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Re: Citizenship oath to the Queen

To become a citizen of Canada requires that the applicant swear or affirm the following oath:

I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada and fulfil my duties as a Canadian citizen.

I was counsel to several citizenship applicants who claimed that their constitutional rights to freedom of conscience and to freedom of expression were violated by the requirement of taking the part of the oath that reads “*I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors.*” Our Charter of Rights arguments were rejected by the courts, which held that “purposely interpreted, the reference to the Queen of Canada is a symbolic reference to our form of government, a democratic constitutional monarchy,” and “the appellants have ample opportunity to publicly disavow any association with the message that they attribute to the oath.”

It is my view that the courts' conclusions are absurd, especially in light of the fact that the applicants had no objection to the last part of the oath, to “faithfully observe the laws of Canada and fulfil my duties as a Canadian citizen.” Why should a citizenship applicant who feels that Canada should not remain a monarchy (as about half of Canadians feel) be forced to publicly assert allegiance to the monarch, whatever the courts think it really means? Why doesn't forcing them to make such a public statement violate their freedoms of conscience and expression?

Given the courts' rulings, citizenship applicants (and those who have become naturalized citizens) who oppose monarchy can take up the courts' suggestion “to publicly disavow any association with the message that they attribute to the oath.”

I understand that one of the applicants in the Charter challenge, Dror Bar-Natan, is making such a public disavowal. I would like to join him in doing so.

I became a citizen of Canada about 25 years ago. I was so uncomfortable at the thought of affirming allegiance to a monarch that I did not do so. When the group of applicants that I was part of was led through a recitation of the oath, I kept my mouth shut at the beginning and only joined the rest in reciting “I will faithfully observe the laws of Canada and fulfil my duties as a Canadian citizen.”

Thus I did not proclaim allegiance to the Queen. I did not, however, inform the citizenship officials that I failed to utter those words. In case my silence was or is interpreted as acquiescence, I hereby disavow any implication that I ever affirmed any allegiance to any monarch.

Sincerely,

Peter Rosenthal