

Canadian Citizenship Act

democracy in which it is the people who are really the sovereign, not a single person. At the same time, however, there is a very important question of symbolism involved. The question is whether the law is better symbolized by a person or by the law itself.

• (1730)

The answer to this question may be different in different circumstances. The hon. member for Edmonton West (Mr. Lambert) asserted that the present oath adequately takes care of this problem because it uses the phrase "according to law". I would remind the hon. member that the use of the phrase "according to the law" in the present oath does not, I believe, refer to obedience of the law by the people. It has limited application merely to the accession to the monarchy. I do not have before me the exact terminology, but I believe the wording is "true allegiance to Her Majesty, her heirs and successors, according to law". It is "heirs and successors, according to law" which are to be obeyed, and not the law itself. I would suggest that the phraseology of the present oath, therefore, does not do adequate justice to the symbolism of the law, which I would like to see included in our basic oath and in our basic constitutional documents.

This matter might not perhaps have seemed so important were it not for the fact that in recent months many people in Canada have clearly shown their misunderstanding of the question. An organization has circulated to many members of parliament a document dealing with continuance of the monarchy. In this it is exercising its democratic right and I support its right to do so. This organization, however, suggests that any member of parliament who would advocate abolition of the monarchy would be false to his oath of loyalty to the Queen.

Of course, we in this House realize that our basic allegiance is to the monarchy, according to law—and that if parliament should change the law, our allegiance to the monarchy would be changed. I am not here to advocate such a change, but I believe that in considering the form of the oath it is important to realize this fact, because the change, if it took place, would be the new law of Canada and part of our constitution. It is quite lawful for a member of parliament to advocate such a change, just as it would be to advocate any change which is not brought about by unlawful means.

This matter is also misunderstood by some of the leading press writers in the country. Thus we have a situation where an organization in our country attempting to influence members of parliament, and even part of the fourth estate, generally believes that if a member of parliament were to advocate abolition of the monarchy he would in some way be contravening his oath of allegiance. Consequently, we must reconsider the oath of allegiance and try to make it clearer.

I should like to add, along the same line, that we can hardly overstress today, even in the atmosphere that was present in the House earlier in the day, the necessity of obedience to the law and the great status which the law must have. The achievement of justice according to law is certainly not enough if one thinks only of law and not of justice. At the same time, we all realize, after many centuries of struggle, that justice cannot be achieved unless

[Mr. MacGuigan.]

there is adherence to an impartial law which is passed, we hope, by impartial men in parliament and administered by impartial men in the judiciary. It must be a question of the law and not of men. In today's climate, when so many people challenge the law, it is extremely important for us to make clear in all our basic documents that it is the law above all to which we in this country give allegiance. This is the reason I find myself very much in sympathy with the bill proposed by the hon. member for Notre-Dame-de-Grâce (Mr. Allmand).

Having said that, I would express two reservations. It seems to me somewhat ironic that the Canadian constitution to which the hon. member referred in his proposed oath of allegiance is still a document of the British Parliament and we do not have a Canadian constitution. We have something which we describe in that way, but we do not have a Canadian constitution that has been made fully our own.

I would be the last to suggest that the hon. member for Notre-Dame-de-Grâce does not realize this. He and I for some two years sat on the constitution committee. We travelled across the country and heard hundreds of witnesses on these questions. The hon. member is certainly as aware as I am of these questions. I merely point out that a situation wherein we do not have a Canadian constitution is one in which the use of that expression in an oath could lead to misunderstanding and to other problems.

In conclusion I would also suggest, with all due respect to the hon. member for Notre-Dame-de-Grâce and his very considerable ability with language, that perhaps a poet might do better with this wording. I do not see why the oath has to be always three or four lines in length. I do not see why in a moment of solemnity while taking an oath to be a member of parliament or to be a citizen, a person should not be happy to swear a longer oath than the one proposed here.

I would hope that if the bill should pass in its present form it would be possible subsequently to amend the formula which is proposed therein. I would suggest to the mover that it might be beneficial during the committee stage on this bill, if we should reach that stage, to call witnesses to give their views in respect of the best formula, from the point of view of adequately expressing not only the symbolism of the law but the devotion our people have to their country and to what we hope will be a new constitution.

Mr. E. B. Osler (Winnipeg South Centre): Mr. Speaker, I should like to speak for a long time on this subject but I have been warned that other members wish to contribute to the debate; therefore I shall limit my remarks. My colleague the hon. member for Notre-Dame-de-Grâce (Mr. Allmand) is a man whom I greatly admire. I admire him more almost every time he opens his mouth and I witness the effect of his good work. I cannot say strongly enough, however, that I disagree completely with his words this afternoon. I regret having to say that, but I must. It may be a question of difference in temperament, but I believe it is much more than that.

It seems to me that people have loyalty to people. They always have had loyalty to people and not to pieces of