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**THE ETHICS OF INTER-DEPUTY RELATIONSHIP IN
PRLIAMENTARY PROCEDURE**

Annotation

This article deals with the ethics of inter-deputy relationship in parliamentary procedure. There is a brief review of the main branches of the given issues that were investigated by native and foreign lawyers and psychologists. The subject under consideration is the problem of ethics in parliamentary procedure. The main factors of parliamentary procedure (i.e. its ethical and legal control) are described. The definition to the term «parliamentary ethics» is given. There are examples of rules of parliamentary ethics in legislative body. A generalized unofficial codex of deputy's behavior is suggested. Problems of formation of code of parliamentary ethics are cited. It is emphasized that the code should have obligatory characteristics: it should have soundly stated regulations, it should regulate the deputy's behavior and it should be means of deputy's self-service.

Key Words: *parliamentary ethics, parliamentary (lawmaking) procedure, code, rules, deputy.*

Over the centuries of parliamentary history of mankind the numerous scientific schools on issues of morality, ethics regulators and ethical standards of parliamentarianism were formed. The sphere of this problem is so extensive that in this case attention is paid only to that activity of parliamentarians, which is on the verge of the law.

Professional parliamentary activity imposes special obligations on deputies to ensure the moral nature of the relationship developing in connection with its implementation. It is clear that the deputy in carrying out its parliamentary activity should abide by professional ethics to prevent abusive attacks on their colleagues. But in reality the deputy often have to oppose to the

other deputies, ignore the interests of the majority of deputies. The reasons for this behavior are varied. Psychological and moral culture of parliamentary activity is manifested in the willingness of deputies and other entities to be guided by moral principles in the choice of goals and means of activity, the ability to adequate emotional contact, in an appropriate culture of behavior and compliance with ethical principles and constraints directly in the process of parliamentary activity. Parliamentary ethics is supported not only by personal beliefs and actions of moral and psychological impact of the other representatives of the deputy corps but in the number of positions – and by the rules of the regulations of the Chambers of Parliament. Observance of ethical norms by the member of the House of Representatives of the National Assembly of the Republic of Belarus (hereinafter - the House of Representatives), the member of the Council of the Republic is the legal responsibility; the liability for violation of these norms is established by the regulations of the Chambers of Parliament.

The history of Belarusian legal ethics began with the Cyril of Turaw. No less significant person in the moral life of Belarus was Euphrosyne (Predslava) from Polotsk. In addition, a significant role in the development of not only moral but also the law played Francysk Skaryna. He participated in the preparation of the Statute of the Grand Duchy of Lithuania in 1529 and was the first Belarusian scientists started to develop the moral law. He believed that the law in general and every law alone should be good, just, powerful, useful, issued in accordance with the customs of the land, in the spirit of the time, do not have ambiguous meanings and be aimed at achieving the common good but not to

the benefit of individuals. Humanistic ideas of Skaryna were supplemented and developed by such progressive leaders as Nikolai Gusovsky, Symon Budny.

Considerable influence on the legal ethics was made by the Belorussian lawyers Mikhail Litvinov and Leo Sapieha. The model of parliamentary speech in Seim is Sapieha's speech in defense of "the Statute of the Grand Duchy of Lithuania in 1588". Under his leadership the third edition of the Statute proclaiming the moral principles of justice was prepared. In the Statutes of 1566 and 1588 along with the other provisions there were formulated the rules of the advocacy ethics [1, p.28-29].

In general, the problem of ethics of parliamentary activity has not yet received the proper interpretation in the scientific literature, but there is a number of deep researches in some areas of the theme. The prominent Russian researchers of ethical issues R.Apresian, V. Bakshtanovskiy, Y.Sogomonov [2, 3, 4] considers the parliamentary ethics as polysyllabic phenomenon requiring the application of philosophical, legal and political science approach. R.Apresian examines the parliamentary ethics as "synthetic regulatory evaluative phenomenon", which form such components as professional ethics [5], corporate ethics and the ethics of subject-specific activities. V.Bakshtanovskiy and Y.Sogomonov in their work «Ethics of political success» [3] pay attention to the moral complexity of phenomena that lie behind ethical deputy. Scientists touch upon two major problems affecting the parliamentary ethics that are in situations of moral choice, constantly arising in the course of parliamentary activity and the paradox of moral evaluations.

For example, in the UK the study of parliamentary ethics is made by the number of reputable scientists: W. Guy, M. Rush, P. Leopold, A. Doig, P. Richards, D. Glasner. These specialists have the legal approach to the parliamentary ethics, which is in the realization of the legal bases of parliamentary activity regulation, consideration of the basic components of the code of ethics, individual cases related to violation of the rules of parliamentary ethics [6, 7, 8, 9]. This approach is explained by the centuries-old functioning of self-regulatory system of parliamentary activity in the British Parliament, which is based on internal norms of parliamentary law. Some aspects of the ethical-legal regulation of parliamentary activity in the British Parliament can serve a worthy role model as they contribute to greater respect of parliamentarians to each other, improve the ability of parliamentarians to respect others' position and listen to it as well as help parliamentarians express their position more intelligently and clearly.

In the Belarusian society there is a complex process of legitimization of the parliamentary institution [10, p.18-26] and formation of certain requirements, including requirements of the ethical order, to the parliamentarians. These requirements are (among other factors) reflections of the general trend of increasing role of ethical standards of democracy. Psychological legitimacy is an important factor in the parliamentary (legislative) psychology and the people's attitude to the institutions of government is formed on this basis. Describing the process of modern, democratic development, some scholars define it as "ethos of democracy". In this regard, the interest of professional psychologists and political scientists (including domestic) to the issues of political

ethics has sharply increased and identification of the features of formation of ethical and legal regulation of parliamentary activity has become one of the pressing problems of political science and political practice.

One of the most important components of parliamentary activity is its ethical and legal regulation. This position is stipulated by several factors:

- activity of the parliamentarian involves various public interests and requires a high level of moral responsibility to the electorate;

- parliamentary activity is a process of continuous interaction and communication with colleagues, members of the legislative process, voters, representatives of foreign delegations, officials, media, etc. This process requires a psychological culture of communication, public speaking, parliamentary debate, respect for parliamentary etiquette;

- professional parliamentary ethics is supported by not only personal beliefs and actions of moral and psychological impact of the other representatives of the deputies, but also by the number of positions – rules of regulations of Chambers of Parliament;

- feature of parliamentary activities, generally of the highest echelons of state power is the need for political aspirations in the legislative and other legal forms. But if political activity is inherently social, largely journalistic, rallies, that lawmaking requires high culture, professionalism, competence and perseverance;

- the level of ethical standards in many respects affects the effectiveness of parliamentary activity, as it evidences the fact how good the parliamentarians are aware of their functions, responsibilities, role in determining the policy of

the state, the responsibility of his position and actions to the voters.

The multifaceted nature of parliamentary activity inevitably generates a multi-variant and sometimes contradictory political behavior of the Belarusian parliament. One method to increase the efficiency and to improve the organization of parliamentary activity is the presence of system of ethical rules and norms which form the basis of parliamentary ethics [11, p.64-68].

The lack of psychological and general culture, the ignorance of ethics by the deputies inevitably leads to the low efficiency of legislative activity, which we all, unfortunately, have witnessed in the end of XX and early XXI century.

But what is parliamentary ethics? Ethics in general (from Greek Ethos - habit, custom) - one of the earliest theoretical disciplines, serves as a philosophical science, the object of study of which is moral, morality as a form of social consciousness, as one of the most important aspects of human life, the specific phenomenon of social life. Ethics finds the place of morality in the system of social relations, analyzing its nature and internal structure, exploring the origins and historical development of morality, theoretically justified this or that its system. Ethics and morality means, in essence, the same thing, they are often used as synonyms. In other words, ethics is the doctrine of good and evil, about the behavior of serving good and not to hurt the others.

The rules of parliamentary ethics in the House of Representatives are summarized in section IX of the Rules of the House of Representatives on April 6, 1999. The rules of parliamentary ethics are often interpreted differently by the deputies, sometimes as strict regulation of

each step and sometimes as a collection of useful tips. Currently, there are more than 400 rules in the manual and among the members of the House of Representatives. Standing Rules cover all the aspects of parliamentary activity: ritual, keeping the debate, vote, ways of dealing with each other, restrictions on time during the presentations at the plenary session, etc.

Parliamentary ethics of the deputy should primarily involve respect for the opinion of the opponent and rather critical attitude to their own views, bearing in mind the potential of fusion, which requires impeccable politeness and correctness in the circulation, for resentment and hostility would not become the sole cause of incompatibility of views.

That's what is claimed in the manual of the U.S. lawmaker L. Pierce: "The extreme and immoderate proposals may get the headlines, but usually are not taken into consideration ... A man of extremes, whether in the legislative proposals, speeches or personal habits, have difficulties in establishing the consent and inevitably falls into isolation". In other words, the parliamentarians should be restrained and moderate in their statements, if they want to achieve not only rallies in popularity but also success in their undertakings. They must also be patient and not too touchy to prevent irritation, which make them distract from the case. In addition, they must learn how to sit out for hours through endless debates in the commissions, to listen to not always thought out and frankly subjective judgments, not to mention the lengthy speeches of their colleagues, who often are only for voters, or even are stipulated by the desire to listen to themselves. In addition, the deputy should be polite, diligent, conscientious, honest and be

able to make a compromise where it is necessary, etc. [12, p.22].

Legislators are appreciated by the ability to keep the word. Having promised to colleague to support his proposal – act so. If you see that you cannot to that, tell him about it before voting.

The rule of politeness demands from the parliamentarians not to degrade their colleagues, even if the latter, in their view, are profoundly mistaken. Throughout the world, and also by us, a polite form of address and reference is formally adopted: “Dear deputy”, “Dear chairman”, etc., with the addition of names or without. Debates and political differences cannot justify the deviation from this position, the rejection of any relationship to the deputy as a colleague. But, unfortunately, sometimes parliamentarians lose patience and use caustic remarks, accusations in dishonesty of colleagues and even direct insults. Similar phenomena occur in all countries but most of them meet the opposition from the side of deputies and are qualified as grave breaches of the parliamentary ethics, followed by the inevitable punishment.

Speaking during a discussion should be confined to the matter under discussion and not to the person.

Suggestions and viewpoints that constitute the essence of the debate can be criticized but not the persons.

The most important property of the legislator is the reliability of his words.

Deputy should maintain official or another secret.

In the deputy’s work it is desirable to use the rules of “no”.

Deputy should not use his status in strictly personal purposes. Having the right of access

to any government agency and to any information, deputies should use this exclusively for business purposes and not for personal benefit or for propaganda purposes.

Deputy should not overstate the arbitrary status and its advantages, even in its performance.

Deputy should not interfere in the judiciary and provide a public assessment before the decision enters into force.

Deputy should not be involved in criminal proceedings neither as a public defender nor as a prosecutor, because it could affect the objectivity of judges and people’s assessors.

Creators of laws must not call for illegal and violent actions or justify such in their speeches.

Let us turn to the experience of American parliamentary activity. Standards of behavior of the U.S. lawmakers are stipulated mainly by three sources of law: the Constitution, the Criminal Code and the regulations of the chambers. The main provisions of the Constitution include: the right of chambers to make a decision on the condemnation, censure and expulsion of the deputy; the guarantees of deputy’s protection from arrest during the session in all cases, except treason and grave crimes; the prohibition to hold any other public office. The Criminal Code prohibits the purchase of votes with promises to provide a place, exaction of financial contributions from federal employees or threat to remove the deviating persons from the participation in the electoral campaign of the legislator. The financial contributions received for the promise to help to get job shall be punished by a fine of 1 thousand dollars or imprisonment for up to 1 year. Under the rules of the Chambers, the dep-

uty does not vote, when the questions relates to him personally; legislators are required to publicize information about their income, received gifts, debts, real estate business; it is prohibited to accept gifts worth more than \$ 100 from lobbyists or foreigners, to use the ballot funds for personal needs, to set a maximum level of fees for lectures and publications [13, p.127-133].

One of the generalized informal codes of behavior for parliamentarians of the states can be attributed to the Belarusian parliamentarians, and it looks as follows: respect the rights of other legislators; never cast a shadow on the motives of other legislators; never threaten to resort to coercion; never ask colleagues to act against the interests of their voters; do not resort to personal arguments in the debates; openly and clearly define their goals; not oppose to the committee chairs and party leaders without prior notice to them about it; never lead the election campaign against colleagues in his (or her) constituency, never interfere in the personal affairs of another legislator.

Now a modern society is becoming the society of experts, specialists, who possess special knowledge and skills. This trend of society toward specialization generates the unprecedented independence or, in other words, the autonomy of professional groups, which create a host of ethical issues. One of them is connected with the existence of professional codes of ethics.

Professional codes, as well as the activity of the deputy, need to be controlled by the public.

Another problem is connected with the existence of special responsibility of the profession to society. Deputies should take care of security and stability of relations between people

even when they are not entirely satisfied with the existing order.

Parliamentary profession is called free. Traditionally, the liberal professions are provided by greater autonomy than, for example, trades or businesses. This is reflected in the fact that society weakens its control over the activity of liberal professions, requiring instead the service for the public good, implementation of occupational internal controls, establishment of higher standards in the moral sense and rules of behavior in comparison with the rest of the society. The weakening of social control is reflected in the fact that the profession can establish its own rules, disciplinary rules and standards of competence and professionalism to regulate the access of new members into their ranks, to articulate their problems, etc.

What does it mean in relation to the profession of the deputy to set the higher morally norms and rules of behavior? Deputies are expected to work as long as it is required by their professional duties, as well as to observe high standards in personal and professional behavior: to be more disciplined and refrain from inappropriate actions and to be the models of ethical behavior, not to consider a parliamentary career as an ordinary business associated with obtaining high revenues and profits.

Another side of the ethical problem of the autonomy of profession is connected with the fact that possessing specialized knowledge and exclusive access to this knowledge, deputies may be tempted to use them for personal gain at the expense of the population. It also requires internal controls for the parliamentary activity of the deputies and external - for the public's confidence in the fact that the profes-

sion is well enough to govern itself and promote public welfare.

The next problem concerns the formation of the Code of Ethics of the parliamentary deputies. The Code should be a guide to parliamentary activity of deputies, determine the specific prohibitions, procedures, ideals and address major ethical issues confronting them. The Code should be reviewed from time to time. In our country the development and adoption of codes of professional ethics, including ethical and legal professionals, is just the beginning. Some codes do not reflect the real issues and standards of behavior of persons of any profession, they are not concrete, do not contain provisions relating to monitoring the implementation of these requirements and principles.

In order to justify the parliamentary profession the code must have certain properties.

Firstly, it must contain perfectly formulated provisions reflecting those specific, namely parliamentary profession temptations that may have its representatives, those unethical practices of parliamentary work, which undermines its credibility in the eyes of society.

Secondly, the code should regulate the activity of deputies. Some codes are just a declaration of ideals, whereas they should have a disciplinary nature.

Thirdly, the Code should not be a tool for self-occupation, but must protect the interests of the individual, society and state.

The ethical aspect of parliamentarians' life is delicate and complex. Despite the official installation and rules, lawmakers prove that nothing human is alien to them. We mean here variations of the modest little things to the old-fashioned luxury. Because in parliamentary practice the measures of accountability become tougher (the disclosure of the financial affairs of deputies, publicizing sources of campaign financing), the proliferation of open public meetings of Standing Committees. But these reforms do not always serve as a barrier for the violations.

The importance of the problem of ethics for the Parliament is determined by the underdeveloped tradition in this area and the low level of political and psychological culture, complexity and contradictory nature of the problems facing the republic, rapid development of foreign experience and the inclusion of the country in a series of civilized countries.

Analysis of ethics problems of parliamentary activity suggests to the modern practice of the Belarusian parliamentarianism effective measures that promote fairness ethical assessments, first of all: the creation of the ethics commission in the Chamber, avoiding the predominance of representatives of parliamentary group and political parties, etc. The main task that should be put before the commission is to develop a Code of parliamentary ethics, the presence of an external control of ethical standards by parliamentarians.

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