

# Nature, custom, and stipulation in the semiotic of John Poinso

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## Preface: Semiotics and social theory

A fundamental fact of human existence is that we have no access to nature or to another mind, or even to our own mind, except through signs. Our cognition of the external world is always mediated by perceptual and conceptual signs, just as our social relations are always mediated by linguistic and gestural signs. As Deely says (1988: 31): 'There is nothing in thought or in sensation which was not first in a sign'. Given the fact that signs are the basic media of human experience, it is surprising (or, perhaps, to be expected) that there has been so little progress toward establishing a coherent doctrine of signs. The major theorists of signs continue to work from radically different philosophical standpoints: there is still no common framework for research.<sup>1</sup> Deely argues persuasively that the semiotic of John Poinso represents the most promising theoretical framework available. I accept this claim only on the condition that Poinso's doctrine be substantially revised in the light of subsequent developments in the philosophical and social sciences.

John Poinso (1589–1644), traditionally known by his Dominican name as John of St. Thomas, was the last of the great Renaissance Aristotelians of the eminent Spanish school which included Cajetan, Soto, Molina, and Suarez. These Spanish Thomists were deeply interested in the theory of signs, and it is no accident that the Spanish Jesuits, according to Schumpeter (1954: 97), were the first to develop economics into a science: the price-system is but one species of sign-system.<sup>2</sup> John Poinso compiled a comprehensive philosophical system, the *Cursus Philosophicus Thomisticus*, of which the treatise on signs, the *Tractatus de Signis*, is a part. Poinso's treatise on signs was, however, essentially lost to modern philosophy until it was discovered in the second decade of this century by Jacques Maritain, who regarded Poinso as perhaps the greatest Thomist since Thomas Aquinas himself (see Deely 1988: 46–47). Here we find one major reason for the lack of progress on the theory of signs: modern

philosophy adopted the anti-semiotic problematic of Descartes instead of the semiotic problematic of Poincot. Descartes posited an immediate grasp of essences which precludes the mediation of signs. When C. S. Peirce turned to the theory of signs he was, in part, forced to 'reinvent the wheel', since Poincot's work was not available to him. Deely's recent (1985) bilingual edition of Poincot's *Tractatus de Signis* has placed Poincot's foundational work at the center of contemporary discussion of the theory of signs.

The semiotic perspective must be carefully distinguished from the 'linguistic turn' in philosophy and social theory. The claims so often made about the fundamental role of language in human thought and in society typically founder on the fallacy of *pars pro toto* (see Deely, Williams, and Kruse 1986): language is but one species of sign-system, and must not be taken as the whole of semiotics. The general semiotic perspective must encompass not only language, but also the price-system and the natural signs shared by human and other animals. We must seek the general logic of sign-systems, of which language is but a special case.

Poincot's semiotic provides a promising framework for fundamental work in social theory. At the center of Poincot's thought is the doctrine of relation. Poincot argues that essential relation (*secundum esse*) is indifferent to its realization in either real being or rational being: the relation 'father of' is as true of Abraham and Isaac as it is of Apollo and Orpheus. Thus relation has an objectivity independent of the real or merely rational status of its terms. It is because semiosis is grounded in the objectivity of relation that signs refer indifferently to real and rational beings. The doctrine that relation has an objectivity apart from its terms was rejected by modern philosophy from Descartes to Kant (see Weinberg 1965: 112–119). This is why, according to Deely (1985: 499–500), a coherent theory of semiotics is impossible on the basis of the theory of relation in the tradition from Descartes to Kant. Bertrand Russell, who is chiefly responsible for the contemporary logic of relations, argues (1978: 95) that both nominalists and Hegelians deny the reality of relation by attempting to reduce relations to predicates of individual entities.<sup>3</sup> 'Traditional logic', says Russell (1915: 47), 'since it holds that all propositions have the subject–predicate form, is unable to admit the reality of relations: all relations, it maintains, must be reduced to properties of the apparently related terms'.<sup>4</sup> Russell's comment needs to be qualified, since Thomas Aquinas and Poincot insist upon the objective reality of relations even within traditional logic; but Russell is correct in noting that the use of traditional logic does lead philosophers like Poincot to sometimes treat relations as mere predicates of terms.<sup>5</sup>

The various logical treatments of relation in the history of philosophy

have had a profound effect on the various treatments of social relations. Aristotle (1984a: 8a 28–34), who treated relation as a predicate, distinguished two ways in which something can be relative: something can be merely explained as relative to something else, or something can be essentially relative to something else (see Weinberg 1965: 71–72; Deely 1985: 473). In other words, to be in relation is only an accidental property of some entities, but an essential property of other entities. In his discussion of the relation of master to slave, Aristotle says (1984b: 1254a 9–16) that while the master can be described as relative to the slave, the slave is essentially relative to the master. The master has a merely external relation to the slave, while the slave has an internal relation to the master. Hegel argued that all relations are internal: an entity is always essentially defined by its relations. Thus, for Hegel, the master is essentially relative to the slave, just as the slave is essentially relative to the master. Finally, nominalism is the doctrine that relations are merely the sum of their terms: in this view, the mind imputes a relation between real individuals. In neoclassical economics, nominalism takes the form of ‘methodological individualism’ — that is, the doctrine that social relations must be explained in terms of predicates about individual preferences. The employment relation, for example, is reduced to the joint preferences of the employer and the employee.

From the point of view of Russell’s theory of relations, all of these accounts are inadequate because they view relations as mere properties of the terms: the relation thus becomes absorbed into its terms, and the distinction between term and relation is lost. If we define individuals simply as ‘slaves’ and ‘masters’, then we have lost the distinction between an individual person and his social relations; similarly, if we define the employment relation simply in terms of the preferences of the individuals involved, then we have lost the distinction between an individual’s preferences and his social relations.

Within relation, Poinot distinguishes ontological relation from transcendental relation. Ontological relations are objective (that is, intersubjectively verifiable); transcendental relations are intrinsic to the subjectivity of an individual. Ontological relation is essential relation (*secundum esse*); transcendental relation is relation in a manner of speaking (*secundum dici*). Poinot accepts the Thomist doctrine that any entity can be explained in terms of its relations to others, but not all entities are essentially relative to others (Deely 1985: 474). My subjective cognition of an entity establishes only a transcendental relation to it: such a cognition may be a mere subjective illusion; but if I signify an entity by name, then I have established an ontological relation, for a name cannot signify unless based on an intersubjectively verified relation to an object.<sup>6</sup>

Thus, for Poincot, signs always presuppose ontological relations; for a sign cannot connect a mind to an object unless sign, mind, and object are in an objective relation. For example, smoke would not be a sign of fire unless there was an objective relation between fire and smoke — in this case, the relation of cause and effect. Similarly, the expression ‘smoke’ would not be a sign of actual smoke unless there was an objective relation between ‘smoke’ and smoke — in this case, the customary relation of English usage. In Poincot’s terms, smoke has a real relation to fire, while ‘smoke’ has a rational relation to smoke. Ontological relation, therefore, is indifferent to its realization in either real relation or rational relation: natural objects and cultural objects are united by the fundamental rationale of the sign as an ontological relation. Signs refer equally well, for example, to real or imaginary entities, so long as these entities are objective (that is, intersubjectively verifiable).

Poincot makes use of the Scholastic distinction between formal and instrumental signs. Formal signs (such as concepts or ideas) refer the mind to objects without first being cognized; instrumental signs (such as words) refer the mind to objects only after first being cognized. Poincot’s semiotic rescues epistemology and social theory from the solipsism characteristic of modern philosophy both in its Cartesian and in its Lockean variants. According to Descartes and Locke, our ideas (concepts and percepts) are cognized as mental objects or representations; the question then arises of how these mental objects relate to empirical objects.<sup>7</sup> Idealists hold that mental objects are more real than empirical objects; empiricists hold that empirical objects are more real than mental objects. Poincot avoids the entire problematic by maintaining that ideas are not representations or objects at all: ideas are signs of objects. Ideas are not first cognized as objects and then compared to real objects; ideas are signs that direct the mind to objects. Ideas function not as pictures that duplicate the world, but as magnifying glasses that bring the world to our attention.

The semiotic theory of cognition, however, is not ‘realism’, because the object signified may or may not be empirically real: the intentional object of a sign could be either a unicorn or a horse. What is essential to semiosis founded in ontological relation is that the object signified be socially constituted: semiotics rescues knowledge from solipsism, but not from socially constituted illusions like the ‘ether’ of nineteenth-century physics. In short, all social relations make use of instrumental signs such as language; and all instrumental signs are cognized through formal signs such as concepts. Thus the distinction between formal and instrumental signs unites knowledge and society within the semiotic framework: our knowledge of the external world makes use of the same semiotic nexus

as do our relations to others. As Peirce says (CP 5.251): 'All thought, therefore, must necessarily be in signs'.

Poinot distinguishes three types of instrumental signs: natural signs, customary signs, and stipulated signs. Each type of instrumental sign has a different type of ontological relation to its object: natural signs are rooted in the physical, chemical, and biological relations; customary signs are rooted in habitual and non-reflective social relations; and stipulated signs are rooted in the deliberate design of an individual mind which has been socially approved. The distinction of natural, customary, and stipulated signs is implicitly a theory of social relations, for any social institution is the joint articulation of nature, custom, and stipulation. We will show how Poinot's account of the distinction between these three types of instrumental signs needs to be substantially revised if it is to become an adequate framework for social theory. Indeed, we will conclude by showing that even the formal signs that constitute human cognition are the product of the joint articulation of nature, custom, and stipulation.

### The logic of semiosis

John Poinot's doctrine of signs has two distinct but closely related parts: the first is the theory of signification (that is, semiosis); the second is the classification of signs. My concern is chiefly the classification of instrumental signs into natural, customary, and stipulated; but this logic of classification is best understood in the context of the general logic of semiosis. Indeed, the division of signs into formal and instrumental on the one side, and the division of instrumental signs on the other, presupposes a particular view of the logic of semiosis.

Poinot defines the sign (1985: 25.11) as something relative to what it signifies and to whom it signifies: 'That which represents something other than itself to a cognitive power'. Poinot also defines the sign as not just something relative to another, but as a relation. The sign, he says (1985: 119.13), is an ontological relation: 'the rationale of a sign formally speaking does not consist in a relation according to the way being must be expressed in discourse (*secundum dici*), but in a relation according to the way relation has being (*secundum esse*)'. From the point of view of Peirce's and Russell's logic of relations, Poinot has defined the sign (*signum*) both as a term (that is, as something relative) and as a relation. By contrast, Peirce and Russell would define semiosis as a relation involving three terms: the sign, the object signified, and the interpreting mind. In this view, there is a strong distinction between the *relation* of semiosis and the three *relata* of sign, object, and mind. These three terms or *relata*

constitute the relation of semiosis. Peirce, for example, says (*CP* 3.360) that 'a sign is a conjoint relation to the thing denoted and to the mind', not that the sign is a relation.<sup>8</sup>

Poinsot, however, does not make this distinction between the relation of semiosis and the three relata; instead, he speaks of the sign both as a relation and as something relative (*aliquid ad aliquid*). By using the term *signum* in both of these senses, Poinsot has conflated the sign as *relatum* with the *relation* of semiosis.<sup>9</sup> Poinsot should have distinguished *significatio* as the relation of semiosis from *signum* as one of the terms of relata.<sup>10</sup> By defining the sign as relative being, Poinsot's analysis takes the form of examining how the sign is relative to the object and to the mind, instead of examining how sign, object, and mind are all equally interrelated.

In Scholastic logic, a relation has a subject, a fundament, and a term (*terminus*). In the relation of fatherhood, Abraham is the subject, procreation is the fundament, and Isaac is the term.<sup>11</sup> Since a relation is defined as the joint articulation of one fundament and one term, difficulties emerge as terms are multiplied.<sup>12</sup> If we map semiosis onto this Scholastic logic, the unity of the semiotic relation becomes problematic: the sign is the subject, representation is the fundament, but there are two termini — the object signified and the interpreting mind. But diverse termini mean diverse relations, so we seem to have a double relation in semiosis: one relation between sign and object, and another relation between sign and mind.<sup>13</sup> In order to preserve the unity of semiosis, Poinsot makes a distinction between the object as direct terminus and the mind as an indirect terminus of the sign-relation. 'In this way one and the same existing relation can be bounded by two termini, one directly, the other indirectly, which is to have simply but one terminus in the formal rationale of terminus' (Poinsot 1985: 154.31; see also 162.44). Poinsot is faced with a dilemma: if he says that the sign mediates two terms, then he is faced with two relations in semiosis; but if he insists upon one relation, then he must collapse two terms into one formal terminus. In modern logic, relation is indifferent to the number of terms.

Within the triad of sign, object, and mind, Poinsot has distinguished two subordinate dyads: sign-object and sign-mind. Moreover, since the object is the direct terminus of the sign, while the mind is but the indirect terminus, the sign-mind dyad is subordinate to the sign-object dyad. Indeed, in some places, Poinsot tells us that the sign-object dyad is sufficient to constitute the formal rationale of semiosis.<sup>14</sup> Since the sign relates to the object as measured to measure, semiosis seems to be a dyadic relation (see Poinsot 1985: 151.25). Yet in other places, Poinsot insists that neither dyad alone constitutes the formal rationale of the sign:

'neither of the two [dyads] is the sign-relation formally' (1985: 160.10). The closest we get to a resolution in this matter is the statement that although a relation to a mind is presupposed for the formal rationale of the sign, such a relation is not constitutive of the formal rationale of the sign.<sup>15</sup> Poinot has framed his analysis from the standpoint of the question, 'If the sign is essentially a relative being, then what is it relative to?' His answer is that the sign is directly and primarily relative to its object and is only indirectly and secondarily relative to a mind. In the modern logic of relations, however, the analysis is framed quite differently: if semiosis is a relation of three terms, then each term is equally constitutive of that relation. Peirce captures the distinction between the relation of semiosis and the three *relata* (CP 5.484): 'But by "semiosis" I mean, on the contrary, an action or influence, which is, or involves, a cooperation of three subjects, such as a sign, its object, and its interpretant, this tri-relative influence not being in any way resolvable into actions between pairs'.

From the point of view of the logic of relations in Peirce and Russell, Poinot's treatment of the triadic structure of semiosis is clearly deficient. It is far from true that, as Deely claims (1985: 495), 'Peirce's semiotic of triadic relations as specified, thus, strikingly resembles the semiotic of Poinot'. As we have seen, Poinot resolves this triad into two dyads and then subordinates the sign-mind dyad to the sign-object dyad; the formal rationale of semiosis presupposes the sign-mind dyad, but is constituted by the sign-object dyad. In Peirce's analysis (CP 3.361), by contrast, a triadic relation is resolved into three dyads: in this case, sign-object, sign-mind, and object-mind.<sup>16</sup> Because Poinot examines only how the sign is relative, he tends to overlook the object-mind relation; yet this object-mind dyad is a necessary (though not sufficient) condition for preventing semiosis from dissolving into the sum of the other two dyads.<sup>17</sup> Although Poinot suggests that in some way semiosis requires both the sign-object and the sign-mind dyads, he never explicitly shows how any triad is greater than the sum of its dyads.<sup>18</sup> Poinot's analysis of the formal rationale of the sign in terms of one dyad (sign-object), or of some combination of two dyads, results in what Peirce terms a 'dyadically degenerate triad' (CP 1.473). Using Peirce's example of the dyadic degeneration of the triadic contract-relation, we can see why Poinot's analysis of semiosis into two dyads is inadequate. 'Now let us consider the triad, A makes a contract with C. To say that A signs the document D and C signs the document D, no matter what the contents of that document, does not make a contract. The contract lies in the intent' (CP 1.475).<sup>19</sup> Just as the contract mediates between two parties, so the sign mediates between object and mind; just as the pseudo-contract omits the dyad of

intention from party to party, so the pseudo-semiosis omits the dyad of intention from object to mind.<sup>20</sup> Poincot's confusion of the sign with semiosis led him to neglect the intentional relation of mind to object in the formal rationale of semiosis.

At one level, Poincot's doctrine that the sign respects the object directly and the mind indirectly is simply the byproduct of the grammatical relations involved in the statement 'a sign represents an object to a mind'.<sup>21</sup> This is not surprising, since the distinction between subject and term in Scholastic logic is based on the grammatical distinction between subject and predicate. But there is much more involved in Poincot's distinction between these two dyads than a simple confusion of logical and grammatical categories. One ground for Poincot's subordination of the sign-mind relation to the sign-object relation is that for Poincot the sign respects the object according to the ontological relation of measured to measure, while the sign respects the mind according to the cognitive relation of 'stimulatively moving and representing'. Instead of uniting sign, object, and mind within the triadic relation of semiosis, Poincot unites sign to object by ontology, and unites sign to mind by cognition. The sign, he says, respects the object according to the formal relation of semiosis, whereas the sign respects the mind according to the fundament of representation.<sup>22</sup> Poincot tends to confuse the semiotic relation of sign to mind with the cognitive relation of sign to mind.<sup>23</sup> The semiotic relation of sign, object, and mind is *sui generis* and should not be described in terms of cognition; the sign signifies to a mind, the sign does not respect the mind by 'stimulatively moving and representing'.<sup>24</sup> Poincot's confusion between signification and cognition is most evident in the case of formal signs (1632: 143.39): if formal signs signify without first being cognized, then the relation of sign to mind cannot pertain to the rationale of the formal sign.<sup>25</sup> Obviously, Poincot's conditional is valid only if the relation of a formal sign to the mind is taken to be cognitive. Once we see that the relation of any sign to a mind is not cognitive, but *sui generis* semiotic, then it is clear that this relation pertains to the formal rationale of the sign.

According to Poincot, the sign (but not the object or mind) is a relative being. But whereas the sign is essentially dependent (*secundum esse*) on its object (as measured depends on a measure), the sign is dependent on the mind only in a manner of speaking (*secundum dici*). In technical terms, the relation of sign to object is always ontological (*relatio secundum esse*), while the relation of sign to mind may be only transcendental (*relatio secundum dici*). The sign respects the object according to the ontological relation of semiosis, but the sign respects the mind according to the transcendental relation of representation.<sup>26</sup> These two types of



relation correspond to two types of dependence. Recall that for Aristotle, the slave is essentially dependent on the master, while the master is dependent on the slave only in a manner of speaking. Indeed, for Poinot, a sign relates to its object just as a servant relates to his master (1985: 123.21): 'a sign must necessarily consist in [an ontological] relation thereto, just as a servant bespeaks a relation to a master [as] a minister or instrument [bespeaks a relation] to its principal'. The sign, like any servant or minister, performs missions on behalf of its principal to others; but the sign, again like a minister, is essentially defined by its relation to its principal, not by its missions to others (Poinot 1985: 123.5). Moreover, the sign cannot be ontologically dependent on the mind because, for Poinot, the mind is in a state of potentiality with respect to the sign: the sign acts on the mind; the mind does not actively interpret the sign.<sup>27</sup> For Peirce, by contrast, the interpretant is a habit or belief which plays an active role in the interpretation of the sign: the phenomenon of surprise in the act of interpretation reveals the active role of habitual belief in semiosis. Poinot could not have subordinated the sign–mind dyad in semiosis had he seen that the interpretant is not a power but a habit.<sup>28</sup>

We must reject this hierarchy of dependence: all terms are equally relative within the semiotic relation. For in semiosis, the object depends on the sign just as the sign depends on the object; and the sign depends on the mind just as the mind depends on the sign. Indeed, the equality of terms is most easily grasped when we consider that, in semiosis, the object signified and the interpretive power may both be signs.<sup>29</sup> Because Poinot has made the relation of semiosis a predicate of the sign by defining the sign as 'relative', he must argue that there is some essential quality of the sign itself that makes it intrinsically semiotic.

First, that the sign be more known than the signified, not according to nature, but as regards us. Second, that the sign be subsidiary to or more imperfect than the significate. Third, that the sign be dissimilar to that significate. (Poinot 1985: 218.43)

Here we see most clearly Poinot's tendency to absorb the relation of semiosis into a relational property of the sign alone.<sup>30</sup> Yet it is very misleading to define semiosis in terms of the intrinsic qualities of the sign, since almost anything can, in different circumstances, serve as a sign. A son, for example, may be a sign of his father; or a father may be a sign of his son. And signs often refer to other signs. To paraphrase Moore (1922: 309): the relation of semiosis *may entail* some qualities in the terms, but no qualities in the terms *entail* the relation of semiosis. Since Poinot does not clearly distinguish between semiosis and the sign, he is finally

unable to determine whether semiosis is a relation or merely a relational property of the sign.

Although in his formal account of semiosis Peirce insists on the priority of the sign-object dyad over the sign-mind dyad, in his informal illustrations of semiosis he comes closer to acknowledging the equality of these dyads. Peirce offers two examples of incomplete or interrupted semiosis: in the case of the statue of a dead emperor the sign-object dyad is broken; in the case of the closed book the sign-mind dyad is broken. When the emperor dies 'his statue does not remain a sign formally, but virtually and fundamentally' (1985: 125.34)<sup>31</sup> Similarly, when a book is closed, the words are signs 'actually fundamentally, not actually formally' (1985: 275.11).<sup>32</sup> Although Peirce does not treat these two cases as symmetrical, he nonetheless acknowledges that in both the semiosis is incomplete.

Peirce's treatment of the relation of partial semiosis to complete semiosis is logically deficient. In order to render this analysis consistent with the contemporary logic of relations, Rulon Wells suggests that we treat each of the three dyadic relations of semiosis as an instance of *potential* semiosis, in contrast to the triadic relation of *actual* semiosis.<sup>33</sup> Thus the hieroglyphs of ancient Egypt were potential signs until the discovery of the Rosetta Stone; road-markings were potential signs to the drivers who overlooked them; the expression of intention is only potentially semiotic until the signs used to express something are specified. These correspond to the three types of potential semiosis: sign-mind, sign-object, and mind-object. Peirce's analysis is incomplete because he omits the mind-object dyad of potential semiosis, and is deficient because he hierarchizes the dyads of potential semiosis, whereas each dyad is equally potential.

### The classification of signs: Nature, custom, and stipulation

Peirce's doctrine of semiosis has considerable bearing on his doctrine of the classification of signs.

For insofar as signs are ordered to a power, they are divided into formal and instrumental signs; but insofar as signs are ordered to something signified, they are divided according to the cause of that ordering into natural (*naturale*) and stipulated (*ad placitum*) and customary (*ex consuetudine*). (1985: 27.7)

Thus Peirce's dyadic treatment of semiosis leads to a dyadic classification of signs: first signs are divided into formal and instrumental, then instrumental signs are divided into natural, customary, and stipulated.

My revision of Poinot's treatment of semiosis will likewise have considerable bearing on my revision of Poinot's treatment of the classification of signs. First, Peirce's insistence on the irreducibly triadic character of semiosis and his implicit resistance to Poinot's analysis of semiosis into unequal dyads lead me to the conclusion that the trichotomy of nature, custom, and stipulation is by no means limited to the sign-object dyad, but extends through the whole of semiosis. Although Poinot argues that only natural signs extend across the division of formal and instrumental signs, I will show that the entire nature, custom, and stipulation trichotomy extends across the division of formal and instrumental signs.<sup>34</sup> Second, the distinction between the relation of semiosis and the sign as a term of that relation leads me to the conclusion that instead of speaking of natural, customary, and stipulated *signs*, we must speak of the natural, customary, and stipulated *dimensions of semiosis*. Every semiotic system is the joint product of all three: human language, for example, evolves due to natural physiology (ease of pronunciation), customary usage (the unconscious formation of grammatical analogies), and stipulation (the rules of grammarians and academies).

This second claim follows from the first, for Poinot defines a natural sign (smoke as a sign of fire) as a sign whose relation to its object is independent of human activity. Smoke is a natural sign only if we can define a sign apart from a human interpreter; once the smoke is interpreted — that is, once it becomes an actual rather than a potential sign — it is no longer simply a 'natural' sign.<sup>35</sup> In short, insistence on the triadic unity of semiosis leads to the conclusion that nature, custom, and stipulation jointly articulate not only the relation of sign to object, but also the relation of sign to mind: they are three fundamental categories of the semiotic relation.

We will first consider the question, as Poinot puts it (1985: 269), of 'Whether the division of signs into natural (*naturale*), stipulated (*ad placitum*), and customary (*ex consuetudine*) is a sound division'. Yet Poinot introduces this triad only to reduce it to three dyads: he devotes one chapter to nature and stipulation; he then devotes another chapter to custom, vis-à-vis nature and vis-à-vis stipulation. According to Deely (1985: 269n), 'Here we encounter a structural anomaly in the Treatise'. I will argue that we can make sense of Poinot's treatment of the nature, custom, and stipulation trichotomy only in the context of its origins in Aristotle and its development in Thomism.<sup>36</sup> As we shall see, Poinot's doctrine of nature, custom, and stipulation has few of the strengths and many of the weaknesses of the Aristotelian doctrine.

According to Aristotle's *Politics* (1984b: 1332a 40), 'There are three things which make men good and excellent; these are nature (*physis*),

habit (*ethos*), and reason (*logos*). Just what is the meaning of this somewhat obscure trichotomy? Protagoras had said (1922: frag.3), 'Teaching (*didaskalia*) needs both nature (*physis*) and practice (*askesis*)'. In other words, a student cannot grasp rationally organized knowledge unless he or she has both a natural aptitude and the proper study habits. In a similar vein, Plato said (1961: 269D), 'If you have an innate capacity (*physis*) for rhetoric, you will become a famous rhetorician, provided you also acquire knowledge (*episteme*) and practice (*melete*), but if you lack any of these three you will be correspondingly unfinished'.

There is no doubt that Aristotle is drawing on these views of the tripartite structure of education (*paideia*),<sup>37</sup> but Aristotle's actual terms — *physis*, *ethos*, and *logos* — suggest that he is developing a more general conceptual rule, of which *paideia* is only a special case. Aristotle is saying that morality, like any social institution, has three dimensions: we begin with natural potentialities, custom shapes these potentialities into habits, and through rational reflection we order our habits in light of our moral ideals. In his exposition of Aristotle's doctrine, Thomas Aquinas says (1951: 381): '*At vero boni et studiosi fiunt per tria. Tria autem haec sunt, natura, consuetudo, et ratio*'.<sup>38</sup> Although Poinso's division of signs is obviously derived from this Aristotelian trichotomy, neither Poinso nor his commentators refer to Aristotle in their discussion of this triad.<sup>39</sup>

Poinso had available to him two versions of Aristotle's trichotomy: the first is Aquinas's '*natura, consuetudo, ratio*'; the second, from Celaya and Soto, is '*natura, consuetudo, placitum*'. Poinso chose *placitum* over *ratio* because *placitum* refers to an act of will which is inherent in the notion of stipulation. In some places, however, Poinso uses the term imposition (*impositio*) to mean stipulation: indeed, he should have dropped *placitum* in favor of *impositio*, since a *placitum* is a legal decree and, as such, is but a special case of *impositio*.<sup>40</sup> The notion of a *signum ad placitum*, therefore, means a sign whose meaning is decreed by the legal authorities. Thus Poinso often says that stipulated signs represent through an imposition by the public authority (*per publicam auctoritatem*).<sup>41</sup> While it is undeniable that some signs are in fact the product of legal imposition, the quality of imposition '*per publicam auctoritatem*' is not essential to the notion of rational stipulation. Stipulation properly understood as *impositio* refers to the exercise of individual reflection on meaning leading to the deliberate imposition of a new (or technical) meaning to an old word, or to the coinage of neologisms. Such stipulation can be the product of public authorities or of individual writers; what is essential is simply the exercise of what Deely calls 'conscious control of objectivity'.<sup>42</sup> The challenge for a doctrine of stipulated signs based on

ontological relation is to account for the distinction between truly intersubjective stipulation and merely idiosyncratic stipulation: the formal rationale of semiosis in Poinot's doctrine excludes Humpty Dumpty's view that a word 'means just what I choose it to mean — neither more nor less'.<sup>43</sup>

To fully grasp the significance of the nature, custom, and stipulation triad in the semiotic of Poinot, we must examine not only its origins, but also its subsequent development. E. B. Condillac (1971: I, 2.4) also distinguished three sorts of signs: natural signs, accidental signs, and instituted signs.<sup>44</sup> Condillac's rendering of *signa ex consuetudine* as *les signes accidentels* reflects his rationalist conviction that custom is simply the sediment of irrational contingency.<sup>45</sup> But he retains the important distinction between social traditions of custom and the individual act of deliberate stipulation. Saussure (1983: I, 1.2), by contrast, reverts to the Sophistic dichotomy of natural and conventional signs: Saussure contrasts the natural signs of a mime with the arbitrary signs of language. Since Condillac defined instituted signs quite properly as *arbitraire* — that is, as stipulated by the will of an individual (*arbitrium*) — Saussure's definition of the linguistic sign as *arbitraire* commits him to the view that linguistic signs are the product of individual stipulation. Yet Saussure insists (1983: I, 2.1) that words are never the product of deliberate stipulation; rather, the linguistic sign 'knows no other law than that of tradition'.<sup>46</sup> Saussure's doctrine of the linguistic sign reveals a profound awareness of the two essential dimensions of custom: that customs are the sediment of history, and that customs reside in the collectivity. Individual stipulation, he holds, is powerless in the face of the profound historical and social inertia of custom. Only in the light of our trichotomy of signs can we see that Saussure's definition of the sign as 'arbitrary' is incompatible with his doctrine of the sign as customary.

F. A. Hayek (1979: 509) implicitly appeals to this trichotomy in his analysis of the three kinds of order: 'Yet much of what we call culture is just such a spontaneously grown order [custom], which arose neither altogether independently of human action [nature] nor by design [stipulation], but by a process that stands between these two possibilities, which were long considered as exclusive alternatives'. As we shall see, Hayek's definition of custom as 'the product of human action, but not of human design' (1973: 20) is a considerable improvement over both the Aristotelian *ethos* and the Thomistic *consuetudo*.<sup>47</sup>

Hayek's view that nature, custom, and stipulation represent the three species of order has considerable bearing on the formal rationale of signification. For according to Poinot (1985: 82.22), semiosis always requires an ontological relation (*relatio secundum esse*); and ontological

relation is another word for order: 'For order is encountered — for example, an army on parade, the ordered physical universe; similitude, dependence, parenthood, and other like things are encountered, which cannot be explained by any absolute being, and the whole content or being in these things possesses itself relative to another'. In modern logic, a relation is defined in terms of an ordered set of elements: 'father of' is the relation of the ordered pair (Abraham, Isaac).<sup>48</sup> Thus the division of signs into natural, customary, and stipulated will be sound only if grounded in three species of order. Poincot, however, has only two concepts of order: the mind-independent order of nature (*relatio realis*) and the mind-dependent order of conscious design (*relatio rationis*). Ontological relation is indifferent to realization in either real or rational order; signs signify real or rational entities. Poincot often says (1985: 133.20, 571n, 131.9, 275.3) that natural signs are based on a mind-independent relation (*relatio realis*), while stipulated signs are based on a mind-dependent relation (*relatio rationis*). But there is no place for customary signs in these two species of order; customary signs need their own intrinsic species of relational order (*relatio consuetudinaria*). Poincot's attempt to map his trichotomy of signs onto a dichotomy of ontological relations helps to explain his efforts to resolve this triad into three dyads.<sup>49</sup> Poincot should have said that ontological relation is indifferent to its realization in natural order, customary order, and stipulated order.

That Poincot has no concept of a customary order — 'the product of human action but not of human design' — is evident from his own list of the forms of possible order:

The order which the reason considers but does not make pertains to natural philosophy; the order which the reason brings about in its own act, through its own consideration, pertains to rational philosophy (viz. logic); the order of the acts of the will pertains to moral philosophy; the order which the reason, through its consideration, brings about in external things, pertains to mechanical arts. (Poincot, in Simon, Glanville, and Hollenhorst 1955: 20)

Here we find but two concepts of order: the real order of nature and the rational order of conscious design. This is not surprising, since the concept of an order intrinsic to custom was not developed until the Scottish Enlightenment of the eighteenth century; and in semiotics, the dichotomy of signs into natural and conventional remains common (for example, Rollin 1976). Nonetheless, Poincot could have developed a concept of customary order from the economic theory of Luis de Molina (1535–1600). By 'natural price', Molina means the price which is the result of human commerce, but not the result of human design: 'it is called natural

because it derives from the thing itself, exclusive of any human laws and decrees, but is dependent on the many circumstances which alter it, and on the sentiments and opinions of men in comparing various uses, even sometimes on the pleasures and whims of men'.<sup>50</sup> It was not until the eighteenth century that it was grasped that language is similarly the product of human commerce but not of human design. Indeed, economics and semiotics merge in Condillac's notion of commerce: the prices of commodities and the signs of objects are both determined through human commerce.<sup>51</sup>

### The logic of nature, custom, and stipulation: As interdefinable

There is a profound tendency in the Aristotelian tradition to treat nature, custom, and stipulation as a 'circle of interdefinability': that is, we tend to define each one of our concepts in terms of one or both of the other concepts. According to Rulon Wells (1977: 8), 'Cases are known where there is a set of concepts such that any member of that set may be defined in terms of one or more other members of the set, but no member can be defined otherwise'.<sup>52</sup> There are two assumptions here: the first is that nature, custom, and stipulation are all simple or primitive terms that cannot be reduced to simpler parts; the second is that these primitives can only be defined by each other. Nature is modeled on legal stipulation ('the laws of physics'), while law is modeled on nature ('natural law' and 'natural right'). Custom is often defined as 'second nature' or 'unwritten law'.

Undoubtedly, this circle of interdefinability has generated many fruitful analogies between nature and custom and stipulation; but the critical appraisal of these analogies, the attempt to define each concept apart from the others, is equally important. As Wells says (1977: 9), 'interdefinability is tantamount to indefinability, since we think of definability as being an asymmetrical relation'. Any adequate attempt to define nature, custom, and stipulation must — at least in part — escape the circle of interdefinability. Such an escape is not easy; nor is it ever complete.<sup>53</sup> After all, how can we avoid saying 'laws of physics', even if we know that natural regularities are not stipulated; or avoid describing basic human obligations as 'natural law', even if we know that human institutions are not simply a product of nature?

The shortcomings of this circle of interdefinability are most evident in Aristotle's discussion of custom (*ethos*). Custom almost never escapes the circle of interdefinability. Aristotle is famous for his doctrine that habit is 'second nature'.

If, then, the mind has not moved in an old path, it tends to move to the more customary (*syntheia*); for custom (*ethos*) now assumes the role of nature (*physis*). Hence the rapidity with which we recollect what we frequently think about. For as one thing follows another by nature (*physis*), so too that happens by custom (*syntheia*), and frequently creates nature. (1984d: 452a 26)<sup>54</sup>

Thomas Aquinas agrees that custom is a second nature (1964: I–II, Q. 32, art.2): ‘Familiar things can give us pleasure in so far as they become natural; custom is like second nature (*nam consuetudo est quasi altera natura*)’. When custom is not second nature, it is ‘unwritten law’: ‘customary laws (*kata ta ethe*) have more weight, and relate to more important matters, than written laws (*gegrammenoi nomoi*), and a man may be a safer ruler than the written law, but not safer than the customary law’. (Aristotle 1984b: 1287b 5). Aquinas also defines custom in terms of law (1964: I–II, Q. 97, art. 3): customs are tacitly stipulated by the sovereign. ‘On these grounds, custom (*consuetudo*) has the force of law, and abolishes law, and is the interpreter of laws’.

We are now in a position to see just why Poinsoot defines custom in terms of nature and stipulation: he has inherited a circle of interdefinability from Aristotle and Thomas.<sup>55</sup> Indeed, for Poinsoot, there is no foundation in custom for semiosis: what at first appear to be customary signs are found upon examination to be based in nature or stipulation.

If custom (*consuetudo*) respects some sign of appointing and proposing it for a sign, such a sign founded on custom will be stipulated. But if custom does not propose or institute something as a sign, but expresses the simple use of the thing, and by reason of that use the thing is taken for a sign, such a sign is reduced to a natural sign. (1985: 278.12)<sup>56</sup>

Deely (1985: 269n) describes this assimilation of custom to nature and to stipulation as ‘an anomaly’ and as ‘the central novelty of Poinsoot’s doctrine’ of instrumental signs. But seen in the context of the Aristotelian circle of interdefinability, Poinsoot’s reduction of custom to nature and stipulation is neither anomalous nor novel. What would be novel would be the attempt to define nature, custom, and stipulation apart from each other; yet Poinsoot and Deely rarely attempt to escape the circle of interdefinability, despite the fact that ‘interdefinability is tantamount to indefinability’.<sup>57</sup> From Aristotle to Poinsoot to Deely, this circle of interdefinability has served to obscure the intrinsic rationale of custom: thus Deely (1978: 9 and 12) speaks of ‘the twilight zone of the *signa ex consuetudine*’, where we find the ‘natural overlap or mutual penetration’ of the natural and the stipulated.<sup>58</sup>



## The rationale of the customary sign

The chief reason for the obscurity of the concept of custom in Poinsett's doctrine is the absence of a distinction between habit and custom. Nor is this surprising: neither Greek nor Latin has a univocal term for either habit or custom.<sup>59</sup> The conflation of habit and custom in Thomism vitiates most of the doctrine of *signa ex consuetudine*. Customs are social patterns of behavior with normative import; customs are rooted in individual habit, but they reside in the collectivity. Customs are an indissoluble unity of empirical fact and normative value; customs demand conformity simply by being customs.<sup>60</sup> Two aspects of this unity can be distinguished, though not separated. First, customs are morally binding due to force of habit: 'It is the essence of routine to insist upon its own continuation' (Dewey 1957: 71). Second, customs are morally binding because they signify membership in a community: since even the most trivial activities can signify community, they are experienced as moral obligations.

Customs reside in the collectivity while habits reside in the individual. Individuals do not have customs; individuals participate in customs through their habits.<sup>61</sup> Indeed, the Greek *hexis* and the Latin *habitus* mean precisely that individuals 'possess' their habits; or, as Dewey says, we are our habits. The conflation of habit and custom makes it impossible to distinguish customary habits from idiosyncratic habits: all customs are habits, but not all habits are customs. Weber terms custom 'a collective way of acting (*Massenhandeln*)' (1978: 25). What Saussure says of language is true of all customs:

It is a fund accumulated by the members of the community through the practice of speech, a grammatical system existing potentially in every brain, or more exactly in the brains of a group of individuals; for the language is never complete in any single individual, but exists perfectly only in the collectivity. (Saussure 1983: 3.2)

Saussure's distinction between *langue* and *parole* is the distinction between social custom and its instantiation in individual habit.

Customs and habit are fundamentally constituted by history: the order of custom cannot be explained in terms of its current function. Customs are the sediment of thousands of years of human practices; the sheer inertia of this historical inheritance resists adaptation to current functional needs. In order to explain customary order, we must tell a narrative about how the custom or habit was formed and modified in the course of time: 'Habit is merely the relatively stereotyped aspect of conduct which bears relatively obvious imprints of the individual's life history' (Murphy, 1930: 236). If habits bear the imprint of individual history, then

customs bear the imprint of social history. Yet history's role in the constitution of habit is different from its role in the constitution of custom. Time is irreversible in the formation of individual habit: 'Nothing we ever do is, in strict scientific literalness, wiped out' (James 1981: 131). But, though irreversible, time is cyclical in the formation of habit, since habits follow the cycles of human life and death. Customs are more than irreversible, they are irrevocable: our customs, like our languages, are the product of an unbroken genealogy from the earliest human practices. Habits share the mortality of individual life; customs embody the immortality of social life.

Poinsot, in the tradition of Aristotle and Aquinas, bifurcates the intrinsic unity of custom into habit as 'second nature' and customary norms as 'unwritten law'. We begin with the reduction of custom to the factual regularity of habit. According to Poinsot,

*Consuetudo*...can function as an effect which leads us to know its cause, as, for example, a dog frequently seen accompanying someone manifests that person is its master, and the custom of eating with napkins manifests to us a meal when we see the napkins set out, and universally almost every induction is founded on the frequency and custom whereby we see something often happen. (1985: 279.25)

Here we are clearly not discussing the social system of custom, but the mere empirical uniformities of individual habit. Poinsot is utterly oblivious to the fact that these habitual uniformities embody profound social significance. Napkins mean much more than the imminence of dinner; they are part of a profound social ritual surrounding meals that is historically and culturally specific. The presence of napkins signifies membership in a particular society and even a particular social class. Similarly, the presence of a dog with a man, depending on the context, can tell us a great deal about the social status and occupation of the man. Yet Poinsot uses *consuetudo* here in the same way that Hume uses 'custom': to refer to the mental habit formed by the observation of the 'constant conjunction' of two events.<sup>62</sup> Of course, these inductive generalizations tell us next to nothing about the rationale of custom, since such factual uniformities are characteristic of all natural and social processes. Having reduced the social semiotics of custom to the mere causal uniformity of habit, Poinsot can argue that customary signs are natural:

Therefore, signification arising from custom is founded on something natural, to wit, on the procession of an effect from its cause and on its coincidence with that cause. Therefore custom (*consuetudo*) as an effect founding signification is reduced to a natural cause. (1985: 279.33)<sup>63</sup>

If customary habits are reduced to nature, then customary sign systems are reduced to stipulation. Poinsoot accepts the traditional view that words derive their meaning fundamentally from legal stipulation.<sup>64</sup> Thus even when Poinsoot acknowledges a role for custom in the establishment of linguistic signs, he assimilates this role to that of stipulation. Poinsoot observes (1985: 278.20), for example, that certain words arise from custom 'as, for example, if a people by their customs (*consuetudo*) introduce and propose some sound for signifying'. Because the relation of a word to its meaning is obviously mind-dependent, customary linguistic signs must be stipulated: 'Therefore, a custom (*consuetudo*) introducing something for signifying introduces that thing as a sign by the same authority by which the law itself would introduce it' (1985: 279.4).<sup>65</sup> Clearly, for Poinsoot there are only two foundations for semiosis: the mind-independent order of nature and the mind-dependent order of stipulation. Poinsoot's view (1985: 283.10) that 'words only signify by stipulation' is the mirror opposite of Saussure's view (1983: I, 2.1) that words never signify by stipulation. What is needed is an account of the interplay of custom and stipulation in the meaning of words. Stipulation by learned academies has played a role in the evolution of language; but such deliberate efforts to shape language are logically quite distinct from the customary phenomena of language drift and analogy-formation. Thus it simply will not do to liken the role of custom to the role of stipulation in the establishment of linguistic signs; yet Poinsoot insists (1985: 279.17) that 'customary signs must be spoken of in the same way that one speaks of stipulated signs'.

When custom is not reduced to stipulation, it is reduced to nature. In one instance (1985: 279.46), Poinsoot considers a counter-argument to his claim that customary signs signify naturally. 'It is argued first that because custom is not a natural effect, but a moral and free one, it therefore cannot found the rationale of a natural sign'.<sup>66</sup> Poinsoot responds by pointing out that customary acts are not freely chosen through deliberate stipulation; rather, customs are determined by force of habit.<sup>67</sup> Both the counter-argument and Poinsoot's response proceed from the assumption that customs must be either morally free or naturally determined. Yet custom is precisely the indissoluble unity of the statistically normal and the morally normative.

To bolster his claim that custom is natural, Poinsoot says (1985: 280.14): 'Custom (*consuetudo*), generally speaking, is found not only among men, but also among animals operating by natural estimation (*in brutis naturali instinctu operantibus*)'.<sup>68</sup> From Poinsoot's illustrations of animal customs, however, it is clear that he is referring to habit and not to custom proper (1985: 280.19): 'brute animals are capable of being taught and being

accustomed (*disciplinabilia et assuescere*) to do or to avoid something through another's instruction, and thus not all custom is human act'.<sup>69</sup> Only a complete confusion of the distinction between habit and custom could lead one to claim that brute animals have customs.<sup>70</sup> Poinso's conflation of habit and custom with regard to brute animals is surprising, since Aquinas and Suarez both distinguish the habits of brutes from the customs of men.<sup>71</sup>

The criteria that define the intrinsic rationale of custom are the same criteria that exclude brute animals from the order of custom. To begin with, as Aquinas said, customs are mores and mores are moral standards; in other words, customs are experienced as moral obligations. Humans conform to customs, or do not conform, through conscience. Our idiosyncratic habits do not bind the conscience, but our customary habits do. There is no reason to believe that brute animals experience their habitual routines as moral obligations. Second, customs reside in the collectivity, habits in the individual. The repertoire of a brute animal's behavior is contained in its individual genotype and phenotype; the repertoire of human behavior is contained in the collectivity. Social cooperation among animals is determined for the most part by a genetic pre-established harmony. Social cooperation among humans requires considerable effort to enforce conformity to customs through myriad social sanctions. Finally, animals develop their habits in generational cycles, each generation starting from scratch; human customs are cumulative, so each generation begins from a new starting point. Animal learning is cumulative genetically or endosomatically, while human learning is cumulative culturally or exosomatically.

The second counter-argument treated by Poinso also denies that customs are natural on the ground that if a custom as an effect refers us to its cause (the napkin refers us to the meal), then all customs will be signs, since all customs can be the basis of an inductive generalization. 'But this consequence is contrary to fact, because there are many customs which signify nothing, as, for example, the custom of sleeping at night and eating at noon, approaching a fire in winter, etc., and an infinity of other customs signify nothing' (1985: 281.3). Poinso responds that for it to function as a sign a custom must conduct the mind to a signified object, as the napkin conducts the mind to a meal. Otherwise the behavior may be a custom, but not a customary sign.<sup>72</sup> What is chiefly of interest here is the assumption — shared by the counter-argument and Poinso's response — that many customs signify nothing. Modern anthropologists, however, have shown us that all customs are profoundly significant. Poinso is simply oblivious to the rich symbolism of everyday rituals. Moreover, at the center of the rationale of custom is that fact that all

customs signify membership in a particular community.<sup>73</sup> Every custom, no matter how trivial, signifies to all the affirmation of communal bonds.

### The logic of nature, custom, and stipulation: As progressive hierarchy

One way of describing the logic of natural, customary, and stipulated signs is to treat them as the three species of the genus 'sign'. Poinot, for the most part, employs this Aristotelian logic of classification wherein a genus is divided into mutually-exclusive coordinate species: the genus 'sign' is first divided into formal and instrumental signs; then the same genus 'sign' is cross-classified into the division of natural, customary, and stipulated signs. This logic of classification, however, has a profound shortcoming: it tells us nothing about the relations between natural, customary, and stipulated signs. I will argue that nature, custom, and stipulation form a serial and progressive hierarchy: nature is prior to custom, while custom is prior to stipulation.

Aristotle offers an alternative logic of classification to the genus/species logic. This logic is most clearly illustrated by Aristotle's analysis of the kinds of souls (1984f: 414b 20—415a 13).<sup>74</sup> Here, instead of defining the genus 'soul' and the species of plant, animal, and human souls, Aristotle says that the plant soul is living (or nutritive), the animal soul is living plus sensitive, the human soul is living and sensitive plus rational.<sup>75</sup> The kinds of souls form a progressive hierarchy: 'In every case the lower faculty can exist apart from the higher, but the higher presupposes those below it' (Hicks 1965: 335).

I will argue that Aristotle implicitly orders nature, custom, and stipulation as a progressive hierarchy: Aristotle always employs this triad in the serial order *physis*, *ethos*, *logos*. Nature represents the physical, chemical, and biological processes of the created universe; nature can and did exist apart from human custom and stipulation. Human custom makes use of various natural qualities: custom is rooted in the physiology of habit, but transcends habit by becoming a social sign system with normative import; custom presupposes nature, but can exist without being the object of reflective stipulation by an individual mind (language can and did exist apart from grammarians). Stipulation is the synoptic order consciously imposed upon the pre-reflective materials of custom; stipulation always presupposes custom (philosophy, law, engineering, and grammar never arise *ex nihilo*) and can never exist apart from custom.

First, for Aristotle, nature, custom, and stipulation form the same hierarchy as the *scala naturae* (1984b: 1332b 4): 'Animals lead for the

most part a life of nature (*physis*), although in lesser particulars some are influenced by habit (*ethos*) as well. Man has reason (*logos*), in addition, and man only'. Clearly, *ethos* presupposes *physis* just as *logos* presupposes *ethos*. Similarly, Thomas Aquinas follows Aristotle in claiming that nature, custom, and stipulation (*natura, consuetudo, ratio*) form a progressive hierarchy in the *scala naturae*.<sup>76</sup>

Second, nature, custom, and stipulation form the same progressive hierarchy in individual development as they did in the scale of nature: ontogeny recapitulates phylogeny. 'Nature's part (*physis*) evidently does not depend on us...while argument (*logos*) and teaching (*didake*), we may suspect, are not powerful with all men, but the soul of the student must first have been cultivated by means of habits (*ethos*)' (Aristotle 1984c: 1179b 21).<sup>77</sup> Our nature is given at birth, but our natural dispositions are trained through habituation; teaching invites us to reflect on our habits and perhaps stipulate new habits. Thomas Aquinas again follows Aristotle by claiming that *natura, consuetudo, and doctrina* form a serial hierarchy in the moral development of the individual.<sup>78</sup>

Perhaps the chief deficiency of Poinsett's doctrine of instrumental signs is his failure to adapt the hierarchical logic of Aristotle's *physis, ethos, and logos*. For without this hierarchy, the interplay of nature, custom, and stipulation is limited to the analogies forming the circle of interdefinability. But such analogies create only the illusion of interplay between nature, custom, and stipulation: to say that custom is 'second nature' and 'unwritten law' only seems to bridge nature and stipulation. Poinsett always assumes an antithesis between nature and stipulation which is somehow bridged by custom. Yet since human beings are part of the created order, all human behavior is part of nature: nature is the genus; custom and stipulation are specific differences. All forms of human semiosis make use of the natural laws governing vocalization, vision, and gesture; custom shapes natural vocal abilities into speech; conscious reflection on the structure of customary speech sounds leads to the stipulation of alphabets and grammars. Thomas Aquinas thematizes this hierarchical logic even more explicitly than did Aristotle: 'wherefore, it is fitting that there should be harmony among nature, custom, and stipulation: for the latter always presupposes the prior'.<sup>79</sup> Indeed, Poinsett's logical treatment of this trichotomy is markedly inferior to both Aquinas and Aristotle, for Poinsett always treats these categories by first contrasting nature and stipulation, and only then turning to custom. Instead of showing how stipulation presupposes custom and custom presupposes nature, Poinsett always reverts to the Sophistic nature-convention dichotomy, and then considers custom vis-à-vis this dichotomy.

Poinot almost always speaks of natural, customary, and stipulated signs as if these were distinct and mutually-exclusive classes of signs. Such extensionally distinct classes are consistent with the view that our three terms form coordinate species of the genus 'instrumental sign'. In order for nature, custom, and stipulation to form a progressive hierarchy, they must be only intensionally distinct. Although Poinot never explicitly asserts that these categories are extensionally distinct, that is certainly the impression he conveys. First, stipulated signs are based on a mind-dependent relation while natural signs are based on a mind-independent relation: *ens rationis* and *ens reale* are extensionally distinct in the order of being though only intensionally distinct in the order of knowing.<sup>80</sup> What this means is that natural and stipulated signs are both objective in the order of knowledge, but that natural signs are founded in real being apart from human knowledge, while stipulated signs are founded on rational being within human knowledge. No sign can be founded both in real being and in rational being. Second, Poinot always illustrates each category of instrumental sign with extensionally distinct examples; conversely, he never discusses any concrete instrumental sign in terms of more than one category. Indeed, even those customary signs which he reduces to natural (e.g., the napkin) are extensionally distinct from those customary signs which he reduces to stipulated (e.g., words). Third, when Poinot introduces his division of instrumental signs, he defines each category of sign by sharply constricting it to the other categories, as if there were no common ground.<sup>81</sup>

Yet despite these efforts to establish extensionally distinct classes of instrumental signs, Poinot in some places suggests the need for a merely intensional distinction. Poinot considers the case (1985: 282.17) where 'even if the imposition [i.e., stipulation] were removed from this sound "man" (*homo*), it would still continue to represent man to us, because of the custom, which we have; therefore it represents naturally from custom'. As it happens, this example is quite timely, for feminists are now restricting the meaning of the term 'man': where man formerly referred to both the male sex and to humanity, 'man' is now, by imposition, restricted to the male sex. Yet the force of customary habit is such that, despite the new stipulation, 'man' still inevitably signifies 'humanity'. Here we find a curious hybrid sign that signifies both by custom and by stipulation; yet Poinot resists the simple view that such a sign has a customary and a stipulated dimension. Instead, he resorts to a dubious distinction: words are essentially stipulated, but accidentally customary:

essentially spoken words only signify by stipulation, but incidentally from custom, which is to signify naturally not from themselves, but only for those familiar with

the custom. Nor is it antinomic that two ways of signifying should attach to the same thing according to distinct formalities. Whence one mode of signifying is removed the other remains, and so the same sign is never a natural sign and a stipulated sign formally, even though a natural and a stipulated sign may be the same materially, that is, even though a natural and a stipulated mode of signifying may belong to the same subject. (1985: 283.9)

Besides illustrating Poinso's awkward attempts to acknowledge the multidimensional character of signs, this passage also demonstrates Poinso's inexorable tendency to reduce the nature, custom, and stipulation trichotomy to the nature–stipulation dichotomy. In the first sentence, Poinso discusses the word 'man' in terms of nature, custom, and stipulation; at first glance, this seems to be a promising effort to show that any account of signification must make use of our trichotomy. In the second sentence, however, he claims that two (not three) ways of signifying can attach to the same sign; we assume that he is referring to custom and stipulation, since this passage is a response to the example of the sign 'man' where the stipulated meaning is changed while the customary meaning remains. Indeed, today there is a conflict between the feminist-stipulated meaning and the customary meaning of the term 'man'. Finally, in the third sentence, Poinso makes it clear that the two modes of signifying attached to the term 'man' are natural and stipulated. What happened to custom? Not surprisingly, it has been reduced to nature; after all, Poinso says in the first sentence, to signify from custom 'is to signify naturally'. Despite the efforts of Aristotle, Aquinas, and Poinso himself to develop nature, custom, and stipulation into a genuinely triadic framework for social theory, Poinso concludes his discussion of the rationale of the customary sign by reverting to the Sophistic dichotomy of nature and stipulation.

### **Conclusion: Formal and instrumental signs**

The Sophistic antithesis of nature–convention leads both Aristotle and Poinso to describe some forms of human behavior as simply 'natural'. Aristotle, for example, says (1984c: 1103a 28) that sense-perception is by nature (*physis*) and is not shaped by habit (*ethos*). Aristotle also argues that whereas instrumental signs like words are conventional, the mental concepts signified by those words are natural.<sup>82</sup> Ockham follows Aristotle by claiming that concepts are natural (1974: 50): 'For one thing the concept or impression of the soul signifies naturally; whereas the spoken or written term signifies only conventionally'.

Similarly, Poinso argues that all percepts and concepts are formal signs, and that all formal signs are natural.<sup>83</sup> Yet we know from studies



of infants that perception is developed through habituation;<sup>84</sup> moreover, percepts and concepts are also shaped by local customs: cross-cultural differences have been established in the perception of optical illusions and in the conception of color.<sup>85</sup> The perception of optical illusions varies by culture: individuals from all cultures are subject to optical illusions, but cultures vary in how prone they are to deception by various types of illusions.<sup>86</sup> The conceptual classification of objects also varies significantly by culture.<sup>87</sup> For Franz Boas, 'the seeing eye was the organ of tradition' (Sahlins 1976: 12). Thus, although percepts and concepts are rooted in natural human physiology, they are also shaped by habit and custom, and they can be subjected to conscious stipulation, as and when we solve an optical illusion or learn to see depth cues in pictures.

Poinot's efforts to limit custom and stipulation to the realm of instrumental signs fail: all forms of human semiosis have a natural, a customary, and a stipulated dimension. Poinot believed that nature, custom, and stipulation shape only the relation between the sign and its object; but we can now see that nature, custom, and stipulation also shape the relation between the sign and the cognitive power. Peirce's description of the cognitive power in semiosis as an 'interpretant' serves well to emphasize that every instance of perception and thought involves the active interpretation of a sign by an 'interpretant' — that is, a mind in a certain disposition toward the sign. Whereas Poinot's 'cognitive power' is by nature common to all men, Peirce's 'interpretant' is by nature, custom, and stipulation variable across cultures and across individuals. Only on the assumption that nature and convention are antithetical is it plausible to assume that formal signs are merely natural — for clearly they are not merely conventional. Since every instance of semiosis is the joint articulation of nature, custom, and stipulation, we can now see that our trichotomy belongs not to the classification of signs, but to the doctrine of semiosis itself.

## Notes

1. Deely (1986) adopts the Thomist perspective of John Poinot, while Sebeok (1986) adopts a neo-Kantian perspective. Eco (1979: 14–15) constructs his framework from Saussure and C. S. Peirce.
2. Speaking of the Spanish Jesuits, Schumpeter says (1954: 97): 'It is within their systems of moral theology and law that economics gained definite if not separate existence, and it is they who come nearer than does any other group to having been the "founders" of scientific economics'.
3. Speaking of Leibniz and Bradley, Russell says (1978: 95): 'Both these opposing philosophies, interesting as they are, result, in my opinion, from an undue attention of one

- sort of universals, namely the sort represented by adjectives and substantives rather than by verbs and prepositions'.
4. The inadequacy of traditional logic to accommodate the logic of relations is evident. Traditional logic tends to confuse grammatical relations with logical relations. The sentence 'Abraham is the father of Isaac', for example, should not be treated in logic as involving a subject 'Abraham' and a predicate 'is the father of Isaac'. This treatment of the relation 'father of' tends to absorb it into the subject 'Abraham'. Instead, we should say that the sentence consists of the ordered pair (Abraham, Isaac) and the relation 'father of'.
  5. Peirce's interpretation of the objective reality of relation is superior to Russell's. Of the reality of relation, Russell can only say (1978: 98): 'It is neither in space nor in time, neither material nor mental; yet it is something'. But Russell's treatment of the logic of relations, and especially of the distinction between terms and relations, is superior to Peirce's.
  6. According to Deely (1986: 21), Peirce shows 'that ideas in their existence as "private" (*esse in*) are mere transcendental relations serving to ground in their proper being (*esse ad*) relations to objects which by definition are in every case suprasubjective and accessible to many'.
  7. According to Ransdell (1979: 52–53), the proposition that 'the idea or representation must always be itself an object of knowledge cognized independently of the cognition of the object' leads to 'a familiar kind of epistemological scepticism'.
  8. Zeman says (1977: 26) of Peirce's definition: 'In this passage Peirce explicitly makes the sign the first relatum in semiosis'.
  9. Deely (1982: 61) follows Peirce's lead in conflating the crucial distinction between the relatum of the sign and the relation of signification: 'what Peirce is saying is that the sign — signification — consists in the relation ...'. Peirce and Deely treat relation as a predicate of the sign, when relation is in fact what unites the three terms — sign, object, mind — in semiosis: as Deely (1982: 171) says, 'for all authors agree, and indeed experience makes quite unmistakable, that every sign as such is relative being (something making known another than itself)...'. It would be more accurate to say 'in the relation of semiosis, the three relata are equally relative beings'.
  10. Instead, Peirce often defines the *signum* as a relation (see 1985: 132.24 and 151.25). Thus when Peirce speaks of the formal rationale of the sign (*formalis ratio signi*), he should speak of the formal rationale of signification (*formalis ratio significationis*). Deely (1985: 477) follows Peirce's usage: 'Signs, without exception, are constituted formally by ontological relations'.
  11. Thus Peirce (1985: 88.9): 'in this category of being which is called relation, three factors must concur, namely, a subject, a fundament, and a terminus'. Peirce often defines relation (1985: 382.21) simply in terms of fundament and term, since a fundament, like any accident, presupposes a subject: 'In this way, to the extent that they are mutually proportioned, terminus and fundament together bring about a single rationale specifying a relation which postulates both a specific fundament and a specific terminus corresponding thereto'.
  12. If the additional terms simply replicate the original term, then the fundament simply extends to the new terms: 'even though one son sufficiently terminates the relation of being a father, yet if a new son is added to the existent relationship, that new son does not terminate a new relationship but extends the existing fatherhood as something now pertaining to himself as well' (Peirce 1985: 387.42).
  13. 'If power and signified are considered as termini directly attained through a relation, they necessarily require a double relation in the sign (*duplicem relationem in signo*)...' (Peirce 1985: 154.21). Note the use of *signum* to refer to semiosis.

14. The formal rationale of semiosis is the *relatio secundum esse*, and Poinso locates this ontological relation in the sign-object dyad (1985: 128.14): 'And therefore, in a sign, both the capacity for moving and arousing the power [sign-mind dyad] and the order of substituting relative to that on whose behalf it stimulates or moves [sign-object dyad], are considered. And the first is a transcendental relation; the second, a categorial one. And it is in the second that the sign consists, not the first'. Here Poinso says 'categorial' when he should say 'ontological': the ontological relation of semiosis is indifferent to its realization in categorial (i.e., real) relation or in rational relation. Conversely, Poinso denies that the sign-mind dyad belongs to the formal rationale of the sign (1985: 159.16): 'Much less does the being known or apprehended in a sign (which some call proximate apprehensibility) found or complete the rationale of the sign, because being known does not pertain to the rationale of a sign, but to its exercise'.
15. 'The relation of knowability to a cognitive power precedes and is presupposed for the rationale of a sign: for it pertains to the rationale common to any object or cognizable thing'. But 'even in the case of stipulated signs the rationale of sign must be explained by a relation to a signified' (Poinso 1985: 140.22 and 141.12).
16. According to Peirce, the triadic gift relation also involves three dyads (*CP* 6.323): 'If A gives B to C, he, A, acts upon B, and acts upon C; and B acts upon C'.
17. Poinso asks (1985: 153) 'Whether the relation of sign to signified is the same as the relation of sign to cognitive power'. Poinso does make the observation (1985: 143.30), however, that the power and the sign alike respect the signified as measured to measure.
18. 'But a triadic relationship is of an essentially higher nature than a dyadic relationship, in the sense that while it involves three dyadic relationships, it is not constituted by them' (*CP* 6.323).
19. The triadic gift relation can also degenerate into dyads: 'Perhaps, for example, he [A] lays down B, whereupon C takes B up, and is benefitted by A. But these three acts might take place without that essentially intellectual operation of transferring the legal right of possession, which axiomatically cannot be brought about by any pure dyadic relationships whatsoever' (*CP* 6.323). Like a contract, a gift relation requires a dyad of intention between the two parties.
20. This is not to say that the addition of the third dyad creates a genuine triad, only that the third dyad is a necessary condition for the generality of intention that creates a genuine triad.
21. 'Therefore a sign must respect the signified as the direct terminus "which" (*quod*) of its [i.e., of the sign's] respect, which respect also attains a cognitive power indirectly and as a terminus "to which" (*cui*)'. This passage makes clear the derivation of Poinso's logical categories of termini from the grammatical categories of direct and indirect objects (1985: 157.15).
22. Representation does not constitute the ontological relation of semiosis, but rather the transcendental relation of cognition: 'representation pertains to the rationale of something stimulating or arousing the power to which an object is rendered present by means of the representation' (Poinso 1985: 122.37).
23. Poinso, however, does say that in the relation of sign to mind we must distinguish the rationale of sign as cognized object from the rationale of sign as such. He says that the sign as such must respect the mind only indirectly, because 'As it directly respects a cognitive power, therefore, a sign needs to be understood in the rationale of an object and not in the rationale of a sign...' (see Poinso 1985: 153.8 and 155.26). Yet there is nothing about the relation of sign to mind intrinsically less direct than the relation of sign to object, unless one assumes that the relation of sign to mind is

the transcendental relation of cognition. Moreover, Peirce often describes the relation of sign to mind in terms of cognition: a formal sign respects the mind as 'a form constituting an apprehension'; an instrumental sign respects the mind 'as an apprehensible object'. Thus the relation of sign to power is not *qua* sign, but *qua* form and *qua* object (1985: 158.33). Formal and instrumental signs signify according to two modes of cognition: cognition *in quo* and cognition *per quod*. 'And similarly, this division of signs into instrumental and formal presupposes in the signs themselves diverse manners of stimulatively moving and representing to the cognitive power, specifically, as an external object or as an internal form' (1985: 163.28).

24. First, the logical relation of semiosis should be carefully distinguished from the psychology of cognition. Second, whatever bearing cognition has on semiosis, such a bearing will involve the whole triadic relation, not simply the sign-mind dyad. Third, Peirce's cognitive interpretation of the relation of sign to mind rules out the possibility of Peirce's non-cognitive interpretants.
25. Cognition is the basis for the distinction between formal and instrumental signs, but the relation of sign to mind is semiotic and not cognitive.
26. 'Although a specifier or similitude [i.e., a formal sign] requires the existence of an object in order to have a mind-independent categorial relation thereto, nevertheless, for it to be representative of that object and exercise representation to the cognitive power, a transcendental order to the object suffices' (Peirce 1985: 125n). As Deely puts it (1982: 172): 'In technical terms, the representative element in signification is a transcendental relation, whereas the signification proper is in every case an ontological relation'.
27. Thus Peirce (1985: 183.37): 'a cognitive power is passive both in respect of the agent or thing impressing a specifying form, and in respect of the form impressed'.
28. Similarly, Peirce could not have limited the nature, custom, and stipulation trichotomy to the sign-object dyad had he seen that the interpretant, like all habits, is the product of nature, custom, and stipulation. Thus Peirce (*CP* 5.448n): 'It seems a strange thing, when one comes to ponder over it, that sign should leave its interpreter to supply a part of its meaning'. (On Peirce's definition of habit as the final logical interpretant, see *CP* 5.486 and 5.491). Deely seems to follow Peirce's view that the intersubjectively verifiable relations based in nature, custom, and stipulation are restricted to the sign-object dyad; the sign-mind dyad, says Deely (1985: 480), 'can be entirely intrinsic to the cognitive power and the subjectivity of the knower, without the signifying as such (the formal rationale whereby the sign functions to present another than itself) being in any way affected'. Once we see that even in the case of formal signs the interpretant is the joint product of nature, custom, and stipulation, we see how implausible is the view that the relation of sign to mind can be intrinsic to the cognitive power.
29. For Peirce, the sign is interpreted by a specific state of mind which he calls an 'interpretant'; this interpretant is itself a general rule of response — that is, a sign. 'In its genuine form, Thirdness is the triadic relation existing between a sign, its object, and the interpreting thought, itself a sign, considered as constituting the mode of being a sign. A sign mediates between the interpretant sign and its object' (*CP* 8.332).
30. 'It will, I think, conduce to clearness to use a different word for these two entirely different uses of the term "relation" to call "fatherhood" a relation, and "fatherhood of B" a "relational property"' (Moore 1922: 282).
31. There is some confusion in Peirce's discussion of the dead emperor: although the statue has no categorial relation to the dead emperor, such an image may well have an ontological relation to the dead emperor based on custom. The death of the

emperor, therefore, does not threaten the formal rationale of the statue's signification. Poinso's view that the death of the emperor interrupts semiosis reflects Poinso's occasional confusion of categorial and ontological relation. A better example of broken or virtual semiosis would be a statue of an unknown man: here the sign-object relation is genuinely incomplete.

32. The closed book, however, is 'denominated a sign absolutely and simply', because the essential relation of sign-object is present (1985: 275.11).
33. Conversation with Rulon Wells, 20 April 1989. Wells here develops John Fitzgerald's distinction (1966: 50) between potential and actual signs in Peirce.
34. I thus agree with Poinso's comment that nature, custom, and stipulation represent an essential cross-classification of signs in their entire extent, despite Poinso's reservations about customary and stipulated signs (see 1985: 239.3 and 235.37).
35. Clouds, for example, are not a natural sign of rain unless the interpretant has formed an inductive generalization (i.e., a habit) linking clouds to rain. Moreover, diverse customs lead to diverse natural signs: the pulse is a natural sign of blood pressure only in advanced societies. 'In societies of differing degrees of complexity and sophistication and varying orientations and concerns, the differences in the apprehension of natural signs and their meanings will be as different as the differing constructions of artificial signs' (Rollin 1976: 49).
36. Given Poinso's reduction of the triadic relation of semiosis into subordinate dyads, his dyadic treatment of nature, custom, and stipulation is far from anomalous. As it happens, Poinso's dyadic treatment of signs is modeled on Suarez's dyadic treatment of natural, customary, and stipulated law (*ius naturale*, *ius gentium*, and *ius civile*): 'the *ius gentium* is a form of law intermediate (as it were) between the natural and the civil law. For, in a certain sense, the *ius gentium* is in harmony with the natural law, because of the common acceptance and universal character of the former, and the ease with which its rules may be inferred from natural principles; although this process of inference is not one of absolute necessity and manifest evidence, in which latter respect the law in question agree with human law' (Suarez 1944: II, 20.10). Suarez always begins by contrasting natural and positive law; he then discusses custom vis-à-vis nature and stipulation (see 1944: II, 19.7 and VII, 4; for Suarez's view of *ius gentium* as universal custom, see 1944: VII, 3.7).
37. Indeed, the alternative version of Aristotle's trichotomy in the *Nicomachean Ethics* (1984c: 1179b 20) says: 'Now some think that we are made good by nature (*physis*), others by habituation (*ethos*), others by teaching (*didake*)'. Aristotle's commentators invariably use this version to interpret the *Politics* version; I suggest, however, that *didake* is but a special case of *logos*.
38. Similarly, Aristotle's use of the *physis*, *ethos*, and *didake* trichotomy in the *Nicomachean Ethics* is rendered by Aquinas (1934: 678) as '*Fieri autem bonos existimant hi quidem natura, hi autem consuetudine, hi autem doctrina*'.
39. Deely (1978: 8) sees only the nature-convention dyad in Aristotle, and he suggests that the triad is distinctive of Poinso. E. J. Ashworth (1988: 143), by contrast, traces this triad all the way back to Soto! 'If anyone is to be praised for first...analyzing the interplay between nature, custom, and stipulation, it is Domingo de Soto, not John Poinso'.
40. *Placitum* is a term in Roman Law meaning a statutory norm (*placitum legis*); see Berger (1953: 632). According to *Black's Law Dictionary* (Black 1979: 1035), *placitum* means 'An imperial ordinance or constitution; literally, the prince's pleasure'. Thus 'stipulation' is an appropriate rendering for *placitum* because *stipulatio* is also a term of Roman Law.

41. See Poinsoot (1985: 27.24, 278.4., 279.9, 282.39). Oesterle (1944: 247) recognizes the political dimension of Poinsoot's doctrine of *signa ad placita*: 'The *ad placitum* signs are those which have a definite political or social aspect, and to that extent require the sanction of public authority behind them'.
42. Deely's comments on the *signa ad placita* (1985: 27n) serve to obscure the political and legal import of Poinsoot's doctrine: 'Poinsoot nowhere explicitly develops this notion of "public authority" ("will of a community"), but it seems to involve in the end nothing more than the acceptance by another person of one person's usage of a sign for given purposes. Thus any stipulation is public in principle, and becomes public in fact through the mere tacit sanction of its use in given contexts. "Public authority", thus, could be rendered as "a socially structured human intention"'. Deely has conflated his own plausible theory of stipulation with Poinsoot's rather implausible theory. Deely's translation of '*per publicam auctoritatem*' as 'will of a community' in the text of the *Tractatus de Signis* (1985: 27.22) reflects the doctrine of Deely more than the doctrine of Poinsoot.
43. Speaking of the private language of mnemonics, Poinsoot calls such a sign an 'inchoate custom' (1985: 282.44); yet because such a conscious imposition could become publicly accepted, it would be preferable to call such private impositions 'potential stipulated signs'.
44. 'I distinguish three sorts of signs: 1) Accidental signs (*les signes accidentels*), or the objects which particular circumstances have connected with some of our ideas, so as to render the one proper to revive the other. 2) Natural signs (*les signes naturels*), or the cries which nature has established to express the passions of joy, fear, or grief, etc. 3) Instituted signs (*les signes d'institution*), or those which we have chosen ourselves, and bear only an arbitrary relation to our ideas' (E. B. Condillac 1971: I, 2.4).
45. 'I apprehend that if we have any design of rendering a language exact, we ought to reform it without regard to use or custom' (Condillac 1971: II, 2.2).
46. 'No individual is able, even if he wished, to modify in any way a choice already established in the language. Nor can the linguistic community exercise its authority to change even a single word' (Saussure 1983: I, 2.1).
47. Hayek derives his definition from Ferguson (1767: 187): 'Nations stumble upon establishments, which are indeed the result of human action, but not the execution of any human design'.
48. 'Thus an order is a relation that orders the members of a class, i.e., a set of elements, in a certain way' (Stebbing 1950: 228).
49. Deely (1988: 94) seems to acknowledge this when he describes Poinsoot's dyadic treatment of nature, custom, and stipulation as an 'anomaly introduced into Poinsoot's organization of the text by his struggle to integrate the requirements and complexities of the division under the rubric of his general semiotic'.
50. '*sed naturale dicitur, quoniam ex ipsismet rebus, secusa quacunq[ue] humana lege ac decreto consurgit, dependetur tamen a multis circumstantiis, quibus variatur, atque ab hominum affectu, ac aestimatione, comparatione diversorum usuu[m], interdum pro solo hominum beneplacito et arbitrio*' (Luis de Molina 1759: II, disp. 347.3). According to Joyce (1949: 34): 'Soto (1494–1560) was, so far as I can ascertain, the first writer to use the expression *pretium naturale*.... It means the price arrived at without being authoritatively determined'.
51. 'Commerce gives the opportunities 1) to change natural cries into signs, and 2) to invent other signs we call arbitrary' (Condillac, cited in Derrida 1987: 112). Commerce is the cause as well as the effect of a superfluity of goods and of meaning. As Derrida puts it (1987: 103): 'The effect of overabundance produced by what supplies the lack

- gives rise to commerce, both economic and linguistic, as well as to trade and the frivolity of chitchat’.
52. ‘Example: In logic, “or” can be defined in terms of “not” and “and”; also, “and” can be defined in terms of “not” and “or”’ (Wells 1977: 8). For the view that ‘intention, sign, mind’ form a circle of interdefinability, see Chisholm (1952). The expression ‘circle of interdefinability’ seems to be the coinage of Rulon Wells.
  53. Peirce argued that the uniformities of physics and chemistry were more analogous to customary habits than to stipulated laws. Peirce thus did not fully escape our circle of interdefinability, but his tour through it led to profound insights into nature, custom, and stipulation. This is no vicious circle.
  54. ‘Habits (*ethe*) also are pleasant; for as soon as a thing has become habitual (*ethos*), it is virtually natural (*physis*)’ (Aristotle 1984e: 1370a 5).
  55. Thus Poinso (1985: 283.26): ‘But a custom is as a second nature, but not nature itself, and thus it signifies for all to whom it is customary, not for all simply, and so a sign arising from custom is something imperfect in the order of a natural sign, just as custom itself is something imperfect in the order of nature’. Deely similarly says (1978: 13) that a customary sign may operate ‘so unobtrusively and on the fringes of the thematic consciousness that it transpires entirely “naturally”, i.e., as if independent of conscious awareness’.
  56. Custom is inherently a problematic concept for Poinso, since there are only two foundations for semiosis: the *relatio realis* founds *signa naturalia* and the *relatio rationis* founds *signa ad placita*. ‘There is a special difficulty concerning certain signs which are accommodated to signifying something not from any public institution, i.e., not by issuing from a public authority, but from the mere inclination of private individuals to make frequent use of them. Whence, because the whole force of the signifying depends on the very use and frequency, a doubt remains as to whether this use and frequency signifies in a natural mode, or whether indeed by a stipulated signification’ (1985: 278.1).
  57. Thus Deely always defines custom in terms of nature (1978: 17): ‘what has its origin in the mind becomes through custom relatively independent of the mind and “naturalized”. ... Thus we speak of English and German as “natural languages” (*ex consuetudine?*), in contrast to the “artificial languages” (*ad placitum?*) of the symbolic logicians’.
  58. Thus Deely reduces custom to nature and stipulation (1978: 14): ‘A *signum ex consuetudine* acquires or retains (as the case may be) the dimension or status of *ad placitum*, we may say as a first approximation, to the extent that an individual or a group exercises conscious critical control over its objectivity and mind-dependent status as such; while that same *signum*, to the extent of its *ex consuetudine* functioning that it falls outside the critical control of our society or group precisely as including ourselves — be we pumas, arboreal apes, lemurs, dinosaurs, or men — that same sign *ex consuetudine* is a *signum naturale*’. This exposition of Poinso’s doctrine confirms our suspicion that the intrinsic rationale of custom is completely obscured: for custom is precisely that realm which is neither the product of ‘conscious critical control’ nor the realm of infra-human nature.
  59. In Greek, *ethos* means both habit and custom; *nomos* means both custom and law; *hexis* means state or disposition, but sometimes habit. In Latin, *mos* means both habit and custom; *consuetudo* and *assuetudo* can both refer to habit and custom, though *assuetudo* is closer to habit than is *consuetudo*; *habitus* means state or disposition, but sometimes habit.
  60. ‘The notion of right is in the folkways. It is not outside of them, of independent origin, and brought to them to test them. In the folkways, whatever is, is right’ (Sumner 1906: 28). As John Dewey says (1957: 70): ‘Customs in any case constitute moral standards’.

61. 'The mores are social ritual in which we all participate unconsciously' (Sumner 1906: 62).
62. Thus Poinso (1985: 279.25): 'custom (*consuetudo*), as it is a kind of effect, leads us to cognition of its cause in the same way that other effects show their causes'.
63. That Poinso is speaking here of habit rather than custom is obvious from his next comment (1985: 279.38): 'And thus the Philosopher says that pleasure is the sign of an acquired habit (*habitus*), because we find pleasure in the things to which we are frequently accustomed, on account of a coincidence relative to that of which we have a regular experience'.
64. '*Vox significativa*' is a sign '*ad placitum*' (Poinso 1985: 24.8 and 24.21). '*Scriptus est scriptura ad placitum significans*' (1985: 28.4).
65. '*Ergo consuetudo, quae vice legis subrogatur et auctoritatem legis habet, eodem modo constituit signum ad placitum*' (Poinso 1985: 279.9).
66. This is proved by Thomas Aquinas (1964: I-II, Q. 1 art. 3): '*quia consuetudo est idem, quod mos, a quo actus dicuntur morales seu humani*'.
67. 'Therefore, a signification attaches to that sign naturally, even as multiplied free acts generate a habit (*habitus*) as a natural and not as a free effect, because the very multiplication of the acts does not function freely relative to generating the habit (*habitus*), so neither to the signifying resulting from the force of the repetition of the acts, even though these acts in themselves [i.e., singly taken] may be free' (Poinso 1985: 280.36).
68. 'Brute animals, properly speaking, make use of signs, both of natural and of customary signs... we see animals moved by signs, on one occasion by natural signs, such as a groan or a sigh, the bleating of sheep, the song of a bird, etc., on another occasion by associations learned in behavior or customary signs, dog, for example, moved by custom when called by name, without, for all that, understanding the imposition, but being guided rather by a customary association' (Poinso 1985: 204.9 and 205.5).
69. 'And so memory suffices to accustom (*assuetudo*), and animals which do not have memory do not develop customs (*assuetudo*)' (Poinso 1985: 213.17).
70. Thus Deely (1978: 8 and 11), who uses the terms habit and custom interchangeably, follows Poinso in claiming that animals have customs. Of course, since Deely translates *signa ex consuetudine* both as 'habitual signs' and as 'customary signs', one cannot determine exactly what it is he claims about brute animals.
71. Thomas Aquinas implicitly distinguishes habit from custom in his discussion of the term '*mos*' (1964: I-II, Q. 58, art. 1): 'Its meaning is twofold. Sometimes it means custom (*consuetudo*), in which sense we read, "Except you be circumcised after the manner (*morem*) of Moses, you cannot be saved"; sometimes a natural or quasi-natural bent towards doing something, in which sense brute animals are said to have "mores"'. Aquinas here well grasps the fundamental contrast between the social norms of specifically human custom and the individual habituation shared by brute and human animals. Suarez comments on this passage (1944: VII, 1.2-1.4): 'Nevertheless, as St. Thomas rightly observes...this term *mos* is predicted of brutes only by similitude, or analogy, in so far as they always follow the same manner of acting by instinct; for *mos* in its proper meaning is found in free actions only'. Like St. Thomas, Suarez explicitly limits the term *consuetudo* to human action.
72. 'But if a custom either is not taken as a means relative to something else, as napkins relative to a meal, or if something else is not rendered more known by the very frequent repetition, as that someone is the master of the dog by the frequency of [the dog's] following him, then it will not be a customary sign, even though it is a custom (*non erit signum ex consuetudine, licet consuetudo sit*)' (Poinso 1985: 281.27).



73. Max Weber (1978: 25) also thought that a large part of the customs that constitute everyday life were devoid of meaning. By contrast, Toennies rightly observed (1961: 98): 'Custom ever signifies community'.
74. Aristotle also discusses this hierarchical logic with reference to numbers (1984g: 999a 6), to categories of being (1984c: 1096a 17), and to the forms of constitutions (1984b: 1275a 35).
75. As Wells puts it (1977: 9): 'But what if the structure is that A has just one positive property, the generic property, and B has two positive properties, the generic property and also a *differentia specifica*?' One can distinguish between a true *genus univocum* such as 'animal' and an empty *genus analogum* such as 'soul' or 'order' (see Hicks 1965: 185). As Hamlyn says (1968: 94): 'An account of figure in general or soul in general...will be uninformative about figures and souls, not just in the way that any generic definition is uninformative about the details of the things to which it is applied, but also because it will omit the crucial point that figures and souls form a progression'.
76. '*Declarat quod ratio: dicens quod alia animalia ab homine, sola naturali inclinatione, hoc est memoriis et imaginationibus agunt actiones suas; quaedam autem parva secundum quantitatem agunt aliquas actiones per consuetudinem, sic illa quae bonam aestimativam habent, ut canis, equus, et similia. Homo vero actiones suas dirigit ratione; solus enim inter animalia rationem habet, per quam determinatur*' (Aquinas 1951: 386).
77. Stewart ably illustrates this progression (1892: 2, 105): 'This natural tendency to refrain from acts of intemperance is strengthened by education till it begins to attract its possessor's attention, and he makes "intemperance" and "temperance" objects of moral reflection in relation to other objects of moral experience'.
78. '*Circa quae triplex est opinio. Quidam enim dicunt, quod homines fiunt boni per naturam: puta ex naturali complexione cum impressione corporum caelestium; quidam vero dicunt, quod homines fiunt boni per exercitium; alii vero dicunt, quod homines fiunt boni per doctrinam. Et haec quidem tria aliquid vera sunt*' (Aquinas 1934: 689).
79. '*Quare hoc oportet consonare inter se, scilicet naturam, consuetudinem, et rationem: semper enim posterius praesupponit prius*' (Aquinas 1951: 386).
80. As Poinsoot says (1985: 187.28): 'whether an object is mind-independent or mind-dependent makes a difference only in the rationale of being, not in the rationale of object and knowable thing'. Similarly (1985: 236.33): 'Thus the stipulated and the natural sign, even though they express relations analogically coincident in the rationale of being, nevertheless, in the rationale of sign as pertaining to the order of the knowable, they coincide univocally as means representative of an object'.
81. 'A natural sign is one that represents from the nature of a thing, independently of any stipulation and custom whatever, and so it represents the same for all, as smoke signifies a fire burning. A stipulated sign is one that represents owing to an imposition by the will of a community (*per publicam auctoritatem*), like the linguistic expression "man". A customary sign is one that represents from use alone without any public imposition, as napkins upon the table signify a meal' (Poinsoot 1985: 27.19). This method of defining each term *via negativa* is simply a negative version of the circle of interdefinability. Note the order of terms: nature, stipulation, custom.
82. 'Now spoken sounds are symbols (*symbola*) of affections in the soul, and written marks symbols of spoken sounds. And just as written marks are not the same for all men, neither are spoken sounds. But what these are in the first place signs (*semeia*) of — affections of the soul — are the same for all' (Aristotle 1984h: 16a 2). For Aristotle, what is the same for all men is by nature (*physis*).
83. 'To the confirmation we say that concepts signify the same thing for all when they are about the same object and have been formed in the same way; for they are natural similitudes' (Poinsoot 1985: 337.31; see 235.37 and 335.22).

84. As Dewey observed (1957: 31): 'To be able to single out a definite sensory element in any field is evidence of a high degree of previous training, that is, of well-formed habits'.
85. See *The Oxford Companion to the Mind*, edited by Richard Gregory (1987: 601). The Berlin and Kay study of cross-cultural color perception found that while the 'focal colors' (the archetypal example of a color) were stable across cultures, the boundaries of color concepts varied widely. See Sahlins (1976).
86. See Cole and Scribner (1974). The authors concur in the opinion 'that ecological demands and cultural practices are significantly related to the development of perceptual skills' (1974: 85).
87. 'With the information now on hand, we would suggest that classifying operations do seem to change in certain ways with exposure to Western modern living experiences' (Cole and Scribner 1974: 122).

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