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Should Canada have oaths of allegiance?

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ABSTRACT

The Canadian Department of Citizenship and Immigration has recently proposed to make in-person citizenship ceremonies optional. These ceremonies are oaths of allegiances: naturalizing citizens swear loyalty to King Charles and obedience to the laws of Canada. The Department of Citizenship and Immigration proposes to allow naturalizing citizens to take these oaths by checking a box online rather than by taking part in an in-person ceremony. In this commentary, I argue that Canada should go much further. It should stop forcing naturalizing immigrants to swear oaths of allegiance altogether. Such oaths create an unjust inequality between naturalized and natural-born citizens: they mean the former have much weightier political obligations than the latter.



RÉSUMÉ

Le Ministère canadien de la Citoyenneté et de l'Immigration a récemment proposé de rendre facultatives les cérémonies de citoyenneté en personne. Ces cérémonies sont des serments d'allégeance : les citoyens en voie de naturalisation jurent fidélité au roi Charles et obéissance aux lois du Canada. Le Ministère de la Citoyenneté et de l'Immigration propose de permettre aux citoyens en voie de naturalisation de prêter serment en cochant une case en ligne plutôt qu'en participant à une cérémonie en personne. Je soutiens que le Canada devrait aller beaucoup plus loin. Il devrait carrément cesser d'obliger les immigrés qui se naturalisent à prêter serment d'allégeance. Ces serments créent une inégalité injuste entre les citoyens naturalisés et les citoyens de naissance : ils impliquent que les premiers ont des obligations politiques plus lourdes que les seconds.

KEYWORDS

Oaths of allegiance;
immigration; naturalization;
egalitarianism

Historically, naturalizing immigrants in Canada have had to swear that they will “bear true allegiance to His Majesty” and will “faithfully observe the laws of Canada” at an in-person ceremony presided over by a citizenship judge. Recently, Canada’s Department of Citizenship and Immigration proposed to make this in-person ceremony optional: it proposed to allow naturalizing immigrants to just check a box online instead (Canada Gazette 2023). This proposal has, it’s fair to say, not met with universal acclaim. Adrienne Clarkson, an ex-

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Governor-General, said that it has “horrified” her (Clarkson, 2023). Sergio Marchi, a former Minister of Citizenship and Immigration, claimed it would “debase the value of citizenship” (Marchi, 2023). Yuan Yi Zhu, a Canadian political scientist, suggested that it would make citizenship a “commodity” (Zhu, 2023). Many commentators think that, when it comes to easing the torturous path to citizenship, making in-person oaths of allegiance optional is a step too far.

In this policy commentary, I will argue that the proposal does not go far enough.¹ The Canadian government should not require that naturalizing immigrants swear any oath of allegiance. It should not force new citizens to swear loyalty to King Charles or faithful obedience to the law. The crucial point on which my argument turns is that such oaths do not simply help make up, as Marchi describes it, “a moving ceremony” (Marchi, 2023). Oaths are not empty words, designed simply to welcome one into the community of Canadian citizenship. Oaths are promises. As such, oaths are morally transformative. When you swear an oath, you assume a moral obligation to do as you’ve sworn. This is how promises work in general. When you promise to pick a friend up from the airport, you assume a moral obligation to pick them up. When you promise to be faithful to your partner you strengthen your moral obligations to fidelity. Similarly, when Canada makes naturalizing immigrants swear to be loyal to the king and to obey the laws, it gives them a promissory obligation to be loyal to the king and obey the laws. Making the oath changes what they are obliged to do. Oaths have moral force.

The problem that this generates is an egalitarian one. Natural-born Canadians don’t swear an oath of allegiance to anyone. They don’t swear loyalty to King Charles or to observe the laws of Canada. Probably, this means natural-born Canadians have no duty of loyalty to the monarch at all. Plausibly, it also means they have weaker obligations to obey the laws than do naturalized citizens. Natural-born citizens may have some moral reason to obey Canadian laws: perhaps, for example, they should do so because of the democratic pedigree of those laws (Kolodny, 2014) or to do their fair share in sustaining the Canadian state (Wellman & Simmons, 2005). But naturalized citizens have these reasons to observe the laws too, and then a promissory obligation on top of them. That naturalized citizens have sworn an oath to observe the laws gives them an additional reason to do so. So demanding immigrants swear an oath of allegiance creates an inequality between naturalized citizens and natural-born citizens. It gives naturalized citizens weightier political obligations than natural-born citizens have.

Why is this inequality bad? For two reasons. The first is a relational concern. The relationship of citizenship should be an egalitarian relationship.² But a relationship is unequal when some in the relationship have greater obligations than others. Consider a marriage in which the wife promises to do all the housework, and the husband makes no compensating undertaking. This is not an egalitarian marriage; the obligations in it are lopsided. We should prefer a marriage in which domestic obligations were shared equally. Requiring naturalizing immigrants to swear an oath of allegiance creates an inequality of this kind. Obviously, it doesn’t create as severe an inequality as in the marriage just described, but it creates an inequality nonetheless. It means naturalized citizens are subject to especially weighty political obligations that born-citizens escape. Oaths of allegiance make the relationship of Canadian citizenship an inegalitarian relationship.

The second concern is a distributive concern. Justice requires an equal distribution of benefits and burdens at least among co-citizens.³ It would be unjust to impose higher

taxes on naturalized citizens than natural-born citizens, because doing so would be to unequally burden them. Yet having obligations is burdensome, and having more serious obligations is more burdensome. When you are obligated to do something, failing to do it makes you the fitting target of certain reactive attitudes. It would be fitting to blame you for not doing it and for you to feel guilt over doing it. And your life goes worse when you fail to live up to your moral obligations. So requiring naturalizing citizens to swear an oath of allegiance imposes an extra burden on them – a kind of normative burden. Oaths of allegiance thus lead to an unjust distribution of the burdens of Canadian citizenship. So, on both relational and distributive grounds, Canada should cease insisting that naturalizing immigrants swear an oath of allegiance.

How could one reply to this argument? An editorial in the *Toronto Sun* points out that “Canadian citizenship isn’t a right ... it’s a privilege” (*Toronto Sun*, 2023). One might, inspired by this point, think that Canada doesn’t owe immigrants citizenship, and so it can impose any conditions it wants on naturalization. But that is simply false. Imagine Canada only granted immigrants citizenship if they agreed to pay extra taxes, sit on the back of buses, or be tried in different courts. That would wrong them. This is exactly because citizenship should be an egalitarian relationship. When Canada demands that new citizens take on especially weighty obligations, via swearing an oath of allegiance, it similarly wrongs them. Canada may be permitted to not grant immigrants citizenship at all, but it is not permitted to grant them only second-class citizenship.

One might, though, deny, that swearing an oath of allegiance gives naturalized citizens any weightier obligations than natural-born citizens. Don’t natural-born citizens already have an obligation to obey the law? Doesn’t the oath just give naturalized citizens the same obligations as natural-born ones? To answer this, I simply spell out some points that I’ve already made. The key point is that whatever grounds natural-born citizens’ duty to obey the law also grounds that of naturalized citizens. Let’s see an example. Some people think that the fact laws are democratically made gives you an obligation to obey the law (Christiano, 2008; Kolodny, 2014). The idea is that disobeying democratically made laws puts you above your fellow citizens. Yet naturalized citizens have just as much reason not to put themselves above their fellow citizens as do natural-born citizens. So, if this grounds an obligation of natural-born citizens to obey the law, it will ground just as weighty an obligation for naturalized citizens. The same goes for other sources of such an obligation: reciprocity, fair play, gratitude and so on. So, these things ground moral reasons of the same weight for naturalized and natural-born citizens. Forcing naturalized citizens to swear an oath of allegiance gives them extra reasons to obey the law on top of this. That makes their political obligations weightier than they would be otherwise. So oaths of allegiance don’t just give naturalized citizens the same obligations as natural-born ones: it gives them more serious obligations.

The upshot of this argument is that the Canadian government shouldn’t only make in-person citizenship oaths optional: it should scrap them altogether. It should not make any kind of citizenship oath, in-person or online, a requirement for becoming a citizen. Now that doesn’t mean it should abolish every kind of ceremony around the assumption of citizenship. Ceremonies are often valuable, and there seems no objection to having a purely optional ceremony that welcomes new citizens into the community of Canadian citizenship. This could even be the powerful and moving experience that Marchi extolls (Marchi, 2023). What is critical is that such a ceremony does not involve an oath; it does not involve

immigrants assuming obligations in excess of those that natural-born citizens are subject to. Merely welcoming new Canadians is permissible, perhaps even laudable. But oaths of allegiance are not mere welcomings, and so oaths of allegiance are neither laudable nor permissible.

Let's return to the concrete proposal put forward by the Department of Citizenship and Immigration. I've argued that, contrary to most commentary, this proposal does not go far enough. But is it a step in the right direction? It is, for two reasons. First, when you are imposing an injustice on someone, you have weighty reason to minimize the burdensomeness of that injustice. If you mug someone and take their wallet, you should at least give them back their driving license. I've just argued that forcing naturalizing immigrants to take an oath of allegiance imposes an injustice on them. So Canada should at least minimize the burdensomeness of this injustice. It is more burdensome to have to take such an oath in an in-person ceremony than to check a box online, so only requiring the latter helps minimize the burden of an injustice.

Second, it's plausible that checking a box online imposes a less weighty obligation than does the in-person oath of allegiance. To see this, we have to say what determines the weight of a promise, or equivalently how serious a moral obligation each promise grounds. Plausibly, how weighty a promise is depends on how weighty the parties to the promise understand it to be. If both promisor and promisee take it a promise to be relatively weighty, it is relatively weighty; if not, it is not.⁴ Also plausibly, people understand checking a box online to generate a less weighty promise than does a solemn in-person ceremony. Both the naturalizing immigrant, and the state itself (or its officials), will view the online option as generating a less weighty promise than an in-person ceremony. This is an empirical conjecture, of course, but it seems a reasonable one. If so, then the online option reduces the extent to which mandatory oath of allegiances create inequality. So the proposal is a step in the right direction. It doesn't make oaths of allegiance entirely anodyne, but it does alleviate the injustice they create.

In sum, then, the proposal by the Department of Citizenship and Immigration should be supported. We should hope that it is a good first step to the noble goal of abolishing oaths of allegiance altogether.

Notes

1. For a lengthier version of this argument, see (Lovett & Sharp, 2022).
2. For this kind of view, see (Anderson, 1999; Scheffler, 2003).
3. For this view, see (Dworkin, 1981; Cohen, 1989).
4. For this view, see (Lovett & Sharp, 2022, p. 343).

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Adam Lovett is a postdoctoral fellow at the London School of Economics (LSE). His work is about how real-world democracies fall short democratic ideals, and why those shortfalls matter.

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