: norma-

237 Maurice M. Goldsmith, 'Hobbes's "Mortall God": Is There a Fallacy in Hobbes's Theory of Sovereignty?', in Christopher W. Morris (ed.), *The Social Contract Theorists: Critical Essays on Hobbes, Locke, and Rousseau* (Oxford: Rowman & Littlefield, 1999), 30.

tive means visible (legal) subordination. Thus imagined (whether actual or not does not matter) subordination or dependence cannot be accounted for, because it is invariably subjective.

On paragraph 2

6/2/1

Total control is impossible because the uses of information, even when following purpose, may vary vastly, that is, they cannot be predicted—or charted (see note 5/2/2, and Chapter 3, par. 4).

On paragraph 4

6/4/1 The theory of appropriation; first-acquirer rights

On Locke's theory of appropriation to justify property, and on the central importance that his explanation holds for his political philosophy, see note 1/16/3.

Consider also Nietzsche's approach to originality:

> *What is originality? It is to see something that as yet has no name, that cannot be referred to, even though it is hiding in plain sight. Men as they usually are require a name for a thing before it is visible to them at all. For the most part, those with originality have also been those who gave things their names.*[238]

6/4/2 Personal information

Control over newly created information does not mean property. This is most visibly the case with personal information (information relating to an individual, see also note 1/8/1): an individual in the course of his or her life will create information pertaining to him- or herself with the assistance of his or her state, other individuals and so on. Over such newly created information (personal information) the individual has control, that is, he or she can allow or prohibit certain processing operations on the information without, however, having property rights over it (specifically, the information cannot be destroyed by the individual, see Chapter 24,

238 Nietzsche, *The Joyous Science*, 148.

par. 1). For example, an individual may study to get a degree with the assistance of a university; over such (newly created) degree that individual has control (it can decide who to transmit this information to etc.), without having either total control over it (the university, for example, can always process information on that degree, as it is, after all, the organisation that has awarded it) or property rights to it (for example, the individual cannot decide to destroy the degree).

Accordingly, depending on their state, individuals' control over their personal information may vary from relatively high (in those states where a fundamental right to personal data protection is acknowledged) to practically none (in totalitarian regimes). Variations, however, depend on politics; they do not affect the fact that individuals can exercise control over their (newly created, by them) personal information.

The same is, after all, true for all other information. Individuals can, or cannot, exercise control over it depending on the state in which they live. They can enjoy nature, own land and hold property depending on and to the degree that their state allows them to. The state creates the environment that is the system that first makes possible and then allows the processing of information (see Chapter 11, par. 3, and Chapter 24, par. 6).

On paragraph 6

6/5/1 Access (and use) of information as moral considerations

On the connection between access (use of information—and thus control!) and morality, see note 4/5/1.

6/5/2

On (human) rights actually constituting permissions (and not claims) to process, see Chapter 22.

On paragraph 7

6/7/1 On hierarchy, categories and human understanding

Although the way in which humans understand and process information remains elusive (its charting, however, being a pressing matter in view of the advent of artificial intelligence) and not relevant to this political

philosophy (because it is processing of immaterial information; it concerns us only if and when it materialises), some assumptions have been made on this matter, even dating as far back as Plato: '[the world] must have been constructed on the pattern of what is apprehensible by reason and understanding and eternally unchanging'.[239] After all, it is in Aristotelian categories (and categorisation)[240] that we seem to be processing information.

In spite of this topic being (vastly) outside the purposes and scope of this book, there is perhaps some relevance to examining whether hierarchy is natural to humans (as stated, for example, in Plato's, 'each and every assembly and gathering for any purpose whatever should invariably have a leader'[241]).

Hierarchy is a system visibly recognisable by (pack) animals. It is also present in the basic human unit of organisation, meaning the family: the parents decide for their children. It is because of these two reasons that hierarchy is considered in this book to be a system of organisation not only natural and understandable[242] to humans but perhaps preferable (presumably for these exact reasons) to any other (as is, after all, attested by the internal file organisation of our first computers—or any other information-processing equipment for that matter).

It is also quite possible that only by first acknowledging hierarchy could humans understand equality, its opposite and the alternative organisational system.

See also note 9/3/1.

239 Plato, *Timaeus and Critias*, 41 (Timaeus, 29a).

240 See his book Categories (Aristotle, *The Complete Works of Aristotle: The Revised Oxford translation*, ed. Jonathan Barnes (Princeton: Princeton University Press, 1984), 3–24). This methodology has been also unavoidably reflected in software programming.

241 Plato, *The Laws*, 72 (639c).

242 See also, for example, the naturally born hierarchy in the 'snow-society' of Uruguayan Air Force Flight 571 (and its inevitable comparison with the 'Lord of the Flies' society), in *Economist*, 'Álvaro Mangino Survived a Plane Crash by Eating His Companions', 15 May 2025.

On paragraph 8

6/8/1 On (state, political) power

On the true meaning of 'power' in the socio-historical context and Tolstoy's desperate struggle to explain it (social contract theory providing no useful insights to this end), see Berlin's relevant analysis, which concludes that 'we remain in the dark'.[243]

On paragraph 9

6/9/1 Not a matter of quantity

Power does not equate to having too many controls, that is, having control over too many processing operations—or, in any case, many more than the average in any given state. Too many controls is simply that, a quantitative, subjective and arbitrary criterion.

6/9/2

Power, particularly in the context of state theory, has been approached mostly as 'the ability of one actor to make another actor behave in a certain way'.[244] However, this is, in fact, control: control invariably makes another Being or Thing behave in a certain way.

243 Berlin, *The Hedgehog and the Fox*, 28.
244 Sørensen, 'The Transformation of the State', 16.

Notes on Chapter 7

On paragraph 1

7/1/1 Two clarifications: (a) on the state, (b) on citizenship

Two important clarifications need to be borne in mind at all times with regard to the terms 'state' and 'citizenship' as used throughout this book (on the term 'platform', see Chapter 7.1).

First, with regard to *states*: a very broad notion of the state is used in this book, to include any organised society or polity that has ever existed among humans.[245] It therefore includes, among others, prehistoric tribes, Iron Age empires, city-states and empires of classical antiquity, medieval feudal states, and anything and everything up to modern (nation) states.

However, the states meant here are not necessarily the states that our (own contemporary) vision and reading of history would perhaps recognise. For example, the Persian Empire was not a single state, that is, Xerxes of Persepolis was never bothered about the names and citizenship of the newborn children in Egypt (or in far less populous or organised parts of his vast empire): these were organised locally, notwithstanding whether the Persian Empire expected allegiance and taxes to be paid. The same is equally true for Caesar Augustus and his famous subject (but not citizen) Jesus Christ—the latter's state was, famously, Nazareth, not Rome. For any specific individual who was born under the Persian Empire or Imperial Rome,[246] the state was the unit (local, regional or otherwise) that managed the personal information of its citizens in a manner distinct from that of

245 In the past there has been considerable debate as to whether states existed in primeval societies, with views ranging from complete affirmation (see, for example, Eduard Meyer, *Geschichte des Altertums* (Stuttgart: J. G. Cotta, 1937), 11) to a nuanced approach (see, for example, Robert H. Lowie, *The Origin of the State* (New York: Russell & Russell, 1962), 44) to outward rejection (which is, however, frequently politically motivated, see, for example, Pierre Clastres, *Society Against the State: Essays in Political Anthropology*, trans. Robert Hurley and Abe Stein (New York: Zone Books, 1987)). This debate seems, however, to have settled down, marking a clear distinction between modern and ancient states (see Chap. 8, par. 3).

246 Imperial Rome did not give all its citizens citizenship until 200 AD, just before its demise (and as a desperate measure to postpone it), under the leadership of Emperor Caracalla.

other states, irrespective of how we, based on our own assumptions and prejudices, would characterise it today (or at any other time).[247]

Second, with regard to *citizenship*: citizenship is viewed in this book not as a full set of rights that is granted to certain individuals within a state (as the 'right to have rights'[248]), but merely as the formal link of each individual with its state. It is ultimately a means of unique identification, the only way that has been possible until now, together with a name, to uniquely identify an individual in space and time.[249]

Citizenship within this meaning can be achieved through mere registration in any state records. In essence, the approach advocated here is

247 Of broader importance for the analysis of this book is the idea of the state penetrating widespread communities. It appears that for much of human history the state was in practice a centralised administration that struggled to but frequently did not succeed in penetrating local, dispersed communities. This seems to have been equally as true for prehistoric and ancient states (Walter Scheidel, 'Studying the State', in Peter Fibiger Bang and Walter Scheidel (eds.), *The Oxford Handbook of the State in the Ancient Near East and Mediterranean* (Oxford: Oxford University Press, 2013), 17) as for medieval states. Only with the emergence of the nation-state was control restored (or gained, depending on the viewpoint)—a trend immensely assisted (or facilitated, again depending on the viewpoint) by information technology.
While this may be true, it does not affect the premise of this theory. States may not have had much impact on the lives of villagers in distant villages, but they did provide the two basic functions described in this book: states named individuals and processed these individuals' information.
Individuals have had names since the time that humans first emerged on earth. Even if those names were given locally, in a village distant from the state epicentre, with no record made whatsoever by the state to which this village nominally belonged, the fact remains that any individual belonging to this village would, during his or her life, have needed to transact and thus pay taxes, may have been married or would perhaps have had to enlist in an army of some kind. In all those circumstances (the occurrence of at least one such event should be considered a certainty, even in prehistoric societies) state use and processing of the name and other relevant information would have taken place. In other words, whenever a peasant, who may have lived alone in the mountains, entered a village to sell some goods or buy something (more so if he/she got married or was enlisted), state processing of this individual's information (and thus state existence) occurred. It is from this point of view that states need to be considered natural to humans, notwithstanding time, history, or personal statuses and conditions.

248 See Richard Bellamy, *Citizenship: A Very Short Introduction* (Oxford: Oxford University Press, 2008), 15.

249 Therefore, Bellamy's definition of citizenship ('a condition of civic equality. It consists of membership of a political community where all citizens can determine the terms of social cooperation on an equal basis'; Bellamy, *Citizenship*, 17) should be cut short for the purposes of this book: citizenship, here, consists only of membership of a political community.

described in modern theory as registration (and the relevant *right to registration*). However the word citizenship is retained in this text because (a) in the vast majority of cases (admittedly, at the expense of oppressed minorities) it does also reflect whatever citizenship rights were conferred from time to time by states on their citizens, (b) it is much more than simple registration (although at a bare minimum registration suffices) and (c) the right to registration[250] has only recently been acknowledged. (The latter most notably in the 1966 UN International Covenant on Civil and Political Rights, which was adopted by the General Assembly in 1966 and entered into force in 1976, when 35 state parties had ratified it. The second clause of Article 24 of the Covenant states that 'every child shall be registered immediately after birth and shall have a name.')

Basically this political philosophy supports the idea that citizenship can be had at the time of every individual's birth.[251] Registration can have happened. It is expected for every human at birth. Whether it actually happened[252] and in which form depended (and to some extend continues

250 The right to registration has been defined by Szreter as 'the human right to an identity. To be precise, the right to have one's legal identity and relationship to significant others publicly recognized, securely registered, and accessible for personal use' (Simon Szreter, 'The Right of Rregistration: Development, Identity Registration, and Social Security—A Historical Perspective', *World Development* 35/1 (2007), 67).
As also noted by Szreter, 'Registration at birth (or its absence) is the outcome of an ancient historical legacy. Systems for recording the existence of persons have existed throughout history for a number of reasons, the most well-known being military and tax-related censuses' (Simon Szreter, 'Children With a (Local) State: Identity Registration at Birth in English History Since 1538', in Jacqueline Bhabha (ed.), *Children Without a State: A Global Human Rights Challenge* (Cambridge, MA: MIT Press, 2011), 333).

251 Consider also Kant's approach (albeit similar, when it comes to definition of the 'fatherland') to this matter within his overall social contract theory: 'A country (territorium) whose inhabitants are fellow citizens of one and the same commonwealth by the very nature of the constitution (i.e. without having to exercise any particular right, so that they are already citizens by birth) is called the fatherland of these citizens' (Kant, *Political Writings*, 160).

252 On the topic of statelessness, the UN claims that in 2023 more than 1 % of the earth's population comprised 'refugees, displaced and stateless people' (UN High Commissioner for Refugees, *Global Appeal* (2023)), out of which more than 4.3 million are estimated to be stateless. Statelessness is dealt with in two UN Conventions: the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
How can this book's basic premise (that states are natural to humans because they are necessary for them to communicate by means of a name and citizenship granted to each one at birth) align with the UN's findings and efforts? In essence, the UN's

to depend) on the political circumstances of that time (and on the political agenda of those retrospectively assessing those circumstances).

Accordingly, the complexity of the registration, its actual content or role is of no importance to this political philosophy.

Similarly, if multiple states have records for the same individual, these are either competing or hierarchical. In the first case a state is challenging for the citizenship of an individual, either with or without the knowledge of that individual. In the second case, a later record in one state will point to a previous one in another for validation purposes (see also Chapter 8, par. 6).

7/1/2 On the definition of the state

The state is a notoriously difficult term to define, in spite of the numerous attempts that have been made to do so.[253] At the end of the day it seems

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approach is connected with nationality and a (full or less full) set of rights conferred to individuals based on their place of residence. A stateless person is anyone considered 'a national by any State under the operation of its law' (Article 1, par. 1 of the 1954 Convention). Accordingly, the 1961 Convention asks that 'A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless' (Article 1, par. 1). See also Siegelberg: 'when no country recognizes you as a citizen, you are a person of no nationality' (Mira Siegelberg, *Statelessness: A Modern History* (Cambridge, MA: Harvard University Press, 2020), 19); as well as Conklin: 'Without legal recognition as members of a state, stateless persons have been described as outsiders to a legal order, domestic or international' (William Conklin, *Statelessness: The Enigma of an International Community* (Oxford: Hart, 2014), 3).

In the same context, the UN's claim that statelessness 'is really an anomaly, a mistake in our governance systems, where people fall through the cracks' (UNHCR, *Global Appeal* (2023), 67) reflects this book's approach.

Statelessness is sometimes also connected with lack of registration (see, for example, Wendy Hunter, *Undocumented Nationals: Between Statelessness and Citizenship* (Cambridge: Cambridge University Press, 2019), 9). Lack of registration is apparently a phenomenon that exists even in the modern world. However, in all these cases the lack of registration is a choice of the parents or the persons concerned, caused by objective or subjective obstacles (see Wendy Hunter, *Undocumented Nationals*, 9), and not the lack of an option to register altogether.

253 By 1931 around 150 definitions had been catalogued in political science alone (David Easton, 'The Political System Besieged by the State', *Political Theory* 9/3 (1981), 307). Or, in the words of Kaspersen et al., 'ultimately, the moment of a state's definitional ideality "never comes"' (Lars Bo Kaspersen, Jeppe Strandsbjerg and Benno Teschke, 'State Formation Theory: Status, Problems, and Prospects', in Lars Bo Kaspersen and Jeppe Strandsberg (eds.), *Does War Make States? Investigations of Charles Tilly's Historical Sociology* (Cambridge: Cambridge University Press, 2017), 6). See also Bourdieu, who thought of the state as the 'unthinkable object', because we are 'in a

to be among these terms that everyone thinks they understand when they are referred to,[254] but the meaning of which they cannot otherwise put into words. For some, in view of the accumulated difficulties over the ages, there is no reason to try to define the state,[255] preferring instead to focus on specific aspects of it.[256]

The term as such was first used in the Middle Ages,[257] but entered the mainstream only during the seventeenth century.[258] Scholars of the state customarily distinguish between modern and ancient states (see Chapter 8, par. 3). However states, at least in the meaning examined here, are as old as humanity. The list of definitions that follows (notes 7/1/3 to 7/1/12) is merely indicative and by no means claims comprehensiveness or suitability for the purpose of analysing the various other approaches to defining the state.

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certain sense penetrated by the very thing we have to study' (Bordieu, *On the State*, 3).

254 Famously applied to 'civilisation' by Sir Kenneth Clark (standing in front of Notre-Dame in Paris in the first episode of the television series *Civilisation* and saying, 'What is civilisation? I don't know. I can't define it. But I think I can recognise it when I see it, and in fact I'm looking at it now', *Civilisation*, season 1, episode 1, "The Skin of Our Teeth," written and presented by Kenneth Clark, directed by Michael Gill, aired February 23, 1969, on BBC2). The connection has not been missed in modern state theory either, see, for example, Colin Hay and Michael Lister, 'Introduction: Theories of the State', in Colin Hay, Michael Lister and David Marsh (eds.), *The State: Theories and Issues* (London: Bloomsbury, 2006), 1. Pierson makes a similar connection with the famous US Supreme Court dictum on pornography (Pierson, *The Modern State*, 4).

255 See, for example, the 'overdue interment of the state' in Easton, 'The Political System Besieged by the State', 320.

256 Something that has also been claimed for the EU itself, in view of similar definitional difficulties. See, for example, James A. Caporaso, 'The European Union and Forms of State: Westphalian, Regulatory or Post-Modern?', *JCMS: Journal of Common Market Studies* 34/1 (1996), 30. However, the informational approach seems to make possible the definition of both (on the EU, see Chapter 19).

257 Notwithstanding, of course, Plato's and Aristotle's works, where the *polis* is, to all intents and purposes, the state (hence, 'political philosophy', 'political theory' etc.). See also Jellinek: '"Political" means "of the state"; the concept of the political already contains the concept of the state' (quoted in Anter, *Max Weber's Theory of the Modern State*, 35).

258 See, for example, Ernst-Wolfgang Böckenförde, *Religion, Law, and Democracy: Selected Writings*, ed. Mirjam Künkler and Tine Stein (Oxford: Oxford University Press, 2020), 152.

7/1/3 The Weberian definition (and epigones)

Although one-line definitions of the state have generally not fared well,[259] it is likely that today the most influential[260] definition of the modern state is that offered by Weber, who famously defined it as follows: 'an institutionally organised political enterprise will be called a state if, and to the extent that, its administrative staff can lay claim to a monopoly of legitimate physical force in the execution of its orders'.[261]

Even if one chooses to overlook the fact that this formulation is more of a criterion than a definition,[262] leaving for the state the rather bland definition of an 'institutionally organised political enterprise', it cannot be missed that this is a pragmatic definition. It sets a bar (the monopoly of legitimate physical force)[263] and then checks to see who has claim to it; it could be the state, but it could also be other actors (e.g. violent separatist groups).[264]

The 'legitimacy' criterion is even more troubling, because it turns the argument on its head: who is it that sets the law that says that the state (or anything at all, for that matter) is 'legitimate'?[265] The state clearly predates the law (see Chapter 20, par. 6).

In any event, in spite of its dominance today, Weber's definition does not go uncriticised. For example, Giddens accused him (probably justifi-

259 See Pierson, *The Modern State*, 2.

260 A generally accepted claim; in any event see, for example, Pierson (*The Modern State*, 2); Mann (Michael Mann, 'The Autonomous Power of the State: Its Origins, Mechanisms and Results', in John A. Hall *States in History* (London: Basil Blackwell, 1986), 53); or Hay and Lister ('Introduction', 4).

261 Max Weber, *Economy and Society: A New Translation* (Cambridge, MA: Harvard University Press, 2019), 136.

262 See note 7/1/6, and also Anter, *Max Weber's Theory of the Modern State*, 11.

263 On the connection with violence see, for example, Andreas Anter, 'The Modern State and Its Monopoly on Violence', in Edith Hanke, Lawrence Scaff and Sam Whimster (eds.), *The Oxford Handbook of Max Weber* (Oxford: Oxford University Press, 2019), 229.

264 On the (assumedly different definitional approach) of the state being the organisation that enjoys primacy within (effectively, exercises coercion over) a territory among all other organisations, see note 11/2/1.
Pragmatism is, of course, employed in the approach of this book too (see note 7/1/1); however, in this case attention is given to an objectively identifiable threshold (who registers the individual), whereas in Weber's case the criterion is impossible to establish objectively.

265 See also Luhmann's critique of legitimacy (who is it that makes it legitimate?) (Niklas Luhmann, *Die Politik der Gesellschaft* (Frankfurt am Main: Suhrkamp, 2002), 193).

ably) of time-specificity, namely that his definition is of the modern (essentially, post-Westphalian) state.[266] And the definition has not remained unimproved: see, for example, Bourdieu, who added 'symbolic' to 'physical violence'.[267]

Notwithstanding the above, Weber's definition remains the most influential today, in the sense that its emphasis on regulation and coercion is echoed in a number of more recent definitions too.[268]

7/1/4 Hobbes and his Leviathan

Hobbes' influential state definition, or depiction, imagined an artificial, omnipotent, mechanical or biological construction, complete with head, arms and body.[269]

Regardless, however, of visualisation for illustration purposes (something also adopted in the case of information platforms and archipelagos, after all!), it would seem that, to Hobbes, 'the state is a voluntary society constituted for mutual protection',[270] thus moving the burden of definition from 'state' to 'society' (crucially, at all times implying an artificial construction; see also note 13/2/1).

7/1/5 The Hegelian, idealist definition

For Hegel (and idealists), 'the state is the divine will, in the sense that it is spirit present on earth, unfolding itself to be the actual shape and organisation of a world'.[271] In the same vein, neo-Hegelians view the state as 'a structure of judgments about what is true and what is not' or as 'a systematic structure of ideas on the basis of which the individuals of a

266 Anthony Giddens, *The Nation-State and Violence* (Cambridge: Polity Press, 1985), 18.
267 Bourdieu, *On the State*, 4.
268 See Scheidel, 'Studying the State', 5.
269 Hobbes, *Leviathan*, 7. For other machine-like visualisations of the state see, for example, Anter, *Max Weber's Theory of the Modern State*, 196.
For mythical representations of the state or perceptions of the state as a living organism see, for example, Robert M. MacIver, *The Modern State* (London: Oxford University Press, 1962), 449 (and also note 11/4/5).
270 Prakash Sarangi, 'Notion of "State" in John Rawls' Theory of Justice', *The Indian Journal of Political Science* 52/2 (1991), 195.
271 Hegel, *Outlines of the Philosophy of Right*, 244.

society seek jointly to control the physical objects that surround them'.[272] In other words, 'a state exists chiefly in the hearts and minds of its people; if they do not believe it is there, no logical exercise will bring it to life'.[273]

On Hegel's idealism and the state, see also Chapter 13, par. 7.

7/1/6 Definition of the state through a list of criteria

Within the Weberian context of providing criteria for the characterisation of a (or any) social group as a state, an important trend is to add to the list (the so-called institutional approach; see also note 7/1/7). A set of criteria is therefore provided by a number of scholars which, if met cumulatively, turn any given social group into a state.

For example, Runciman lists four such criteria:

> *[N]ecessary and jointly sufficient conditions for the emergence of a state from nonstate or stateless forms of social organization: specialization of governmental roles; centralization of enforceable authority; permanence, or at least more than ephemeral stability, of structure; and emancipation from real or fictive kinship as the basis of relations between the occupants of governmental roles and those whom they govern.*'[274]

Strayer lists durability, spatial fixity, permanent and impersonal institutions, final authority and loyalty.[275] Dryzek and Dunleavy offer 'seven defining characteristics of the state', and five 'associated' ones.[276] Of course, the list

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272 Peter J. Steinberger, *The Idea of the State* (Cambridge: Cambridge University Press, 2005), 21.

273 Joseph Reese Strayer, *On the Medieval Origins of the Modern State* (1970) (Princeton: Princeton University Press, 2005), 5. See also Weber: 'if we ask to what in empirical reality the thought "state" corresponds, we encounter an infinity of diffuse and discrete active and passive human actions, relations regulated factually and legally, sometimes unique, sometimes recurrent in character, all held together by an idea, a belief in actually or normatively prevailing norms and relations of rule of man by man. This belief is partly consciously held as a developed idea, partly dimly perceived, partly passively accepted and reflected in the most varied forms in the heads of individuals who, if they really did clearly think this idea through, would have no need of the "general theory of the state" that they sought to elaborate' (quoted in Anter, *Max Weber's Theory of the Modern State*, 96).

274 Walter G. Runciman, 'Origins of States: The Case of Archaic Greece', *Comparative Studies in Society and History* 24/3 (1982), 351.

275 Strayer, *On the Medieval Origins of the Modern State*, xv.

276 John S. Dryzek and Patrick Dunleavy, *Theories of the Democratic State* (New York: Palgrave Macmillan, 2009), 3.

can also comprise only one, inclusive, criterion, as, for example, in Fried's 'stratification'.[277]

On the inadequacy of using a list of criteria to define the state, see Hegel: 'By listing attributes, principles, etc., no progress can be made in assessing the nature of the state'.[278]

Nevertheless, the attempt to define states through a list of characteristics inevitably makes a list contemporary (or at least post-Weberian, if not post-Westphalian). For example, Sorensen, following Cox, conceptualises (modern) states as 'historical structures made up of material capabilities, ideas and institutions. The "institutions" level focuses on the government; the "ideas" level concentrates on nationhood (i.e., the community of people in the state); and the "material capabilities" level focuses on the economy'.[279]

7/1/7 Definition of the state through its functions

For a functional (as opposed to an institutional) approach to defining the state, see, for example, Mann (who tried to combine the two in his attempt to define state power)[280] or Nettl, who identifies the following functions that the state (normally) serves: the process of administration, the institutionalisation of sovereignty, sectoral autonomy, law enforcement, social goal attainment and representation.[281] In the same vein, Dunleavy and O'Leary distinguished between organisational and functional definitions, claiming that organisational definitions regard the state as a set of governmental institutions, while functional definitions define the state as either a set of institutions which carries out particular goals or by the consequences of a state's actions, for example, the maintenance of social order.[282]

A functional approach to defining the state (an 'apparatus') was also adopted by Marxism (see note 13/8/1).

However, a functionalist approach to defining the state cannot give us a definition but only an explanation of a definition (what the state

277 Morton H. Fried, 'The State, the Chicken, and the Egg or What Came First?', in Ronald Cohen and Elman R. Service (eds.), *Origins of the State: The Anthropology of Political Evolution* (Philadelphia: Institute for the Study of Human Issues, 1978), 36.

278 Hegel, *Outlines of the Philosophy of Right*, 242.

279 Sørensen, 'The Transformation of the State', 13.

280 Mann, 'The Autonomous Power of the State', 112.

281 Nettl, 'The State as a Conceptual Variable', 579–90.

282 Patrick Dunleavy and Brendan O'Leary, *Theories of the State: The Politics of Liberal Democracy* (London: Macmillan Education, 1987), 1.

does), which should have preceded the description of the function. In other words, a (or any) functionalist approach describes the functions of something, but that 'something' needs to have been defined beforehand. In addition, function is ultimately connected to purpose[283]—but the state has no specific purpose whatsoever (see Chapter 11, par. 7).

7/1/8 Definition of the state through the 'forms of state'

Another popular way to define the state is through the 'forms of state'. As noted by Caporaso, '"Forms of state" is an umbrella concept that encompasses many historically specific state structures, e.g. the pluralist state, night-watchman state, predatory state and welfare state.'[284] In any case, there is a rich bibliography that distinguishes categories of states according to various sets of criteria (other than historical), for example, Adam's 'familial' (patrimonial) state,[285] Weber's research on 'bureaucratic'[286] states, Bluntschli's 'legal' states[287] and so on.

Other than the temporality (and ultimately historical nature) of this approach, it should be noted that it implies a conflict, a struggle among social actors (e.g. social classes, professional groups or political parties) in which the winner gets to 'form' the state (or at least its basic character) according to its will. In this way the state is thus perceived as a pawn in social struggles (see also Chapter 11, par. 4).

Although this approach to defining the state suffers from the same difficulties as the functionalist approach (see note 7/1/7), it is pertinent in the sense that it assumes that 'there is no such thing as "a state," or even a "modem state" or "nation-state", with trans-historical and cross-societal

283 See, for example, Heller's claim that the 'function' of the state is 'the autonomous organization and activation of the social process over the state's territory, grounded in the historical need that some modus vivendi be achieved among the contrasting interests operating in a given section of the globe' (quoted in Gianfranco Poggi, *The Development of the Modern State: A Sociological Introduction* (Stanford: Stanford University Press, 1978), 96), thus effectively giving a purpose to the state. On the relationship between function and purpose, see note 11/7/2.

284 Caporaso, 'The European Union and Forms of State', 31.

285 Julia Adams, *The Familial State: Ruling Families and Merchant Capitalism in Early Modern Europe* (Ithaca: Cornell University Press, 2005).

286 See Anter, *Max Weber's Theory of the Modern State*, 171.

287 Johann Kaspar Bluntschli, *The Theory of the State* (1875) (Ontario: Batoche Books, 2000), 66.

significance'.[288] By denying a distinction between modern and ancient states, this approach offers a unitary approach to the nature of the state throughout human history (see also Chapter 8, par. 3).

7/1/9 Definition of the state through political ideologies

A more recent popular way to define the state has been to reverse the question: instead of defining the state, scholars describe the state on the basis of a theory or an ideology. In this way we can speak of the state under Marxism or Social Democracy or conservatism or feminism or religious fundamentalism (see, for example, Pierson's 'state–society relationship'[289]).

7/1/10 The connection of states with violence

The distinctive characteristic in Weber's definition is physical force, violence. Perhaps this is the basic reason why this definition has been so successful, too: it identifies a characteristic that seems all too familiar to each of us who is living in a state today (and since the time it was formulated). Similarly, sociology seems to accept that 'the ultimate and, no doubt, the oldest means of social control is physical violence.'[290]

In the same vein, that of placing violence at the basis of state explanation, North et al. have taken Weber's approach to its limits, claiming the existence of a 'natural state' that 'reduces the problem of endemic violence through the formation of a dominant coalition whose members possess special privileges'.[291] This positions states as being natural to humans because violence is endemic. This is, after all, Abrahms' approach too, when he claims that 'The study of the state, seen thus, would begin with the cardinal activity involved in the serious presentation of the state: the legitimating of the illegitimate.'[292]

On the connection of the state with coercion (the state being the organisation exercising supreme coercion over all other organisations within a territory), see note 11/2/1.

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288 Caporaso, 'The European Union and Forms of State', 31.

289 Pierson, *The Modern State*, 58; see also Dryzek and Dunleavy, *Theories of the Democratic State*, 226.

290 Berger, cited in Gianfranco Poggi, *The State: Its Nature, Development, and Prospects* (Cambridge: Polity Press, 1990), 5. This therefore supports Poggi's approach to states, as an expression of political power.

291 Wallis and Weingast, *Violence and Social Orders*, 18.

292 Abrams, 'Notes on the Difficulty of Studying the State', 76.

7/1/11 The connection of states with war

Tilly's famous dictum that 'war made the state, and the state made war'[293] has opened up a fruitful path to further research on this basis.[294]

In the same vein, see also Tilly's own definition of the state: '[a]n organization which controls the population occupying a definite territory is a state insofar as (1) it is differentiated from other organizations operating in the same territory; (2) it is autonomous; (3) it is centralized; and (4) its divisions are formally coordinated with one another'.[295]

7/1/12 The connection of states with justice

The connection of states with justice (whatever justice may mean to anyone,[296] for example, for Spencer justice is 'to defend the natural rights of man—to protect person and property—to prevent the aggressions of the powerful upon the weak', whereby 'the administration of justice is the sole duty of the state.'[297]) has famously been made by Rawls; however this is a connection steeped in time,[298] and is not missing from current theory either.[299]

7/1/13 What the problem with the current definitions is

The biggest problem with all the existing definitions of the state is that (with a few exceptions, see Hegel or Marxism[300]) they treat the state as one option among many. As noted by Nettl, 'What social scientists have done

293 Charles Tilly, *The Formation of National States in Western Europe* (Princeton: Princeton University Press, 1975), 42.

294 See, for example, David Webster, 'Warfare and the Evolution of the State: A Reconsideration', *American Antiquity* 40/4 (1975); Ronald Cohen, "Warfare and State Formation: Wars Make States and States Make Wars," in *Warfare, Culture, and Environment*, ed. R. Brian Ferguson (Orlando, FL: Academic Press, 1984), 329–58.

295 Tilly, *The Formation of National States in Western Europe*, 70.

296 Consider Aristotle: 'Justice is not the same in every constitution, so that differences in notions of justice are inevitable' (Aristotle, *The Politics*, 329 (1309a33)). See also note 13/2/2.

297 Herbert Spencer, *The Man Versus the State: With Six Essays on Government, Society, and Freedom* (1884), ed. Eric Mack (Indianapolis: Liberty Classics, 1981), 86.

298 Plato, *The Republic,* 57 (369a).

299 See, for example, Miller, *Political Philosophy*, 74.

300 Which are, however, equally problematic for their own specific reasons—see Chap. 13, pars. 7 and 8 respectively.

is to provide a framework of analysis in which the state is one possible concretization of structures, one political dimension, or even one system of social bonds—but not the only one.'[301] Of course, this invites the question of whether other options exist too; if yes, what are they? Where have they been in all these thousands of years of recorded human history?

Another important problem with current definitions of the state is that they confuse the state with its citizens. For sociologists, the state is inseparably connected with humans, it is, in fact, humans acting in some capacity.[302] This is evident in Poggi's approach: 'the modern state is perhaps best seen as a complex set of institutional arrangements for rule operating through the continuous and regulated activities of individuals acting as occupants of offices'.[303] It is also the basic problem with Nettl's functionalist definition, that the state 'is a collectivity that summates a set of functions and structures in order to generalize their applicability'—he insists that the state is a group of people, a collectivity, which later forces him to admit that 'the state is a "sociocultural phenomenon"'.[304]

Humans, however, are not the state—the state is not a group of people, it is not a social group. It is much more than that, it is all the Things and Beings on its information platform.[305] In fact, it is through the state that Things and Being receive their meaning—as is evident for that state's citizens and from their point of view (see also the Unique Human Observer Perspective, note 1/1/1).

In addition, by conflating the state with its citizens, we run the risk, first, of confusing the state with its government or its public sector (see Chapters 12 and 11, par. 4, respectively) and, second, of 'humanising' the state, giving it an anthropomorphic nature (see also note 11/4/5).

7/1/15 A Janus?

The inconclusiveness of the various, partial approaches to the state leads to Bourdieu's assertion that 'The state is a Janus about which it is impossi-

301 Nettl, 'The State as a Conceptual Variable', 559.

302 See, for example, Durkheim's 'the state is the very organ of social thought' (Émile Durkheim, *Professional Ethics and Civic Morals* (1904), trans. Cornelia Brookfield (London: Routledge, 2018), 50).

303 Poggi, *The Development of the Modern State*, 1.

304 Nettl, 'The State as a Conceptual Variable', 565.

305 See also R. F. Stalley, 'Introduction', in Aristotle, *Politics*, trans. Ernest Barker, ed. R. F. Stalley (Oxford: Oxford University Press, 1995), xi.

ble to state a positive property without simultaneously stating a negative property, a Hegelian property without a Marxist property, a progressive property without a regressive and oppressive property. This is troubling for those people who like to think that everything will turn out rosy'.[306] This thus opens the door to relativity.

On paragraph 3

7/3/1 State omnipresence

On state omnipresence, consider, 'Always and in every case, the state is an institution of unlimited scope, an institution that in principle knows no external constraints other than those imposed upon it by sheer physical nature'.[307] Of course, the fact that the state is omnipresent in each and every human communication, makes it also omnicompetent: because it warrants each and every human communication and interaction it is unavoidably competent (or, better put, co-competent) in it.

The state's omnipresence does not make it omnipotent, however, because, quite simply, the state does not have a will (see also Chapter 16, par. 3). By the same token, its omnipresence does not imply a path to totalitarianism or serfdom (which is a matter of government and political system, see Chapters 12 and 12.1, respectively).

On paragraph 4

7/4/1 On naming and name studies

On naming and name studies (the study of onomastics), see, for example, *The Oxford Handbook of Names and Naming*.[308]

On the registry ('naming system') being necessary to any naming system see, for example, Bowman et al.[309]

306 Bourdieu, *On the State*, 98. The Janus analogy was not absent from Marxist theory, either (see Nicos Poulantzas, *State, Power, Socialism* (1978), trans. Patrick Camiller (London: Verso, 2001), 12).

307 Steinberger, *The Idea of the State*, 183.

308 Carole Hough (ed.), *The Oxford Handbook of Names and Naming* (Oxford: Oxford University Press, 2016).

309 Mic Bowman, Saumya K. Debray and Larry L. Peterson, 'Reasoning About Naming Systems', *ACM Transactions on Programming Languages and Systems* 15/5 (1993).

7/4/2

The effect of public recognition, and its existence throughout human history, has been noted : 'Thus, that central aspect of registration which concerns public recognition may well constitute an eternal and universal characteristic of all human communities, with or without literacy or a technology of written records.'[310]

7/4/3 The state can be understood as a natural blockchain

In an informational approach, the state can be understood as the first, and only natural, blockchain.[311]

The blockchain *per se*, as a technical construct recently developed, is not natural but artificial, in the sense that it requires (human) creation and maintenance (which explains why it remains mostly used for the management of money).

7/4/4

On cosmopolitanism (i.e. the existence of only one state for all humans) and why it cannot work, see Chapter 19, par. 10.

7/4/5

On statelessness, see note 7/1/1.

On paragraph 5

7/5/1 On anonymous communication

Although of course possible, anonymous communication is based on (the assumed existence of) named humans.

310 Keith Breckenridge and Simon Szreter (eds.), *Registration and Recognition: Documenting the Person in World History* (Oxford: Oxford University Press, 2012), 17.

311 On the blockchain, and its definition, see, for example, J. Yli-Huumo et al., 'Where Is Current Research on Blockchain Technology?—A Systematic Review', *PLOS ONE* 11/10 (2016); Michael Crosby et al., 'Blockchain Technology: Beyond Bitcoin', *Applied Innovation Review* 2 (2016); or Zibin Zheng et al., 'An Overview of Blockchain Technology: Architecture, Consensus, and Future Trends', paper presented at the 2017 IEEE International Congress on Big Data (BigData Congress), Honolulu (2017).

Two individuals choose to communicate anonymously because they are aware that they do have names, that each of them has a unique identifier that they are consciously and deliberately momentarily foregoing (for their own aims and purposes). In other words, the term anonymous would not exist to characterise a marginal, momentary and fleeting case if it was not the exception to the rule, an antithesis that would not exist without the thesis (so, in opposite terms, not in the sense of black/white or hot/cold, but in the sense of dressed/undressed or willing/unwilling).

Anonymous communication is of marginal use to humans, and only in special cases. It is difficult to imagine anonymous communication extending to more than a few hours (keeping in mind that even on the Internet people have aliases) and a specific scope (the communication of travel instructions, discussions 'with strangers' during travel or brief co-habitation (e.g. in cafes, bars)). In practice, all of human life (transactions and relationships) is carried out between identified or identifiable individuals. Humans invariably interact and transact making use of their names, choosing to hide them from others only when they have good reason to do so (for example, in cases of political dissent within oppressive regimes, for therapeutic purposes, for confessional purposes within a religious context etc.).[312] Whatever the case may be, for the purposes of this analysis, anonymity is the choice of an individual who invariably already has a name.

On paragraph 8

7/8/1

On the right to registration, see note 7/1/1.

7/8/2

Immigrants (meaning non-citizens, but not slaves) have always existed within states. They have faced difficulties within their adopted states that would sound familiar in any historical period. For example, Aristotle was an immigrant in Athens; Athenians never really liked him or trusted him (conversely, while Plato was an Athenian, he apparently never liked nor trusted Athenians).

312 Anonymous, 'To Reveal or Not to Reveal: A Theoretical Model of Anonymous Communication', *Communication Theory* 8/4 (1998).

On paragraph 10

7/10/1

Consider also Kant's concluding methodological approach:

> *If a person cannot prove that a thing exists, he may attempt to prove that it does not exist. If neither approach succeeds (as often happens), he may still ask whether it is in his interest to assume one or other possibility as a hypothesis, either from theoretical or from practical considerations. In other words, he may wish on the one hand simply to explain a certain phenomenon (as the astronomer, for example, may wish to explain the sporadic movements of the planets), or on the other, to achieve a certain end which may itself be either pragmatic (purely technical) or moral (i.e. an end which it is our duty to take as a maxim).*[313]

313 Kant, *Political Writings*, 173.

Notes on Chapter 7.1

On paragraph 2

7.1/1/1

The definitions quoted are from the Cambridge[314] and the Oxford[315] dictionaries respectively.

7.1/1/2

On the links between the Internet and the sea, see note 1/11/3.

On paragraph 3

7.1/3/1 On the EU's definition of online platforms

The EU's definition usefully covers what it is that states basically do, as seen in Chapter 7, par. 6: they store and disseminate personal information at the request of their citizens. However, this definition needs to be amended in two ways, one less obvious than the other. Information platforms may also create information, either alone (for example, on the platform itself) or with their users (for example, all the personal information that would not have been created if the platform did not exist). Therefore, states not only store and disseminate but also create information with or for their citizens. The less obvious way in which the law's definition of information platforms should be amended is that the state is not a service provider (see note 11/4/9).

7.1/3/2

On the business model of 'free', see Andreson's (introductory, but also first-to-identify) analysis.[316]

314 Definition of platform from *Cambridge Advanced Learner's Dictionary & Thesaurus*, 'Platform' (Cambridge: Cambridge University Press).
315 *Oxford English Dictionary*, 'Platform (*n.*), sense I.1.a'.
316 Chris Anderson, *Free: The Future of a Radical Price* (New York: Hyperion, 2010).

7.1/3/3

On the characterisation of users of contemporary online information as 'digital serfs' on account of the limited freedoms and opportunities for information processing they are afforded by their operators, see, for example, Fairfield's analysis,[317] as well as Chapter 17, par. 11.

On paragraph 7

7.1/7/1

On a spatial representation of the state, see also Mann: 'I shall argue in this chapter that the state is merely and essentially an arena, a place … and yet this is the very source of its autonomy.'[318]

317 Joshua A. T. Fairfield, *Owned: Property, Privacy, and the New Digital Serfdom* (Cambridge: Cambridge University Press, 2017).

318 Mann, 'The Autonomous Power of the State', 112.

Notes on Chapter 8

On paragraph 1

8/1/1

Against the claim that states are natural to humans, it could be argued that, even under the approach advocated in this book, states are still products of human mental activity and thus artificial (i.e. it is not claimed in this book that states grow in Nature).

Notwithstanding the fact that it is not only what grows in Nature that is considered natural[319] to a Being (i.e. nests being natural to birds; see also Chapter 5, par. 5), states are natural because they individualise humans by means of a name.[320] And there is no myth, archaeological finding or recorded history in humanity where names have not been used by humans (in other words, a nameless human, a human with no name is unheard of).[321]

If names have, therefore, been used by humans since the time they gained self-consciousness (and as a means thereof), and it is states that make the use of names possible, states are as natural to humans as their names (and human language, through which names are expressed).

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319 For example, on 'mankind's natural inheritance of artifice' (referring to religion and human reasoning), see Oakeshott, *On Human Conduct*, 33. Of course, in this case, states go well beyond (actually, they precede) that point, because to Oakeshott the 'seed of religion, like that of reasoning, is in the nature of man' (ibid.), whereas here it is claimed that humans, in order to reason and believe, first need to have become individuals—through their states.

320 On humans having names simply because they are humans, see Chap. 8.1, par. 1.

321 See, for example, Gilgamesh (Anonymous, *The Epic of Gilgamesh: The Babylonian Epic Poem and Other Texts in Akkadian and Sumerian*, trans. Andrew George (London: Penguin Classics, 1999)), or, from a different point of view, Adam and Eve (see also footnote nr. 348).

8/1/2

This philosophy therefore, corrects, by way of complementing Aristotle's claim that states are natural to humans:

> *When several villages are united in a single complete community, large enough to be nearly or quite self-sufficing, the state comes into existence, originating in the bare needs of life, and continuing in existence for the sake of a good life. And therefore, if the earlier forms of society are natural, so is the state, for it is the end of them, and the nature of a thing is its end.*[322]

Aristotle's thinking, steeped as it was in his teleology,[323] is, however, flawed, above all else because he artificially put an end to state development with the city-state, so as to prove his point, despite the fact that the city-state has since been greatly surpassed—and may even have been so in his day (see also note 13/2/2).

In the same vein, states are natural to humans but do not predate them: their creation was simultaneous, turning humans into individuals (and thus not into either animals or God(s)). In this way, the basic question of political philosophy, of whether the individual or society (the state) came first, and therefore which one precedes the other (and thus is entitled to take precedence)[324] is resolved: neither.

Similarly, Aristotle was correct to claim that 'the man without a polis is like a hand without a body',[325] in spite of his inability to justify this claim, because, quite simply, a nameless, non-individualised human is unthinkable—one has never existed (i.e. any such human would be a Thing, just as Aristotle claims a 'stone hand' is[326]). Humans are 'social animals'[327] not simply because they live in states (*poleis*), but because they cannot live (a meaningful, human life) outside them (see note 8/1/3).

Other issues with Aristotle's political philosophy can be addressed in the same manner: the hand–body metaphor used to describe the relationship

322 Aristotle, *Politics*, trans. Benjamin Jowett (Oxford: Clarendon Press, 1885), 3 (1252b).
323 Similarly, the nature of a Thing is not its end—its nature depends on its actual uses, which can vary vastly (see note 4/5/1).
324 See, for example, Aristotle, *Politics*, 11 (1253a 18).
325 Ibid., 11 (1253a18–23).
326 Ibid., 11 (1253a18), and this is, of course, the case after a human dies, see Chap. 2, par. 3.
327 In other words, political animals (*zoon politikon*), see also note 0/1/9.

between individuals and their state does not mean that 'the individual has no value apart from his contribution to the larger whole which is the city',[328] because the state has no purpose (see Chapter 11, par. 7) and states need their citizens (to augment their information processing; see Chapter 10). Accordingly, there is no chasm between 'Aristotle's political philosophy [and] the individualism which has dominated western political thought since the Renaissance',[329] because the state is a natural individualisation mechanism for humans.

8/1/3 On (a/the) meaningful life

The term 'meaningful life' whenever used in this book to characterise human life denotes the life we all know and hopefully appreciate (hence, 'meaningful', at least from the Unique Human Observer Perspective, see note 1/1/1), and not the life of an animal, organisation or artificial Being.[330]

Although what is considered 'meaningful' in human life can vary vastly throughout space and time, never meeting agreement even within the same state, the term here is used in the most general and neutral way,[331] that is, as the only way of life humans know and have recorded in their history, which is gravely different both to any other life known to humans and to any other life that could have potentially been lived by humans (e.g. as nameless (numbered, managed in bulk) members of a hive). The lives of any and all (lucky or unlucky, privileged or non-privileged) groups of humans in all periods of human history are therefore considered 'meaningful' here, regardless of how we assess the quality, content and context (and perhaps meaningfulness from an ethical point of view, which, however, lies outside the scope of this book) of their lives.

Accordingly, any human life that is not identifiable, meaning pertaining to non-individuals, is not a 'meaningful' human life. Luckily such examples cannot be found historically (because a name and citizenship are automatically provided to all at birth), but can only be found in dystopian literature

328 Stalley, 'Introduction', xxviii.
329 Ibid., xxx.
330 See also Chap. 1, par. 9, as well as Chap. 2, par. 12.
331 Therefore, not taking Aristotle's meaning of the 'good life' (see, Aristotle, *Politics*, 319 (1252a)), which, for Aristotle, provides the purpose for the state (ibid., 357 (1280b29)), nor the *summum bonum* (see note 0/1/7).

(science fiction). A non-individualised human, a human without need of a name would, as correctly put by Aristotle, either be an animal or a God.[332]

8/1/4 On language and the state

It is not possible to determine whether language preceded the state or vice versa.[333] If it is true that humans, as their distinctive characteristic, have been a speaking animal[334] from early on in the emergence of *Homo sapiens*,[335] was the development of human language made possible because each human had a name that was warranted by a state (presumably then no more than a family or a small group of people), or did the fact that human language is creative[336] lead to the need for each human to have a different name? Whatever the case may be, language and state are intertwined notions, in the sense that the one developed alongside the other (and, in their particular, time-specific appearances, each appeared and disappeared in human history time and again).[337]

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332 Aristotle, *Politics*, 322 (1253a25).

333 Consider also Gombrich: 'We do not know how art began any more than we know how language started' (Gombrich, *The Story of Art*, 39.)

334 Tellingly, Marx and Engels thought that it was 'production' that distinguished humans from animals ('Men can be distinguished from animals by consciousness, by religion or anything else you like. They themselves begin to distinguish themselves from animals as soon as they begin to produce their means of subsistence, a step which is conditioned by their physical organization. By producing their means of subsistence men are indirectly producing their actual material life' (Karl Marx and Friedrich Engels, *A Critique of the German Ideology* (1846), trans. Tim Delaney and Bob Schwartz (London: Progress Publishers, 1968), 7). Ultimately, any 'distinctive characteristic' identified to distinguish between humans and other animals underlies the respective philosophy (e.g. Reason—see also Chapter 4.1, par. 8—etc.).
Consider also Nietzsche, who based his 'sovereign individual' on the ability to 'make promises' (Nietzsche, *On the Genealogy of Morals*, 41).

335 See D. Crystal and R. H. Robins, 'Language', *Encyclopedia Britannica*.

336 As to the basic difference from other animals, see ibid.

337 See also Hobbes who, unable to solve the above problem using the principle of priority, said that 'The first author of Speech was God himself' (Hobbes, *Leviathan*, 20); Locke, a few years later, basically agreed with him on God being the provenance for language (and sociability, 'a necessity to have fellowship with those of his own kind') (John Locke, *An Essay Concerning Human Understanding* (1690), ed. Roger Woolhouse (London: Penguin, 2004), 527). To contractarian authors, thinking in 'state of nature' terms, language is the origin of conflict—it is only when language was invented that conflict began (see, in particular, Rousseau: 'It would be sad for us to be forced to admit that this distinctive and nearly unlimited faculty [speech] was the source of all man's unhappiness and, in time, draws him out of

On states actually making human language possible, see Chapter 8, par. 4.

On language approached from an informational perspective as an artificial Being, see Chapter 2, par. 16.

Within the context of politics, the government (which should not be confused with the state; see Chapter 12, par. 1) may assign one or more purposes to a language. Essentially states-as-shaped-by-governments and language have coexisted in a relationship that is sometimes harmonious and sometimes conflictual, if not antagonistic, throughout human history. There have been times when new states were formed through the actions of their governments on the basis of the language spoken by their citizens, times when states died for exactly this same reason, happily multilingual states and staunchly 'one state, one language' states—all of these, however, are the result of political choices, that is, of the relationship between a government (not a state) and a language.[338]

In the same context, the purposes assigned to a language by a government may vary considerably, to include anything from the formation of a state culture (see also note 8.1/4/4) to standardisation for administrative purposes,[339] or even the oppression of unwanted minorities. Of course, the political potential of language has never been absent from theory. For example, Hobbes considered that 'the Sovereign is the ultimate authority over the meanings of the words that we use.'[340]

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that primordial condition in which he would savour peaceful and innocent days; and that it was this faculty, causing over the centuries his acumen and his errors, his vices and virtues to flourish, which eventually makes man a tyrant over himself and nature'; Jean-Jacques Rousseau, *Discourse on the Origin of Inequality* (1754), trans. Franklin Philip (Oxford: Oxford University Press, 1994), 34).

338 See Chap. 8.1, par. 4.

339 On orthography, see, for example, Pierre Bourdieu, 'Rethinking the State: Genesis and Structure of the Bureaucratic Field', in George Steinmetz (ed.), *State/Culture: State-Formation After the Cultural Turn* (Ithaca: Cornell University Press, 1999), 53; in the same context, see also James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998), 53.

340 Christopher Brooke, 'Introduction', in Thomas Hobbes, *Leviathan* (London: Penguin, 2017), xxii. In the *Elements of Law*, Hobbes imagined that 'In the state of nature, where euery man is his owne Iudge, and differeth from [other altered from others], concerning the names [and altered from And] appellations of thinges; and from those differences, arise quarrells, and breach of Peace, it was necessary, there should be a Common measure of all thinges, that might fall in Controuersie; as for example, of what is to be called Right, what Good, what, vertue, what Much, what litle, what meum, and Tuum, what a Pounde, what a Quart etc.' (Thomas Hobbes,

8/1/5

On how an approach based on a political theory of information differs from other state formation and state justification theories, see Chapter 13.

On paragraph 2

8/2/1 On family and the state

States are as natural to humans as family. In essence, families are themselves Beings, in fact organisations, that emerged naturally for humans and serve no specific purpose, that is, they were not created consciously by any Being for a specific purpose (see note 5/2/2). As such, the similarities with the Being that is the state are clear.

These similarities have not, of course, been missed by either political philosophy or science. In fact, political philosophy imagined, and anthropology confirmed[341] (in terms of organisational units), that the precursor of states is the family. It is apparent that as humanity took its first steps, the role of the state was played by families. This is, after all, an assumption

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Elements of Law (1650), ed. Johann P Sommerville (Oxford: Oxford University Press, 2024), 281).

See also Bourdieu, who claims that the state provides 'the fundamental consensus on the meaning of the social world' (Bordieu, *On the State*, 4), or, in other words, that 'the state is the name that we give to the hidden, invisible principles—indicating a kind of *deus absconditus*—of the social order' (ibid., 6). He also considers the state as the 'producer of principles of classification' (with further references to Durkheim's 'primitive forms of classification' and Cassirer's 'symbolic form' (ibid., 165).

Nietzsche grasped the controlling power necessary to form language, but connected it with 'the right of the masters' and 'the power of the rulers' (Nietzsche, *On the Genealogy of Morals*, 13).

See also Orwell's 'Newspeak' in his novel *Nineteen Eighty-Four* (George Orwell, *Nineteen Eighty-Four* (London: Constable, 2021)), Scott's use of the term 'legibility' when it comes to 'state projects' (Scott, *Seeing Like a State*, 9), and Bourdieu's 'operations of totalization and objectification' (Bordieu, 'Rethinking the State', 61).

341 See, for example, Service: 'But if over 99 percent of human history has passed before the origin of institutionalized political systems, how did societies govern themselves? Obviously they must have done essentially the same way that our domestic families and modern primitive societies do, entirely by means of personal-social sanctions and by familistic allocations of authoritative status (as to elders) to praise, blame, and settle disputes' (Elman R. Service, *Origins of the State and Civilization: The Process of Cultural Evolution* (New York: Norton, 1975), 9).

shared by, among others, Hobbes,[342] Locke[343] and Rousseau,[344] the idea having originated with Aristotle.[345] What is effectively imagined is that humans were at first organised into small family groups headed by the father (patriarch), where, as Rousseau put it, 'none alienates his freedom except for reasons of utility'.[346]

The above does not contradict the approach of states as information platforms. In these small extended families and tribal communities, the role of the state as the identification mechanism was held by the family. However they were organised and regardless of the size of the populace, the fact remains that within these families names were given, and warranted, by the family-state, which also created the information processing environment (language) suitable for its (few) members to live in. Or, in other words, families, as states, were small enough units to warrant a unwritten name and an obvious, and equally unwritten, citizenship—that is, belonging to a family that was distinct and different from another, neighbouring, family. Of course, as soon as the groups got bigger and writing was invented, states were formed (see Chapter 9).

8/2/2

On names and naming, see Chapter 8.1.

342 Hobbes, *On the Citizen*, 112.

343 Locke, *Two Treatises of Government*, 301.

344 Jean-Jacques Rousseau, *Discourse on Political Economy and the Social Contract* (1762), trans. Christopher Betts (Oxford: Oxford University Press, 1994), 46. See also, for example, Nettl who claimed that for Hegel, 'The basic power of the state for him rested on love—with hypnotic and erotic overtone. The state becomes a transfer and extension, in terms of social progress, from the relationship between children and parents in a family to the relationship of subjects and state in society' (Nettl, 'The State as a Conceptual Variable', 573).

345 Aristotle, *Politics*, 9 (1252b2).

346 Rousseau, *Discourse on Political Economy and the Social Contract*, 46. See, however, Laslett's clarification (while introducing Locke's theory) that it is a mistake to suppose that patriarchal power is political power (Laslett, 'Introduction', 107).

8/2/3 On the 'state of nature'

There is much speculation about humans' 'state of nature'. This phrase refers to an imagined and assumed[347] prehistoric time when humans roamed the world (exactly how, however, is anybody's guess, as even our earliest archaeological findings are dated too late for this imaginary age),[348] and which constitutes the political philosopher's cornerstone.

Images and perceptions differ vastly among political philosophers as to how exactly humans lived in this state of nature, and are suitably constructed each time to suit the theory that is put forward. Iconically, Hobbes' state of nature is contrasted with Rousseau's.[349] According to the former, human life in a state of nature would be 'war of all against all',[350] whereas for the latter, 'men who are living in their original condition of independence are not in a sufficiently continuous relationship with each other for a state either of peace or war to exist, they are not naturally enemies.'[351] (Both however acknowledge the role of family as the first political society, see note 8/2/1.) Locke adopts an intermediate position (or rather a position that justifies Rousseau's approach, which came later), that men in a state of nature are judges of their own case (whether right or wrong, according to Reason; see note 4.1/1/1), a condition that may or may not lead to war (war being only incidental).[352]

Behind each of the above lines of thought, a series of philosophers, and theories, line up. The underlying, basic idea is, of course, a disagreement

347 On whether Hobbes differs (for example, to Rawls), see Richard Tuck, 'Introduction', in Thomas Hobbes, *On the Citizen*, trans. Michael Silverthorne, ed. Richard Tuck (Cambridge: Cambridge University Press, 1998), xxvi.

348 From this point of view, the 'state of nature' is a secularist's equivalent to the Garden of Eden. Similarly, from a religious viewpoint, in Genesis God created, and named, Adam (Genesis 2:19), and then 'Adam named his wife Eve' (Genesis 3:20), providing us, therefore, with the beginnings of the religious explanation of the state as an information platform, granting humans a name and a citizenship.

349 For a 'bridging' interpretation, see, however, Peter J. Steinberger, 'Hobbes, Rousseau and the Modern Conception of the State', *The Journal of Politics* 70/3 (2008), 596.

350 Hobbes, *On the Citizen*, 60. In any event, consider also Plato's 'in cold fact all states are by nature fighting an undeclared war against every other state' (Plato, *The Laws*, 54 (626a)).

351 See Rousseau, *Discourse on Political Economy and the Social Contract*, 51, which ultimately supports the theory of the 'noble savage' (ibid., 24). However, see also Christopher Bertram ('Introduction', in Jean-Jacques Rousseau, *Of the Social Contract and Other Political Writings* (1762) (London: Penguin, 2012), xviii) for a (perhaps forced) attempt to create a system using Rousseau's state of nature explanation.

352 Locke, *Two Treatises of Government*, 276 and 78.

as to whether humans are, by nature, born evil or not.[353] Indicatively and broadly (the list by no means claiming to be comprehensive or even accurate), behind the Hobbesian approach of violence being essentially natural, line up Weber's definition of the state in the early twentieth century (see also note 7/1/3), Tilly's 'states make war and war makes states' (see note 7/1/11), and North's explanation of natural states based on violence.[354] Along the same lines comes Nietzsche's characteristically graphic approach:

> *I used the word 'state': it goes without saying what I mean by that—some horde or other of blond predatory animals, a race of conquerors and masters which, itself organized for war and with the strength to organize others, unhesitatingly lays its fearful paws on a population which may be hugely superior in numerical terms but remains shapeless and nomadic.*[355]

Behind the Rousseau's approach line up a mix of philosophies, such as Spencer's laissez-faire concept[356] and Rawls' 'original position', which presupposes anything but a violent way out from the 'veil of ignorance'.[357] Others, for example, Hume, deny its reality, while their thinking remains firmly within the bounds of social contract theory (assuming thus that the contract was entered immediately, naturally, among humans as soon as they formed a society).[358]

Whatever the case may be, what is important to note for the purposes of this analysis is that all of the above approaches fall under social contract theory (see also note 13/2/1). According to all of them, it was insecurity or difficulties or even a need for collaboration to achieve higher ends that led to the (artificial!) formation of the state, through a contract among consenting humans.

An original position, a clean slate, a point-zero, has not only been crucial to every political philosophy since Plato, but is also key in religion and mythology. This is how all natural disaster (flooding) stories, for example in

353 See also Chap. 5.1, par. 9. The question, of course, is not absent from Eastern philosophies either (in Confucianism, see, for example, Dingxin Zhao, *The Confucian-Legalist State: A New Theory of Chinese History* (Oxford: Oxford University Press, 2015), 333).
354 North, Wallis and Weingast, *Violence and Social Orders*.
355 Nietzsche, *On the Genealogy of Morals*, 66.
356 Spence, *The Man Versus the State*, 197.
357 Rawls, *Justice as Fairness*, 14.
358 Hume, *A Treatise of Human Nature*, 544.

Greek mythology, the Old Testament or Plato's Laws,[359] can be explained, too: they offer a clean starting point for humans to make anew their decisions, change their ways and, apparently, agree on new conditions for their lives.

The limitations of all 'state of nature' theories are easy to identify; not only are they assumed and completely imaginary, but, more importantly, they are also malleable to whatever theory (or religion) they later come to justify. In other words, they put the cart in front of the horse (i.e. they take for granted that a social contract or an original position exists, hence there must have been a 'state of nature' before that).

On the contrary, if seen from an informational point of view, a 'state of nature' is not necessary for the role of states as information platforms for their citizens, because, from this perspective, their existence is natural to humans: states came to life as soon as humans gained self-consciousness and started to communicate with each other. While, therefore, social contract theory needs an imagined state of nature for humans in order to construct its state models, such an exercise of imagination (which ultimately very much depends on its authors' political beliefs each time) is not necessary for the approach taken by this book.

8/2/4 On the so-called early societies

In contrast to the discussion of the state of nature (see note 8/2/3) is the discussion on the so-called early societies. Although the discussion on this topic is also speculative, unlike the case of the 'state of nature', it is not entirely so because this speculation is based on the few archaeological findings we have in our hands that date from the earliest human states. Of course, the two (meaning early societies and the state of nature for humans) are interconnected, because they could coincide—however, importantly, they also may not. The state of nature has been a fixed staple in political philosophy since the time of Plato (as seen in note 8/2/3, although understood differently by each different thinker so as to serve his own conclusions), whereas the existence and life of the early societies are evidenced by dynamic, factual scientific findings that may change fundamentally with any new, important discovery—or not.

Whatever the case may be with regard to prehistoric political communities, Creveld (who groups them into (a) tribes without rulers, (b) tribes

359 Plato, *The Laws*, 122 (677a).

with rulers (chiefdoms), (c) city-states, and (d) empires) makes it clear that, even during the (initial) time of tribes without rulers, humans were organised into sodalities,[360] therefore having a name and a citizenship afforded by them.[361]

Whatever speculation (which also reflects the speculators' own preferences) there is regarding prehistoric societies where a lack of findings leads to inconclusive results, today it seems that the older idea of a 'natural progression' from simpler to more complex or egalitarian and then to stratified societies has been abandoned in favour of 'multilinear evolution'.[362] Notwithstanding, however, the many and frequently conflicting theories on state creation, Scheidel notes that (as corroborated by pre-Columbian American experience) 'the process of state creation has to be conceived of as systemic'.[363] However, it needs to be emphasised that, unlike his approach, in which 'from very small beginnings some five thousand or more years ago, the state soon became the demographically dominant type of human political organization',[364] with very few people living outside them, the approach of this book is that states exist naturally for humans and that therefore no human has ever been stateless.[365]

8/2/5 Why states fail (why do states die)?

Individuality in information processing by humans (see Chapter 5.1, par. 7), as well as humans' natural instinct to compare (see Chapter 5.1, par. 9), also answers the perennial question of why states fail, why states die.[366]

360 Martin Van Creveld, *The Rise and Decline of the State* (Cambridge: Cambridge University Press, 1999), 3.

361 On registration (rights) in the early societies, see, for example, C. A. Bayly, 'Foreword', in Keith Breckenridge and Simon Szreter (eds.), *Registration and Recognition: Documenting the Person in World History* (Oxford: Oxford University Press, 2012).

362 Scheidel, 'Studying the State', 9.

363 Ibid., 13.

364 Ibid.

365 See also Clive Gamble, 'Hunter Gatherers and the Origin of States', in John A. Hall (ed.), *States in History* (London: Basil Blackwell, 1986), 22.

366 In the meaning of state breakdown or dissolution (see Chap. 15), and not loss of competitiveness or failure of government (for which various causes have been identified, see, for example, Rotberg: 'Nation-states exist to provide a decentralized method of delivering political (public) goods to persons living within designated parameters (borders)' (Robert I. Rotberg, *When States Fail: Causes and Consequences* (Princeton: Princeton University Press, 2004), 3)).

Although according to Scheidel, 'We must conclude that no single general theory of state breakdown has so far been developed',[367] comparison among humans, as well as competition for the same objectives in information processing in an informational environment of scarcity (information in the analogue world is finite; see Chapter 1, par. 16), could serve as a general cause for state failure.

While aggression (war) can be easily explained through this approach, when it comes to internal collapse and disintegration (as happened to the Mycenaean states and Western Imperial Rome), including all historical cases where insurgence did not ultimately overturn a result caused by war, it is again the individuals' need to augment their information processing that drives it. Specifically, in this case, the citizens believe that their information processing needs would be better served under another state (or, alternatively, within the same state, in which they unobjectionably continue to live[368]).

On paragraph 3

8/3/1 On the distinction between modern and ancient states

The dominant view (in fact, unanimous, in a rare case of general consensus) in theory[369] distinguishes between modern states, which appeared in

367 Schiedel, 'Studying the State', 41. However he also notes 'a mismatch between available and required resources—triggered by population growth, or by investment in complexity, or by growing logistical loads' (ibid).

368 This, therefore, does not account for social revolutions (e.g. the French, Russian and Chinese), because they are state-specific and anti-government, but does account for nation-building revolutions (e.g. the American, Greek, Belgian, Italian etc.) because they led to the formation of new states (see also Chap. 18).
This approach is therefore, in essence, not dissimilar to Luttwak's 'ethnogenesis' (Edward Luttwak, *The Grand Strategy of the Byzantine Empire* (Cambridge, MA: Harvard University Press, 2009), 16).
See also Bensel, who claims that in all modern state foundings 'the state becomes the facilitating agent for the realization of the collective destiny of a people, whether it be their racial superiority within the community of nations, their glorification of a deity through religious discipline, their responsibility for the construction of a proletarian utopia, or the creation and preservation of democratic rights and principles' (Richard Franklin Bensel, *The Founding of Modern States* (Cambridge: Cambridge University Press, 2022), xiv).

369 See, for example, Runciman's opening sentences on the 'origins of states': 'The plurals in my title carry two implications, neither of which I take to be controversial, if they ever were: first, that there is more than one kind of 'original' state; second, that

Western Europe in the eighteenth century and still exist today (often also connected with the nation-state, see Chapter 18), and those preceding them (broadly falling under the categories of kingdoms, empires, city-states and tribes). However, this is a functional distinction; it is true that modern (post-eighteenth century) states are far more organised, in the sense of centralisation, than their predecessors.[370] This development may have followed a change in state thinking, but it might well be that it came about when it did because it was only at this point in time that it was possible to achieve such organisation. Older states may have wanted to have the same level of organisation but lacked the means to achieve it (or to achieve it for prolonged periods of time—there was a time when certain empires were quite organised in the sense of the modern state). Such notable unanimity, one should note, is, however, at odds with the dominant contemporary definition of the state, that of Weber (see note 7/1/3): the legitimate use of force is surely not a time-specific definition.

In any event, the distinction between ancient and modern states is an arbitrary, retrospective one that, aside from being temporary (what will 'modern' mean a hundred years from now?), may serve current research or teaching purposes well but at the same time creates expectations of

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there is more than one way in which states originate' (Runciman, 'Origins of States', 351). See also Fried's 'pristine states' (Fried, 'The State, the Chicken, and the Egg or What Came First?', 37) or Wright's 'primary states' (Henry T. Wright, 'Toward an Explanation of the Origin of the State', in Ronald Cohen and Elman R. Service (eds.), *Origins of the State: The Anthropology of Political Evolution* (Philadelphia: Institute for the Study of Human Issues, 1978), 49). Such consensus has led Passerin d'Entrèves to claim that 'Let us admit at once that, if the use of this modern word should lead us to ignore the substantial differences which exist between the political structures of those periods and our own, then to speak of the "State" in referring to the Greek polis, or to the *res romana*, or to the medieval communitas perfecta, would have to be condemned out of hand as an abuse of language' (Passerin d'Entrèves, *The Notion of the State*, 34). His point is not unjustifiable, of course, because no one attempts to ignore differences in political structures over time.

On the break of modern state with any such concept in the Middle Ages, see Otto Brunner, *Land and Lordship: Structures of Governance in Medieval Austria* (Philadelphia: University of Pennsylvania Press, 2015), 150, or Passerin d'Entrèves, *The Notion of the State*, 29.

See also MacIver, who makes use of the term 'state-type' to cover states throughout human history (MacIver, *The Modern State*, 338).

370 On state centralisation, see note 4/12/1. See also Gill, who claims that, 'what distinguishes the modern state from its earlier forebears is the much enhanced capacity of the modern state to achieve its goals' (Graeme Gill, *The Nature and Development of the Modern State* (New York: Palgrave Macmillan, 2003), x).

uniqueness that may well be unfounded and unjustified (for instance, the Pharaohs ran an elaborate administrative mechanism within what was basically a nation-state, and which remained effective for thousands of years). Indeed, from an observer's perspective, as Bourdieu noted (carefully keeping away from Western states), 'what is there in common between the military state in Peru, the Aztec state, the Egyptian empire, the Chinese Han empire and the Japanese state after the Meiji restoration?'[371]

8/3/2 On the (optimal) size of states

Although the discussion on whether a state needs to have a minimum size has most likely been indirectly resolved by the emergence of nation-states (as nations rarely number a few hundreds or even dozens of individuals), this was an ongoing discussion in the past, with the dominant opinion disassociating the notion of the state from a minimum number of individuals.[372]

The size of the state has been a useful tool, at least for Strayer in his approach to state theory. Strayer calls a 'state' those instances that have succeeded in resolving the problem of the integration of large populations at the cost of a specific work, work that was lacking in small cities, by means of the deployment of specific instances of mobilisation,[373] thus making the size of the state, and the successful overcoming of relevant centralisation problems (and thus centralisation), the critical element of (modern) states.

While this may appear a closed discussion, it may have some relevance when it comes to the distinction between ancient and modern states; although ancient city-states (and a few medieval ones) were small in size and number of citizens[374] they did have a claim to statehood (thus strengthening the idea that states are natural to humans and have always accompanied them as a necessary part of their existence).

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371 Bourdieu, *On the State*, 38. However, Bourdieu's state creation theory (that 'the state is the product of the gradual accumulation of different kinds of capital—economic, physical force, symbolic, cultural or informational'; ibid. 186) misses the point that, in order for these different kinds of capital to be created in the first place, a state is already necessary (or, that 'gradual' implies an initial starting point of non-existence).

372 In full awareness of the fact that, at the time, they would be placing, for example, the British Empire alongside small communities in the Balkans (see also Lowie, *The Origin of the State*, 7, or Meyer, *Geschichte des Altertums*, 11).

373 Quoted in Bourdieu, *On the State*, 188.

374 In ancient Greece there were city-states of as few as 190 people (Roderick Beaton, *The Greeks: A Global History* (New York: Basic Books, 2021), 78).

On a political plea for small states, see Kohr's maxim: 'there seems only one cause behind all form of social misery: bigness.'[375]

On paragraph 4

8/4/1

The fiction of the state is not far from the Hegelian approach of the state as an Idea (or a 'social institution', see note 13/6/1; see also Steinberger, a neo-Hegelian, who claims that 'the idea of the state is that the state is an idea'[376]).

Consider also Engels: 'the state presents itself to us as the first ideological power over man'.[377]

On paragraph 5

8/5/1

Consider also Aristotle's definition of the state as a *koinonia*.[378] The separation of state and society, each to be considered independent of the other and to be examined individually and on its own terms, came much later,[379] perhaps with the advent of Christianity.

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375 Kohr, *The Breakdown of Nations*, xviii. In the same vein, see also Rousseau (most likely writing with Geneva in mind): 'the more the State expands, the more freedom is diminished' (Jean-Jacques Rousseau, *The Social Contract and Other Early Political Writings* (1762), trans. Victor Gourevitch, (Cambridge: Cambridge University Press, 1997), 84.

376 Steinberger, *The Idea of the State*, 15.

377 Quoted in Abrams, 'Notes on the Difficulty of Studying the State (1977)', 64.

378 'Society' (Aristotle, *Politics*, 1252a1), even if translated into English as, for example, 'association' (ibid., 7) or 'partnership' (Aristotle, *Politics*, trans. Harris Rackham (Cambridge, MA: Harvard University Press, 1944), 3); see also Aristotle, *The Politics*, 54.

379 See, for example, Poggi's 'No longer, as with the Greek politeia, is the state directly identified with the society at large' (Poggi, *The Development of the Modern State*, 97); see also note 13/2/2.
On the difficulties that this breakup caused, even in simple terminology, see, for example, Strauss (translating 'city' as 'country' or 'fatherland', as opposed to 'state', in Strauss, *The City and Man*, 30).
Finally, on this (needless) separation, see Abrams's remark: 'It seems necessary to say, then, that the state, conceived of as a substantial entity separate from society has proved a remarkably elusive object of analysis. Aridity and mystification rather than understanding and warranted knowledge appear to be the typical outcomes of work

8/5/2 On the definition of society

There are as many definitions of 'society' as books, theories and approaches to it, each one reflecting the viewpoint (and aspirations) of the viewer[380] (a trait which is, after all, not avoided in this book either). For example, Hayek, in the context of his libertarian approach, simply defined society as a 'spontaneous order' of humans.[381] In any event, on the same topic (the definition of 'society'), see, for example, North et al.[382] or Mann.[383]

Under the informational approach advocated in this book, the state is not the result of a social group (or any one of its potential cleavages); on the contrary, the social group is a result of the state[384] (see also note 8/5/3 on smaller social groups within a state/a society). Admittedly, this

in both the traditions within which the analysis of the state has been regarded as a significant issue in the recent past' (Abrams, 'Notes on the Difficulty of Studying the State (1977)', 61). On a possible way out of this 'dualism', see also Mitchell ('Society, Economy, and the State Effect', 82).

380 See, for example, Kelsen, who looked for an 'element of unity' but who, as a jurist rejected mutual influence or common interests as such an element and traced it instead to law (Kelsen, *General Theory of Law and State*, 183).

381 In Hayek, *Law, Legislation and Liberty*, 44; 'spontaneity' being a major component of his analysis in any case (see, for example, Friedrich A. Hayek, *The Constitution of Liberty: The Definitive Edition*, vol. XVII, ed. Ronald Hamowy (Chicago: University of Chicago Press, 2011), 8).
In any event, again within the context of his political agenda to discredit socialist approaches to society, Hayek was careful to make it clear that state and society are not identical: 'Societies form but states are made' (Hayek, *Law, Legislation and Liberty*, 473).

382 'The aggregate of individuals collectively dealing with a range of individual decisions in such a way to produce common and shared beliefs about choices, consequences, and outcomes' (North, Wallis and Weingast, *Violence and Social Orders*, 13).

383 'A network of social interaction at the boundaries of which occur a relative interaction cleavage' (Michael Mann, 'States, Ancient and Modern', *European Journal of Sociology/Archives Européennes de Sociologie* 18/2 (1977), 263, with further references).

384 Something to which a number of scholars would be adamantly opposed; see, for example, Mann, *The Sources of Social Power*, xi, who also quotes Wallerstein.

is an approach mostly advocated by political philosophers[385] and not by sociologists[386] (see also note 8/5/3).

8/5/3 On 'civil society'

States being natural to humans, there cannot be (at first, at least) any distinction between a state and (its) civil society. Hegel's perception of civil society as '[the stage of] difference which intervenes between the family and the state'[387] was correctly followed by the remark that its 'formation follows later in time than that of the state'.[388] In this way, however, 'civil society' becomes artificial, something devised by individuals; its relationship with 'society' notwithstanding, what is important at this stage is to clarify that 'civil society' in this regard is an artificial societal actor that can (and often does) compete in policymaking, but against the government,[389] not the state. The state is a natural, neutral information processing infrastructure that is managed, and thus political choices about it are made by its

385 On Hobbes and Rousseau (but not Locke) also considering that the contract (and thus, the state) 'was constitutive of society itself', see David Boucher and Paul Kelly (eds.), *The Social Contract From Hobbes to Rawls* (London: Routledge, 2005), 120.
In the same vein, see also Plato's 'society must be formed of individuals' (Plato, *The Republic,* 277 (544e)). Admittedly, Plato did not make it easy to distinguish between state and society. In *The Republic* (e.g. in 544a) he uses the terms 'polis' and 'politeia', which apparently created numerous difficulties for those translating his work into English. Lee's translation of the two ('state' and 'society', respectively) lies closer to the approach adopted in this book—and is not unjustified because of Plato's intention to connect the character of the state with that of humans (e.g. in 544e). Other translators have translated the term 'state' as 'government' (Rowe in Plato, *The Republic*) and 'city' as 'constitution' (Grube, in Plato, *Plato: Complete Works*, ed. John M. Cooper (Indianapolis: Hackett Publishing, 1997))—all of which are indicative of the difficulties translators are faced with.

386 See, for example, MacIver: 'Before the state began, there was society' (MacIver, *The Modern State*, 446). This thus leads unavoidably to a conflict between state and society: 'When the state in its fullest pride of power claimed to be everything, society still said to it, "thus far and no further"' (ibid).
However, see also Latour 'on the invention of this very notion of society' (Bruno Latour, *Reassembling the Social: An Introduction to Actor-Network-Theory* (Oxford: Oxford University Press, 2005), 161.

387 Hegel, *Outlines of the Philosophy of Right*, 181.

388 Ibid.

389 See, for example, Mann's wording 'The central question for us here, then, is what is the nature of the power possessed by states and state elites. In answering I shall contrast state elites with power groupings whose base lies outside the state, in "civil society"' (Mann, 'The Autonomous Power of the State', 54).

government (see Chapter 12). Consequently, it is the government that any concept of 'civil society' competes with and not the state.

On the (Marxist approach of the) 'false separation of state from civil society', see Poulantzas.[390]

On paragraph 7

8/7/1

Social (pack) animals, particularly bees, have always fascinated philosophers: see, for example, Cassirer[391] or Wiener,[392] and, above all, Plato;[393] specifically, however, on whether they have a state, see Hobbes.[394]

In an evolutionary context, in the words of Baumeister,

> *A certain kind of hairless primate evolved the capacity to create a psychological self so that it could survive and reproduce better. This was part of a broader movement by which these primates (humankind) evolved the ability to create culture because culture enabled them to survive and reproduce far better than any other primates, mainly by creating more resources (starting with food), and sharing them.*'[395]

8/7/2

On the claim that it is not Reason that differentiates humans from other animals, see Chapter 4.1, par. 8.

390 Poulantzas, *State, Power, Socialism*, 50.
391 Cassirer, *An Essay on Man*, 224.
392 Norbert Wiener, *The Human Use of Human Beings: Cybernetics and Society* (Cambridge: Riverside Press, 1950), 94.
393 See, for example, Plato, *The Republic*, 520b or 552c; see also Aristotle, *Politics*, 1253a7.
394 Hobbes, *On the Citizen*, 71.
395 Roy F. Baumeister, *The Self Explained: Why and How We Become Who We Are* (Guilford Publications, 2023), 12, with further bibliography.

Notes on Chapter 8.1

On paragraph 1

8.1/1/1

Consider Plato: 'there is a sense in which nature has not only somehow endowed the human race with a degree of immortality, but also planted in us all a longing to achieve it, which we express in every way we can. One expression of that longing is the desire for fame and the wish not to lie nameless in the grave.'[396]

8.1/1/2

On the state creating the processing environment necessary for its citizens to live in, see Chapter 11, par. 3.

In the philosophy of language, names and naming occupy a central space. The question, in this case, is regarding the relationship between proper names (names of humans, names of cities etc.) and particular objects: do they only refer to them or do they also describe them? The relevant analysis greatly exceeds the scope of this book. However, it needs to be noted that one among its basic approaches lies close to the approach taken in this book. Specifically, as regards proper names, the individual having a name (because it is only individuals that interest us here) is necessarily defined by a cluster or family of descriptions—which are summarised into the given name;[397] the state holds the role of the 'cluster or family of descriptions' in this regard.

396 Plato, *The Laws*, 183 (721c).

397 See, for example, John R. Searle, 'Proper Names', *Mind* 67/266 (1958); a view, however, that did not remain uncontested (see, for example, Saul A. Kripke, *Naming and Necessity* (Cambridge, MA: Harvard University Press, 1980), 32).

8.1/1/3

It was Luhmann that first noted the 'unbeatable advantage' that names provide for humans.[398]

8.1/1/4

On the fact that states have given names to their citizens even in non-literate times and cultures (mythology included, see also note 8/1/1), see, for example, the primitive West African Ashanti tribe.[399]

8.1/1/5 Religious names

It should also be noted that the first thing monks and others entering the religious life lose is their names and nationalities; these are replaced by ones provided by their religion, in essence they become citizens in the state (the City of Man, not the City of God, in the Augustinian meaning).

On paragraph 3

8.1/3/1 Naming regulations

The discussion on naming regulations, meaning the regulations of each state that restrict the names parents can give to their children, largely exceeds the space available in this book.[400]

During antiquity (surnames only being introduced during the Middle Ages) individuals had only one name (e.g. Socrates, Aristotle, Abraham, Sara, Isaak, David); however, in order to achieve individualisation, these were followed by their city (for example, 'Thucydides the Athenian wrote the history of the war fought between Athens and Sparta').[401]

398 Luhmann, *Die Politik der Gesellschaft*, 190.

399 E. Adamson Hoebel, *The Law of Primitive Man: A Study in Comparative Legal Dynamics* (Harvard University Press, 1954), 238.

400 An indicative list may be found at *Wikipedia*, 'Naming Law'; for the US see, for example, Carlton F. W. Larson, 'Naming Baby: The Constitutional Dimensions of Parental Naming Rights', *George Washington Law Review* 80 (2011).

401 Thucydides, *The History of the Peloponnesian War*, trans. Rex Warner (London: Penguin, 1954), 24; see also Peter Widmer, *Der Eigenname und Seine Buchstaben: Psychoanalytische und Andere Untersuchungen* (Bielefeld: Transcript, 2010), 15.

It is not only that humans have had a name and a citizenship in all of recorded history (mythology included, see note 8/1/1) but, most importantly, that the reverse (the de-naming or assignment of a number to human beings or the retraction of citizenship) is reminiscent of totalitarian regimes and the perpetration of crimes against humanity.[402]

On paragraph 4

8.1/4/1

The finding that it is states that create the processing environment necessary for humans to live in, a process that in turn becomes self-referential, helps to resolve Bourdieu's basic difficulty: 'To endeavor to think the state is to take the risk of taking over (or being taken over by) a thought of the state, that is, of applying to the state categories of thought produced and guaranteed by the state and hence to misrecognize its most profound truth.'[403]

8.1/4/2

On the use, and importance, of names, see Nietzsche: 'This has caused me the greatest difficulty, and continues to cause me the greatest difficulty: to bear in mind that what things are called is unspeakably more important than what they are.'[404]

8.1/4/3

On the relationship of language with the state (as well as with its government), see note 8/1/4.

402 See the use of 'prisoner numbers' in Auschwitz-Birkenau (*Auschwitz.org*, 'Prisoner Numbers').
403 Bourdieu, 'Rethinking the State', 52.
404 Nietzsche, *The Joyous Science*, 75.

8.1/4/4 On culture and the state

Certain scholars claim that the state is responsible for the 'constitution and regulation of social identities, ultimately of our subjectivities',[405] making it thus a set of cultural forms.[406] While the importance of the cultural role of the state cannot be underestimated (and is certainly compatible with its role as an information processing platform, because human culture is, ultimately, a large dataset), this approach does not account for state creation (if the state is a set of cultural forms, how did these cultural forms develop in the first place?).

On the wider topic of the relationship between state and culture, see Steinmetz.[407]

On paragraph 7

8.1/7/1 Pseudonymity and anonymity in the digital world

A lot of effort has been put into the formulation of personal data protection law to define when anonymity actually exists both in the analogue and the digital worlds. The case is not yet closed.[408] For the moment, the defining line is relative to the potential de-anonymiser: if that party can with some modest effort identify the anonymised individual then no anonymity exists. It appears that, as with security, we can never have 100 % anonymity.

On anonymous communication, see also note 7/5/1.

Of course, the fact of anonymity *per se* in the digital world also needs to be noted. This is not an obvious development, nor one that should be taken for granted. In the analogue world, anonymous communication is of limited use and of a limited term. The digital world being artificial and completely controlled (see Chapter 1, par. 17), anonymity could have been excluded from it. However, it was not. Also, because the law so allows, anonymity (or pseudonyms) in a specific relationship could presumably continue forever (in the end contradicting its main purpose, that of actual individual obfuscation, i.e. by creating a new identity).

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405 Philip Corrigan and Derek Sayer, *The Great Arch: English State Formation as Cultural Revolution* (London: Blackwell, 1985), 2.

406 See also Bourdieu, *On the State*, 141.

407 George Steinmetz, *State/Culture: State-Formation After the Cultural Turn* (Ithaca: Cornell University Press, 1999).

408 There is little point in including here references to a long, and ongoing, discussion; see its latest iteration in the European Data Protection Board's 'pseudonymisation guidelines', issued on 17 January 2025 (Guidelines 01/2025).

8.1/7/2 Names in science fiction

If science fiction serves to illustrate how humans see themselves from a (safe) distance, what is noteworthy is that non-human entities do not have names; only humans (or 'aliens', therefore humanised Beings) do. Most of the time, robots and other machines (the effigies of artificial Beings; see Chapter 2, par. 12) are identified by their type, not by their name—for example, C-3PO or R2-D2 in Star Wars.[409]

8.1/7/3 Obfuscation

In the digital realm, with the assistance of computer programs, more than one name, or unique identifier, per individual is possible (although, of course, these are traceable back to the actual individual at all times). Many exchanges among individuals are unnecessarily based on names, in fleeting transactions. One does not need to use a name to reserve a table in a restaurant or to order a drink or in a priority queue. The importance of not actually using your name when not necessary (in a way reminiscent of 'thou shalt not speak His Name') has already been acknowledged[410]—here only the fact of its existence also in the digital world (see also note 8.1/7/1) needs to be noted.

On paragraph 9

8.1/9/1

On the history of the Internet Corporation for Assigned Names and Numbers (ICANN), the successor of Internet Assigned Numbers Authority (IANA), see, for example, the relevant Wikipedia or Britannica entries;[411]

409 George Lucas (dir.), *Star Wars: A New Hope* (20th Century Fox, 1977).

410 On obfuscation see, for example, Finn Brunton and Helen Nissenbaum, *Obfuscation: A User's Guide for Privacy and Protest* (Cambridge, MA: MIT Press, 2015).

411 See *Wikipedia*, 'ICANN', and M. Hall, 'ICANN', *Encyclopedia Britannica*, respectively.

on state takeover, and the broader topic of transnational private regulation, see, for example, Cafaggi.[412]

There is, of course, a rich bibliography as well as case law on domain names.[413]

On paragraph 10

8.1/10/1

On the legal treatment today of artificial Beings, specifically their connection with the legal status of slaves, see, for example, Pagallo.[414]

412 Fabrizio Cafaggi, 'Transnational Private Regulation: Regulating Global Private Regulators', in Sabino Cassese (ed.), *Research Handbook on Global Administrative Law* (London: Edward Elgar, 2016).

413 For example, see Jeanette Soderlund Sause and Malin Edmar, *Domain Names: Strategies and Legal Aspects* (London: Sweet & Maxwell, 2018).

414 Ugo Pagallo, 'Apples, Oranges, Robots: Four Misunderstandings in Today's Debate on the Legal Status of AI Systems', *Philosophical Transactions of the Royal Society A: Mathematical, Physical and Engineering Sciences* 376/2133 (2018).
On the need for AI individualisation, see Vagelis Papakonstantinou, 'The AI Act and a (Sorely Missing!) Right to AI Individualization; Why Are We Building Skynet?', *European Law Blog* (16 July 2024).

Notes on Chapter 9

On paragraph 1

9/1/1

Today we believe that human language developed around 150,000 to 200,000 years ago, or even earlier than that. Whatever the case may be, states materialised in the analogue world as soon as these first humans were able to identify themselves with a name and speak the words of their group (tribe or extended family), which were different from those of any other group of humans they encountered.

As soon as (most likely, at the same time) they added the names of animals, plants and tools to their language skills, the state as an information platform was born (see par. 2).

Agriculture and writing followed, around 150,000 years later (around 15000 BC and 5000 BC, respectively).

On the relationship between language and the state, see note 8/1/4.

9/1/2 On writing

According to Schmandt-Besserat, 'plain tokens were linked to the rise of rank society, but it was the advent of the state which was responsible for the phenomenon of complex tokens';[415] tokens being 'the immediate precursor of cuneiform writing'[416] that itself was developed in Mesopotamia in the late fourth millennium BC. Accordingly, names (alongside commodities) could be found on these tokens. In the same vein, Powell claims that 'without direct evidence, we can nonetheless accept that the motivation for the discovery of the phonetic principle through the rebus applied to logograms was the desire to record personal names and names of places and names of things'.[417]

415 Denise Schmandt-Besserat, *How Writing Came About* (Austin: University of Texas Press, 1992), 107.

416 Ibid., 7.

417 Barry B. Powell, *Writing: Theory and History of the Technology of Civilization* (Chichester: John Wiley & Sons, 2009), 246.

One should always keep in mind that the Internet, which opened up the digital world, was also created for state purposes—the (continued) processing of information under adverse circumstances (i.e. a nuclear attack).[418]

9/1/3

On family and the state, see note 8/2/1; on the so-called early societies, see note 8/2/4.

9/1/4

Materialisation of the state is perhaps also what Bourdieu had in mind when, in his own definition of the state, he claimed that 'the construction of the state as a relatively autonomous field exerting a power of centralization of physical force and symbolic force, and constituted accordingly as a stake of struggle, is inseparably accompanied by the construction of the unified social space that is its foundation'.[419] In other words, the state first has to come into being through a unified social (or, in this case, information) space, which is its foundation, and then, necessarily, it has to be materialised in order to carry out its functions (through physical and symbolic force, as per the Weberian and Bourdieusian approach, or information processing, from the viewpoint of this book).

On paragraph 3

9/3/1

Tamanaha outlined a genealogical view of law based on complex social arrangements (that becomes necessarily as soon as more than 500 individuals are involved).[420] In the same vein, Van Creveld noted the existence of leaders and followers, or of special councils, whenever 'public tasks' were 'beyond the capacity of single family groups' even in (initial) 'tribes without rulers'.[421]

418 On ARPANET, the forerunner of the Internet, see, for example, K. Featherly, 'ARPANET', *Encyclopedia Britannica*, 10 April 2025.
419 Bourdieu, *On the State*, 123.
420 Brian Tamanaha, *A Realistic Theory of Law* (Cambridge: Cambridge University Press, 2017), 82.
421 Van Creveld, *The Rise and Decline of the State*, 3 and 6, respectively.

On paragraph 5

9/5/1 On territoriality and the state

The need for analogue-world territory for a state to exist is clear (if not natural) in theory, and can be seen, for example, in Weber's approach that the state has 'a compulsory association with a territorial basis'.[422] For the informational approach to this topic, see Chapter 17.

On paragraph 6

9/6/1 On the breakdown of territoriality for state information processing infrastructures

State information that has been stored within the state's territory since the invention of writing can now be stored anywhere in the digital world, leading to the loss of traditional state sovereignty.[423] To make things worse, with digital-born information, no copies are stored locally (see Chapter 1.1, par. 17). Admittedly states have recently regained control over storage, mandating localisation,[424] but this is an ongoing issue.

See also notes 1.1/17/1 and 16/7/1.

On paragraph 7

9/7/1

The finding that there is order in the state may, among others, be used to characterise it as an 'organisation' (see Chapter 2, par. 9).

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422 Quoted in Christopher W. Morris, 'The State', in George Klosko (ed.), *The Oxford Handbook of the History of Political Philosophy* (Oxford: Oxford University Press, 2011), 577.

423 Vagelis Papakonstantinou, 'The Cybersecurity Obligations of States Perceived as Platforms: Are Current European National Cybersecurity Strategies Enough?', *Applied Cybersecurity & Internet Governance* 1/1 (2022).

424 See the notions of 'data nationalism' or 'data localisation' (in, for example, Christopher Kuner, 'Data Nationalism and Its Discontents', *Emory Law Journal* 64 (2014), or Dan Svantesson, 'Data Localisation Trends and Challenges: Considerations for the Review of the Privacy Guidelines', *OECD Digital Economy Papers*, no. 301 (2020)).

9/7/2

On the state as a 'political organisation', see note 11/4/2.

9/7/3

On state centralisation, see note 4/12/1; on hierarchy being natural to humans, see note 6/7/1.

Notes on Chapter 10

On paragraph 1

10/1/1

Consequently, the approach advocated in this book is in complete disagreement with Rousseau (who perhaps confuses the state with its government), who states: 'Sometimes you may kill the State without killing a single one of its members.'[425]

On paragraph 2

10/2/1

Therefore it is not only a matter of preserving the lives of their citizens, but of offering an information-processing environment that is suitable for them. The need of states to preserve the lives of their citizens in order for they themselves (the states) to survive is a basic premise of Hobbesian, and thus social contract, theory.[426]

10/2/2

See Mill's observation that 'the worth of a State, in the long run, is the worth of the individuals composing it',[427] albeit he was referring to the government and the optimal political system, and not to the state.

425 Jean-Jacques Rousseau, *Of the Social Contract and Other Political Writings* (1762), trans. Quintin Hoare, ed. Christopher Bertram (London: Penguin, 2012), 16.

426 As regards Hobbes, see (admittedly, while discussing the government, not the state) 'All the duties of sovereigns are implicit in this one phrase: the safety of the people is the supreme law'. And in this regard, '[b]y safety one should understand not mere survival in any condition, but a happy life so far as that is possible' (Hobbes, *On the Citizen*, 143).

427 Mill, *On Liberty, Utilitarianism, and Other Essays*, 111.

10/2/3 What helps a state to flourish

Under the topic of what a state needs also falls all the rich and apparently endless discussion on what helps a state to flourish (where 'flourishing' lies in the eye of the beholder). It can be assumed that certain types of information processing by its citizens may lead a state to thrive while others may lead it to perish (see also note 8/2/5). For example, the pursuit of money or practical knowledge have been known historically to strengthen states. By contrast, religion, allegedly, has been accused of causing the decline and fall of empires.[428] Put differently, ascetic states are assumed to fare better in difficult times than profligate, sybaritic ones.[429]

All of the above ultimately reveal more about the speaker than about any truth, be they an explanation of the past or a prediction for the future. Their common underlying riff, however, is political: that the government, having identified whatever (it thinks) helps, should motivate (through nudging, or worse) its citizens to follow.

On paragraph 5

10/5/1

This alignment of interests between states and their citizens is far from the dominant theory in political philosophy, where conflict between the two (at least in Western thought) is taken for granted. See, for example, Skinner: 'Since that [Hobbesian] time, the idea that the confrontation between indi-

428 As famously noted by Gibbon with regard to the Roman Empire: 'As the happiness of a future life is the great object of religion, we may hear without surprise or scandal that the introduction, or at least the abuse, of Christianity had some influence on the decline and fall of the Roman empire' (Edward Gibbon, *The History of the Decline and Fall of the Roman Empire* (1776), abridged edn., ed. David Womersley (London: Penguin, 1994), 458). The issue of the Byzantine Empire remains disputed (see, for example, Warren Treadgold, 'Book Review: Luttwak, The Grand Strategy of the Byzantine Empire', *The Medieval Review* (2010)).

429 A perennial topic, at least in Imperial Roman literature. See, for example, Strabo on the unfortunate Sybarites: 'However, by reason of luxury and insolence they were deprived of all their felicity by the Crotoniates within seventy days' (Strabo, *Geography*, trans. Horace Leonard Jones, vol. 3 (London: William Heineman, 1924), 47).

viduals and states furnishes the central topic of political theory has come to be almost universally accepted'.[430]

See also Chapter 13, particularly par. 10.

430 Quentin Skinner, *Visions of Politics: Volume 2, Renaissance Virtues* (Cambridge: Cambridge University Press, 2002), 368.

Notes on Chapter 11

On paragraph 1

11/1/1

On the nature of Beings and Things, see Chapter 1, par. 2.

On paragraph 2

11/2/1 The state is an organisation (its connection with coercion)

The nature of the state as an organisation (however, not a political one, see note 11/4/2) has already been identified in theory. See, for example, Tilly: 'an organization which controls the population occupying a defined territory is a state in so far as (1) it is differentiated from other organizations operating in the same territory; (2) it is autonomous; (3) it is centralized; and (4) its divisions are formally coordinated with one another'.[431]

This approach is frequently connected with coercion: the state is the organisation par excellence within a specific territory, the one that exercises coercion over all other organisations. Again in Tilly's words, 'Let us define states as coercion-wielding organizations that are distinct from households and kinship groups and exercise clear priority in some respects over all other organizations within substantial territories'.[432]

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431 Charles Tilly, 'Reflections on the History of European State-Making', in Charles Tilly (ed.), *The Formation of National States in Western Europe* (Princeton: Princeton University Press, 1975), 70; see also Poggi, *The State*, 19. Weber, for example, considers the state an 'institution' (see Anter, *Max Weber's Theory of the Modern State*, 36).

432 Charles Tilly, *Coercion, Capital, and European States, AD 990–1990* (Cambridge, MA: Blackwell, 1992), 1. On the emphasis on coercion, see also Herman Finer, *The Theory and Practice of Modern Government* (New York: Henry Holt and Company, 1961), 10; and Robert Alan Dahl, *Modern Political Analysis* (New Jersey: Prentice Hall, 1963), 51. On Kelsen's approach (with regard to 'political organisations', which includes the state), see note 11/4/2.
In the same context see also Montesquieu's simplistic approach: 'In a state, that is, in a society where there are laws' (Charles Montesquieu, *The Spirit of the Laws* (1748), eds. Anne M. Cohler, Basia Carolyn Miller and Harold Samuel Stone (Cambridge: Cambridge University Press, 1989), 155.

On paragraph 4

11/4/1 The state is not a corporation

The state is not a corporation. This is a 'a perennial theme of European, and more particularly German, political philosophy'.[433] A corporation is an association of individuals (a legal body, more or less[434]), and as such, the state precedes it (by turning humans into individuals). Could it be then, that the state is the original, basic corporation? From that viewpoint, indeed, a state incorporated as a separate legal body, formed as an association of its citizens, could be the legal body upon which all other legal bodies (companies, state agencies etc.) are based. After all, this is the prevalent legal model upon which modern life is built: the state is a legal body acting sometimes as a public and sometimes as a private actor (therefore, in practice replying in the positive to Runciman's remark that 'the state is either a corporation or it is not'[435]). However, this approach basically draws on social contract theory, in which states are incorporated through the agreement of their citizens (to give them some of their freedoms in return for security). While social contract theory is examined in Chapter 13, par. 2, here it is enough to note that any contract entered into (or association incorporated) requires the involvement of individuals, not humans. Consequently, it is subsequent to the natural formation of a state, which happens immediately when humans start to communicate among themselves.

11/4/2 The state is not a political organisation

The state is not a 'political organisation'.[436] A political organisation, a polity or a body politic are all connected with politics, with decision-making processes and government. While always keeping in mind that we must

433 As noted most recently by Runciman when talking of Maitland (Runciman, 'Is the State a Corporation?', 90), who, at the turn of the previous century had tried to demonstrate that the topic also had practical consequences (and thus would be of interest to the British, too), among others by translating some of von Gierke's works (Otto Von Gierke, *Political Theories of the Middle Age*, trans. Frederick William Maitland (Cambridge: Cambridge University Press, 1913)).

434 Runciman, 'Is the State a Corporation?', 91.

435 Ibid., 93.

436 See, for example, the Wikipedia definition of the state (*Wikipedia*, 'State'), or, among many others, Krader's (Lawrence Krader, *Formation of the State* (Englewood Cliffs, NJ: Prentice-Hall, 1968), vii). All of these approaches practically point to a (state) bureaucracy. See also Kelsen: 'this merely expresses the idea that the state is a

avoid blurring the boundaries between the state and the government, here it need only be noted that a political organisation (or institution) can only emerge after the *polis* or the *political* have first been formed—through the formation of a state that turns humans into individuals.

However, on the state as an organisation, see note 11/2/1.

11/4/3 The state is not an association

Viewing the state as an association is to take the oldest perspective,[437] that which more or less underlies social contract theory (see note 13/2/1).

Consider also Kant's 'A state (civitas) is a union of an aggregate of men under rightful laws'[438] (the emphasis, of course, being on his approach to 'rightful laws').[439]

The legalistic approach also concurs, viewing the state as a voluntary (legal type of) association, admittedly the only one holding supreme power (sovereignty) over its territory (see also note 11/4/1).[440]

11/4/4 The state is not its public sector

The state being omnipresent, statehood is not exhausted by focusing on public agents and their activities.[441] While the public sector runs the materialised state (on the materialisation of the state, see Chapter 9), statehood includes all citizens, which naturally connect with the state, as well as all other information processing on its platform.

On the Marxist approach and the question of whether the state is equivalent to the governmental apparatuses through which it manifests itself, see Easton.[442]

Clearly, the above do not refer to government and government actors. These manage the state but do not run it. They are only occasionally part of the public sector and in any case ought to be distinguished from the state (see also Chapter 12).

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coercive order' (Hans Kelsen, *Pure Theory of Law*, trans. Max Knight (Berkeley, CA: University of California Press, 1978), 286.

437 Aristotle, *Politics*, 7 (1252a1).

438 Kant, *Political Writings*, 138.

439 See also MacIver, *The Modern State*, 3.

440 See, for example, Watkins, *The State as a Concept of Political Science*, 63.

441 For the relevant discussion, see Caporaso, 'The European Union and Forms of State', 33.

442 Easton, 'The Political System Besieged by the State', 308.

11/4/5 The state is not an organism

Organismic theories of the state (as for example identified by Steinberger[443] or Coker[444]) come in many forms. At their simplest, the state is an organism, similar to a body, complete with head, arms, veins and blood (a theory that culminated in *Leviathan*). In the same context, Bluntschli spoke of the 'organic nature of the state'.[445]

Organismic theories of the state reached new heights with Hegel, who stressed the interdependence between the parts and the whole and between the parts themselves[446]—an approach that, ultimately, can be used to subordinate the individual to the community.[447] Criticism of organismic theories, and identification of their true aim other than illustration, came from Kelsen.[448]

While crucial in demonstrating the interdependence between states and their citizens (after all, a state cannot exist without its citizens; see Chapters 10 and 15, par. 4), this approach is not compatible with the informational state. While there is interdependence between the informational platform (the state) and its citizens (without the platform they cannot exist, and without them the state dies), there is no interdependence among them—meaning, among the parts of the organism; each citizen only needs to augment his or her information processing. Perhaps more importantly, however, there is no need to overstress the interdependence between states and their citizens—in other words, the relationship remains a purely functional one. One serves the other in order for both to continue to exist. In this way we can avoid (Hegelian, as outlined by Popper[449]) accusations of totalitarianism and the absorption of the citizens by the state through an asphyxiating relationship of mutual dependence. While necessary for both,

443 Steinberger, *The Idea of the State*, 288.

444 Francis William Coker, *Organismic Theories of the State: Nineteenth Century Interpretations of the State as Organism or as Person* (New York: AMS Press, 1967).

445 Bluntschli, *The Theory of the State*, 24; see also Christian Rosser, 'Johann Caspar Bluntschli's Organic Theory of State and Public Administration', *Administrative Theory & Praxis* 36/1 (2014).

446 Hegel, *Outlines of the Philosophy of Right*, 242; see also Steinberger, *The Idea of the State*, 288.

447 See, for example, Hans S. Reiss, 'Introduction', in Kant, *Kant: Political Writings*, trans. H. B. Nisbet, ed. Hans S. Reiss (Cambridge: Cambridge University Press, 1991), 13.

448 In Kelsen, *General Theory of Law and State*, 186.

449 Karl R. Popper, *The Open Society and Its Enemies* (1945) (Princeton: Princeton University Press, 2020).

the relationship does not bind either party to any purpose whatsoever (on states not having any purpose, see par. 7). In other words, as soon as a discussion emerges of what either party 'must' or 'should' do as a result of this relationship, we enter the domain of politics and political theories.

11/4/6 The state is not a pawn

The state could be used as a pawn, but it is not one as claimed by Dahl. Dahl essentially adopts Weber's definition of the state as 'the political system made up of the residents of that territorial area and the Government of the area', whereby the government 'successfully upholds a claim to the exclusive regulation of the legitimate use of physical force'.[450] Dahl then claims that 'the State is, then, a pawn of key importance in struggles over power, for the relatively great resources of the State and its exclusive claim to regulate severe physical coercion mean that those who control the State inevitably enjoy great powers.'[451]

11/4/7 The state is not a cipher

The idea of the state as a 'passive mechanism' or a 'cipher' that is controlled from outside the political sphere has been identified by Dunleavy and O'Leary[452] as common among five dominant theories of the state. Although it is not useful for the definition of the state, being a characteristic rather than its essence, the metaphor is useful to visualise the lack of purpose of the state (the algorithmic part of the 'cipher', which was obviously not intended as such by the authors, adding a nice touch to concept of the state as an informational platform).

11/4/8 The state is not a network

The state is not a network, whether viewed as part of a broader (global) network of power, or ontologically. The former has been suggested as a spin-off of the nation-state theory, which is seemingly being challenged

450 Dahl, *Modern Political Analysis*, 10.
451 Ibid., 51. Admittedly this sentence is missing in the later editions of his book, see e.g. Robert Alan Dahl, *Modern Political Analysis*, 5th edn. (New Jersey: Prentice Hall, 1991).
452 Dunleavy and O'Leary, *Theories of the State*, 328.

within a globalised world: for example, 'while nation-states continue to exist, and they will continue to do so in the foreseeable future, they are, and will increasingly be, nodes of a broader network of power'.[453] While the merits of this approach (and its validity, only a few decades after it has been suggested) can be debated, the fact remains that this is a functionalist approach, taking the nation-state (and the theory behind it) as a given.

From an ontological perspective, Latour's viewing of the state can be considered a constantly negotiated and maintained network or assemblage of diverse elements, the result of associations and connections within a network.[454] However, there is an emphasis on (if not a foundation in) functionality: the state is viewed as a functioning network because of the interconnections of its components, which are considered a given and thus pre-existing.

11/4/9 The state is not a service provider; states are not service providers for their citizens

One may think that the state is a service provider, because modern states provide a number of services to their citizens: education, health, infrastructure and security. (In the same vein, it is (apparently) only through states that large-scale projects, e.g. the building of infrastructure, can be undertaken.)

However, this is not what states are, this is not their nature or basic characteristic or basic role. States are natural to humans. They may, among other functions, store and transmit their personal information (see Chapter 14), but this is not providing a service to humans. This processing is natural to (a natural consequence of) the mere fact that personal information exists, that humans became individuals. The processing of their information is not a service offered by states to their citizens but a reality, the same as when rain waters our gardens. Depending on the definition one gives

453 Manuel Castells, *The Power of Identity, The Information Age: Economy, Society and Culture, Volume II* (London: John Wiley & Sons, 2011), 357. In the same vein, Castells thinks that (nation-)states have lost their sovereignty: 'Nation-states may retain decision-making capacity, but, having become part of a network of powers and counterpowers, they are dependent on a broader system of enacting authority and influence from multiple sources' (ibid.); see also note 13/8/1.

454 See Latour, *Reassembling the Social*, 7; the 'social' not being 'a particular sort of thing, but only as a very peculiar movement of re-association and reassembling'.

to a 'service'[455] one could certainly view this type of processing, meaning the rain, as providing a service, however such a service has nothing to do with modern use of the term in health, education and so on. The state as a service provider is, in fact, a matter for the government, which decides on the quantity and quality of such services, and not for the state itself.

Ultimately, the state is not a service provider because this implies that it has a purpose (the provision of a particular service). However, states do not have any specific purpose at all (see par. 7).

11/4/10 The state is not a structure nor an actor (but it is both of these things)

A popular distinction (also running through and distinguishing the various definitions of the state, see Chapter 7) refers to viewing the state as either an actor or a structure. In the latter case, the state is seen as 'the enduring structure of governance and rule in society',[456] whereby '[t]he term "structure" implies an ongoing, reproductive set of processes, the patterns of which are stable across different agents'.[457] By contrast, the state-as-actor view treats the state as 'a pure agent, an actor with the ultimate right to decide within a given territory'.[458] The latter view is perhaps dominant, in the sense that both social contract theory and the Weberian approach can be classified as taking it, the former under a *Leviathan*-like mandate and the latter through the exercise of the monopoly on legitimate violence.

While the two approaches are certainly not mutually exclusive (an actor needs a structure, if it is to be effective), the distinction is useful for identifying what each theory considers the main characteristic of the state. In the former case, the state is a passive structure, while in the latter it is an active actor—in both cases run and managed by the government.

The states as information platforms theory merges the two. The state is both a structure and an actor. It is an informational structure, where the 'reproductive set of processes' is information processing for its citizens. And it is also an actor, where it tacitly or actively intervenes in all human communications, warranting the identity of each individual.

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455 Of course, within the context of social contract theory, if one considers everything, e.g. security or justice, as a service, then states could be viewed as service providers.

456 R. Benjamin and R. Duvall, 'The Capitalist State in Context', in R. Benjamin and S. Elkin (eds.), *The Democratic State* (Lawrence, KS: University of Kansas Press, 1985), 25.

457 Caporaso, 'The European Union and Forms of State', 32; see also note 11/4/8.

458 Caporaso, 'The European Union and Forms of State', 33.

11/4/11 The state is not its citizens

Citizens are necessary for their states—states devoid of citizens do not exist (hence, states need their citizens to augment their information processing, see also Chapter 10). Having said that, however, the state is not its citizens. It is not their totality, because it also includes Things and other Beings. It is also not the sum of their processing, because non-biological Beings process information too (see also note 17/11/1). (Furthermore, the state is not the sum of its citizens' (imagined) will each time, as has also been catastrophically claimed by politics; see also note 18/2/2).

On the same topic, see also Wiener's discounting of the still-popular dictum that the community, because it is larger than the individual, is also more intelligent.[459]

On citizenship, see note 7/1/1; on nationality, see Chapter 18, par. 4.

11/4/12 The state is not 'the institution of institutions'

On the state being 'the institution of institutions', see Dyson[460] and Steinberger[461]—neither, however, avoid the fact that an institution must have been materialised.

11/4/13 State and statehood

On the (Platonist) distinction between the 'Idea' of the state and statehood, see, for example, Fain ('Once one has laid aside the Idea of the state, is there anything left that is philosophically interesting about the concept of statehood?')[462] or Abrahms.[463]

459 Wiener, *Cybernetics*, 162.
460 Kenneth Dyson, *The State Tradition in Western Europe: A Study of an Idea and Institution* (New York: Oxford University Press, 1980), 216.
461 Steinberger, *The Idea of the State*, 22.
462 Haskell Fain, 'The Idea of the State', *Nous* 6/1 (1972), 18.
463 Abrams, 'Notes on the Difficulty of Studying the State (1977)'.

On paragraph 5

11/5/1

See Bourdieu on state genesis not being 'an increasingly formal, increasingly fair, increasingly bureaucratic and increasingly universal process',[464] or North et al.: 'The progression from less to more complex exhibits no teleology'.[465]

11/5/2 On a cyclical or a linear reading of history

Although it remains an open discussion as to whether human history is linear or cyclical (the Western linear approach of progress having been initiated by Christian dogma[466] and best epitomised by Gibbons: 'We may therefore acquiesce in the pleasing conclusion, that every age of the world has increased, and still increases, the real wealth, the happiness, the knowledge, and perhaps the virtue, of the human race.'[467]), the state is not part of this; being natural to humans, it has accompanied them in all the turns their history has made, be they linear or cyclical. The state itself does not follow a preordained order, in spite of the undoubted organisational similarities among states in the same stages of development (see note 11/9/2), with today's world being one of exemplary state organisational similarity to the nation-state model—if not blind reproduction of it.

On state centralisation, see also note 4/12/1.

On paragraph 6

11/6/1

On the need to find the timeless characteristics of the state, irrespective of appearances from time to time in human history, see Hegel: 'As a work of philosophy, it must be removed as far as possible from any attempt to construct a state as it ought to be. The instruction which it may contain

464 Bourdieu, *On the State*, 195.
465 North, Wallis and Weingast, *Violence and Social Orders*, 270.
466 Saint Augustine, *Concerning the City of God Against the Pagans*, trans. Henry Bettenson and G. R. Evans (London: Penguin, 2003), 487.
467 Gibbon, *The History of the Decline and Fall of the Roman Empire*, 464.

cannot consist in teaching the state what it ought to be; it can only show how the state, the ethical universe, should be understood.'[468]

On paragraph 7

11/7/1 On the (supposed) purpose of the state

Ascribing a purpose (any purpose) to the state is the most significant and absolutely common thread among all political philosophies (or, better phrased, among all suggested state theories) that have been formulated so far.[469] Perhaps tied to its equally significant and absolutely common normative content (what *should* be done), not a single political philosopher from Plato onwards has ever failed to attribute a specific purpose to the state (many among them committing the cardinal mistake of confusing the state with its government).

On a mapping of the many purposes ascribed to modern states, see Gill.[470]

Through not giving any purpose to the state, this philosophy stays clear not only of political theories but also moral considerations and ethical values. (Such considerations are mandatory, however, when taking a sociological approach to the state: 'The state is an agency of human purpose, and its character changes as it is directed more to the interests of this or that class within the community, as it serves more this or that set of aims, as its area of purpose narrows or widens.'[471] This approach inevitably leads not only to arbitrariness and subjectivity but also to time-specificity, given that a class–Marxist analysis was semi-mandatory in the not-so-distant past but is now listed only as one of many alternative theories.)

11/7/2

Of course, claiming that the state has no purpose depends on what is meant by 'purpose'. If 'purpose' means any function whatsoever (after all,

468 Hegel, *Outlines of the Philosophy of Right*, 15.

469 With it considered a significant faux pas not to include one, such that authors try to justify any lack thereof (even if by means of inventing one) in those rare cases where none is, obviously at least, suggested (see, for example, Anter, *Max Weber's Theory of the Modern State*, 15).

470 Gill, *The Nature and Development of the Modern State*, 8.

471 MacIver, *The Modern State*, 423.

any function is itself a purpose),[472] then the state does have a purpose: human unique identification and individualisation—and the creation of a processing environment suitable for humans to live in.

This is not, however, its purpose, but what it does—what processing it carries out as a Being. Human individualisation and identification is not a state's purpose. It is done because states are Beings (organisations) and, as per their nature, they process information because they can and they will. In other words, states are a natural individualisation and identification mechanism, this is not their purpose. The case of the state being perceived as a service provider (see note 11/4/9) is similar to this, if everything (e.g. the rain) is perceived as a service. However, what is meant here by 'purpose' is an intention, a guiding principle (see also note 5/2/2), which, in the case of states, simply does not exist.

On paragraph 8

11/8/1 On the (supposed) will of the state

The state has no rational will to arbitrate or reconcile society; see Poulantzas[473] and Easton.[474]

11/8/2 On state authority

For a (reluctant) explanation of state authority see, for example, Green.[475]

472 On the relationship between function and purpose (as in, purpose is perfection of the function) see Aristotle, *Nicomachean Ethics*, 15 (1097b), and a critique in Christine M. Korsgaard, 'Aristotle's Function Argument', in Christine M. Korsgaard, *The Constitution of Agency: Essays on Practical Reason and Moral Psychology* (Oxford: Oxford University Press, 2008), specifically 138.

473 Poulantzas, *State, Power, Socialism*, 131.

474 Easton, 'The Political System Besieged by the State', 308.

475 Leslie Green, *The Authority of the State* (Oxford: Clarendon Press, 1988).

On paragraph 9

11/9/1

On the theory that is today prevalent that the state did not develop historically along any predetermined line of progression or through 'scaling-up', see, for example, Diener and Hagen.[476]

This finding, that the state has not, so far at least, developed in any linear historical order may (but may not necessarily) conflict with the basic state theory of Hegel. See, for example, 'the state, the architectonic of its rationality—which, through determinate distinctions between the circles of public life and their rights and through the strict proportion in which every pillar, arch, and buttress is held together, produces the strength of the whole out of the harmony of the parts...'.[477]

On the same topic, see also note 19/11/2.

11/9/2

On the finding that states, regardless of whether tribes or empires, ultimately resembled each other organisationally, consider that 'the range of internal structures does differ across societies in predictable ways'.[478]

On paragraph 10

11/10/1

This differs fundamentally from Durkheim's approach to the state. In this respect, Durkheim's words are worth emphasising: '[the state's] principal function is to think'.[479] 'The state is "the very organ of social thought", however it does so "towards an aim that is practical, not speculative. The State, as a rule at least, does not think for the sake of thought or to build up doctrinal systems, but to guide collective conduct.'[480]

476 Alexander C. Diener and Joshua Hagen, *Borders: A Very Short Introduction* (Oxford: Oxford University Press, 2012), 25.
477 Hegel, *Outlines of the Philosophy of Right*, 9.
478 North, Wallis and Weingast, *Violence and Social Orders*, 270.
479 Durkheim, *Durkheim on Politics and the State*, ed. Anthony Giddens (Stanford: Stanford University Press, 1986), 41.
480 Ibid.

In this way he ascribes to the state a role, the role of giving meaning to reality[481] (see also Chapter 8.1). Here, however, it is argued that the state has no role; it only makes processing by individuals possible. Meaning is provided by the individuals (and their governments), not the state, which, in this regard, is only the information-processing structure that makes such processing possible.

11/10/2

The so-called 'Reason of State' is Machiavelli's creation, a political notion that is connected with government rather than the state.[482]

481 Or (perhaps with a politically biased reading of his works) to 'implement and further individual rights' (Giddens, 'Introduction', 3); see also Horowitz, 'Socialization Without Politicization: Emile Durkheim's Theory of the Modern State'.

482 See, for example, Passerin d'Entrèves, *The Notion of the State*, 44.

Notes on Chapter 12

On paragraph 1

12/1/1 On the distinction between state and government

Although there is a rich bibliography on the distinction between state and government, the two are often confused both in theory and in public discourse. This is perhaps unavoidable, given the relationship between management and managed organisation: as is also the case with legal bodies, it is difficult to separate the legal body (e.g. a corporation) from its management.

In any event, the confusion between state and government seems particularly prevalent in Anglo-Saxon theory.[483] The Anglo-Saxon approach has been summarily presented by Hayek:

> *In English it is possible, and has long been usual, to discuss these two types of order in terms of the distinction between 'society' and 'government'. There is no need in the discussion of these problems, so long as only one country is concerned, to bring in the metaphysically charged term 'state'. It is largely under the influence of continental and particularly Hegelian thought that in the course of the last hundred years the practice of speaking of the 'state' (preferably with a capital 'S'), where 'government' is more appropriate and precise, has come to be widely adopted. That which acts, or pursues a policy, is however always the organization of government; and it does not make for clarity to drag in the term 'state' where 'government' is quite sufficient. It becomes particularly misleading when 'the state' rather than 'government' is contrasted with 'society' to indicate that the first is an organization and the second a spontaneous order.*[484]

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483 See Morris, 'The State', 575; as well as Watkins, *The State as a Concept of Political Science*, 80; or Krader's 'The state is a non-primitive form of government' (Krader, *Formation of the State*, 13).
However, confusion is not uniform, see, for example, the *Guardian* extract quoted in Abrams, 'Notes on the Difficulty of Studying the State (1977)', 58.
On the hostility of, at least recent US theory, towards the notion of the state, see note 0/4/1.

484 Hayek, *Law, Legislation and Liberty*, 46.

Nettl claims that 'the identification of state with government in the work of certain writers might appear to make sense on the grounds that any other conception of the state is metaphysical and therefore valueless for concrete historical analysis'.[485]

The confusion between the two can take two forms—an obvious one (expressly treating the two as synonyms[486]) and a tacit one. The latter can be more confusing. It has, for example, crept in when trying to define the state: a large part of state theory distinguishes between two forms of definition for the state, one of which claims that 'the state can be defined by its organisation',[487] wherein it is seen as an interrelated set of governing institutions. This, however, is government (i.e. the 'governing institutions'), not the state. At best, 'state organisation' is the political system through which a government is appointed, not the state itself.

On the importance of the distinction, see also North et al.[488]

On paragraph 3

12/3/1

Sidgwick used the (systematic) control exercised by a government as the distinguishing characteristic of 'political societies' (the equivalent of the state) when comparing them to non-political (primitive) ones (without going any further towards developing a state theory).[489]

485 Nettl, 'The State as a Conceptual Variable', 570.

486 See, for example, Sidgwick: 'I think, however, that the development of Government or of the State is one thread or strand of human history which may...' (Henry Sidgwick, *The Elements of Politics* (1891) (Cambridge: Cambridge University Press, 2012), 5.

487 Erika Cudworth, Timothy Hall and John McGovern, *The Modern State: Theories and Ideologies* (Edinburgh University Press, 2007), 2.

488 North, Wallis and Weingast, *Violence and Social Orders*, 268.

489 See Sidgwick, *The Elements of Politics*, 2.

On paragraph 4

12/4/1 On the separation of powers

The separation of powers, as envisaged by Montesquieu in his *Spirit of the Law*[490] and still applied today, has nothing to do with the separation between state and government.

In essence, the separation of powers relates to the government only, it does not affect the state; it only asks the Being that controls the state (i.e. the government) to break down its functions into three separate Beings (executive, legislative and judicial) without there existing any relationship (specifically, control) among them. The separation of powers is in essence a political system, not a system designating the relationship between the government and the state, which continues to be that of control, notwithstanding how many branches of government there can possibly be (and whether, as practice has shown, any separation of powers within the government is at all feasible).

In view of the above, when 'government' is mentioned in this book it refers to all of its branches together (and not, for example, only to the executive branch).

12/4/2

On constitutions, see also Chapter 22, par. 3.

490 Montesquieu, *The Spirit of the Laws*, 157.
On the attempt to remove the 'hostility' and 'mistrust' among state powers (confusing at all times the state with the government) in light of his state idealism, see Hegel: 'It is only the inner self-determination of the concept, not any other consideration, whether of purpose or advantage, that is the absolute source of the division of powers, and in virtue of this alone is the organization of the state something inherently rational and the image of eternal reason' (Hegel, *Outlines of the Philosophy of Right*, 257). This reflects a type of reasoning that religious thinking would not object to (see, for example, Saint Augustine with his insistence on reproducing Trinity models around us; Augustine, *Concerning the City of God Against the Pagans*, 440 and 458.

On paragraph 5

12/5/1 The limitations of social contract theory when it comes to political systems and the government

In social contract theory, the government, like the state, is the result of an agreement among individuals (see note 13/2/1).[491] In this way social contract theory is versatile and at the same time affirmative, granting legitimacy to a government of any kind. It is nice to imagine that the citizens of a state agree to appoint a government (because it is the only rational thing to do), that an agreement is formed between them. However, the nicety of this picture (which has served monarchs, oligarchs and democracies alike well) blurs the cruel fact of the power-grab that lies underneath it. The state is an informational platform that is controlled by a Being (and is itself a dataset, in fact a Being) and this control provides immense power to those individuals that hold it. Competition is inevitable. The way in which this power-grab is achieved and justified on each occasion in human history varies. Entering into a contract or following the will of God are explanations that have been used so far; however these serve to better explain rather the states that were used as their example,[492] than the fact that certain individuals (inevitably) manage to prevail and gain control of the informational platforms that are or were their states for a shorter or longer period of time.

On paragraph 6

12/6/1

On the importance of unique names for states, see also Chapter 19, par. 6.

491 See also Steinberger, noting that, as per social contract theory, 'there can be, by definition, no such thing as a commonwealth without a sovereign' (Steinberger, 'Hobbes, Rousseau and the Modern Conception of the State', *The Journal of Politics* 70/3 (2008), 599).

492 Hobbes, for example, sensibly moved from the will of God theory to that of the people/contract after a king was beheaded two years before the publication of his work, leaving his state still standing.

On paragraph 10

12/10/1

On the exercise of border control over individuals by states, see, for example, Brett's analysis of 'locality',[493] as well as the seventh defining characteristic for the definition of a state by Dryzek and Dunleavy ('The state must be able to define "citizens", those who are members of its society; and it must be able to control entry to and exit from its territory by citizens and others').[494]

See also Nettl, who claims that, 'In short, the state is the gatekeeper between intrasocietal and extrasocietal flows of action'.[495]

On paragraph 11

12/11/1

Or, in other words, Morris's claim a few years ago that 'modern states claim a variety of powers for themselves and deny them to non-states'[496] is no longer applicable in the digital realm where 'non-states' are large, international, private online platforms.

12/11/2 On Leviathan's frontispiece

There is much discussion of *Leviathan*'s frontispiece, specifically about whether there is some discrepancy between the printed and the engraved versions, where apparently the drawing had faces that looked outwards to represent the common will.[497] However, the version that is still in print today, attributed to Abraham Bosse, has the citizens facing inwards.

493 Annabel S. Brett, *Changes of State: Nature and the Limits of the City in Early Modern Natural Law* (Princeton: Princeton University Press, 2011), 169; see also Immanuel Wallerstein, *World-Systems Analysis: An Introduction* (Durham: Duke University Press, 2020), 46.

494 Dryzek and Dunleavy, *Theories of the Democratic State*, 3.

495 Nettl, 'The State as a Conceptual Variable', 564.

496 Christopher W. Morris, *An Essay on the Modern State* (Cambridge: Cambridge University Press, 2002), 16.

497 See Keith Brown, 'The Artist of the Leviathan Title-Page', in Gabriella Slomp (ed.), *Thomas Hobbes* (London: Routledge, 2017).

Notes on Chapter 12.1

On paragraph 1

12.1/1/1 Rawl's 'basic structure'

The political system, as viewed in this book, parallels Rawls's 'basic structure': 'the basic structure of society is the way in which the main political and social institutions of society fit together into one system of social cooperation, and the way they assign basic rights and duties and regulate the division of advantages that arises from social cooperation over time'.[498] This is one of Rawls's fundamental ideas, a necessary one, together with the original position (see note 8/2/3), 'needed to complete other ideas and to order them into a perspicuous whole'.[499]

On paragraph 2

12.1/2/1

See also Aristotle's long list of constitutions in his *Constitutions* or *Politeiai* (alleged to have reached 158, even during his lifetime);[500] see also the active interest around a hundred years earlier of Greeks in the foreign laws and customs described by Herodotus.[501]

On paragraph 3

12.1/3/1

Consider also Kant's 'Either one person within the state will rule over everyone, or several persons of equal rank will unite to rule over all others,

498 Rawls, *Justice as Fairness*, 10.
499 Ibid., 11.
500 Of which only the Constitution of Athens survives (Aristotle, *The Complete Works of Aristotle*, 2341–83.)
501 Herodotus, *The Histories*, trans. R. Waterfield (Oxford: Oxford University Press, 2008).

or all will rule collectively over each (hence also over themselves). That is, the form of the state will either be autocratic, aristocratic, or democratic.'[502]

On paragraph 7

12.1/7/1

On the claim that whichever Being controls the government, it will use the state to serve its need to augment its information processing to the detriment of that state's citizens, given that information in the analogue world is finite, see, for example, Hobbes's 'Kings should be classed as predatory animals',[503] with further references to thinkers dating back to Roman times.

12.1/7/2

Hence, Aristotle, only a few years after Plato, demonstrated that these are not clear-cut distinctions, that is, no assumptions can be made on the *how* simply by looking at the who.[504] In other words, it may well be the case that citizens of a state find that they augment their information processing under oligarchies or monarchies, compared to other citizens in neighbouring democracies (comparison being natural to humans, see Chapter 5.1, par. 9).

502 Kant, *Political Writings*, 161.
503 Hobbes, *On the Citizen*, 3.
504 See, for example, Aristotle, *Politics*, 146 (1292a39).

Notes on Chapter 13

On paragraph 1

13/1/1

On the viewing of the state through the prism of various theories and ideologies as a way to define it, and in this manner to indirectly justify it, see also notes 7/1/1 to 7/1/15.

13/1/2

On the 'craziness of the undertaking', see Prologue, note 0/1/2.

On paragraph 2

13/2/1 On social contract theory

According to social contract theory, states exist through the agreement of their citizens.[505] A state is a voluntary group of humans that was established (by those humans) for a reason.

505 The social contract theory is, arguably, best understood metaphorically: 'In practice it is at least doubtful whether a "natural condition" ever existed among humans, and it is rather inconceivable that humans ever formally gathered up and entered any type of contract among them'. Instead, 'The social contract is thus to be understood as hypothetical: Are our political institutions and arrangements such that we would agree to them?' (Christopher W. Morris (ed.), *The Social Contract Theorists: Critical Essays on Hobbes, Locke, and Rousseau* (Oxford: Rowman & Littlefield, 1999), x).
This is what all contractarian philosophers set out to prove: that rational choice and/or consent (the bases for any contract) are the best foundations for our political institutions and arrangements (thus, constructing a political theory, and not a political philosophy, see note 13/2/7, as well as 0/1/8).
The social contract theory is the dominant, if not the only, state theory that has existed until now, 'a single unbroken tradition stretching back from Rawls and Gauthier through Hobbes to the ancient Greeks' (David Boucher and Paul Kelly, 'The Social Contract and Its Critics: An Overview', in David Boucher and Paul Kelly (eds.), *The Social Contract From Hobbes to Rawls* (London: Routledge, 2005), 1). See also note 13/2/2.

In order to avoid a state of nature (see note 8/2/3), whereby if not 'war of all against all'[506] then certainly unresolvable perpetual conflict would be the norm,[507] humans enter into a contract among themselves to form a state with a specific purpose and assign it a government to serve that purpose.

There are three main points underpinning social contract theory—all are necessary as per its contractual context. First and foremost, that states are artificial, created by the agreement of their citizens. Second, that they are created for a specific purpose each time, for instance, to provide security or to protect human rights (or even to provide justice as fairness). And third, that the state is a society (a political one, see also notes 11/4/2, 11/4/3 and 11/2/1), one among many, meaning that other societies (e.g. 'civil society') may coexist with it.

Each of these propositions creates insurmountable theoretical and practical difficulties which are not present when taking the informational approach (which contradicts social contract theory on almost all fronts), which states that states are natural to humans, they have no purpose (but only a need), and state and society coincide within the same state (see Chapters 8 and 11).

A fourth main point underpinning social contract theory is, however, shared by both theories, namely the separation of the state from its government. According to social contract theory, citizens authorise a government to run their state for whatever purpose that state has been created for. The separation of the state from the government, although in a completely different context, is also acknowledged in the informational approach (see Chapter 12).

This note and the ones that follow (13/2/1 to 13/2/7) are not an attempt to analyse social contract theory—such an attempt lies far beyond the scope of this book. Attention will only be given to its most basic premises in order to demonstrate its limitations—which are resolved by taking the informational approach whereby states are natural to humans and have no (specific) purpose whatsoever.

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506 Hobbes, *Leviathan*, 84.

507 See, for example, Locke ('I easily grant, that Civil Government is the proper Remedy for the Inconveniences of the State of Nature, which must certainly be Great, where Men may be Judges in their own Case, since 'tis easily to be imagined, that he who was so unjust as to do his Brother an Injury, will scarce be so just as to condemn himself for it' (Locke, *Two Treatises of Government*, 276). On Rousseau's approach, see note 8/1/4.

13/2/2 The origins of social contract theory

Political (and much of any other) philosophy beginning with Plato, it was his idea of the state as an association among humans that is based on agreement that underpins much of political philosophy (including the social contract spin-off). In essence, regarding the origins of the state, Plato basically claimed that

> *Society originates,... because the individual is not self-sufficient, but has many needs which he can't supply himself.... And when we have got hold of enough people to satisfy our many varied needs, we have assembled quite a large number of partners and helpers together to live in one place; and we give the resultant settlement the name of a community or state.*[508]

Aristotle basically picked up Plato's line of thinking on this matter,[509] but with a twist: he believed that states are not artificial, but natural to humans. However, this claim was not further substantiated—or, more accurately, he argued that states are natural to humans because they are the last (referring to city-states) phase of development in a teleological line (see also note 8/1/2):

> *The final association, formed of several villages, is the state. For all practical purposes the process is now complete: self-sufficiency has been reached, and while the state came about as a means of securing life itself, it continues in being to secure the good life. Therefore every state exists by nature, as the earlier associations [households, villages] too were natural.*[510]

Cicero's *res publica* was a projection of Roman ideals, which were quickly diminishing around him, onto traditional Greek political philosophy; to

508 Plato, *The Republic,* 94 (369c). See also Rowe's translation of the same: 'Cities come into existence,... because in fact none of us is self-sufficient; taken by ourselves, each one of us is deficient in many respects.... Thus it will be because one person recruits another to fill this or that need, and another another, and so on, and because our needs are many, that we gather many people together to live in a single location as partners and helpers, calling this shared habitation a "city"' (Plato, *The Republic,* 58).

509 'Observation tells us that every state is an association, [and that every association is formed with a view to some good purpose]' (Aristotle, *The Politics*, 54 (1252a1); see also 198 (1280b29–1281a2).

510 Aristotle, *The Politics*, 59 (1252b27). His ultimately limited approach is reflected a bit later, when he claims that 'Among all men, then, there is a natural impulse towards this kind of association; and the first man to construct a state deserves credit for conferring very great benefits' (Ibid., 61 (1253a29)).

him the state (a *republic*) was 'the property of the public. But a public is not every kind of human gathering, congregating in any manner, but a numerous gathering brought together by legal consent and community of interest'.[511]

Saint Augustine, in his (ultimately hostile[512]) approach to states, distinguished between an earthly state (that of disintegrating Imperial Rome) and the spiritual, heavenly one: 'We see then that the two cities were created by two kinds of love: the earthly city was created by self-love reaching the point of contempt for God, the Heavenly City by the love of God carried as far as contempt of self. In fact, the earthly city glories in itself, the Heavenly City glories in the Lord.'[513] He then continues:

> *I classify the human race into two branches: the one consists of those who live by human standards, the other of those who live according to God's will. I also call these two classes the two cities, speaking allegorically. By two cities I mean two societies of human beings, one of which is predestined to reign with God for all eternity, the other doomed to undergo eternal punishment with the Devil.*[514]

In spite of the fact that its basic idea of an artificial association created by agreement is as ancient as Greek philosophy, what is known today as social contract theory was first developed by Hobbes, in his *Leviathan* in 1651[515]

511 Cicero, *The Republic and The Laws*, trans. N. Rudd (Oxford: Oxford University Press, 2008), 19.

512 As was necessary for the political aims of his theological analysis, which nevertheless had long-lasting consequences which have even today not been fully overcome. See, for example, 'We may speak of two cities, or communities, one consisting of the good, angels as well as men, and the other of the evil' (Augustine, *Concerning the City of God Against the Pagans*, 471); or, 'I have already said that two cities, different and mutually opposed, owe their existence to the fact that some men live by the standard of the flesh, others by the standard of the spirit' (Ibid., 553).

513 Ibid., 593.

514 Ibid., 595.

515 As famously formulated by Hobbes, outside a sovereign state man's life would be 'nasty, brutish, and short' (Hobbes, *Leviathan*, 9). According to his theory, it is to avoid this fate that individuals form a (social) contract with their respective states, whereby they (individuals) consent to forego some of their freedoms in return for the safety provided by an organised civil society. Once such a social contract has been entered into, the political direction of the state concerned can go in any direction, ranging from democracy to monarchy or oligarchy—with Hobbes being in favour of a strong sovereign (i.e. monarchy).
In this way Hobbes not only formulated the modern approach to the social contract, but he also created the political discourse we are still dealing with today. He was the

(which was itself only made possible after Machiavelli had commodified the state[516] in his work *The Prince* in 1513). From that point on things moved

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first author to purposely and expressly equate the words 'civitas', 'commonwealth' and 'state', which were in wide, if not competing, use until then, thus allowing the generalised use of the latter (see Passerin d'Entrèves, *The Notion of the State*, 33). Notions such as the 'state of nature' (also in *Leviathan*) or interpretations of humans ('homo homini lupus'—in the Epistle Dedicatory of *On the Citizen*), as well as the radical new interpretation of 'natural law', were ideas that, although by no means new during Hobbes's time or conceived by him, he ingeniously brought into a unified theory which every political philosopher ever since has had to address. As noted by Strauss, Hobbes was the founder of modern political philosophy and Plato and Aristotle were the founders of traditional political philosophy (Strauss, *The Political Philosophy of Hobbes*, viii).

Hobbes's genius notwithstanding, his was a work of his time (see also the Foreword to this volume, par. 5). At the time of writing he had lived through a king being ceremoniously beheaded by his citizens in January 1649 and a brutal civil war (that soon led to a second revolution), and he himself faced exile (being in immediate danger). He also taught the son of the murdered king, who was to become the future king (the same as Aristotle, in this regard). Outside his own country, the Peace of Westphalia had created the Westphalian State in 1648 (see also note 16/1/3), while the Mayflower Compact had established a temporary 'civil body politic' in 1620. Due to these events, it is unsurprising that some of his interpretations were influenced by circumstance—for example, his preference for security of the person or for a strong sovereign (whatever form that may take) who enjoys unlimited political power.

Having said that, his decisive break with religion, and the God-derived authority of kings and states, was of immense, life-changing importance. Before *Leviathan* (most) states and kings claimed a direct relationship with God, from whom they derived their authority. After *Leviathan* this was no longer the case. The same was true for individualism. Before Hobbes, individuals were in the background, submissive to the will of God or the king. It was Hobbes who brought them to the fore, gave them the power to decide for themselves on their states and government, and thus gave birth to individualism.

Of course, his theoretical premises did not go uncontested: Hobbes refused to 'rely on human good will and institutional efficacy' (Gauthier, *The Logic of Leviathan*, vi), a criticism that resonates as much today as in his time. Hobbes's individualism was contested, most notably by Rousseau, in a conflict that, through each position's epigones, continues to this day (see also note 8/2/3).

516 Machiavelli was the first to commodify the state in just a few lines, in the first chapter of his *The Prince*: 'All states and all dominions that have had and continue to have power over men have been, and still are, either republics or principalities. Principalities are either hereditary, in which instance the family of the prince has ruled for generations, or they are new. The new ones are either completely new... or they are like appendages added to the hereditary state of the prince who acquires them.... Dominions taken in this way are either accustomed to living under a prince or are used to being free; and they are gained either by the arms of others or by one's own, either through Fortune or through virtue' (Niccolo Machiavelli, *The*

at a relentless pace (at least, in political philosophy terms): the theory was furthered first by Locke 40 years later, in 1691, in his *Two Treatises of Government*;[517] upheld by Hume, in spite of his different approach;[518] and then supported by Rousseau, in his *The Social Contract*, in 1762.[519] It was then adopted by and formed the theoretical basis of the American and French revolutions in 1775 and 1789, respectively.

Social contract theory underlies the political philosophy that liberal democracies have been operating on ever since, with the theory still holding strong today, having only had minor amendments to it attempted from time to time.[520] Its latest update[521] came from Rawls, who, in his *Theory of Justice* in 1971,[522] claimed that the (artificially made) state had yet another purpose (but one different from that identified by other political philoso-

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Prince (1513), trans. Peter Bondanella (Oxford: Oxford University Press, 2005), 7). This approach, brutal in its simplicity and logic (which was basically also reproduced with regard to religion; see, for example, his approach to the religion of the Romans in Machiavelli, *Discourses*, 34), could not lie further away from the approaches of, for example, Plato, Aristotle or even Cicero on the state. It is the treatment of a state (principality) as a commodity, as something concise and specific that is worth fighting over so as to govern. Machiavelli provides a manual for government acquisition and exercise, but in order to do so he first needed to clarify what it was exactly that was so worthwhile to govern. In this way, he shaped the modern notion of the state (see also, for example, Passerin d'Entrèves, *The Notion of the State*, 30).

What the state was or did, did not concern Machiavelli, however. He took it for granted that government over the state was a worthy cause, justifying his book (if not his entire life). He wrote a manual on government, not on the state. Strauss therefore rightly recognises Machiavelli as the originator of modern political philosophy, paving the way for Hobbes (Strauss, *The Political Philosophy of Hobbes*, xv). Although the break with God and myth may be present 'on the opening of Machiavelli's Discorsi' (Ibid., xvi), still it does not affect the clear break with the past that was accomplished by Hobbes—unless one looks hard to trace it in Machiavelli's work.

517 The Hobbesian politics of fear was already despised by Locke, who followed only a few decades later (Brooke, 'Introduction', xxviii).

518 Hume, *A Treatise of Human Nature*, 541. Hume basically furthered Aristotle's approach with regard to the 'naturallness' of the state, however not without concluding that the state is artificial (a result that Aristotle would also unavoidably have reached if he had taken his analysis further).

519 Rousseau, *The Social Contract and Other Early Political Writings*.

520 This remains true even if the contract remains in the background or in disguise; see, for example, the 'arrangements' in Fain, 'The Idea of the State', 19.

521 See also Boucher and Kelly, *The Social Contract From Hobbes to Rawls*.

522 Rawls, *A Theory of Justice*.

phers): to achieve justice, viewed not as order[523] but as fairness (which he considered something to be objectively and rationally understood by everyone through his 'invisible veil' construction).[524]

13/2/3 How many contracts according to social contract theory?

The questions of how many contracts, of what type and of what their basic terms and conditions are (notes 13/2/3, 13/2/4 and 13/2/5, respectively) may sound legalistic (and admittedly they are), but they are unavoidable: it is not that legal analysis has entered the domain of political philosophy in this case, but that political philosophy has used the term 'contract'.[525]

What is basically being discussed when talking about social contract theory is two contracts:[526] first, one among individuals to form a state (a political society, a body politic); and second (obviously, after the first has been concluded), one for that political state to be governed, with its government. (The consequences of this second contract depend on whether it is entered into individually, by each individual, as is the case in the first contract, or collectively, by the body that has just been formed).

For Hobbes, it is two contracts embedded in one three-party contract 'of every man with every man': 'I Authorise and give up my Right of Governing my selfe, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authorise all his Actions

523 As perceived by Aristotle in his *Politics*: 'But justice is the bond of men in states; for the administration of justice, which is the determination of what is just, is the principle of order in political society' (Aristotle, *Politics*, 57 (1253a)). Plato also made the connection between justice and order (see Ernst Cassirer, *The Myth of the State* (New Haven: Yale University Press, 1946), 69).
St Augustine's position, when speaking of the cities of men and God respectively, 'is an absolute one, arising from a theological assumption involving, not simply justice between men, but *true* justice which must take account of man's duty to God' (John J. O'Meara, 'Introduction', in Saint Augustine, *Concerning the City of God Against the Pagans*, ed. John J. O'Meara (London: Penguin, 1986), 63).
The perception of justice as fairness in the context of state building is, therefore, justice's third iteration over time.

524 Rawls, *Justice as Fairness*, 85.

525 On the assumed unwillingness of Locke to actually use the term 'contract', for exactly these reasons, see Laslett, 'Introduction', 114.

526 Pufendorf, however, saw many contracts instead (Samuel Freiherr von Pufendorf, *De Jure Naturae et Gentium: Libri Octo* (1688) *(Translation of Volume Two)*, trans. C. H. and W. A. Oldfather, ed. James Brown Scott (London: Wildy and Sons, 1932), 42a).

in like manner.'[527] Therefore, in the first contract every human enters into a contract with every other human, creating a state (a commonwealth, a *civitas*—basically, the Leviathan); in the second contract each human gives, on identical terms, authorisation to a sovereign (one human or a group of humans) to rule over them (basically, the head of the Leviathan). While Hobbes makes all of this conditional ('on this condition'), the fact that the contract is entered into at all essentially means that the conditions are satisfied. Therefore, Hobbes imagines two contracts, the first creating a state (among the contracting individuals, i.e. not among non-contracting individuals in that specific contract) and the second the setting of a government upon it.

For Locke, it is basically one contract, to 'end the State of Nature between Men' when 'agreeing together mutually to enter into one Community, and make one Body Politick',[528] and it is this same contract that also establishes the government. Importantly, however, 'Although contractually related to each other, the people are not contractually obliged to government, and governors benefit from governing only as fellow members of the "Politick Body".... They are merely deputies for the people, trustees who can be discarded if they fail in their trust'.[529]

For Rousseau, adopting a less formal and more metaphysical (but significantly less liberal) approach, the social contract is 'a reciprocal commitment between society and the individual, so that each person, in making a contract, as it were, with himself, finds himself doubly committed'.[530] The phrase about each person 'making a contract, as it were, with himself' is

527 *Leviathan*, 140.

528 Locke, *Two Treatises of Government*, 277. That particular contract is specific to that purpose (establishment of a state), which does not preclude other contracts being entered into while in the 'state of nature', because, according to Locke, and in line with his natural rights theory, 'truth' and the 'keeping of faith' belong to humans anyway (Ibid.; on why we should keep our promises, and thus morality, see Chap. 23, par. 4).

529 Quoted in Laslett, 'Introduction', 114, with further references.

530 Rousseau, *Of the Social Contract and Other Political Writings*, 62. See also Betts: 'As Rousseau formulates the contract, then, it enacts a double operation: it is both the creation of a unified social entity consisting of a number of individuals, and their acceptance of that entity's authority over them' (Christopher Betts, 'Introduction', in Jean-Jacques Rousseau, *Discourse on Political Economy and the Social Contract*, ed. Christopher Betts (1994), xv).

of immense significance for understanding the deeply moral (and for this reason illiberal) nature of Rousseau's contract.[531]

Of course, countless questions can be asked about these contracts; if a simple, everyday contract necessitates court decisions for its clarification, one can only imagine what would happen with a contract that instituted a state—and its government. These questions are more or less left unanswered by the social contract theorists, one would imagine both intentionally and unavoidably; unavoidably, because there is only a limited number of questions one can answer in a book; intentionally, because, specifically when it comes to justifying revolution or absolutist regimes (see also note 13/2/4), some things are better left unsaid (in fear of ending up with a Kelsenian, mechanistic approach).

13/2/3 What types of contracts?

In Hobbes's clear-cut model of two contracts, the creation of a state is performed in the first (we therefore have a contract for the formation of an association, an articles-of-association of sorts; see, however, note 11/4/3), followed by an authorisation to the government to run the state that prevails, the government being an external third party (the existence of which at the time of the contract or its creation thereafter for this purpose being unclear). The government, however, is not a party to the contract (there being, therefore, a contract among parties to the benefit of a third party which has not entered into it—and therefore has no obligation to adhere to it). As seen previously (in note 13/2/2), for this exact reason, Locke shied away from this authorisation to the government, while Rousseau (starting from a different premise) did not alter Hobbes's authorisation to the government, but only noted his preference for it to be a popular assembly.

It is exactly the nature of this second contract in social contract theory, the one which establishes the government, that has attracted the most criticism. Hobbes's model may be clear, but it has been accused of alienating humans' natural rights (supposing, of course, that they exist, see

531 Rousseau continues, in this regard: 'Here there can be no invoking the principle of civil law which says that no man is bound by a contract with himself, for there is a great difference between having an obligation to oneself and having an obligation to something of which one is a member' (Rousseau, *Of the Social Contract and Other Political Writings*, 62).
The above are, of course, without prejudice to Rousseau's infamous 'forced to be free' quote (Ibid., 23)—and the vast ensuing discussion.

note 20/5/2); Locke preserves these rights, but at the cost of clarity; while Rousseau (on the basis of a 'common will', see note 13/2/5) simply did not bother much with the topic.

Contrary to the above mechanistic approach to state creation, Kant (who based his social contract not on agreement but on rational thinking—i.e. Reason) ultimately claimed (in view of the unresolvable limitations of his approach) that the origin of the supreme power (or how a contract actually created a state) 'for all practical purposes, is not discoverable by the people who are subject to it'.[532]

13/2/4 What are the basic terms and conditions of these contracts?

Even assuming the basics have been resolved (which most certainly is not the case, see notes 13/2/2 and 13/2/3), considerable effort has been spent on describing the legal mechanisms and the actual provisions of these contracts (by the authors themselves—and where they are not adequately described, on their deciphering by later scholars). This includes answers to questions such as, how can they be terminated by either of the parties? Must they be terminated for cause, and what happens if the other party (i.e. the government) does not concur? If terminated, what happens in the intermediate period until a new contract is entered into? What happens if their subject-matter (the state) is dissolved for any reason?

For Hobbes, in view of the complete transfer of rights ('give up my Right of Governing my selfe') from citizens to their government, the revocation of this transfer is only possible in some marginal cases (basically, only in self-defence for survival). Locke seems to sanction revolution[533]—and the same is the case most notably for Rousseau,[534] which explains why his writings have been frequently used by revolutionaries around the globe.

The differences above are not unimportant but they are explainable on the basis of the development of the argument (every next author knew

532 Kant, *Political Writings*, 143.

533 See Locke, *Two Treatises of Government*, 412, as well as Laslett, 'Introduction', 115.

534 See, for example, Book III, Chapter 8 ('these very exceptions confirm the rule in that sooner or later they produce revolutions which restore things to the order of nature') or Chapter 15 ('Any law which the People has not ratified in person is null; it is not a law') in his social contract (Rousseau, *The Social Contract and Other Early Political Writings*, 101 and 14 respectively).

the text, and criticisms, of his predecessor[535]) and historical circumstance (see also the Prologue, par. 5). In any case, they certainly do not reply conclusively and convincingly to the basic questions posed above (which paved the way for legal realism and Kelsen's state theory).

It is therefore in response to these, inevitable (because we are talking about contracts) questions that the greatest difficulties of social contract theory are met. While in principle an agreement between those governed and their government sounds like an excellent basis for coexistence, any agreement among humans merely sets a basis for collaboration. However, it is never comprehensive enough and it certainly does not warrant full satisfaction of all of the parties' hopes and wishes when they entered into it in the first place—and it is thus an unreliable explanation of why things are as they are.

13/2/5 An underlying common will

Notwithstanding the legal technicalities of the social contract (which should not, however, itself be perceived legally, i.e. as a typical contract), its most important part is, arguably, not its formation of a state and authorisation of a government (the formulation of which, on account of their artificiality, is deeply flawed) but its identification of a common will[536]—a common will among certain individuals to separate themselves from other individuals and to form a state.[537] How this common will has been created, whether it is justifiable and whether a social contract is the best way to express it are beside the point: a common will (apparently based on shared characteristics, or at least the perception thereof) is necessary for state formation according to social contract theory. This, in turn, opens up the discussion on nation-states and nationalism (see Chapter 18, as well as note 18/2/2).

535 For example, Hume specifically objected to Locke's basic assumptions (Hume, *A Treatise of Human Nature*, 50).

536 See also Sidgwick's criticism of the social contract theory, on exactly these grounds (Sidgwick, *The Methods of Ethics*, 298).

537 This common will ought not be confused with Rousseau's 'general will' in his own approach to the social contract, a source of much confusion and controversy (for a sympathetic analysis, see Bertram, 'Introduction', xxiii).

13/2/6 On consent. Is it a suitable basis for the social contract?

Common to (or at least popular among) all contractarian theorists is the idea that consent lies at the basis of the social contract. Citizens consent to create a state through a social contract, and they consent to the establishment of a government to manage that state for a particular purpose. Is, however, consent a suitable basis through which to accomplish all this?

Hobbes thought not: 'This is more than consent, or concord; it is a real unity of them all, in one and the same person, made by covenant of every man with every man'.[538]

Kant may have followed social contract theory, but he did not base his argument on consent, but on Reason ('the social contract itself is a requirement of reason, not as an account of the origin of political society, but as a rational criterion of the just polity'[539]). Although in this way the issue of the artificiality of the state (see par. 3) is perhaps resolved (if Reason stands at its basis then a social contract is unavoidable), this approach merely moves the problem towards arbitrariness—regarding what exactly is included in morality and 'just polity' (if it is not ultimately an impediment to change of any kind, including rebellion[540]).

13/2/7 Social contract theory is a moral political philosophy

With agreement set as its basis, social contract theory has been used to justify any type of political system (e.g. a democracy, constitutional or otherwise; an oligarchy; a monarchy) precisely because it is a non-existent, imagined agreement that could include anything its proponents want it to. From this point of view, because it can claim that it is political theory–agnostic, social contract theory can also claim universality, that is, that it is a scientific explanation of the state (see also note 0/1/3).

However, this is not the case, because social contract theory invariably includes a moral component, it tells people how they *should* be, how they *should* behave. This is because it is unavoidably (and unapologetically) tele-

538 Hobbes, *Leviathan*, 114.

539 Boucher and Kelly, 'The Social Contract and Its Critics', 7; as well as Howard Williams, 'Kant on the Social Contract', in David Boucher and Paul Kelly (eds.), *The Social Contract From Hobbes to Rawls* (London: Routledge, 2005).

540 A counter-intuitive and counter-empirical argument, as noted by Boucher and Kelly ('The Social Contract and Its Critics', 8), where the connection with Rawl's (similarly moralising) approach is also noted.

ological. By ascribing a purpose to the state (this purpose being the *raison d'être* of the social contract itself), humans (including their governments) unavoidably have to strive to reach it.[541] In other words, as Bellamy says, 'as with theories of God-given or natural law, the terms of the contract are likely to be viewed differently by different theorists, according to the moral and empirical presuppositions they bring to bear in their characterizations of human nature and the casual structure of social relations'.[542]

On paragraph 3

13/3/1

On the finding that it is (a general consensus on) the artificiality of the state that has led practically every thinker engaged with it to unavoidably 'impose a particular vision of the state', see Bourdieu.[543]

13/3/2

As a state justification theory that considers the state to be artificial, social contract theory could not differ more from the informational approach advocated in this book. On the one hand, the social contract claims artificiality and requires individuals' consent to justify the state (or in any case its preferred political system); on the other hand, informational states are considered in this book to be natural to humans, the only individualisation mechanism naturally available to them in order to live a meaningful life.

From this point of view, similarities between the two theories can only be found in their fundamental and underlying individualism. With a caveat, however: individualism in social contract theory, and its epigones, sets the individual at its centre, as a rational political actor (based on an assumed and imagined rationality) who is able to choose. It therefore includes an element of morality, that individuals should be treated in this manner by

541 Even Hobbes, with his merciless assessment of human nature, ultimately wanted people to change: 'For clearly Hobbes believes that men are not behaving as they should, but can do so. His conclusions are intended to provide advice to men to change their behaviour so that they may succeed in constructing a well-grounded state' (Gauthier, *The Logic of Leviathan*, 20). On the relevant discussion, see also Paul Franco, 'Foreword', in Michael Oakeshott (ed.), *Hobbes on Civil Association* (Indianapolis: Liberty Fund, 2000).

542 Bellamy, *Citizenship*, 41.

543 Bourdieu, 'Rethinking the State', 55.

their political systems. This is not the case, however, for the approach expounded in this book: although it claims that humans need to augment their information processing (which is why they became individuals in the first place), it never claims that they should be assisted to any degree in serving their need(s) by their political systems (see also Chapter 10, par. 4).

On paragraph 4

13/4/1

On the theory of originality, the secular counterpart to states' theological provenance, see, for example, Kantorowicz.[544]

13/4/2 Myth and the state

On myth being the necessary basis of each state's formation and legitimacy, see Nelson[545] and, of course, Cassirer,[546] as well as Montaigne's ire at the fact:

> *Since men are not intelligent enough to be adequately paid in good coin let counterfeit coin be used as well. That method has been employed by all the lawgivers. And there is no polity which has not brought in some vain ceremonial honours, or some untruths, to serve as a bridle to keep the people to their duties; that is why most of them have fables about their origins and have beginnings embroidered with supernatural mysteries.*[547]

From this point of view, notwithstanding artificiality, it could be claimed that 'states are nevertheless natural in so far as they better facilitate God's purpose of the preservation of mankind',[548] ultimately connecting as natural whatever is necessary (as is a basic premise of this book, see Chapter 5, par. 5), but basing such need on much more arbitrary grounds.

13/4/3

On religion, see also Chapter 23, par. 5.

544 Hermann Kantorowicz, 'The Concept of the State', *Economica* 35 (1932), 9.
545 Nelson, *The Making of the Modern State*, 8.
546 Cassirer, *The Myth of the State*; an analysis that was also a product of its time (see Foreword, par. 5 of this volume).
547 Montaigne, *The Complete Essays*, 715.
548 Boucher and Kelly, *The Social Contract From Hobbes to Rawls*.

On paragraph 6

13/6/1 On utilitarianism and the social contract

The quotes in the text are from Bentham's 'A fragment on government'.[549] That habit of obedience is, however, ultimately apparently connected with interest: 'so long as the probable mischiefs of obedience are less than the probable mischiefs of resistance: why, in a word, taking the whole body together, it is their duty to obey, just so long as it is their interest, and no longer.'[550] This, therefore connects utilitarianism, at its core, with social contract theory.

On the finding that utilitarians, in spite of their apparently anti-contractarian explanation of the state, did not stay clear of contractarian logic, see Boucher and Kelly: 'Hume, then, did not wish to deny that the origin of government might have rested upon consent. What he wanted to insist upon was the disjunction between its origin and continuing legitimacy.'[551]

On the (non-existent) relationship of the informational approach advocated in this book with utilitarianism, see note 5.1/1/1.

On paragraph 7

13/6/1 On Hegel and the state

The quotes in the text are from Hegel's *Philosophy of Right*[552] and Boucher and Kelly.[553]

See also Nettl: 'What Hegel did in an idealized and philosophical concept, Freud later perfected in much more personal terms. The basic power of the state for him rested on love—with hypnotic and erotic overtones.'[554]

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549 Jeremy Bentham, *A Fragment on Government*, ed. J. H. Burns and H. L. A. Hart (Cambridge: Cambridge University Press, 1988), 40.

550 Ibid., 56. See also Hume, *A Treatise of Human Nature*, 602.

551 Boucher and Kelly, 'The Social Contract and Its Critics', 20.

552 Georg W. F. Hegel, *Elements of the Philosophy of Right* (1820), trans. H. B. Nisbet, ed. Allen W. Wood (Cambridge: Cambridge University Press, 1991), 106.

553 Boucher and Kelly, 'The Social Contract and Its Critics', 23.

554 Nettl, 'The State as a Conceptual Variable', 573. Compare also Boucher and Kelly: 'For Hegel, however, it was important to show that the pre-civil state of nature assumed of its members characteristics that they could acquire only in society. The private rights of contract and property are used to legitimize the public rights produced by the legal and social institutions of the state, whereas in reality the opposite is the case, private rights are generated and legitimized by the sphere of public rights. A variation on this Hegelian argument is found in communitarian and

On paragraph 8

13/8/1 The Marxist approach to the state

The quotes in the text are from the *Communist Manifesto* (Chapter I)[555] and by Poulantzas,[556] respectively.[557] Marx's critique of contractarianism and liberalism as bourgeois ideology builds upon Hegel's account of the individual as a social creation, although he gives this argument a materialist interpretation. Like Hegel he denies that individuals can have a presocial existence or that their identities are set prior to social interaction.[558] Gau-

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Marxist critiques as well as in contemporary feminism' (Boucher and Kelly, 'The Social Contract and Its Critics', 17).

555 See also 'The specific economic form, in which unpaid surplus-labour is pumped out of direct producers, determines the relationship of rulers and ruled.... It is always the direct relationship of the owners of the conditions of production to the direct producers... which, reveals the innermost secret, the hidden basis of the entire social structure, and with it the political form of the relation of sovereignty and dependence, in short, the corresponding specific form of the State.' Karl Marx, *Capital: A Critique of Political Economy. Volume III* (1894), ed. Friedrich Engels, trans. David Fernbach (London: Penguin Classics, 1991), 927.

556 Istvan Meszaros, *Beyond Leviathan: Critique of the State*, ed. John Bellamy Foster (New York: Monthly Review Press, 2022); Poulantzas, *State, Power, Socialism*, 20. Poulantzas's pet expression, 'undecipherable mystery', is quoted in Easton, 'The Political System Besieged by the State', 307. Easton also quotes Laclau: 'I refer to the work of Nicos Poulantzas. Laclau, a sympathetic Marxist critic, has put it well. "The work of Nicos Poulantzas," he writes, "is of considerable theoretical importance... because Marxist thought did not begin to develop, until the last decade, a systematic theory about the nature and the role of the State in various socioeconomic formations.... We can only welcome a work which tries to establish on the theoretical level the specificity of the political and which systematically avoids purely impressionistic correlations." And as he puts it elsewhere, Poulantzas's work has an "importance [for the development of Marxist political sociology that] can hardly be exaggerated"' (Ibid.).

557 The Marxist approach to the state, as an apparatus for managing common business, is not lost in Castells's approach: 'This simple analytical model sees the state as the institutional system that mediates and manages the dual relationship between domination and legitimation, and between development and redistribution, under the influence of conflicts and negotiations between different social actors' (Castells, *The Power of Identity*, 361).

558 Lawrence Wilde, 'Marx Against the Social Contract', in Boucher and Kelly (eds.), *The Social Contract From Hobbes to Rawls* (London: Routledge, 2005). In Marxist theory the state is viewed as a purpose to a means, a tool in the struggle between classes. See, for example, Giddens, who approaches it from a social theory perspective: '"The state" sometimes means an apparatus of government or power, sometimes the overall social system subject to that government or power.' (Giddens, *The Nation-State and Violence*, 17). The basic tell-tale of a Marxist approach to the

thier (the confusion between state and government notwithstanding) notes that,

> *Classical liberal theory emphasizes the distinction of government and citizen, conceiving the government as a restraining agent on the citizen. Classical socialist theory emphasizes the identification of government and citizen, conceiving the government strictly as the agent of the body of citizens. I would suggest that the metaphor of authorization brings out both the basic truth which underlies each of these theories, and reveals the limitations of each truth.*'[559]

As noted by Mann, 'Indeed, according to Marx (and all subsequent Marxists agree with him in this respect) the state itself only emerges with the separation of the direct producer from his surplus—-classless primitive societies did not have States.'[560]

On paragraph 9

13/9/1 On the welfare state

On the current definition of the 'welfare state' see, for example, Béland et al.: 'At its narrowest, it may simply describe a given country's arrangements for income maintenance. At its broadest, it is a descriptor for the full range of economic, social, political, and even cultural traits of a given polity'.[561] Additionally, Pierson states: 'A brief and institutional definition of social policy would identify it with the main areas of activity of the welfare state: education, health, housing, income maintenance (social security) and personal social services.'[562]

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state is the use of the word 'apparatus'; see, e.g. Gordon L. Clark and Michael Dear, *State Apparatus: Structures and Language of Legitimacy* (Oxon: Routledge, 2021).

559 Gauthier, *The Logic of Leviathan*, 23. For criticism of the Marxist (instrumentalist) theory see also Bourdieu ('it always insists on characterizing the state by what it does, and by the people for whom it does what it does, but without investigating the actual structure of the mechanisms deemed to produce its foundation'; *On the State*, 5) or Nettl ('The State as a Conceptual Variable', 572).

560 Mann, 'States, Ancient and Modern', 264.

561 Daniel Béland et al., 'Introduction', in Daniel Béland et al. (eds.), *The Oxford Handbook of the Welfare State* (Oxford: Oxford University Press, 2021), 1.

562 Pierson, *The Modern State*, 100.

On an overall assessment of the welfare state see, once again, Nettl:

> *[The W]elfare state—a recent phenomenon and one moreover that has slightly pejorative or at least ironical overtones. It implies a distinct relaxation of individual autonomy and decision-making, the acceptance of priorities and decisions on one's own behalf by an outside collectivity of which one feels not a constituent but merely a recipient part, by which the notion of society is partly collapsed into that of state.*[563]

On paragraph 10

13/10/1

On state malaise consider, for example, Mann: 'I like the insight that for more than 90 percent of their existence on earth, human groups sought to prevent the emergence of states. I like my argument that only rarely, and because of particular circumstances, did human groups "break through" to states and civilizations.'[564]

Theorists have imagined (perhaps within the context of a self-fulfilling prophecy, through countless repetitions over thousands of years) that this state malaise is attributable to humans as early as during the hunter–gatherer stages. See, for example, Gamble, who connects a 'loss of autonomy' with state formation:

> *From there I shall consider what sets the state apart and the frameworks which are needed to investigate the various forms of control associated with its expansion and consolidation as an enduring idea if not an everlasting entity. In this context the loss of autonomy at many social and political scales, rather than the development of complexity, is seen as the central issue when we start asking how and why state formation took place.*[565]

See also note 10/5/1.

563 Nettl, 'The State as a Conceptual Variable', 577.
564 Mann, *The Sources of Social Power*, xv.
565 Gamble, 'Hunter Gatherers and the Origin of States', 23.

On paragraph 11

13/11/1

Although, of course, states are natural to humans and cannot be (and have never been) challenged by any time-specific developments, it is nice to use Strange's analogy while trying to explain the 'paradox' of state authority being both challenged and simultaneously strengthened by the what seem to have been (at that time) grave challenges to state authority, meaning international organisations and transnational corporations:

> *The situation I propose to describe can best be understood by analogy. In a large and powerful river, where the river is broad and the water is shallow, sandbanks appear. At the upstream end, the river will tend to erode the sandbank. At the downstream end, it will tend to build them up. Occasionally, some sandbanks will be washed away. New ones will appear. But the simultaneous process of erosion and deposition will go on all the time.... [International organizations and transnational corporations] are building up the sandbank of state power at the same time as, in other ways, they are eroding it.*[566]

The digital world is, therefore, expected to simply be added to that list, to hold that role in the future.

566 Susan Strange, 'Supranationals and the State', in John A. Hall (ed.), *States in History* (London: Basil Blackwell, 1986), 290.

Notes on Chapter 14

On paragraph 4

14/4/1

Consider also Bosanquet's idealised state, whereby 'The State is the ark in which the whole treasure of the individual citizen's head and heart is preserved in a world which may be disorderly and hostile'.[567]

On paragraph 5

14/5/1

In the words of Runciman, 'state is the means by which contingent social arrangements are made secure, and therefore the instrument through which it becomes possible to make plans for the future that have some prospect of being fulfilled'.[568]

On paragraph 7

14/7/1

The grounds for state legitimacy suggested so far have been closely connected to state justification. This perhaps unavoidable, because the reason why anything was created (remembering that, until now, the unanimously agreed upon state theory has claimed that states are artificial) must logically be ongoing for it to be preserved.

Accordingly, within social contract theory, states are claimed to be legitimate either through exercise of the monopoly of violence (see note 7/1/3)

567 Quoted in David Runciman, 'The Concept of the State: The Sovereignty of a Fiction', in Quentin Skinner and Bo Stråth (eds.), *States and Citizens: History, Theory, Prospects* (Cambridge: Cambridge University Press, 2003), 35.

568 Ibid., 34.

or because they reflect the (rational, in Enlightenment terms) will of the people[569] (the latter being connected with the claim for democracy[570]).

On paragraph 9

14/9/1

On the many historical examples where a conqueror (usually an empire) allows the conquered to exercise the three types of information processing without actually controlling them (in the sense that, if instructions were given, they would need to be obeyed), see Bourdieu.[571]

See also Nettl, who claimed that 'a state may be sovereign as well as autonomous or it may merely be autonomous'.[572]

569 See, for example, Meyer, *Geschichte des Altertums*, 11.

570 See Fabienne Peter, *The Grounds of Political Legitimacy* (Oxford: Oxford University Press, 2020), as well as her entry on the same matter in the Stanford Encyclopedia of Philosophy (Fabienne Peter, 'Political Legitimacy', in Edward N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (2017)).

571 Bourdieu, *On the State*, 187; in which case the empire is a 'superstructure'.

572 Nettl, 'The State as a Conceptual Variable', 569.

Notes on Chapter 15

On paragraph 1

15/1/1

Portugal is perhaps the oldest modern state, established in 1143. Out of the 193 member states of the UN at the time of writing, perhaps a third have been established (as new or successor states) since its creation in 1945.[573]

15/1/2

On the topic of state succession, see also Steinmetz: 'States are never "formed" once and for all. It is more fruitful to view state formation as an ongoing process of structural change and not as a one-time event.'[574]

On paragraph 2

15/2/1 On the birth of a state

Machiavelli, through his commodification of the state, was the first to formulate in a clear manner the ways in which a new state may come about (see note 13/2/2). His realism was followed by Hobbes: 'And though sovereignty, in the intention of them that make it, be immortal; yet it is in its own nature, not only subject to violent death, by foreign war; but also through the ignorance, and passions of men, it hath in it, from the very institution, many seeds of a natural mortality, by intestine discord.'[575]

Ultimately, however, as noted by Bensel, 'All modern [state] foundings embody myths, fictions, and abstractions that enlist mass support for the state's sovereign right to rule', and, as such, they 'are grounded in meta-

573 See also Crawford: 'At the beginning of the twentieth century there were some fifty acknowledged States. Immediately before World War II there were about seventy-five. By 2005, there were almost 200—to be precise, 192' (James Crawford, *The Creation of States in International Law*, 2nd edn. (Oxford: Oxford University Press, 2006), 4).

574 Steinmetz, *State/Culture*, 9; see also Scheidel, 'Studying the State', 9, with further references.

575 Hobbes, *Leviathan*, 147.

physical assumptions that cannot be constructed or referenced as empirical realities'.[576]

See also note 13/4/2.

15/2/2

Of course, under the juristic approach to the state, such as that of Kelsen, state birth and death are relatively easy to identify. They are, namely, '[t]he point of time when a State begins to exist, that is, the moment when a national legal order begins to be valid, as well as the moment in which a national legal order ceases to be valid, is determined by positive international law according to the principle of effectiveness'.[577] This leaves open, however, the issue of who drafts such positive international law and who enforces it in practice[578] (on states in the international arena, see Chapter 19).

15/2/3

On violence, and Tilly's famous dictum that 'states make war and war makes states', see note 7/1/11.

On paragraph 3

15/3/1

On there never being a void in city succession, see Aristotle: 'If a city is a form of association, and if this form of association is an association of citizens in a constitution, it would seem to follow inevitably that when the constitution undergoes a change in form, and becomes a different constitution, the city will likewise cease to be the same city.'[579]

15/3/2 State succession and social contract theory

Social contract theory, which implies an original (imagined) 'state of nature' where no state or government exists and individuals voluntarily enter

576 Bensel, *The Founding of Modern States*, 474.
577 Kelsen, *General Theory of Law and State*, 219.
578 On this topic, see, for example, Crawford, *The Creation of States in International Law*.
579 Aristotle, *Politics*, 90 (1276b1).

into a contract to (artificially) create one, thus deals only with difficulties with state failure and succession. This is because each time a state succeeds another, a necessary (imagined) stage must have occurred whereby the individuals belonging to the previous state returned to their original 'state of nature', thus terminating the old contract, before entering into a new one (presumably under exactly the same terms as the previous one, because the social contract never changes). While this scheme may make sense to theorists and philosophers, it reflects a laboratory procedure that lies as far from reality and real life as it could ever be.

With regard to revolutions, see also Kant: 'and the transition to a better one [state] would not then be a metamorphosis but a palingenesis'.[580]

15/3/3 No individual in limbo

An important difference between the informational approach of this book and social contract theory is that, whereas here it is claimed that the connection of an individual with its state cannot be broken (see Chapter 8, par. 6), Hobbes, for example, claims that if no protection is given, 'he that wants protection, may seek it anywhere'.[581] This may mean that in an interim period an individual is in limbo, in between changing states.[582]

The informational connection between an individual and its state, being natural, never expires and is unchangeable and unbreakable. From the point of view of the state, only state succession, immediate and automatic, is possible, never termination. Of course, it goes without saying that an individual can change his or her citizenship, either voluntarily or involuntarily (see also note 7/1/1).

On paragraph 4

15/4/1

On why do states die, see note 8/2/5.

580 Kant, *Political Writings*, 162.

581 Hobbes, *Leviathan*, 221.

582 This is not the same as, for example, the situation in the film *The Terminal* (Steven Spielberg (dir.), *The Terminal* (DreamWorks Pictures, 2004)), in which an individual was deprived of his legal citizenship, and thus had to live in the transit area of an airport for a prolonged period of time: in this case the state acknowledged the citizen's existence, the bond was never broken—only the (political) right to citizenship was denied (see also note 7/1/1).

15/4/2

Admittedly, the claim that a state dies when its citizens no longer need it to augment their information processing perhaps implies a rationality that does not seem to be supported by history. In fact, very few cases have been recorded in which citizens have voluntarily exchanged their state for another. However, this rationality perhaps serves to explain all cases of non-revolution (or unsuccessful revolutions or any other type of social unrest) by citizens in the event of violent change (or alleged unsuitability) in their states (see also note 8/2/5).

On paragraph 6

15/6/1

The issue of whether a subsequent state assumes the obligations of its predecessor is an old one, which even Aristotle carefully avoided.[583]

583 See Stalley's comment on Aristotle's *Politics* 1276b in Aristotle, *Politics*, 351.

Notes on Chapter 16

On paragraph 1

16/1/1 Definition of sovereignty

The definition of sovereignty is a perennial topic in political philosophy. Hobbes famously responded with his seven powers that 'make the essence of sovereignty'.[584] Hobbes's approach is descriptive, identifying 'powers' (see also note 16/2/3) and adding them to a list. In this way he replicated the approach of Bodin, who, a hundred years earlier, had provided his own list of the 'true markes of Soveraigntie', which acknowledged the supremacy of the legislative power.[585] Hobbes made a clear break from the past, whereas, for example, for Bodin, sovereignty was simply and comprehensively 'the most high, absolute, and perpetuall power over the citizens and subjects in a Commonweale'.[586]

In his idealistic approach to the state, Hegel claimed that sovereignty 'depends on the fact that the particular functions and powers of the state are not self-subsistent or firmly grounded either on their own account or in the particular will of individuals, but have their roots ultimately in the unity of the state as their simple self.'[587]

Efforts to define sovereignty have never yet ceased; see, for example, Diener and Hagen,[588] Sorensen,[589] among others.

16/1/2 Internal and external sovereignty

In the context of the post-Westphalian state (see note 16/1/3), in which we are arguably still living today, the notion of sovereignty has a twofold

584 Hobbes, *Leviathan*, 115. See also Goldsmith, 'Hobbes's "Mortall God"'.
585 Jean Bodin, *The Six Bookes of a Commonweale* (1576), ed. Kenneth Douglas McRae (Cambridge: Harvard University Press, 1962), 153.
586 Ibid., 84.
587 Hegel, *Outlines of the Philosophy of Right*, 265.
588 Diener and Hagen, *Borders*, 6.
589 Sørensen, 'The Transformation of the State', 106.

character, an internal one (the 'vertical aspect'),[590] meaning the absolute authority of the state over its citizens, and an external one (the 'horizontal aspect'),[591] namely the relationship of a state with other states.

16/1/3 On the Westphalian state

Internal sovereignty, meaning the right of the state to manage its own affairs internally (but the notion is frequently extended to also cover much of state function and organisation), is connected to the Peace of Westphalia of 1648 which resulted in the creation of the 'Westphalian state'. It is in this conception of the state that we are arguably still living today.

> *The Westphalian system refers to the organization of the world into territorially exclusive, sovereign nation-states, each with an internal monopoly of legitimate violence. Its defining properties include political institutions with (1) a monopoly of legitimate violence; (2) a continuous centralized staff capable of extracting taxes and administering; and (3) authoritative institutions and personnel who make policy over a range of issues. States have varied historically in numerous ways but they are alike in that they are juridical equals and are sovereign over their territories.*[592]

In Gross's words:

> *The Peace of Westphalia, for better or worse, marks the end of an epoch and the opening of another. It represents the majestic portal which leads from the old into the new world. The old world, we are told, lived in the idea of a Christian commonwealth, of a world harmoniously ordered and governed in the spiritual and temporal realms by the Pope and Emperor.... In the political field it marked man's abandonment of the idea of a hierarchical structure of society and his option for a new system characterized*

590 Lael Daniel Weinberger, 'The Relationship Between Sphere Sovereignty and Subsidiarity', in Michelle Evans and Augusto Zimmermann (eds.), *Global Perspectives on Subsidiarity* (Dordrecht: Springer, 2014), 61.

591 Ibid.

592 Caporaso, 'The European Union and Forms of State', 34; see also, among many others, Diener and Hagen, *Borders*, 40 (specifically on the implications for borders). Friedrich notes that '[t]he state as an institutional manifold and its concept as forged in the sixteenth century developed in response to the challenge presented by the church's secular ambitions' (Carl J. Friedrich, *Man and His Government. An Empirical Theory of Politics* (New York: McGraw-Hill, 1963), 548).

by the coexistence of a multiplicity of states, each sovereign within its territory, equal to one another, and free from any external earthly authority.[593]

Challenges to the Westphalian state have been numerous for the past 375 years. Notwithstanding contemporary claims that the 'state is dead' (see note 0/4/1), and the gradual diminishing of, what appeared under Hobbes to be, a sovereign's absolute right and the ascendancy of constitutional democracy through the works of Locke and Rousseau,[594] the most recent breach of Westphalian-type state sovereignty came with the challenge to states' internal absolute right to do anything they want within their borders through the conventions of the UN and the international laws on human rights.[595]

In any event, on the modern challenges to the Westphalian state (as well as on the realisation that the familiar Westphalian state is being transformed), see, for example, Sorensen.[596]

On paragraph 2

16/2/1

Total control, which belongs by definition to the state, helps to explain the 'meta-capital' of Bourdieu's state: 'The state is the culmination of a process of concentration of different species of capital: capital of physical force or instruments of coercion (army, police), economic capital, cultural or (better) informational capital, and symbolic capital.'[597]

16/2/2 On the relationship between sovereignty and legitimacy

The relationship between sovereignty and the legitimacy of states and (their) governments needs to be clarified.

593 Leo Gross, 'The Peace of Westphalia, 1648–1948', *American Journal of International Law* 42/1 (1948), 28.

594 See Claire Finkelstein, 'Introduction', in Claire Finkelstein and Michael Skerker (eds.), *Sovereignty and the New Executive Authority* (Oxford: Oxford University Press, 2018), xvii.

595 See Jacob Weinrib, 'Sovereignty as a Right and as a Duty: Kant's Theory of the State', in Claire Finkelstein and Michael Skerker (eds.), *Sovereignty and the New Executive Authority* (Oxford: Oxford University Press, 2018), 21.

596 Sørensen, 'The Transformation of the State', 161.

597 Bourdieu, Rethinking the State', 57.

A state is always sovereign (the only Being that can achieve sovereignty) on the information platform that it, after all, created itself. However, it may not be legitimate to its citizens, because (most) states still live in a prehistoric 'state of nature' (see Chapter 14, par. 11).

A government is never sovereign over its state even though it strives to be; however, it does have control over it (see par. 6).

A government, however, is natural to a state, it cannot not exist (see Chapter 12, par. 7). Sometimes certain processing operations a government undertakes are controlled (directly, as in the past, or indirectly, as in today's globalised world) by another state's government (i.e. another government can allow or prohibit them). In this admittedly common situation, neither state legitimacy nor sovereignty nor the state's government's control are affected: it is only with regard to specific operations that control is not exercised by the government (whether this makes that government unbearable to its citizens or the relevant political system untenable is another, political, matter).

16/2/3 Why the state is frequently seen as a monolith

The fact that states by definition control all processing within their territory, simply on account of the fact that they and their citizens exist, with sovereignty therefore being simply a reflection of their intertwined relationship, helps to explain the simile of the powerful monolith that is often used to describe the state.[598]

See also the Cambridge Dictionary, which defines 'monolith' as either 'a large, powerful organization that is not willing to change and that does not seem interested in individual people' or 'a group of people who are thought of as being all the same'.[599]

16/2/3 On state power

As has been seen, power is the ability of a Being to ignore controls (prohibitions) over a specific processing, and to carry it out anyway (see Chapter 6, par. 9). So seen, state power has no meaning, at least from an informational

598 See, for example, Clark and Dear, *State Apparatus*, 1; Hayek, *Law, Legislation and Liberty*, 481.

599 Definition of 'monolith' from the *Cambridge Advanced Learner's Dictionary & Thesaurus*, 'Monolith' (Cambridge: Cambridge University Press).

point of view. The term acquires meaning (as is the case with sovereignty) through its connection with the government. It is in this way that the juxtaposition between the state as a power mechanism and the state as a mechanism for justice, with the former ultimately connecting the state to war and the latter to ethical principles,[600] makes sense. The same can also be said of the idea of setting the 'institutionalisation of power' as the state's purpose (essentially, as a democratic antidote to oligarchies), as some sociologists[601] would suggest.

State power has been famously described by Mann as 'the infrastructural power of the state' (as distinct from the 'despotic' power of the same), meaning the state's institutional capability to exercise control and implement policy choices within the territory it claims to govern, its sources being ideological, economic, political and military.[602]

However, it is possible for different states to exercise each of these sources of power in various degrees at different times, although Gill claims that maximum state capacity, meaning the ability of the state to achieve whatever goals it sets for itself, is achieved when all types of power are equally yielded by the state.[603] State capacity is the term suggested by scholars to explain 'state strength', and therefore covers everything from economic growth and development, democratisation and democratic stability, citizenship regimes, social welfare provision, identity politics and political culture to state surveillance, nationalism, civil violence, the intensity of international wars and state-sponsored violence against the state's own populace.[604]

600 See MacIver, *The Modern State*, 428.

601 For example, Nettl, 'The State as a Conceptual Variable', 563.

602 Mann, *The Sources of Social Power*, 130; in an earlier exposition of his ideas, Mann wondered, 'if infrastructural powers are a general feature of society, in what circumstances are they appropriated by the state? How does the state acquire in certain situations, but not others, despotic powers? What are the origins of the autonomous power of the state? My answer is in three stages, touching upon the necessity of the state, its multiplicity of functions, and its territorialized centrality' (Mann, 'The Autonomous Power of the State', 119). His focus, however, on centrality and infrastructure led him to distinguish between stateless societies in human history.

603 Gill, *The Nature and Development of the Modern State*, 252.

604 See Hillel Soifer and Matthias vom Hau, 'Unpacking the Strength of the State: The Utility of State Infrastructural Power', *Studies in Comparative International Development* 43/3 (2008), 220, with further references. For an attempt to integrate power into political institutions (rational choice) theory, see Moe, 'Power and Political Institutions'.

What the above approach fails to notice is information processing. It is information processing that is the main source of states' power. It is information processing that lies at the basis of all of Mann's four sources of power: ideology, the economy, politics, and even military mobilisation and force are all dependent on information processing (which makes the state natural to humans, not despotic). Therefore, Gill's parsimony[605] can be taken to the extreme: there is only informational power, the power to control the processing of information.

16/2/4 The break with rationalism

Strauss claims that, because of the imposition of the reason of one (or a few) over the unavoidably varying reasons of the many, as deemed necessary by Hobbes, 'the break with rationalism is thus the decisive presupposition for the concept of sovereignty',[606] thus highlighting a fundamental difficulty of representative democracy (and highlighting the importance of Kant's efforts), which is only mediated through consent (see also note 13/2/6).

On paragraph 4

16/4/1

On the connection of sovereignty with omnipotence, see Watkins[607] (who also correctly identifies legal sovereignty as a 'fiction', in contrast with political sovereignty, which is a 'limit'[608]).

16/4/2

On the relationship with property, see Chapter 24, par. 7.

On paragraph 5

16/5/1

Similarly, the church (to denote collectively any organisation controlling religion at any time and in any place) has a similar relationship with

605 Reducing Mann's sources of power from four to three (Mann, *The Nature and Development of the Modern State*, 24).
606 Strauss, *The Political Philosophy of Hobbes*, 160.
607 Watkins, *The State as a Concept of Political Science*, 49.
608 Ibid., 56.

God(s), who is (are) omnipresent—religion itself holding the role of the political system.

On paragraph 6

16/6/1 On divisible or indivisible sovereignty

Putting sovereignty in its proper place (as being natural for the state and an unattainable goal for the government) helps to address the basic question, asked since Hobbes, of whether sovereignty is divisible or indivisible.

For Hobbes, because sovereignty is absolute and indivisible,[609] it goes without saying that one body (be it a monarch or an assembly/parliament) should exercise it. As we know, in democratic states this approach has been abandoned for the benefit of the separation of powers between the legislative, the executive and the judiciary. Of course, the exercise of power by one body continues to be the case in oligarchies and theocracies.

16/6/2

On the impossibility of absolute sovereignty, see also Krasner,[610] as well as Diener and Hagen.[611]

On the government's unreachable but still ever-present objective to control all processing on the platform that is its state, see also the response provided by the individualistic theories (meaning the distinction between the public and the private sphere) in Chapter 26, par. 4.

16/6/3 On self-sufficiency

If sovereignty for the government is an unattainable goal, perhaps it should content itself with self-sufficiency.[612]

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609 Hobbes, *Leviathan*, 120. His thinking was, of course, in line with Bodin's (see note 16/1/1). On this topic, see also Goldsmith, 'Hobbes's "Mortall God"'.

610 Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999).

611 Diener and Hagen, *Borders*, 6.

612 An idea as old as Aristotle's 'autarkeia' (Aristotle, *Politics*, 10 (1252b27)); see also John Maynard Keynes, 'National Self-Sufficiency', *The Yale Review* 22/4 (1933).

On paragraph 7

16/7/1

On the breakdown of territoriality for state information processing infrastructures as another challenge to state sovereignty in the digital world, see note 9/6/1.

Notes on Chapter 17

On paragraph 3

17/3/1

The connection of a state with a geographical (analogue world) territory is connected with the Peace of Westphalia (on the Westphalian state, see note 16/1/3). This connection has not been left unquestioned, however.[613]

The need to disentangle the state from its geographical territory was identified by Runciman (notwithstanding the confusion of a state with its government), although in the context of a 'state as corporation': 'Territory is easy enough to locate, as is, to a lesser extent, the seat of government. But if the state, in its own terms, is something more than these, then the likelihood is that it will also be something other than spatial.'[614]

On paragraph 4

17/4/1

On territory not being necessary for a state, see Meyer, giving the examples of the Athenians in 480 BC, the Spartans in 366 BC and the Dutch in 1672.[615]

17/4/2 On digital (Internet) states

The finding that a territory is not necessary to a state invites the question of whether exclusively digital (Internet) states are possible.

Although a territory is not necessary to a state, humans live in both the analogue and the digital worlds. Consequently, a digital-only state cannot

613 See, for example, Thomas Baldwin, 'The Territorial State', in Hyman Gross and Ross Harrison (eds.), *Jurisprudence: Cambridge Essays* (Oxford: Oxford University Press, 1992), 211.

614 Runciman, 'Is the State a Corporation?', 93.

615 Meyer, *Geschichte des Altertums*, 10. See also Baldwin, 'The Territorial State', 214.

exist. Even if it ever was attempted,[616] it would unavoidably compete (coexist, as a supplement) with the analogue world where each individual lives. (It is a different matter as to whether (political) agreements could be struck between analogue-world states and purportedly digital-world ones.)

On paragraph 5

17/5/1 On extraterritoriality

There exists a rich legal (and philosophical) analysis of extraterritoriality. See, for example, Ryngaert[617] or, specifically for human rights, Gibney et al.[618] and Milanovic[619] (but also Miller[620]).

In the field of digital technologies, the phenomenon is particularly felt in regulation. See, for example, on the part of the EU, its GDPR and, on the part of the US, its Semiconductor Chip Protection Act[621] (which ultimately indicate each entity's stronger concerns or interests).

On paragraph 8

17/8/1 Analogue- and digital-world addresses

Territory in the analogue world is different from in the digital. The differences are due to the fact that information in the analogue world is finite, while in the digital world it is infinite (see Chapter 1, par. 16). Differences are easy to observe, for example, when comparing analogue-world and digital-world addresses.

Analogue-world addresses are unique, non-proprietary and state-run, but finite in number. Addresses are unique, because they are a tool of

616 For example, through the attempts to offer e-residency or e-nationality (as offered by Estonia), or through the creation of metaverse sovereign states.

617 Cedric Ryngaert, *Jurisdiction in International Law* (Oxford: Oxford University Press, 2015), 101.

618 Mark Gibney et al., *The Routledge Handbook on Extraterritorial Human Rights Obligations* (London: Routledge, 2022).

619 Marko Milanovic, *Extraterritorial Application of Human Rights Treaties: Law, Principles, and Policy* (Oxford: Oxford University Press, 2011).

620 Sarah Miller, 'Revisiting Extraterritorial Jurisdiction: A Territorial Justification for Extraterritorial Jurisdiction Under the European Convention', *European Journal of International Law* 20/4 (2009).

621 See Vagelis Papakonstantinou and Paul De Hert, *The Regulation of Digital Technologies in the EU: Act-ification, GDPR Mimesis and EU Law Brutality at Play* (London: Routledge, 2024), 113.

individualisation. There is no identical address anywhere on the planet. However, they are non-proprietary: once created, anyone can use them, regardless of whether they live or work there, or whether or not they have ever physically been there at all. Control over them is exercised by the state, which creates them and manages them. Finally, they are finite in number because on the planet there can only be a limited number of addresses.

The situation for electronic addresses (domain names) is very different. While they are also unique, they are proprietary, and infinite in number. Their strongest similarity with analogue-world addresses is their uniqueness, because they, too, serve as tools for individualisation. However, because they are infinite, they are proprietary: they can be the object of property (see Chapter 24). Also, they are not state-run: states manage them only locally, within their respective digital territory, but they are centrally managed for the whole planet by an international organisation.

On paragraph 12

17/12/1

Although a state's territory is constructed by its citizens, this should not be taken to mean that a state is its citizens (see also note 11/4/11). Whatever processing the citizens do is added to the information platform that is their state, but they are not the state themselves. However, the state needs them, that is, there is no state without its citizens (see Chapter 10).

On paragraph 14

17/14/1 On borders

In the analogue-world, 'borders separate the meaning and function of one geographic area from another.... [T]he word borders is normally associated with the idea of territory, or a geographic area intended to regulate the movement of people and things while also conveying certain behavioral expectations'.[622]

622 Diener and Hagen, *Borders*, 3.

There is, of course, a rich bibliography on analogue-world borders, see, for example, Prescott,[623] Walther et al.,[624] Agnew[625] and Nail[626] (for a neo-Kantian approach).

On paragraph 15

17/15/1 On (systems') interoperability

Interoperability is defined in EU law as 'the ability to exchange information and mutually to use the information which has been exchanged';[627] see also, for example, Samuelson.[628]

17/15/2 On (the EU right of) data portability

On the EU individual right to data portability, see, for example, De Hert et al.[629]

623 John Robert Victor Prescott, *The Geography of Frontiers and Boundaries* (London: Routledge, 2014).
624 Olivier J. Walther et al., 'Border Studies at 45', *Political Geography* 104 (2023).
625 John Agnew, *Geopolitics: Re-Visioning World Politics* (London: Routledge, 2004).
626 Thomas Nail, *Theory of the Border* (Oxford: Oxford University Press, 2016).
627 European Parliament and Council Directive 2009/24/EC on the legal protection of computer programs (Codified version) (Text with EEA relevance), OJ L111 (23 April 2009), Recital 10.
628 Pamela Samuelson, 'The Past, Present and Future of Software Copyright Interoperability Rules in the European Union and United States', *European Intellectual Property Review* 34/3 (2010).
629 Paul De Hert et al., 'The Right to Data Portability in the GDPR: Towards User-Centric Interoperability of Digital Services', *Computer Law & Security Review* 34/2 (2018).

On paragraph 16

17/16/1 On cybersecurity

On the emerging topic of cybersecurity law and policy, see, for example, Kosseff,[630] Kuner et al.,[631] Porcedda[632] and Papakonstantinou.[633]

630 J. Kosseff, 'Defining Cybersecurity Law', *Iowa Law Review* 103/3 (2018).

631 Christopher Kuner et al., 'The Rise of Cybersecurity and Its Impact on Data Protection', *International Data Privacy Law* 7/2 (2017).

632 Maria Grazia Porcedda, *Cybersecurity, Privacy and Data Protection in EU Law: A Law, Policy and Technology Analysis* (London: Bloomsbury Publishing, 2023).

633 Vagelis Papakonstantinou, 'Cybersecurity as Praxis and as a State: The EU Law Path Towards Acknowledgement of a New Right to Cybersecurity?', *Computer Law & Security Review* 44 (2022).

Notes on Chapter 18

On paragraph 1

18/1/1 On nations

There is, of course, a huge bibliography on nations (and nation-building).[634] (See, however, Spruyt's 'States made nations'.[635])

However, although in the context of this bibliography a nation is treated as a relatively recent phenomenon, not more than a few centuries old, one must not forget that ancient 'nations' were able to identify themselves as being opposed to other 'nations', even if their states did not coincide (for example, the ancient Greeks against the ancient Persians, Lydians etc.).[636]

18/1/2 On nation-states

On the vast topic of identification of the state with a nation (a notion which emerged 200 years ago), see, for example, Nettl,[637] Friedrich,[638] Poggi,[639]

634 See, for example, Renan, Smith, Hobsbawm, Wimmer or Wallerstein (Ernest Renan, 'What Is a Nation?' (1882), in Ernest Renan, *What Is a Nation? and Other Political Writings*, ed. M. F. N. Giglioli (Columbia University Press, 2018); Anthony D. Smith, *The Ethnic Origins of Nations* (Oxford: Blackwell, 1986); Eric J. Hobsbawm, *Nations and Nationalism Since 1780: Programme, Myth, Reality* (Cambridge: Cambridge University Press, 1990); Andreas Wimmer, *Nation Building: Why Some Countries Come Together While Others Fall Apart* (Princeton: Princeton University Press, 2018); Wallerstein, *World-Systems Analysis: An Introduction*).

635 Spruyt, *The Sovereign State and Its Competitors: An Analysis of Systems Change*, 192.

636 See also Hans Kohn, *The Idea of Nationalism: A Study in Its Origins and Background* (London: Routledge, 2005), 27.

637 Nettl, 'The State as a Conceptual Variable', 566.

638 Friedrich, *Man and His Government*, 547.

639 Poggi, *The State*, 26.

Tivey,[640] Hall,[641] Anter[642] and Paul[643] (all of whom offer further bibliographies as well as different perspectives of the subject).

On the formation of the nation-states of today (in spite of very few genuine 'nation-states' actually existing today), see, for example, Smith.[644]

18/1/3 On nationalism

It would seem that the dominant definition of nationalism is that of Gellner ('a principle which holds that the political and national unit should be congruent'[645]), although the term has, almost since the beginning, lost its objective, scientific context. See, therefore, for example, Diener and Hagen, who correctly identify, 'the new religion of the nation—that is nationalism'.[646] In the same vein, see also Anderson's 'imagined political communities'.[647]

Nationalism is (often, but not necessarily) connected with nations and nation-building (and also with the idea of a 'Fatherland', an exploration into which philosophers such as Kant freely ventured). See also, therefore, note 18/1/1, as well as (conservative) criticism of it, such as that provided by Kedourie.[648]

640 Leonard James Tivey (ed.), *The Nation-State: The Formation of Modern Politics* (New York: St Martin's Press, 1981).
641 John A. Hall, *Coercion and Consent: Studies on the Modern State* (Cambridge: Polity Press, 1994), 124.
642 Anter, *Max Weber's Theory of the Modern State*, 118.
643 Thazha V. Paul et al., *The Nation-State in Question* (Princeton: Princeton University Press, 2003).
644 Anthony D. Smith, 'State-Making and Nation-Building', in John A. Hall (ed.), *States in History* (London: Basil Blackwell, 1986), 228.
645 Ernest Gellner, *Nations and Nationalism* (Ithaca: Cornell University Press, 1983), 1.
646 Diener and Hagen, *Borders*, 10.
647 Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 2006), 6.
648 Elie Kedourie, *Nationalism* (London: Hutchinson, 1960).

On paragraph 2

18/2/1

On commonalities in the processing methods (morality, reason) of groups of individuals as being distinguishable from others, see Nietzsche's explanation of 'what is commonness'.[649]

18/2/2 On the 'common will' (of a people)

Formation of a 'common will' among certain individuals (a closed group) is necessary for social contract theory (see note 13/2/5). Once identified, the relationship between that 'common will' and individuals may go either way. For some (most famously Rousseau, but also all of the nineteenth-century Romantics), the individual needs to subordinate itself to the community,[650] while for others, the opposite is true— individuals have inalienable rights vis-à-vis the community (see Chapter 26, particularly par. 4). Any (political) variation on the spectrum between these two extremes is also possible.

18/2/3 On whether nations have different characters

The question of whether nations have different characters is an age-old and apparently inexhaustible one, traceable at least as far back as the texts of Aristotle.[651] In any event, see, for example, Jennings' quote of de Maistre ('Nations, de Maistre believed, quite definitely had different characters'[652]) or Montesquieu, who believed that in every people there is a 'general spirit' to which their laws must be adapted.[653] On the same topic as perceived in literature see, for example, Kundera on the 'Slavic soul',[654] or Borges on Argentinians.[655]

649 Nietzsche, *Beyond Good and Evil*, 163.
650 Reiss, 'Introduction', 13.
651 Aristotle, *Politics*, 266 (1327b18).
652 Jeremy Jennings, 'Rousseau, Social Contract and the Modern Leviathan', in David Boucher and Paul Kelly (eds.), *The Social Contract From Hobbes to Rawls* (London: Routledge, 2003), 124.
653 Montesquieu, *The Spirit of the Laws*, 231; see also MacIver, *The Modern State*, 437.
654 Milan Kundera, 'The Tragedy of Central Europe', *The New York Review of Books* 31/7 (1984), par. 5.
655 Jorges Luis Borges, *Selected Non-Fictions*, ed. Eliot Weinberger (New York: Viking, 1999), 309.

The issue remains an open question (the replies ultimately shedding more light on the characters of the respondents than on the answer to the question itself).

On paragraph 3

18/3/1

There may be some merit in attempting to reply to Tilly's two questions[656] from the perspective of a political philosophy of information: (1) nation-states (in the place of other states) become the dominant organisation in an area when their citizens (or the majority of their citizens) imagine that replacing their current state with another will improve their information processing; (2) the chief forms taken by nation-states (or, for the same purposes, that will be taken in the future) are those that each time their citizens imagine will improve their information processing.

On paragraph 5

18/5/1

On algorithmic bias (which would ultimately lead to commonalities among otherwise identical computer programs as artificial Beings), see, for example, Friedman and Nissenbaum.[657]

656 '1. Under what conditions do national states (rather than some other sort of political structure) become the dominant organizations in an area? 2. What are the chief forms taken by national states, and what causes one or another of them to appear?' (Tilly, 'Reflections on the History of European State-Making', 602). In fact Tilly poses three questions (adding '3. What determines how strong, durable, effective, and responsive to its own population a national state is?'); the third however is abstract (who defines 'durability, effectiveness and responsiveness'?).

657 Batya Friedman and Helen Nissenbaum, 'Bias in Computer Systems', *ACM Transactions on Information Systems* 14/3 (1996).

Notes on Chapter 19

On paragraph 2

19/2/1

On the claim that states are still in a (social contract–relevant) 'state of nature', see famously, Hobbes: 'And what else are countries but so many camps fortified against each other with garrisons and arms, and their state (since no common power restrains them, even though an uncertain peace, as fragile as a short truce, exists between them) is to be regarded as a natural state, i.e. a state of war?'[658] See also Kant: 'The situation in question is that in which one state, as a moral person, is considered as existing in a state of nature: in relation to another state, hence in a condition of constant war'. He also noted that, 'in their external relationships with one another, states, like lawless savages, exist in a condition devoid of right',[659] before famously suggesting that moral imperatives apply to states as well as to humans.

Bull, in his 'anarchical society', provides a useful juxtaposition between the three dominant approaches to whatever international world order exists (or may exist), meaning among the Hobbesian, Kantian and Grotian ones, before putting forward his (Grotian) theory that an international society (a society made of states—not of humans) does exist, formed through dealings among states and based on rules and institutions that they (the states) form each time (transformations throughout human history notwithstanding), based on the requirement to coexist and cooperate.[660]

On the same topic, see also Moe: 'The international system is the paradigmatic state of nature, an anarchy in which there is no overarching authority, property rights are ultimately unprotected, and every nation is out for itself'.[661]

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658 Hobbes, *On the Citizen*, 126.
659 Kant, *Political Writings*, 165.
660 Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*, 4th edn. (Basingstoke: Palgrave Macmillan, 2012), 23.
661 Moe, 'Power and Political Institutions', 225.

19/2/2 International world order

Notwithstanding note 19/2/1, the topic of international world order (if any) is, of course, vast.[662] Contemporary attempts aside (on the UN, see note 19/5/1), the topic seems to be burdened by parallels with and perceptions of state order and state government (and governance) as suggestions on how to achieve it.

On paragraph 4

19/4/1

On the UN's basis for natural human rights theory, see, for example, Henkin[663] or Donnelly.[664]

On paragraph 5

19/5/1

As repeatedly quoted in Crawford, 'The formation of a new State is... a matter of fact, and not of law'.[665] In the same vein, Wallerstein stresses that sovereignty is, fundamentally, only a claim, 'and claims have little meaning unless they are recognized by others'.[666]

In any event, on the UN itself, see, for example, Kelsen,[667] Claude,[668] or Weiss and Daws.[669]

662 See, for example, Wallerstein, Bull, Ikenberry or Morgenthau (Wallerstein, *World-Systems Analysis: An Introduction*; Bull, *The Anarchical Society*; G. John Ikenberry, *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order After Major Wars* (Princeton: Princeton University Press, 2001); Hans J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, 6th edn. (New York: Alfred A. Knopf, 1985)).

663 Louis Henkin, *The Age of Rights* (New York: Columbia University Press, 1990), 6.

664 Jack Donelly, *Universal Human Rights in Theory and Practice*, 3rd edn. (Ithaca: Cornell University Press, 2013), 29.

665 Crawford, *The Creation of States in International Law*, 4.

666 Wallerstein, *World-Systems Analysis*, 44.

667 Hans Kelsen, *The Law of the United Nations: A Critical Analysis of Its Fundamental Problems* (London: Stevens & Sons, 1951).

668 Inis L. Claude, *The Changing United Nations: Options for the Future* (New York: Random House, 1967).

669 Thomas G. Weiss and Sam Daws (eds.), *The Oxford Handbook on the United Nations*, 2nd edn. (Oxford: Oxford University Press, 2018).

On paragraph 7

19/7/1

On the 'modern states system', see also Poggi:

> *The modern states system is made up of coordinate, juxtaposed, sovereign units. Individual states are not the organs of the states' system, for they are not posited and empowered by it; states do not derive their faculties of rule from the states system, but possess them rather under equal, self-standing title. The states do not presuppose the system, they generate it.*[670]

On paragraph 10

19/10/1

Kant, on the other hand, saw the need for 'a universal union of states' that would be, however, 'analogous to the union through which a nation becomes a state'.[671]

Other than Kant, on cosmopolitanism (mostly, but not exclusively, in the state context), see, for example, Held,[672] Habermas,[673] Beck[674] and Archibugi.[675]

On paragraph 11

19/11/1 The EU

There is, of course, a tremendous bibliography on the EU. For a possibly concise but elucidating account of its making and operation over the past

670 Poggi, *The Development of the Modern State: A Sociological Introduction*, 88.
671 Kant, *Political Writings*, 171.
672 David Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance* (Cambridge: Polity Press, 1995).
673 Habermas, *The Postnational Constellation*, 58.
674 Ulrich Beck, 'The Cosmopolitan State: Redefining Power in the Global Age', *International Journal of Politics, Culture, and Society* 18/3 (2005).
675 Daniele Archibugi, *The Global Commonwealth of Citizens: Toward Cosmopolitan Democracy* (Princeton: Princeton University Press, 2008).

70 years,[676] see, for example, Hallstein,[677] Weiler and Wind,[678] Dinan[679] or Moravcsik[680] (as well as MacCormick[681] for a perhaps more focused account within the context of this book).

In spite of the already vast bibliography (particularly taking into account that the EU has a history of only 70 years), there is no consensus on its actual nature—on what the EU really is.[682]

On the EU resembling, or developing into, a traditional state, see, for example, Habermas,[683] Bickerton[684] and Glencross.[685] Ultimately, the degree to which the EU resembles a state depends on which account of the 'authority claims' of a state we adopt.[686]

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676 On the premises of the EU, and how they play out in terms of a 'world state', see Gaskin: 'And the example is always followed "for the avoidance of war" in every institution from super-states to merchant banks and socialist communes. Hobbes is addressing rational human beings aware of the potential for civil discord, not hypothetical savages unaware of the possibilities of civil peace' (Gaskin, 'Introduction', xxxv). Of course, Gaskin continues, 'As Warrender remarks, "on Hobbes's assumptions, it would thus be rational to form a World State" (or, one might add, at the very least a United Nations with sovereign and coercive powers)' (Gaskin, 'Introduction', xliii).

677 Walter Hallstein, *Europe in the Making* (New York: Norton, 1969).

678 Joseph H. H. Weiler and Marlene Wind, 'European Constitutionalism Beyond the State', in Joseph H. H. Weiler (ed.), *The Constitution of Europe* (Cambridge: Cambridge University Press, 1999).

679 Desmond Dinan, *Ever Closer Union: An Introduction to European Integration*, 4th edn. (Boulder: Lynne Rienner Publishers, 2010).

680 Andrew Moravcsik, *The Choice for Europe: Social Purpose and State Power From Messina to Maastricht* (London: Routledge, 1998).

681 Neil MacCormick, *Questioning Sovereignty: Law, State, and Nation in the European Commonwealth* (Oxford: Oxford University Press, 1999), 126.

682 See, for example, De Witte, Weiler or Walker (Bruno de Witte, 'The European Union as an International Legal Experiment', in Gráinne de Búrca and Joseph H. H. Weiler (eds.), *The Worlds of European Constitutionalism* (Cambridge: Cambridge University Press, 2012); Joseph H. H. Weiler, 'The Transformation of Europe', *Yale Law Journal* 100/8 (1991); Neil Walker, 'Reframing EU Constitutionalism', in Jeffrey L. Dunoff and Joel P. Trachtman (eds.), *Ruling the World? Constitutionalism, International Law, and Global Governance* (Cambridge: Cambridge University Press, 2007)).

683 Jürgen Habermas, *The Crisis of the European Union: A Response* (Cambridge: Polity Press, 2012), 45.

684 Christopher Bickerton, *European Integration: From Nation-States to Member States* (Oxford: Oxford University Press, 2012), 74.

685 Andrew Glencross, *The Politics of European Integration: Political Union or a House Divided?* (Chichester: Wiley-Blackwell, 2014), 212.

686 Nicholas William Barber, *The Constitutional State* (Oxford: Oxford University Press, 2010), xiii.

19/11/2

Although here a non-linear development is advocated (see Chapter 11, par. 5), see, however, Spruyt, who developed the theory that modern states are the result of a competitive evolutionary process, whereby, during the Middle Ages and thereafter, 'the system selected out those types of units that were, competitively speaking, less efficient. In other words, the competitive nature of the system determined the nature of the constitutive units',[687] leading to the formation of modern states.

On paragraph 12

19/12/1

On the technical terms of systems interoperability and integration, see, for example, the ISO/IEC/IEEE formal definitions: 'interoperability [is the] capability of objects to collaborate, that is, the capability mutually to communicate information in order to exchange events, proposals, requests, results, and flows';[688] 'integration [is the] process of combining software components, hardware components, or both into an overall system' (whereas an 'integration test [is the] progressive linking and testing of programs or modules in order to ensure their proper functioning in the complete system').[689]

On paragraph 14

19/14/1

On the law-making phenomenon of 'brutality' in EU law when regulating digital technologies, see Papakonstantinou and De Hert.[690]

687 Spruyt, *The Sovereign State and Its Competitors*, 180.
688 ISO/IEC/IEEE, *Systems and Software Engineering – Vocabulary (ISO/IEC/IEEE 24765:2017)* (2017), 237 (3.2089:4).
689 Ibid., 230 (3.2032 and 3.2033).
690 Papakonstantinou and De Hert, *The Regulation of Digital Technologies in the EU*.

19/14/2

On the EU legislating from a higher level, released of internal politics and strife, and the benefit for Europeans as a result of this, see, for example, Majone.[691]

On paragraph 16

19/16/1

The removal of geographical constraints to allow informational archipelagos of states to be formed could also address the issue of Brexit. Perhaps the British would feel better forming part of an archipelago with the US or Australia; by the same token, perhaps Canada lies closer to the EU.[692]

On paragraph 21

19/21/1 On federalism

On federalism and contemporary challenges to its foundations (with the addition of alternative models), see, for example, Hooghe and Marks[693] or Bednar.[694]

19/21/2 On empires

On the modern take on ancient empires and empire-building, see, for example, Burbank and Cooper (significantly, who also question the linear

691 Giandomenico Majone, 'The Rise of the Regulatory State in Europe', *West European Politics* 17/3 (1994), 163.

692 A not entirely original idea. See, for example, *Economist*, 'Why Canada Should Join the EU', 2 January 2025.

693 Liesbet Hooghe and Gary Marks, *Community, Scale, and Regional Governance: A Postfunctionalist Theory of Governance* (Oxford: Oxford University Press, 2016).

694 Jenna Bednar, 'Federalism Theory: The Boundary Problem, Robustness, and Dynamics', in John Kincaid (ed.), *A Research Agenda for Federalism Studies* (Cheltenham: Edward Elgar, 2019).

development towards nation-states),[695] or Darwin (who attempts to break the Western stronghold on the term and its usage).[696]

695 Jane Burbank and Frederick Cooper, *Empires in World History: Power and the Politics of Difference* (Princeton: Princeton University Press, 2010), 2.

696 John Darwin, *After Tamerlane: The Rise & Fall of Global Empires, 1400–2000* (London: Allen Lane, 2007), 13.

Notes on Chapter 20

On paragraph 2

20/2/1

The laws of Nature, meaning the laws of science, are to be distinguished from what has been called the 'natural law' of human behaviour,[697] which is in fact a type of morality (see also note 20/5/2).

20/2/2

Consider also Passerin who thought that, under a Hobbesian approach, 'The laws of nature and of God are not properly laws until they are interpreted and sanctioned by the sovereign.'[698]

On paragraph 3

20/3/1

On the replacement of religion with Reason during the Enlightenment, little needs to be said. Within the context of this analysis, see, for example, Locke's explanation of 'Property', catering both for 'natural reason' or 'revelation' as explanations of humanity's origins (emphasis added): 'Whether we consider *natural reason*, which tells us, that men, being once born, have a right to their preservation, and consequently to meat and drink, and such other things as nature affords for their subsistence; *or revelation*, which gives us an account of those grants God made of the world to Adam, and to Noah, and his sons'.[699]

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697 See, for example, Hobbes: 'A LAW OF NATURE, (lex naturalis) is a precept, or general rule, found out by reason, by which a man is forbidden to do, that, which is destructive of his life, or taketh away the means of preserving the same; and to omit, that, by which he thinketh it may be best preserved' (Hobbes, *Leviathan*, 86).

698 Passerin d'Entrèves, *The Notion of the State*, 108.

699 Locke, *Two Treatises of Government*, 285.

On the historical role of religion, see also Nietzsche:

> *Let us compress this whole state of affairs into a few brief phrases: in order for its existence to be possible at all, the philosophical spirit has at first always been obliged to disguise and mask itself in the types of the contemplative man established in earlier times, that is, as priest, magician, prophet, above all, as a religious man.*[700]

20/3/2

From this point of view, in contrast to what Raz claims, there cannot be (and there has never been) any human society not governed by law (in the meaning of regulations).[701]

On paragraph 5

20/5/1

Questions on the law and its nature have occupied legal philosophers for centuries—to the extent that some discomfort appears to have recently affected the field.[702]

20/5/2 On natural law

The discussion on whether natural law (a law that applies to all humans regardless of their circumstances) exists or not is a never-ending one, most likely because it is political, connected to each person's hopes and beliefs.

Any attempt to even summarise developments on a topic that is (almost) as old as written history (it was Greek philosophy, and poetry, that first wondered whether a 'natural law' might exist and if it did whether it would be different to any specific city-state laws[703]) would be unavoidably superficial and thus pointless. Today, to all intents and purposes, we have

700 Nietzsche, *On the Genealogy of Morals*, 94.

701 Joseph Raz, *The Authority of Law: Essays on Law and Morality*, 2nd edn. (New York: Oxford University Press, 2009), 120.

702 See, for example, Tomasz Gizbert-Studnicki, 'The Most Important Problems of Legal Philosophy and the Nature of Law', *Belgrade Law Review* 69/4 (2021), 774.

703 Famously first formulated (in all its natural cruelty and demonstrable dead-ends) by Creon in Sophocles' *Antigone*; see also W. K. C. Guthrie, *A History of Greek Philosophy: Volume 3, The Fifth Century Enlightenment* (Cambridge: Cambridge University Press, 1962), 55.

come to believe in the existence of natural law, at least in the liberal part of the planet (thus, this is still a political discussion) in the form of the UN and its work on human rights.

Specifically, however, when it comes to political philosophy, it could be broadly noted that the clear break with a (Christian) religious past (promoting the existence of God-originating natural rights) came with Hobbes,[704] who disagreed with his semi-contemporaries Grotius, Althusius and Pufendorf.[705] Their disagreement, and each of these philosophers' lines of thinking, has been kept alive ever since by a series of important political (and legal) philosophers.[706]

In view of the above, by way of clarification, under the informational approach discussed in this book, no natural law exists, that is, all law (regulation) is invented law (put another way, 'natural law' is a type of morality, see note 20/2/1).

20/5/3 What the law (regulation) is not

Law is not a tool/instrument of the state used to exercise its legitimate monopoly of power or for any other purpose it is claimed to (politically) serve (security and social justice included). This line of thinking is confusing the political system (government), specifically its objectives (however these are formulated each time), with the state and the law.

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704 'The civil laws are the rules of good and evil, of the just and the unjust, the honourable and the dishonourable, and that therefore one must accept what the legislator enjoins as good, and what he forbids as evil' (Hobbes, *On the Citizen*, 132).

705 As noted by Strauss, 'Traditional natural law is primarily and mainly an objective "rule and measure", a binding order prior to, and independent of, the human will, while modern [after-Hobbes] natural law is, or tends to be, primarily and mainly a series of "rights", of subjective claims, originating in the human will' (Strauss, *The Political Philosophy of Hobbes: Its Basis and Its Genesis*, viii). See also Hobbes: 'what is not contrary to right reason, all agree is done justly and of Right' (Hobbes, *On the Citizen*, 27).

706 It is important to note that social contract theory was made to work using both approaches (for example, Kant, a social contract theorist, agreed with natural law theory; see Reiss, 'Introduction', 10).
It is also important to note that not all social contract theorists felt comfortable with the (on the basis of their fundamental assumption, unavoidable) tenets of natural law—see, for example, Rousseau's attempt to downplay the importance of natural law in his theory by employing the term 'natural right' (Victor Gourevitch, 'Introduction', in Jean-Jacques Rousseau, *The Social Contract and Other Early Political Writings*, trans. Victor Gourevitch (Cambridge: Cambridge University Press, 1997), xi).

20/5/4 Law (regulation) and software code

Regulation can be embedded in software code. Although this realisation does not address any of the crucial issues that pertain to it (e.g. how any specific regulation came to be, who made it, who its recipients are, how it is imposed, whether it is effective), the fact remains that, as formulated by Lessig, 'code is law'[707] in the sense that it can effectively control behaviour in digital environments (see also Chapter 1, par. 17, and Chapter 2, par. 18).

On paragraph 6

20/6/1

Therefore Kelsen's view that the theory of state is a branch of the theory of law,[708] while of course serving his theory of the juristic concept of the state,[709] does not seem justified: the state predated (positive) law and not vice versa.[710]

20/6/2 On the state–law dualism or monism

Kelsen merged the concept of the state with the concept of the law, rejecting the until his time dominant (e.g. Jellinek's but also Gierke's) state and law dualism.[711] He felt that this dualism was 'a superfluous doubling or duplication of the object of our cognition', and argued that 'the State is not a power apart from, or back of, the legal order'. He therefore famously suggested the 'necessary unity of State and law'.[712]

707 Lawrence Lessig, *Code: Version 2.0* (New York: Basic Books, 2006), 1.
708 Hans Kelsen, *General Theory of Law and State*, 182.
709 'The State is that order of human behaviour that we call the legal order' (Ibid., 188).
710 Of course, following Kelsen's reasoning on the priority of the juristic over the sociological concept of the state (Ibid., 183), then the correct order would be (a) the informational, (b) the juristic and (c) the sociological concept of the state.
711 Ibid., 191.
712 Ibid.

On paragraph 7

20/7/1 On the connection of regulation with use

On the connection of regulation with use, see Bellamy: 'law [is] about how we could use ourselves and our things and those of others, and the use they may make of us and our things'.[713] See also note 4/5/1.

On paragraph 9

20/9/1

The discussion of whether power should be embedded in the (digital-world) system could perhaps be visualised in practice in the context of the question of whether governments should have a key to encryption software, or whether online platforms should provide 'backdoor' access for law enforcement agencies.[714]

On paragraph 10

20/10/1

On positive law's hierarchical organisation, see Kelsen;[715] On the connection between the Hobbesian hierarchical system in *Leviathan* and Kelsen's positive law approach, see Goldsmith.[716]

20/10/2

The organisation of the law must not be confused with the organisation of the state: see Chapter 9.

713 Bellamy, *Citizenship*, 39.
714 An open and still much-debated topic. See, for example, the European Parliament's Briefing (Piotr Bąkowski, 'Access to Data for Law Enforcement: Lawful Interception', European Parliamentary Research Service, Briefing PE 775.881 (July 2025).
715 For example, Kelsen, *Pure Theory of Law*, 221.
716 Goldsmith, 'Hobbes's "Mortall God"', 27.

Notes on Chapter 21

21/1/1 Permissions or prohibitions?

Evidently, permissions given to one Being to process are at the same time prohibitions to process addressed to another Being. Put differently, a prohibition to one to process (i.e. processing is not allowed) is a permission to another to do so, with processing operations taking place naturally and at all times in both the analogue and the digital worlds. In other words, rights are permissions to process, but it depends on the perspective—at the same time and with regard to the same processing, one's permission may be another's prohibition. (Whether permission is, in fact, coercion plus freedom is a question that belongs to metaphysics.[717])

The above more or less also addresses the issue of positive and negative human rights (one's protected sphere is another's prohibition to act, and vice versa), notwithstanding that the distinction has proven extremely useful to Berlin, who has used it to analyse the various, and frequently contradicting, facets of human freedom and liberty.[718]

717 See Kant's Metaphysics of Morals, quoted in Kant, *Political Writings*, 134.

718 In Berlin, *Liberty*; without, however, avoiding confusing the two terms (or rather consciously using them interchangeably).

Notes on Chapter 22

On paragraph 1

22/1/1 On the history (and emergence) of human rights

Human rights are a relatively recent concept, with a history of no more than a few hundred years (and their existence being still not globally accepted). Broadly, their emergence coincides with that of the 'modern state' (see Chapter 8, par. 3) to such an extent that human rights are said, first by Locke[719] and then by others, to be at the foundation of state creation (within social contract theory, see also note 13/2/1).

22/1/2

On the issue of negative and positive human rights (freedoms), see note 21/1/1.

On paragraph 3

22/3/1

Hegel, in line with his idealist approach to the state, thought that the constitution, as an idea, already existed, but had developed alongside that of the state.[720]

719 Using his chosen term of 'property': 'Men being, as has been said, by Nature, all free, equal and independent, no one can be put out of this Estate, and subjected to the Political Power of another, without his own Consent. The only way whereby any one devests himself of his Natural Liberty, and puts on the bonds of Civil Society is by agreeing with other Men to joyn and unite into a Community, for their comfortable, safe, and peaceable living one amongst another, in a secure Enjoyment of their Properties, and a greater Security against any that are not of it' (Locke, *Two Treatises of Government*, 330; see also note 1/16/3).

720 Hegel, *Outlines of the Philosophy of Right*, 263.

22/3/2

On the history and development of constitutions, see, for example, Dicey,[721] McIlwain[722] and Böckenförde.[723]

On paragraph 6

22/6/1

Admittedly, social contract theorists used similar logical inferences to derive whatever system of (natural) rights they felt like. See, for example, Hobbes, who, starting from 'The first law of nature (the foundation) is: to seek peace when it can be had; when it cannot, to look for aid in war',[724] went on to devise a system of 'natural' laws as detailed as the first-born's right to the father's possessions and that mediators of peace should have immunity.[725] For another example, see Locke, who, on the basis of (all) men being God's servants, observed, 'From this common-sense starting-point... proceeds to two inferences, that we are all free and we are all equal; free of each other, that is to say, and equal to each other'.[726]

On paragraph 7

22/7/1

See also Kant: 'The human beings who make up a nation can,... in an intellectual sense or for the purposes of right,... be thought of as the offspring of a common mother (the republic), constituting, as it were, a single family *(gens, natio)* whose members (the citizens) are all equal by birth.'[727]

721 A. V. Dicey, *An Introduction to the Study of the Law of the Constitution*, 10th edn. (London: Macmillan, 1979).
722 Charles Howard McIlwain, *Constitutionalism: Ancient and Modern* (Ithaca, NY: Cornell University Press, 1947).
723 Ernst-Wolfgang Böckenförde, 'The Rise of the State as a Process of Secularization', in Ernst-Wolfgang Böckenförde, *Religion, Law, and Democracy: Selected Writings*, ed. Mirjam Künkler and Tine Stein (Oxford: Oxford University Press, 2020).
724 Hobbes, *On the Citizen*, 34.
725 Hobbes, *On the Citizen*, 51.
726 Laslett, 'Introduction', 93.
727 Kant, *Political Writings*, 164.

On paragraph 8

22/8/1

On all humans having (some) control over all (Things and Beings) within their state, see Hobbes: 'Nature has given each man a right to all things'.[728]

On paragraph 9

22/9/1 On a (platform) right to cybersecurity

From this point of view, it is cybersecurity that is a platform (natural) right, whereas (analogue world) security of the person is not.[729]

On paragraph 11

22/11/1 Natural human rights

On the theory of natural rights, as intrinsically connected with natural law, see note 20/5/2.

For an attempt to bridge the otherwise unbridgeable, see Morris ('Can artificial rights be natural?').[730]

On paragraph 14

22/14/1 Digital constitutionalism

On the notion of 'digital constitutionalism',[731] see, for example, Celeste[732] or De Gregorio.[733]

728 Hobbes, *On the Citizen*, 28.
729 See also Papakonstantinou, 'Cybersecurity as Praxis and as a State'.
730 Morris, 'Can Artificial Rights Be Natural?'
731 Whereby, 'constitutionalism' is 'the principles that should guide those creating and shaping the state. It does aspire to provide the starting point for such an account: any plausible account of constitutionalism must rely on an account of the nature of the state' (Barber, *The Constitutional State*, xiii).
732 Edoardo Celeste, 'Digital Constitutionalism: A New Systematic Theorisation', *International Review of Law, Computers & Technology* 33/1 (2019).
733 Giovanni De Gregorio, 'The Rise of Digital Constitutionalism in the European Union', *International Journal of Constitutional Law* 19/1 (2021).

Notes on Chapter 23

On paragraph 1

23/1/1

Consider also Montaigne: 'Laws gain their authority from actual possession and custom: it is perilous to go back to their origins; laws, like our rivers, get greater and nobler as they roll along: follow them back upstream to their sources and all you find is a tiny spring, hardly recognizable; as time goes by it swells with pride and grows in strength.'[734]

23/1/2

The connection of morality with written regulation (which, in turn, is formed through need and opportunity instead of as the result of any pre-existing natural law) means that the viewpoint of Machiavelli and Hobbes is adopted here, in contrast with that of Locke and Rousseau (with whom Kant and his epigones also ought to be grouped because their Reason-based morality ultimately borders natural law, i.e. it is something pre-existing that is only waiting to be discovered somehow).

That same approach (the connection of morality with written regulation that has become well-embedded on the information platform that is the state) addresses the perennial difficulty of moral philosophies, as identified by Nietzsche's ridiculing of (and cutting loose from his erstwhile teacher) Schopenhauer:

> *Just listen, for example, to the almost admirable innocence with which Schopenhauer portrays his own task, and draw your conclusions as to the scientific nature of a 'science' whose past masters still talk like children or old women: 'The principle', he writes in The Fundamental Problems of Morality, 'the axiom about whose content all moralists really agree, neminem laede, immo omnes, quantum potes, juva*[735]*—that is really the tenet that all moralists endeavour to account for—the real foundation of*

734 Montaigne, *The Complete Essays*, 658.
735 *Harm no one; rather help everyone as much as you can.*

> *morality, which people have been seeking for thousands of years like the philosophers' stone.*'[736]

Of course, Nietzsche's critique, and attempt to offer an alternative, would prove to be catastrophic for humanity a few decades later.[737]

23/1/3 A universal morality?

The above also address why morality sometimes, in its most basic form, is (or seems to be) universal. The fact that humans anywhere on the planet will, for example, help those in need or honour their parents or keep their promises (see also par. 4), reflects regulations (to not hurt others, to obey elders or to observe contracts) that, at their crudest (e.g. in the Bible's Ten Commandments or the code of Hammurabi, for example) are so steeped in human history, so widely implemented that they have been turned into morality (or Plato's 'ancestral law'[738]).

The similarity among these basic, ancient texts reflects the similar conditions humans were faced with in the analogue world (with information in the analogue world being finite, humans needing to augment their information processing and states being natural to humans), as well as the need and opportunity behind humans' processing (actions).[739] On the same topic (but not taking the same approach), see Spinoza's 'universal human nature'.[740]

If one comes to think of it, all laws (and hence) morality come from the one basic law 'thou shalt not kill', which itself is self-explanatory among pack animals such as humans, who also use language and are uniquely identifiable in space and time, with this ultimately being Kelsen's *Grundnorm*. The expansion of this basic law, as embedded in law after thousands of years, becomes morality—in other words, it is in this way that Kant's moral synthetic a-priori judgements have been produced (they do not,

736 Nietzsche, *Beyond Good and Evil*, 75.

737 See also note 0/1/8, as well as note 23/3/1.

738 'All the rules we are now working through are what people generally call "unwritten customs", and all this sort of thing is precisely what they mean when they speak of "ancestral law"' (Plato, *The Laws*, 268).

739 In this context, consider also Guicciardini's finding since the sixteenth century: 'In every nation, we find nearly all the same or similar proverbs, expressed in different words. The reason is that these proverbs are born of experience, or observation of things; and that is the same, or at least similar, everywhere' (quoted in Erasmus, *The Adages of Erasmus*, xxx).

740 Spinoza, *Theological-Political Treatise*, 61.

therefore, objectively exist, nor are they reachable through the use of (pure) reason).

On paragraph 3

23/3/1

Nietzsche, our arch-diagnostician[741] and arch-critic of (any) morality, devoted practically all of his (unsurpassable) critical efforts to this project. Claiming that 'Every moral code, in opposition to *laisser-aller*, is an example of tyranny against "nature", and against "reason", too', he immediately affirms that

> *... the strange fact is that everything on earth that exists or has existed by way of freedom, subtlety, daring, dance, and perfect sureness, whether it be in ideas, or in governance, or in oratory and rhetoric, in the arts as well as in manners, has developed only by virtue of the 'tyranny of such despotic laws'; and seriously, it is very likely that this is what is 'nature' and 'natural'—and not that laisser-aller!*[742]

23/3/2

On any philosophy ultimately revealing the philosopher's convictions see, again, Nietzsche's playful warning: 'In every philosophy there is a point when the philosopher's "conviction" makes its entrance; or, in the language of an old mystery play: adventavit asinuspulcher et fortissimus [the ass entered/beautiful and most brave]'.[743]

On paragraph 4

23/4/1

The fact that humans should keep their promises is basically a premise of natural law[744] (if it does not predate that), and one that every polit-

741 See Michael Tanner, *Nietzsche: A Very Short Introduction* (Oxford: Oxford University Press, 2000), 44.
742 Nietzsche, *Beyond Good and Evil*, 76.
743 Ibid., 10.
744 Karl Olivecrona, 'Bentham's "Veil of Mystery"', *Current Legal Problems* 31/1 (1978), 228. On the social contract theory hitting a theoretical wall whenever its proponents

ical philosopher has felt that he must deal with. It was addressed in *Leviathan*,[745] and has since been used as a simple way to expose the basic moral assumption(s) behind (moral) political philosophies.[746]

For his part, on the same question, Spinoza thinks that 'everyone can act with deceit by the right of nature and is not obliged to stand by promises except where there is hope of a greater good or fear of a greater evil.'[747]

23/4/2

On the connection of humans' ability to make promises with their acquisition of self-consciousness in prehistoric times, see Nietzsche.[748]

were asked this question, see Boucher and Kelly, 'The Social Contract and Its Critics', 21.

745 Hobbes, *Leviathan*, 96; or, for example, Immanuel Kant, *Groundwork of the Metaphysics of Morals* (1785), trans. Mary J. Gregor (Cambridge: Cambridge University Press, 1997), 32; or Sidgwick, *The Methods of Ethics*, 303.

746 For example, see also Hume, *A Treatise of Human Nature*, 568.

747 Spinoza, *Theological-Political Treatise*, 199, in line with his ultimately social contract approach (see, for example, ibid., 200).

748 Nietzsche, *On the Genealogy of Morals*, 41.

Notes on Chapter 24

On paragraph 1

24/1/1

The link of property with control has not, of course, been missed in theory. Because control is obviously central to the exercise of property rights, it has been identified as a primary (if not the primary) characteristic of property by practically all of those scholars who have grappled with it. See, for example, Honoré's 'incidents of ownership' (specifically, the 'right to manage'),[749] Underkuffler's 'stringency',[750] and Hart and Moore's 'residual rights of control'.[751]

On the same line of reasoning, Tamanaha notes that '[a]nthropologists define property rights in terms of the right to possess, to use, and to exclude.'[752]

On the right to destroy, see Strahilevitz.[753]

24/1/2

It is expected that 'use' will replace property as a central topic in political philosophy within the digital world (see Chapter 17, par. 11).

On paragraph 3

24/3/1

On property being natural to humans, see also Plato, who deals with it as a first-level corruption of his ideal state and the result of compromise

749 Anthony M. Honoré, 'Ownership', in Anthony G. Guest (ed.), *Oxford Essays in Jurisprudence* (1961), 111.
750 Laura S. Underkuffler, *The Idea of Property: Its Meaning and Power* (Oxford: Oxford University Press, 2003), 50.
751 In Oliver Hart and John Moore, 'Property Rights and the Nature of the Firm', *Journal of Political Economy* 98/6 (1990).
752 Tamanaha, *A Realistic Theory of Law*, 85.
753 Lior Jacob Strahilevitz, 'The Right to Destroy', *Yale Law Journal* 114 (2004).

(i.e. agreement).[754] See also Locke (regardless of the fact that he ultimately connected property with human rights, see note 1/16/3): 'every Man has a Property in his own Person';[755] and Hegel: 'everyone must have property';[756] both thus ultimately consider property a primary mode of freedom.[757]

24/3/2 On property justification

Although a justification for property is not necessary under the informational approach of this book, because property is treated, among others, as a natural right, the basic premise of political theories, and even the foundation for state creation and legitimacy, important theoretical analysis has been given over to its justification.[758] Cohen provides a concise summary of the theories on the nature and justification of property (the power theory, the occupation theory, the labour theory, the personality theory and the economic theory) that has basically not been improved upon since it was written.[759]

24/3/3 On artificial Beings owning property

Specific artificial Beings (in essence, specific effigies of computer programs) could potentially have property, because they can process information. Although different from other informational Beings (humans, animals and organisations) because they do not need to survive or augment their information processing (see Chapter 2, par. 20), they are able to have property,

754 Plato, *The Republic,* 279 (547b).

755 Locke, *Two Treatises of Government*, 287; this conflicts with his otherwise basic principle that man belongs to God, a conflict which does not go unnoticed by Laslett (Laslett, 'Introduction', 101).

756 Hegel, *Outlines of the Philosophy of Right*, 83.

757 Ibid., 52.

758 See, for example, Gregory S Alexander and Eduardo M Peñalver, *An Introduction to Property Theory* (Cambridge: Cambridge University Press, 2012); or Jeremy Waldron, *The Right to Private Property* (Oxford: Oxford University Press, 1988).

759 See Morris R. Cohen, 'Property and Sovereignty', *Cornell Law Review* 13 (1927), 11. On property justification, see specifically Locke's approach, which famously connected it with human labour (in essence, through humans' labour things become theirs); this approach was taken to new lengths 200 years later by Marx (see John Dunn, 'Measuring Locke's Shadow', in John Locke, *Two Treatises of Government and a Letter Concerning Toleration*, ed. Ian Shapiro (New Haven: Yale University Press, 2008), 261).

meaning to exercise control over datasets—and even destroy them, which is the critical characteristic of property. After all, organisations have property—admittedly, acting as proxies for their human owners—so the same could easily become the case for artificial Beings (specifically, computer programs), with this matter ultimately being an issue for politics and the government.

See also note 8.1/10/1.

On paragraph 4

24/4/1 Wealth is not an end in itself

Wealth, however, is not an end in itself. If acquired, it can be put to any use in order to augment the information processing of those who have acquired it: they can destroy it (e.g. have a luxurious meal), use it to acquire new experiences (e.g. travel in space) or use it as a means to augment their information processing in another manner (e.g. by acquiring knowledge through studies or even increasing their spirituality through frugality)[760] In view of the need of humans to constantly augment their information processing, wealth is only an intermediate purpose that is used to serve other purposes, to increase the sum of an individual's life (see Chapter 1, par. 1).[761]

On paragraph 5

24/5/1 On human slavery

If no property can be had over humans, how is it then that human slavery has only recently been abolished, after thousands of years of practice among humans? Slavery's establishment and abolition are both matters of politics, and therefore of government, not the state. As has been seen, humans need to augment their information processing and they will seize any opportunity that is presented to them to do so. Owning other humans

760 Gandhi famously epitomising this approach: 'it costs many people a lot of money to keep me living in poverty' (cited by Arne Naes in David Rothenberg (ed.), *Is it Painful to Think? Conversations With Arne Naes* (University of Minnesota Press, 1993), 170).

761 In the same vein, see also Smith's distinction between wealth and money (in Adam Smith, *The Wealth of Nations, Books IV-V* (1776), ed. Andrew S. Skinner (London: Penguin, 1999), 14.

is not outside the scope of this reasoning, because it exponentially increases the information processing of those benefiting from it (in the past, because this was most probably the only substantial way to increase information processing). When governments and political systems abolished slavery, slavery was abolished—but not sooner than that, in spite of the basic platform right that all humans are equal (see Chapter 22, par. 7). A similar discussion is taking place today with regard to artificial Beings (see note 8.1/10/1). Ultimately, platform rights may exist, but they can be ignored, forgotten or ill-managed by the government and the political system (see Chapters 12 and 12.1, respectively).

On paragraph 6

24/6/1

The idea of states existing in order to protect property[762] ought not to be confused with Locke's concept of property (which can basically be understood as human rights, see note 1/16/3) as the reason for state building within social contract theory. Even when not confusing property with human rights, however, under basic social contract theory, property is dependent on the state, however this is not to enable identification of the subjects of property but simply to protect them. See, for example, Hobbes: 'For where there is no commonwealth, there is (as hath been already shown) a perpetual war of every man against his neighbour; and therefore every thing is his that getteth it, and keepeth it by force; which is neither propriety, nor community; but uncertainty.'[763]

On the finding that property is dependent on the state, see also Kant[764] (in spite of his confusion of the state with its government).

762 See, for example, Smith: 'The acquisition of valuable and extensive property, therefore, necessarily requires the establishment of civil government' (Adam Smith, *The Wealth of Nations*, 298).
Of course, this approach was famously opposed by Rousseau (who was adamantly against property, considering it the cause of war, which would otherwise not exist in a 'state of nature' where there is no property, as explained in Rousseau, *Discourse on the Origin of Inequality*, 38), within the context of his own approach to social contract theory.

763 Hobbes, *Leviathan*, 164.

764 Kant, *Political Writings*, 147.

24/6/2

On the distinction between state and government, see Chapter 12, par. 1; on states having no purpose whatsoever, see Chapter 11, par. 7.

On paragraph 7

24/7/1

The connection between sovereignty and property is well-identified in legal theory.[765]

See also Ripstein,[766] who interestingly claims that property and sovereignty overlap because they both involve power, but differ because property governs control over 'things' while sovereignty governs authority over people.

On paragraph 8

24/8/1 On appropriation/property acquisition

The issue of property appropriation (how is property acquired) is a well-examined, but as-yet unresolved topic in legal theory (ultimately morally connected with property justification, see note 24/3/2).

On paragraph 12

24/12/1

The elimination of inequality is, of course, listed highly among the purposes that states should serve, as most famously put forward by Rawls.[767]

Marx (in his 'Critique of the Gotha Programme') is well known for maintaining that a Communist society would aspire to distribute resources according to the principle 'from each according to his ability, to each according to his needs'.

765 See, for example, Cohen, 'Property and Sovereignty' (with further references), as well as Thomas W. Merrill, 'Property and Sovereignty, Information and Audience', *Theoretical Inquiries in Law* 18/2 (2017).

766 Merrill, 'Property and Sovereignty'.

767 Within the context of 'justice as fairness'; see Rawls, *Justice as Fairness*, 130 and also note 13/2/2.

Notes on Chapter 24.1

On paragraph 1

24.1/1/1

On the creation of the intellectual property system, see, for example, Dreyfuss and Pila[768] or Saunders.[769] (Noting, however, that the distinction between intellectual-copyright and industrial patents and the later additions of trademarks, databases, trade secrets etc. is not important for the purposes of this analysis.)

24.1/1/2

On the author's moral right to exclude deletion of his or her (or its, depending on whether artificial Beings—specifically, computer programs—are accepted as authors in this sense) work, even if the relevant rights have been transferred, see, for example, Syed[770] (the converse also applies: an author cannot ask that his or her work be destroyed after it has been published).

768 Rochelle Cooper Dreyfuss and Justine Pila, *The Oxford Handbook of Intellectual Property Law* (Oxford: Oxford University Press, 2018).

769 Kurt Saunders, *Intellectual Property and the Law of Ideas* (London: Routledge, 2021).

770 Sofie G. Syed, 'The Right to Destroy Under Droit d'Auteur: A Theoretical Moral Right or a Tool of Art Speech', *Chicago-Kent Journal of Intellectual Property* 15 (2016).

Notes on Chapter 25

On paragraph 1

25/1/1 Freedom and imagination

The connection of freedom with imagination is, of course, not ignored in theory. Humboldt and Mill, for example, both connected freedom with a 'variety of situations' ('Even the most free and self-reliant of men is hindered in his development, when set in a monotonous situation'[771]), thus emphasising the importance of imagination.

25/1/2 Freedom and individuality

On the connection of freedom with individuality, see Humboldt:

> *[T]hat reason cannot desire for man any other condition than that in which each individual not only enjoys the most absolute freedom of developing himself by his own energies, in his perfect individuality, but in which external nature itself is left unfashioned by any human agency, but only receives the impress given to it by each individual by himself and of his own free will, according to the measure of his wants and instincts, and restricted only by the limits of his powers and his rights.*[772]

See also note 25/8/3.

25/1/3 Freedom and specificity

On the connection of freedom with specificity (justifying the claim made here that freedom is not material, only liberty is), see Hobbes: 'For how can

771 Wilhelm von Humboldt, *The Limits of State Action* (1854), ed. John W. Burow (Cambridge: Cambridge University Press, 1969), 16; see also John Kekes, 'Moral Imagination, Freedom, and the Humanities', *American Philosophical Quarterly* 28/2 (1991).

772 Humboldt, *The Limits of State Action*, 19.

a man conceive he has liberty to do anything that has not liberty to do this or that or somewhat in particular?'[773]

On paragraph 3

25/3/1

On the relativity of freedom, as crucially quoted by Berlin, 'Freedom for an Oxford don... is a very different thing from freedom for an Egyptian peasant.'[774]

On paragraph 4

25/4/1 On the, complex, relationship between need and freedom

There is a noted tension between need and freedom, in fiction, moral philosophy and religion. Basically, need is perceived as an impediment to freedom, an obstacle on humans' path to being free—as humans' struggle to become free from need. This is, of course, incorrect: in essence, need feeds freedom. It is need that creates human will, and it is human will that results in freedom. If there were no needs, humans would not process information—they would become Things. (That being said, the unsatisfiability of needs (see Chapter 5.1, par. 5) perfectly suits the basic unattainability requirement of both moral philosophy and religion.)

On paragraph 5

25/5/1

On the connection of imagination with creativity, see, for example, Gotlieb et al.[775]

773 Quoted in Thomas Hobbes and John Bramhall, *Hobbes and Bramhall on Liberty and Necessity*, ed. Vere Chappell (Cambridge University Press, 1999), 31.

774 Berlin, *Liberty*, 171.

775 Rebecca J. M. Gotlieb et al., 'Imagination Is the Seed of Creativity', in James C. Kaufman and Robert J. Sternberg (eds.), *The Cambridge Handbook of Creativity* (2019).

25/5/2 On the (legal) rights of Things

On the (legal) rights (always protective) of animals, rivers or trees, see, for example, Stone[776] or Darpö.[777]

See also note 8.1/10/1.

On paragraph 6

25/6/1

On the state as the source of human freedom, see also Hegel, who supports 'the state as freedom, freedom universal and objective even in the free self-subsistence of the particular will.'[778]

Notwithstanding the Hegelian approach to the state, to paraphrase Hayek (not unjustifiably, considering his views on the law, legislation and the government), it could be claimed that the greatest contrast among political philosophers throughout history is between those to whom law and freedom are inseparable and those to whom the two are irreconcilable.

On paragraph 8

25/8/1

On the distinction between freedom and liberty, see also Locke: 'though this [the state of nature] be a State of Liberty, yet it is not a State of Licence'.[779]

On the definition of liberty, also consider Hobbes: 'Liberty (to define it) is simply the absence of obstacles to motion';[780] as well as Montesquieu: 'liberty can consist only in having the power to do what one should want to do and in no way being constrained to do what one should not want to do.'[781]

776 Christopher D. Stone, 'Should Trees Have Standing?—Toward Legal Rights for Natural Objects', *Southern California Law Review* 45/2 (1972).
777 Jan Darpö, *Can Nature Get It Right? A Study on Rights of Nature in the European Context*, European Parliament, JURI Committee (Brussels, 2021).
778 Hegel, *Outlines of the Philosophy of Right*, 51.
779 Locke, *Two Treatises of Government*, 270.
780 Hobbes, *On the Citizen*, 111.
781 Montesquieu, *The Spirit of the Laws*, 155.

25/8/2 On the interchangeable use of 'freedom' and 'liberty'

Although basically different (even from the point of view of the same person, i.e. an individual), the two terms are frequently used interchangeably (after the confusion between state and government (see Chapter 12, par. 1), this is the second basic conundrum in political philosophy).

In his 1859 work, *On Liberty*, Mill was the first to recognise the difference between liberty as the freedom to act ('Liberty of the Will') and liberty as the absence of coercion ('Civil or Social Liberty').[782]

25/8/3 On negative and positive liberty

If liberty is permission from the state (thus, the ability for its citizens, see Chapter 21) to process information, negative and positive liberty (lack of interference and ability to act) are attributes of different datasets: negative liberty grants control over specific datasets to individuals (to allow or prohibit the processing of other Beings) and positive liberty means the access and permission to process information on specific datasets (thus limiting the control of other Beings). Which dataset falls under which category on each occasion is a matter of politics and has been bitterly debated since the beginning of time. Nothing can hide the fact, however, that all of this is afforded by the state on its information platform, meaning that negative liberty (practically, self-restraint by the state) is artificial and illusory.

On paragraph 11

25/11/1

Evidently, without exception, liberty is a worthy aim for human societies when recommending a new (or justifying an already existing) political system or from a moral philosophy point of view. After all, how could it be otherwise? How could anyone seriously recommend or justify a political system or a way of living that is explicitly 'against liberty'?

What is crucial, therefore, is to define what anyone means by such 'liberty' (or 'freedom' in their own words). For example, in politics, Hegel's *Philosophy of Right*, which has been used to justify various specific political regimes, it is claimed to be 'the discipline that reveals what it is to be free,

782 Mill, *On Liberty, Utilitarianism, and Other Essays*, 5. See also Berlin's distinction between positive and negative liberty (Berlin, *Liberty*).

and, more particularly, what objective structures and institutions (such as civil society and the state) are made necessary by the nature of freedom.'[783] From a completely different point of view, justifying entirely different political regimes, Hayek gives value to freedom: 'the value of freedom rests on the opportunities it provides for unforeseen and unpredictable actions.'[784]

Each thinker values, and readily promotes, freedom—each, however, meaning and understanding it in a completely different manner. Ultimately, if each and every political system that has ever existed has supported and promoted freedom, then freedom simply does not exist.

783 Stephen Houlgate, 'Introduction', in Georg W. F. Hegel, *Outlines of the Philosophy of Right*, trans. T. M. Knox, ed. Stephen Houlgate (Oxford UK: Oxford University Press, 2008), xvi.

784 Hayek, *Law, Legislation and Liberty*, 55.

Notes on Chapter 26

On paragraph 1

26/1/1

On the need of humans to process information individually and not as members of a hive, see Chapter 5.1, par. 7.

On paragraph 3

26/3/1

It is almost impossible to define political theories and their exact content. On individualism, see, for example, De Tocqueville,[785] Durkheim[786] or Dumont.[787]

On liberalism, other than its foundational texts,[788] see also Freeden.[789]

On paragraph 4

26/4/1 On the distinction between the public and the private sphere in individuals

Modern political philosophy is largely based on the distinction of an individual between the private and the public self (which is not to be confused with the distinction between the body and the soul): a 'dualism between the "public" political citizen... and the private, "legal" citizen'.[790] That is, of

785 Alexis de Tocqueville, *Democracy in America* (1835), trans. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2000), 477, on individualism in democratic societies.

786 Émile Durkheim, *The Division of Labor in Society* (1893), trans. W. D. Halls, ed. Steven Lukes (Hampshire: Palgrave Macmillan, 2013), 317.

787 Louis Dumont, *Essays on Individualism: Modern Ideology in Anthropological Perspective* (Chicago: University of Chicago Press, 1986).

788 Locke, *Two Treatises of Government*; Mill, *On Liberty, Utilitarianism, and Other Essays*.

789 Michael Freeden, *Liberalism: A Very Short Introduction* (Oxford: Oxford University Press, 2015).

790 Bellamy, *Citizenship*, 43.

the very same human who is sometimes acting or acted upon as a private person and sometimes acting or acted upon as a member of society.[791]

In Ancient Greece this was not the case; individuals merged with the city —their life was embedded in it. They may have served private, as opposed to public, duties, but this is as far as the separation between the private and the public self went; individuals and the city were one.[792] Put another way, 'While modern thought starts from the rights of the individual, and conceives the State as existing to secure the conditions of his development, Greek thought starts from the right of the State.'[793] In the same vein, according to Strauss, 'Modern and classical political philosophy are fundamentally distinguished in that modern political philosophy takes "right" as its starting-point, whereas classical political philosophy has "law"'.[794] The matter

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On the ingrained distinction between fundamental political philosophers see, for example, Gourevitch on Rousseau's man/citizen 'organizing principle' (Gourevitch, 'Introduction', x), or Habermas's 'public sphere' (Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, trans. Thomas Burger (Cambridge, MA: MIT Press, 1989), 27).

791 On what falls within the private or the public self respectively, see, for example, Locke (on truth and the keeping of faith in the private one; Locke, *Two Treatises of Government and a Letter Concerning Toleration*, ed. Ian Shapiro (New Haven: Yale University Press, 2003), 106) or the Hobbesian distinction between the foro *interno* and *externo* (Hobbes, *On the Citizen*, 96).

792 See, for example, Aristotle: 'And it is not right either that any of the citizens should think that he belongs just to himself; he must regard all citizens as belonging to the state, for each is a part of the state; and the responsibility for each part naturally has regard to the responsibility for the whole' (Aristotle, *The Politics*, 452 (1337a11)). This is why Huxley claimed that 'It never occurred to a Greek to claim the modern individualist's anarchic licences' (Aldous Huxley, *Do What You Will: Essays* (1929) (London: Chatto & Windus, 1956), 81); see also Watkins, *The State as a Concept of Political Science*, 9. Friedrich connects the state in ancient Greece and Rome, and up until the Middle Ages, with the church and religion: 'both [Aristotle and Cicero] are thinking of a religious as well as a political community and its organization, and hence of a church as much as a state. Endless confusion has been the consequence of applying the Aristotelian concept to the modern state, culminating in the "deification" of the state by Hegel and the Hegelians and eventually in its "diabolization" in Fascist and National Socialist thought' (Friedrich, *Man and His Government*, 549). The same is true of Passerin: 'In modern language the polis can only be described as both a "State" and a "Church"' (Passerin d'Entrèves, *The Notion of the State*, 28).

793 Barker, quoted in Strauss, *The Political Philosophy of Hobbes*, 155. Compare also Sørensen: 'The transformation from subjects, who primarily have obligations, to citizens who also have rights happened only gradually' (Sørensen, 'The Transformation of the State', 11).

794 Strauss, *The Political Philosophy of Hobbes*, 156.

is, in practice, also connected with the notions of negative (and positive) liberty.[795]

Why the theory that an individual can be broken down into two spheres was developed is anybody's guess. Most likely it was born out of (internal) conflict, the reaction of Aristotle,[796] who had been trained in the democratic city-state tradition, when he was confronted with the first monarch that Ancient Greece had ever submitted to. Before Aristotle, (small) city-state life meant that participation was not only possible but mandatory and therefore control of one's fate was in the citizens' own hands—and co-decisions. This model ceased to exist with the advent of the Macedonian kingdoms and the breakdown of democracy: individuals no longer controlled their own fate.

The succession of Philip (Aristotle's employer) by one of the most formidable conquerors the world has ever seen (Alexander the Great) and, ultimately, his succession by Imperial Rome, did little to abolish the distinction: in essence, every one of the political theories developed subsequently has taken this distinction for granted.[797] Nor was this assumption removed after one of Christianity's cornerstones distinguished between what was Caesar's and what not. In fact, the distinction was only accentuated during the centuries that followed,[798] both within Christianity and its various dogmas and outside it—when the various forms of government, and their supporting political theories succeeded, effectively, Caesar.

On paragraph 5

26/5/1

Of course, this inherent conundrum did not go unnoticed in theory: on the 'paradox of political freedom', see, for example, Kant's approach.[799]

795 See, for example, Passerin d'Entrèves, *The Notion of the State*, 204.

796 On the connection of Aristotle with the notion of positive liberty see, for example, ibid., 212.

797 In essence, they built on it; see, for example, the Stoics' *ataraxia* (while at the same time insisting on public service), or the Epicureans' *Garden*, to keep away (and safe) from things outside one's control.

798 To the extent that a similar breakdown of the self was developed as a theory to support monarchy; see Kantorowicz, *The King's Two Bodies*.

799 In Kant, *Political Writings*, 26.

On paragraph 7

26/7/1 On the meeting of extremes

On the finding that (political) extremes meet, for example, on the topic of (analogue-world) borders, see the relevant analysis in Diener and Hagen,[800] or, graphically, Borges' drawing of the political Lernaean Hydra.[801]

Political extremes also meet in their enmity against the state, in the sense that they intuitively feel that whatever is traditional needs to be overturned for their radical new political programme to be established (the necessary U-turn of themselves forming a state after they have disastrously succeeded in their attacks on the pre-existing political system, as in the cases of Nazism and Communism, simply proving that states are natural to humans).

On paragraph 9

26/9/1

On personal information, see note 1/8/1.

26/9/2 On the right to informational self-determination

The German Census Judgement[802] was the decisive move for individualism from the analogue to the digital world.

26/9/3 On data privacy

The artificiality of the digital world also explains why data privacy is considered an 'interface right', a gateway for the exercise of all other rights.[803]

800 Diener and Hagen, *Borders*, 13.

801 Originally accompanying his essay 'Our Poor Individualism' (the essay itself, but not the drawing, can be found in Borges, *Selected Non-Fictions*, 309).

802 Germany, Federal Constitutional Court, *Judgment of 15 December 1983*, 1 BvR 209, 269, 362, 420, 440, 484/83.

803 See Dara Hallinan, 'A Theory of EU Data Protection Law', *European Data Protection Law Review (EDPL)* 9/3 (2023).