Brief to The Standing Committee on Justice and Human Rights.

November 7, 2020

from Gordon Friesen, concerned disabled individual

Bill C-7 : an extraordinary "privilege" almost unanimously rejected by the intended clientele : to be withdrawn and replaced with a definite limit on euthanasia expansion, enforced through inclusion of the "notwithstanding" provision

Bill C-7 (soon in final reading) is designed to make euthanasia available to chronically ill and disabled individuals who are not currently at objective risk of natural death.

Surprisingly, however, this exact group, is almost unanimously opposed to the passage of C-7, considering it to be a mortal threat to their physical security.

Seventy-two (72) different organizations from the disabled community supported a statement from the Vulnerable Persons Standard, (October 4, 2019) demanding an appeal of the Truchon-Gladu decision which is at the base of Bill C-7 :

"It (Truchon-Gladu) fails to respect Parliament's authority to balance the interests of individuals with the interests of society..."

Most recently (October 5, 2020), a statement from the Council of Canadians with Disabilities concludes :

"Canada should show its resolve to be a kinder and gentler nation. We do this ... not by expediting peoples' death"

How is this possible ? How can legislators confer an exceptional "privilege" upon a designated minority, when the members of that minority *are united in begging them to do no such thing ?*

To understand these extraordinary facts, let us retrace our steps.

Euthanasia was legalized in Canada (2016), even though all knew this would create real danger for larger society.

A categorical ban on homicide (even where the victim has agreed), protects everyone from exterior pressure to (voluntarily) die. Yes, it has been stated that no one need fear unless they wish to die. But I (and surely numerous readers) have been talked into doing many things which I did not wish to do. The relation of dependence, the perceived burden, the difficulty of circumstances, the authority of caregivers, and the possible motivations of greedy heirs, all combine to make people extremely receptive to such lethal pressure. Nevertheless, the total prohibition of homicide previously protected us from manipulation towards untimely death.

Again, all of this was perfectly understood. But legalization was achieved, anyways, because our courts ultimately decreed that desires of the individual could not be over-ruled by appeals to the interest of society at large. This was, without qualification, the judgement of the court : that the atypical desires, of the few, must be accommodated by the many... even at the price of real risk incurred to themselves.

Simultaneously, it was agreed that limits should be set to this practice ; as the original Carter judgement affirmed (1915) : that carefully crafted “safeguards” were required.

Chief among those defensive measures (absolutely central to the assent of parliament) was the requirement that natural death be “reasonably foreseeable”. Intuitively, this seemed satisfactory, for, “What is the worst that can happen if these people are dying anyways ?”

Unfortunately, however, once we justify damage to the majority by an appeal to minority rights, there is no logical place to stop. Specifically : if we cannot ask a dying man to live a short time, how can we ask a non-terminal patient to live much longer ? Clearly we can not (if non-discrimination is to be our guide). And indeed, the same defect is found in the requirement that the person even have some sort of

“medical condition”. For if those suffering are allowed to die, how might we discriminate in favor of those, only, who are suffering for “medical” reasons ?

Consider this open letter to Parliament from 146 lawyers and law students opposed to Bill C-7 :

“Bill C-7 does not just expand MAiD; it fundamentally redefines it. No longer limited to hastening death, Bill C-7 embraces MAiD as a means of terminating an otherwise viable life – *but only the life of someone with an illness or disability*.

Bill C-7 (therefore) undermines our constitutional commitment to the equal and inherent value of all lives”

Indeed, once a categorical prohibition has been breached : no fair limit can be set on exploitation of that breach, regardless of the social harm caused. Any such limit must be arbitrary in nature, and expressed according to the following formula : “is a criminal offence... *Notwithstanding* ...”.

Or in common parlance : We simply will not allow such foolishness.

In the end, therefore, the only remaining question is exactly where we intend to lay down this unconditional arbitrary line.

And in the present case, the united opposition, observed among the intended “beneficiaries” of C-7 (motivated as this is by an objectively justified mortal fear), should convince us that the appropriate time and place is right here, and right now.

In short : Bill C-7 should be withdrawn and replaced with a definite limit on euthanasia expansion, enforced through inclusion of the “notwithstanding” provision