The previous chapter pointed to freedom as the ultimate value of an open, moving society and its institutions. This chapter examines such boundaries as pushed open by the value of freedom and as resisted by authority and the bounds and constraints of spatiotemporal systems.

The nineteenth century has been characterized by scholars in many fields by its quest for authority. In this century the seat of authority has shifted from metaphysics to physics, from essential supremacy to existential supremacy. It is the age of the fact. Peirce himself stressed the ruling principle of dynamics which distinguished the age by identifying factiveness with his category of secondness.

The distinctive feature of the fact is its oppositional, adversarial, agonistic, conflictual character. In its predominant sign function the sign represents experience. Peirce's own epithet for the nineteenth century was "the galvanic era." Yet, although he has been a child of his age or, in his words, "a person of the strongest possible physicistic prejudices," it was surprising even to him to "have been brought to the deep conviction that there is some essentially and irreducibly other element in the universe than pure dynamism . . ." (1907; CP 6.322).

Peirce's search for nearly half a century, he said, had been for a "genuine triadic relation . . . one that does not consist in a mere collocation of dyadic relations, or the negative of such . . ." (CP 6.322). It is only through an understanding of a genuine triadic relation that we can begin to explain how life began and then to resolve the problem of causation, of ultimate authority.

Throughout most of his life Peirce's work had been based on the conviction that the principles of science may and must be applied to the method of semiotic, that is, logical inquiry and that the process of thought regarded as a dynamic,
open-ended and evolving phenomenon is a fact capable of scientific investigation. Peirce's conviction was shared and promulgated by his contemporaries and associates. Peirce himself had been profoundly influenced and guided in his groundbreaking work in semiotics by Chauncy Wright, whose impact on the development of Holmes's commitment to a science of law has been variously noted. In a letter to F. E. Abbott, written in 1867, four years prior to the meetings of the Metaphysical Club in Cambridge in which Peirce, Holmes, Wright, and others participated, Wright said:

Words have reputations as well as other authorities, and there is a tyranny in their reputation even more fatal to freedom of thought. True science deals with nothing but questions of fact. . . . If the facts are determined, and, as far as may be, free from moral biases, then practical science comes in to determine what, in view of the facts, our feelings and rules of conduct ought to be, but practical science has no inherent postulates any more than speculative science. Its ultimate grounds are the particular goods or ends of human life. (Cited in Howe 1957:257, 312)

If the quintessential value, or authority, of investigation and procedures for discovery are the goals of human life—the not-yet existent, but possible and willed aims—fact-finding and the interpretation of fact are viewed as means requisite to net end, which is the satisfying or appeasing of a ruling value. As Peirce was to contend in his later writings, means and ends are not distinguishable as value signs, but, on the contrary, constitute in their relationship the whole of human creative activity and therefore constitute the highest good. The method of interpretation, in law and in ordinary life, may be seen as a configuration, or representation, or sign replete with complex inter- and intra-relationships of creative activity at its best. 4

If logic is the science that investigates method, then semiotic as the method of Peirce's expanded logic is the "method of methods." 5 And this expanded logic is not that which Holmes rejects in his famous dictum that the life of the law is not logic but experience. The logic to which Holmes refers confirms and accepts as true those leading principles which can neither be verified nor disproved with reference to the actual world. 6 Thus discovery in the law relates to procedures governed by law for the purpose of ascertaining admissible facts. In this chapter there will be little discussion of discovery procedures as such; it will focus instead on the interpretation of rules stipulating how discovery is to be conducted (cf. Ross 1912).

Legal interpretation or legal hermeneutics is a method of inquiry, a kind of juridical behavior, or, broadly speaking, is a part of that which is implicit in the term legal act. The act of interpretation in law is the consequence of a method of reasoning. As Peirce has said, reasoning is phenomena manifested by action in the world. The action which a mode of reasoning intends to bring about may be regarded as ethical action, or right conduct. Thus logic, as Peirce points out,