



## Jehovah's Witness cannot appeal expulsion to a judge, Supreme Court rules

Several religious organizations took an active interest in the case

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The Supreme Court of Canada heard an appeal of a decision from the Court of Appeal of Alberta concerning who has jurisdiction to hear a case involving Jehovah's Witness congregation shunning. (Chris Wattie/Canadian Press)

A Jehovah's Witness who was expelled from a Calgary congregation cannot take his case to a judge, the Supreme Court of Canada has ruled.

In a 9-0 decision Thursday, the high court said the Alberta Court of Queen's Bench has no jurisdiction to review the congregation's decision to shun Randy Wall over alleged drunkenness and verbal abuse.

"In the end, religious groups are free to determine their own membership and rules," Justice Malcolm Rowe wrote in the decision, adding that courts will not intervene in such matters unless it is necessary to resolve an underlying legal dispute.

[Several religious organizations took an active interest](#) in the case, given questions about the degree to which the courts can scrutinize decisions by faith-based bodies.

Wall, an independent realtor, was summoned in 2014 to appear before the judicial committee of the Highwood Congregation of Jehovah's Witnesses, a four-person panel of elders.

He admitted to two episodes of drunkenness and, on one of those occasions, verbally abusing his wife — wrongdoing he attributed to family stress over the earlier expulsion of his 15-year old daughter from the congregation.

## **Not sufficiently repentant**

The judicial committee told Wall, a congregation member since 1980, that he, too, would be expelled because he was not sufficiently repentant.

Members who are "disfellowshipped" may still attend congregational meetings, but they are permitted to speak only to immediate family members about non-spiritual matters.

An appeal committee upheld the decision, prompting Wall to pursue the matter in provincial court. He alleged the congregational judicial committee did not give him proper notice, an adequate opportunity to be heard or reasons for its decision.

The congregation argued that Wall's application for review should be tossed out because a secular court had no jurisdiction to review a religious tribunal's decision.

In a submission to the Court of Queen's Bench, Wall said that his real estate clients — about half of whom belonged to Jehovah's Witness congregations — refused to conduct business with him any longer.

A judge concluded the court had jurisdiction to hear the case on the grounds that being shunned had an economic impact on Wall.

The provincial Court of Appeal upheld the decision, and the congregation then took its arguments to the Supreme Court.

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