

Top court rules faith communities not subject to review on non-legal matters

The Supreme Court of Canada has reaffirmed that secular courts should not be making theological decisions.

In a May 21 ruling, the court ruled unanimously in *Ethiopian Orthodox Tewahedo Church of Canada v Aga* that membership in a voluntary religious community is not a matter to be adjudicated by a secular court.

Canada's Ethiopian Orthodox Archbishop Abune Dimetros has been in a legal battle with five members of the cathedral parish of St. Mary's in Toronto ever since the archbishop expelled the parishioners for repeatedly accusing him of tolerating heresy. Dimetros offended the five parishioners by not imposing stricter penalties on a liturgical movement.

The five expelled parishioners had formed a commission of inquiry into the liturgical movement, deemed it heretical and recommended its adherents be purged.

When Dimetros opted for a more pastoral approach, the former commission members persisted in their complaint and the archbishop expelled them from the cathedral parish but allowed them to continue to worship at other parishes.

The first court to hear the complaint against Dimetros dismissed it as outside the court's jurisdiction. But an Ontario Court of Appeal ruling quashed that.

A number of Christian entities came to the church's defence, including the Catholic Civil Rights League and the Christian Legal Fellowship.

The rights league takes no position on orthodox or unorthodox liturgy in the Geez Rite of the Orthodox Tewahedo Church, but was keen to protect the right of faith communities to manage their own affairs without the interference of civil courts, said veteran CCRL lawyer Phil Horgan.

"The Supreme Court's decision clarifies that religious organizations, and similar non-profit or charitable groups, will not be subject to court review, unless underlying legal or contractual rights are involved," Horgan said in a statement.

The ruling reinforced a 2018 decision that found church membership decisions could only be reviewed by secular courts when an underlying legal right is involved.