For many it was the discovery of semiotics as a method of analyzing sign systems and communicative interactions that coincided with the realization that one had been doing semiotics for a long time, often under the umbrella of other more traditional disciplines. Although some scholars do not describe their work as being within the frame of semiotic method and theory, they seem to be nevertheless much involved with the semiotic process.

One such study is Friedman’s *The Legal System* (1975). His work has important things to say about legal semiotics. He speaks of legal acts as messages exchanged between legal and other coexisting social systems. He reminds us that legal codes are languages and as such are constructed of signs and sign relationships. He shows, also, that each kind of legal system persuades through its structure and style and with its own special rhetorical force. He thus suggests an important correlation between the practical rhetoric of legal speech acts and the theoretical or speculative rhetoric of Peirce.

Although semiotics does not lay exclusive claim to the term *system*, this is a key word in the lexicon of modern semiotics and has been given close attention by Peirce and others. From Peirce, for example, is the concept of a system as a unified, cohesive sign—a continuum—which is itself constructed of sign relationships (CP 3.637,6.111).

Friedman’s study has been selected for comment because he holds some basic assumptions that may stimulate further interest in the structure and function of legal semiotics.

The next section of this chapter will give a brief overview of the context of Friedman’s thought from which has been abstracted those major ideas with which this chapter deals. In the last part of the chapter focus will be on the
correlations between Friedman’s analysis of legal systems and Peirce’s semiotic philosophy. The main ideas from Friedman that will be discussed are:

1. There is no dominant legal system in any given society; there are only networks of legal subsystems. Friedman says that “law is only one of many social systems . . . [and that] other social systems in society give it meaning and effect” (vii). Any concept such as “the legal system” derives from the ideal of law as imposed upon society from an external source; it is not the case, he maintains, that legal systems evolve through conflicting internal forces within given societies as a result of a dynamic exchange of messages between legal and other social systems.

2. Legal acts are of three kinds: (a) decisions; (b) commands, requests, and orders; and c) rules. Legal acts are both verbal and nonverbal. Any person, structure, or institution, that is, any sign in any social organization that carries legal authority is a legal act or legal actor. Legal acts are communicated in two kinds of messages: (1) substantive, to the general public or special-interest public groups; and (2) juridictive, within the official organization of legal authority. A speech act is a type of verbal legal act. Because speech acts have been a special topic of interest to semioticians, more detailed criticisms against prevailing theories will be offered below.

3. Assumptions of authority, which are usually deleted, or, as rules, ellipsed in legal acts, refer primarily to traditional, symbolic signs that are presumptive of trust and legitimacy. These presumptions most often refer to closed societies with closed legal systems and are no longer adequate, Friedman suggests, in modern, evolving open societies, or in relatively closed societies in transition. Thus a legal act such as a speech act in Friedman’s sense (and in Austin’s, Searle’s, Grice’s, and that of others in the Austinian tradition) does not describe the dialogic structure between legal systems and other social systems that does in fact exist and makes it possible for new information to grow and for values to change.

4. Coexisting legal subsystems in modern societies compete for power and legitimacy. Underlying each type of legal system is an appropriate structure of reasoning and logic. With particular reference to Peirce’s work, this assumption will be explored more closely.

Essentially, Friedman argues against a view of legal systems that would identify any comprehensive legal system with a body of law, that is, with ideal written or unwritten codes of norms or rules that appear to be reflected in prevailing social customs in any given society, and that would suggest that society’s dominant values concerning “right and wrong behavior, duties and rights” are timeless. Such a view, Friedman says, fails to account for interactions