



Case in Brief: *Highwood Congregation of Jehovah's Witnesses (Judicial Committee) v. Wall*

2018 SCC 26 | Judgment of May 31, 2018 | On appeal from the Court of Appeal of Alberta

Religious groups don't need to have the same fair procedures as public bodies, the Supreme Court has ruled. Also, courts can't interfere with their decisions on purely religious questions.

The Highwood Congregation of Jehovah's Witnesses is a religious group with about a hundred members in Calgary. To become a member, a person must be baptized and show that s/he understands the religious teachings and lives according to the community's rules. Anyone who doesn't follow the rules will be urged to repent (apologize). If the behaviour continues, a committee of at least three elders can decide to expel or "disfellowship" the member. The Congregation calls this committee a "Judicial Committee."

Randy Wall became a member in 1980. In 2014, the Judicial Committee disfellowshipped him for sinning and not fully repenting. The decision was confirmed by an appeal committee and by the Watch Tower Bible and Tract Society of Canada, the head office of Jehovah's Witnesses in this country.

Mr. Wall asked the Alberta Court of Queen's Bench to review the decision. "Judicial review" is when courts look at tribunals' decisions to make sure they are proper. Courts can only judicially review the decisions of public bodies (set up by the government and acting on its behalf), not private ones. When making decisions, public tribunals must treat everyone fairly and make decisions without bias. This is what is meant by "procedural fairness."

Mr. Wall argued that the Judicial Committee acted unfairly. He said that the decision caused him to lose money because Jehovah's Witness clients avoided his real estate business. The lower courts first had to decide whether they had any power (or legal authority) to review the Judicial Committee's disfellowship decision. They decided they did, even though the Judicial Committee was not a public decision-maker. They decided this due to the financial impact on Mr. Wall and because the procedure may not have been fair.

Writing for a unanimous Supreme Court, Justice Malcolm Rowe said this was wrong. The courts did not have the power to review the disfellowship decision of a private, religious organization. Mr. Wall didn't have a right to the Congregation members' business. He also didn't have a right to membership in the Congregation that courts could enforce, like a contract. Justice Rowe confirmed that courts can only review the decisions of public decision-makers and that private decision-makers don't have to follow fair procedures unless an enforceable legal right is at stake. He also confirmed that disagreements about religious principles are "non-justiciable"—that is, not appropriate for courts of law to get involved in.

This decision confirmed that religious groups can decide their own membership and rules. Courts cannot interfere with their decisions, except when needed to resolve an underlying, "justiciable" legal dispute.

For more information (case no. 37273):

- [Reasons for judgment](#)
- [Case information](#)
- [Webcast of hearing](#)

Breakdown of the decision:

- Unanimous: [Rowe J.](#) ([McLachlin C.J.](#) and [Abella](#), [Moldaver](#), [Karakatsanis](#), [Wagner](#), [Gascon](#), [Côté](#) and [Brown JJ.](#) concurring)

Lower court rulings:

- Court of Appeal of Alberta ([appeal judgment](#))
- Alberta Court of Queen's Bench (decision on jurisdiction, not available online)

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