

HOW TO INCORPORATE (WITH) DOCUMENTS

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Regardless of the fact that I am using certain texts by Searle, Smith and Ferraris (including a criticism of a position of Searle's, and the response thereof),¹ my intention is not at all to reiterate someone else's position in my own words, nor is it to question or modify some such position. My intention for now is to, using Smith's theory of the document and Ferraris' documentality, affirm the existence of several paradoxes – of which Searle rejected a few, but unconvincingly so, I think – regarding the institution (or the institutionalization of the institution) or corporation. In order to do that, it seems to me that I am forced to slightly disturb Searle's conception, in attempting to offer yet another realist contribution to a new future theory of the institution.

To begin with, I would connect two completely new elements in the social ontology of John Searle, which can be found in his brief sketch of a text on the institution from 2005. Both innovations appear thanks to Barry Smith, and Searle then repeats them once again in his latest book, without further developing them together. In “What is an Institution?”, Searle mentions the document as an addition to, but not condition or background, of any deontology. This is precisely the problem.

But the deontic powers stop at the point where the larger society requires some official documentation, they lack full deontic powers. Collective recognition is not enough. There has to be official recognition by some agency, itself supported by collective recognition, and there have to be

¹ I am speaking of the text by Bernd Prien, Jan Skudlarek, Sebastian Stolte “The Role of Declarations in the Constructions of Social Reality” (D. Franken and others, 2010), and John Searle's “Reply” in the same volume. Both texts came about as the result of a conference held in Münster in December 2009.

status indicators issued by the official agency. (Searle 2005, 15)

The insufficiency of which Searle speaks refers to the difficult transformation or transfer of a social fact into an institutional one. To reinforce or stabilize collective recognition (it seems to me that institutionalization is precisely this process), it is necessary to *de facto* 'draw' or 'extract' (or activate) the document from some, in this case, third place. This introduction of the document or its transfer from place to place, could be explained with a sort of specifying of the social, which in turn is the unconditional condition of any institutionalization.

The second fragment, a most basic proof of Searle's anti-realism, could be completely reconstructed and corrected only if the reality of the document and document acts were truly accepted. Of course, the reality of the document concerns the explanation of the nature of the power of documentality.

He [Barry Smith] pointed out that there are some institutions that have what he calls 'free-standing Y terms', where you can have a status function, but without any physical object on which the status function is imposed. A fascinating case is corporations. The laws of incorporation in a state such as California enable a status function to be constructed, so to speak, out of thin air. Thus, by a kind of performative declaration, the corporation comes into existence, but there need be no physical object which is the corporation. The corporation has to have a mailing address and a list of officers and stock holders and so on, but it does not have to be a physical object. This is a case where following the appropriate procedures counts as the creation of a corporation and where the corporation, once created, continues to exist, but there is no person or physical object which becomes the corporation. New status functions are created among people – as officers of the corporation, stockholders, and so on. There is indeed a corporation as Y, but there is no person or physical object X that counts as Y. (Searle 2005, 15-16)

“(…) but there is no person or physical object which becomes the corporation.” It seems to me unnecessary, easy and complicated at once, to show the shift in understanding of the phrase “physical object” in our day

and age – is it necessary to prove the physical existence of an SMS, deposit, bank account, electronic signature, the displayed plaque of a company, the existence of telephone calls among the signatories of a charter, etc.? The physical object is never singular, just as the performative declaration is not singular, the way it is in Searle – on the contrary.

Using two paradoxes or two models in which 'documentality' appears – document acts refer exclusively to institutions, that is, corporations, meaning that there is no institution or corporation without documents, or else that the institution (or the corporation, as a specific form of the institution) is real thanks to document acts, and not speech acts – my intention is to explain how to incorporate (with) documents. I would like to transform the three best definitions of the document we currently have (two are Smith's and the third is Ferraris') into three essential characteristics that define the relation between the institution (corporation) and documentational protocols: a) the document is something that is able to endure self-identically through time, b) that through documents things are done and the world is changed “by bringing into being new types of ownership relations, of legal accountability, of business organizations, and other creatures of modern economies, including mortgages, stocks, shares, insurance protection, and financial derivatives” (Smith 2008, 2012), and c) that the document is at once a representation of some fact and the inscription of an act (Ferraris, 2013, 250).²

The first characteristic that protects documents from change and decay in time, and gives them an always distinct concreteness, is the plurality or series of documents tightly bound together, forming a chain and referring to one another. Documentality always supposes a series of documents, a multitude of permanent acts that refer to and succeed one another, complement and reaffirm each other. A marriage is composed neither of the marriage ceremony, nor the contract of the two sides, the

² Ferraris reiterates a long tradition beginning with Fustel de Coulanges, which is positivist in essence, that the document is above all a text (Le Goff 1978, 39). In that way Ferraris is faithful to a great project begun a hundred years ago, which he develops and complements, thus transforming it. I am speaking of Paul Otlet's writings, which appear at the beginning of the century: *Constitution mondiale* (1917), *La Cité mondiale* (1927), and the book, *Traité de Documentation*, published in 1934. The “Palais Mondial” *Mundaneum* was created in Brussels in 1920 (having been conceived in 1895 when the “Institut International de Bibliographie” was founded). “*Documentation*” was envisaged “*comme science globale*,” and Suzanne Briet tried to introduce documentation as a discipline at the Sorbonne (and was rejected with preemptory explanation: “*la documentation n'existe pas*”).

promises and speech acts of the main actors, the signatures in registrars – their own or that of their witnesses – but rather the hundreds and hundreds of future documents (sometimes even documents that precede the marriage ceremony), which reassert again and again and supplement the identity of the marriage covenant between two persons and its beginning in time. In that sense, a series of documents that are in no way “accidentally” linked and cannot be “accidentally” linked represents and affirms an institution. Without the series of document acts, there is no institution of marriage, nor the memory that the marriage ever existed. The written record cannot be preserved “accidentally,” but rather only in connection with institutions. (Groebner, 2004, 124)

The second characteristic of the document or documentational process refers to the documents' authors, who are always plural (despite the fact that there is, for example, the corporation *sole*, comprised of one person only). The procedure, then, we designate with the words 'to incorporate' or 'to institutionalize' ought to be twofold or operate in two directions. I tried to express the difficulty of describing it properly with the title of this paper, where a group constitutes itself (as a group) into a legal entity (i.e. incorporating), while at the same time producing and making use of documents. The document is the product of a collective process, and at the same time, that same group is constituting itself “with” those same documents. This always double process of the same procedure represents the institution (or corporation).

The third characteristic refers to the power produced by institutions or corporations, and which is essentially documental. The size, and then the power of a group producing documents, and produced with those same documents, ought to be proportional to the “documental power” to further commit all the actors of the institutionalization or incorporation.

Paradox I: The Institution

Thoroughly simplified, one of the basic paradoxes of Searle's institutional ontology can be formulated as follows.

“The creation of institutional facts by declaration presupposes the creation of other institutional facts. In order to avoid an infinite regress, there must be a way of creating institutional facts which does not require any special authority,” (Prien & others, 2010, 167) – which seems to be impossible. Clearly I would like to remove both the words 'seems' and 'impossible', since I am not satisfied with the perspective offered by

Searle's response.³ My point, however, is not to claim that there is necessarily something outside the institution (something extra-linguistic) or some necessary authority (special or not), power or violence. That is to say, in thinking about performatives as declarations, Searle differentiates *extra-linguistic* declarations “such as adjourning the meeting, pronouncing somebody man and wife, declaring war, and so on – and *linguistic* declarations – such as promising, ordering and stating by way of declaration.” (Searle 2002, 170) For Searle, these non-linguistic cases are prototypical of declarations, and their main characteristic is that they are not derived from semantics. In a well-known example which Searle quotes several times in different places and in different ways, a man can divorce his wife by uttering three times the sentence “I divorce you.” The divorce will in certain Muslim countries actually take place, says Searle, because speech acts in these cases are derived from legal or theological powers. (Searle 2002, 170) Power or powers is a word which is used here perhaps for the first time in this way, whereas recently, as we know, many of Searle's texts are organized around that word or words force, violence or constraint. It might be important that what Searle names as power or *extra-linguistic* declaration, could also be named a document. War has been declared because the decision was reached and the declaration dispatched to the other side, the meeting was suspended because someone holds a warrant, a piece of paper, and exercises an authority, while the procedure of repetition of the sentence “I divorce you,” is in fact a quote found in codices and religious rules of some Muslim minorities and tribes. For war

³ Searle's response to this problem is that it is not a problem. “A further point of disagreement between me and them is that they think you need a special authority to create institutional reality by (representations that have the same logical form as) Declarations. This is a mistake as several of my examples illustrate. You do not need special authority to create every type of institutional fact, otherwise it would not be possible for the system of institutional fact to ever get started. You have to begin somewhere, simply by creating and getting other people to accept institutional reality.” (Searle, 2010b, 229). I think it was sentences like this, in which someone who creates institutional reality ought to get others to accept it, that prompted Raimo Tuomela's criticism about individualistic collective acceptance of what has been declared and of speech act theory as essentially an individualistic theory. (Tuomela, 2011, 708) In the book *Making the Social World*, the word 'making' serves Searle in explaining the beginning of the institution or institutionalization. “God can create light by saying “Let there be light!” Well, we cannot create light but we have a similar remarkable capacity. We can create boundaries, kings, and corporations by saying something equivalent to “Let this be a boundary!” “Let the oldest son be the king!” “Let there be a corporation!”” (Searle, 2010a, 100)

to be declared and of course begin, it necessarily needs to be written down somewhere. A *'homo documentator'* is necessary. (Briet, 1951, 19) So, what Searle here calls “power(s)”, in fact comes from the document and the consent that precedes the *linguistic* declaration, and in a sense even institutions in general. What will become a new problem, but remains outside the scope of this article, is that even so-called speech acts, which are derived from semantics (promising, ordering, declaring, etc.), could also follow from various collections of rules and laws, and have a documental origin.

Contrary to Searle, then, an institutional fact is immediately preceded by the document, in the broadest sense of the term. In other words, a document is a special kind of institutional fact. And if I had to 'document' this paradoxical moment now in Searlean language, I would take a sentence of his about the corporation in his latest book, *Making the Social World*: “So the Law is a Declaration that authorizes other Declarations.”⁴ In this case, 'Law' is the document, and it is not at all surprising that it is precisely when we arrive at “A Complex Case: Creating a Corporation” that the “special role of writing” is problematized and that syntagmas like “writing language,” “written speech act,” “written constitutive rules,” or “written record” appear.⁵ To the extent to which the title and subtitle of this paper had to be imprecise, I will now assume that in between so-called 'brute' and 'social' facts, and then in between 'social' and 'institutional' facts, there is some sort of documental reality. Since we are dealing with the document, let me tangentially insist on the material (the paper, the ink, the body of the text, or if you will, the sound, the

⁴ (Searle 2010a, 100) The corporation is the novelty in Searle's latest book, even though he mentions it for the first time in 2004 at a conference at the University of Hertfordshire.

⁵ (Searle 2010a, 98-100, 115) Law is law, or the document is the document, because it is alive and vocal, because the letter (the paper) “has a voice.” For example, Jewish political theory and Jewish Law Theory recognize a clear distinction between the Verbal and Written Obligation. A written obligation entitles the creditor to recover payment out of the debtor's encumbered assets which are in the hands of a third party, a right unavailable in the case of a mere verbal obligation, since the obligation or debt has no *kol* (“voice”) and does not provide notice that will put prospective purchasers on their guard. In the case of a written obligation, a plea by the debtor that he has repaid the debt is not accepted without written proof, as would be the case with a verbal obligation. Thus, for example, an undertaking, even if in the debtor's own handwriting but not signed by witnesses, will be treated as a verbal obligation, since only a properly written, witnessed, and signed obligation carries a “voice and constitutes notice.” *Bava Batra* 175b. (Elon 1975, 244)

phoneme, the materiality of the signifier, the body of one making it). Namely, between, on the one hand, the virtual reality of the law or certain rules (a space in which a usually small group of people, certainly empowered or protected by some authority [or more precisely protected by weapons], imposes an institutional reality on others [or on all] by constructing [formulating, designing] the text of the law or rules) and, on the other hand, various statements often read (or uttered) by a rabbi, priest, lawyer, officer or air hostess, or else a money bill, property, marriage, or a declaration of the type 'This is my house' – that is, between these two 'realities' there is a so-called “written record.” This is the charter which creates a legal person or corporation, a decision of the governor to issue bills of this specific design, a record, a birth certificate, marriage license, lease, contract, proof of ownership, etc. I do not have to declare “this is my house,” nor say “I am married to Sonia,” to only then create the right to the house “because the right only exists by collective acceptance.” The possibility to document what I say when I say that “this is my house,” to show my papers, my ID, driver's license, to demand that the lawyer show me the article of law that allows the creation of a corporation, or that the employer produce the decision based on which I am being let go – is paramount for the creation of institutional reality. But not sufficient. The sentence “our marriage exists only on paper” (I am not sure whether this sentence works in English; this is what it would be in German. “*Wir sind nur noch auf dem Papier verheiratet*”) marks that our current relationship is not in harmony with the contract we signed, and that our marriage is not worth the paper it is written on. One of the main characteristics of the institution, which Hume differentiates from and opposes to the contract (law) – apart from that the institution, unlike the contract, supposes the existence of a third party (that is, the possibility that someone else join, a sense in which the institution implicitly counts everyone in, excludes no one, and ultimately assumes that there is nothing outside the institution), and that the institution is coercive because formed by various transformations of violence and force – is its artificial nature, as well as the possibility of incorporating law into a group or tying a collective together. The fact that the paper (the marriage certificate), as a document, is not a strong enough connective to keep a couple in love – after all, neither is the once upon a time performed ceremony in which we promised to have and to hold one another – does not exclude the institutional fact that our marriage still exists. The question then implied by the “normal little words 'real'” (and which are not normal at all)⁶ in the subtitle of this

⁶ (Austin, 1962, 71) Let me offer a reminder that in his 1959 lectures, Austin

paper ('real' and 'realism') regards the existence of the institution of marriage that exists only on paper, that is, the status of the document within the institution. Do we have a real marriage (or a factual marriage) because we are not divorced, or is the document the source of reality and then the institution? In other words, does the document institutionalize, or are we in fact, really separated, we could say organically separated, and together on paper only?⁷ An institution is real if and only if it can be documented. That is, to institutionalize (I choose the verb) means in fact to publish or further attach documents (a synonym for *documentum* or its prototype, is *instrumentum* [a statement made publicly, or in the presence of several witnesses]; in a different context, documentation is nothing other than argumentation). The institution becomes an institution if it is constantly in the process of institutionalizing or documenting. To defend this option, it seems necessary to me to show that a greater transfer or distribution of paper (documents) between partners, certainly makes the marriage not only on paper. The more invoices, bills, receipts, tax declarations, etc., put simply: the more papers or the more documents – the more love.

Reality is thus ensured by the production and proliferation of documents, and their collecting.

Paradox II: The Corporation

What is it that the following sentence is saying?

“If you are planning to start your own business, you should know how to incorporate.”

Does the second part, “how to incorporate,” have anything to do with the institution? More interesting, I think, than enumerating all the differences between the institution and corporation (or company), and the usual disdain towards the corporation as an emblem and essence of

designates the “little word real” first as a “normal word,” and then claims that “real is not a normal word at all.”

⁷ Hodgson's “organicist ontology” (Hodgson, 1999, 89) thematized the organic and biological analogies throughout the Western world. It seems to me that the introduction of the concept of 'organization', as well as the differentiating between an organization and institution in the last century, is analogous to contemporary differentiation between the real and the institutional. Organization refers to subjects, to collective actors, whereas institution refers to the relations between actors, to the objective (Knight, 1992, 3); the institution refers to the rules of the game, the organization to the players.

capitalism, would be to insist on a set of various operations or cooperations that go along with the claim made by person X about the necessity of possessing a certain kind of knowledge as the basis for, ultimately, producing profit and sustaining that profit or company.⁸ A company, a firm, a partnership, a *société anonyme*, a corporation, has to be registered (to be set in the register, to be incorporated) according to rules set by the state, generally simple, and which should be familiar (“you should know”).⁹ “X” is first a person (an “institutional person,” not just a subject or agent¹⁰). “Institutional person” or “corporative person” implies the transfer or transformation from the singular to the plural, from first person singular to first person plural; “X” has certain interests and is surrounded by others with whom it wishes to work and who share that interest (right away we encounter the representative of this group, which will quickly lead us to Hegel and the problem of interest representation or identity representation; in that case, the unit or group will be incorporated in the action of a certain portion of the whole that represents – because considers itself identical to – that whole); further, this is neither a group of thieves, nor criminals, nor undocumented workers, since the group is ready to publicly declare its work (through “public declarations;” of course, it remains to be seen whether the institutional structure allows the group to make certain public declarations, or on the contrary, the public declarations institutionally design the group); “X” can also be single, in which case we are speaking of a “*corporation sole*; a legal entity consisting of a single (“sole”) incorporated office, occupied by a single man or woman” (however, in that case, what has been abandoned is, in Searle’s words, one of the main inventions of contemporary capitalism – limited liability; thus *corporation sole* is characterized by unlimited liability, meaning that if you have business debts, personal assets would be used to pay them off); further still, “plan to start your own business” implies constituting a new, dynamic entity, capable of competing with

⁸ In his thesis on institutionalism (1933), André Desqueyrat speaks about “*institution corporative*” which has three characteristics: the idea of a goal that ought to be realized in a social group; organizational power for the purpose of realizing that idea; and the manifestation of a community emerging from the social group for the sake of the idea and its realization.

⁹ “In America, for example, there are 6 million companies, employing 120 million people, which is two fifths of the entire American population. Around 3 million new companies are registered world-wide every year.” (Mayer, 2013, 22).

¹⁰ This is my paraphrasing of Pettit, that the personal point of view is the condition for institutional design: “The personal point of view must have this indexical, first-personal character.” (Pettit, 1996, 260)

other entities, fighting for profit, expanding and developing; finally, “to incorporate” (with all the theological and above all Christian connotations of the term) *de facto* represents a certain documentation procedure, or writing act or acts. In these last two operations, certain real, living people,¹¹ exist and “transform,” through a given procedure (one made up of documents, hence objective), into a completely new entity or new form in order to more simply, quickly or safely achieve certain goals (gather new people, money, property, reserves, funds, only to redistribute them again, since “to have” always also means to distribute, to change that which is). It is precisely these last two operations that introduce the word reality or realism. Paradoxically, the question of the real existence of this new, incorporated entity (or corporation) cannot be separated from the real existence of a group that has just been constituted and united by incorporating, and is now together “on paper.”

Before I give my reasons to hold together the three words (that Realism is, or presupposes or assumes a connection between Institution and Corporation), I can say, from the off, that I am interested in money and profit (or more precisely, “amount” of money or profit, or even better, “amount” as such) as the integrative element or factor of a community, as well as one of the main attributes of Realism. As example, let me offer a case that is as trivial as it is common, and that academics doubtless encounter often. A professor from the University of Irvine in California, expert in social ontology, was out to dinner in Milan with a few colleagues. Immediately before ordering food, the professor hesitates over the menu, and asks discreetly who is paying for the dinner. It is important to establish, before the food is ordered, that neither she nor anyone else at the table is paying “personally,” out of their own pockets, for dinner in Milan. Imagine that the university in Milan, which is in fact paying for the expensive meal, is a corporation – and not just an institution, but a corporation (whereby one of the simpler definitions of a corporation could be “a collection of many individuals united into one body, under special denomination and authorized by law to act as a unit”), that is, something insufficiently existent (someone without soul and body [*universitas non habet corpus nec animam, est res inanimata,* Pope Innocent IV], someone fictional etc.). We ought heed this comment by Sinibaldus de Flisco, aka Innocentius IV, whose interpretation is usually considered relevant for so called fictitious theory, that is, for a potential explanation of

¹¹ “Corporations are at least as real as people.” “Corporation is real because it is an artifact whose constituents typically include real people as well as real assets, as well as intangibles such as credit and goodwill.” (Dejnozka, 2007, 71, 102)

a virtual entity or “as if” entity. We are dealing with something deficient, which exists but does not contain all the attributes of existence, which is a something or a thing, but a thing without either “body or soul.”

Further, someone is paying for dinner (the restaurant will send the university a bill or one of the hosts will pay and be reimbursed at a later date) – without money it would be truly impossible to spend, say, two and a half hours in a restaurant in Milan. Finally, the restaurant in Milan (an establishment registered as a partnership, for example), the university (an institution or corporation or “company” [the continental name for a corporation]), registered or incorporated Italian banks through which one pays, etc., are, for instance, three sites among which certain documents, receipts, copies, contracts, and charters flow. These documents, then, issued and controlled by certain departments or agencies of the state, ensure the reality and duration of these organizations. It seems to me that it is above all the number of people, money, documents, institutions, food, enjoyment, as well as the level of responsibility for the expenditure or crisis or bankruptcy, that determines the power or degree of realism here in play.

I suggest that the concept of “amount” and number regulate the status of the “real” and admit that this is one of two reasons why I placed the word corporation, a specific kind of institution that immediately represents business, earnings, profit, and expansion, in the title. For something to be “real,” it must exist in time and in a process of realization. Among the many characteristics and themes initiated by the corporation (certainly one of the more significant human inventions), some of the most important are the protection of the rights of the individual, limited liability and corporate responsibility (the sentence “I didn't do it; the company did” belongs to this protocol), as well as the relation between corporate and canonical law, the partnership and corporation, and not least the decades long resistance and critical and hypocritical stances toward the corporation as a foundation of capitalism. However, the principal reason why I introduced the corporation is of course the status of the real (or the status of real), immediately brought into question when this “judicial hallucination” is mentioned. In other words, could the corporation or the company be a good instrument for the reconstruction of our concept of reality, and then all the alternative terms that have always stood side by side with the terms “real” or “realism” (effective, actual, concrete, evident, objective, material, physical, factual, etc.)?

It is this link between the institution and realism (“institutional realism”¹²) or reality and corporation that ought to affirm three circular moments which I would like to defend, and which are the key contribution to my little future theory of the institution. First, to register or to be incorporated (by way of charter or document) means to be “real” or, more generally, to “exist.” Second, even before the incorporation which assumes making a new person or new body (public and official) along with others (transforming oneself into something else along with others), there is a multitude of relations and they are social facts (which is why the corporation or institution will be real).¹³ Third, that a “written document” or a “written act” (written Declaration or Charter) constitutes or institutionalizes a group or collective (and protects its existence in time). Thus, the institution is always preceded by certain, less developed, institutional forms. (Cautiously, we could here use Searle’s term “institutional background.”) This idea of circularity protects me from certain other elements which play a role in Searle’s theory of the institution and corporation: the advantage of speech over writing, and the absence or

¹² “Institutions represent – in a sense, are – our connectedness (...) Institutions are physical wholes composed of human parts.” (Grafstein, 1992, 13, 22). Institutional realism is supposed to oppose new institutionalism, as yet another extreme form of conventionalism, as well as anti-realist philosophy of social science. “Realism assures us that those reciprocal influences which we are then in a position to attribute to institutions and participants are physically realised in ways that, in principle, are comprehensible to science. As aggregates of human beings, institutions are, unproblematically, entities determined by their participants. As distinct physical entities, institutions can be distinct social forces.”

¹³ In a sense, this is a reformulation of the so-called Reality Theory defended by Otto von Gierke. “Reality Theory recognizes corporations to be pre-legal existing sociological persons. (...) Law cannot create its subjects, it only determines which societal facts are in conformity with its requirements.” (French, 1979, 209) The Law only recognizes the corporation; it did not create it. Regardless of the fact that von Gierke differentiates the corporation from the institution (*Anstalt*), collective personality is, according to him, not a fictitious person, but rather a real existence (*eine reale Existenz*). Here is a passage explaining more clearly the corporation and institution, quite in line with von Gierke. Pitirim Sorokin writes: “Since the Roman law, two main forms of the juridical personality have been distinguished: (1) Corporations (*universitas personarum* or the medieval *collegia personalia*) where the union of the members as persons is stressed – such as most of various corporations, incorporated societies, firms etc. (2) Institutions (*universitas bonorum* or the medieval *collegia realia*) as a complex of property with a specific purpose, endowed by the law to act as a single person, such as various universities, asylums, etc.” (Sorokin, 1966, 38)

hesitation in the introduction of the document (and a document is not an object); the importance of power and its ultimate example – the state (the institution above all institutions), which always has the first and last word in registering a corporation; the collective is secondary, and Searle displays carelessness when saying that acceptance of others is a necessary condition of creating deontic powers; and finally, Searle's understanding of the physical object is too obscure and points latently to his anti-realism.

The amount of documents, various transactions and contracts within the corporation and institution, truly surpasses the importance of the act of the founding of the corporation (“executing and filing articles of incorporation” or “filling a legislation document with a state officer”), and places the lesser importance on the function of the state, and in general the medieval institution of creating a corporation (*fiat doctrine*), something that especially interests John Searle. If we plot the role of the state in founding corporations (or institutions in general) through history, we can notice that only in certain very rare periods (of colonialism, for example) does the state found and control, meaning gives the privilege to incorporate to certain powerful groups. For that reason it seems to me that even a moderate institutional realism necessarily assumes an “ontological egalitarianism,” generally lacking in Searle.¹⁴ *Homo documentator*, as the inheritor and contributor to Paul Otlet's great project *Mundaneum*, certainly surpasses “the government as ultimate institutional structure,”¹⁵ and puts in the place of the state – Europe and *la Cité mondiale* or *République mondiale*.¹⁶

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¹⁴ “Relational descriptions tying objects together – son of, slave of, president of, votes for, interrogates – are not, according to ontological egalitarianism, ontological superior to other collections of objects.” (Grafstein, 1992, 24)

¹⁵ (Searle, 2007, 96) (Searle, 2010a, 161)

¹⁶ (Otlet, 1989, 419) “The institution, says Paul Otlet, is a free grouping of forces of the will, a federation of organisms, a union of national and international associations.” (Otlet, 1989, 417) Ferraris' book is structured in the same way and the chapters are marked like in Paul Otlet's book.

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