

# A Universal Code of Ethics for Legislators: What the Law Demands of Lawyers Should Inspire Those Who Make the Law

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CEED

JUN 15, 2026



Ethics should not stop at the courtroom door—those who make the law must be held to the highest standards of integrity, accountability, and public trust.

Across jurisdictions—whether in Canada, the United States, the United Kingdom, or the European Union—lawyers are bound by well-developed ethical codes. These rules demand competence, integrity, independence, loyalty to clients, candor toward tribunals, and a duty to uphold the rule of law itself.

Yet a striking asymmetry persists: those who \*practice\* law are tightly regulated; those who \*make\* it often are not.

Legislators wield far greater power. They shape the rules that govern entire societies. And yet, in many democracies, their ethical obligations remain vague, under-enforced, or politically manipulated.

If we expect lawyers to act as officers of the court and guardians of justice, we should expect at least as much—if not more—from legislators.

What follows is a proposed **\*\*Universal Code of Ethics for Legislators\*\***, grounded in existing legal ethics principles and adapted to the realities of democratic governance.

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## **1. Duty to the Rule of Law**

Lawyers are required to uphold the rule of law, even when it conflicts with client interests.

Legislators should be held to an even higher standard: they must not enact, support, or tolerate laws that undermine constitutional order, judicial independence, or fundamental rights.

This principle is already reflected in various constitutional oaths of office and international norms (e.g., the Venice Commission's standards). But it is too often treated as symbolic rather than binding.

**\*\*Proposed standard:\*\*** Legislators must refuse to support measures that knowingly violate constitutional norms or erode democratic institutions.

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## **2. Duty of Integrity and Honesty**

Lawyers cannot mislead courts or engage in dishonesty.

Yet legislators routinely make knowingly false public statements without consequence.

Existing parliamentary rules in some jurisdictions prohibit “misleading the House,” but enforcement is rare and often partisan.

**\*\*Proposed standard:\*\*** Legislators must not knowingly misrepresent facts in legislative debates, public statements, or official communications. Deliberate deception should trigger meaningful sanctions.

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## **3. Duty of Competence**

Lawyers must provide competent representation, meaning they must understand the law and facts relevant to their work.

Legislators, by contrast, often vote on complex legislation they have not read or understood.

While political systems do not require legislators to be lawyers, they do require them to exercise informed judgment.

**\*\*Proposed standard:\*\*** Legislators must make reasonable efforts to understand the content, implications, and consequences of laws they support or oppose. Blind partisanship is not a defense for ignorance.

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## **4. Duty of Loyalty to the Public Interest**

Lawyers owe loyalty to their clients. Legislators, in theory, owe loyalty to the public.

However, party discipline, donor influence, and personal ambition frequently distort that duty.

Conflict-of-interest regimes exist in many jurisdictions, but they are often narrow and reactive.

**\*\*Proposed standard:\*\*** Legislators must place the public interest above personal, financial, or partisan interests. This includes avoiding both actual conflicts and the appearance of impropriety.

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## **5. Duty of Independence**

Legal ethics emphasize independence from undue influence—whether from clients, governments, or third parties.

Legislators face constant pressure from lobbyists, donors, and party leadership.

While lobbying is a legitimate part of democratic systems, opaque influence is not.

**\*\*Proposed standard:\*\*** Legislators must act independently of improper external pressures and must disclose material influences on their decision-making, including lobbying contacts and financial relationships.

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## **6. Duty of Transparency**

Lawyers must maintain proper records and, in many cases, disclose relevant information to clients and courts.

Legislators operate in the public sphere and should be held to a higher transparency standard.

Many jurisdictions already require financial disclosures, but these are often incomplete or difficult to interpret.

**\*\*Proposed standard:\*\*** Legislators must provide clear, accessible, and timely disclosure of financial interests, gifts, lobbying interactions, and potential conflicts.

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## **7. Duty of Accountability**

Lawyers are subject to discipline by professional bodies. They can be sanctioned, suspended, or disbarred.

Legislators, however, are often accountable only at the ballot box—an instrument too blunt and infrequent to address ethical breaches.

Ethics commissioners and parliamentary committees exist but frequently lack independence or enforcement power.

**\*\*Proposed standard:\*\*** Legislators must be subject to independent, non-partisan oversight bodies with real authority to investigate and sanction ethical violations.

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## **8. Duty of Respect and Civility**

Courts demand decorum. Lawyers who engage in abusive or disruptive conduct face consequences.

Legislative bodies, by contrast, have seen a steady erosion of civility, often rewarded by media attention and political gain.

While robust debate is essential, degradation of discourse undermines public trust.

**\*\*Proposed standard:\*\*** Legislators must engage in respectful, fact-based debate and refrain from personal attacks, hate speech, or conduct that diminishes the dignity of the institution.

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## **9. Duty to Avoid Abuse of Power**

Lawyers are prohibited from using legal processes for improper purposes.

Legislators, however, can exploit procedural tools, emergency powers, or legislative loopholes for partisan advantage.

Examples include gerrymandering, misuse of emergency legislation, or targeting political opponents through lawmaking.

**\*\*Proposed standard:\*\*** Legislators must not use their authority to entrench power, suppress opposition, or manipulate democratic processes for personal or partisan gain.

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## **10. Duty to Protect Rights and Minorities**

Legal ethics recognize broader duties to justice, including fairness and respect for rights.

Legislators have a direct role in shaping the rights landscape. Yet history shows that majorities can—and do—trample minority protections.

International human rights frameworks already impose obligations on states, but individual legislators are rarely held personally accountable.

**\*\*Proposed standard:\*\*** Legislators must ensure that laws respect fundamental rights and do not unjustly discriminate against individuals or groups.

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## **11. Duty of Stewardship**

Lawyers are custodians of their clients' interests. Legislators are custodians of public institutions.

This includes fiscal responsibility, long-term planning, and preservation of democratic norms.

Short-term political gain often leads to long-term institutional damage.

**\*\*Proposed standard:\*\*** Legislators must act as stewards of public resources and institutions, prioritizing long-term societal well-being over immediate political advantage.

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## **12. Duty of Continuous Ethical Awareness**

Legal professionals are required to engage in ongoing education and reflection on ethical standards.

Legislators rarely receive structured ethics training after taking office.

**\*\*Proposed standard:\*\*** Legislators should undergo regular ethics training and reaffirm their commitment to these principles throughout their tenure.

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## **Closing the Gap Between Law and Lawmaking**

The irony is hard to miss: the people who argue cases in court are held to stricter ethical standards than those who write the laws those courts interpret.

This gap is not merely academic. It has real consequences—erosion of public trust, polarization, corruption, and, ultimately, democratic decline.

Many of the principles outlined above already exist in fragmented form across jurisdictions: conflict-of-interest laws, disclosure requirements, parliamentary rules, and constitutional oaths.

But they lack coherence, consistency, and, most importantly, enforceability.

A universal code would not eliminate misconduct. But it would establish a clear benchmark—one that transcends political systems and cultural differences, rooted in the same foundational values that guide the legal profession. It is as much needed in Western democracies as it is in Russia, the United States and Ukraine.

If lawyers are expected to serve justice, legislators must be expected to *\*embody\** it.

The standard should be simple: those who make the law should be at least as ethical as those who practice it.

Anything less is a risk no democratic society can afford.

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