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Dimensions of Legal Ethics in the Light of Paul Ricoeur's *Petite Éthique*[2]

1. Introduction

Legal ethics is a multidimensional phenomenon. This claim is validated by the multitude of ethical and professional qualifications, commentaries, and judgments of disciplinary courts, and even in the broad reception of questions related to legal ethics in pop culture. The degree of complexity of the phenomenon in question justifies the search for new theoretical tools that could allow its systematization. This article characterizes various aspects of legal ethics and employs a theory which was "modestly and ironically"[3] called "little ethics" (French: *la petite éthique*) by its author, Paul Ricoeur[4].

The choice of such a theoretical foundation results from four types of reasons. Firstly, Ricoeur conducts his metaethical considerations at the intersection of currents that form the paradigms of legal ethics, that is, Kantian ethics of duty and Aristotelian virtue ethics. Secondly, the ontology of an active agent developed by Ricoeur connects ethics to the perspectives of describing, prescribing, and narrating, all of which are adequate for specific traits of legal profession Thirdly, Ricoeur's views cast a light on the problems encountered in normative and descriptive statements, allowing an in-depth analysis of the codification of legal ethics. Fourthly, the ethical pursuit of an agent in Ricoeur's theory takes place on coexisting internal, interpersonal, and institutional planes that enable describing the professional experience of a lawyer. Therefore, the ultimate purpose of the argument is to prove that the views of the philosopher presented under the heading of "little ethics" and the related concept of agent, make it possible to formulate a multi-aspect theory of legal ethics[5].

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[3] Literally, Ricoeur says that it is a part [of *Soi – même comme un autre* – M.P.] that "I call, with modesty and irony – whether feigned or not, I don't know – my 'little ethics'". Quoted from P. Ricoeur, *Critique and Conviction: Conversations with François Azouvi and Marc de Launay*, New York 1998, p. 92.

[4] P. Ricoeur, *Soi–même comme un autre*, Paris 1990. See the English translation: P. Ricoeur, *Oneself as Another*, Chicago 1994.

[5] The notions of "dimension" and "aspect" are considered to be synonymous here. See: *Dimension*, in: *Collins English Dictionary*, https://www.collinsdictionary.com/dictionary/english-thesaurus/dimension, accessed on: 20.08.2019.

2. Deontological and teleological dimensions

An analysis of the codifications of legal ethics leads to the conclusion that such ethics is construed in the deontological and teleological dimensions that can be identified with the paradigmatic perspectives of Kantian and Aristotelian ethics[6]. Albeit distant at first glance, these dimensions find their common denominator in the concept of "little ethics" developed by Ricoeur and included in studies VII, VIII, and IX of *Soi – même comme un autre*[7]. For this reason the philosopher's views are considered a tool for effectively solving the "clash of dimensions" issue in the professional ethics of the legal profession, and, consequently, as a platform for formulating its unified theory.

The assumption that the perspective of Aristotelian ethics encompasses the Kantian concept of morality that is "only a limited, although legitimate and even indispensable, actualization of the ethical aim" is the foundation of Ricoeur's views[8]. Ricoeur believes that the aforementioned traditions are connected by relation of "subordination and complementarity, which the final [deontological – M.P.] recourse of morality to [teleological – M.P.] ethics will ultimately come to reinforce"[9]. Elżbieta Wolicka explains that Ricoeur uses the term "morality" to denote the relation between the pursuit of the good, well-lived life with the norms that lay a claim for universality, and the term "ethics" for the description and assessment of individual actions that fulfil this aim[10].

Ricoeur explains that he would like to preserve Aristotle's "ethics of reciprocity, of sharing, and living together", which is present in his concepts of friendship and justice[11]. That is why, in Ricoeur's view, "Aristotelian heritage" covers the issues of mutuality and equality of agents in the personal and institutional dimensions[12]. In turn, "Kantian heritage" is manifested in the concept of self-control to keep any promise one makes. In this context, the philosopher touches upon the questions of the autonomy of will and subjugation to the order of "equal treatment of oneself as other and other as oneself" construed as a categorical imperative[13].

The metaethical synthesis of teleological and deontological dimensions is the key element of "little ethics". Ricoeur writes that "the conflicts provoked by formalism, itself closely tied to the deontological moment, lead us back from morality to ethics, but to an ethics enriched by the passage through the norm"[14]. This means that "norms must be mediated by pursuit of good life if it is to achieve anything more than just clinging dogmatically to abstract principles"[15]. At the same time Ricoeur believes that

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[6] For a more detailed treatment of the subject, see: M. Pieniążek, *Reflexivity and the Codification of Legal Ethics. Remarks on the Basis of Paul Ricoeur's "Little Ethics" Theory*, "Archiwum Filozofii Prawa i Filozofii Społecznej" 2016/2, pp. 39–50.

[7] See: H. Barreau, *L'éthique de Paul Ricoeur à partir de "Soi-même comme un autre" (1990)* [Eng. *Ethics of Paul Ricoeur after "Soi-même comme un autre" (1990)*], https://hal.archives-ouvertes.fr/halshs-00108135/document, p. 1, accessed on: 15.07.2018.

[8] P. Ricoeur, *Oneself*…, p. 170.

[9] P. Ricoeur, *Oneself*…, p. 170–171.

[10] E. Wolicka, *Narracja i egzystencja. 'Droga okrężna' Paula Ricoeura od hermeneutyki do ontoantropologii* [Eng. *Narration and Existence. Paul Ricoeur's 'Roundabout Way' from Hermeneutics to Ontoanthropology*], Lublin 2010, p. 136.

[11] P. Ricoeur, *Oneself*…, p. 187. See: Aristotle, *Nicomachean Ethics*, Indianapolis 2014, books VIII–IX (*Friendship*) and book V (*Justice*).

[12] See: sections 3 and 5.

[13] See: I. Kant, *Groundwork of the Metaphysics of Morals*, Cambridge 1998, G 4:402; P. Ricoeur, *Figuring the Sacred. Religion, Narrative and Imagination*, Minneapolis 1995, pp. 293–302.

[14] P. Ricoeur, *Oneself*…, p. 203.

[15] M. Kowalska, *Wstęp. Dialektyka bycia sobą* [Eng. *Introduction. The Dialectics of Being Oneself*], in: P. Ricoeur, *O sobie samym jako innym* [Polish translation of *Soi–même comme un autre*], Warszawa 2005, p. XXIX.

teleological pursuit of happiness undergoes moderation in the perspective of universal norms. Dialectic of imperative and virtue is therefore based on the alignment of the deontological and teleological dimensions in the situational judgement of the agent that "here and now" actualizes the overarching aim of the good life[16].

The problem of the clash between the deontological dimension and the teleological one also finds a solution in legal ethics, once the assumptions of "little ethics" are accepted. It is "little" following the intention of Ricoeur, as it is implemented by a barrister, judge or prosecutor in a specific situation of alignment of the norm enshrined in the code with the perspective of virtuous professional life. Thus, Ricoeur's theory makes it possible to define a uniform perspective for the seemingly opposing elements, namely subjugation of a lawyer to the norm of a code of ethics and pursuit of professional self-improvement in the internal, interpersonal, and institutional dimensions[17].

3. The subjective dimension

The assumptions of "little ethics" are closely correlated with the question about the onto-ethics of the subject who implements the intention of a good life. For that reason, Ricoeur differentiates "two major uses of the concept of identity [subjective – M.P.] (…) on one side, identity as *sameness* (Latin *idem*, German *Gleichheit*, French *mêmeté*); on the other, identity as *selfhood* (Latin *ipse*, German *Selbstheit*, French *ipséité*)"[18]. The philosopher correlates *idem* with features of human character that may change over time, unlike *ipse* that is based on truthfulness to the ethically conditioned project of "being oneself", which is a promise made[19]. In Ricoeur's theory, keeping one's word is close to the concept of categorical imperative and enables the agent to persistently pursue ethical goals[20]. That is why "being oneself" is expressed as an ethically persistent action, that is, in the self-narrative implemented by the agent – the tale of one's own life[21].

Beyond any doubt, the connection of the narratological paradigm, developed on the basis of literary theory, with the onto-ethics of the subject is one of Ricoeur's most original achievements. That synthesis, known as the "narrative theory of personal identity"[22], makes it possible to point at the common denominator of an ethically relevant being of a lawyer and the text of codification of professional ethics (see below)[23].

"Having juxtaposed the notion of the narrative identity with the complexities and paradoxes of personal identity", Ricoeur comes to a conclusion that the notion of an action of the subject is of "irreducibly polysemantic nature"[24]. Consequently, the philosopher postulates the triad: "describe, narrate, prescribe – each moment of the triad implying a specific relation between the constitution of action and the constitution of the self"[25]. This means that an action can be executed by a subject in the narrative,

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[16] See: sections 3 and 5.
[17] See: section 5.
[18] P. Ricoeur, *Oneself*…, p. 115–116.
[19] P. Ricoeur, *Oneself*…, p. 118.
[20] E. Wolicka points out that in Ricoeur's theory "deontology of morality cannot do without the ontology of human action and a human as the subject of ethical pursuit". E. Wolicka, *Narracja*…, p. 137 [my translation – M.P.].
[21] In this spirit, Taylor claims that: "what makes an agent a person, a fully human respondent, is this power to plan". C. Taylor, *Human Agency and Language. Philosophical Papers I*, Cambridge 1999, p. 104.
[22] P. Ricoeur, *Oneself*…, p. 141.
[23] See: section 4.
[24] M. Kowalska, *Wprowadzenie*…, p. XIV.
[25] P. Ricoeur, *Oneself*…, p. 114.

descriptive or prescriptive dimensions that are the emanations of the same, ethically significant, human existence. Finally, the onto-ethics of the subject is a result of a three-dimensional project of being onerself, (in the *ipse* sense) that the subject implements.

From the perspective of the narratological paradigm, the subject is both the author and the hero of his or her ethically persistent action. That is why Ricoeur writes: "the person shares the condition of dynamic identity peculiar to the story recounted". In other words, he believes that "the identity of the story (…) makes the identity of the character"[26]. Similarly, Charles Taylor holds that "our identity is (…) defined by certain evaluations which are inseparable from ourselves as agents"[27].

The statements quoted above open a perspective for the analysis of legal ethics. First of all, in the light of Ricoeur's views, a lawyer remains himself or herself as far as he or she persistently implements ethical actions in the professional life, despite changes of his or her character, external circumstances, etc. This "being onerself" of a judge, barrister, bailiff, etc. is implemented in the form of a professionally-oriented self-narrative. The phenomenon in question expands the narratological paradigms into the non-verbal realm. This context adds significance to the statement that "deeds speak" about being a good lawyer, especially when deeds are moderated by the assumptions of professional ethics. Thus, Ricoeur's position offers a powerful, ontological justification of legal ethics, as in its light the lawyer fulfils the promise of the virtuous professional life, or ceases to exist as a subject (in the *ipse* sense).

The philosopher further claims that the narrative generalization of life gathers the ethical goals of the subject making it possible to maintain its unity despite "the organization of intention, causes, and chance that we find in all the stories"[28]. That is why one can say that an ethically coherent self-narrative of a lawyer is a *sine qua non* for preserving his or her professional identity[29]. This also means that legal ethics is impossible without an appropriate dose of self-reflection of the agent, who tests whether his or her ethical and professional goals are achieved[30]. Taylor wrote in this spirit: "moral agency (…) requires some kind of reflexive awareness of the standards one is living by (or failing to live by)"[31].

As it has been pointed out, the ethically significant "being oneself" based on Ricoeur's views is implemented in three dimensions: narrating, describing, and prescribing. Describing makes it possible to characterize a lawyer's aiming for a good professional life more insightfully. In the first dimension, you can recognize accusations, pleas, justifications of sentences, commentaries, legal positions, etc. as individual legal "tales" whose quality and quantity provide a correlate of the ethically significant action of the lawyer. However, the connection between the professional narrative and ethics is best visible in judgments of disciplinary courts. Perfect examples can be found in *Selected Rulings of the Higher Disciplinary Commission (WKD) and Higher Disciplinary Court (WSD) from 1936–2013* published on the website of the Polish Bar Association[32].

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[26] P. Ricoeur, *Oneself*…, p. 148.

[27] C. Taylor, *Human Agency*…, p. 35.

[28] P. Ricoeur, *Oneself*…, p. 178.

[29] This narrative is developed at the third level of fulfilment of the ethical aim, that is, in the "just corporate institutions" (see: section 5).

[30] For a more detailed treatment of the topic see: M. Pieniążek, *Reflexivity*…, pp. 39–50.

[31] C. Taylor, *Human Agency*…, p. 103.

[32] 1. Ruling of Higher Disciplinary Court of 19 January 2008 (WSD 15/07): The dignity of the bar is built on the attitude towards others and not signs of wealth, especially in the society with so much poverty. The defendant caused an emotional conflict with the aggrieved (as evidenced by the tone of their response to the appeal) and the need to

This is the proper place to mention the significance of the narrative of disciplinary courts as interpretative ethical and professional precedents. To use the language of Ricoeur, the pursuit of a good professional life "cannot help but be depicted in the narratives through which we try out different courses of action by playing (…) with competing possibilities". This allows is to speak of an 'ethical imagination', which that feeds off the narrative imagination"[33]. Therefore, paraphrasing Ricoeur, you can state that the "stories" told in judgments of disciplinary courts provide members of legal institutions with precedential "grounds for [professional – M.P.] moral judgement".

4. The textual dimension

The following two aspects of "being oneself" as a lawyer – that is: prescription and description – are closely related to questions of ethical codification. This connection is reflected in Ricoeur's claim that the application of the theory of narrative to the description of human action makes it interpretable just like the text[34]. Supporting Taylor's views, the philosopher claims that "to interpret the text of action, in the case of the agent, is to interpret oneself"[35]. Ricoeur consequently assumes that "the notion of the self" is enriched through the hermeneutic connection of interpretation of text with self-interpretation[36]. Hence, the philosopher believes that the "narrative unity of a life" of an agent is the "temporary connection of a fabrication [that is, text – M.P.] and the living experience". Ricoeur adds that "because of the elusive character of real life (…) we need the help of fiction to organize life retrospectively, after the fact, prepared to take as provisional and open to revision any figure of emplotment borrowed from fiction or from history"[37].

These comments cast a light on the significance of codes of ethics construed as temporary yet necessary "fictions" that make it possible for a judge, barrister or notary to organize and interpret the "text of action" better. The dialectic of professional

take the claim to the court, while the trial before a general court challenged not only his credibility but also that of his fellow barristers: certainly lawyers who trusted him. With such behaviour, the defendant gravely infringed the dignity of the legal profession and undermined the confidence in this profession, even though he committed this offence not directly in the performance of his legal duties.

2. Ruling of Higher Disciplinary Court of 28 November 2009 (WSD 16/09): It is primarily important to emphasize the far-reaching negligence of the defendant, resulting in his unjustified conviction that he would be able to take part in three court hearings slotted in 15-minute intervals in various courts, particularly as the first of these was a criminal case. (...) Conducting a short conversation with the client in the corridor of the court and suggesting that she ask the court to delay the opening of the hearing and agree to having it conducted without the participation of an attorney cannot be considered proper notification of the court of his inability to participate in the hearing on time and proper performance of the duty to provide the client with representation at the hearing.

3. Ruling of Higher Disciplinary Court of 30 January 2010 (WSD 121/09): The defendant:

– against the request of the owner, did not leave the property of the aggrieved party,
– attempted breaking into the home of the aggrieved party, pushing the door,
– behaved rudely talking to an ORA [Council of the Bar – M.P.] employee, and used swearwords. The defendant's extremely reprehensible behaviour towards the female employees of the ORA in W. requires special emphasis. A lawyer should behave as indicated by the principles of professional ethics and general moral standards.

Quoted after Z. Rudzińska-Bluszcz, *Wybór orzecznictwa Wyższej Komisji Dyscyplinarnej (WKD) i Wyższego Sądu Dyscyplinarnego (WSD) z lat 1936–2013* [Eng. *Selected Rulings of the Higher Disciplinary Commission (WKD) and Higher Disciplinary Court (WSD) from 1936–2013*], http://bit.do/WKDWSD, accessed on: 2.12.2019, pp. 6, 9–10.

[33] P. Ricoeur, *Oneself*…, p. 165 (footnote).

[34] See: P. Ricoeur, *The Model of the Text: Meaningful Action Considered as a Text*, in: P. Ricoeur, *From Text to Action. Essays in Hermeneutics II*, Evanston 2007, pp. 144–167; P. Ricoeur, *Interpretation Theory. Discourse and the Surplus of Meaning*, Fort Worth 1976 (lectures delivered at the Texas Christian University).

[35] Taylor believes that "human beings are self-interpreting animals". C. Taylor, *Human Agency*…, p. 45.

[36] See: M. Pieniążek, *The Application of Paul Ricoeur's Theory in Interpretation of Legal Texts and Legally Relevant Human Action*, "International Journal for Semiotics of Law" 2015/3, pp. 627–646.

[37] P. Ricoeur, *Oneself*…, p. 162.

experience and deontological "fabrication", which results in deepening the "narrative unity" of a professional life becomes visible against the background of the views described above. It can be considered a special case of the hermeneutical circle[38] and an alternative for the simple ethical and professional subsumption of case to the norm contained in the code. Following Ricoeur's thought, the most extensive platform for its development would be argumentative-interpretive discourse within the legal profession[39]. This dialectic results in the interpenetration of aspects: describing and prescribing in the self-narrative of a lawyer, moderated by the substance of the codes of professional ethics. The phenomenon is present at the same time on the plane of substance of ethical codifications, prompting reflection over co-conditioning of descriptive and prescriptive statements in their textual dimension.

The question about relationships between descriptive and normative utterances touches upon one of the key questions of metaethics, and at the same time defines the line of dispute between the cognitivist and non-cognitivist positions[40]. The problem of duality of existence and obligation, and, consequently, duality of statements (sentences in the logical sense) and norms, also takes a significant place in jurisprudence[41], exerting practical influence e.g. on the principles of legislative technique[42]. Yet the collections of principles of legal ethics teem with examples where descriptive and normative statements coexist, sometimes even within a single work[43]. The historical explanation of the phenomenon leads to positivist cognitivist views[44], formulated in Polish science by Czesław Znamierowski and Tadeusz Czeżowski, to name but two authors. In an article entitled *Dwojakie normy* (Eng. *Twofold Norms*), Czeżowski wrote that structure-wise normative statements fall into the categories of "norms as statements of obligation" ("one should act in this or that way", "one is allowed to", "one is not allowed to", etc.) and "norms as declarative statements" ("one acts in this or that way", "whoever

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[38] See: P. Ricoeur, *The Task of Hermeneutics*, in: P. Ricoeur, *Hermeneutics and the Human Sciences*, Cambridge 1981, p. 43; P. Ricoeur, *Existence and Hermeneutics*, in: P. Ricoeur, *The Conflict of Interpretations*, Evanston, 1974, pp. 11–24; P. Ricoeur, *The Hermeneutical Function of Distanciation*, in: P. Ricoeur, *From Text*…, p. 83.

[39] See: P. Ricoeur, *Reflections on the just,* Chicago 2007, p. 70; M. Pieniążek, *On Possible Applications of Paul Ricoeur's Thought in Legal Theory,* "Archiwum Filozofii Prawa i Filozofii Społecznej" 2015/1, pp. 86–87.

[40] Cognitivism is a view enables stating whether (ethical, legal, and other) standards are logically true or false. See: R. Sarkowicz, J. Stelmach, *Teoria prawa* [Eng. *Theory of Law*], Kraków 1996, pp. 67–68.

[41] See: M. Zalewska, *(Meta)etyka a filozofia prawa* [Eng. *(Meta)ethics and Philosophy of Law*], "HYBRIS" 2014/26, pp.78–79.

[42] See: M. Błachut, W. Gromski, J. Kaczor, *Technika prawodawcza* [Eng. *Lawmaking Technique*], Warszawa 2008, pp. 2–4.

[43] See for instance (instruments quoted below apply to Polish lawyers):
1) § 7 of the Rules of Ethics for Advocates: "While performing professional activities, a lawyer enjoys full freedom and independence [a descriptive statement – M.P.]. The lawyer has a special duty to make sure not to cross the limits of proper representation of the client's interests [a prescriptive statement – M.P.]. Quoted after: *Zbiór Zasad Etyki Adwokackiej i Godności Zawodu (Kodeks Etyki Adwokackiej)* [Eng. *Rules of Ethics for Advocates and Rules of Professional Conduct (Code of Ethics for Advocates)*], schedule to resolution of the Polish Bar Association No. 32/2005 of 19.11.2005 as amended.
2) Art. 13 of the Code of Ethics for Attorneys at Law: "Attorneys at law are responsible for the self-government of attorneys at law [a prescriptive statement – M.P.], and they are guided by the principles of good fellowship in their mutual relations [a descriptive statement – M.P.]". Quoted after *Kodeks Etyki Radcy Prawnego* [Eng. *Code of Ethics for Attorneys at Law*], schedule to resolution of the Extraordinary National Congress of Attorneys at Law No. 3/2014 of 22.11.2014.
3) § 9 of the Collection of Principles of Professional Ethics for Prosecutors: "1. The prosecutor shall take into account any material circumstance that affects the situation of the parties and other participants in the proceedings, regardless of whether it is in their interest [a descriptive statement – M.P.]. 2. While performing official duties, the prosecutor shall not discriminate anyone [a prescriptive statement – M.P.]". Quoted after *Zbiór Zasad Etyki Zawodowej Prokuratorów* [Eng. *Collection of Rules of Professional Ethics for Prosecutors*], schedule to resolution of the National Council of Prosecutors No. 468/2012 of 12.09.2012.

[44] This refers to the legal positivism and its position on the logical value of standards.

commits (…) is liable to sanctions", etc.)[45]. He asserts that norms expressed in statements of obligation are usually present as moral norms, while the form of the declarative statement is typical of legal norms. In Czeżowski's opinion, both types of norms are statements in the logical sense and can be true or false, as the former "state the duty" while the latter "state the *status quo* prescribed by a normative instance"[46]. One cannot avoid the conclusion that views formulated midway through the 20th century still influence the Polish technique of legislation and, through analogy, influence the content of legal ethics codes. At the same time they remain distant from contemporary currents in metaethics and jurisprudence.

Ricoeur's views make it possible to look at the expressions found in codes of ethics from the perspective of narratological paradigms and, as a result, ensure an original justification of the cognitivist position. Ricoeur shows that "tradition of thought stemming from Hume, for which 'ought to' is opposed to 'is'. Prescribing, then, denotes something entirely different from describing"[47]. Yet "placing narrative theory at the crossroads of the theory of action and moral theory, we have made narrative serve as a natural transition between description and prescription"[48]. It is so as Ricoeur believes that "the actions [of agents – M.P.] refigured by narrative fictions are complex ones, rich in anticipations of an ethical nature"[49]. This means that he accepts the cognitive position[50]. As Wolicka wrote, "Ricoeur claims that, against the dogmatic assumptions of empiricist dualism of Hume's epistemology, no description of the 'actual' content of a real course of life experience is completely neutral vis-à-vis the assessment of values and the prescriptive power of the binding nature: the separation of the two aspects is as arbitrary as it is artificial"[51].

For the reasons mentioned above, a description of the complex legal experience interpenetrates the professionally relevant "anticipations of an ethical nature" in codifications of ethics. Thus, the substance of "the collections of principles" is an inner "normative narrative" reflecting the actual amalgamate of "description and prescription" in the activities of judges, attorneys, and notaries. It must be added that ethical and professional narrative in the code is developed at the third level of the implementation of the lawyer's ethical pursuit, that is, at the level of just institutions, as it aims at moderating the good professional life of those pursuing the legal profession (see below).

5. The dimension of ethical pursuit

As it has been mentioned, "being oneself" in Ricoeur's views assumes the form of persistent "ethical aim" of the agent. Ricoeur defines it as "aiming at 'the good life' with and for others, in just institutions"[52]. Following upon the principles of the "little ethics" he adds that "[i]f self-esteem does indeed draw its original meaning from the reflexive

[45] T. Czeżowski, *Dwojakie normy* [Eng. *Twofold Norms*], "Etyka" 1966/1, p. 145.
[46] T. Czeżowski, *Dwojakie.*…, p. 145.
[47] P. Ricoeur, *Oneself*…, p. 169.
[48] P. Ricoeur, *Oneself*…, p. 170.
[49] P. Ricoeur, *Oneself*…, p. 170.
[50] Within the cognitivist paradigm, Ricoeur is a naturalist as far as he believes that the binding force of the norms is a correlate of a subject's actual ethical experience, and a supernaturalist as much as he believes that the binding force of the norms is a correlate of the proposed ontoethical theory of the subject. See: R. Sarkowicz, J. Stelmach, *Teoria*…, p. 68.
[51] E. Wolicka, *Narracja*…, p. 136.
[52] P. Ricoeur, *Oneself*…, p. 172.

movement through which the evaluation of certain actions judged to be good are carried back to the author of these actions, this meaning remains abstract as long as it lacks the dialogic structure which is introduced by the reference to others. This dialogic structure, in its turn, remains incomplete outside of the reference to just institutions"[53]. Wolicka explains that, according to Ricoeur, ethical intention of an agent features reflexivity, which is expressed in self-assessment that takes up the form of "self-esteem" in the case of being convinced that one pursues the aim of a good life. She adds that in this way "hermeneutic reason" sets up the dialogical character of ethical subjectivity[54]. Here, Ricoeur's views refer both to the concept of friendship (*philia*) in the Aristotelian sense[55], and to the notion of the face as understood by Lévinas[56]. However, Ricoeur also believes that the dialogic dimension of the ethical aim requires expanding with the perspective of justice "taken into the functional framework of the institutions of the society, that is, the structures for coexistence of historical groups in public space that cannot be reduced to interpersonal relations"[57]. This finally means that the ethical aim is realized in three complimentary dimensions: internal, interpersonal, and institutional, all brought together within the "narrative unity of life" of the subject[58].

The concept of the "three-level" ethical aim makes it possible to complement the outlined picture of ethics in the legal profession. In its light, the aim of a good professional life is implemented in the realm of the onto-ethics of the legal profession, at least from the moment when its member becomes bound by the oath[59]. It must be reiterated that, in the view of Ricoeur, a bailiff, a judge and other lawyers remain in their roles only in as much as they respect their professional oaths. Ethical and professional pursuits of members of the legal profession are also executed in the interpersonal dialogic dimension. Its profound significance is demonstrated by extensive regulations in the codes of ethics devoted to relationships with customers, the attitude to colleagues, the court, etc. and also to the lawyer-client privilege[60]. It is also hard to omit the significance of the processes that take place in the dimension of "just institutions" (internal, state, etc.) as a determinant of behaviours in the legal profession. These are especially the internal institutions that create the "narratives" of disciplinary judgments and codes of ethics that help members to interpret the "text" of professional activity. In turn, "just institutions" of the state provide frameworks for verifying the ethical aims of members of the legal profession in the most extensive constitutional perspective "of the professions of the public trust"[61]. To quote Ricoeur, "the search for adequation between what

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[53] P. Ricoeur, *Oneself*…, p. 172.

[54] E. Wolicka, *Narracja*…, p. 147.

[55] See: Aristotle, *Nicomachean*…, books VIII–IX.

[56] See: E. Lévinas, *Totality and Infinity: An Essay on Exteriority*, Dordrecht 1991, pp. 49–52.

[57] In this context, Ricoeur writes about "third parties who will never be faces". See: P. Ricoeur, *Oneself*…, p. 195; E. Wolicka, *Narracja*…, p. 151.

[58] P. Ricoeur, *Oneself*…, p. 178.

[59] For example, according to art. 6 of the Code of Ethics for Attorneys at Law: "With regard to the oath specified in the Act on Attorneys at Law, an attorney at law counsel is obliged to perform professional activities thoroughly and honestly, in accordance with the law, principles of professional ethics, and good custom". Quoted after *Kodeks Etyki Radcy Prawnego*…

[60] According to § 11 of The Code of Professional Ethics of Bailiffs: "1. Bailiffs as well individuals who were preciously bailiffs are obliged to keep everything they learnt in connection with the activities conducted as secret. 2. The bailiff is responsible for the professional secrecy of his or her employees. 3. Materials (documents and drafts) contained in the files are covered by professional secrecy". Quoted from *Kodeks Etyki Zawodowej Komornika* [Eng. *The Code of Professional Ethics of Bailiffs*], appendix to the resolution of the National Bailiffs' Council, No. 909/IV of 8.02.2012 with later amendments.

[61] See: Art. 17(1) of the Constitution of the Republic of Poland (Polish title: Konstytucja Rzeczypospolitej Polskiej z 2.04.1997 r., Dz. U. Nr 78, poz. 483 ze zm.).

seems to us to be best with regard to our life as a whole and the preferential choices that govern our practices" continues in the incessant effort of interpreting action and oneself[62]. This pursuit, as I have tried to demonstrate, reflects the essence of the ethics of the legal professions.

6. Conclusion

The article uses Paul Ricoeur's *la petite éthique* to conduct a four-dimensional analysis of the phenomenon of legal ethics. First, its fundamental perspectives – the deontological and teleological one – are presented at the metaethical level, and their dialectic is discussed. Later, the description, prescription and narration are described in the subjective dimension as three aspects of the ethically significant action of a lawyer. Furthermore, the connection between the professionally conditioned self-narrative of a barrister, attorney, etc. with the "tales" contained in the rulings of legal professionals' disciplinary courts is mentioned. The hermeneutical co-conditioning of a lawyer's "text of action" with the substance of codes of ethics is discussed in the textual dimension. Moreover, the analysis covers the ties between the descriptive and prescriptive statements in the codes, which touches on the issues of the dispute between cognitivism and non-cognitivism. Finally, in line with Ricoeur's views, it is suggested that the ethical and professional pursuit of a legal advisor, judge, or prosecutor can be implemented in the internal, interpersonal, and institutional relations. To sum up, Ricoeur's theory seems to satisfy the need for s multidimensional description of the phenomenon of legal ethics within the hermeneutical-narratological paradigm. Moreover, it is an opportunity to stimulate metaethical and theoretical-legal discourse, offering, among numerous other implications, reinforcement of the cognitive position in the onto-ethics of an acting agent (lawyer).

Dimensions of Legal Ethics in the Light of Paul Ricoeur's *Petite Éthique*

Abstract: The article investigates the multidimensional phenomenon of legal ethics, whose complexity justifies looking for adequate tools for its systematization in philosophy. An attempt is made to characterize a number of aspects of legal ethics in the perspective of Paul Ricoeur's "little ethics" (French: *la petite éthique*). The concept makes it possible to order the reflection on the phenomenon of ethics in, among others, the teleological and deontological dimensions, as well as in the intrapersonal (i.e. within a person), interpersonal, and institutional (corporate) dimensions. The article also refers to the question of the textual dimension of legal ethics, including the co-conditioning of the substance of the codes of ethics and the personal "text of action" of a barrister, legal advisor, etc. This provides context for discussing the question of the dialectic of the prescriptive and descriptive aspects of codes of ethics on the basis of Ricoeur's narratological considerations against a broader background of the dispute between cognitivism and noncognitivism.

Keywords: lawyers' ethics, Paul Ricoeur, *la petite éthique*, teleological ethics, deontological ethics, narratology

[62] P. Ricoeur, *Oneself…*, p. 179.

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