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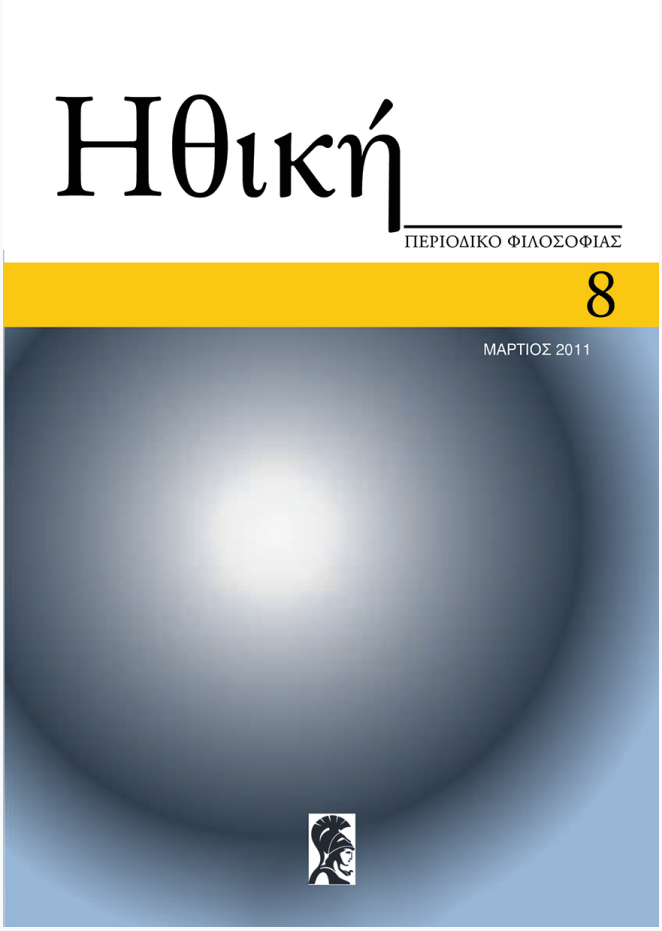

Jurisprudence, Legal ethics and Virtue

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1. Introduction

There are considerable differences in the contemporary as well as in the earlier understanding of jurisprudence. It is quite common to define jurisprudence as the science of law. On the other hand, the modern concept of science is sometimes viewed as inadequate or too narrow for the field of jurisprudence[1]. The possibility of a pure, complete, successful and meaningful formalization of law is questioned and the relationship of the field of law with other areas of human knowledge and activity is examined.

In his voluminous treatise entitled *Jurisprudence*, Roscoe Pound distinguished among several mainstream understandings of the term jurisprudence of his time. In addition to his own comprehension of jurisprudence as the science of law[2], he identified other widespread uses of the term. First, in English speaking countries, jurisprudence was commonly understood as *the comparative anatomy of developed systems of law* (Pound, 2008: 8) and Pound named this approach *analytical jurisprudence* (Ibid. 9). To equate jurisprudence with the course of decisions of the courts and to contrast it with legislation and doctrine was typical for the use of the term in French language (Ibid.). Third, jurisprudence was commonly used as the synonym for law in the United States.

The variety of understanding and use of the term jurisprudence is present today as well as in Pound's time. One of the interesting con-

temporary examples which differ from the mainstream account of jurisprudence, is called virtue jurisprudence. This model arose only in recent years and is still being examined. Virtue jurisprudence emerged under the influence of virtue ethics, an ethical theory which has gained considerable significance in recent decades. Virtue jurisprudence stresses the importance of virtue for law and even supports a far-reaching thesis that virtue is the central concept of jurisprudence. This paper does not aim to question or defend this demanding thesis, but its primary goal will be to examine some aspects of the relationship between jurisprudence and virtue taking particularly into consideration the need for the development of legal ethics. It will focus on the following task: the attempt to highlight and clarify some neglected issues confirming the relevance of the idea of virtue for jurisprudence in general and to point out the inner unity of jurisprudence and legal ethics.

2. Jurisprudence, prudentia and phronesis

a) Iuris prudentes and prudentia

The first definition of jurisprudence was probably written by Ulpian and is formulated as follows:

Iuris prudentia est divinarum atque humanarum rerum notita, iusti atque iniusti scientia[3]. (Dig. 1.1.10.2)

Although there is no definite answer to the question of whether this was the first attempt to define jurisprudence, it is well-known that the term *iuris prudentes* was used in the centuries preceding Ulpian's definition. The term *iuris prudentes* was used to name a group of Roman citizens who contributed their opinions on the matters of private law. More precisely, they helped their fellow citizens in one or sometimes even in all of the following three ways: by pro-

viding legal advice, by acting on their behalf or by composing formal legal instruments (Wieacker, 1988: 557). Cicero defined *iuris consultus as the man who knows how to give his advice upon, and to apply, in the most cautious manner, those laws, and that constitution, that private men are directed by in a state* (Cic. De or. 1.48.). *Iuris consulti, iuris periti, prudentiores, peritiores, iuris auctores and prudentes* were also terms used to designate this group (Long, 1885: 653; Tuori,: 2004: 304-307)[4]. Despite a lack of full scientific consensus regarding this issue, it is supposed that Octavian Augustus granted *ius respondendi* to some of *iuris consulti*, which allowed them to give legal opinions binding for judges. The opinions were called *responsa prudentium*[5].

Legal opinions were already being provided during the time of the Roman Republic, and historians claim that giving legal advice was the practice that slowly replaced the 'monologue' of the College of Pontiffs in matters of private law (Wieacker, 1988: 528; Stein, 2007: 3-4; Long, 1875: 653). It is interesting to note that the process of the secularization of law was paralleled by a multitude of 'legal voices'. Through the figure of Lucius Licinius Crassus, Cicero stated that *the house of the lawyer was the oracle of the whole city* (Cic. De or. 1.45.). The sentence indicates the importance of the ones who gave legal advice as well as the substantial changes which the society had undergone. As the power of religion was diminished, the whole process became more transparent and different opinions emerged concerning legal issues. The system started to become less uniform and rhetoric and argumentation gained more significance[6]. Prudent lawyers were admired and eventually those who practiced giving legal opinions came to be known as *iuris prudentes*. They were primarily oriented towards practice rather than theory (Stein, 2007: 7)[7]. It

was their demonstration of legal reasonableness (*iuris prudentia*) in their legal actions that earned them this admiration.

In the early time of the practice of *iuris prudentes*, law was still considerably open; the systematisation had yet to slowly take place in the following centuries and eras (Malenica, 2009: 74). Thus, the trust in the system and the reliance on its power and righteousness was still to be established and spread. The much later development of modern science will play an important role in that process as well. However, with all the benefits, this development brought an "overconfidence" in the possibilities of systematization and formalization of the field of human affairs to which law belongs too. Already Aristotle warned that different areas of knowledge withstand different grades of exactness owing to the characteristics of the object of examination. The accuracy of the theoretical field does not correspond to the issues that *iuris prudentes* were concerned with.

It is not a mere accident that the word *prudentia* was used to name the mentioned group of lawyers (*iuris prudentes*), their responses (*responsa prudentium*) and even the *iuris prudentia*. If we follow Cicero's explanation of the term *prudentia*, then there is an important aspect to be highlighted. *Prudentia* is a human virtue connected with a specific sort of intelligence. However, *prudentia* is not to be identified with the modern concept of rationality, particularly not with the idea of the pure, value-free or technical rationality. It is neither to be equated with the classical idea of wisdom, although it sometimes was and is translated with this term. In his understanding of the notion of *prudentia*, Cicero follows Aristotle to a great extent. Just like the philosopher from Stagira, he made a distinction between the concepts of prudence and wisdom (Cic. Off. 1.43(153)). Cicero's equivalent for *Aristotle's phronesis* was *prudentia* and his equivalent

for *sophia* was *sapientia*. Cicero understood prudence as the *practical knowledge of things to be sought for and of things to be avoided* (Cic. Off. 1.43 (153))[8]. On the other hand, he defines wisdom (sapientia) as the knowledge of both the human and the divine:

Again, that wisdom which I have given the foremost place is the knowledge of things human and divine, which is concerned also with the bonds of union between gods and men and the relations of man to man. If wisdom is the most important of the virtues, as it certainly is, it necessarily follows that duty which is connected with the social obligation, is the most important duty and service is better than mere theoretical knowledge, for the study and knowledge of the universe would somehow be lame and defective, were no practical results to follow. Such results, moreover, are best seen in the safeguarding of human interests. It is essential, then, to human society; and it should, therefore, be ranked above speculative knowledge. (Cic. Off. 1.43(153))

Aristotle's concept of wisdom equals the unity of *episteme* and *nous* (Arist. Eth. Nic. 1141a 19ff), so it is obvious that his and Cicero's understanding of wisdom differ. Cicero looked for a practical aspect of the virtue of wisdom and therefore made the line between wisdom and prudence less visible. Although significantly weakened, some important elements of Aristotle`s understanding are, however, present by Cicero: both sophia and sapientia represent virtues, they both concern the most important things and compared to *prudentia/phronesis*, sapientia is regarded as a more *theoretical* capacity.

It should be noted as well that the similarity of Cicero's definition of wisdom and Ulpian's definition of jurisprudence is striking[9]. Yet, what Cicero determines as wisdom (*sapientia*), Ulpian names prudence (*prudentia*). It could be supposed how high had been the sta-

tus of jurisprudence (at least according to Ulpian) when it had been defined with the same words which were used for wisdom - *that wisdom which I have given the foremost place* (Cic. Off. 1.43. (153)) - centuries before. Yet, it could be asked as well whether the times that followed after Cicero's life and brought the subsequent specific development of law were the reason for the equation of juris/prudence and wisdom?

b) Aristotle's concept of phronesis

As already stated, prudence is Cicero's equivalent for the Aristotle's idea of *phronesis*. *Phronesis* is one of the central concepts of Aristotle's ethics. He made the famous difference between virtues of character and intellectual virtues, and argued that the possibility of virtues of character depended on the presence of *phronesis*. According to his typology, phronesis itself is one of the intellectual virtues. Virtues of character are notoriously defined in *Nicomachean Ethics* as the means between opposing vices according to the right reason, which is to be determined by reasonableness (*phronesis*). Owing to the capacity of reasonableness, the right measure of passions is to be found. This measure represents the harmonious nature of the virtues of character. Yet, only through habit and exercise are these virtues to be acquired. Exercising them is the only way to bring them about; theory is not sufficient. Moreover, being virtuous is the goal of ethics rather than the mere knowledge of virtues.

It is already stated that Aristotle argued that practicing virtues of character presupposed reasonableness (phronesis) as the capacity to recognize the right reason in a particular situation. Reasonable persons are able to justify their choices. Reasonableness is not the same ability as cleverness, since the first one includes a specific under-

standing of what is good. They both represent the abilities of intelligent choice of the means necessary for an end. However, there are differences. By *phronesis*, means are taken as constituents of the end. Furthermore, *phronesis* presupposes a general understanding of what is good, which is absent in the case of cleverness. Therefore, cleverness is potentially dangerous, since it can be transformed into panourgia, an instrument for any purpose.

Virtues of character and phronesis are mutually dependent. Hans-Georg Gadamer put an emphasis on this aspect of Aristotle's teaching (Gadamer, 1978: 48). The same was repeated by Alasdair Macintyre, who further elaborated on the idea that reasonableness was impossible without instruction in virtues of character (Macintyre, 2003). Not only is *phronesis* a necessary precondition for virtues of character, but phronesis itself presupposes virtues of character (Arist. Eth. Nic. 1144b 30-32). In other words, they develop together. Consequently, *being virtuous* has two important aspects: one that concerns the character and one that concerns the intellect. It is well known that Aristotle's ethics contrast with the teaching of Socrates at this point, since the latter neglected character in his observations on virtue. According to Aristotle, *phronesis* and virtues of character are related in such a deep way that vices corrupt the right reason. Thus, vicious people end up with a more or less seriously diminished capacity to discern what the correct action is. The absence of virtues of character damages *phronesis*. Taking this into account, it follows that *phronesis* itself requires all the preconditions of virtues of character. It demands both the exercise of virtues and the passion itself. Virtues of character are not the opposites of passion; rather the excess as well as the lack of passion are equivalent with vice. Without passion, harmony could be neither sought nor achieved.

However, *phronesis* is only one intellectual virtue. Sophia (wisdom) is an intellectual virtue as well, but as opposed to phronesis, it grasps the truth as based on the first principles as well as the deductions from them (Ibid. 1141a17-18). Contrary to *phronesis*, sophia is not concerned with human good. The first one deals with the application of the right reason in particular circumstances. As a practical ability, it is concerned with contingent things, not with universal and necessary matters. Therefore, *phronesis* demands experience. It aims at finding the best decision in a concrete situation and, due to the complexity of human affairs, this ability requires that one has already encountered similar cases.

According to Aristotle, both *phronesis* and *sophia* are the ways in which the human soul achieves truth, along with *techne*, *episteme* and *nous*. Wisdom, *nous* and *episteme*, which are dispositions of the theoretical field, are concerned with eternal and unchangeable matters. *Phronesis*, on the other hand, deals with human affairs which are contingent and changeable. Phronesis is not episteme because there is no demonstration in the field of the contingent. Furthermore, deliberation is possible only in this field since, as Aristotle concludes, it is senseless to deliberate on necessary matters. He described *phronesis* as *a true capacity of action, conjoined with practical reason and concerned with matters that are good or bad for humans* (Ibid. 1140b 4). Neither the theoretical field, nor the practical one is conceived of as instrumental. The aim of phronesis is to do good. Moreover, *phronesis* is exercised through the judgment related to human good in general and not only to the particular good (Ibid. 1140a 25-30). In the same sense statesmanship, economics and legislature presuppose *phronesis*. Their task is to find the best ways to achieve this good (Ibid. 1141b 32).

c) Legal reasonableness

If we accept the Aristotle's difference between the theoretical and the practical field regarding the grade of exactness that could be applied to them, then it is not to be expected that law– which deals with the field of human affairs – can be developed into an ideal, pure, definite, mathematical system. There are always new and specific cases in particular circumstances that law has to encounter; they cannot always be imagined and adequately formalized in advance. People, not machines, with enough knowledge and reasonableness should be there to respect the particularity of the case and the requirements of the norms. Therefore, there is a space for possible mistakes, misunderstandings and misuses.

It has been indicated in the previous paragraphs that Aristotle and Cicero considered that the precondition for the success in the practical field in general, was the acquisition and the improvement of virtues. In the case of law, the word jurisprudence alone suggests this idea in some measure and evidently remains to a certain degree related with the concept of legal reasonableness (legal *phronesis*). However, the possibility of the misuse and the inherent incompleteness and inexactness of the law require accepting the importance of improving legal reasonableness. It has been already stated that there were two integral aspects of the virtue of reasonableness: the one that concerns intellect and the other that concerns character. In the case of the legal reasonableness, these are the understanding of law and the sufficiency in adequate virtues of character.

Legal reasonableness could be determined as a specific excellence of legal professions i.e. of the group disposing of relevant knowledge, experience and qualities of character. The task of legal professionals can generally be described as practicing legal reasonableness. Being

legally reasonable assumes an acquaintance with the sense, matter, principles and topoi of law that should be applied in concrete cases. Principles are more or less incorporated into the system of law, but taking into account their multitude, ambiguity and the lack of precise expression, it is not always easy to discern which is correct. This hermeneutic character of law resulting, from the nature of human affairs, has been more or less examined and underscored during the previous century. Many important authors of the twentieth century viewed the nature of law in a similar way, some of the most prominent being Theodor Viehweg, Emilio Betti and Chaim Perelman[10]. These thinkers were mostly preoccupied with the importance of legal interpretation, topics and argumentation, but they also examined some relevant legal virtues, particularly justice and fairness. However, the strong connection between the virtues of character and legal phronesis, the second precondition of being legally reasonable, did not often garner necessary attention.

Despite this disregard, the importance of virtues of character for legal reasonableness is hard to deny. Although they were often neglected, it is obvious that virtues of character are an aspect of legal *phronesis*, the lack of which can distort the meaning of law. The absence of bravery renders legal professionals unable to pursue the rights of their clients, to judge correctly and to prosecute offenders. The absence of temperance and patience can seriously undermine events in the courtroom. A deficiency (or excess) of thoroughness by a judge can ruin the idea of law as well. These are only a few well-known examples. A system of rules can significantly contribute to the promotion of the named virtues but, unfortunately, it cannot cover them completely, correspond adequately in advance to all possible cases and fully enable their development.

3. Perseverance of virtue in legal ethics

This deficiency in considering the importance of virtue for law and jurisprudence has been partially compensated for in recent decades with the development of the field of legal ethics. This more intensive development of legal ethics, in the last third of the twentieth century, was more or less paralleled by the growth of professional ethics in other fields.

Legal ethics is commonly defined as the ethics of legal professionals, in particular attorneys, judges and prosecutors. The primary object of this discipline is the domain of responsibility of these professionals. Investigating the concept of professional responsibility, presumes an elaboration of the role of these professions within a society and how it relates to good in general. As a result of the recognition of importance of this relationship, the main issues, characteristics and boundaries of professional responsibility are often spelled out in ethical codes. These documents usually contain many insights resulting from experience by referring to previously encountered cases of malpractice and irresponsible actions. Furthermore, ethical codes often encompass and emphasize the main principles, values and professional excellences (both intellectual and that of character) that should be protected and achieved in order to perform professional duties well. Unfortunately, it is not unusual for these virtues and principles to not be developed fully enough and that important concepts are left inadequately determined. It is not uncommon for the result of this to be insufficiently clear texts of the codes. Despite these weaknesses, ethical codes usually recognize significant aspects of legal phronesis, its relation to virtues of character and even certain important preconditions of its realization. Therefore, they can be generally viewed as instruments aimed at contributing to the

perseverance and support of the importance of virtue for the application of law.

However, the recognition of the relation of legal *phronesis* and virtues of character raises many significant questions. First, what are these virtues and are there differences concerning particular legal professions? What are the prevailing vices that corrupt legal reasonableness in practicing these professions? What are the necessary preconditions for acquiring and exercising these virtues either in general and under specific social circumstances? What are the usual obstacles encountered by those who try to keep and nurture them? What is helpful for practicing these virtues? What is their relation to the process of education and upbringing? The importance of all of these questions should be taken into account if legal reasonableness is to be given serious consideration. Especially important is to identify those circumstances and influences that can impair the exercise of legal *phronesis*. Conflict of interest is a good example of a situation, that has already widely been identified and included in ethical codes, which negatively affects reasonableness through its influence on virtues of character. However, there are many other issues that have influence upon legal reasonableness and the accompanying virtues relevant for a particular legal profession, but have been given different levels of attention. They range from the political, financial, legal and educational circumstances to the security of professionals. All of these aspects presuppose the psychological factors, which can be, as Aristotle already stated – influenced upon as well. The investigation of all these factors and their correlation to the legal professionalism is an arduous task that is still to be further promoted.

As well as the importance of the recognition of the key virtues for legal reasonableness, it is also necessary to find and disclose the

mechanisms that favour them. However, they do not need to be of a legal nature. Although legal instruments can significantly contribute to the development of virtues of character and legal phronesis, the opposite is not uncommon. Moreover, imposing virtues legally is, due to the complexity of virtues, always in danger of being turned into a kind of oppression. Therefore, legal reasonableness is to be situated in a wider arena than a strict conception of jurisprudence. The issue of protecting legal excellences in a society cannot be encompassed by the narrow understanding of jurisprudence. It is deeply integrated into the entire area of praxis, which is always considerably larger than the positive law itself.

The danger of imposing virtues legally has its origin in the specific nature of virtue. Contrary to rules, virtues are always deeply immersed within the structure of personality. This fact was already common knowledge in antiquity, and in contemporary times it has been particularly stressed with the rise of virtue ethics. The interrelatedness of virtue with motivational, emotional and cognitive structures, and particularly with the world view (*die Weltanschauung*), makes it a stable human characteristic. Because it is a disposition to act and feel in a certain way over an extended period of time, virtue is far from being easy to acquire. Owing to its complexity, the presence and level of virtue is hard to estimate. It is difficult to subordinate virtue to strict scientific methods. Therefore, virtue is a less desirable object of scientific analysis than rules. Rule-following can be codified in a binary sense and thus much more easily placed on a scale and assessed. The reduction of virtue to simple rule-following can easily distort or deprive it of meaning because virtue, as opposed to rules, is susceptible to concrete situations. If we observe human acts abstractly, it is possible that the act upon same rule in different

circumstances makes a person brave or coward. Being virtuous is therefore simply not equivalent to rule-following.

Simultaneously, this flexibility of virtue creates a zone in which is hard to overlook and is often obscured or even mystified, especially when the assessment of the levels of virtue is in question. This situation makes the whole 'virtue-area' prone to manipulation. Therefore, it should be admitted that the introduction of virtue into law is a dangerous idea. This inexact nature of virtues has caused modern ethics as well as other disciplines to focus on rules and principles, instead of elaborating on the idea of virtue. On the other hand, the fact that virtues are not easy to analyse by strict scientific methods in no way justifies the dismissal of their importance.

In spite of the difficulties concerning the nature of virtue, the idea of virtue survived in the life world (die Lebenswelt) as one of the dominant concepts used in understanding morality and assessing human personality and behaviour. As already stated, professional ethics partly persevered and revived this approach as well. The concept of virtue is present in most ethical codes, although they often more or less differ in defining the key set of virtues of a given profession. The same phenomenon can be noticed in the case of the ethical codes of legal professions. The Bangalore *Principles of Judicial Conduct* adopted 2002 by UN names the following judicial virtues as its cornerstones: independence, impartiality, integrity, propriety, equality, competence and diligence. *The Code of Conduct for United States Judges* (revised in 2009) consists of five canons that refer to independence, integrity, propriety, fairness, impartiality, diligence and refraining from political activities as the most important virtues, as well as to some derived virtues, duties and rules. The *CCBE*[11] Code of Conduct (revised 2006) and *the Charter of Core Principles*

of the European Legal Profession (2006) stress independence, personal integrity, respect for the rules, self-regulation, professional competence, dignity, loyalty to the client and confidentiality as the key virtues and values of the legal profession. There are also many other duties, principles and values identified in this document that could be related to other important excellences of intellect and character. The IBA[12] *General Principles for the Legal Profession* (2006) include independence, honesty, integrity, confidentiality, fairness and competence as the necessary preconditions of a successful professional. The IAP[13] *Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutor* (1999) recognize professionalism, independence, impartiality as the key standards and many derived virtues (integrity, care, consistency, expeditiousness, fairness) as of significance.

Even this superficial look upon some of the contemporary ethical codes for judges, prosecutors and attorneys shows that virtue are to a certain degree being recognized as necessary professional qualities. These documents differ more or less concerning the set of key virtues, their precise determination, their differentiation and concretization in relevant circumstances. They vary as well in terms of the named preconditions of virtues, references to the mechanisms favouring them and factors endangering their acquisition and exercise. However, it can be concluded that they usually recognize the virtue *aspect* of legal reasonableness (*phronesis*) as its inevitable part[14].

4. Conclusion

The aim of improving legal reasonableness is the point at which legal ethics and jurisprudence become unified. It is not possible to promote jurisprudence and to neglect the characteristics of the spe-

cific type of rationality inherent in law. Likewise, it is impossible to advance the practice of legal professions if legal reasonableness was understood in a purely theoretical way, as mathematical rationality. The practical field, to which law belongs, is of such a nature that it does not allow the level of exactness possible in some sciences. The rationality of humanities and social sciences cannot be equated with mathematical rationality. Twentieth century philosophy, literature, art and above all experience itself, has demonstrated that when the concept of rationality is separated from the concept of sense it becomes a dangerous instrument and is useful for very different purposes. The attempt to fully '*mathematise*' the law is characterized by neglecting at least two crucial things: the fact that it requires meaning and the fact that it requires practical judgment. Following this attempt, it is hard to incorporate the idea of *phronesis* in law. Nevertheless, the concept of phronesis is indeed in harmony with the nature of law. Hermeneutic jurisprudence has demonstrated that *phronesis* corresponds to the law, since this type of rationality presumes the idea of law and respects the contingent and singular nature of human affairs. Reuniting law and legal phronesis requires the recognition that this sort of rationality is deeply interrelated with virtue and character. The fact that phronesis itself is a virtue and that it presupposes other virtues, had already been realized in antiquity, but has again to be properly recognised. It has been shown that important steps in this direction have already been made. However, the substantial and more extensive elaboration of the relationship between the idea of virtue and the application of law is necessary and would be not only a contribution to a borderline ethical discipline, but to the aim of jurisprudence in general. This task makes jurisprudence and legal ethics inseparable.

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ΣΗΜΕΙΩΣΕΙΣ

1. The central difference between a wide and narrow interpretation of jurisprudence is often viewed in the acceptance or the rejection of the claim that law is politically and morally neutral. Wider concepts of jurisprudence, such as, for instance, the liberal, Marxist or feminist, are usually legitimated by means of justification of the first claim (Smith, P. In: Patterson, 2003: 303).

2. It should be noted that Pound rejected the narrow, positivistic understanding of science (Pound, 2008: 10). In his view, science of law relies upon four main methods: analytical, historical, philosophical and sociological (Ibid., 20).

3. *Jurisprudence is the knowledge of things human and divine, the science of the just and the unjust.*

4. There is some controversy about whether some of these terms could be more precisely differentiated regarding the legal status that had been ascribed to them (Tuori, 2004: 304-307).

5. On discussions regarding this issue: Tuori, 2004.

6. Cicero praised the unity of the knowledge of law and the knowledge of rhetorics espeacially through the figure of Crassus in his work *De Oratore* (Cic. De or. 1.46.).

7. Following the German historian Franz Wieacker, Hans-Georg Gadamer pointed out that Roman lawyers and their practice had corresponded with *phronesis* more than *sophia* (Gadamer, 1978: 46).

8. An interesting analysis of the notion of natural law by Cicero and the idea that it was related to prudentia is offered in: Inwood, B., Miller, F. D. Jr., 2007: 143-147. The authors make a difference between the natural law as perfected (natural) human virtue and natural law as *laws found in and constitutive of a polity that are grounded in nature via their relationship to the perfect divine law of gods and sages* (Ibid. 145). They suggest that Cicero maybe could not reconcile these two meanings of the natural law, but at the same time emphasize the evidence for Cicero's identifications of law and the right reason (*orthos logos*) and bring the idea of natural law present in the writings of Cicero into connection with the Chrysippean idea that the natural law is perfected reason. They underscore *the translation of Chrysippus' On Law in Cicero, Leg.I.18, which concludes that the natural law in question is the virtue of practical wisdom* (SIC!) (*prudentia*) (Ibid. 144).

9. The possible influence of Chrysippus' understanding of law should not be disregarded: *Law is king over all divine and human things.* (Marcianus, Dig. 1.3.2)

10. In Perelman's opinion the complete legal reasoning is only the act of judge, while the prosecutor's and lawyer's reasoning are only segments of it (Perelman,

1983: 95). Perelman, of course, insists that legal reasoning is not a simple logical deduction, but it requires interpretation and qualification.

11. Council of Bars and Law Societies of Europe (CCBE).

12. International Bar Association (IBA).

13. International Association of Prosecutors (IAP).

14. One interesting attempt to systematically develop a set of judicial virtues with respect to the relationship of profession, virtue and character, was made by Lawrence Solum. He asserted that among the inevitable judicial virtues there were: judicial temperance, judicial courage, judicial temperament, judicial intelligence, judicial wisdom and justice. He demonstrated how these virtues were interrelated and how their deficiency caused the deterioration or impairment of law (Solum, 2002). Andrew Aberdein made an attempt to elaborate on a more comprehensive and extensive set of virtues of lawyers than those presented in codes (Aberdein, 2010).