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NORMS AS “INTENTIONAL SYSTEMS”

abstract

The present paper investigates the nature of norms in correlation to the philosophical notions of intentionality and disposition. Following Amselek (2017; 2020), norms are here understood as tools giving the measure of what is possible to do. Intentionality, understood as “being-about”, in relation to norms allows us both to form a description of reality in the norm, and to correct our actions in order to correspond to the norm. Through the notion of disposition, i.e., on the one hand, the linguistic manifestation of the norm and, on the other hand, the physical presence of individual mental states or social states-of-affairs, the paper investigates the “force of norms” and the “mystery of effectiveness”. Elaborating on the notion of “nomotropism”, which highlights the different ways in which a norm may work or operate, and drawing inspiration from Dennett’s philosophy of mind, the paper suggests that legal norms, which allow for the expectation that social behaviors will be measured by specific standards or yardsticks, clearly offer an evolutionary advantage in the regulation of human relationships.

keywords

norms, intentionality, intentional strategy, philosophical dispositions

I notice one thing and I look for its reason; this means originally that I look for an intention, that I look above all for the one who had this intention, the subject, the author; every fact is an act – formerly we saw intentions in all facts, it is our oldest habit.
F. Nietzsche, *The Will to Power*¹

1. Norms, Intentionality, and Dispositions

In the exergue of one of his works, dedicated to normativity, Professor Paolo Di Lucia (2003) resumes the formula of Maurice Blondel quoted: “The norm constitutes the living and secret armature of the beings”.² It is a possible answer to this “secret” that expresses according to us, the “philosophical dispositions”. They seem to convey “this cement of the things” (Tiercelin, 2021) which makes us capable of projecting ourselves with efficiency in the future and in a world which appears from then on as endowed with a certain continuity.³ It is this continuity that one finds in norms and legal dispositions.

Let’s first clarify the definitions that we will adopt for the benefit of certain concepts. The *norm* should be understood in our study as a tool for measuring what it is possible to do. *Intentionality*, on the other hand, offers us the opportunity to stick to reality, and it also participates in norming it: in philosophical discourse, it usually designates the fact of “*being-about*” something.⁴ This intentionality that is granted to the norm will thus play in two senses: one the one hand, it allows us to “form” a description of reality (on the basis of a certain belief linked to it: reality is thus poured into the norm which participates in norming the latter); one the other hand, it offers to measure the correction of the action with respect to the norm. In this way, regulatory norms of our behaviors and constitutive norms with respect

1 F. Nietzsche, *La volonté de puissance*, Paris, Gallimard, 1995, T. 1, p. 62.

2 In the same book, Professor Di Lucia observes that the concept of effectiveness of the norm can be declined in three forms: effectiveness as conformity (or correspondence) between the rule and the effective action; effectiveness as effect or implementation of the rule on the effective action (as capacity to act according to the norm); effectiveness as aptitude of the rule to produce legal effects (2003, chapter 9 “Norma *in actu*. Efficacia senza adempimento”). The third approach is, as Professor Di Lucia observes in note 8, a dispositional concept. On this question, see also U. Scarpelli (1959/1985).

3 It is a question of considering the possibility of a thought endowed with a “long view” in order to allow the creation of a continuity in order to have relevant information.

4 The intentionality of a mental state is thus the fact of being directed towards “something” or of having “something” as its object (of representing “something”).

to our reality are manifested. In this sense, it appears that belief (in the sense of a habit of action that is exercised in a reality constructed by the norm) and the desire for action (which will itself be measured by the norm) are intentionally inscribed in the measuring tool that the norm forms.

The *disposition*, then, appears as what in the tool “disposes to act” and this with respect to the constitution of reality and for the benefit of the measurement of the correction of the action (in a classical way, intentionality seems to be the sign that accounts for the presence of a disposition). This intentionality of the disposition is assumed by the agents, because it offers an evolutionary advantage. What then “disposes” us to act is the intentional force of this disposition and the advantage that I derive from it in the construction of reality.

Finally, it should be noted that the norm that supports the provision is expressed in two ways:

- (i) a *linguistic modality* (classical among jurists, it is related to the presentation of the norm on the basis of a prescriptive meaning), and
- (ii) a *physical modality* that raises an ontological problem (i.e., referring to the actual presence of individual mental states or social states of affairs, which makes it possible to account for problems that are inherent in the causality of these states).

The intentionality of the normative disposition would, therefore, be the way in which it is consistent as an “interpretation scheme” or “action scheme” with the actions in the world. In this way, dispositions are “in law” the statements that can express or manifest a norm (they are manifested in the commandments – the public texts that are offered to interpretation – that are inscribed in positive law), whereas dispositions are philosophically the power that norms contain: what they dispose to do.

This research will then allow us, through the analysis of “dispositions”, to approach various (and delicate) legal questions: the nature of the norm (and the singular way in which it participates in the construction of our reality and our agreement with it⁵); the orientation of our behaviors with regard to the effects of discourse that it implies (or the reality of its presence); the typicality of the norms (as well as, the greater or lesser transparency that this one implies with regard to its reference)...⁶

⁵ On these issues, see also Pascal Richard (2017).

⁶ Intentionality is logically related to the concept of referential opacity. In the framework of logical language, intentionality is presented under the aspects of intensionality (of meaning). Intensional statements seem to be characterized by this opacity (which stems from the difference between meaning and significance). In extensional approaches, there is no reference to an already present conceptual totality (an *a priori* concept that would be able to give coherence and understanding to the concept). It is the extension of the latter that will allow the development of the concept: the object of the reference will thus develop at the same time as the list inherent to the extension of the concept. This is the case for many legal concepts: administrative decisions, fundamental rights... With intensional statements, what is stated is a certain relationship to reality or a certain state of affairs. They are finally *dicta statements*. Indeed, they express the understanding of what they are about from a description (and under the yoke of the concept itself). In this sense, this concept (or this description of it) necessarily has an impact on the truth of the statements. This situation implies a referential opacity which testifies to the influence of the concept on the validity of the statements (the intensionality of the concept). What is important is not the reality “in itself”, but that which results from the semantics of the concept. The risk in this perspective is not to miss reality, but to use the wrong concept to apprehend it. This is a manifestation of the risk of confusing intensionality and intentionality with respect to reference. Two extensionally equivalent concepts are not intensionally equivalent (specifically in what Quine presents as intensional contexts – either because of metalinguistic contexts such as quotations or contexts allowing the use of intentional verbs such as believe, hope, etc., or modal contexts –, because they are not true of the same objects, unlike extensional contexts).

2. Dispositions as Actuation of Intentional Systems

It is possible, in a very classical way, to apprehend the consequences of certain *dispositifs* (of arrangements or systems) from various models. These allow either the prescription of certain behaviors, or anticipate the behaviors of operators. It is thus a question of norming behaviors. In this perspective, certain “things” (the “dispositions”: for us devices, arrangements or systems) would harbor a world of “threats and promises” (according to Goodman’s classic formula) which would weigh on individuals.⁷ They would involve (or imply: this is part of the issue) a certain determinism as well as the presence (from an internal point of view that would be proper to the thing) of a “power”, or of a “capacity”. Our purpose will not be to create entities without real identities, but to understand the use and the possible function of this *dispositive*.⁸ They allow to install a belief (which is, in this sense, only a disposition to react).⁹ Traditionally they would manifest a property which would be intrinsic (and which would be affirmed in the form of an ordinary evidence¹⁰).

It is thus this “mysterious force” that one would find at work in “dispositions” and which would offer to attribute to things (but also to persons, to tools, or to beliefs¹¹) powers, capacities and to deduce from them habits of action and possible behaviors.¹² This force is embodied in the legal domain in the famous and classic metaphor of the “force of law”. Various research, developed recently by eminent jurists, are now trying to break down the mode of existence of the norm in this way, and this not only in the law (“in law”), but also “in” the world. These works try to apprehend the various ways in which the norm *works* and operates on (and in) social reality. It is in accordance with this perspective that work is being developed on: nomotropic action or inferential modalities linked to the norm...¹³ They try to apprehend the way in which the norm is in interaction with its implementation environment. Nomotropic acting as well as the analysis of inferential modalities can thus be enlightened from contemporary debates on dispositions, which concern attempts to reduce them to epistemic or semantic questions, or attempt to apprehend them from a certain degree of ontological commitment.¹⁴ It would be possible to reduce dispositions either to statements or to physical states which would then be the physical basis of the disposition. This approach expresses in its own way the “force of law” and the mystery of the

7 “In addition to the observable properties and effective processes it undergoes, a thing is filled with threats and promises” (Goodman, 1955/1985, p. 60).

8 In a slightly different sense from that used by Michel Foucault (1994, pp. 299-300), for whom the *dispositif* signifies the presence of a heterogeneous set of discourses and institutions, decisions... The *dispositif* is the network that is generated between these elements.

9 On this question, see W. V. O. Quine & J. S. Ullian (1970/2021). In this perspective, believing is not an action, but a disposition to react. This disposition is like the charge of a battery that is likely to last a certain time. Belief is not so much a matter of its object as of the criteria it has at its disposal.

10 Hilarity would be, for example (to take up a classical illustration) the constitutive cause of laughter? This analysis is carried out in connection with the presence of *qualia* (intrinsic qualities) which would be, for some, the essential of a life that deserves, therefore, to be lived. The *qualia* are in this way complexes of dispositions: an idiosyncratic set of dispositions. A character in the fictional world of our hetero-phenomenology. It is an Aristotelian vision of the cause as power in things, whereas nowadays the cause is more generated by the categorical basis of the disposition (the physical structure from which it emerges). These ordinary evidences allow the fabrication of beliefs.

11 A dispositional conception of beliefs in the sense of note 8.

12 The capacity to perceive in a reality a certain intentionality proper to an intentional system? It seems that the duties of the “self” are distributed spatially and in time. The evolution has generated the human mind in such a way that we are able to apprehend the reasons of being of things and to appropriate them we feed ourselves with information. The social scene imposes to modify and to make evolve these. Where does the concern to behave according to one’s reasons come from? From education. We are only obliged to do what we are capable of.

13 We will only quote Lorenzo Passerini Glazel’s text (2012, ch. IV “Norme in disuso: agire nomotrofico e atrofizzazione di norme”, pp. 241ff.), that offers a perfect introduction to these issues.

14 The latter would be involved with regard to the reflections proper to the causality inherent in the provisions.

effectiveness¹⁵ of the public word. A legal operator (or a political or administrative operator) will thus develop an action under the effect of what manifests itself to him: either as a cause (physical or mental), or under the authority of a reason,¹⁶ or finally (and this is our hypothesis) under the yoke of a certain disposition inherent in what he “is” (and which drives him to act in this sense): one recognizes, for example, the disposition proper to the “statesman” to be able to “decide” in times of troubles.¹⁷ The disposition embodies (and synthesizes) these problems and offers, through intentionality, which is its mark, a grid for explaining causal force. *The dispositions would be in this way the actuation of intentional systems.* However, the dispositions are becoming frequent again, as C. Tiercelin regularly observes (and partly thanks to her efforts): they are moving from the delicate status of *filles-mères* (teenage mothers) to the more respectable status of *mères célibataires* (unmarried mothers).¹⁸ Now that they are frequentable again, they seem to open up new avenues. In these different analyses, it appears that “intentionality” (as an index of the presence of a disposition) clearly offers a way to understand the norm as well as its effects and its relations with dispositions.

- It is easy to observe that norms “intentionally” refer to dispositions. Intentionality is clearly a marker of the presence of dispositions. The norm (like the dispositional object) always has in it a reference to a manifestation that has not been realized: it points towards “something” that does not yet exist (according to the famous formula of the philosopher Armstrong); it manifests a propensity to be.
- The stated norm would thus be the expression (or actuation) of a disposition whose intentionality would be the mark. This intentionality is found in two theoretical legal models that are essential to our understanding of the norm.¹⁹

This intentionality appears, obviously, within the framework of Professor Paul Amselek’s work and his integration of norms in the field of metrology. We know that for him (in his famous distinction between norms and commands²⁰) the norm is presented as a “tool” allowing

15 The idea that the norm generates effects (through a disposition of its own – normativity) has been criticized by some authors for its simplistic presentation. For Kelsen, for example, effectiveness is not the predicate of the norm, but that of the concrete behavior that will be deduced from the norm, and this when a legal operator conforms to the norm (or to the representation that the operator has of the norm). This analysis is perfectly synthesized in the above-mentioned work by Di Lucia (2003) and in particular in chapter IX: “Norma in actu: efficacia senza adempimento” (pp. 183-186 specifically).

16 In the perspective of semantic holism, the knowledge of a concept implies the mastery of the inferential context of these concepts, i.e. the standard conditions of their application. The analysis of the conditions of the mastery of the concepts offers then to perceive the content of the concepts themselves.

17 The question of mental causality is manifested by means of the difficulty to accept jointly the three following theses: mental states are not physical states; mental states cause physical states; the thesis of the nomological and explanatory causal completeness of the domain of physical states. In order for these three theses to appear as contradictory, it is necessary to consider that an absence of regular overdetermination exists as a truth (if regular overdetermination exists, in fact, it is necessary to admit that the three theses can coexist, because the effects of mental causes are at the same time produced by physical causes).

18 See C. Tiercelin (2002, pp. 127-157): “For a long time, dispositions had a status as little respectable in philosophy as that which had, for centuries, the teenage mothers: associated to the obscurantism of occult qualities, powers, capacities, but also to the difficulties inherent to possibility, dispositions ended up disappearing from our ‘ontological furnishing’, and by belonging, like the concept of ‘cause’ or of absolute monarchy, to what Russell called these ‘relics of a bygone age’. Tolerable as ways of speaking, but certainly inadmissible, as autonomous ontological entities.”

19 On the analysis of the notion of norm and the very rich and numerous literature that focuses on this notion in a framework of philosophy of law, see the remarkable anthology, *Filosofie della norma* by G. Lorini & L. Passerini Glazel (2012).

20 “The etymology is very enlightening in this regard: the verb to command comes from the Latin expression *manum dare*, to put in hands, to give. To enact, to lay down, to establish rules, is to make them authoritatively applicable by

the measurement of what is possible for the individual. The norm is an illustration of the importance of this science of measurement that is metrology.²¹

It is also present in the work of Professor A. G. Conte and a certain logical and phenomenological approach. For the Italian philosopher, the declension of what can be understood as a norm is divided between what is of the order of the language (of the linguistic entities) and what is of the order of the state of affairs and of its intentional reception.

The possible similarities between the two analyses are obvious (even if it is necessary to maintain, naturally, a singularity to each one of its so specific thoughts).

- For the Italian jurist and philosopher, intentionality is declined under its two traditional forms (intention for the “deontic noem” and intension for the “deontic proposition”).
- For the French professor, the intentionality rests, commonly, in the idea of measure present in the benefit of the norm: the norm as object of measure of what it is possible to make grants to the legal operators this “metaphorical arch” susceptible to aim a report.

We know that the intention is classically presented in the following form: it is a matter of using this concept to account for the fact that “to think” (or to intend to think) is fully to think “about something” or to be “in a certain relation to a certain thing”. It is thus under the concept that the relation is elaborated. The classical reflections of E. Anscombe (1957/2002) are, in this respect, perfectly enlightening.

According to this presentation (which is non-trivial of intentionality) a “thing” manifests (or expresses) intentionality when it involves the “presentation” of another “thing”. This idea can be illustrated by means of a classic metaphor in this domain: that of the key and the lock. What intentionality expresses is thus the fact that it (through its aiming) involves a kind of “metaphorical” arch that aims at another object – this aiming-at object is the “intentional object”. It can, of course, be real or not.²²

We understand that the reality that the norm aims at is then endowed with a double nature and that it hesitates between the form of the “action scheme” and that of the “interpretation scheme” (we find here the two aforementioned approaches to the dispositions and this in law and in philosophy). It is this function that will be used in the context of an intentional strategy.

4. The Implementation of an Intentional Strategy for the Benefit of Norms

It seems possible to us, in accordance with the work of Daniel Dennett, to develop within the framework of the law a “strategy of the interpreter” that seems particularly enlightening with regard to the functioning and causal effectiveness of the “intentional states” that are attached to normative dispositions (and which, in the framework of an intensional approach, expresses a referential opacity).

the interested parties by ‘intimating’ them to them, by passing them on so that they conform their conduct to them” Amselek (2020, “Le droit est-il une réalité?”, p. 151).

21 Amselek (2017, p. 34) writes: “What is the purpose of rules in general? What is the common denominator of the services rendered by all rules of all kinds? Their common function is to serve as standards, as *measurements* [...]. Rules thus enter – should enter – the field of metrology or theory of measurement, although this is in practice almost exclusively centred on the material tools of measurement.”

22 For a luminous analysis of these notions, see D. Dennett (1997/1998). This approach was also perfectly highlighted by E. Anscombe in 1965 (1965/2002).

This reflection is part of the very rich debates that are present in contemporary philosophy of mind.²³ This approach seems to us to have a heuristic scope with regard to legal norms and normativity. Indeed, it seems to be able to be invoked in order to support certain analyses specific to the perception of the norm as a tool as well as of normativity or nomotropy. L. Passerini Glazel, in the presentation of a chapter dedicated to the way norms act, had detailed the various paradigms likely to frame this debate in the legal domain. On this occasion, he had presented the work of Leon Petrażycki (1909/2012) and observed the particularism of this thought which apprehends the norms as products of emotional projections. Petrażycki states:

The statements and other normative facts represent for the legal psyche the basis for the production, by various spiritual operations, of the most diverse normative judgments and their corresponding projections: the norms (1909/2012, p. 263).

It is this “information” about the predictable nature of these projections that Dennett will integrate into his thinking. These productions make it possible to assume a certain continuity in human behavior and to deduce from this information relevant strategies for social development. It is a question of intentionally incorporating the representation of a certain thing. However, this incorporation must integrate a certain utility.

For Dennett²⁴ the mind does not really have a conscious life, but reactive dispositional properties. There is no real reflexive consciousness accounting for an intentional will to aim at a reality, but an unconscious information. Moreover, these dispositions do not have an intrinsic reality, but exist only through shared social use.

It is worth mentioning, first of all, that Dennett expresses in the field of the philosophy of mind a rather original position (and very criticized by some). Indeed, he adheres not only to a critique of Cartesian consciousness (what he presents as the “Cartesian theater”), but also to a form of realism as well as to an extrinsic conception of intentionality (whereas generally realists adopt a position towards intentionality that is more intrinsic). It is partly this last point that makes Dennett’s work original.

In a synthetic way, Dennett’s thought is the following: it is strategic for man (as a rational animal) to attribute beliefs to things. Attributing a belief to a thing turns it into an intentional system. We will thus consider that it has “beliefs” and “desires” and that on this basis its functioning is predictable, and this quickly and without too many defects.

Dennett then focuses on a “common sense” approach to intentionality (understanding the responses manifested in behaviors as intentional actions or behaviors that are based on beliefs and desires).²⁵

An “intentional system” is thus developed, which offers Dennett the means to be able to “think” how individuals (but also things) “think” about a thing.

This transformation of raw data of acoustic pressure waves, lip-movements, button-pressings and such into expressions of belief requires adopting the intentional stance. It requires us to treat the subjects as if they were believers and desirers capable of framing and executing speech acts with intended meanings (2005/2012, p. 69).

23 For a general analysis of these questions, see D. Fissette & P. Poirier, *Philosophie de l'esprit: état des lieux* (2000).

24 The works of D. C. Dennett published in France are: *Théorie évolutionniste de la liberté* (2003/2004); *La diversité des esprits: une approche de la conscience* (1997/1998); *La conscience expliquée* (1992/1993); *La stratégie de l'interprète: Le sens commun et l'univers quotidien* (1987/1990); *De beaux rêves: Obstacles philosophiques à une science de la conscience* (2005/2012).

25 For an analysis of the intentionality in its relations with the artifacts, see M. Ricciardi (2003).

This “intentional system” makes it possible to attribute a “mind”²⁶ to things (and this as long as this attribution seems to be an efficient way to allow the prediction of a behavior). Things will be disposed to beliefs and desires.

The attribution of a disposition to norms (i.e. normativity), in the same sense, would allow for the implementation of a specific “intentional system” whose function would be constructed from “desires” and “beliefs” that would be specific to norms.

The intention attributed to the norm would then be to stick to reality and to normalize it: to make regularities appear for the benefit of men who would perceive this intentional system. The norm would have beliefs and desires: the belief in its necessity and the desire to impact reality (through a creation or a conformation of action). Not knowing the social laws that would necessarily be imposed, I adopt (it is the interpreter of the belief carried by the norm: the legal operator) then an effective strategic point of view. “I order” the norm to implement a force (a disposition) allowing to transform reality and I notice that globally it manages to accomplish this function.²⁷

This capacity to keep the thing in the sights of its intentionality implies, however, adjustments in order to succeed, appropriately, in maintaining contact (and thus the development of legal concepts by extension due to the referential opacity of intensional conceptions). This phenomenon makes explicit the margin that the normative tool offers in our measurement of reality (it is manifested in the legal language by the use of certain terms like: “standards”, “yardsticks”, “rules”).

These adjustments are manifested in the attention that is paid to the world, but also, naturally, in the planning of our actions in the world. Legal norms are thus doubly adjusted to the world, as Lorenzo Passerini Glazel aptly observes.

The function attributed to norms (understood as an intentional system) is thus to allow a certain production of the future. In this respect, it appears that human beings are always ultimately confronted with two strategies, according to Dennett: either they lock themselves into a castle that allows for the defense of what they “are”; or they develop methods, stratagems, in order to protect themselves against the obstacles that they will inevitably encounter.²⁸ One recognizes here the two approaches that are traditionally adopted with regard to the law itself: either it appears as guaranteeing the maintenance of a given order or it is apprehended as an instrument to make a society evolve.

With the norms understood as a “dispositional system” it would be a matter of letting “the world warn us” (Dennett, 1992/1993, p. 225).

These systems enhance our ability to survive.²⁹ Legal norms that allow for the expectation that social behaviors will be measured by specific standards or yardsticks clearly offer an advantage in the regulation of human relationships.

In the context of our “form of life”³⁰ dispositions and their intentional properties are real,

26 This is the purpose of the book: *La diversité des esprits* (Dennett, 1997/1998).

27 It is not the object of a perfect success simply of the result of the success notice of a regularity.

28 Thus, it appears that with regard to the selection process of evolution, the devices that will become anchored, in our nature, are those that allow us to catch (or capture) regularities and that, as such, function as often as possible (never perfectly, but sufficiently so that they appear as a benefit).

29 For example: to take up an illustration of Dennett’s that seems to us particularly clear, the axis of symmetry that is inherent to the gaze offers the possibility of realizing that one is being contemplated, which is practical for facilitating survival in a world populated by predators. This symmetry also appears probably in the order of the thought with the necessity to categorize the thought as well as in the framework of the logic: it is very present in the analyses of A. G. Conte.

30 The form of life is, according to the beautiful analysis of Professor Amedeo G. Conte, “a set of constitutive rules, of rules that constitute the sense of it and the sense in it” (1986/1995, p. 317).

but in an extrinsic way. They allow, from the perspective of ordinary social physics, to pursue regularities. The observer discerns *patterns* and will develop a strategy (and, indeed, this strategy clearly works on a day-to-day basis in the best possible way).

This analysis is, in our opinion, likely to echo the reflections of the Italian jurist and philosopher Amedeo G. Conte in his work on validity or adeontic regularity (1990/2019).³¹ He indicated in the works developed on this theme that the distinction between deontic and adeontic regularity could be enlightened by the distinction between *following* a rule and *pursuing* a regularity (which is deontically neutral). The rule (unlike regularity) is never “one” (it is never necessarily identical to itself). The rule leads us into “gardens that fork” to use the formula of the Argentinian poet J. L. Borges: the real sometimes forks the rule and generates complexities.

It is this specificity of the rule that will however allow an evolution and a maintenance of the continuity of our actions in the social game. It is possible to apprehend these configurations from the outside (for the observer) by affirming that they express an intentional point of view. We are thus able to modify the world: we can then follow something “on the track” and benefit from it in order to dispose ourselves to act.

We transfer into the world certain marks as well as clues and data to be interpreted as accounting for the world’s intention towards us... We thus attribute to it a certain meaning. This is perhaps the greatest interest of language for human development. This interest is found in law, which allows us to inscribe ourselves in time and to give meaning to the promise that law reveals to us.

Behind this reality of the social manufacture by the intricacy of diverse social subsystems – informed by each other, but closed on the singularity of what they manufacture – there is then no real in itself that it would be possible to illuminate or reflect. In this perspective, the real is only the gap between the social subsystems. The legal system thus secures certain social expectations which it mediates in its own order. This mediation will always be incomplete, and the rest that is abandoned in the act of transposition will always be perceived by the subsystem in question as a reason for it (an *a posteriori* justification).

The reflections that focus on the intentionality of dispositions and on dispositions as an expression of intentionality testify to this function of law, in which the delicate reduction, on the one hand, of our capacity to norm a reality (which is only elaborated in the agreement that ordinarily develops it and which is therefore necessarily in excess) and, on the other hand, the construction of a natural function that offers, through the intentional systems developed in law, the evolutionary advantage of allowing us to “see further”, are attempted.

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