

VIEWPOINTS OPINION

Cory Morgan: Self-Defence Isn't Vigilantism—It's an Integral Right of Canadians



Eddie Maurice, accompanied by his wife, Jessica, waves to supporters outside the court in Okotoks, Alta., on March 9, 2018. All charges were dropped against Maurice, who wounded a trespasser on his rural property with a ricochet from a warning shot. The Canadian Press/Jeff McIntosh

**Cory Morgan**

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Commentary

When it comes to the right to defend oneself and one's property in Canada, the nation doesn't need to change the laws. It must change its attitude.

[Sections 34](#) and [35](#) of the Criminal Code make it clear that citizens may use force to defend themselves and their property. While many Canadians have

been criminally charged for defending themselves with force, convictions are rare. The process is the punishment, however, as a person's life can be put on hold while they navigate the legal system to exonerate themselves.

People are incensed over the case of [Jeremy David McDonald](#) of Lindsay, Ont., who has been charged with aggravated assault and assault with a weapon after a confrontation with a home invader in his apartment. The alleged invader is a man named Michael Kyle Breen, who was already wanted on prior charges and has now been charged with weapon possession, breaking and entering, and theft. There may be other factors in the incident which will come to light in the courts, but on the surface, it appears absurd that a person would be charged for defending himself when confronted by an armed person with ill intent inside their home.

Premiers tend to stay out of active criminal cases in the court, but both Ontario Premier Doug Ford and Alberta Premier Danielle Smith felt compelled to speak on this one.

[Ford said](#), “You should use all resources you possibly can to protect your family, and maybe these criminals will think twice before breaking into someone's home.”

[Smith said](#), “Well, if you don't want to get shot or beaten up, don't break into people's houses. It's pretty straightforward.”

Both politicians understand where public sentiment lands on such issues. Unfortunately, attitudes of police and prosecutorial services aren't reflecting those of the public, as the tendency to criminally charge people who have defended themselves is all too common.

In a trial by jury, a person chooses to be judged by peers rather than appointed justices. In even the most extreme of cases, jurors tend to favour the rights of a person defending themselves rather than those of an aggressor who has been harmed or even killed.

In 2016, five young people from the Red Pheasant Cree Nation in Saskatchewan went on an impaired rampage where they entered a rural property to break into a truck and then made the ill-fated decision to [drive onto Gerald Stanley's property](#) to try and steal a UTV. The altercation ended tragically as 22-year-old Colten Boushie was fatally shot. The trial was

heated due to the young age of the deceased and claims that the shooting was racially motivated. Ultimately, however, a jury found that Stanley was justified in trying to defend his family and property, and he was acquitted.

Just weeks after the Stanley acquittal, 33-year-old **Eduard Maurice was criminally charged** after a late-night home intruder was shot in the arm in an altercation in Alberta. Both intruders had long criminal histories, while Maurice was a small man who stood between the intruders and his toddler, who was in the home. Perhaps Crown prosecutors were still smarting from having lost the Stanley case, and it inspired them to try to charge Maurice. In the months following the charges, large protests in support of Maurice were held outside the courthouse at every hearing. The prosecution kept deferring the hearings before they finally admitted they felt they couldn't get a conviction and dropped the charges.

Maurice and Stanley didn't just stand their ground against intruders; they stood their ground against police and prosecutorial services that don't properly respect the right to self-defence. Canadian law supports the right of self-defence even if practitioners within it don't.

The law demands reasonability when defending one's person or property. Reasonability is a subjective term, but determining it in most cases shouldn't be difficult for law enforcement officials. A person can't shoot a fleeing intruder in the back, but they shouldn't be expected to passively stand by while their possessions are stolen or their safety is put at risk by a criminal. It should only rarely need to go to court to determine if it had acted within reason, and the benefit of the doubt must always land on the defender's side.

Canadian law supports citizens in defending themselves. Police and prosecutors should be instructed to respect that right rather than trying to zealously protect a presumed monopoly on law enforcement. As the opioid addiction epidemic continues to rage, cases of home invasions are becoming more common as desperate addicts try to feed their habit. Police forces can't reasonably respond fast enough to protect citizens, and citizens shouldn't be discouraged from defending themselves.

Self-defence isn't vigilantism. It is an integral right for citizens, and Canada's justice system must quit pretending otherwise.

Views expressed in this article are opinions of the author and do not necessarily reflect the views of The Epoch Times.

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