

Systematic review

Complementing the foundations of d-acts: a survey focused on essentials of Philosophy of Law and Philosophy of Language

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1. FORMULARIZATION OF THE SYSTEMATIC REVIEW:

1.1. OBJECTIVES OF THE SYSTEMATIC REVIEW OF LITERATURE:

The main goal is:

This systematic review aims to come up with a well-established foundation to underlie scientific papers about d-acts theory and its applications. In order to accomplish such task we intend to identify scientific studies within Philosophy of Law and Philosophy of Language. With respect to the former, we seek to understand the whole context that encompasses and gives rise to d-acts; with respect to the latter, we intend to focus on studies about speech-acts that go beyond the context of orality towards perennial records.

The specific goals are:

- a) To develop and to deepen the theoretical studies underlying d-acts;
- b) To identify, mainly within the legal domain, literature that can contribute to build robust foundations for d-acts
- c) To select, in the retrieved literature, notions that are foundational to d-acts
- d) To explain the co-relation among the identified concepts
- e) To identify works that transcend the limits of orality of speech-acts
- f) To identify, in the literature retrieved, possible clues for application of d-acts

1.2. RESEARCH AMPLITUDE:

Research issues:

- a) What would be the contributions of Law domain and Philosophy of Law to foundational issues of d-acts?
- b) Are there relevant sample of studies related to speech-acts that goes beyond the orality towards textual records?
- c) According to the selected works, it would be possible to identify new applications of d-acts?

Intervention:

Research that contributes to the foundations of d-acts.

Control:

Previous research articles obtained with the supervisor addressing document-acts; articles about general concepts of document-acts, speech-acts and

related texts available on the Internet (*Portal Capes*¹).

The papers that compose the control material are:

- a) Smith, B. (2012) **How to do things with documents**. *Revista di Estetica*, 50(2012), 179-198
- b) Koepsell, D., Smith, B. (2014) **Beyond Paper**. *The Monist*, 97(2), 222-235.
- c) Smith, B. (1990) **Towards a History of Speech Act Theory**. *Speech Acts, Meanings and Intentions: Critical Approaches to the Philosophy of John R. Searle*. de Gruyter (1990), 29-61.
- d) Smith, B. (2008) **Searle and de Soto: The New Ontology of the Social World** *The Mystery of Capital and the Construction of Social Reality*, 35-51.
- e) Mulligan, K., Smith, B. (1986) **A Relational Theory of the Act**. *Topoi* 5(2), 115-130
- f) Austin, J. L. (1962). **How to Do Things With Words**. Bozzi, P. Harvard University Press.
- g) Searle, J. (1969). **Speech Acts**. Cambridge University Press.
- h) Searle, J. (1979). **Expression and Meaning: Studies in the Theory of Speech Acts**. Cambridge University Press.
- i) Searle, J. (1995). **The Construction of Social Reality**. The Free Press.
- j) Searle, J. (2010). **Making the Social Words: The Structure of Human Civilization**. Oxford University Press.

Population: it includes publications regarding the basic notions of d-acts, speech acts, philosophy of law, rights and obligations.

Results: an overview of the literature that can contribute to deal with d-acts, its foundational notions, and its co-relations with s-acts.

Application: researchers that intend to understand d-acts essentials and their possible applications.

1.3. KEYWORDS OR MAIN WORDS RELATED ON CONTROL PAPERS:

document acts, speech acts, social objects, social commitments, deontic powers, texts, records, legal, contracts, claims, norms, rules, obligations, duties, rights, permissions, consents, social ontology.

2. SOURCES SELECTION:

¹ CAPES – Brazilian Funding Agency that maintains a portal for consulting international literature.

This section presents a description about the criteria to select information sources and methods applied in the searches.

2.1. SOURCES SELECTION CRITERIA

Sources Selection Criteria Definition: we preferably use electronically available databases on the web, but we can select works available in other media. The sources cover the following areas of expertise: information science, philosophy of law, philosophy of language, computer science, and social sciences. The material to be used is comprised by articles, academic works (thesis and dissertation) and books since they comply the requirements of this systematic review.

Study Languages: *English*, which is the language internationally accepted for scientific papers.

2.2. SOURCES SEARCH METHODS:

- a) To carry out searches using the planned search strings in the selected information sources using their search engines
- b) To select preliminary works of interest through the analysis of titles, keywords and summaries of the retrieved papers. If the paper is considered relevant after reading those parts, it is chosen to be read in full
- c) To read all selected texts in full and rigorously evaluate those to be included or excluded for the purposes of this systematic review
- d) To take notes in each paper and to highlight relevant aspects, which will compose data extraction forms for each text considered useful
- e) To obtain information from data extraction forms to create a summary of the paper, the main aspects of interest and basic metadata
- f) Finally, to select a set of articles

2.3. SOURCES LIST:

- a) Am. Ass. For the Advancement of Science (<http://www.sciencemag.org/>)
- b) Academic Search Premier (<https://www.ebscohost.com/>)
- c) Emerald (<http://www.emeraldinsight.com/>)
- d) Library and Information Science Abstracts (<http://www.proquest.com/products-services/lisa-set-c.html>)
- e) Sage (<http://online.sagepub.com/>)
- f) Web of Science (<https://www.webofknowledge.com/>)
- g) Stanford Encyclopedia of Philosophy (plato.stanford.edu/)
- h) Educational Resources Information Center

- (<http://www.proquest.com/products-services/eric.html>)
- i) Citeseerx (<http://citeseerx.ist.psu.edu/index>)
 - j) Mendeley (<https://www.mendeley.com/>)
 - k) Springer (<http://link.springer.com/>)
 - l) Lecture Notes on Computer Science (<http://www.springer.com/computer/lncs>)
 - m) Compendex (<http://www.engineeringvillage.com/>)
 - n) Annual Review of Information Science and Technology (<https://www.asis.org/Publications/ARIST/>)
 - o) Google Scholar (<https://scholar.google.com.br/>)
 - p) Citeseerx (<http://citeseerx.ist.psu.edu/index>)

Sources Search Methods:

The research is conducted through the use of predefined search string, based on keywords, submitted on web search engines for each source.

2.4. SEARCH STRINGS:

Descriptors for searching: document acts, speech-acts theory, deontic entities, legal entities, philosophy of law, philosophy of right, social objects, social commitments, rights, obligations, claims, promises, demands, records, texts, documents

1. ((document AND act) OR (document AND acts)) AND ((speech AND act) OR (speech AND acts) OR (speech AND act AND theory) OR (speech AND acts AND theory))
 2. ((document) OR (documents)) AND ((speech AND act) OR (speech AND acts) OR (speech AND act AND theory) OR (speech AND acts AND theory))
 3. (((text OR texts) OR (document OR documents) OR (record OR records)) AND ((speech AND act) OR (speech AND acts) OR (speech AND act AND theory) OR (speech AND acts AND theory))
 4. ((speech AND act) OR (speech AND acts)) AND ((commitments) OR (claims) OR (obligations) OR (promises) OR (demands) OR (rights))
 5. ((speech AND act) OR (speech AND acts)) AND ((Philosophy of law) OR (Philosophy of Right))
 6. ((speech AND act) OR (speech AND acts)) AND ((social commitments) OR (social objects))
 7. ((philosophy of law) OR (philosophy of right)) AND ((social commitments) OR (social objects) OR (deontic entities) OR (legal entities))
 8. ((records) OR (texts) OR (documents)) AND ((social commitments) OR (social objects) OR (legal entities))
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3. CRITERIA AND PROCEDURES FOR SELECTION OF STUDIES:

3.1. STUDIES SELECTION CRITERIA

In order to select the studies we defined types of studies, besides inclusion and exclusion criteria as described below. The scale used for each inclusion and exclusion criteria is nominal involving two options: *yes* or *no*.

Studies Types:

All kinds of studies related to the research topic will be selected if they are papers, thesis, dissertation, and books. Projects of course conclusion at undergraduate level will not be considered.

Studies Priority Criteria:

This review will focus on works that connect speech acts with d-acts

Studies Inclusion Criteria:

This research will select studies that...

- a) ... must be published and fully available in scientific databases
- b) ... must be recent work (published since 2005) or a consolidated oldest work
- c) ... must have already been received approval by the scientific community
- d) ... provide foundations of Philosophy of Law and Philosophy of Language
- e) ... provide concepts of the legal domain able to help in explaining d-acts
- f) ... provide connections between the original concept of speech-acts and d-acts

Studies Exclusion Criteria:

This research will not select studies that ...

- a) ... deal with speech-acts exclusively under a linguistic slant
- b) ... deal with speech-acts without any articulation with the legal domain
- c) ... deal with concepts of the legal domain looking for results only related to the technicalities of law
- d) ... deal with concepts of the legal domain looking for results only related to the technicalities of computer science
- e) ... deal with history of Law without any articulations with the notions of norms, rules and Philosophy of Language.
- f) ... deal with works about Law, done by philosophers, and without any articulations with the concepts of norms and rules proposed by later authors like Kelsen and Hart or without any articulations with the Philosophy of Language.

3.2. QUALITY CRITERIA IN STUDIES:

In case of scientific papers, the study must have been published in a journal or conference proceedings with peer review.

In case of dissertation or thesis, the examining board must have already approved them. To evaluate the articles the following criteria will be used:

- a) the number of citations received.
 - b) the number of citations received by the authors.
 - c) the ranking of the journal where the study was found according SJR².
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4. SUMMARY OF THE RESULTS:

4.1. INFORMATION EXTRACTION

For each selected study, the information to be extracted is:

- a) Concepts that contribute to foundations of d-acts
- b) Concepts that contribute to foundations of the legal domain
- c) Articulation between speech-acts and d-acts.
- d) Studies that provide clues to the application of d-acts

4.2. FINAL REPORT

TO DO

5. REFERENCES:

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6. APPENDIX (partial list of literature retrieved)