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# INTRODUCTION<sup>1</sup>

<sup>1</sup> This introduction is the joint work of three authors. The two opening paragraphs (1.1, 1.2) were written by Sanja M. Bojanić, while paragraphs 1.3, 1.4, 2.2 and 2.1, 2.3., 3. were authored by Olimpia G. Loddo and Marko Luka Zubčić respectively. The authors assume responsibility for the statements made.

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### 1. Tracing Unspoken Norms

**1.1.** How do rules emerge and what is needed for their articulation? What conditions need to be satisfied for rules to acquire the meaning that ensures their application? Could unspoken rules, therefore, be regulated through ways of acting, conduct, gesture or instructed prescription? In which case, what is their ontological, epistemological, cognitive or normative nature? How are these tacit rules understood in the first place, how are they interpreted and applied? How can they be justified, how followed? Conversely, how might they be circumvented or on what grounds disobeyed?

**1.2.** As guest editors of this special issue of *Phenomenology and Mind* entitled “Rules without Words: Inquiries into Non-Linguistic Normativities,” we sought to present a specific branch of the phenomenology of normativity in which rules emerge from phenomena and then also from entities not strictly linguistic in nature. By choosing the topic of non-linguistic rules, our wish was to take different philosophical perspectives – social philosophy, philosophy of law and jurisprudence, epistemology, political philosophy, philosophy of language, media studies, ethology, cognitive science, as well as social psychology, gender studies, among others – to provide, at least to start with, an overview of some of the current philosophical debates converging on its distinctive ontological features. For example, the relation of non-linguistic rules to a specific social reality, but also the possibility of their emergence in non-human communities. Also, the subject of our interest was whether we distinguish between epistemic types of rules whose meaning is not linguistic in origin? As well as whether some forms of social inequalities stubbornly persist precisely due to non-linguistic rules? Perhaps the matter is exactly the inverse, and positive social values can be promoted based on non-linguistic content? Is a systematic account of the formation of tacit normative social constraints even possible in the physical and social world, and is this the path forward in their deconstruction?

**1.3.** Philosophical investigations that thematise rules often connect their appearance with language and thus with words. The latter are conceived as essential elements of the concept of rule, in a way identifying rules and word-made entities such as propositions, sentences or statements.

**1.4.** However, although words are widely considered the most raffinate and efficient instruments to express concepts that refer to non-material realities, i.e., realities that cannot be perceived directly through a sensorial experience, a great number of entities that are not linguistic in character thus remain beyond the reach of understanding. Undoubtedly, it is impossible to have sensorial perception of obligations or permissions. It is also impossible to have a sensorial perception of institutional facts (I can touch a piece of paper that counts

as money, but I cannot touch money). Therefore, given that obligations and permissions are immaterial entities, words are the most efficient tools to express normative contents, the most effective instruments to build social reality. Still, this apparent pragmatic supremacy of words shows a number of gaps that lead to several unexplored research fields.

Rules are not the only word-made entities that the lawmaker uses to direct people's behaviour. Indeed, there can be unspoken customary rules. There are unexpressed laws that enable understanding of natural phenomena. Ethologists note the existence of social practices and primitive forms of regulation in non-human animals.

Unexpressed background rules are also indispensable tools both for understanding and construction of institutional phenomena. Also, the understanding of normative signs (words, drawings, gestures, etc.) depends on unexpressed rules that exist independently from their codification.

Further, from a pragmatic point of view, the supremacy of word-made rules can be challenged. In particular contexts, pictures can fulfil a normative function more efficiently than words. In this sense, the hegemony of words in the normative field can be considered a theoretical cage. This special issue thus aims at prying open the bars of this theoretical cage.

We are honoured to include in this special issue the essay *Athetic Validity* by the philosopher Amedeo Giovanni Conte. We are greatly saddened that he was not able to see the publication of this issue. Conte was an endless source of philosophical inspiration, a prominent scholar who generously devoted his entire life to research. Both his ground-breaking philosophical investigations and his selflessness should be a model for future generations of scholars and philosophers. His students and his colleagues deeply regret his loss. *This special issue is therefore dedicated to his memory.*

The issue is divided into three sections. The first focuses on theoretical investigation tools for various forms of rules without words. The second aims to investigate specific kinds of rules without words: normative pictures. Finally, the third section focuses on non-human normativity that subsists independently of the human social world.

## **2. The Special Issue**

The essay "Athetic Validity" by A.G. Conte opens the first section of our special issue. Starting from the analysis of three conceptual paradigms formulated by Theodor Geiger, Conte elaborates the concept of the athetic – as opposed to thetic – validity of norm. Thetic validity is the deontic validity that is the product of a thetic act of position, such as the enactment of a norm; conversely, athetic validity is the deontic validity that is not the product of a thetic act of position. The concept of athetic validity sheds light on the distinction between subsistent norms and deontic sentences and explains how a norm can exist and be valid independently of any act of position, independently even of any linguistic formulation.

### **2.1. Conceptual Investigations**

Patrizio Lo Presti's paper closely examines the conceptual relations of "norms" and "rules", developing a precise clarification of the distinction as well as "dynamic casual co-influence". Pietro Salis defends Robert Brandom's account of implicit normativity of social practices by clarifying the correct understanding of sanctions and the expressivist take on normative vocabulary. Here the words make explicit what is implicit in an already normative practice – the moves made by agents in a social game. Alexander Albert Jeuk challenges the view that normativity is derived from linguistically mediated social practice – it is rather, the author argues, care for oneself and others that is the central source of normativity in human action. R.T. Allen's paper provides insight into Michael Polanyi's account of tacit norms, demonstrating that the concerns about non-linguistic norms feature prominently in a variety of traditions of thought. Challenging the heuristic proposal aimed at overcoming the dogma of word-made rules comes in the paper "Corporeal drawn norms. An investigation of graphic normativity in the material

world of everyday objects” by Giuseppe Lorini. He supports the thesis that rules without words are not necessarily athletic rules. Therefore, the concept of athletic validity proposed by A.G. Conte does not entirely overlap with the category of rules without words. In particular, Lorini shows that there are athletic rules without words, such as graphic rules (e.g. traffic signs). In this sense, Lorini’s paper builds a bridge between sections “On Conceptual Investigations” and “Images and Rules”.

### **2.2. Images and Rules**

Images are multitasking instruments. They contribute to the construction of social reality. As well as a toolbox, they play an extremely important role in child games. And as mentioned in the precious essay by Patrick Maynard, the role they play in the child games is interrelated with the one they play in society.

Images’ multitasking nature is a particular aspect they share with words: they do not necessarily aim to mirror reality, but their function is more diffuse. Indeed, they carry a normative function. In this sense, an interesting heuristic hypothesis is that normative language in a wider sense can include not only deontic sentences but also a deontic graphics. They can have an impact on social reality, they can persuade, they can reinforce collective attitudes. Guglielmo Siniscalchi’s paper explores the realm of Deontic Visual Signs in the legal field, seeking to analyse their different actual and potential functions. Interestingly, it is possible to use pictures to perform acts that in traditional philosophical lexicon would be called “speech” acts. This last aspect is specifically explored in Jakob Krebs’ paper “Promising Pictures Depicted Promises, Advertising Promises, and Promising Pictorial Instructions”. Luigi Cominelli attests to the extremely relevant impact of images on society, which drives towards more intensive studies aimed at improving visual normative communication. An important example in this regard comprises the improvement of traffic regulation. A normative-semiotic perspective must be integrated with a cognitive perspective to achieve higher degrees of precision and predictability in normative visual communication. In a related essay, Mariela Aguilera focuses on the capacity and limitations of different kinds of representational media to express normative contents, that is, to express the content of rules.

The section closes with the innovative investigation by Valeria Bucchetti and Francesca Casnati, showing how graphic norms can also contribute to maintaining a specific social structure by hiding a set of undeclared ideological presuppositions and tacitly endorsing social practices that reinforce gender inequalities.

### **2.3. Outside the Human Social World**

Stepping outside the distinctly human social world, the contributions by Laura Danón, Carlo Burelli and Jean-Charles Pelland investigate a normativity arguably fully irreducible to language. Danón’s exceptional paper delves into the normative capacities of non-human animals, detailing the models of reflexive and primitive normativity, where the latter does not necessitate reason-exchange representative of human nomic animals, but requires “mere” ability to recognize appropriateness or fittingness of response to a situation. Danón explores the possible conceptual developments derived from understanding primitive normativity through the notion of “robust ought-thoughts” sufficient for a creature to follow norms even in absence of “fancier” abilities for entertaining counterfactual accounts, thinking about norms as norms, and engaging in the game of giving and asking for reasons. Burelli develops an analysis of functional normativity, showing how evaluative standards intrinsic to functional accounts may illuminate their normative nature, and delineating clear cases of independence of functional and moral norms. The Special Issue closes with Pelland’s inspection of the origins of norms, returning to the problem of Wittgenstein’s infinite regress in the account of rule-following and examining Ruth Millikan’s naturalization of intentions as a potential response to it. Perhaps norms, Pelland elucidates in the last part of his paper,

are a diversity of “oughts” grounded in unexpressed biological purposes, flourishing into expressed social rules.

“Rules without Words: Inquiries into Non-linguistic Normativities” makes clear that the research into non-linguistic normativity takes place through a variety of philosophical and social-scientific fields. It provides insight into a rich diversity of investigative trajectories concerned with normatively “ordering” the dynamics beyond a purely linguistic purview. And yet, this is merely an introductory fragment of “rules without words” that permeate our worlds, and towards which a proper investigative vigilance is just beginning to accrue. The purpose of this Special Issue is to contribute substantially to these efforts.

We would like to extend our gratitude to editors of *Phenomenology and Mind* for their openness to this relevant topic and their outstanding support during the development of our work. Our thanks go to Francesca Forlè whose substantive advice and guidance were instrumental in coming to terms with editorial difficulties. It was a delight and an honour to guest edit the present Special Issue of *Phenomenology and Mind*.

### **3. Conclusion**