Semio-ethics and Photography：Camera，Common Goods and the Natural Law

Jude Chua Soo Meng

Abstract：This paper is an effort to detail what I believe semioethics can mean，and what a"semio-ethical"research method can look like. By drawing on John Finnis' *Natural Law and Natural Rights*（1980），this paper argues that the quest for focal meanings is a kind of semio-ethical project，then considers how such a project might look across different fields，say，in the study of photography. This turns out rather fruitful，on two counts. First，this leads to further clarifications of the philosophical benefits of the semio-ethical development of focal meanings，and secondly，these semio-ethical studies of photography and the camera supply empirical，triangulating evidence for the claims new natural law theory makes regarding the reality of the natural law identifying basic，common goods that are choiceworthy in themselves.

Key words：semioethics，natural law，focal meaning，camera，common goods

伦理符号学与摄影：相机、共同善与自然律

蔡曙铭

摘　要：本文旨在阐明笔者所认为的伦理符号学为何，以及"伦理符号学"的研究方法应当如何。本文以约翰·菲利斯的《自然律与自然权利》为基础，认为对中心意义的寻求是伦理符号学的行为，并讨论了这一行为在不同的领域中，如摄影研究中的面相。在两个方面，这一讨论都是富有成果的：其一，它进一步地说

明了对中心意义进行伦理符号学研究的哲学益处；第二，自然律的现实认为基本善和共同善本身是值得孜孜以求的，而对摄影和相机的伦理符号学研究为新自然律理论的主张提供了经验性的、三边的论据。

关键词：伦理符号学，自然律，中心意义，相机，共同善

Semioethics：Signs and Values

By now the phrase "semio-ethics", and what it stands for, has made its way into mainstream semiotic research. First proposed by Augusto Ponzio and Susan Petrilli, it represents not a set of doctrines so much as a stance: the scholarly desire to examine and expose the connections that semiotics has with ethics, broadly taken. In so doing they parallel Victoria Welby's coinage of the phrase "significs", which for the Victorian thinker represents something quite different from "semantics" or "semiotics", both to her too focused on the descriptive. "Significs" for her included research on "significance", and expressed the focus on axiological issues that may be relevant to the study of signs. Since Petrilli draws heavily on Welby, my own reading of the semio-ethical movement is to grasp it as a retrieving re-articulation of the significal movement. For that reason, in this paper, I will use "significs" and "semio-ethics" (and neighbouring terms) interchangeably, implying by that the general stance a request for semiotic research which energetically engages the study of signs and *semiosis* with axiological questions and concepts. (c. f. Chua，2013a)

Thus on the one hand "semio-ethics" is a critical distancing from a "semiotics" which merely focuses on the descriptive study of signs. More positively, by putting out a phrase like "semio-ethics", or its original "etho-semiotics", and by *signaling* and thus demarcating a *different* field, Ponzio and Petrilli's invitation is for us to join them in filling in the plot—an invitation that when accepted does not merely survey their own many achievements，but should，as I believe they intend it，add new leaves to this story of the semio-ethical movement，guided by the possible trajectories their works hint at. Hence any such developmental articulation of the semio-ethic research project can welcome and engage what appears at first glance to

belong to a discipline different to（etho）semiotics，but which upon examination shares much of the paradigmatic interests of the semio-ethical project，in order to chart new semio-ethical courses. Indeed，the semio-ethical strategy，welcomed explicitly by Petrilli，is to weave fluidly and freely across disciplines and fields，translating significal insights from one field into another，and developing connections between these，in order to amplify the multiplicity of signs of significance，and also to propose，clarify and strengthen the rigour of significal methodologies as they are tested in new waters.

Semio-ethics and New Natural Law Theory

For instance：New Natural Law Theory，defended by John Finnis，Germain Grisez，Joseph Boyle and their collaborators. New Natural Law Theory is，in several important ways，a semio-ethical or significal theory. As I have explained elsewhere（Chua，2013a），Finnis' now classic *Natural Law and Natural Rights*（1980）represents a methodological departure from the earlier Oxonian jurisprudential tradition defended by H. L. A. Hart's influential *The Concept of Law* that goes by the name "legal positivism". *Natural Law and Natural Rights* attempted to discern the *focal meaning* of the word "law"，or "law" in its *central case*. Thus，rather than unpack the meaning of "law"，period，the methodological assumption is rather that one should instead seek to arrive at the meaning of "law" *that matters*，or the significant meaning of the word-sign，"law". Such a *significant* meaning of law is not only theoretically more interesting—compared with "vast rubbish heap of miscellaneous facts"，even if all true（Finnis，1980：17）—but also more useful，because unlike a normatively inert concept of law，a focal concept captures law in its important and *ethically preferred* meaning，and thus serves as a concept that can critique conceptions of "law" that differ from it. The idea that one achieves a meaning of a sign that is truly significant instead of banally true，and one which is theoretically useful for critical purposes is a recurring semio-ethical theme.（see Chua 2013a）

Semio-ethical Methods：Designing Significally

But how，exactly，are these semio-ethical themes realized? Put in another

way：how do we go about translating the word-sign "law" significally? Or，as I prefer it：how do we go about Designing (c. f. Kress，2000) "Law"? — I say "Designing"，because we are，after all，*re-shaping* or *modifying* the sign so that it now points to the meaning that we think matters，instead of merely using and reproducing the convention sign as it is (ibid.)；this is a point I will return to later. In any event，for a start，such a fully evaluative analysis of the concept of "law" aimed at its significant sense will be guided by what one thinks is important in relation to the "law" to selectively collect these important things under the word-sign "law". Again，"what one thinks is important in relation to the law" would also be guided by what one thinks is important (in itself) —after all，"*what matters* in law" *matters* to have and to understand，amongst other reasons，because these things that matter in law legally protect，serve，coordinate our achievement of ... *what to us matters*. It is our own grasp of the *things that matter or are significant*，that allow us to develop the evaluative criteria with which we discern what in turn under law is relevantly significant，and should therefore fall under law in its important case. Put another way，what one thinks is important in itself or are important themselves are precisely those very significant things about which a general theory of law in its focal sense should attend to and not neglect to relate. Such a concept of law will be one that is focal or central—situated at the exemplary center—whereas other meanings of "law"，even if legitimately implied by the word-sign "law"，may be characterized as peripheral，as having somehow missed the mark，having landed nearer the margins. Seen in this way，focal conceptions of the law are to peripheral concepts of the law what an ideal conception is to an inferior concept of the law，since it is precisely the latter that would *fail* to instantiate law in the best and preferred sense，and so the peripheral deserves to be criticized when measured against the focal sense of the law.

There is still a problem. The task of arriving at the focal meaning of "law" is further complicated by the fact that，amongst the judgments regarding what is important，are some that are practically unreasonable. Thus the development of the focal meaning of law will need to further sift out those judgments (whatever they are) that are practically unsound，and that

wrongly identify for us the important things，or the things that matter. In other words，by differentiating further the meaning of "law" as understood focally by men of practical reasonableness and by those whose practical judgments about what matters are flawed and discarding the latter，only then is what is distilled the concept's truly focal sense. Of course，such a practically sound viewpoint regarding what is important is not always available，but is nevertheless accessible to the *moral* theorist who diligently works out the precepts that should guide such a viewpoint. Thus John Finnis' *Natural Law and Natural Rights*' initial "significal"（if I may）and jurisprudential working out of the focal concept of law moves decidedly into ethical reflection in Chapter 2 and onwards，specifically his new natural law theory drawn from Germain Grisez's interpretive reading of Thomas Aquinas' natural law theory. This he does in order to unpack for his readers what new natural law theory identifies as basic goods，which are the important things that are choice-worthy in themselves，with a view to relating these to a focal theory of "law"，as he does in the later chapters of the classic text. These goods，also characterized as basic common goods because they are recognized by intelligence as worth seeking in themselves（hence，"basic" or foundational）and are at the same time good not merely for me but for any human being（hence "common"）include：life，knowledge，friendship，skillful play，aesthetic experience，religion and practical reasonableness.

Photo-semio-ethical Studies：The "Camera" Design

A significal and semio-ethical approach towards the study of signs，as exemplified in Finnis' methodic definition of the conceptual sign "law" in its focal sense，need not however be restricted to the study of topics of interest in law and jurisprudence. I have elsewhere argued that the significal or semio-ethical quest for the focal meaning of（conceptual）signs in other fields can also be pursued with great benefit（see Chua 2013c），including the ones already discussed above，viz.，the achievement of the meaning of the relevant concept that would have greatest theoretical significance，and perhaps also the achievement of an ethically critical notion of the concept.

These two benefits can be elaborated. Consider for instance，a significal

analysis of the "camera" （c. f. Chua，2013b）. Photography means many things to many people. For some it means no more than the recording of history. For others, photographs have critical value, raising ethical consciousness. Thus also the "camera" means different things to different people—for some merely a tool to record an event, for others a tool which produces images with ethical, transformative powers. But, what, that said, is the *focal* meaning of a "camera", whether we mean by that the word-sign, or the physical things before us, since both can be signs that point to or mean for us other ideas and significations? What, in each case, is the focal meaning of the "camera"? How do we go about significally Designing such a "camera"? （c. f. Chua 2013b：200－201）

An answer to this question supposes some experience handling and using such a thing as a camera, and some measure of familiarity with its affordances for all kinds of things. To all these affordances, we would ask the further differentiating question, "which of these matter, so that we can collect under our conception of that thing we call a "camera" those very affordances that matter?" And, in relation to that question, we would also ask , "what then are the things that matter, or are important?" based on which we can then with guidance identify and narrow down to those affordances of the camera that matter. The strategy parallels the very one we explained above in identifying "law's" focal meaning. Thus we might imagine, if our ethical commitment is to new natural law theory and its account of what matters, viz. the basic common goods, that the meaning of a "camera" in its central case is one that exposes the affordances of the camera for supporting the achievement of these goods, to the extent that these affordances are available.

Etho-Semiosic Transubstantiation：Other Ontologies

Such an understanding of what a "camera" is isn't only theoretically more significant, as all focal concepts are, but also ethically useful as a critical concept, as we've explained. Yet, as I've suggested above, such benefits are worth elaborating. Notably, focal conceptions also liberate our ontologies of what a thing is, from the inherited and conventional appreciation of the ontologies of that very thing. Most of all, it liberates the theorist who

may have been trapped by the conventional view of what a camera is，but who is now able to Design such a sign （"camera"）as may be suitable for capturing what are *his* （original）insights into the significant affordances，and therefore，what to him should be the most significant aspect of the nature of a camera. Meaning：rather than merely "use" the inherited and conventional meaning of the "camera"，the task is to selectively bring under the sign its *other* （if different）possible affordances for serving or promoting valuable ends，such as the basic common goods，as may be discovered through experimental use. It is to bring under the sign new meanings，and thus by implication new ontologies of that sign itself，since in pointing to these new meanings，the kind of sign that the sign is has changed. It is still overarchingly a sign，but it is now substantially transformed *qua* sign into a new，different sign，pointing now （also）to *that*，rather than merely this. It is，as I have said，a kind of etho-semiosic transubstantiation （Chua 2013b：200）. Such etho-semiosic transubstantiation is ontologically creative，and beneficial.

Compare：any mere "use" of an inherited meaning does no more than reproduce what crass and merely superficially functional definition—say，"something to take pictures with" —is already in circulation. Yet such crass signs may not fit with，or cohere with，or capture other *ethically* insightful and significant meanings，which are therefore displaced or sidelined. The latter，for instance，might be something which says，"[...] a camera is for me a tool that does not merely take pictures，but pictures of poverty，and when these are displayed，may rouse moral consciences so that people can do something for the lives of the neglected [...] It is in the end something that leads to，and points towards，in *semiosis*，the need to address inequality. This is *what* a camera is really all about." Thus these latter insights into *what* the "camera" （whether word-sign or physical-sign）is，and *what* the camera can be—the "camera's" other ontological possibilities—are displaced. Whereas the constructive re-shaping or Design of the meaning of the "camera" in its focal sense puts the ethically significant meaning under the spotlight，making it the primary *representamen* of the sign-vehicle，focusing our attention on it，and situating it at the theoretical center，as an example，thus

re-instating its ontological prominence. But most importantly, because the sign "camera" now captures these meanings, these *other* meanings of the camera, and these *other* ontological conceptions of the camera, can now survive. (Chua 2013b; also see Norman & Verganti, 2014 for an analysis of radical innovations through shifts in *meaning*）

More generally then, with the working out of the focal meaning of a sign, and the achievement of the theoretically significant and ethically critical meaning of that sign, comes also the repositioning of the significant *ontology* of these significally Designed signs（call these "significal ontologies" for short）towards the center, lest these meanings/ontologies be obscured, and lest our world-life, constituted as it is by networks of meanings/ontologies, be economized by such obscurity and populated by the ontologically crass. Finally, to the extent that practices can accord with that significal ontology, so also in the *real* will that which is being signed be re-shaped, re-engineered towards the significant. Thus the significal Design of a "camera"（or "law", or "school", or "economy"...）at the conceptual level of intentional being（*esse intentionale*）can eventually guide the effecting of a critical re-instatement of significal ontologies in the substantive, at the level of real beings（*ens*）, which can find expression in the re-engineering of ontic and physical realities to accord with these significal ontologies.

Thus for instance, in the case of the "camera", this may mean new ways of *using* the camera, of the *practice* of photography, or choices regarding the kinds of available technology（film or digital, black and white or color, etc.）or where funds allow, the physical modification of the technology involved, exploiting electronics and computers to develop such a "camera" in its significal ontological sense, to allow it to better afford the ethically relevant capacities and functions that are especially central to it. This is certainly an interesting semio-ethical research and development direction that might realize a semio-ethical educational or pedagogical product.

Accessing the Significal Viewpoint

Let us take stock. We've been examining what the semio-ethical approach can mean across different disciplinary fields: the Design of signs so

that we arrive at signs pointing to the focal meaning. And we have been looking at what the philosophical benefits might be in these semio-ethical projects，not only for ethical criticality，but also for liberating the sign-users from crass ontologies，and for the proliferation of significal ontologies. But I now want to return to some epistemological matters in the significal Design process. I want to suggest how the significal Design process is actually reflexive，and transforms the significal Designer's ethical viewpoint，or prepares the significal Designer by opening him to that ethical viewpoint that he needs to employ for significal Designing.

Think about this：In each of these examples there is the suggestion that the significal quest for the focal meaning presupposes a viewpoint of practical reasonableness，and rightly so. Such a viewpoint seems to be something that is developed *prior to* or at least in a reflective act that is quite separate from the development of the focal meaning of that particular sign，whether "law" or "camera". Thus，for instance，Finnis' *Natural Law and Natural Rights* (1980) works out independently an account of what the ethical precepts of the natural law are，or what the first principles of practical reason are，and what are these basic common goods that natural law prescribes we should seek and promote. And it is then *based on* such an account that the development of the central case of "law" can proceed. Thus also，the significal Design of the camera. By drawing on one's own *prior* ethical commitments，say in my own case，Natural Law Theory，would I，the Design theorist，go about thinking through what might the sense of the "camera" that is focal be? Or is it?

On the contrary，I have come to believe that the camera is itself able to uncover that epistemology that gives access to that ethical viewpoint presupposed in the development of the focal meaning of the "camera". Meaning，rather than work out，independently，the viewpoint of practical reasonableness，*apart from* the practice of photography，the taking of pictures with the camera，in specific ways can itself "show" the axiological，normative demands of these ethical concepts viz. ，the common basic goods (life，friendship，knowledge，etc. ，as *being choiceworthy，and not to be intentionally destroyed*)，that enable us to significally Design the camera. In a sense，the "camera" Designs itself，precisely by designing the Design

theorist，the Designer; the use of the camera gives the photographer-theorist-Designer access to that very practical reasonable viewpoint—or at least，the viewpoint's central concepts—with which to Design significally. The camera is a kind of "view finder"; it helps us find the practically reasonable viewpoint. Let me detail this thesis below.

Before I do，allow me to quickly explain how I will proceed. In what follows，I will offer a first-hand account of my own experience with photography and my own sense of the affordances of the camera，particularly those which are relevant to ethics and its significal Design，in ways that I have been alluding to above. Like a kind of "analytic autobiography" (Anderson，2006)，I will try to recount what that experience is and interpret what it means in the light of new natural law theory，in order to reflectively unravel that alluded process in photography of finding or unconcealing the ethical viewpoint. But bearing in mind that these theoretical reflections are meant not to prove any one particular thesis whatsoever，but really and principally to translate semio-ethical insights from one field to another in order to develop new theoretical connections，yielding still more insights，what is most interesting in this exercise is how，as I hope to show below，the discussion of the view-finding capabilities in the light of new natural law theory may suggest more generally ways of using the camera's view-finding affordances for supporting or complementing the defense of the reality of the first principles of practical reason，or the natural law，which，not being inferred or deduced，are in an trying position of not being able to enjoy a theoretical security and certainty which comes with deductive，demonstrative proofs，now denied to these precepts. To the extent that what began as semio-ethical reflections end up informing an ethical theory like new natural law theory，evidences the timely relevance of a "semio-ethical" movement，of the benefits of pressing scholarly semiotic reflection in the normative direction，of setting for ourselves as researchers of signs the agenda of engaging the axiological，which now is being fulfilled in this very paper. In any event，let us not delay further.

The View Finder：Photography and Ethics

I put on the table for our consideration what I call the doing of casual

photography，which is the taking of pictures without thematic restriction，and without a specific agenda. This involves walking about casually with a camera，taking pictures of whatever one comes across that seems worth recording. One might think of street photography，done with a discreet rangefinder camera，say a Leica M or a Fuji X100（which captures the rangefinder ethos，even if it is，strictly speaking，not a rangefinder）as an example of this.

This may sound like a simple task. In some sense it is. There is no thematic restriction. There is no need to look for a particular object of interest. One is free to roam about and collect whatever one encounters. However，fulfilling even a task like this employs some very complex processes. I am not thinking about how the camera's technology is very sophisticated or advanced，which it can be. I am referring instead to the thinking that occurs when we decide to take this picture，of this object，or of this event，or of this person... In each of these decisions，there is always the judgment that *this* which has been recorded is worth recording. And，in deciding that *this* is worth recording，one would have also decided to choose to take a picture of *this*，rather than *that*，or of its surrounding objects. Even if one directs one's focus on some other surrounding object，there are still other objects which one omits. In other words，there is always some kind of selection. One discriminates the possibilities for taking a picture and realizes some and neglects others.

This kind of discriminating selection presupposes a judgment of what is valuable and what is not. Put in another way，the selection is not random，but evaluative. When one selects this rather than that to direct one's focus，one employs normative judgments of "worth". This does not necessarily mean that when one omits to take a picture of something，one judges it to be unworthy of recording. However，when one does take a picture of some object，then that object is recorded as something worth recording to the photographer. There may be different reasons why different objects are worth recording. I may therefore have different interpretations of what it means to say that something is worth recording. Some one thing may be worth recording because it is "significant"，another could be worth recording

because it is "beautiful", and yet another can be worth recording because it is "shocking". These various reasons constitute the evaluative guide that helps me, the photographer, select what I consider worth photographing. By examining the kinds of objects which I, the photographer bring into focus, one can infer the evaluative judgments that guided my photographic choices. For example, if I consistently pick out aesthetically pleasing patterns, we could say I had an eye for beautiful things, and that I value beauty as a quality in things.

However, casual photography is not just an opportunity for exposing the ethically relevant ideas that guide my photography. I would suggest that photography done casually shapes some of my normative ideas. Meaning: leisurely photography seems to modify or at least determine my value system, and not merely to disclose it. Consider this, borne out by my first-hand experience: When using the camera in a leisurely manner, one is not collecting evidence to establish the truth of something. One is not, for instance, doing scientific imaging, of which the primary purpose it is to discern the truth of something under investigation, using the photographic medium as a tool to achieve the discernment of the truth. In this latter case, one's thinking constantly revolves around the question, "is this or that truly the case?" or "what is the truth about that which we are observing—what really happened, what could be a true description of that which has occurred?" By comparison, when photographing without such an investigative agenda (even if one is making a record of something to remember, and therefore, collecting a token of the truth about it having occurred) the truth of the object is not really the primary issue. Here we must remember that I am talking about doing photography leisurely, and not, for instance, with the clear purpose of documenting a historical event so that there could be little dispute of such an event having ever occurred. The fact that something is before the lens and an image is made of it is more than sufficient proof of its truth, and *that* having been established, one's thought about the picture proceeds onwards to its other and greater significances. For example, one takes a picture of a "graduation", and having quickly collected some evidence of this, one's thoughts no more linger on the reality of the event; instead one

then quickly begins to focus on other meanings that judge the graduation as something worth recording: an "achievement", "making family proud", a "better future"… In photography done leisurely, our interest shifts quickly from the fact of something, to the value of, point of, the good of … that something.

Thus, choices about what to put into the frames of the camera viewfinder, or into the film, what one decides to shoot and record, are all evaluative and "display" what is important, good, and choiceworthy. But not just what one *already* thinks important, as it were. The very *choosing*, that exercise of panning about before available phenomena whilst knowing that all of that cannot be taken up and some discriminating selection is needed also alerts you to what *should for you* matter, if you have not thought so up to that point. That is what I mean, and that's the important point here. The *evaluating of* what matters *shows* and *displays*, phenomenologically, certain values, and so steers your photographic choices in favor of frames of pictures that in the interpetation or reading of the photographer, relate to those values, for example: a wrinkled face from a good long *life*, or a new-born child with potential to live it out well; loving embraces of marital *friendships*; the *beauty* that surrounds us in nature, architectural monuments of *learning*; and monuments to courageous *justice*; common persons with virtuous *skillful play*; *religious* expressions, even if not shared, as well as those that relate to this in a roundabout way, negatively, such as heart-breaking *poverty*, in various manifestations, where there are privations of these goods. Or in cases where what is pictured is not immediately an instantiation of any of these basic common goods, it is typically true that which is photographed is read as related to such a good, whether instrumentally or otherwise, and it is the basic common good that by relation gives the picture its axiological significance, so that a choice was made to extract *that visual frame* with the camera against a backdrop of other infinite possibilities to be framed within a photograph. Thus your choices in photography are steered *by* and *during* the photographic exercise, by the common basic goods that recurrently display, almost like a kind of ethical reflection-*in*-action, where the reflective act is stimulated precisely *by*

and during the activity，to loosely adapt Donald Schön，as much as you might have steered them based on a set of ethical pre-judgments（for which the ethical thinking is imposed *on* the activity and hence there is by comparison an ethical reflection-*on*-action，where reflection is done *outside of* the activity but then later brought into the activity，as it were）.

"Now，hold on！" you say. Isn't there something terribly suspect right here that precisely suggests that I am vacillating on my remark regarding the way there is，so to speak，reflection-*in*-action rather than a mere reflection-*on*-action? Isn't there more than a hint of viciously circular intellectual dishonesty at worst，or interpretive muddle-headedness at best，you protest，that I should characterize my examples with the *very values defended by new natural law theory*：life，friendship，knowledge，beauty，etc?. Isn't this itself instead confirmation that I am *importing* a learnt ethical framework，and so I am *drawing on pre-judgments* to reflect *on* and steer my photographic choices? Have I not，contrary to my assertions，precisely imported these interpretive ethical lenses rather than allow photography to display these，and for these to give of themselves，to show?

Now *that* would be a blatant and stupid mistake and contradiction that had completely escaped me，would it not? But there it is，as I have recounted it，which is my point exactly：it is intriguing and worthy of attention，that *these* kinds of choices are the common stock，with these said choices *steered by these kinds of basic common goods*，irrespective of the（coincidental）fact that these are the very same goods *identified under new natural law theory* as basic common goods. One might seek to ignore these common basic goods identified under new natural law，yet it is *these goods* that are recurrently displayed or given as the ethical insights in the act of casual photography. *And you*，*the reader*，I dare conjecture，can and will corroborate this. Any autobiographical confession is limited by its un-generalizability—but I invite the reader to join my participant research project in his own capacity，by doing some casual photography，and to compare his own autobiographical field notes of the givenness of the phenomena in such photographic experiences with the analysis above for "triangulating"（c. f. Guion et al，2013）resonance. These are the basic common goods that help us *make*

intelligible sense of the phenomenon，and help us identify，intelligently，what is of importance，of significance，worthy of our attending to… as we think about and ask ourselves how we should react to，do to，engage with，that vast field of phenomena before us（which casual photography，because it is evaluative，inclines us to ask）.

This does not necessarily mean that these displayed ethical judgments are new or altogether alien. However，what is clearly experienced is that the evaluative act in casual photography is one that constantly inquires after what is truly deserving，what is truly important，what truly matters… and *this act* foregrounds these ethical judgments，or at least these are sufficiently foregrounded that they are the driving background of what one chooses to picture or frame with the camera. Such "showing" of these basic common goods is recurring *in*，*during and because of* the（fully evaluative）casual photography，and not because one draws from a repository of values from memory. Indeed，and perhaps this is key：the *serendipitous* nature of leisurely photography militates against any kind of ratiocinating importing of a pre-agreed ethical theory to shape one's picture taking；things *suddenly appear* within one's field of vision or at the edges of one's viewfinder framelined *by chance*，and within a split second a judgment has to be made whether something is significant or not，lest the *decisive moment* is passed，and then "click！" goes the shutter. There's no sophisticated moral inference concluding "yes，according to such and such a theory，this matters" at work because no moral inference can work quickly enough here，and in any case it is never experienced like that. The street photographer with the rangefinder camera is not a lumbering philosophy professor；the experience of capturing a good picture during the fleeting decisive moment is more akin to being enlightened by a flash of insight："there！—*this* is good." —and "click！"

Photo-semio-ethics：In Defense of Natural Law

The above remarks merit elaboration in order to detail the degree of fit between the phenomenology of casual photography and New Natural Law. The empirical，phenomenological data gathered from the practice of casual photography coheres with，and thereby corroborates to a great extent the

specifics under Finnis' New Natural Law Theory and its explanatory discussion of the different modes of thinking，and the kinds of logic each mode displays，and the kinds of principles that are proper to each kind of logic. What seems to me to be the case is that casual photography appears strongly to be a way to enter into a peculiar mode of thinking Finnis calls "practical thinking"，which is different from "theoretical thinking" (see Finnis 1980；1983：1−25). Let me first unpack for us what these forms of thinking under new natural law theory are.

A heightened interest in questions of value and of what matters，may well mark a corresponding entry into the so-called "practical" mode of thinking. Taking from Aristotle and Aquinas，and guided in part by Germain Grisez，Finnis distinguishes these modes of thinking and their distinct interests. Both Aristotle and Aquinas，for example，talk of reasoning that is "theoretical" compared to reasoning that is "practical". Under Finnis' interpretation，when reasoning theoretically，one's interest is in the truth of things. One aspires，in reasoning theoretically，to offer a factually accurate description of a reality. Here the driving question is，"what is the case? What is the fact of the matter?" However，when one begins to inquire what one should do in the light of such a truth，one begins to think in the practical mode，and so reasons practically. Here the driving questions are about what one ought to do，and what is important，choiceworthy，about what matters.

The need to enter into a mode of thinking that is practical rather than merely theoretical in order to grasp the common basic goods and their contrary has not always been well understood. Some have attempted to derive a theory of good and bad through the study of certain facts about the human being，or facts about the natural world. However，such attempts turn out，on closer inspection，to be logically indefensible. The attempt to derive an account of what "ought to be" from an account of what "is the case" commits the "naturalistic fallacy". Rather than to deduce theoretically an account of good and bad，good and bad can be known when we think practically. Our knowledge of good and bad is therefore not deduced from any prior ideas. Rather，they are "self-evident"，underived. John Finnis' *Natural Law and Natural Rights* (1980) and *Fundamentals of Ethics* (1983) are

representative texts in this regard. Later，Finnis（1998）alludes to their epistemological display as a kind of Peircean abductive insight（ibid：57，n. 20），which is very different from the logically conservative deductive inference.

But "practical" thinking is not "practical" simply because we are strategising，or planning the means to be adopted for a given end，nor is it merely the categorical application of some theory. Rather，"practical thinking" is "practical" when first principles peculiar to such thinking prescribe and guide. Meaning：when thinking in the theoretical mode，some logics peculiar to this mode of thinking guide one's reasoning："something cannot be and not be at the same time and in the same respect"，for instance，and hence，one judges contradictions to be unreasonable. Correspondingly，when thinking in the practical mode，some logics peculiar to this mode of thinking begin to guide one's reasoning："that which is good ought to be done and whatever is bad ought to be avoided；such-and-such is good，and its contrary is bad..." The logic that guides thinking when we think in the practical mode also identifies to us what is "good"，and what is "bad". By "good" and "bad" here，I do not mean what we like or dislike，or what we find useful for something else we value or damaging to something else we value；rather I mean that which is desirable in-itself，or undesirable in-itself，viz.，the seven basic common goods. In order that practical thinking about what ought to be done be practical and not be a merely instrumental or mathematical form of optimization logic，all theoretical，the questions about what ends or goals matter and ought to be sought and done must be sufficiently open ended，and not asked in relation to a given goal or preference.

This being the case，the phenomenological data given in *casual* photography，done leisurely，makes good sense：because such picture-taking is undetermined by a thematic goal with which to pick out related items，we would expect casual photography to facilitate our grasp of and the display of those very fundamental ideas about what is intrinsically good and bad *just as* it facilitates access to thinking in the practical mode. And so it has turned out that way，and not only that，but as we have observed，these "goods" and

"bads" are in the neighbourhood of the seven basic common goods identified in *Natural Law and Natural Rights* （Finnis，1980）. Hence the point here is that these self-evident，abductive insights into these first principles of practical reason or natural law identifying choiceworthy basic common goods appear to have been given in the evaluative moments in casual photography，precisely because of the need in such photo-taking to inquire after what matters，and therefore to think in a more-than-theoretical mode—and this is very consistent with the specifics of the showing of the natural law as articulated in New Natural Law，especially in relation to its insistence on the "practicality" of ethics.

To be clear then，there are corroborations of two aspects of the specifics of New Natural Law theory. Firstly，casual photography，since evaluative，facilitates the grasping of ethical insights，and this is consistent with the insistence in New Natural Law that ethics is "practical"；and secondly，that these ethical insights （when displayed by casual photography） prescribe the intrinsic choiceworthiness of such as those seven common，basic goods which corroborates the identification of specifically *the* list of basic goods in *Natural Law and Natural Rights*，even if Finnis himself admits that the list of goods is not exhaustive （ibid.）. Both corroborations are worthy of attention.

The corroboration of the list of basic goods is of course interesting，but more exciting is the corroboration of the insistence on the "practicality" of ethics in New Natural Law—this thesis regarding a particular mode of thinking which is entered when one inquires after questions of worth is a very *unique* one in the literature，and this corroboration is akin to a kind of fine match，not easily reproducible or forged，between two precision instruments，say a highly secure set of lock and key.

To stretch the analysis：the New Natural Law Theory of the display of the natural law and the seven basic common goods is itself corroborated further by triangulating reflection on parallel practices-parallel，that is，to casual photography. Consider the following. The ongoing *choosing*，namely，those evaluative and differentiating discriminations when deciding what to put within the frame-lines of the viewfinder and what to leave out—that very process methodologically mirrors the *evaluating* choices made regarding what

to select to include as that which is constitutive of a focal meaning，and what else to leave out，and Finnis' own account of that method implicitly admits as much，even though my sense is that the point I am about to make is not one that he grasped fully．So he says，when discussing the development of the focal meaning of concepts in social theory，such as "law"：

> Descriptive social theory does not share this concern about what ought to be done．But it cannot in its description do without concepts found appropriate by men of practical reasonableness to describe to themselves what they think worth doing and achieving in the face of all contingencies，misunderstandings，and myths confronting them in their practice．（Finnis 1980：16）

Yet if a theorist "cannot do without" concepts appropriate to such a practical viewpoint，it suggests that part of the exercise includes trying to locate these concepts，and that includes asking the appropriate questions locating these，such as："Now，what matters or is significant，so that my focal concept should address these?" This then opens the way to a practical mode of thinking，albeit useful and instrumentally relevant for the theoretical descriptive enterprise．Now I would like to be very careful here．What Finnis is saying，unlike my point here，is that the theorist，when making his evaluative choices on behalf of the focal meaning，inevitably *imports* his ethical viewpoint，*preferably a practically sound one*．And just a few lines up，Finnis warns of theorists who have a poor grasp of human goods and of the aspects of human flourishing．So these choices that go towards our construction of the central case can indeed be poorly informed by practically *unreasonable* judgments．But if any such practically reasonable viewpoint is helpfully visible when we are thinking practically，as one would be in cases when one is performing open-ended evaluations，asking and thinking through practically about what matters or is choiceworthy（to include or not），then the "importation" of the practically reasonable ethical viewpoint is not a mere relocation of a viewpoint from a distant theoretical past into the present exercise，but could well also include the concurrently occurring exposure of that viewpoint *in that very exercise of choosing whilst developing the focal meaning*，assuming here a climate of intellectual freedom without the pressure

to pacify any ideological commitments. This latter assumption is needed in order to ensure that the theorist does not merely *import* an ideological ethical position，but also gives the evaluative practice of crafting a focal meaning a chance to display practical reasoning's deliverances. Compare，for instance，Herbert Simon's *The Sciences of the Artificial* ［1996（1969）］，which also works out a focal concept of the "professional"，but which merely imports his then（since the 1940s）firm commitment to logical positivism's assertion（under Simon's reading）that there are only feelings when referring to "ends" and that there are no final ends prescribed by rationality. ［Later，however，when freed from his ideological adherence to positivism，and having renounced it，Simon spoke of "incommensurable preferences"（Simon，1997：297）which seems to me an odd and oxymoronic way to refer to desires so different they cannot be sensibly weighed whilst all equally desires（if it does），and suggests instead on a more charitable reading that "preferences" here may be a broad term like "good" for whatever one recognizes one should aim for，without them all being desires，thus approaching more closely the position defended by new natural law theory. ］

Meaning we need not always merely use a practically reasonable viewpoint previously discerned. Instead we may also "show" such a practically reasonable viewpoint（and insights into what the basic common goods are）*as and when* we develop the focal meaning. It is in this *other* sense that I would argue we should take what Finnis says when he says that "there is no escaping the theoretical requirement that a judgment of significance and importance must be made if theory is more than a vast rubbish heap of miscellaneous facts ［...］"（Finnis 1980：17）. Yet this way of taking that claim，which I underscore is *not* intended by Finnis，is nevertheless unwittingly *realized* and thus performatively admitted in Finnis' own case，precisely in his writing of *Natural Law and Natural Rights*，in which he was compelled to think practically，which he did，in order to grasp the normative ethical criteria framed by the common basic goods，which he then proceeds to use to develop the focal meaning of "law".

Indeed，is it not the case that，when one is doing casual，leisurely photography，the question that one implicitly poses for oneself is，"what is a

'photograph'? Or better："What is a 'photograph' in its focal sense?" "What makes a 'picture' in its central case?" And the decision to put *these* rather than *those* within the viewfinder frame-lines is actually a choice which says that *these* rather than those belong to a "picture" in its focal meaning. In other words，casual，leisurely photography done the way I have been speaking about that here，is an exercise in the development of the focal meaning of a "photograph"，except that it is done in a different mode，in a different medium，using images，cameras and film，rather than with paper，pen and words.

In other words，the New Natural Law thesis that there is such a mode of reasoning called "practical" that operates to yield the natural law when inquiries into the worth of things is made，is impressively corroborated across several parallel practices. I would qualify this claim，however，this way. A scholar writing a work on the focal meaning of a concept may have much to think about that would mitigate his intellectual freedom，ironically：what are those journals to publish in and how well do I align with their ethical theories，how will I be perceived by my intellectual peers or those I hope to impress，what this may mean for my promotion and my tenure reviewers，how does what I am putting down here cohere with what I have elsewhere already developed（say a theory of ethics but in-felicitously worked out theoretically without adverting to "practical" thinking）... etc. — considerations which subtly prescribe ethical prejudgments that he is pressured to import into the exercise and so detract from the opportunities for truly open-ended clear thinking and practical deliberation，and could well displace the showings of practical thinking's first principles as they appear. Such a scholar is not like a leisurely photographer but a professional one，already with an agenda. But leisurely photography，done for oneself，by oneself，without the need to show anyone what one wishes to take，without need to appear to others in a certain way，seems to me to have a more stable chance of comporting the photographer/theorist favorably in the direction of entering the mode of practical thinking. He is free to start afresh each time，and freer to attend to what the experience gives，without a need to tailor or censor it to cohere with another set of ethical commitments.

Even with these limiting complications, the results above seem to me sufficiently significant for New Natural Law Theory insofar as the defense of the precepts of the natural law is concerned. It means that the practices seeking focal meanings, whether this is the doing of casual photography, or the development of focal meanings in a climate of intellectual freedom, provides some form of triangulating empirical support for New Natural Law Theory's thesis that there are first practical principles prescribing basic common goods, which first principles we call the "natural law". Because the precepts of natural law are self-evident (not inferred) and so cannot be demonstrated, there have only been so far two strategies for defending its reality, apart from exegetical studies on Aquinas' exposition of the theory in the *Summa Theologica* (see Grisez 1991) or the *De Veritate* (see Chua 2006). The first has been to appeal to our memory of our own behavioral logics: by asking ourselves to think about why we do whatever we do, it is suggested that we will recall certain terminal goals which we sought for their own sakes and for no other purpose. (see Finnis 1983: 33) The other has been to provide a dialectical defense of these goods, which shows performative self-contradictions that occur when some of these goods are denied their goodness by skeptics. Thus for instance whoever denies seriously that knowledge is a good himself instantiates the belief that such knowledge "that knowledge is not a good" is itself good, and thus is engaged in performative self-contradiction (Finnis 1980: 75). Supplementing these, our discussion above suggests that the phenomenology of certain practices, such as, more stably, the practice of casual photography, supplies empirical evidence corroborating the claims of New Natural Law theory, viz., as the theory maintains, that: by way of an inquiring interest into what ought to be done, which gives access to the "practical mode", one enters a viewpoint that displays the seven or so common basic goods, which are a conceptual basis for further inferences of objective moral judgments. Even if my reader is not yet fully persuaded, at least it must be admitted that New Natural Law Theory now finds greater empirical warrant, and further research along these lines on behalf of New Natural Law is not self-evidently futile, and skepticism of the natural law even more suspect. I end here.

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Author：

Jude Chua Soo Meng，associate professor of philosophy at National Institute of Education，Nanyang Technological University，Singapore. His current interest is in semio-ethics.

作者简介：

蔡曙铭，新加坡南洋理工大学国立教育学院哲学副教授，目前的主要研究领域为伦理符号学。

Email：jude.chua@nie.edu.sg