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THREE AXIOMS ON UNWRITTEN (SOURCES OF) LAW

Dr. Marco Mazzocca, Ph.D.
Recognized Researcher (R2)
P.I, COIN Project
Pavol Jozef Šafárik University in Košice
Faculty of Law
Gustav Radbruch Institute of Theory of Law
Kováčska 26
040 75 Košice; Slovakia
marco.mazzocca@upjs.sk
ORCID: 0000-0001-7395-1331

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Abstract: *This essay proposes three axioms to clarify the status of unwritten law and unwritten sources of law. The first axiom asserts that written and unwritten norms share the same ontological status as abstract institutional entities, differing only in their modes of inscription and accessibility. The second axiom argues that their epistemological distinction is weak: both statutes and customs rely on overlapping forms of documentary and testimonial justification, despite following divergent procedural paths. The third axiom contends that laws and sources of law are not categorically distinct, but functionally interwoven, often reinforcing each other within the normative fabric of legal systems. Rather than offering final answers, these axioms serve as conceptual instruments – provisional yet clarifying tools for navigating the complex relations between codified rules and evolving practices. By foregrounding this triadic framework, the essay invites a renewed philosophical inquiry into the fluid architecture of normative authority.*

Key words: *Legal Philosophy; Legal Ontology; Legal Epistemology; Unwritten Law; Unwritten Source of Law*

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1. INTRODUCTION

This brief essay proposes three axioms,[1] with the aim of structuring a discourse on unwritten law and unwritten sources of law that avoids both legalistic rigidity and philosophical extravagance. To borrow a metaphor – one that may resonate with those who view philosophy as a form of cartography – this essay does not claim to chart a definitive map of unwritten laws, but rather to sketch the contours of their conceptual terrain. In doing so, it will identify impassable regions, conceptual mirages, and misleading shortcuts, while marking possible paths for further exploration.

The three axioms here proposed, indeed, are not intended as final answers, but as points of departure: signposts that may assist legal scholars in navigating this intricate domain with greater clarity, if not certainty. Each axiom addresses a different dimension of the problem. The first axiom asserts the ontological equivalence of written and unwritten laws, framing both as abstract institutional entities whose distinction lies not in their mode of being, but in their inscription and epistemic accessibility. It suggests that

[1] In this text, the term "*axiom*" is not employed in its strict technical sense, as used in mathematics or philosophy – where it denotes a proposition accepted as true, indemonstrable within the system, and foundational to its logical structure. A way, in other words, "to concentrate the understanding of a field in a few statements" (Béziau, 2021, p. 104). Here, I use the term in a more functional and conventional sense: the three "axioms" presented are better understood as foundational principles which, although not strictly demonstrated, are justified within the framework of the argument. They serve as operational starting points for constructing a coherent discourse, both philosophical and legal.

the existence of law does not depend on its material manifestation, but rather on its institutional recognition and normative force.

The second axiom addresses the epistemological nature of unwritten laws, examining how they are known, transmitted, and validated within a legal system. It stresses the continuity between written and unwritten laws, acknowledging that while they share common modes of justification – both relying on documentary and testimonial practices – their forms of inscription and procedural pathways remain distinct.

Finally, the third axiom introduces a functional distinction, emphasizing the fluid roles that legal norms – whether written or unwritten – play within the legal system. While both laws and their sources are ontologically and epistemologically interconnected, this third axiom underscores how the functional dimension of unwritten laws reveals their generative power within the legal order, without reducing them to mere historical antecedents or symbolic references. It invites reflection on the ways unwritten norms actively shape, rather than merely precede, the development and evolution of legal systems.

By positing these three axioms, this essay does not aim to distil the complexities of unwritten law into reductive definitions or confine the topic within rigid conceptual boundaries. On the contrary, it seeks to offer a shared conceptual framework – a language through which scholars can engage with unwritten laws and the unwritten sources of law – enhancing clarity, precision, and mutual intelligibility. These axioms, should they prove effective, do not offer definitive answers. Rather, they sketch the contours of a problem that, much like an incomplete map, becomes more intelligible and, consequently, more amenable to systematic, rigorous inquiry. Their true contribution lies not in resolving the debate but in sharpening its course, providing conceptual tools that sustain ongoing theoretical reflection, adapting as thought evolves. In this way, they do not close the discourse but open it to further developments, for like any good map, they show not only where one has been, but also where one could go.

2. FIRST AXIOM: ONTOLOGICAL EQUIVALENCE

The question of what entities exist in the world is a central concern of ontology. As the etymology of the term suggests [from the ancient Greek "*ὄντος*" (being)], ontology addresses the nature of existence – more specifically, the categories of things that populate our ordinary world (Grossmann, 1992; Varzi, 2005). Engaging with ontology, then, means grappling with fundamental questions about the nature of existence. For example: 'What is there'? (Quine, 1948, p. 21) If we were to compile a "universal catalogue"[2] of all that exists, what entities would it include? Would this catalogue be confined to concrete, tangible objects – such as trees, rocks, and chairs – or must it also account for abstract entities like laws, rights, and moral concepts, which, despite lacking physical form, exert a concrete influence and shape our social world?

At first glance, it may seem that unwritten laws differ ontologically from written ones, especially when viewed through a materialist lens. Unwritten laws appear abstract, while written laws seem concrete. However, consider the example of a written law, such as the Slovak Constitution. Its legal and historical features are well-documented – we know when it was drafted, enacted, amended, and how many articles it contains. If I were

[2] The term "universal catalogue" refers to a list of what is around us and to which we usually refer when we speak or when we plan our actions. It is, in other words, a catalogue of everything that exists, has existed, and perhaps may exist in the future. For a detailed account of the universal catalogue, see Varzi (2001, pp. 13–19).

to ask my Slovak students to show me their Constitution, they would likely present the physical volume of the Slovak Constitution: a book with mass, form, and spatiotemporal presence, akin to a chair or a table. Yet, when I state, "The Slovak Constitution grants Slovak citizens the right to vote", I am not referring to the physical object itself. This statement remains true even if every physical copy of the Constitution were destroyed. Rights, such as the right to vote, do not depend on the persistence of paper or ink. If new copies were printed or the text transcribed by hand, we would not create a new Constitution but merely reproduce the same legal entity. The Slovak Constitution, along with the rights it enshrines, exists independently of any particular physical instantiation. It is not a concrete object, but rather a conventional, abstract entity.

Similarly, when we refer to unwritten laws – such as customs, general principles of law, or institutional practices – we are not pointing to material entities. By definition, these are non-physical and often not captured in textual form. Therefore, if both written and unwritten laws are abstract entities, the ontological distinction between them is not substantive. From an ontological perspective, both are abstract institutional entities whose existence depends on social recognition, not on physical manifestation.

At this stage, however, a jurist could object that everything depends on what we mean by existence. Kelsen (1945, p. 30), for instance, equated the existence of a law with its validity, and vice versa. But this move merely shifts the question: it replaces the problem of existence with that of validity. And validity, as some have observed (cf. von der Pfordten, 2018, p. 4), is itself a questionable concept – an invention of philosophy, adopted and perhaps overvalued by certain legal theorists, often to the detriment of conceptual clarity.

Yet the issue cannot be dismissed. Concepts such as validity, effectiveness, bindingness, or applicability presuppose that we know what it means for a law to exist[3]. In this sense, once we recognize that both written and unwritten laws ontologically exist in the same way, our focus must shift to what truly distinguishes them: not their existence, but whether or not they are inscribed. The term 'unwritten' may misleadingly suggest a lack of form or definition, as though these norms were somehow more ephemeral or ontologically weaker than their codified counterparts. However, abstraction does not entail vagueness, nor does the absence of inscription imply non-existence.

The lack of a written form does not diminish the "deontic power" (Searle, 2010, p. 8) that unwritten laws also embody[4]. Consider, for example, *kaitiakitanga* (guardianship) in Māori culture – a customary norm governing environmental stewardship through oral tradition (Kawharu, 2000) – or the *Ofo* customary system, a pre-colonial legal institution in Igbo culture (Ikegwu, 2018). These practices are neither hallucinated nor idiosyncratic: they are recognized unwritten laws, often enforceable, and – critically – repeatable over time and within their context.

[3] These issues have been widely discussed in legal theory. For an initial overview, see Krešić (2022). For a more detailed analysis of the relationship between validity, effectiveness, and existence of laws, see Mazzocca (2022).

[4] The term deontic power designates the normative force or binding authority that a norm exercises – its capacity to impose obligations, confer rights, or authorize actions. The notion originates in deontic logic, a subfield of modal logic concerned with normative modalities such as obligation (ought), permission (may), and prohibition (must not) (von Wright, 1951). Within legal theory, deontic power is not contingent upon the specific form a norm assumes – whether written or unwritten – but rather derives from its institutional recognition, systemic acceptance, and practical efficacy within a normative order (MacCormick and Weinberger, 1986; Raz, 2009). As Searle (2010) has emphasized, deontic powers are generated through collective intentionality and the assignment of status functions; that is, they emerge when a community collectively acknowledges that a particular act, rule, or entity counts as fulfilling a specific institutional role or authority.

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Intelligible to members of the community, they generate expectations, obligations, and legal consequences. What they lack is not structure or normative density, but fixed material inscription.

Unwritten laws, then, inhabit the same ontological domain as written ones: they are abstract institutional entities, dependent on a network of collective recognition, embedded practices, and interpretive traditions. They exist by virtue of what John Searle has called "collective intentionality" (Searle, 1995, p. 23), and they are sustained by ongoing social validation. But this is not a mark of incompleteness: it is a condition shared by all legal norms, whether codified or not.

In this sense, the distinction between written and unwritten laws is not ontological, but epistemological. It concerns how we access, identify, and justify such norms – not whether they exist. Their abstract status does not make them any less real than the institutional facts that rely on them, and it is precisely this shared ontological basis that allows us to focus on their inscription as the meaningful differentiating factor.

3. SECOND AXIOM: WEAK EPISTEMOLOGICAL DISTINCTIONS

Distinguishing between ontology and epistemology is not always straightforward. In theory, the difference appears clear-cut: ontology investigates what exists – asking "What is there?" – while epistemology concerns how we come to know that something exists, addressing the question "How do we know that something is there?". In practice, however, these two dimensions are often conflated.

A notable casualty of this confusion is arguably H.L.A. Hart. In his account of the rule of recognition, he famously asserted that it "exists only as a complex, but normally concordant, practice of the courts, officials, and private persons in identifying the law by reference to certain criteria. Its existence is a matter of fact" (Hart, 1994, p. 101). In doing so, however, Hart appears to conflate the ontological status of a legal rule with the epistemic practices by which legal actors come to apprehend it. Therefore, unless we read the rule of recognition as a "blanket term" encompassing a set of cognitive procedures for acquiring legal knowledge, that term seems to blur the crucial line between the existence of a legal entity and how we come to know about its existence.

Thus, when we shift our focus from the existence of legal norms to the ways in which they are epistemically accessed, the distinction between written and unwritten law takes on renewed significance. From this epistemological perspective, what is at stake is not the being of norms, but the regimes of knowledge through which they are apprehended. Put differently, depending on whether the law is written or unwritten, legal actors – jurists, judges, or citizens – must rely on distinct forms of epistemic justification to determine the norm's validity, applicability, and its very existence.

In the case of written law, epistemic access is typically documentary and mediated by officially sanctioned texts. Legal knowledge in this context tends to conform to the classical model of propositional knowledge, often framed as "justified true belief" (Gettier, 1963). An agent can be said to know that "P is a legal norm" if and only if: (1) P is indeed a valid norm (truth), (2) the agent believes that P is a norm (belief), and (3) the agent has good reasons for this belief, grounded in reliable institutional sources such as statutory texts or official gazettes (justification). In this configuration, the epistemic source is public and accessible, and the justification relies on textual evidence and the principle of legal publicity.

By contrast, unwritten law presents greater epistemic complexity. Legal knowledge in this context relies on indirect sources: consolidated practices (*usus*), widespread normative convictions (*opinio juris ac necessitatis*) (Wagner, 2012), and the

emergence of general principles of law.[5] These norms are typically not directly accessible through reading authoritative texts.[6] Instead, they require inferential strategies, often involving systematic, analogical, or evolutionary interpretations.

In these cases, social epistemology provides indispensable conceptual tools for understanding how legal knowledge is generated and justified in the absence of direct textual references. Scholars such as Alvin Goldman (1999) argue that knowledge is not merely the result of individual reasoning but often arises from collective mechanisms of epistemic reliability. Within the legal domain, this implies that the validity of unwritten norms is frequently established through intersubjective convergence among institutional actors – judges, scholars, administrators – who, as epistemic authorities, contribute to the construction and legitimization of such norms (Zagzebski, 2012).

Importantly, however, the epistemic complexity of unwritten law does not imply that written law is epistemically straightforward or free of mediation. Even in the case of codified norms, interpretation plays a central role. Legal texts do not speak for themselves; they are interpreted, contextualized, and validated by institutional authorities. Thus, legal knowledge – whether of written or unwritten norms – is never the result of a purely individual or direct encounter with normative content. It is always mediated by systems of authority, modes of reasoning, and culturally embedded practices of interpretation.

In this light, written and unwritten law may be said to differ not in kind, but in degree: the former offers a seemingly more direct form of epistemic access, grounded in the materiality of the text, whereas the latter requires more overtly inferential and testimonial mechanisms of justification. Both, however, are subject to the same underlying epistemic conditions: institutional recognition, interpretive coherence, and social validation.

Ultimately, then, written and unwritten laws are structured by distinct yet overlapping epistemic regimes. The former is anchored in textual traceability and documentary transparency; the latter relies more explicitly on institutional testimony, systemic coherence, and the interpretive competence of legal agents. This distinction suggests that any viable theory of legal knowledge must operate on at least two levels: one concerned with the materiality and visibility of legal sources, and another focused on the social and interpretive dynamics through which normative recognition takes place. In both cases, however, it is crucial to note that law does not emerge as a brute fact, but as an institutional reality whose accessibility is mediated through complex and socially situated epistemic practices. Therefore, upon closer inspection, the epistemological distinction itself may turn out to be considerably weaker than it first appears.

4. THIRD AXIOM: FUNCTIONAL DISTINCTION

Up to this point, the analysis has focused on written and unwritten law, establishing their ontological equivalence – as instances of the same class of abstract institutional entities – and their modest epistemological divergence, rooted in differing degrees of accessibility and interpretability for epistemic agents. Yet in articulating these

[5] In this sense, consider, for instance, Article 12 of the Preliminary Provisions to the Italian Civil Code, which expressly authorizes, in cases of extreme doubt, the application of the general principles of the State's legal system. This, incidentally, also illustrates how even written law can sometimes explicitly refer to unwritten law to guide judicial reasoning.

[6] Although today there are examples of written compilations of norms that were originally unwritten, such as the Restatements of the Law produced by the American Law Institute or the identification of customary international law carried out by the United Nations International Law Commission.

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two axioms, a further conceptual assumption appears to have been tacitly accepted: namely, the distinction between law and sources of law.

This distinction becomes particularly salient in the case of unwritten law. In such contexts, reference is often made to customs, usages, or institutional practices not as laws *stricto sensu*, but as sources of law. The analytical focus thereby shifts, often implicitly, from the ontology of norms to that of their generative foundations. Yet the very notion of a "source of law" remains conceptually opaque. As Roscoe Pound lucidly observed, the term "source of law" is indeed inherently polysemic, resisting straightforward definition and encompassing at least five distinct meanings:

First, it has been used to mean what might be called from the analytical standpoint (re-membering the phrase that the King is the fountain of justice) the fountain of law, that is, the immediate practical source of the authority of legal precepts. In other words, the state. Austin so uses it. Second, it is often used to mean the authoritative texts which are the basis of juristic and doctrinal development of the traditional element of a legal system. In the civil law the term *fontes iurisis* used in this sense. The German jurists speak of *Rechtsquellen*. For the Continental jurists, the sources in this sense are the Roman texts. For us, they would be the authoritative reports. Third, Gray uses "source" to mean the raw material, as it were, both statutory and traditional, from which the judges derive the grounds of deciding the cases brought before them. Fourth, the term is used to mean the formulating agencies by which rules or principles or conceptions are shaped so that legislation and judicial decision may give them authority. Fifth, the term is used to mean the literary shapes, as it were, in which legal precepts are found; the forms in which we find them expressed (Pound, 1946, pp. 247-248).

It is not surprising, then, that given this semantic richness, any attempt to fix the meaning of the term "source of law" runs the risk of either oversimplification or excessive vagueness. Nonetheless, the concept retains a strong intuitive appeal, as evidenced by the enduring influence of Savigny's nineteenth-century formulation. According to Savigny, the *Entstehungsgründe* – that is, the "conditions of emergence" of law – should be regarded as its true sources (von Savigny, 1840, pp. 11–13). In this view, the source is not the law itself, but rather that which gives rise to it: a genealogical account, rather than a classificatory one. From this perspective, customs, shared convictions, or institutional practices do not merely contain law but generate it through historical and social sedimentation.

This may also explain why, in contemporary discourse, a more functionalist conception tends to prevail – one that defines sources as the acts and facts suitable for producing law (Anelli, Granelli, Schlesinger, and Torrente, 2023, p. 22). A conception that, incidentally, seems to be nothing more than a restatement of the classical realist formulation, according to which sources of law are merely "factors in the motivation process of the judicial decision" (Ross, 1946, p. 144), and thus legal materials picked up by judges to resolve disputes. While more pragmatic, this formulation nonetheless preserves the core intuition of Savigny's view: that sources are not themselves laws, but rather the enabling conditions under which legal norms – general as particular, abstract as concrete – come into being. Yet, as John Bell (2018, p. 42) aptly observes, these two dimensions – the generative and the normative – often go hand in hand. So closely, in fact, that they are frequently indistinguishable in practice. Consider any constitutional provision governing legislative procedures: no one would seriously deny that such a provision is both a law and a source of law. Indeed, legal textbooks routinely list constitutions, international norms, customs, and similar entities as sources of law – without thereby implying that they are not also laws themselves. The overlap is not only conceptually tolerable, but rather obvious.

Therefore, if law and sources of law – whether written or unwritten – are overlapping concepts, it follows that, from both an ontological and an epistemological standpoint, they are governed by the same axioms outlined above. Unless one maintains that sources of law are not law – or, more radically, that they lie outside the domain of law altogether – there appears to be no compelling reason to treat them as ontologically distinct from law. At most, one might argue that a particular legal provision functions at times as law and at other times as a source of law.

Of course, adherents of a certain strand of legal positivism might object that this conflation of law and sources of law is ill-suited to account for foundational constructs such as Kelsen's basic norm (*Grundnorm*) (Kelsen, 1967), Hart's rule of recognition (Hart, 1994), or Schmitt's concept of constitution-making power (Schmitt, 2008). These foundational norms, they could argue, are neither posited nor derived from enacted sources – whether written or unwritten. Instead, they are presupposed as necessary conditions for the validity of the entire legal system. From this perspective, therefore, there would be no source of law for the basic norm, the rule of recognition, or the constituent power; these are not products of law, but rather the preconditions for its very existence.

In other words, the three axioms proposed here – the ontological, the epistemological, and the functional – are either incapable of accounting for, or simply inapplicable to, constructs such as the Kelsenian basic norm, Hart's rule of recognition, or Schmitt's concept of constituent power, ideas frequently invoked by constitutional law scholars. And this is the case: these axioms fail to apply to the aforementioned concepts for at least two reasons. First, they represent exceptions to the conventional distinction between law and sources of law. According to the definition of source of law adopted here, indeed, it is not even clear whether entities such as the basic norm, the rule of recognition, or the constituent power can be properly classified as genuine sources of law. Second – and though this extends beyond the immediate scope of the present inquiry – it is important to acknowledge that, at least *prima facie*, these three legal positivist constructs seem fundamentally external to legal systems, whereas the axioms here discussed are designed to operate strictly within the confines of those systems[7]. In fact, one might say that the very difficulty of fitting these positivistic constructs within the category of 'sources of law' illustrates the limits of the positivist paradigm rather than of the functional axiom itself. Their ambiguous status only confirms that the notion of source is better understood as a practical-analytical tool, not as an ontological category.

Having thus clarified that the axioms proposed in this paper apply primarily within the internal logic of legal systems, it is worth reiterating that the observed overlap between laws and their sources is not a flaw in the conceptual framework but rather a reflection of the dynamic nature of legal systems themselves. Norms routinely shift roles: functioning as binding rules, as generative structures, and as interpretive anchors. While the functional distinction between laws and sources of law proves porous in practice – with many legal norms simultaneously operating as both – this very fluidity reinforces the ontological and epistemological unity posited by the first two axioms.

[7] The "externality" of these foundational constructs can be understood in at least three distinct senses. In the transcendental sense, as in Kelsen's theory, the *Grundnorm* is not part of the legal system but a presupposed logical condition for the system's intelligibility and normative unity (Kelsen, 1967). In the meta-legal sense, as Hart suggests, the rule of recognition is a social rule that describes the criteria of legal validity, yet it is not itself subject to legal validation (Hart, 1994). Finally, in the political-existential sense, the constituent power (also called Constitution-Making power) represents a founding moment that precedes, enables, and is not constrained by the legal order it establishes (Schmitt, 2008; Negri, 1999).

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This third axiom, then, does not posit a new ontological or epistemological distinction, but rather highlights the functional role of the concept of "source of law." Whereas the first axiom establishes the ontological equivalence of written and unwritten law, and the second clarifies their modest epistemological divergence, the third adds a different layer: it shows that the category of source of law operates primarily as a heuristic and practical device. In other words, the language of "sources" does not refer to entities that are ontologically distinct from law, but instead organizes how law is generated, identified, and applied within legal systems. The very persistence of this category, despite its semantic ambiguities, reflects its usefulness in structuring legal discourse and guiding institutional practices, rather than its descriptive accuracy about the existence of legal norms.

This functional axiom, therefore, is not intended to rigidly demarcate laws from their sources, but to underscore their mutual interdependence. Just as unwritten laws derive their authority from patterns of institutional recognition, written laws presuppose unwritten frameworks of meaning and validation. The dichotomy collapses, revealing law as a unified field of normative forces – accessible through diverse epistemic pathways yet ontologically coherent. This, ultimately, is the contribution of the three axioms: they dissolve artificial hierarchies, offering a conceptual lens through which the living law – both inscribed and emergent – may be studied in its full normative, institutional, and interpretive complexity.

5. CONCLUSION: THE BIG ABSENTEE

From the outset of this work, I have maintained that the three axioms proposed here – the ontological equivalence between written and unwritten law, the weak epistemological distinction between them, and the functional differentiation between laws and sources of law – are intended merely as a starting point. These axioms do not aim to provide definitive answers to the complex questions surrounding the nature of law, but rather to offer scholars a clearer conceptual framework for addressing the intricate issues raised by the notion of unwritten (sources of) law. They are designed to provide a foundation for further exploration, acknowledging that the very nature of unwritten law remains a relatively underexplored area within contemporary legal and philosophical discourse.

In this sense, the acceptance of these axioms is not necessary to achieve the primary goal of this essay. Simply bringing to light the challenges they raise may already constitute a significant contribution to future legal and philosophical inquiry into the nature of unwritten (source of) law. The identification of these issues can stimulate fresh perspectives and encourage a deeper understanding of how we conceptualize and engage with various forms of law. For instance, consider a scholar who rejects the third axiom – the one that emphasizes the functional distinction between laws and sources of law. This axiom may seem particularly fragile, as it partly rests on an arguably arbitrary choice regarding the meaning of the term "source of law." Yet, even in such a case, the first two axioms would retain their validity and effectiveness: from an ontological perspective, written and unwritten law would continue to exist as abstract entities, only weakly distinguished from one another epistemologically, with the understanding that our knowledge of them may vary in its depth and scope.

In this way, therefore, even applying only the first two axioms, we would come to consider written constitutions as not so dissimilar to unwritten ones, just as unwritten customary law is not so dissimilar from written law. In this sense, for example, it matters little whether principles such as the well-known principle of international law, the Principle

of Non-Intervention, are customary (unwritten) in nature, or are now based primarily on what is stated, for example, in Article 2, paragraph 7 of the United Nations Charter or in the 1970 Declaration of Fundamental Principles of International Law. Given the axioms presented here, what matters is not so much the classificatory label we attach to such principles, but what they establish within the legal order.

Throughout this essay, however, a significant omission has loomed in the background without ever being fully addressed: the metaphysics of (the source of) law has remained largely untouched. Indeed, while the existence of certain entities has been affirmed within the framework of the axioms, their precise nature and identity have not been fully explored. As Bianchi and Bottani (2003, p. 15) aptly suggest, affirming the existence of entities is one thing; characterizing their precise nature is quite another. This latter task, they argue, belongs more properly to the metaphysical domain than to the ontological one. In other words, whereas ontology is concerned with what exists, metaphysics is concerned with what those things are in their full essence.

This distinction, though philosophically significant, is not always easy to maintain. One often cannot affirm the existence of an entity without offering at least a preliminary account of its nature. Just as it would be problematic to assert the existence of the Higgs boson without describing its properties, so too would it be insufficient to posit the existence of unwritten law without some specification of its character.

From this perspective, the first axiom could be regarded not only as ontological, but also – at least in part – as metaphysical. The claim of equivalence between written and unwritten law involves not only the affirmation of their existence, but also an implicit assertion of their shared characteristics, their internal structure, and their role within the broader architecture of legal systems. Even once the distinction between ontology and metaphysics is made explicit, the first axiom retains its full force. It offers scholars a sharper awareness of the philosophical depth of concepts such as law and source of law, helping them avoid superficial reductions or philosophical reifications born of conceptual imprecision.

In doing so, it provides an invaluable instrument for a more nuanced understanding of the legal landscape. Moreover, it may open the way to new lines of inquiry within legal philosophy – particularly those that explore the still underdeveloped distinction between the ontology and metaphysics of legal phenomena. The future of legal scholarship, in this sense, may well be shaped by such refined perspectives, paving the way for more sophisticated analyses of legal systems and their sources.

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