



## Legal Affairs Update

June 2021

I am sure that you, like me, are weary of the COVID-19 restrictions – it has been a long 15 months! Although we eagerly look forward to getting back to some semblance of normal, there are still many uncertainties ahead, and it is natural to feel concern for the future. But we hold onto hope nevertheless!

Hope is what keeps the Legal Affairs team going as we take on one serious issue after another. We don't always see the results we desire, but we sojourn on because it is the right thing to do – and yes, we hope that it will make a difference!

It is gratifying to share a hopeful message with you in this report as we had a significant win at the Supreme Court of Canada (SCC). After providing financial and legal support to the Ethiopian church in the *Aga* case, CCCC was pleased with the Court's decision in May. This case involved the dismissal of church members who then went to court against the church. Keep in mind that back in 2018 the SCC ruled, in the *Wall* case, that courts have no business reviewing church decisions on membership. However, in the *Aga* case the Ontario Court of Appeal did not follow the SCC's recent ruling. The Court of Appeal said courts *do* have jurisdiction because a "contract" exists between the church and its members.

In response, the SCC unanimously held that church membership is not, in and of itself, a matter of contract; thus, there was no legal issue for the court to review in the case. The SCC upheld its previous *Wall* decision. It affirmed the right of religious organizations to determine their own membership in accordance with their beliefs.

We are encouraged by this outcome. At the same time, we recognize that churches and Christian charities are facing many challenges, and not every case will end favourably. We called to persevere in truth and love, trusting that the Lord is able to bring good from every situation (Rom. 8:28).

Another positive story we want to share is the publication of *The Inherence of Human Dignity*, edited by Barry W. Bussey and Angus J. L. Menuge. Featuring contributions from scholars around the world, the two volume set speaks to the philosophical and practical dimensions of human dignity, past and present. My chapter in Vol. 2, *Law and Religious Liberty*, argues for the recognition of community as part of human dignity. While we hear much about individual freedom, which is a good thing, there is less attention given to community. Religious people need religious communities; I argue that belonging to a community forms a vital part of who we are. The practical implication of my argument is that we cannot allow individuals to destroy religious communal entities based on individual freedom.

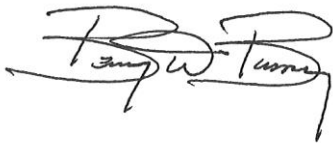
If you want to dig deep into human dignity you may order your copy through the Anthem Press website or Amazon!

Other recent publications include law review articles and editorials (see the “Research and Publications” page on our website for more details). Through these pieces, CCCC engages with other academics and professionals on important social and legal issues related to religious freedom.

As part of our mandate to ensure a favourable regulatory environment for Christian charities, the Legal Affairs team also engages regularly with government leaders. Recently, CCCC has made submissions and participated with several coalitions on a range of topics, from supporting the Canada Cares 1:1 donation matching proposal, to communicating with provincial health ministers across the country to highlight the important role of churches and charities during the pandemic. CCCC has also made submissions on Bill C-6 regarding conversion therapy, and responded to concerns over the 2021 Canada Summer Jobs applications.

We have limited space to explain all that we are doing to help maintain your freedom to operate – please feel free to reach out if you would like to learn more! Just as we seek to support you in your ministry, we know we cannot continue without your support. Thank you again for your prayers and financial gifts, which allow our work to continue!

Gratefully,

A handwritten signature in black ink, appearing to read "Barry W. Bussey". The signature is stylized with a large, sweeping initial "B" and "W".

Barry W. Bussey  
Director of Legal Affairs