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The Call of History Is to Renounce the Monarchy
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the Oath of Allegiance to Charles III



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The Call of History Is to Renounce the Monarchy

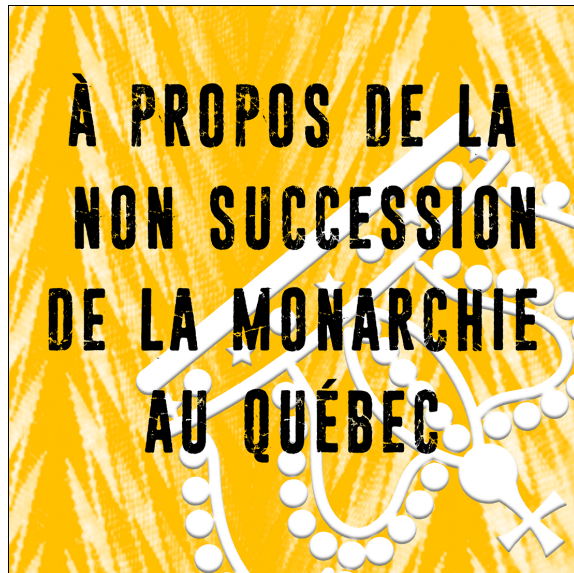
Developments on the Issue of Opposition to the Oath of Allegiance to Charles III

On October 13, the Secretary General of the Quebec National Assembly, Mr. Siegfried Peters, rendered his legal interpretation on the case put to him by the leader of the Parti Québécois (PQ) as concerns the oath of allegiance to King Charles III. Mr. Peters said the Assembly could block the entry of Parti Québécois (PQ) Members of the National Assembly (MNAs) who refuse to take the oath of allegiance to Charles III.

In his letter, Mr. Peters says that he does not have the authority to exempt an MNA from the obligation of swearing an oath to the British monarch, a requirement stipulated by the *British North America Act, 1867*, still in force today. He cites the entire clause which was imposed by the British Crown in 1867, *in English* because, 155 years later, the Constitution officially exists in English only. Mr. Peter also suggested that if a law were passed by the National Assembly which says the oath is not necessary, the verdict might differ. *(The text of the letter is reproduced below for the information of readers.)*

In response, the leader of the PQ wrote to each of the leaders of the parties with elected members in the National Assembly, proposing the adoption of a motion in the National Assembly stating that refusing to swear the oath to the King should not prevent a democratically elected member from sitting. *(The text of these letters is also reproduced below.)*

The newspaper *Le Devoir* reported that Paul St-Pierre Plamondon had a telephone conversation with Quebec Premier François Legault in which the Premier said he was open to introducing a bill but not to a motion at this time. According to *Le Devoir*, Québec solidaire has not yet made its intentions known with respect to the oath to the King of England. The article quotes a statement from Québec solidaire House Leader Alexandre Leduc that "We are continuing to discuss with the National Assembly to try to find a solution."



In addition, several campaigns have been launched in which Quebeckers are supporting the need to renounce the oath to King Charles III. One project is the *#monserment!* campaign, in which fifteen cultural personalities made a video which renounces the oath to the King by enunciating an oath which upholds the dignity of the Quebec people. They are calling on everyone to join in by recording their own oath to replace the one they reject. The video of this campaign is available below.

An open letter signed by well-known constitutionalists and prominent sovereigntists has also been published in newspapers and aired on TV.



Deputies to Quebec National Assembly to Take Oath of Allegiance This Week

– Pauline Easton –

The National Assembly of Quebec will begin its proceedings on November 15. Before then, the Members of the National Assembly (MNAs) for the Coalition Avenir Québec (CAQ) and the Quebec Liberal Party (QLP) will be required to swear allegiance to the king on Tuesday, October 18 and those of Québec solidaire on October 19. On Friday, October 21, the elected members of the Parti Québécois will refuse to swear allegiance to King Charles III. A rally has been called for 10:30 am on Friday in front of the National Assembly when they swear the oath to the people of Quebec.

The Marxist-Leninist Party of Quebec (PMLQ) reiterates its call to all the members elected in the October 3 general election to not swear allegiance to King Charles III. If the CAQ which claims to be nationalist, does nothing, it will not be able to hide behind the pretense that "this is not the right time."

François Legault, who professes to be a Quebec nationalist, declared on September 9 that refusing to take the oath "is not one of our priorities for the next mandate." At the same time, in the name of defending this nationalism, he says that one priority is to establish special rules for immigrants outside of federal government reach. According to his definition of nationalism, it is "timely" to make unacceptable and racist statements against immigrants, but not timely to be concerned about what the oath of loyalty to the King and his democracy entail.

The leader of the Liberal Party has a similar position. Dominique Anglade said of the oath that she was prepared to challenge the monarchy "at the appropriate time."

What time could be more appropriate? The Queen is dead and the call of history is to break with this archaic and extremely costly institution and the democracy and constitutional order it enforces. And besides, what are they afraid of? In 1982, when Canada's constitution was "patriated," did Quebec say that it was "not the right time" to refuse to sign the "patriated" constitution? Did it say, "We'll sign now because it's not the right time to challenge it and then we can withdraw our signature later, when it's the right time"?

No, Quebec did not sign the "patriated" constitution in 1982 despite the intrigues of the [Pierre] Trudeau Liberal government to force its hand. Despite this absence of the signature of one of the so-called "two founding nations," and Quebec's court challenge, the federal government did not even wait for the verdict of the court. It "patriated" the Constitution and continued to operate as if nothing had happened despite lacking the signature of the Quebec nation.

Since then, the federal government has done its best to have a "business as usual" *modus operandi* when it comes to the constitutional crisis. There is no reason to think that the government of Canada will not choose to do the same if some or all of the members of the Quebec National Assembly refuse to swear allegiance to Charles III. Either way, it's their problem, not the problem of the Quebec MNAs.

It is shameful that the federal government, which always claimed that Quebec was a "founding nation," declared business as usual after Quebec refused to sign the so-called 1982 constitution. The fact remains that the constitutional order contained in the "patriated" 1982 constitution continues to enforce the "King's democracy" by having his representatives in the Parliament, provincial legislatures and the National Assembly of Quebec swear to uphold it.

If Quebec MNAs refuse to swear allegiance to "King Charles III," will the federal elite decide that

it's "not a problem" since the "King's democracy" remains intact through the legislative process and constitutional order? Or they will scream bloody murder and fuel the fires of the constitutional crisis in the name of opposing Quebec extremism and other stereotypes which seek to disinform and divide the Canadian polity so that it does not pay attention to what Canada is up to at home and abroad?

To understand what is hidden behind these various schemes, it is instructive to read the information about the oath of allegiance on the House of Commons' Web page:

"...When a Member swears or solemnly affirms allegiance to the Queen as Sovereign of Canada, he or she is also swearing or solemnly affirming allegiance to the institutions the Queen represents, including the concept of democracy. Thus, a Member is making a pledge to conduct him- or herself in the best interests of the country."

It is, amongst other things, an egregious violation of the right to conscience which is demanded of Members of Parliament (MPs), members of the Legislative Assemblies (MLAs) and of the Quebec National Assembly (MNAs), members of the Privy Council and the like, but also hundreds of thousands of Canadians as well as Quebecers employed in various federal institutions and permanent residents granted citizenship.

In the current case of the death of the Queen and the opportunity this poses to renounce the monarchy, the Quebec people can affirm that in Quebec sovereignty is vested in the people, not in the British monarchy. Their right to be and represent themselves is the reference point and principle to be defended to open the path of society on the basis of a modern democracy. It is a rejection of the anachronism and the block posed by the constitutional order and democracy "of the King."



To take the constitution and the system of democracy imposed by the British empire, its constitutional order, its values and the democracy "of the King" as the reference point is to accept the confines imposed by those with positions of privilege and power who think they can continue to rule over the majority forever. They call this the stability afforded by the constitutional order.

We have long been told that the British Crown is only a symbol, but the rule of those with privilege and power over the people is not symbolic. It is not a matter of choice to reject this but a matter of heeding the call of history to move on. The essence of the democracy of the King and his constitutional order is the preservation of the rule of those with power and privilege over the people. The British Crown represents empire, conquest, the submission of subjects to the dictate of a sovereign who is the final word on the ecclesiastic and temporal power because he is the representative of God. This the people of Quebec, as a people, refuse to accept.

The Canadian constitution, the *British North America Act*, was imposed on Canadians and Quebecers in 1867 following the repression of the struggle of the Patriots in both Upper and Lower Canada. This constitutional order has always been corrupt and has always favoured a privileged strata and enabled them to rule over the people. This privileged strata has direct links to the crown through a myriad of state institutions and gives honours to those whose conduct preserves the values of empire. To join the club, many outrightly violate their conscience and are forced to cite high ideals as the pretext for doing so. The call of history is to renounce the monarchy, embark on a modern nation-building project and vest sovereignty in the people.



Sovereignty and the Oath of Allegiance to the Monarchy

– Louis Davignon –

Published below is the intervention by Louis Davignon on the subject of sovereignty and the oath of allegiance to the monarchy at the meeting organized by the PMLQ on October 16, to discuss the election results.

In his letter to the Secretary General of the Quebec National Assembly, Paul St-Pierre Plamondon states his "intention to swear allegiance only to the people of Quebec and not to the King of England." This intention of the leader of the Parti Québécois deserves to be encouraged and supported because the oath of allegiance to the British monarchy is not only an archaic, outdated and retrograde relic of another era, but it is also the concrete expression of the fact that the sovereignty of the Quebec nation, the First Nations and the Canadian people is denied by the *British North America Act (BNA Act)*. The *BNA Act* in fact asserts that sovereignty is held by the Crown, i.e. Charles III of England.



Following the patriation of the *BNA Act* in 1982, in practice, sovereign power, here understood as executive power, was transferred to the Prime Minister of Canada and the Premiers, according to them. But is this really the case? Are we not instead subject to a shared sovereignty between the British Crown and the Prime Minister and Premiers who also claim to receive a mandate from the people and not just from the Crown via the Governor General or the Lieutenant Governors in the provinces?

As an example, I would like to refer to an eloquent demonstration of the sharing of sovereignty: when the Conservative government of Brian Mulroney had to go to England in the 1980s to have the Queen quickly appoint new Conservative senators in order to obtain a Conservative majority in the Canadian Senate.

In the colonial history of Quebec and Canada, there was a time when the monarch (i.e. the sovereign) appointed what he or she called his or her representatives in Council. These representatives were not elected, but appointed, as the Senators in the Upper House in Ottawa still are today. Over time, and following various developments that would take too long to recount here, the Crown decided that these representatives in Council in the lower house would be elected by the population in an undemocratic electoral process that, apart from the extension of the right to vote, has not changed much over the years. Today, these representatives in the federal and provincial legislatures continue to be subjects of the British Crown and sworn to it.

But then questions arise. Are the elected representatives 'its [the Crown's] elected representatives in Council,' or are they representatives of the citizens who elected them? Shouldn't the mandate of representation given to them by the citizens be the only mandate recognized? If the Quebec National Assembly does not recognize this representative mandate on the grounds that an elected official refuses to take the oath of office to the Crown, then it recognizes that the Crown has

precedence over the National Assembly and the citizens. In this case, Premier Legault will have to explain the value of the mandate to govern Quebec that he claims to have received from the Quebec people. Will he claim to be accountable to the Crown or to the people of Quebec?



In a political system where the people are sovereign, they would at least have the last word on the choice and appointment of their representatives and the mandate given to them. Consequently, the loyalty of elected officials would be to the people and, simultaneously, to the voters of their constituency. These elected representatives would be accountable to the people and to their constituents and to no other authority.

Additional means can be envisaged and discussed for the people to assert their sovereignty and realize it in practice or enforce it. But refusing to pledge allegiance to a monarch, a foreign one at that, and agreeing to take an oath only to the people of Quebec is already an act of affirmation that sovereignty cannot reside elsewhere than in the people.

Paul St-Pierre Plamondon deserves our full support so that he can move from his "intention to swear only to the people of Quebec and not to the King of England" to the act of "swearing only to the people of Quebec and not to the King of England" so that he can move from words to deeds.



For Your information
Video — My Oath



Mon Serment

The Mon Serment (My Oath) campaign can be viewed at [#monserment!](#) and the [video here](#).



Siegfried Peters' Response to Paul St-Pierre Plamondon

Office of the Secretary General

October 13, 2022

Mr. Paul St-Pierre Plamondon
Member of Parliament for Camille-Laurin
paul.st-pierreplamondon@assnat.qc.ca

Dear Mr. Plamondon

I am writing in response to your correspondence of October 11, 2022, in which you request that the National Assembly recognize that the oath provided for in the *Act respecting the National Assembly* is sufficient to take our seat. You are therefore asking me to authorize you to perform your parliamentary duties without taking the oath referred to in Section 128 of the *Constitution Act, 1867* since, in your opinion, only the oath to the people of Québec would be required by the Standing Orders of the National Assembly.

First of all, I would remind you that the parliamentary law in force in Québec is governed by provisions that are found at several levels in the hierarchy of legal sources. So, although the Standing Orders of the National Assembly reinforce most of the rules of parliamentary procedure, some rules originate from other sources of law, and the Constitution ranks first among these.

Section 128 of the *Constitution Act, 1867* provides explicitly that Members of Parliament must take and subscribe the Oath of Allegiance before taking part in parliamentary proceedings:

128. Every Member of the Senate or House of Commons of Canada shall before taking his Seat therein take and subscribe before the Governor General or some Person authorized by him, and every Member of a Legislative Council or Legislative Assembly of any Province shall before taking his Seat therein take and subscribe before the Lieutenant Governor of the Province or some Person authorized by him, the Oath of Allegiance contained in the Fifth Schedule to this Act; and every Member of the Senate of Canada and every Member of the Legislative Council of Quebec shall also, before taking his Seat therein, take and subscribe before the Governor General, or some Person authorized by him, the Declaration of Qualification contained in the same Schedule; (emphasis added).

This obligation is distinct from the one provided for in Section 15 of the *Act Respecting the National Assembly*, which added the obligation to take an oath of loyalty to the people of Québec in order to be able to sit in the National Assembly. The *Act Respecting the National Assembly* does not, therefore, have the effect of exempting an elected official from the obligation to take the oath provided for in the *Constitution Act, 1867*.

Rather, the taking of the two oaths must be seen as prerequisites to the exercise of parliamentary functions. Thus, in Quebec, failure to take either of these oaths deprives a Member of the right to sit in the National Assembly and to take part in parliamentary deliberations. It has been the constant practice since the *Act Respecting the National Assembly* came into force for Members to take these two oaths before taking their seats.

The role of the Secretary General, as a person authorized by the Lieutenant-Governor, is to witness

the taking of the oaths and the signing of the register that serves as proof. In addition, I exercise my role with the utmost political neutrality in order to accompany both collectively and individually the Members of the Legislative Assembly in the performance of their important duties, without interfering in the debates on current issues. You will understand that, while I respect your reservations about the Oath of Allegiance, as Secretary General, I do not have the authority to exempt an elected official from a legislative or constitutional obligation. Nor can I, on my own authority, change anything in the Constitution.

The possibility of amending or abolishing the pledge of allegiance has already been raised in the National Assembly. To date, however, the National Assembly has not taken any action in this regard, and it is not for me to make a decision on this matter. Therefore, until the law changes, if it does, it is my duty to enforce the existing law.

I hope that these clarifications will enable you to properly assess the scope of a refusal to take one of the two oaths at the beginning of the 43rd legislature.

Yours sincerely

Siegfried Peters
Secretary General

(Transcribed from the copy of the original letter and translated from the original French by TML)



Letter from Paul St-Pierre Plamondon to François Legault

Montreal, October 17, 2022

Mr. François Legault
Premier of Quebec
premierministre@quebec.ca

Dear Premier,

I am seeking your collaboration in the matter of the oath to the King provided for in the *Canadian Constitution* of 1867.

As you know, I have notified the National Assembly of my intention not to swear allegiance to the King of England and to only swear the oath to the people of Quebec as provided for in Section 15 of the *Act respecting the National Assembly*.

Since I have made this intention known publicly, many voices have been raised from within civil society calling on all elected members to follow suit and put an end to this humiliating charade by themselves refusing to swear an oath to the King. Many legal and constitutional experts have also spoken out to say that they do not believe that the National Assembly has an obligation to penalize an elected member who refuses to take the oath to the King of England by preventing him or her from taking their seat. Last Thursday, unfortunately, I received a preliminary response from the Secretary General of the Assembly, which you will find attached. It is understood from this reply that the Secretary General does not consider himself authorized to change the practice of the two oaths in force, nor the interpretation of his predecessors indicating that the plurality of the oaths is a condition for taking one's seat in the Blue Room.

The Secretary General does however note that things could be different if "an act" of the National Assembly were to clarify things and specify the will of elected members on this subject. This would undoubtedly recognize the sovereignty of the National Assembly in this matter, as well as the possibility for the Assembly to formally confirm the interpretation adopted by several jurists to the effect that, if the elected representatives clearly expressed their will in this regard, the refusal to swear the oath to the King of England should not prevent an elected member from taking their seat.

I therefore formally request your collaboration in initiating, as Premier, a motion upon Parliament resuming, to the effect that failure to swear the oath to the King should not prevent a democratically elected member of the National Assembly from sitting. I also ask that each of the newly elected members of the Coalition Avenir Québec be given the free choice to lead by example and to hear the voices of many political analysts by themselves also refusing to swear allegiance to the King, so that our political will and solidarity in this matter is not left in doubt.

I also know that in your program, and this since 2015, the CAQ has committed to abolishing the British monarchy in Quebec. We are therefore in full agreement with regard to this trend. If the complete abolition of the monarchy in Quebec implies several complex steps, we have here before us an opportunity to make a simple and concrete gesture towards freeing ourselves of such archaic institutions and respect the freedom of conscience of each elected member. Moreover, the gesture required on your part involves a simple vote in favour of a motion that will take about fifteen minutes at most.

Having no doubt as to your willingness to collaborate on this issue and thanking you in advance for the follow-up you will be giving to this letter, please accept, Premier, the assurance of my highest regards,

Paul St-Pierre Plamondon
Member of the National Assembly for Camille-Laurin
Leader of the Parti Québécois

Attached file: Letter from the Secretary General dated October 13, 2022

cc:

Mr. Martin Koskinen
Chief of Staff
mkoskinen_mce@mce.gouv.qc.ca

Mr. Sébastien Lauzon
Political Advisor and Executive Assistant
sebastien.lauzon@mce.gouv.qc.ca

(Transcribed from the copy of the original letter and translated from the original french by TML)



Letter from Paul St-Pierre Plamondon to Dominique Anglade

Montreal, October 17, 2022

Ms. Dominique Anglade
Leader of the Official Opposition
dominique.anglade@assnat.qc.ca

Madam Leader of the Official Opposition,

I am seeking your collaboration in the matter of the oath to the King provided for in the *Canadian Constitution* of 1867.

As you know, I have notified the National Assembly of my intention not to swear allegiance to the King of England and to only swear the oath to the people of Quebec as provided for in Section 15 of the *Act Respecting the National Assembly*.

Since I have made this intention known publicly, many voices have been raised from within civil society calling on all elected members to follow suit and put an end to this humiliating charade by themselves refusing to swear an oath to the King. Many legal and constitutional experts have also spoken out to say that they do not believe that the National Assembly has an obligation to penalize an elected member who refuses to take the oath to the King of England by preventing him or her from taking their seat. Last Thursday, unfortunately, I received a preliminary response from the Secretary General of the Assembly, which you will find attached. It is understood from this reply that the Secretary General does not consider himself authorized to change the practice of the two oaths in force, nor the interpretation of his predecessors indicating that the plurality of the oaths is a condition for taking one's seat in the Blue Room.

The Secretary General does however note that things could be different if "an act" of the National Assembly were to clarify things and specify the will of elected members on this subject. This would undoubtedly recognize the sovereignty of the National Assembly in this matter, as well as the possibility for the Assembly to formally confirm the interpretation adopted by several jurists to the effect that, if the elected representatives clearly expressed their will in this regard, the refusal to swear the oath to the King of England should not prevent an elected member from taking their seat.

Therefore, I formally request your collaboration in agreeing, as Leader of the Official Opposition, to a motion upon Parliament resuming, to the effect that failure to swear the oath to the King should not prevent a democratically elected member of the National Assembly from sitting. I also ask that each of the newly elected members of the Quebec Liberal Party be given the free choice to lead by example and to hear the voices of many political analysts by themselves also refusing to swear allegiance to the King, so that our political will and solidarity in this matter is not left in doubt.

I know that your program does not contain anything specific on this issue, but I am aware of your sincere interest in Quebec democracy and the health of our institutions. Without a doubt, many of your elected members are not entirely comfortable with this exercise in genuflexion. If the complete abolition of the monarchy in Quebec implies several complex steps, before us is an opportunity to make a simple and concrete gesture to free ourselves of such archaic institutions and respect the freedom of conscience of each elected member. Moreover, the gesture required on your part involves a simple vote in favour of a motion that will take about fifteen minutes at most.

Having no doubt as to your willingness to collaborate on this issue and thanking you in advance for the follow-up you will be giving to this letter, please accept, Madam Leader of the Official Opposition, the assurance of my highest regards,

Paul St-Pierre Plamondon
Member of the National Assembly for Camille-Laurin
Leader of the Parti Québécois

Attached file: Letter from the Secretary General dated October 13, 2022

c.c.:

Ms. Valérie Rodrigue

Chief of Staff
valerie.rodrique@assnat.qc.ca

(Transcribed from the copy of the original letter and translated from the original French by TML)



Letter from Paul St-Pierre Plamondon to Gabriel Nadeau-Dubois

Montreal, October 17, 2022

Mr. Gabriel Nadeau-Dubois
Co-spokesperson of Québec solidaire
gabriel.nadeau-dubois@assnat.qc.ca

Co-spokesperson of Québec solidaire,

I am seeking your collaboration in the matter of the oath to the King provided for in the *Canadian Constitution* of 1867.

As you know, I have notified the National Assembly of my intention not to swear allegiance to the King of England and to only swear the oath to the people of Quebec as provided for in Section 15 of the *Act respecting the National Assembly*.

Since I have made this intention known publicly, many voices have been raised from within civil society calling on all elected members to follow suit and put an end to this humiliating charade by themselves refusing to swear an oath to the King. Many legal and constitutional experts have also spoken out to say that they do not believe that the National Assembly has an obligation to penalize an elected member who refuses to take the oath to the King of England by preventing him or her from taking their seat. Last Thursday, unfortunately, I received a preliminary response from the Secretary General of the Assembly, which you will find attached. It is understood from this reply that the Secretary General does not consider himself authorized to change the practice of the two oaths in force, nor the interpretation of his predecessors indicating that the plurality of the oaths is a condition for taking one's seat in the Blue Room.

The Secretary General does however note that things could be different if "an act" of the National Assembly were to clarify things and specify the will of elected members on this subject. This would undoubtedly recognize the sovereignty of the National Assembly in this matter, as well as the possibility for the Assembly to formally confirm the interpretation adopted by several jurists to the effect that, if the elected representatives clearly expressed their will in this regard, the refusal to swear the oath to the King of England should not prevent an elected member from taking their seat.

I therefore formally request your collaboration so that, as Co-spokesperson of Québec solidaire, you formally consent to a motion to the effect that failure to swear the oath to the King should not prevent a democratically elected member of the National Assembly from sitting. I also ask that each of the newly elected members of Québec solidaire be given the free choice to lead by example and to hear the voices of many political analysts by themselves also refusing to swear allegiance to the King, so that our political will and solidarity in this matter is not left in doubt.

I am aware of your commitment to the abolition of this oath to the king of England, in particular through the bill you introduced in 2019 and the numerous declarations of Sol Zanetti on this subject. We are definitely in the same boat on this issue and no doubt many of your elected officials

are not at all comfortable with this kneeling exercise. If the complete abolition of the monarchy in Quebec implies several complex steps, we have here before us an opportunity to make a simple and concrete gesture towards freeing ourselves of such archaic institutions and respecting the freedom of conscience of each elected member. Moreover, the gesture required on your part involves a simple vote in favour of a motion that will take about fifteen minutes at most.

Having no doubt as to your willingness to collaborate on this issue and thanking you in advance for the follow-up you will be giving to this letter, please accept, Mr. Co-spokesperson of Québec solidaire, the assurance of my highest regards,

Paul St-Pierre Plamondon
Member of the National Assembly for Camille-Laurin
Leader of the Parti Québécois

Attached file: Letter from the Secretary General dated October 13, 2022

cc: Mr. Renaud Poirier St-Pierre
Chief of Staff
renaud.poiriersaintpierre@assnat.qc.ca

(Transcribed from the copy of the original letter and translated from the original french by TML)



House of Commons Oath or Solemn Affirmation of Allegiance

The House of Commons webpage ourcommons.com has the following explanation of the Oath or Solemn Affirmation of Allegiance members of the federal parliament have to take if they are to be allowed to take their seats and vote.

Before taking their seats and voting in the House of Commons, duly elected Members must take an oath or make a solemn affirmation of allegiance or loyalty to the Sovereign and sign the Test Roll, a book whose pages are headed by the text of the oath or affirmation. When Members swear or solemnly affirm allegiance to the Sovereign, they are also swearing or solemnly affirming allegiance to the institutions the Sovereign represents, including the concept of democracy. Thus, Members are making a pledge to conduct themselves in the best interests of the country. The oath or solemn affirmation reminds Members of the serious obligations and responsibilities they are assuming.



The obligation requiring all Members of Parliament to take the oath is found in the *Constitution Act, 1867*: "Every Member of the ... House of Commons of Canada shall before taking his Seat therein take and subscribe before the Governor General or some Person authorized by him ... the Oath of Allegiance contained in the Fifth Schedule to this Act."

The current wording of the oath is as follows: "I, (Member's name), do swear, that I will be faithful and bear true Allegiance to His Majesty King Charles the Third." As an alternative to swearing the

oath, Members may make a solemn affirmation by simply stating: "I, (Member's name), do solemnly, sincerely, and truly declare and affirm that I will be faithful and bear true allegiance to His Majesty Charles the Third."

Historical Perspective

United Kingdom

During the Middle Ages, there was no legal requirement for the taking of oaths of allegiance in the English Parliament. The taking of an oath by a Member of Parliament as a legal prerequisite first arose as a result of the political and religious conflicts in England in the 16th century, in particular the breach with Rome and the struggle between Protestants and Catholics for power. The first oath was imposed upon Members in 1563 following the adoption of the *Act of Supremacy* during the reign of Queen Elizabeth I. The *Act of Supremacy* appointed the Sovereign the head of the Church: before taking their seat in the House of Commons, Members of Parliament were required to testify to their belief that the Sovereign was the only supreme governor of the realm in both ecclesiastical and temporal matters. Indeed, the oath of supremacy was primarily directed at preventing Roman Catholics from holding public office. To this was added, in 1678, a declaration against transubstantiation which, with the oath of supremacy, effectively barred Roman Catholics from Parliament.

In 1701, Jacobites, supporters of James II, attempted to restore Catholicism in England. In an effort to strengthen Protestantism, English authorities responded by devising three oaths of state designed to exclude Catholics and Jacobites from public office. In addition to taking the declaration against transubstantiation, Members had to swear an oath of allegiance to the King of England, an oath of supremacy, denouncing Catholicism and papal authority, and an oath of abjuration repudiating all rights of James II and his descendants to the English throne. The oath of abjuration also included the words "on the true faith of a Christian," which prevented Jews from taking the oath.

More than one hundred years later, the British Parliament passed the *Roman Catholic Relief Act* of 1829, which abolished the declaration against transubstantiation and provided a special form of oath acceptable to members of the Roman Catholic Church. In 1858, the oaths of supremacy, allegiance and abjuration were replaced by a single oath for Protestants, and later the same year the British Parliament passed another law allowing Jews to be admitted as Members of Parliament. In 1866, the British Parliament allowed Members to make a solemn affirmation in some circumstances. Finally, in 1888, it permitted those objecting to the taking of the oath for any reason to make a solemn affirmation.

Canada

The requirement that Members of the House of Commons take an oath of allegiance before assuming their seats in the Chamber stems from British practice; however, the oath taken in the Canadian colonies was a very different one from the anti-papal oath taken by Members in the British House of Commons.

In 1758, the first election for a popular assembly was held in Nova Scotia. It was decided to apply the penal and electoral laws then in force in Great Britain. Consequently, Catholics and Jews were not allowed to vote or seek election, and Members were required to swear the three oaths of state: the oath of allegiance to the King, the oath of supremacy denouncing Catholicism and papal authority, and the oath of abjuration repudiating all rights of James II and his descendants to the English Throne. The House of Assembly abolished religious discrimination in voter eligibility criteria in 1789, thus enabling Catholics and Jews to vote. Nonetheless, Catholics were not permitted to sit in the Assembly without first taking the declaration against transubstantiation; Jews were also barred from sitting in the Assembly because of the oath of abjuration. In 1823, the Nova

Scotia Assembly adopted a resolution which granted Catholics the right to take a seat in the Assembly without taking the declaration against transubstantiation. However, the state oaths still applied to non-Catholics. In 1846, the state oath was abolished in Nova Scotia.

In 1780, the Legislative Assembly of Prince Edward Island, the only other colony with representative government at that time, restricted the franchise to Protestants. It was not until 1830 that Catholics received the right to vote and seek office. In 1846, when the state oaths were replaced with a single oath of allegiance, Jews were allowed to seek office.

New Brunswick was established as a colony in 1784 and the first election was held in 1785. Although all white males over the age of 21 who agreed to take an oath of allegiance were allowed to vote in the first election, the votes of Catholics were disallowed the following year when the Assembly resolved that voting by Catholics was illegal and contrary to the laws in Great Britain. When the colony passed its first electoral laws in 1791, Catholics and Jews were denied the vote and thus the right to seek election to the Assembly, because voters had to agree to take the state oaths. In 1810, Catholics and Jews received the right to vote when the requirement to take the mandatory oaths before voting were replaced with a simple oath of allegiance. However, it was only in 1846 when the state oaths were abolished as a prerequisite for sitting in the Assembly that Jews could seek election.

In 1763 when the Province of Quebec was established, the Governor was instructed to summon an assembly as soon as conditions in the province permitted and the persons elected were required to take the oath of allegiance, the oath of supremacy and the declaration against transubstantiation. The province remained, however, without a representative assembly. Passed by the British Parliament, *The Quebec Act, 1774*, provided, among other matters, that Roman Catholics no longer had to take the oath of supremacy, and would substitute an oath of allegiance, should they wish to assume public office. The oath of abjuration still prevented Jews from assuming public office. *The Constitutional Act, 1791*, divided the original province of Quebec into two provinces: Lower Canada and Upper Canada. Each was provided with a Legislative Council and an elected Assembly; Members had to swear an oath of allegiance to the King before sitting in either the Legislative Council or Assembly. Jews were still effectively barred from taking a seat because of the requirement to swear an oath of allegiance on the New Testament. In 1832, Lower Canada passed a law which gave Jews the same rights and privileges as other citizens, the first jurisdiction in the British Empire to do so. When the United Province of Canada was established, the provisions of *The Constitutional Act, 1791*, regarding the oath of allegiance were carried over into *The Union Act, 1840*. At Confederation, the requirement for members of the Senate, House of Commons and provincial legislative assemblies to swear an oath of allegiance was included in *The Constitution Act, 1867*.

While provisions for a solemn affirmation existed in the Province of United Canada pursuant to *The Union Act, 1840*, and were later duplicated in section 5 of the *Oaths of Allegiance Act* passed in 1867, these provisions did not apply to members of the Senate and the House of Commons. Members of Parliament were not permitted to make a solemn affirmation until 1905, when the Governor General was "authorized to administer the oath of allegiance or affirmation to persons who shall hold places of trust in Canada in the form provided by an Act passed in the thirty-first and thirty-second years of the Reign of Queen Victoria entitled: '*An Act to amend the law in relation to Promissory Notes*'."

If a Member fails or refuses to swear the oath of allegiance or make a solemn affirmation, the Member may not be allowed to take his or her seat in the Chamber and may be deprived of his or her sessional allowance. Thus, it is the taking of the oath or affirmation which enables a Member to take his or her seat in the House and to vote.

Breach of the Oath of Allegiance

Breaking the oath of allegiance is a serious offence and any Member whose conduct has been determined by the House to have violated the oath could be liable to punishment by the House. Although there have been no cases of a Member having been found guilty of breaching the oath of allegiance, the Speaker was asked in 1990 to rule on the sincerity of a Member's solemn affirmation. Speaker Fraser ruled that the Chair was "not empowered to make a judgement on the circumstances or the sincerity with which a duly-elected Member takes the oath of allegiance. The significance of the oath to each Member is a matter of conscience and so it must remain." Since the Member stated very clearly in the House that he had "never mocked the Canadian Parliament nor the Queen," the Speaker concluded that, in keeping with convention that the House accepts as true the word of the Member, there was no breach of privilege. He did note, however, that "only the House can examine the conduct of its Members and only the House can take action if it decides action is required." No further action was taken.



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