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Auto-Documentality as Rights and Powers

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Recently Michael Buckland (2017) discovered that, presaging the famous figure of the antelope in Suzanne Briet's *Qu'est-ce que la documentation?* (Briet, 1951), there was the concept of "autodocument" with the figure of a gorilla in her student Robert Pagès' work.

What this poses in terms of the epistemology of documentation as applied to beings is the possibility that a document is not fully created by documentary primary and secondary ontologies as Briet suggested, but rather that beings, as well as natural entities more fully, also act as self-evidential signs. What powers of being evident exist for the antelope—or any entity—before its capture and cataloging? Can we speak of it being a document outside of documentation?

In this paper, extrapolating from my forthcoming book *Documentarity: Evidence, Ontology, and Inscription*, I'd like to explore such self-evidentiality in terms of human, non-human, and, more broadly speaking, natural entities.¹ I'd like to explore this in terms of two analyses: first, that of rights discourses from 17th-century Western Europe onward; and second, according to an epistemology of what the philosopher Rom Harré (1995) has called "powerful particulars." I will discuss rights through a conceptual-historical notion of *rights drift* from the beginnings of modernity up until the present time. And I will discuss powerful particulars in terms of dispositional powers and their affordances.

I. Natural and Human Rights

Most of the history of human moral theory has been about obligation rights, not innate rights of freedom of expression. One was born in a socially or theologically "natural" order and so one had *repons*-ibilities. One responded to the needs of others within social or theological systems that gave one certain powers or "rights," or not. Such systems tended to be hierarchical in terms of obligations, though there were obligations in the reverse, as well, if for no other practical reason than that of maintaining the system itself. A citizen-subject was obliged to serve the king, the servant to serve masters, children to serve parents, animals to serve their owners, and aristocrats to serve (in a manner of speaking) the rules of aristocratic behavior, as well as sometimes to be benevolent to those beneath them. The notion of natural rights as rights of powers of expression free from social rules and roles of behavior is a rather unique metaphysical concept, which we see valorized in the writings of John Locke and in the innate or "natural" rights accorded to persons in subsequent national documents, such as the United States Constitution.

If obligation rights were defined by powers of service that were accorded to one by assumed transcendental states of being or by more powerful others, natural rights theory from the 17th century onward has stressed powers possessed by

¹ I use the neologism *documentarity* in that book for a specific critical reason that is not fully applicable here, where I use in my title the usual term, *documentality*.

individuals, either by their belonging in groups—foremost, the group of human beings—or by being selves with particular innate qualities. They are what we could call expressive rights. Consequently, personal identity no longer simply has been positioned in the grids of moral rules and roles that define social personhood—i.e., being a mother, being a professor, being a doctor, etc.—but rather, it also includes an element of selfhood known by potential and unique powers.

It's important to recognize that this notion of self in personal psychology also came about at the time of the rise of experimentalism. Experimentalism is based on controlling variables in order to allow innate qualities to be expressed. The theory of natural rights as innate powers—dispositions—has analogues in the natural sciences, where innate powers are expressed by entities within given conditions. The common core is the notion that particulars are powerful, at least within certain conditions of expression and certain ways of understanding those conditions. In natural rights theory, the powers of particulars are attributable to some sort of innate powers that are “inalienable,” or cannot be taken away. They are “natural,” in this sense, to the entity involved.

Human rights apply to all those entities considered to be *human*. As we know, this has been anything but an uncontentious concept since the 17th century. For example, during the Spanish and Portuguese colonialism of the Americas, the Valladolid debate (1550–1551) discussed whether the native peoples could be considered to be humans on par with their European counterparts. Mercantile slavery took darker skin-colored African or African descendants to be objects of ownership, akin to farm animals and other tools of labor and trade. Women didn't have rights to vote in most countries until the 20th century. The spread of inalienable rights of expression and agency across many social arenas has occurred over several centuries.

We should also note that modern human rights, following natural rights, has two pillars: freedoms of expression, and more recently, in the post–World War II era, freedom of access to information. The latter is meant to extend the former at the level of governmental information, though with some restrictions meant to keep “state secrets.” States, as human beings, have rights of not only expressive powers, but of restrictive silence upon such within their own documents and upon others.

II. Rights of Truth

If human rights have spread from being individual rights of expression to being individual rights of access to information in the 20th century, this latter right has spread beyond “information” understood as documents to the international law principle of the Right to Truth. This principle, which is more well known in Latin America and post-Apartheid South Africa than in the Anglo-American sphere, affords relatives of victims of military dictatorships and other “states of exception”

within national histories the right to know what has happened to their family members. In principle, it also sometimes allows for the nation as a whole to find out the truth of what has happened. Though the right to truth presupposes documentary evidence, it also demands a broader articulation of the meaning of those documents toward revealing the truth of an event.

Rights to truth often occur within contexts of the erasure of events from history. They often occur, as well, in the context of the need to address the past by a need for a future, a future based on confession and sometimes political reconciliation. In Yasmin Naqvi's words, "the right to the truth stands somewhere on the threshold of a legal norm and a narrative device" (Naqvi, 2006). As such, the right to truth brings into focus the narrative and contextual nature of human rights. Human rights belong to those for whom certain expressions and evidence make sense for others. Speech is a "right" for those who have the apparatuses to speak, but there is no such thing as a right to "free speech" per se. Rather, there is a right to make expressions by whatever means. Speech itself is only inalienable as a physical affordance; meaningful speech (even if a grunt) is a cultural and social affordance, and so this is what its "freedom" refers to. All such expression finds meaning, and also limitations or pressures for limitation, in language acts.

This issue becomes even more pressing if we consider the limitations for rights to truth when applied to prehistorical genocides or genocides whose recordings are not in the form of writing, or at least alphabetical writing. Even in the midst of political and social repression, the onus is upon the victims to speak in the terms of the likely victors. Truth, as is often said, belongs to the victors—but not only in terms of documents, and not only in terms of having the last word, but in terms of having the right words, or words at all. If truth is a function of documents, and the nature of documentary evidence, particularly in written form, is limited to the victors, then it is difficult to produce evidence of what happened in any fair manner. Moreover, history itself is often seen in terms of written documents.

The right to truth, by bringing documents into a dialectical communicative arena for social and political debate and into the arena of truth tribunals, allows truth to come forward in not only content, but form. Conversation can bring things into light that can be hidden by the univocal plane of writing. Just by asking questions, people can confess to what they can hide in writing. With conversation, even history can be brought into the present, maybe not fully in the way it was, but in the manner it is seen by those fully expressing it in the present and into the future.

III. Animal Rights

It isn't with lack of tact that we go from discussing the rights of those human beings who have been denied human rights to the rights of non-human animals. Repressed

and enslaved human beings are often treated and given the ontological rights of non-human animals—treated as beasts of burden and treated as “wild” animals.

What is it that animals are seen to lack in the Western tradition, that is then attributed to humans? The answer is, in brief, representations of current experience and the ability to infer future (and past) events from this.

Jean-François Lhermitte in his book, *L'Animal vertueux dans la philosophie antique à l'époque imperial* (Lhermitte & Burgat, 2015, p. 165), argues that in Aristotle's works human and animal sensibility or perception (αἴσθησις) is differentiated according to the former's relationship to *logos* (λόγος), so that perception is a “full perception,” that is, simultaneously a sensual representation (φαντασία αισθητική) and a deliberative representation (φαντασία βουλευτική).

Deliberative representation is characterized by the human ability to infer from one example to many and to abstract from this, so that, for example, humans create moral values. It isn't just inference from a single example that is being claimed, but the ability to create concepts by means of *phantasia* or representations.

This ability to form concepts has often been confused with having language itself, and having language has been confused with having this or that language. History is replete with examples of authors giving privilege to this or that language for thinking this or that type of concept, with such being seen as a sign of a “higher”-order cognitive ability. The belief in the great order of being is drawn up of not only linguistic registers, but epistemic ones.

So, too, have animals been ranked as being companions or being food for human beings by matter of their ability to be domesticated (and within domestication there are divisions as well, of course, as often “domestication” means being ready to be consumed). In terms of animal closeness to the human life-world, membership can have its privileges, at least for the moment.

Humans, as it were, have given themselves rights of giving self-evidence. And as humans, they have the right to evidence itself in so far as evidence corresponds to concepts of proof. Just as “raw data is any oxymoron,” so raw evidence of any sort is an oxymoron.

There are other ways of understanding animal being, however, that are informational, and not just as evidence. Eduardo Kohn (2013), in his work on the Runa people and their natural environment in Ecuador's Upper Amazon, discusses information communicationally, as semiotic affects in Peircian indexical relationships. One of his examples is that of a falling tree that causes the monkeys to call out warnings. We also see such in songbirds, for example, where the sighting of a hawk causes a tsunami of warnings to spread through the forest, beginning with chickadees and titmice and progressing to jays and larger birds. Here, the evidence of a hawk occurs in the transmission of information along communicative trains. “Information” does not end in a representational concept, but rather the concept is embodied in the trains of communication it occurs in. This is somewhat similar to

Latour's (1987, 1996) concept of information, in which information is the process of communication up and down streams in lines of production of meaning and knowledge (for example, from scientific field work to article publication to use in further field work). Information here isn't iconic, but rather is communicative and, in Kohn's work, affective. It assumes a sort of affective machinics of both signifying and a-signifying semiotics, to put it in Félix Guattari and Gilles Deleuze's terms.

For Kohn (2013), not only animals, but entire ecosystems "think" and express themselves. In this, they give evidence of themselves as themselves. The notion of individual and group being is here blurred.

IV. Rights of Nature

If not only humans but animals can give evidence of themselves as powerful particulars, recent law, emanating from the United States but given most pronounced expression in Ecuador's famous Chapter 7 of Title 2 of their Constitution of 2008 which gives rights to "Pachamama" and Bolivia's *Ley de Derechos de la Madre Tierra* of 2010, grants such to larger ecosystems than what we ordinarily see as organic bodies. Trees, forests, lakes, and so forth are granted rights, not just as offshoots of civil law judgments between humans, but *sui generis* (Stone, 2010). Like Kohn's notions of forests "speaking," this perspective assumes autonomous bodies made up of large ecosystems. It grants ecological systems rights of rights-bearing entities like human beings (and, in the United States, like other legal "organisms," such as corporations). Such bodies are "superorganisms" that are granted, by legal analogy and institution, rights on the level of intention-bearing human beings.

V. Rights Drift and Powers of Evidence

What we see in this "rights drift" from human beings to natural bodies to ecosystems in Western modernity is an increasing tendency to extend a certain concept of innate human rights to animals of all sorts and even to ecologies. This drift is one tied to the notion of innate powers resting in particulars, what we have called, in Rom Harré's (1995) phrase, "powerful particulars." For Harré, powerful particulars can be described within an epistemology of dispositions and affordances. In the past several hundred years in the West, expressive rights have expanded, and obligation rights have shrunk. Rights of expression are claimed for organisms, parts of organisms, and superorganisms and, at least with humans, against both intentional and unintentional repressions of such rights. If any self is built up of available expressive parts for deployments in new situations, then are humans so unique? Can we separate the learned skill "toolboxes" that make up the

self from the cellular toolboxes that make up any superorganism? With this line of thought, the lines between intentional beings and “unintentional” or “non-conscious” beings become blurrier, and so with that, the notion of the self has expanded to include “particulars” made up solely of combinations of “cellular” units. All multi-cellular organisms, thus, may be seen as having intention, as well, and so, at least speculatively, we would have to consider their availability to having rights, as well. (As absurd as it sounds, will we someday even entertain cancer ecologies as having rights, perhaps?)

How are such powerful particulars conceptualized in distinction to traditional documentary ontology? First, there is the notion that beings are not just to be recognized in terms of their category inclusion or class (for example, this antelope is an example of a new species of antelope, or even of antelopes altogether). Beings, or entities more broadly, are recognized as having inherent powers as particulars, which in the case of inorganic entities often is included in their class identities, but in in the case of (particularly higher-level) organisms constitute a uniqueness that is also due to the role of learning from experience.

Somewhat contrary to the expansion of rights discourse to all types of entities that we discussed above, we could assert that inorganic individuals are closely aligned to class identities because the expression of their powers in regard to certain contextual affordances are causally necessary at some common level of analysis. Iron is attracted to a magnet or it is not iron. The relation is causal and any change to the iron will make it less or not iron. There may be different cultural symbols associated with iron—“iron,” “Fe,” etc.—however all these refer to the same entity made up of necessary dispositional powers. Inorganic materials are in this way reductive to their physical dispositions (that is, to physical powers that are more or less innate in them).

Organic entities, however, learn from experience. Their physical dispositions may be innate, but how they are used greatly depends on the cultural forms for expression and the social norms for those expressions. Their physical dispositions can also be modified, based on the cultural and social norms in which physical dispositions are expressed, such as is the case with an athlete’s body that has been trained in a certain type of sport.

Higher-level organisms have a greater level of potential expressions in their dispositions (particularly the socially and culturally derived ones). Their dispositions are “potential” and their expressions correlational to their potentials, rather than possible and causal. Their toolboxes of expression are “virtual” in this sense and are *actualized* rather than “possible” and “realized” (to use the language of Gilles Deleuze, 1994). For example, if we want to know a person’s ability to speak French, we ask them to speak French or we look for a language diploma in French. We could look in their brains for *French*, but this would be useless, because all we would find are neurons that perhaps could be correlated to the speaking or

writing of French. And even if we did say that they could speak French by asking them to do such or looking at a diploma for such, there is no absolute manner by which we could say that this or that person speaks French, since there are many different ways of measuring fluency, which would apply even to a native speaker. Another example of the hypothetical nature of judging the dispositions of higher-level organisms would be that of measuring IQ by giving an IQ test. It may be that a person achieves different scores on such a test on different days or with different forms of the test. The person hasn't gained or lost intelligence between these occurrences, but rather a test is a measure of a singular performance by a person, not of intelligence lying in the brain or elsewhere. We may infer the latter, but we cannot physiologically reduce cultural and social traces. Evidence of a higher-level organism's social or cultural being cannot be reduced to physiological causes.

Returning to Pagès' and Briet's works, we can say that if a rock has properties of self-evidence, it is because of necessary qualities that fit within documentary categories. Whether weighed in pounds or kilograms, whether called yellow or red, if I stub my toe on a rock, it hurts. Such objects are very well suited to what Briet called "initial classification"—documentary ontologies—because the attributes given to a thing by documentary categories are relatively unperturbed by powers of expression inherent in the particulars. Particularly with inorganic entities, such expressive possibilities can be near zero when observed at ordinary levels.

Antelopes and gorillas, however are beings with some variability among individuals in their expressive behaviors. We cannot as easily say that an example of one particular is the same as another with the same degree of confidence as we can say, on ordinary observation at least, that this and that rock both have the inherent properties of quartz. The particular is *singular* rather than simply being an *individual* among other individuals in a group. We may have an example of a species of bird in an aviary which can help us as an example of a species type by which we then can compare one species with another, but this type-token relationship misses the particular and can only tell us at a physical level about not only the class of bird but the individual. (Even class relationships are difficult to tell in the case of birds, however, since birds have many hybrids, separated into subspecies by means of song, territory, etc.). To account for the being of a particular being in the case of organic and, particularly, higher-order animals, we must also look at the behaviors of individuals, not just at the physical parts involved.

For agency rights, at least, the self is fundamental to expression. It is more fundamental than "speech," because speech as an inalienable right is but a trope for the concept of expression, of which speech proper is only one form. "Free speech" means the expressions of a self. "Free" refers to the ability to have a choice of making expressions. And though there are not any contexts where meaningful expressions can be said to be totally within the domains of the choice of individuals, since language is a social event and context normalizes meaning, nonetheless the

self is said to be free by having the option of making or not making expressions out of repertoires of available scripts.

VI. Iconic Representations

As has been mentioned, one of the characteristics that is said to give humans the particular quality of being self-evidential as humans as a species and as particular human beings is their ability to create concepts out of experiences. Deliberative thought is not simply the application of previous experiences to new situations, but the ability to consider the future as a real and not just speculative hypothetical and to decide to apply this or that set of experiences to that hypothetical. Indeed, the very notion of the future as a durational, experiential notion is dependent upon such an ability.

Expressionist and phenomenological philosophies show us several manners by which humans become self-evidential as a type of being: awareness of their physical and temporal existence, use of sophisticated linguistic tools, abstract concepts (such as “world”), and an ability to conceptualize their existence as being finite. These constitute the epistemic and affective bonds of humans with other humans and the means by which they can bond with other beings in the world.

However, another manner that bonds humans is deliberative thought. What, however, are the tools of such thought? Certainly, logic and other techniques and methods of inference are such. Also concepts or ideas, understood as forms or constellations of meaningful signs and their correlative actions upon the empirical world and upon other meaningful signs, generating what we often differentiate in English as action and thought. It is important to note that in modernity, much of deliberative thought, as well as the temporal progress and the notion of temporality as progressive and as progress, is dependent on documents. This is not only true in knowledge institutions, but also in everyday life. Bourgeois worlds are made possible by means of texts and documents, in order to both understand the world beyond one’s present circumstances and time and for advancing through it by means of certificates such as degrees and, as Buckland (2014) suggests, passports and other such documents for practical identification.

This is a notion of documentality that is not representationally reductive in the manner that documentation theory in libraries and bibliography has done. Contrary to our usual way of thinking about them, all documents, including iconic or “representational” ones, are used in pragmatic, indexical manners. As Latour points out, a map doesn’t represent a mountain in the sense of imagining it in an exact manner, but rather, provides a means of negotiating it (Latour, 1996). It *prescribes*, rather than *describes*, an action. Documentality is prescriptive, documentation is descriptive.

However, we can use an iconic picture of a mountain in a prescriptive task for making aesthetic judgments, as well. Passports, too, are means to an end, but they can also be used as imaginations of personhood; they not only enact citizenship, but they also can be taken as depictions of individuals at certain times of their lives. But such representational acts by documents follow from their use. Indeed, in the final analysis, all descriptive acts are also prescriptive; all documentation is documental, though not all documental activities result in representational documents.

The representational imagination, however, is a powerful tool in thinking about evidence and entities, even when it functions in the world of fantasy. Otlet's imagination that documents somehow represent knowledge is a falsification of the material processes of creating and inscribing knowledge, but it had the pragmatic end of making sense of all the documentary materials in the world in a single collection, however ridiculous such a notion is. Plato's realm of ideal forms, too, is a silly idea of what is true, but it launched philosophy as a task of seeking truth from the blurred senses of the phenomenological world. Imaging that cancer is a single disease is certainly not true, but it allows us to set the goal of having epistemic, computational, and therapeutic procedures that we hope can outwit local, rapidly evolutionary processes of cell division and colonization. Imaging the world as "mother earth" is a purely anthropocentric image, but this metaphorical image allows us to attempt to see the earth as something that gave birth to us.

These imaginations are part of the self-evidence of human nature, which however erroneous or fictional have a role in how humans make sense of the world. They are not simply fictional or mythical, but rather they also at times pervade the material pragmatics of science and scientific knowing. They are evidence of a transcendental will to power, as Nietzsche had it, that goes beyond the self, beyond powerful particulars.

As we see in Otlet's works, and more in an applied manner in Briet's works, and as we know from the foundational role that ontologies have in science, representations generally, and class representations more particularly, have a strong role in our theorization and practices of documentation. Like in all practices, it is necessary to think carefully about when to deploy these devices in practice and theory, because they have consequences not just in documentation activities, but they also come to characterize moral or "practical" activities, such as defining rights-bearing entities and activities.

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