

## Traces, Documents, and the Puzzle of 'Permanent Acts'

### 1. ACTS

Social ontology originates with the shift from Austin's pragmatic question (1962): 'how to do things with words?' to Searle's ontological question (1995): 'what kinds of things do we do with words?' In *Making the Social World* Searle ultimately characterizes social entities of many kinds as involving what he calls "standing permanent speech acts" (2010, 86). From this perspective, the social entity is not only the product of an act, comparable in this respect to ordinary artifacts, but a special sort of product that in some sense embodies the act itself. Entities like private property and money, Searle tells us, can appropriately be described as involving permanent acts of this sort:

So what we think of as private property, for example, involves a kind of standing speech act. It is a kind of permanent speech act affixed to an object. It says that the owner of this object has certain rights and duties, and other people, not owners of this object, do not have those rights or duties. Think of money as a kind of standing permanent speech act. (Sometimes the speech act is spelled out. On American paper currency it says: 'This note is legal tender for all debts public and private.')

 (Searle 2010, 86)

In this paper I will discuss the ontological puzzle raised by this characterization, namely: what makes an act permanent? Given that an act is a sort of event,<sup>1</sup> how can an act not only produce an object, as in the case of artifacts, but even *become* an object? What makes such objectification of an event possible?

Searle tries to address this question by means of the notion of collective intentionality. The act is made permanent by being collectively recognized and accepted by the members of a given community. For example the act constituting a promise is preserved by means of the recognition and acceptance of both the maker and the recipient of the promise. Likewise, the acts constituting

the rules of chess are made permanent by the collective recognition and acceptance on the part of chess players.

But does collective intentionality really provide us with a solution to the puzzle of permanent acts? Collective recognition and acceptance rely upon distinctive mental states on the part of the community's members, and mental states are, surely, inscrutable private matters that cannot provide the sort of cumulation of evidence that would be needed in order to make an act permanent. Relying upon collective intentionality in order to preserve an act seems to be rather like appealing from one memory to another in order to test the correctness of a remembered content. We recall Wittgenstein's remark to the effect that:

justification consists in appealing to something independent. – 'But surely I can appeal from one memory to another. For example, I don't know if I have remembered the time of departure of a train right and to check it I call to mind how a page of the time-table looked. Isn't it the same here?' – No; for this process has got to produce a memory which is actually correct. If the mental image of the time-table could not itself be tested for correctness, how could it confirm the correctness of the first memory? (As if someone were to buy several copies of the morning paper to assure himself that what it said was true.) (Wittgenstein 1953, §265)

The inscrutability of mental states is, perhaps, not a problem when the members of a community completely agree about the content of the preserved act; but what happens when disagreement arises? Consider the basic case: A promised something to B, but after a certain time they come to disagree about the content of the promise. A holds that she promised  $p$ , where B argues that the content of the promise was  $q$ . In this case the act of promising is no longer preserved by the collective intentionality of A and B. We could make appeal to a third person C who witnessed the promise of A to B; but even in this case there is no way to establish whether the mental states of C

are reliable. Let us suppose for example that C agrees with A that the content of her promise was *p*. Given that A and C might both be wrong and B right, even making reference to the law of the majority does not ensure the preservation of the act.

Since mental states are inscrutable, there seems to be no way to appropriately assess their reliability. Moreover, the difficulty in relying upon mental states in order to preserve the force of a standing declaration increases dramatically when societies expand.<sup>2</sup> As “inscriptions of acts,” (Ferraris 2012, 247) documents seem to provide us with a way of overcoming this kind of problem. For example, A and B could write their promise on a signed paper, so that, in case of disagreement, the signed paper could be used as evidence in establishing who is right and who is wrong. The signed piece of paper makes the act of promising truly permanent by linking the preservation of the act not to inscrutable mental states but rather to shared concrete objects. Without documents, you just have an apparently permanent act – an *Ersatz* social entity that risks disappearing as soon as disagreement arises or memories and intentions fade. The social entity as a standing permanent act seems to be achievable only by means of documents.

But documents, too, are not magic devices that create permanent acts in virtue of some magic power. Documents are used by human beings in a framework of human practices, and in order to ensure the preservation of acts they need to be supported by distinctive skills. A document can make an act resistant to fading and disagreement only if the members of the community share a reliable way to trace back from the document to the act that constituted it. In order to explain how such a tracing back could underpin social entities, we need to understand what kind of entity a document really is, and how documents work.

## 2. TRACES

I start by examining what kind of entity a trace is with the aim of establishing what kind of entity a document is. I define a trace as a concrete particular that has been produced by a cause and that

allows a suitable beholder to recognize this very cause. In short, the trace is *the product of a causal process that makes its cause recognizable*.<sup>3</sup>

From a semantic point of view, we can say that the trace *represents* its cause, and we can conceive of it as a sign that *refers* to its subject through a direct causal link. From this perspective the notion of trace is related to Peirce's notion of index as

a sign, or representation, which refers to its object not so much because of any similarity or analogy with it, nor because it is associated with general characters which that object happens to possess, as because it is in dynamical (including spatial) connection both with the individual object, on the one hand, and with the senses or memory of the person for whom it serves as a sign, on the other hand. (Peirce 1931–35, 2.305; compare Briet 1951, 7)

So, for example, a moving vane is an index of the wind, and a symptom is an index of a disease. The trace in this sense is a sort of index, but it is worth noting that Peirce's notion of 'dynamical connection' is broader than our notion of trace. There can be indexes that are not traces, as for example a finger F pointing towards a subject S: in Peirce's view F is an *index* of S in virtue of its spatial connection with S; but F is not a *trace* of S, since F was not caused by S. Even the moving vane is not exactly a trace, since it is the movements of the vane which represent the wind direction, and not the vane itself. Indexes like footprints and fingerprints, by contrast, are paradigmatic traces.

The trace, *qua* index, represents its subject by relying not upon some shared properties (as pictures are supposed to do), nor upon some social conventions (as words are supposed to do), but rather upon some direct causal link connecting the represented subject to the trace itself, and upon the capacity of the person that perceives the trace to trace back along this causal link.

In this sense a trace can represent its subject independently of whether it was intentionally produced by some creator. The ash is a trace of the fire regardless of the fact that the ash has been intentionally produced by the person who lit the fire. By contrast, pictures and inscriptions are

usually considered representations only if they are intentionally produced; otherwise, they are not genuine representations but just results of coincidence: a cloud that resembles a face is not the representation of a face; an inscription shaped 'L O V E' causally generated by the sea on the beach does not mean *love*.

Traces are signs that even non-linguistic animals can properly understand. All you need in order to understand what a trace represents is, indeed, a cognitive system that can be triggered by the trace perceived in an appropriate context in such a way that you can trace back to the entity that, by directly causing the trace, is represented by it. In this sense the trace is a bearer of what Grice calls "natural meaning"; that is to say: a trace is an  $x$  such that " $x$  means [or  $x$  meant] that  $p$  entails  $p$ ." (Grice 1957, 377)

A trace means nothing but its cause, and it means this cause by entailing its existence. Since ash ( $= x$ ) means that there was fire ( $= p$ ), then the presence of ash entails that there was fire. I cannot say, 'This ash means fire, but there was no fire.' By contrast, I can say, 'This red flag means danger, but there was no danger because the flag was flown by mistake.' Indeed, red flags, unlike piles of ash, are bearers of what Grice calls "non-natural meaning" – meaning of a sort which depends on the recognition not of a mere natural cause but of an intention to induce a certain belief.

There are different ways in which a trace can trigger the cognitive system. The triggering can rely upon some habit: we recognize the fire when perceiving the ash because we are accustomed to experiencing ash as a direct effect of fire. But the triggering can be assisted also by some sort of resemblance, as in the case of photographs, which are both traces and pictures. Intermediate on the spectrum between ash and photographs are cases like footprints and fingerprints, in which the trace resembles only a part (for example the foot, the finger) of the represented subject. In general, there is a variety of ways in which the recognition of a represented subject can take place starting from a perceived trace. The notion of trace is not committed to some special way of recognizing the represented subject. What really matters is just that the trace allows a suitable beholder to recognize

its cause in virtue of some manifest properties determined by the direct causal link between this very cause and this very trace.

### 3. DOCUMENTS

The scar where I cut myself shaving is a trace of an injury; but it is not a document of the injury because it was not intentionally produced with the aim of making the injury recognizable by someone experiencing the scar. Likewise, the ash is a trace of the fire but it is not a document of the fire because the ash was not intentionally produced with the aim of allowing someone to trace back to the fire which caused it. In order to be a *document*, in the sense we shall here use this term, a trace has to be intentionally produced through an act that was aimed at creating a trace. A footprint is a trace; but to the extent that it was caused by an act that was not aimed at creating a footprint it is not a document. A fingerprint taken in a public office, in contrast, does constitute a document since it is caused by acts aimed at producing this very trace.

In virtue of its being an intentionally produced trace, a document allows the beholder to trace back not only to the causal but also to the intentional source. But the document as trace is still at its root a bearer of natural meaning, in spite of being intentionally produced. This is because the existence of the document entails the existence of the act that is made recognizable by the document itself. I cannot normally say

This document attests to the Haiti 1804 Act of Independence, but there was no act of independence in Haiti in 1804.

By contrast, in the case of a bearer of non-natural meaning (for instance, a red flag signaling danger), I can perfectly well say:

This red flag signals danger, but there is no danger.

In face-to-face communication, the speaker expresses meaning by performing an act (i.e. a peculiar event), and, by directly perceiving this act the hearer can recognize what is being communicated.

When communication is mediated by documents, however, the process is more complex. A person expresses meaning by performing an act (i.e. a peculiar event) that produces a document (i.e. an object); then, usually in a different context, an audience perceives the document and recognizes that it was produced by an act aimed at expressing a certain meaning.

Thus, there are two steps in the recognition of what is communicated through a document. First, the recognition of the document as a trace of an act. Second, the recognition of what was expressed by the performer of that act. In Gricean terms, the audience recognizes that the document *naturally means* an act, thereby recognizing that this act *non-naturally meant* what was expressed.

Documents as physical objects cannot express non-natural meaning in and of themselves. They can do so only because they can be viewed as having been produced through acts aimed at expressing non-natural meaning. We commonly say things like:

This document attests that I was born in Italy.

But a more accurate rendering would be:

This document is the trace of an act that attested that I was born in Italy.

Or, equivalently, in Gricean terms:

This document naturally means an act that non-naturally meant that I was born in Italy.

A given document might be misleading or fraudulent because it was produced by an act that was intending to mislead. But there is something about which no document, as a bearer of natural meaning, can be misleading: the fact that it was produced by some act.

We treat documents as objects that naturally mean the acts producing them. When we discover that a document that we treated as authentic is in fact a fake, we do not stop treating it as a document; we just acknowledge that it was produced through an act that is of a different type from the one we supposed. For example, the Donation of Constantine was for a long time treated as the document of an act whereby the emperor Constantine transferred authority to the Pope. When it was discovered that it was a forgery, it did not cease to be a document, but it was henceforth treated as

the document of an act of forging.

To sum up, documents, like traces in general, are bearers of natural meaning; but documents have special features that come from their being produced by certain distinctive acts. By specifying different ways in which traces can be produced, we can outline a hierarchy that leads from traces to documents:

1. At the most basic level we have *the merely causal trace*, as in the case of the ash representing the fire or the scar representing the injury; here the trace depends on mental states only in the sense that, in order to really be a trace (instead of just a mere causal effect), something must have the disposition to afford the *recognition* of its cause.
2. We start to deal with documents only when the trace is intentionally produced. For example a bowl or a knife, in the appropriate context, allows us to trace back to some acts of creating or fabricating, and in this sense they are documents of some agency. That is why we find ancient bowls or knives in archaeological museums: they count as documents of the agency of ancient civilizations.<sup>4</sup> The producing act here was not, however, specifically aimed at constituting the trace as a trace. Thus, we do not yet have a full-fledged document, but just a trace that documents some agency. Let us call this case *the documenting trace*.
3. We turn to full-fledged documents when the act producing the trace is aimed at producing the trace as a body of evidence. For example a photograph is not only a trace but also a document; it was intentionally produced in order to be a trace of the fact it represents. Let us call this case *the fact-driven document*.
4. A further step in the hierarchy leads us to traces that are intentionally produced by an act aimed at constituting the trace *as a trace of the act itself*. Here documents are produced with the purpose of making the producing act permanent. Let us call this case *the act-driven*



*document*. Examples are: all of the different sorts of signs we might leave at a place with the aim of recording that we have been there, such as leaving out initials on trees, signatures in a guest book. These cases are contrasted with photographs in that the latter are produced with the purpose of making permanent the photographed scene rather than the photographer's act. Certainly the photograph as artifact is also a trace of this very act; but only in a weak sense. For while the photograph certainly allows the observer to trace back to the fact that it was produced by some photographing act, in order to become an act-driven document it would need to be enriched, for example with a photographer's signature which would make it identifiable as originating in an act of this specific photographer. The act-driven document has a stronger documentality than documents of the former kinds since it is precisely what Ferraris calls "the inscription of an act." (2012, 250)

5. Among act-driven documents, a special role in the construction of social reality is played by the outcomes of what Barry Smith (2014) calls "document acts," that is, acts in which the production of documents gives rise to a distribution of commitments and entitlements. Let us call the outcome of such an act a *social document*. A social document directly allows the beholder to trace back to the document act that produced that very document. For example, a signed deed that contains the text of a promise allows the beholder to trace back to the very act of promising whereby this document was produced. In this sense the social document constitutes exactly what Searle referred to as "a kind of standing permanent speech act."

#### 4. MULTIPLE TRACES

We have so far considered traces and documents only in terms of particulars.<sup>5</sup> A trace is a particular that makes recognizable the particular that directly caused it. Yet, in our practices, traces and documents are often repeatable types rather than particular instances of these types.<sup>6</sup> We might

produce different instances of the *same* photograph. How can we reconcile the claim that traces are particulars with the fact that in our practices documents are often treated as repeatable entities?

A trace is a particular T that makes recognizable the particular P that directly caused it. Since T is itself a particular, there could be a new trace  $T_1$  that is directly caused by T and makes T recognizable. In this sense  $T_1$  is first of all a trace of T. Yet, in making T recognizable,  $T_1$  can make P recognizable also. In this case, the only difference between T and  $T_1$  is that T is related to P by a direct causal link, while  $T_1$  is related to P via the intermediate link T. Nevertheless, both T and  $T_1$  make P recognizable and both are causally connected to it. We can thus extend our notions of trace by distinguishing between *primary traces* that are linked to their subjects directly, and *secondary traces* that are linked only indirectly.

If a trace allows for secondary traces, then it can be conceived of as a non-particular entity, namely a *type* that can have multiple *tokens*. Given a primary trace T of a particular P, if a secondary trace  $T_1$  is causally obtained from T, and if  $T_1$  preserves the properties of T that make P recognizable, then  $T_1$  also makes P recognizable while preserving a causal connection with it. In this way the trace of P becomes a *type*  $T^*$  – a non-particular that functions as a principle of collection and construction for the *particulars* T,  $T_1$ ,  $T_2$  ... that instantiate it.<sup>7</sup>

The possibility that a trace has multiple instances (the possibility of a *multiple trace*) depends upon the availability of a practice whereby the primary trace T can be reproduced by preserving T's relevant features in a way that also allows a beholder to trace back to T's original cause. Let us consider for example the case of an analog photograph. Strictly speaking, only the negative T is a trace of the photographed scene S, since only the negative is a direct causal effect of S; by contrast, the positive prints  $T_1$ ,  $T_2$ ,  $T_3$  ... should rather be considered as traces of the negative from which they were obtained. Nevertheless, if we consider photographs within a practice that ensures both

that the printed positive copies  $T_1, T_2, T_3 \dots$  are causally linked to  $T$ ,

and

that they preserve the properties of  $T$  that make  $S$  recognizable,

then we can pragmatically treat  $T_1, T_2, T_3 \dots$  as traces of  $S$  in spite of their lacking a direct causal connection to  $S$ . In other words,  $T, T_1, T_2, T_3 \dots$  are all instances of the multiple trace  $T^*$  that represents  $S$ : they are all tokens of the type  $T^*$ . In the framework of a practice allowing for repeatability, the trace is no longer a particular but rather a type (i.e., a multiple entity). The trace, *qua* type, can survive the destruction of the original particular that was directly linked to the original cause; in this way, for example, a photograph can survive the destruction of its original negative.

Since the multiple instantiation of a trace takes place within a practice, the multiplicity of this very trace can be limited by the practice itself. Thus the practice can provide practitioners with criteria allowing them to distinguish between correct and incorrect (or authorized and unauthorized) instances of a given trace. In this sense the multiple trace is constituted within a practice not only as a type, but as a normative type (Wolterstorff 1980; Davies 2012). That is to say, the practice establishes not only which properties a particular must have in order to be an instance of a given trace, but also which properties it must have in order to be a *correct* instance of this trace. Some printed copies of a given photograph can be sanctioned by a practice as incorrect instances either because they do not preserve all the relevant properties of the primary trace (in the case of a flawed print that is nonetheless derived from the negative), or because they are not appropriately related to the primary trace (as in the case of an almost perfect digital replica that is nevertheless not derived from the negative).

## 5. MULTIPLE DOCUMENTS

Like traces in general, documents too can be types having multiple instances. Given that a primary

document D makes recognizable the act A that directly produced it, there can be other secondary documents  $D_1, D_2, D_3 \dots$  causally produced from D in a way that also makes A recognizable. In the latter case, the document becomes a document type  $D^*$  that has  $D, D_1, D_2, D_3 \dots$  as its tokens. The ontological upgrade of a document from the condition of particular (a *singular document*) to that of repeatable type (a *multiple document*) can be pragmatically assessed in two contrasting ways. On the one hand, repeatability allows a document to increase its possibility of survival since the destruction of one instance of the document no longer entails the destruction of the document as such. On the other hand, repeatability weakens the relation between a document and the acts it represents in such a way that this relation is no longer constituted by a direct causal link but rather by a causal chain with several links. From this perspective, multiple documents are more easily preserved but, at the same time, they are also more easily forged, since there are several causal links all of which would need to be controlled in order to ensure that a given document is in fact causally related to the act to which it refers back.<sup>8</sup>

Consider the case of two documents that in normal circumstances enable us to catch a flight: a passport and a boarding pass. On the one hand, the passport is a singular document that preserves the act whereby the government of my country attests to my citizenship and thus enables me to enter other countries. The direct causal relation between this act and the passport is ensured by certain primary traces that serve to constitute the passport as a document: my signature, the signature of a government official, a government stamp. Certainly, *passport* could be considered as a type to the extent that there are different instances thereof (my passport, your passport, ...). Also there is a sense in which my passport could have different instances: when my passport  $O_1$  is lost or has expired it could be replaced by another passport  $O_2$ . But my two successive passports  $O_1$  and  $O_2$  are then not instances of the same document; rather, they are only entities which successively satisfy the description 'my passport'. A passport is thus essentially a single document; it is the sole

particular allowed to represent the act that constituted it as a document.

A boarding pass, on the other hand, is a multiple document that can preserve the act whereby a given airline allows me to board an aircraft across multiple instantiations. I can print as many copies of it as I want and all are of equal validity. It bears no unique signatures or unique marks but only a digital code that can easily be replicated. The causal history of the boarding pass and of the passport are similar: both are generated by singular acts – of the government on the one hand, of the airline (or of the airline's computers) on the other – that attribute special status or powers to me. The main difference lies in the fact that the act producing the passport can be made permanent only by a single particular, whereas the act producing the boarding pass can be made permanent by multiple particulars. In other words, the boarding pass, but not the passport, is a type that can be instantiated by several tokens.

In the case of the passport, the special kind of paper that is used, the photograph, the signatures, the stamps and embossings work in principle as distinctive clues that allow a beholder to directly trace back from the document to the act producing it. In the case of the boarding pass, the digital code plays a similar role but in a slightly different way. For what matters here is not a direct causal link between some token  $B_n$  (of boarding pass B) and some act A. Rather, what matters is the correspondence between the code  $C_n$  that is printed on  $B_n$  and the code  $C_0$  that was recorded in the airline's database when the act A produced the boarding pass B. The causal chain relating A to  $B_n$  is validated by the fact that the code  $C_0$  recorded in the airline's database corresponds to the code  $C_n$  printed on the token  $B_n$ . Since the digital sequence constituting the code has many digits, the probability of accidentally finding two identical sequences is so small that one can infer that codes  $C_0$  and  $C_n$  have a common causal root, namely the act A. In this sense the code constitutes the boarding pass B as a multiple document. The code allows the tokens of B to make its cause A recognizable in the framework of an appropriate practice, because B shares with A a series of digits

that is in practice ruled out from being shared on a document with this look and feel except in the case of a common causal origin.

The boarding pass can thus be considered an act-driven document to the extent that, within the framework of an appropriate practice, it allows the beholder to trace back to the original act by comparing the code printed on a token of the boarding pass with the code that was recorded in the airline's database. Yet the boarding pass as document has to do more than just making a certain act recognizable. It also has to make *me* recognizable as the client upon whom this act confers the power to board the plane. Unlike the passport, indeed, the boarding pass does not contain my photograph or signature. There is just my name printed in capital letters. When combined with the code, however, this printed name is sufficient to identify me as the subject involved in the act in which the boarding pass was constituted. This is because the boarding pass is a document produced within a framework of practices that includes a variety of other documents. The boarding pass allows a suitable observer to trace back to data recorded in the airline's database in such a way as to have the ability to identify for example the credit card I used when I bought the ticket. More generally, in the case of multiple documents, there is a complex web of causally interrelated facts that allows a suitable observer to trace back from a given instance of the document to the acts and persons involved in its production.

From an ontological point of view, the passport and the boarding pass work substantially in the same way. Both allow a suitable beholder to trace back to the relevant acts and persons involved in the production of the document. Their difference depends only on the way in which this process of tracing back takes place.

## 6. A WORLD OF DOCUMENTS

After having clarified the ontological nature of documents, we can now return to the role that documents play in the constitution of social entities. So far, we have relied upon Searle's remark to

the effect that social entities of many kinds involve “a standing permanent speech act.” (2010, 86) Furthermore, in the passage in question, Searle characterizes such an act, somewhat metaphorically, as “affixed to an object.” (2010, 86) Now it is time to focus on these objects.

In the 1995 version of Searle’s social ontology, a speech act makes it the case that a certain X counts as Y in a certain context C because it is the bearer of a certain status function in that context. That is to say that X, in that context, is affected by a certain distribution of commitments and entitlements that were specified by the content of the speech act. In the 2010 version of his theory, however, Searle recognizes that there can be social entities that are constituted only by the status function Y: what Smith calls “freestanding Y terms.” (2003, 20) Searle also recognizes that the role that was previously played by the object X in the case of freestanding Y terms has to be played by documents:

*This stability of written language enables the creation and continued existence of status functions that do not require any physical existence beyond the linguistic representations themselves. [ . . . ]* In the case of freestanding Y terms, there is no physical object or person to which the Y status function is assigned, and consequently, written language is in general essential for the creation and maintenance of these status functions. (Searle 2010, 115)

In order to be truly permanent in the relevant sense, therefore, the ‘permanent speech act’ constituting the social entity always has to be ‘affixed to an object.’ Social entities that are constituted by permanent acts just differ with respect to the kind of object to which the act can be affixed: an ordinary object X on the one hand, a written document on the other hand.

Let us consider for instance the case of private property in a piece of land. In a community without written language, the land itself allows a beholder to trace back to the acts – for example, the act of building a fence – whereby the owner constitutes this land as her property. Building the fence serves to transform an act of appropriation into a standing permanent act; the fence “says that

the owner of this object has certain rights and duties, and other people, not owners of this object, do not have those rights or duties.” (Searle 2010, 86) In a community with writing, in contrast, the act of appropriation can be made permanent more effectively by means of a written contract, which explicitly states the name of the owner, the location of the land, and the kind of ownership involved.<sup>9</sup>

In a community without written language the act of choosing a leader can be made permanent, similarly, by means of special devices like a crown or a scepter, which can play this role in virtue of their being assigned, and known by all to be assigned, to a single person. In a community with writing, in contrast, the act that assigns leadership to a person can be more efficiently made permanent by a deed of nomination. ‘X (= Obama) *counts as* Y (= the President)’ is one of Searle’s favorite examples of the creation of a social fact, and as pointed out by Ferraris (2012) what really makes permanent the act attributing leadership to Obama is not Obama’s body, but rather the nominating document that states that Obama is the winner of the election.

The point is that there are in principle two objects at play in the constitution of the ‘permanent’ ‘standing’ social entity in such cases. The first – call it the *X-object* – is that to which a certain status function is attributed by the act constituting the social entity. The second – call it the *D-object* – is that object making this act permanent. We can thus individuate four ways in which the X- and D-objects can combine to constitute social entities:

1. X- and D-objects coincide, as in the cases of coins and banknotes which can play the role of X-object (to the extent that they give their owners certain powers, for example to buy and lend) and also the role of D-object (to the extent that they make permanent the acts constituting these very coins and banknotes as legal tender for debts).
2. X- and D-objects are distinct but a physical contiguity between them is required; for example, the fence must be situated around the piece of land, and the crown should be set (on important ceremonial occasions) upon the head of the king.



3. X- and D-objects are distinct and separate, as in the case of the piece of land and the written contract that makes it count as a piece of private property, or in the case of Obama and the corresponding nominating document.
4. There is no X-object, and the D-object alone constitutes the social entity. For example, in the case of electronic money, the social entity exists entirely in virtue of certain representations in the bank's computers. This is precisely the case of freestanding Y terms, in which "there is no physical object or person to which the Y status function is assigned, and consequently, written language is in general essential for the creation and maintenance of these status functions." (Searle 2010, 115)

If all of this is right, then in order to take into account the creation of social entities we do not need two different formulas: "X counts as Y in context C" (Searle 1995, 28) on the one hand, and "We make it the case by Declaration that the Y status function exists in context C" (Searle 2010, 99) on the other. The 1995 formula is sufficient to take into account any kind of stable social entity, even in the case of freestanding Y terms, provided that we reformulate it in the following way: *the object O makes the act A permanent in the context C*. The difference between kinds of social entities reduces to a difference between the kinds of D-objects that constitute social entities by making acts permanent: those that coincide with (or, at least, must be physically contiguous to) the corresponding X-object on the one hand; and those that only play the role of D-object (either because the X-object is sharply distinct or because there is no X-object at all) on the other.

Documents like coins and banknotes are paradigmatic cases of the former (coincident) kind of D-object, while documents like contracts, deeds and regulations are paradigmatic cases of the latter. A document of the former kind has to be a single particular because it is also the bearer of the status function, so that reproducing it involves reproducing the powers assigned by the act made permanent by this document. That is why the forging of banknotes is a crime. By contrast, a document of the latter kind can be disentangled from the bearer of the status function (in the

limiting case of freestanding Y terms, there is not even a bearer), so that the act in question can be made permanent via multiple documents. Having two dollar banknotes entails having two dollars, but having two printed statements of your electronic bank account does not entail having two distinct accounts.

Not all social entities, of course, are stable social entities. There are also transient social entities of the sort which arise, for example, when I give you my beer in a bar (see Searle 2010, 89). We have not considered this transient case in the foregoing, since we were interested precisely in the questions posed when social entities are something more stable than the sorts of transient social obligation that arise in face-to-face interactions. We can conclude from our deliberations above that an important family of such stable social entities arise where social practices and documents historically reinforce each other. On the one hand, documents can exist only within a framework of practices that supports processes of tracing back from documents to the acts constituting them. On the other hand, documents allow practices to create more stable social entities by making acts permanent in effective and reliable ways. We can thus outline the construction of social reality by telling a story like this: through a gradual process social practices began to make room for documents, which then made room for further social entities, including entities of a more stable sort, which in turn made room for further types of documents and for more efficient document practices, which in turn made room for significantly more stable social entities, and so on without end. In this way, the social world historically unfolds along such a virtuous cycle of practices and documents.

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1Following Anscombe (1957) and Davidson (1980), I characterize an act as an event that is intentional under some description.

2As Smith puts it:

A speech act is evanescent, and thus seems not to be able to serve as the physical basis for the temporally extended existence of its products. As we have seen, in small societies and in simple social interactions, this physical basis can be identified with the memory traces and other features of the psychology of those involved. In the more complex social interactions characteristic of large societies, however, such memories will rarely suffice. The need to gather relevant witnesses, for example, and to hear and assess their oral testimony, will set limits to the reach of commitments entered into across both time and space. This is because witnesses die, memories fade, the potential for trust diminishes with time and distance; sometimes, indeed we wish to make commitments which will extend into a time when all of those currently alive will have passed away. (2012, 195)

3I here follow Otlet, who characterizes documents as “traces of human activity,” (1934, 217), and Briet (1951), who emphasizes that a document is a trace intended to be treated as evidence (see Buckland 1998, 226).

4Establishing that artifacts have a documenting capacity not only for archeology but for historiography as a whole is generally considered one of the main achievements of the Annales School (Forster 1978, 71–73; Schlereth 1982, 68).

5“Particulars have their place in the spatio-temporal system, or, if they have no place of their own there, are identified by reference to other particulars which do have such a place.” (Strawson 1959, 233)

6Digital technologies have radically extended and improved the repeatability of traces and documents, but this repeatability is itself a much more ancient feature, deeply rooted in human history and culture (see Buckland 1997 and 1998).

7According to Strawson a type is a non-particular that we are nevertheless inclined to treat as a genuine individual in virtue of its ability “to specify a particular, with a high degree of precision and internal elaboration.” (1959, 233) That is why, in Strawson’s view, types are not universals but rather historical non-particular individuals.

8For example, “in the circumstances that preceded the Lehman bankruptcy [. . .] the relevant chain of documentation could not be reconstituted, so that those involved were not able to rely upon legally authenticated written statements to get the facts about the underlying asserts.” (Smith 2012, 194)

9“The moment you focus your attention on the title of a house, for example, and not on the house itself, you have automatically stepped from the material world into the conceptual universe where capital lives.” (de Soto, 2002, 50)