



22/09/2023

# The weak centre

Sometimes counterintuitive (Version 1.0)



**Gordon Guthrie**

RESEARCH FELLOW AT SCOTTISH GOVERNMENT

BIUS WORKING PAPER NO 13

(THIS DOCUMENT DOES NOT REFLECT THE VIEWS OF SCOTTISH GOVERNMENT)

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# 1 Introduction

## 1.1 The weak state

The UK (including Scotland) is one of the most centralised countries in the world. And yet a major portion of UK politics remains half in love with more centralisation and worships at the altar of the strong centre.

I resile strongly from this. This paper makes the case for a weak centre and strong departments/sub-state bodies and local authorities.

Designing and building a weak centre requires addressing and discarding some of the fallacies that have informed state construction.

## 1.2 Who are you?

You are an MSP, Minister or Spad, a think-tanker or policy person, somebody in delivery trying to build out or drive joined-up government.

## 1.3 Why should you read this?

The proposals in the forthcoming report for Scottish Government –*The Foundations of the Digital State* – embody a theory of state that is explicitly about a weak co-ordinating centre. This paper will provide some of the background to that – and to help you understand how the proposals in it differ from competing proposals from a range of think tanks working on the problems of public sector reform. That theory of state is discussed in Working Paper 12 *A theory of state*.

## 2 The Blus Project

This is Working Paper No 13 of *Blus - Basic Law-Making For Legislative Computer Systems* which is a research project looking systemically at how the state creates the digital systems underpinning its services.

Working papers are being released gradually for comment:

Working Paper 0.2	<b><i>The locus of change</i></b>
Working Paper 1.2	<b><i>Data and the rule of law</i></b>
Working Paper 2	<b><i>Rules as code</i></b>
Working Paper 3	<b><i>The Lego state</i></b>
Working Paper 4	<b><i>The remixable state</i></b>
Working Paper 5.1	<b><i>Law reform for data</i></b>
Working Paper 6	<b><i>A solera for data cleansing</i></b>
Working Paper 7.2	<b><i>Experimental digital legislative processes</i></b>
Working Paper 8	<b><i>An Enabling Act</i></b>
Working Paper 9.1	<b><i>Reading legislation with a non-functional eye</i></b>
Working Paper 10.2	<b><i>Immediate hygienic measures</i></b>
Working Paper 11.1	<b><i>Jeff Bezos' API Mandate, but for government</i></b>
Working Paper 12	<b><i>A theory of state</i></b>
Working Paper 13	<b><i>The weak centre</i></b>

Blus working papers are designed to stimulate discussion about key elements of the relationship of the state to digital systems and their delivery. Your feedback, input, and particularly criticisms of this paper are most welcome. Feel free to distribute it however you wish.

Working papers are published via the *Digital Policy* SubStack.

Author/contact: [gordon.guthrie@foundationsofthedigitalstate.com](mailto:gordon.guthrie@foundationsofthedigitalstate.com) or subscribe to [Digital Policy | Gordon Guthrie | Substack](#)<sup>1</sup>

The author is an independent Research Fellow at Scottish Government under the First Minister's Digital Fellowship programme. The views of this paper do not represent the views of Scottish Government.

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<sup>1</sup> <https://digitalpolicy.substack.com/>

### 3 The current state

The base constitutional position of the British state is strong departments.

Ministers have legal and parliamentary responsibility for the departments and since Gladstone permanent secretaries and accounting officers have the same for the expenditure of money voted to departments.

In as much as there is a constitutional position on the civil service it is expressed in the Armstrong Memorandum<sup>2</sup> from 1985. There are a number of salient points:

*Civil servants are servants of the Crown. For all practical purposes the Crown in this context means and is represented by the Government of the day.*

which is slightly caveated:

*There are special cases in which certain functions are conferred by law upon particular members or groups of members of the public service; but in general the executive powers of the Crown are exercised by and on the advice of Her Majesty's Ministers, who are in turn answerable to Parliament. The Civil Service as such has no constitutional personality or responsibility separate from the duly constituted Government of the day.*

and gives strong direction to junior civil servants:

*The duty of the individual civil servant is first and foremost to the Minister of the Crown who is in charge of the Department in which he or she is serving.*

It makes the point about the central role of the Minister and Department very clearly:

*The determination of policy is the responsibility of the Minister (within the convention of collective responsibility of the whole Government for the decisions and actions of every member of it). In the determination of policy the civil servant has no constitutional responsibility or role, distinct from that of the Minister. Subject to the conventions limiting the access of Ministers to papers of previous administrations, it is the duty of the civil servant to make available to the Minister all the information and experience at his or her disposal which may have a bearing on the policy decisions to which the Minister is committed or which he is preparing to make, and to give to the Minister honest and impartial advice, without fear or favour, and whether the advice accords with the Minister's view or not.*

The arrival of digital technology has built on this long running institutional state construction – which goes back to Gladstone and before.

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2. [https://www.civilservant.org.uk/library/1996\\_Armstrong\\_Memorandum.pdf](https://www.civilservant.org.uk/library/1996_Armstrong_Memorandum.pdf)

My research written up in Working Paper 9 *Reading legislation with a non-functional eye* shows that legislation that is implemented in major computer systems is functionally specified by legislation. What isn't specified in any centralised manner is non-functional or infrastructural requirements. Functional requirements cover **what** the system should do. Non-functional/infrastructural requirements cover **how** it should do it.

Joined-up government and data-sharing are both covered by non-functional/infrastructural requirements.

Because the functional requirements are expressed in law they are **must haves**. Because the non-functional/infrastructural ones are not they are **nice to haves**. Whenever there is a clash (there is always a clash) because of scheduling, resources, any prioritisation process for any operational reason, the **must haves** win – joined up government **must lose** in aggregate. This is not a personal choice, nor can it be fixed by a better minister or better civil servants.

So there is a complete legal and financial oversight and reporting line build around departments, deepened by adding digital. Departments are strong.

These critical specifications are intermittently specified by a range of central(ish) functions or simply deferred to the departments. Instead of fixing and centralising the specification of non-functional/infrastructural requirements, recent governments have focussed on command-and-control and financial gatekeeping, or pulling engineering and technical functions back from departments into a bloated Cabinet Office.

The centralisation of the specification of non-functional/infrastructural requirements, paradoxically, is the key to decentralisation and a weak centre.

This centralisation is a weak for because it uses standards à la internet, it's based on consensus across the technical professions and departments and isn't imposed.

## 4 Challenges to the status quo

This narrowly constructed view of single lines of accountability has been challenged recently. The Institute for Government's report *A new statutory role for the civil service*<sup>3</sup> proposes a new civil service act which would enshrine new responsibilities:

*The core features of a statute would set out:*

- *The civil service's permanence, impartiality, objectivity and requirement to maintain the highest standards in public life*
- *A new objective for the civil service to implement government programmes, with additional responsibilities for the head of the civil service and permanent secretaries to maintain the capability of UK governments to meet such an objective*
- *New accountability and responsibility for the head of the civil service for the administrative work of departmental permanent secretaries, so that he or she can better maintain and enhance the capability of the civil service*
- *Clearer responsibilities and accountabilities for ministers and civil servants*
- *Greater parliamentary scrutiny of the civil service, with a formal reporting requirement for the civil service to parliament, and more direct questioning of senior civil servants by parliamentary committees.*

There are two elements of these recommendations that chime strongly with recommendations in the forthcoming report - the obligation to maintain the capability of the state and a more civil servants having a dual reporting line to Holyrood, directly or indirectly.

Civil servants are creatures of law, a new government inherits a statute book and capability from its predecessor, adjusts and changes that capability and hands over the new inherited capability to its predecessors - civil servants have obligations to governments past, present and future.

*The Foundations of the Digital State* has at its core the management of a pair of tensions: between functional and non-functional/institutional requirements, and between policy intent and policy effect<sup>4</sup>.

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3. <https://www.instituteforgovernment.org.uk/sites/default/files/publications/new-statutory-role-civil-service.pdf>

4. See Working Paper 9 *Reading legislation with a non-functional eye* and Working Paper X *The heart of the beast*

Francis Maude reflects some of these tensions in his *Independent Review of Governance and Accountability in the Civil Service*<sup>5</sup>:

*It is widely recognised that departmental structures and vertical lines of resourcing and accountability in Whitehall impede effective cross-government working. This builds in substantial barriers to achieving cross-cutting policy objectives. Siloed approaches and entrenched ways of working make collaboration towards common purpose arduous, time consuming and fraught with difficulties even in the highest priority public policy areas. Given the extent to which national and global challenges require contributions across government entities in providing solutions, it is imperative that Whitehall embraces new joint-working models to meet the substantial and complex cross-cutting challenges we now face. It is impossible for the old models to serve the nation well in the current context and it is time for change.*

The argument in the report is stronger - that the state lacks institutional support for digital infrastructure that will have impact and structure its operations for a hundred years to come and which entangles its departmental or narrowly functional operations.

Any state function that has a substantial digital component (which in the modern era means almost all of them) will have a dual line of responsibility: to meet functional and non-functional/infrastructural requirements, and the addition of a new reporting line will invariably undercut the old world of Armstrong.

Joined-up government requires junior civil servants to have a dual mandate - their current minister and the wider capability of the state.

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5. <https://www.gov.uk/government/publications/review-of-governance-and-accountability/independent-review-of-governance-and-accountability-in-the-civil-service-the-rt-hon-lord-maude-of-horsham-html>



## 5 Fallacies

### 5.1 Introduction

There are a number of fallacies that have driven public sector thinking over the last four decades, understanding a weak centre means understanding what it is trying to avoid, principally these three fallacies:

- the market fallacy
- the data fallacy
- the Silicon Valley fallacy

### 5.2 The market fallacy

Companies are bubbles of order inside a sea of market chaos. The old socialist utopianism believed that capitalist companies, by building the working class, would dig its own grave. The mechanism the working class would use would be taking the scientific principles and organisational precepts used inside capitalist companies and apply them to wider society. Surely if order-with-chaos could create such impressive results, then order-everywhere would be even more impressive?

Hélas, it was not so. It turns out the sea of chaos, the market, is a critical part of the success of capitalism – an apex predator that culls the weak and keeps the herd and ecosystem healthy.

Between birth and death a lot of economic function (the commanding heights) passed from private to state hands. Mrs Thatcher, a woman strongly misremembered<sup>6</sup> on both left and right, took the first steps of rebalancing that. It's strange to remember that Gleneagles Hotel and Golf Course (a railway hotel) was state owned and run.

She was initially prudential in her privatisations, but became increasingly ideological. Industries that had once been private sector, like gas, electricity and railways, but which were widely recognised both as natural monopolies and critical infrastructure were privatised, but with a regulatory wrap.

Her successors not so much.

On the right a theology of market-perfectionism took over and attempts were made to turn everything into a market.

There is both a marketplace and a clearing price for a can of coke, and likewise for a seat in the House of Lords. There is a place to go, and an amount to pay. Not such place or price exists for the rehabilitation of a prisoner.

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<sup>6</sup> Mother of the European Single Market of blessed memory

The idea that any market defect could be fixed by a regulator wrap took hold – and subsequently regulators bloomed across the state.

The left correctly abandoned the state-run economy, but didn't leave all of socialism behind. The one-time saviour of communism, *Homo Sovieticus*, the worker-bureaucrat who would know what and how to do things through sound class analysis was reborn in *Homo Economicus* adopted wholesale from neo-liberalism - a rational purchaser with a panoptical perspective operating in a utopian perfect market. Simply <getting one of them in> would rejuvenate public service with their fresh ideas, peppy dynamism and get-go. There was a recognition that the pseudo-markets of state function weren't actual markets, and an elaborate infrastructure of regulation and target setting was put in place to correct these defects.

These two approaches of marketising state functions have not stood up to scrutiny.

The net result was the creation of vast tax farms masquerading as commercial capitalist companies. Organisations with guaranteed income collected at the point of the state's bayonet with risk-of-death transferred off back to the state.

Abby Innes's magisterial *Late Soviet Britain: why materialist utopias fail*<sup>7</sup> is the go-to work on this.

### 5.3 The data fallacy

The data fallacy is a child of the market fallacy. As the marketisation and regulation of public services consistently delivered worse services at higher costs a believe arose that *we just need to do it to them harder*. If the centre and the regulators had more data, more real time, then, then, then it would be able to bend the periphery, the great blob, to its will.

Abby Innes's commentary<sup>8</sup> on Michael Gove's Ditchley lecture summarises the point concisely:

*Like Gove and his long-time partner in this scheme, Dominic Cummings, Soviet cyberneticians would depict the governmental system as an object of technical control, with inputs, outputs, and feedback loops: the language of machines. The post-Stalinist recourse to mathematics (and extensive conversations with Western neoclassical economists and operations research specialists) gained some traction around the optimisation of production, input-output tables, and linear optimisation problems within single enterprise that sought to improve the production of simple and notably inanimate products. The Soviets also solved some logistical challenges around transport, but progress stalled every time they confronted the problems of change. They failed around any task that was characterised by uncertainty, complexity, interdependence and*

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<sup>7</sup> <https://www.cambridge.org/core/books/late-soviet-britain/6C375F1A3E6007A1496A52F8BF313277#>

<sup>8</sup> [Farewell Whitehall, hello Red Square? On Gove and the 'privilege of public service' | British Politics and Policy at LSE](#)

*evolution i.e. precisely the qualities of most of the tasks uploaded to the modern democratic state.*

Real time data should be provided to those people who have the capability and capacity to make decisions in real time – and that is rarely the centre, the Cabinet Office, the Ministers.

Data has also acquired a fetishistic quality. Operational data doesn't tell you about the real world, it tells you something, often not what you think, about the operational system. It is contained within a curtilage. Think of the Health Boards that got the waiting times down by having patients sit in the car park in ambulances, waiting but not on the waiting list.

I was long of the belief that the West Wing was the worst television ever to distort British politics, but I am increasingly coming to the conclusion it was the moon landings.

When NASA started its mission to put a man on the moon it didn't have a mission control. It was an engineering organisation that systematically built the capacity to put a man on the moon – testing rockets, spacesuits, developing training programmes and food, optimising rocket engines, building landing modules and so on.

At the end, with the capacity, it handed it all over to an operational team to execute. They had a mission control, and it was televised. Little boys, now in power, watched and thought "that's how to do it". Mission Control is not the <government> of NASA, but it did play it on telly.

The UK equivalent of Mission Control is the operations team at a hospital, in a 999 centre, social security processes teams. And guess what, they all look like Mission Control, dashboards on the walls, real-time figures and stuff – and have done for years, if not decades.

The Cabinet Office doesn't look like Mission Control because it isn't, and it doesn't look like NASA either – a practitioner- and expert-led organisation that systematically builds capacity. (I am being a bit unfair here for the sake of a banging metaphor, but hey! writing is an artistic job.)

And fundamentally data is contradictory – there is a separation of power in it. Operational data is the preserve of the operators and is extracted from their existing machines and systems. There is another world of social data, collected externally by surveys and all the apparatus of social science that reflects indirectly the operational data.

Think of crimes-as-report-to-the-policy-and-recorded (and operational view of crime) and citizen-experience-of-crime – an external social science statistical set collected formerly in recurring crime surveys.

These do not match. The reconciliation of contradictory data, from different internal and external sources is a key management function. Data is not pure and self-describing but must be interrogated and wrestled with.

## 5.4 The Silicon Valley fallacy

Every pol loves a *deus ex machina* who will swoop in and fix the plot holes. Silicon Valley and now especially AI are the preferred man-in-a-fake-beard-descending-from-the-ceiling *de jour*.

Silicon Valley/tech has already had a considerable impact. The victory of agile over waterfall in the public sector follows the same triumph in the internet sector.

Iteration, fast reaction, exploration are embedded in tech companies - to the extent that it is taught in universities and preached as gospel up and down the land.

In Scotland that can be clearly seen in the Logan Report - *The Scottish Technology Ecosystem Review*<sup>9</sup>.

*Aspires to operate according to Internet Economy methodologies. We use this term to characterise a certain approach to product development and management. It is characterised by a strong focus on speed of iteration within a business context, on organisational agility at all levels of scale, on a relentless pursuit of product-market fit, on the application of modern growth engineering techniques such as the exploitation of compounding growth mechanisms, and on a very high degree of data-driven experimentation, to highlight just a few examples. Another short-hand term that could be applied to summarise these practices is The Silicon Valley Playbook.*

The Silicon Valley Playbook cannot be simply transcribed over to the public sector though, government is government. The company development journey alluded to in Mark Logan's paragraph - a relentless pursuit of product-market fit - is widely misunderstood.

As Marc Andreessen<sup>10</sup> put it:

*Product/market fit means being in a good market with a product that can satisfy that market.*

Before product/market fit a tech company is scrappy, reactive, moves fast and break things, changes direction, runs experiments constantly, pivots, changes ducks and dives.

After product/market fit the company becomes system- and process-bound - all be it with a strong emphasis on data-driven decisions. Iteration and experimentation become less wild and impulsive, switching to continuous improvement and adjustment and optimising of existing services.

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9. <https://www.gov.scot/binaries/content/documents/govscot/publications/independent-report/2020/08/scottish-technology-ecosystem-review/documents/scottish-technology-ecosystem-review/scottish-technology-ecosystem-review/govscot%3Adocument/scottish-technology-ecosystem-review.pdf>

10. [https://pmarchive.com/guide\\_to\\_startups\\_part4.html](https://pmarchive.com/guide_to_startups_part4.html)

In no sense at all is government pre-product/market fit. Do countries need roads and schools and hospitals and trains and parking and electricity and water? Yes to all.

Iteration in the private sector provides precedent for individual techniques and components that must be taken and adapted for use in the public sector. Learning, adaption, data-driven decision making and course correction are all critical, but only when disassembled and reconstructed for work in government. Government is government.

Tech companies have as a form of marketing art, origin stories. Amazon is tables built from doors, Google, HP and Apple it's the humble garage. The human story, ambition, hubris, nemesis, near extinction, miraculous recovery and eventual triumph. All of these (bar eventual triumph) are pre-product/market fit.

The Silicon Valley fallacy is thinking government should be organised like an early state startup not like an actual tech behemoth.

## 5.5 For a weak centre

It was a Tory Minister Francis Maude who brought digital in-house and stopped the practice of hiring major systems integrators to build new state systems.

Core competencies should be done in house, and technology, design and data are all as much core competencies of the state as policy development. There should be no place for commercial system integrators in the new world.

The use of external contracts to be able to pay technical staff market-competitive wages is a mistake, the bullet should be bitten - the commitment to tech as a core competency should be made up front.

No serious and ambitious firm in the private sector or Silicon Valley would outsource their tech - neither should government.

The question is then how to organise tech as core competency.

Fundamentally with digitalisation and the modern world, there is no ship of state - there is a fleet of state. An appropriate strategy is a direction of travel, a North Star, around which the subordinate institutions can define their own objectives and plans, the delegation of action and autonomy down the chain with the minimum of communication to achieve co-ordination, and a responsibility to grow and foster the capability of subordinate organs of the state. Lots of small flexible teams with the maximum autonomy under constitutional and legal oversight.

And instead of bringing cross-cutting work to the centre and inventing new structures to deliver missions, the capability to refocus and remix<sup>11</sup> the state should be pushed to departments. Departmental monoliths should be broken down into composed, and recomposable, services.

North Korea has a strong centre, and that centre is capable of making critical decisions that have strong outcomes - the creation of a nuclear ballistic missile programme being one.

However it can only make one decision at a time, it lacks the capability to make the tens, hundreds, thousands, tens of thousands of decisions that are required to make a successful modern complex society.

The Institute for Government is icily polite<sup>12</sup> about the decision to cancel HS2:

*When the centre micro-manages it runs into trouble. The 'Network North' announcement made by Rishi Sunak at the 2023 Conservative Party conference is a recent example of this problem. The initiative was held closely by No.10, away from departmental officials, leading to serious flaws in the policy, as well as presentational*

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11. See Working Paper 4 - *The remixable state* for a further discussion of this topic

12. <https://www.instituteforgovernment.org.uk/commission-centre-government>

*errors. The latest evidence suggests that Network North will mean that popular routes like London to Manchester will actually have reduced passenger capacity<sup>13</sup>.*

*Pace* North Korea, this is the strong centre in action - strength is *macht* - the power to do something not the wisdom to do it well. It is an institutional and not a political failure when the Prime Minister holds his own infrastructure planning spreadsheet. Leadership requires trust and letting control go.

The democratic centre should make clear statements of policy intent. And civil servants should have the autonomy to address policy effect subject to the rule of law and statutory powers in a decentralised state. This is the core of the theory of state outline that informs the forthcoming report.

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13. Pickard J, Georgiadis P and Plimmer G, 'HS2 considers scrapping first-class seats to maintain passenger capacity', Financial Times, 26 January 2014, [www.ft.com/content/17dc0a18-f56b-4ecc-9676-0113c09d6811](http://www.ft.com/content/17dc0a18-f56b-4ecc-9676-0113c09d6811)

## 6 A worked example

This is all a bit theoretical – best use a worked example.

This example will step through a range of choices that are informed by various previous working papers.

There is a social security system. It is specified in law (the **what** of a digital service, the functional requirements are in statute and secondary legislation).

The evidence of Working Paper 9 *Reading legislation with a non-functional eye* is that the necessary non-functional/infrastructural requirements are poorly specified and spread across many places.

We wish that system to be developed in way that facilitates joined-up working. To do that in a decentralising manner with a weak centre, the centre is going to issue technical standards and guidelines that cove all parts of the state.

There will be technical guidelines about data sharing – we want to separate the **means** to share data from the **will** to share data. The former goes to the technical standards org, the latter to parliamentarians.

There will also be guidelines about exposing functional services as API and splitting GUIs from service layer, and ones about authentication and delegation.

The state first creates an institution that is capable of issuing the necessary standards – they pass and become obligatory for the social service department. They are timed in – so the obligation is set now, and must be complied with in, say, now +3 years. The structure of that body is described in Working Paper 0 *The locus of change*, a theory of state that supports it is in Working Paper 12 *A theory of state*, and a draft initial charter and discussion of the contents of the standards are given in Working Paper 11 *Jeff Bezos' API Mandate, but for government*.

The social security system comes into line with the standards over time.

Now we know that 80% of social security claimants are one and done and 20% need help – which is provided by a call centre.

So the social security agency can be reorganised into a service platform team, a front-end self-service team and a call centre team.

Now the call centre teams realises that its 20% is 15% fairly simple and 5% high dependency cases. It approaches the social work teams and suggests that they proactively take on high dependency cases. Because social security is delivered as a standard API, and because the social service team's software is also aligned with that API the social security system can be embedded into social work workflows. The shared delegated permissioning system allows the



citizen to give permission to their social worker to apply for benefits on their behalf and this permission passes through to social security.

Dundee implements this, Highland and Islands doesn't – it doesn't chime with how they work, their social workers will phone the call centre on their clients behalf (using the same delegated powers).

Dundee Social Security realise that of their 5% of the total, 1% is care leavers and 1% prison leavers – they reach out to the care service and prison service and the dance continues.

(The technical mechanics of this process are described in more detail in Working Paper 3 *The Lego state* and Working Paper 4 *The remixable state*. These proposals are profoundly infrastructural and will continue to inform the organisation of the state for 100 years – so the parliamentary oversight outlined in Working Paper 0 *The locus of change* is critical here.)

Essentially we are breaking down the monolithic departments into smaller systems with published interfaces that conform to shared, known and stable standards.

The central standards body has an overview of state data and can use that to suggest Machinery of Government changes based on data and process consolidation (Working Paper 5 *Law reform for data*) – some of these will require legislative consolidation which can be effected without overwhelming parliament (Working Paper 8 *An Enabling Act*).

Once that has happened we can remix the state, and redirect resource, more money for social work, less for social security call centre, etc, etc.

At the core is a small team with maximum autonomy over resources, how they spend their money, technical choice, sequencing, delivery, testing, etc, etc.

These co-ordinate without communication by using standards – and interact via defined interfaces. These interfaces present automatically by use of open-source, shared standards-embodiment software components. The centre also promotes technical tools that embed the standards (publishing meta-data and data models, API documentation, change log generation and release documentation, etc, etc) to make compliance press-button and not slog-through-paperwork.

The centre is weak, but co-ordinating, the periphery, here teams within departments are strong.

The strength of the weak-centred state is the depth of its expertise, the speed with which it can reconfigure and regroup, the ability of multiple systems and services to survive and work around the acute crises that some will always be in, its ability to cope with sudden unexpected external shock.

It is a state that looks like the modern internet – a similar weak-centred organisation - which was expressly designed to continue to work after the Soviets dropped the bomb, with self-routing and self-fixing at its heart.

## 7 Conclusions

You should now have a better understanding where this body of work stands against others in the field.

**Note:** This discussion of decoupling and the weak centre focuses on the *how* of digital systems. *Foundations of the Digital State* contains a whole other stream of work looking how to better define the *what* of state computer systems – in particular Working Paper 7 *Experimental digital legislative processes*.