PARTS I & II– OVERVIEW AND POSITION

1. ARPA Canada takes no position on the propriety of the doctrines or the fairness of the practices of the Appellants as they relate to discipline or disfellowshipping.

2. With the *Belgic Confession*, Article 29, ARPA Canada affirms: "The true church is to be recognized by the following marks: it practices the pure preaching of the gospel. It maintains the pure administration of the sacraments as Christ instituted them. It exercises church discipline for correcting and punishing sins. In short, it governs itself according to the pure Word of God, rejecting all things contrary to it and regarding Jesus Christ as the only Head."[1] Jesus Christ has given the "keys of the kingdom" to his church; according to the *Heidelberg Catechism*, the "keys of the kingdom" are "the preaching of the holy gospel and church discipline". And, "By these two the kingdom of heaven is opened to believers and closed to unbelievers."[2]

3. Churches and their leaders are accountable to God for how they exercise (or fail to exercise) church discipline (1 Timothy 5:20-21). The procedural and substantive requirements of church discipline are dictated by Scripture (Matthew 18:15-20; 1 Corinthians 5; 2 Corinthians 2:6-11; 2 Thessalonians 3:14-15). And the Holy Spirit enables true church leaders to understand and to carry out their calling, including with respect to exercising discipline (John 20:21-23).[3]

4. A church membership or discipline decision is not subject to judicial review. Fundamental principles of Canadian government long preceding but affirmed by the *Canadian Bill of Rights* and the *Canadian Charter of Rights and Freedoms*, namely the supremacy of God and the rule of law, should be understood as limiting the judiciary's jurisdiction in such matters. The former principle signifies that the state is neither the highest authority nor the ultimate source of rights and freedoms. The latter means the state, including the judiciary, must have intelligible sources for and limits on its authority. The rule of law and church autonomy are not opposed here, as the Respondent argues,[4] but in agreement.

5. When it comes to church membership decisions, the jurisprudence favours judicial restraint, reflecting respect for ecclesiastical authority. Church membership is not merely

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[1] *Belgic Confession* (1561), Appendix A.
[2] *Heidelberg Catechism* (1563), Appendix A, Lord's Day 31, Question and Answer 83.
[3] See Appendix B for all Bible references in the English Standard Version.
[4] Respondent's factum at paras 75, 77.

contractual, such that the (former) status of membership alone can form the basis for judicial review. The party applying for judicial review must have a recognized legal right at stake. The Respondent points to "economic interests", "livelihood", and "psychological welfare",[5] but not to any recognized property or civil right. Breach of natural justice is not a cause of action.[6] The Respondent has not proposed an intelligible standard to govern judicial intervention in church discipline decisions where no civil right is at stake.

PART III – STATEMENT OF ARGUMENT

A. The "supremacy of God" signifies that state authority is limited

6. The historian Rémi Brague explains that while the early church had "little need to assert its difference from a civil power that persecuted it", risk of confusion arose with Constantine and the collaboration of Christianity and the Roman Empire.[7] Early in this collaborative period, "Something like a transparent membrane was formed to render the church distinct from the civil power and prevent the one from absorbing the other."[8] Brague continues: "This first occurred on the juridical level. The privileges accorded to the bishops and the emergence of a canon law prepared the constitution of the church as a society endowed with its own rules; in particular, the church became capable of controlling its conditions of access…"[9]

7. By the Middle Ages, the Roman Catholic Church claimed jurisdiction not only over ecclesiastical matters, but over marriage, family relations, wills, and various moral offences.[10] Ecclesiastical and civil jurisdiction overlapped. Cases could be transferred from a civil court to a

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[5] Respondent's factum at paras 39, 43, and 85.
[6] *Worth v Stettler Congregation of Jehovah's Witnesses*, 2001 ABQB 626, at para 20.
[7] Rémi Brague, *The Law of God: The Philosophical History of an Idea* (Chicago: The University of Chicago Press, 2007), at 129 [**Brague**] **(**ARPA's Book of Authorities ("ARPA BoA"), Tab 5).
[8] *Ibid*.
[9] *Ibid*. See also Harold Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Harvard University Press, 1983), at 10, "Perhaps the most distinctive characteristic of the Western Legal tradition is the coexistence and competition within the same community of diverse jurisdictions and diverse legal systems. […] Legal pluralism originated in the differentiation of the ecclesiastical polity from secular polities." [**Berman**] (ARPA BoA, Tab 2)**.**
[10] John Witte Jr., *Law and Protestantism* (Cambridge University Press, 2002), at 35-37 [**Witte 2002**] (ARPA BoA, Tab 12).

Church court if the civil procedures were adjudged unfair or unfit.[11] However, even in the Middle Ages, though borders between Church and civil jurisdiction were blurred, Brague writes, "everyone was persuaded that they exist."[12] As the medieval jurist Accursius famously declared, "Neither the pope in secular matters nor the emperor in spiritual matters has any authority."[13]

8. In the Reformation, the Church's authority was challenged. Luther urged that all legal authority be removed from clergy and consigned to the civil magistrates.[14] The Reformers would not have the church bear the sword.[15] But Calvin and later Reformers were more concerned with ecclesiology and defended the liberty and autonomy of the new Protestant churches.[16] Calvin defended the Genevan church's spiritual authority to refuse communion against a challenge by the City Council.[17] Calvin maintained that "[excommunication] requires neither violence nor physical force, but is contented with the might of the word of God."[18]

9. Early modern thinkers such as Hobbes and Rousseau "tried in different ways to subordinate religious claims to the sovereignty of politics."[19] William Galston describes this tradition as an effort to return to the "civic totalism" of ancient Greece and Rome, in which "intermediate associations existed only as revocable 'concessions' of power from the sovereign

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[11] *Ibid*, at 36.
[12] Brague, *supra* note 7, at 144 (ARPA BoA, Tab 5).
[13] *Ibid*, at 142.
[14] Witte 2002, *supra* note 10, at 58 (ARPA BoA, Tab 12).
[15] See e.g. John Calvin (trans. Ford Lewis Battles): "For the church has not the right of the sword to punish or restrain, has no power to coerce, no prison or other punishments which the magistrate is wont to inflict." In *The Institutes of the Christian Religion vol 4* (Philadelphia, Westminster Press), at 4.11.3 [**Calvin**] (ARPA BoA, Tab 6).

[16] John Witte Jr., *The Reformation of Rights: Law, Religion, and Human Rights in Early Modern Calvinism* (Cambridge University Press, 2007), at 70-73 (ARPA BoA, Tab 14). M.H. Ogilvie, *Religious Institutions and the Law in Canada*, 4th ed. (Toronto: Irwin Law, 2017), at 19 [**Ogilvie 2017**] (ARPA BoA, Tab 10).
[17] Jules Bonnet, *Letters of John Calvin* (Philadelphia: Presbyterian Board of Publication, 1858) at 424 (ARPA BoA, Tab 4). For context see Bernard Cottret (trans. M.W. Macdonalds), *Calvin: A Biography* (Grand Rapids: Wm. B. Eerdmans Publishing, 2000) at 195-197 (ARPA BoA, Tab 7).
[18] Calvin, *supra* note 15, at 4.11.5 (ARPA BoA, Tab 6).
[19] William Galston, "Religion and the Limits of Liberal Democracy" in Douglas Farrow, ed, *Recognizing Religion in a Secular Society* (Quebec City: McGill-Queen's University Press, 2004) 12, at 44 [**Galston**] (ARPA BoA, Tab 9).

political authority."[20] Civic totalism has not triumphed in Canadian legal history, thanks in large part to the judiciary. Liberal democracy and constitutionalism qualify and limit state power.

10. Although, in Ogilvie's view, Christian assertions of "independence of spiritual authority" have not been constitutionally recognized in Canada, she observes that "they have enjoyed tacit acceptance in practice."[21] After noting the "accelerating religious pluralism" of the twentieth century, Ogilvie writes: "Although Canadian courts have […] been required to come to grips with the implications of these changes, especially in *Charter* litigation, the fundamental assumptions on which the law relating to religious institutions has, for reasons of history, been based, remain Christian understandings of the relationship of civil and spiritual authority."[22]

11. While Christian understandings of the proper relationship of civil and spiritual authority differ, a basic emphasis of Reformed Christian political thought offers guidance – namely, that all authority belongs to God and thus the state's authority is from God, not the church or the people. It follows that the state's authority is not limited to what the church at a given time might be willing to afford it, nor does its proper authority stretch so far as people might desire. This basic principle is affirmed in the preamble to the *Canadian Bill of Rights* and the *Charter*.

12. The preamble signals "secular humility, a recognition that there are other truths, other […] normative and authoritative communities that are profound sources of meaning in people's lives that ought to be nurtured as a counter-balance to state authority."[23] Iain Benson writes, "Conceiving of law as 'total', 'comprehensive', or as an 'empire' is not particularly helpful and there are strong reasons to suspect such approaches as hubristic and even […] *theocratic*."[24] Rather, "Law has practical and theoretical limits to its proper role and function in a society, and these limits determine its jurisdiction or proper scope."[25]

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[20] *Ibid*.
[21] Ogilvie 2017, *supra* note 16, at 95 (ARPA BoA, Tab 10).
[22] *Ibid*, at 2.
[23] Bruce Ryder, "State Neutrality and Freedom of Conscience and Religion" (2005), 29 SCLR (2d) (ARPA BoA, Tab 11).
[24] Iain T Benson, "The Limits of Law and the Liberty of Religion Associations" in Iain T Benson and Barry W Bussey, eds, *Religion, Liberty and the Jurisdictional Limits of Law* (Toronto: LexisNexis Canada Inc, 2017), at xxiii, n 5 [**Benson**] (ARPA BoA, Tab 3).
[25] *Ibid*, at xxii.

B. No tension between the rule of law and ecclesiastical independence in this case

13. Harold Berman describes the development of the state ruled by law or "law state" as emerging out of the historical struggle between ecclesiastical and secular authorities. Rule of law meant rule *by* law (that the authorities would enact laws and establish legal systems), rule *under* law (that they would be bound by the laws they enacted), and that each would be limited in its authority by the laws of other jurisdictions. "If the church was to have inviolable legal rights, the state had to accept those rights as a lawful limitation upon its own supremacy. Similarly, the rights of the state constituted a lawful limitation upon the supremacy of the church."[26]

14. In our *Charter* preamble, "whereas" means not "while by contrast", but "since". *Since* Canada is founded upon principles that recognize the supremacy of God and the rule of law, we enjoy various fundamental freedoms and rights. The non-exercise of state power often poses no threat to the rule of law, but its arbitrary or unlawful exercise always does.

15. This Honourable Court has stated, "The 'rule of law' is a highly textured expression […] conveying, for example, a sense of orderliness, of subjection to known legal rules, and of executive accountability to legal authority."[27] All exercise of public power must find its source in a legal rule.[28] This Court has noted that "the government action constrained by the rule of law […] is usually that of the executive and judicial branches."[29]

16. The Respondent would turn the rule of law into a justification for courts to intervene where a person's life is impacted by alleged unfairness, even in the absence of a civil rights claim.[30] But the rule of law does not require courts to ensure individuals suffer no unremedied unfairness in any sphere of life, but rather that public power is authorized by intelligible, accessible laws.

17. The Respondent claims the courts have jurisdiction "to review voluntary associations' decision to ensure consistency with natural justice" and that the procedural fairness of the Congregation's decision is justiciable.[31] But they also acknowledge that "review of a voluntary

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[26] Berman, *supra* note 9, at 292 (ARPA BoA, Tab 2).
[27] *Re: Resolution to amend the Constitution*, [1981] 1 SCR 753, at 805.
[28] *Reference re Secession of Quebec*, [1998] 2 SCR 217, at para 71.
[29] *British Columbia v Imperial Tobacco Canada Ltd*, [2005] 2 SCR 49, at para 60.
[30] Respondent's factum, at paras 75, 77.
[31] Respondent's factum, at para 23.

association's decision is possible only if it affects a property or civil or another significant interest."[32] The Respondent claims the court should review the decision since it caused "significant economic harm", "loss of familial and social ties", "severe distress", and "harm".[33]

18. While Mr. Wall's plight invokes sympathy, and though churches may differ over how discipline should be done, the Respondent's list of factors to support the claim of justiciability does not form a coherent and predictable standard. The threshold would be some degree of social, psychological, or economic harm to a person from a church's decision, which could not be known in advance. This would undermine the rule of law.

19. Alleged procedural unfairness is also insufficient. Ogilvie rightly notes the "impracticality of separating procedural and substantive matters,"[34] and points out that "all religious organizations would assert that to a greater or lesser extent, their procedural rules are theologically grounded."[35] Ogilvie favours judicial review of procedural *and* substantive matters, but basic constitutional principles favour neither in this case. There is no rule of law interest justifying judicial review.

20. *Lutz v Faith Lutheran Church of Kelowna*[36] illustrates a potential problem. Justice Meiklem (BCSC) found that "where we are dealing with membership in a church congregation rather than a social club", a stricter standard of neutrality is required. Justice Meiklem considered exclusion from the former more significant because: "The Church […] provides a sanctuary for worship and fosters the spiritual well-being of its members, including the administering of the Sacraments."[37] Also because: "I infer that to be judged guilty of conduct grossly unbecoming a member of the body of Christ is much more significant to a Christian churchgoer than to be judged insufficiently collegial or in breach of club rules by a golf club or other social club […]."[38] We expect churches would agree that excommunication is far more serious.[39] But a (former) church member might be indifferent. Is the subjective significance to the individual the

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[32] Respondent's factum, at para 34.
[33] Respondent's factum, at paras 3, 4, 10, and 15, respectively.
[34] M.H. Ogilvie, "Case Comment: Lakeside Colony of Hutterian Brethren v. Hofer" (1993) 72 Can Bar Rev 238 at 249 [**Ogilvie 1993**] (Respondent's Book of Authorities, Tab 15).
[35] *Ibid*, at 249.
[36] *Lutz v. Faith Lutheran Church of Kelowna*, 2009 BCSC 59, at para 89 [***Lutz***].
[37] *Ibid*.
[38] *Ibid*.
[39] See *Heidelberg Catechism*, Appendix A, Lord's Day 31.

basis for judicial review?[40]

21. Further, Ogilvie argues that although courts cannot practically limit themselves to procedural review, they must not therefore refrain from intervention, because to refrain "condones the injustices which often characterize church tribunals".[41] This line of thinking poses a grave threat to liberty. The judiciary need not and ought not concern itself with every perceived injustice, nor every instance of emotional or economic hardship a person may experience. Indeed, busying the courts with such matters would undermine the rule of law. Not intervening to remedy an unfairness is not to condone it, unless it is one the court has a duty to remedy.

22. Questions of fairness, detached from legal rights, should not be appealed to a civil judge simply because she is an expert in procedural fairness, just as a moral issue decided by a court cannot be appealed to an ethicist or church council. The important question is: What is the matter to be decided and who ought to decide it? Since churches function as legal entities, owning property and entering contracts, they must be subject to civil courts in some respects. As for discipline of members, however, courts ought to continue to view this foremost as a spiritual matter.[42]

C. No contractual rights providing a basis for judicial review

23. In every case the Respondent cites to support the claim that review of church membership decisions for procedural fairness is available in Canada (in para 28), the court either found that there was a property interest at stake or that it had no jurisdiction to enforce the claim.[43] But the

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[40] In *Lutz*, the Court needed only review compliance with the *Society Act,* RSBC 1996 c 433, not with a standard of fairness based on the decision's significance to the individual. See also *Barrie v Royal Colwood Golf Club,* 2001 BCSC 1181, at para 6: "To invoke the court's jurisdiction under s. 85 of the *Society Act* Mr. Barrie must show the Club failed to comply with [the bylaws]."

[41] Ogilvie 1993, *supra* note 34, at 249 (Respondent's Book of Authorities, Tab 15) - cited in Respondent's factum at para 48.

[42] Of course, an abuse of church discipline for financial gain or other improper purpose (not alleged in this case), might give rise to a cause of action.

[43] *Lakeside Colony of Hutterian Brethren v Hofer*, [1992] 3 SCR 165, and *Cohen v Hazen Avenue Synagogue,* 1920 CarswellNB 17 (SC) (Respondent's Book of Authorities, Tab 1)

Respondent also suggests that jurisdiction in this case can be based on contract.[44] What would the mutual consideration of such a contract be? To repent of sin and follow Christ in exchange for sacraments and fellowship of the saints? Such should not be construed as contractual.

24. In a passage relied on by the Respondent, Ogilvie claims there is an assumption in early jurisprudence that discipline of lay members is based on contract.[45] For this, Ogilvie cites *Dunnet v. Forneri*.[46] Lay discipline is based on contract, she argues, because the common law regards churches as "voluntary associations", with relationships among members governed by "multilateral contract." She continues: "Thus, it is arguable that the 'civil right' which provides the allegedly necessary legal nexus for the intervention of civil courts is this contract." But neither *Dunnet* nor the other cases cited by Ogilvie (or the Respondent) support reducing church membership to a contract in this way.

25. In fact, Ogilvie's argument contradicts the Court's statement in *Dunnet*: "All religious bodies are here considered as voluntary associations; the law recognizes their existence, and protects them in their enjoyment of property, but unless civil rights are in question it does not interfere with their organization or with questions of religious faith."[47] If simply being a "voluntary association" brings "civil rights" into play when membership or discipline decisions are made, the Court's statement would be a tautology. Rather, the Court in *Dunnet* concluded it had no jurisdiction to enforce the claim of the former member because no civil rights were engaged. Dr. Ogilvie also claims: "Courts have also been willing participants in disputes with the

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involved property interests; *Ash v Methodist Church*, (1901) 31 SCR 497 involved an employment relationship; in *Dunnet v. Forneri*, 1877 OJ No 227 (Ch) [QL] [**Dunnet**] (Respondent's Book of Authorities, Tab 3), the Court decided it had no jurisdiction.

[44] Respondent factum, para 25, 26, 29.
[45] Ogilvie 1993, *supra* note 34, at 247 (Respondent's Book of Authorities, Tab 15).
[46] *Ibid*, at footnote 55.
[47] *Dunnet, supra* note 43, at para 18 (Respondent's Book of Authorities, Tab 3). A related point is made by Justice Crocket in *Ukrainian Greek Orthodox Church v. Ukrainian Greek Orthodox Cathedral of St. Mary the Protectress*, [1940] SCR 586, at 591: "[I]t is well settled that, unless some property or civil right is affected thereby, the civil courts of this country will not allow their process to be used for the enforcement of a purely ecclesiastic decree or order." Nor should the civil courts be used to quash such an order.

laity over […] damages for lost business profits resulting from exclusion from a religious community," citing *Heinrich v Wiens*. However, the court in *Heinrich* found that the statement of claim did not disclose any cause of action.[48]

26. The Respondent also cites Robert Forbes' article, "Judicial Review of the Private Decision Maker"[49], to argue that church membership establishes contractual rights and duties which courts may intervene to uphold.[50] For the dozens of cases Forbes cites, however, he discusses none involving church discipline. Rather, the article is about membership in guilds, labour unions, and professional associations, membership in clubs giving rise to a proprietary interest, and contractual agreements to settle disputes through "consensual arbitrations".

27. While churches must do various things inevitably intersecting with civil law, "[church member] status is not a civil but an ecclesiastical one. The position of member of the Church and the right to participate in the ordinances of the Church are also purely ecclesiastical."[51] The judge in *Dunnet* says further: "The cases to which I was referred as justifying the interposition of the Court were such as arise from refusal to administer the Sacrament at a time when this was a necessary qualification for holding civil offices, […] or where a trust was created and the Court was held entitled to see to its proper administration, […] but in all these civil rights were involved."[52]

28. It may be necessary for a court to examine a church's constitution and bylaws to resolve issues related to control of the church as a legal entity, which may determine, for example, what may be done with its assets, by whom, and by what procedures. The Court in *Dunnet* quotes *Forbes v. Eden*, in which Lord Cranworth says courts have *no jurisdiction* to inquire into a church's rules, "except so far as may be necessary for some collateral purpose." A "collateral purpose" would include: "If funds are settled to be disposed of amongst members," or it may

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[48] *Heinrich v Wiens*, [1915] SJ 65, at para 5 [QL]: "It is not an actionable wrong to persuade a person to do something which he may lawfully do or to refrain from doing something which he may lawfully refrain from doing even if the result is injury to another in his trade."

[49] Robert E. Forbes, "Judicial Review of the Private Decision Maker: The Domestic Tribunal" (1976) 15 UWOntario L Rev 123 (Respondent's Book of Authorities, Tab 7).

[50] Respondent's Factum, at paras 32-33.

[51] *Dunnet*, *supra* note 43, at para 38 (Respondent's Book of Authorities, Tab 3).

[52] *Ibid,* at para 39.

involve "a right to enjoyment of any pecuniary benefit" such as "use of a house, or land".[53]

29. But reviewing church membership *per se* (absent a legal interest) based on a contractual reduction of it fails to respect the nature of the church. As Christian philosopher Herman Dooyeweerd explained, "According to its internal structural principle, the institutional church is characterized as a Christian confessional faith community. It is founded on the spiritual power of the organized service of the Word and sacraments. To define the church as an association with a religious purpose is to contradict its inner nature."[54] Bonhoeffer made a similar point: "A look at the Christian views on sin, grace, Christ, Holy Spirit, and the church reveals that the concept of the voluntary association is totally inapplicable to the concept of the church."[55]

30. Canadian jurisprudence may speak of a church as a voluntary association in a limited sense for legal purposes, but it does not reduce churches to "multilateral contracts" over which courts have jurisdiction *per se*. While the Court in *Dunnet* refers to the church as a voluntary association, it cites this as a reason *not* to interfere and recognizes church membership as a "purely ecclesiastical matter." The courts ought to view the church as a voluntary association only insofar as it is necessary to fairly resolve civil rights disputes.

PART IV: COSTS

31. ARPA Canada seeks no costs and asks that no costs be awarded against it.

ALL OF WHICH IS RESPECTFULLY SUBMITTED, this 3rd day of October 2017.

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Counsel for the Intervenor

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[53] *Dunnet,* supra note 43, at para 34.
[54] Herman Dooyeweerd (trans. Magnus Verbrugge), *A Christian Theory of Social Institutions* (Ontario: The Herman Dooyeweerd Foundation, 1986) at 92 (ARPA BoA, Tab 8).
[55] Dietrich Bonhoeffer (trans. R Krauss and N Lukens), *Sanctorum Communio: A Theological Study of the Sociology of the Church* (Minneapolis: Augsburg Fortress, 1998) (ARPA BoA, Tab 1). Viewing the church as "a voluntary association" that "exists for the free enjoyment of each individual" cannot make sense of infant baptism (which Reformed and other churches practice) and the spiritual authority churches claim over baptized members, Bonhoeffer notes, at 257.

PART V: TABLE OF AUTHORITIES

Authorities **paragraph(s)**

Ash v Methodist Church, (1901) 31 SCR 497 23

Barrie v Royal Colwood Golf Club, 2001 BCSC 1181 20

British Columbia v Imperial Tobacco Canada Ltd, [2005] 2 SCR 49 15

Cohen v Hazen Avenue Synagogue, 1920 CarswellNB 17 (S.C) 23

Dunnet v Forneri, 1877 O.J. No 227 (Ch.).....23, 25, 27

Heinrich v Wiens, [1915] SJ 65 .....25, 28

Lakeside Colony of Hutterian Brethren v Hofer, [1992] 3 SCR 165 23

Lutz v Faith Lutheran Church of Kelowna, 2009 BCSC 59.....20

Re: Resolution to amend the Constitution, [1981] 1 SCR 753 15

Ukrainian Greek Orthodox Church v Ukrainian Greek Orthodox Cathedral of St. Mary the Protectress, [1940] S.C.R 586 25

Worth v Stettler Congregation of Jehovah's Witnesses,2001ABQB 626.....5

Other Sources	**Paragraph(s)**
Dietrich Bonhoeffer (trans. Reinhard Krauss and Nancy Lukens), *Sanctorum Communio: A Theological Study of the Sociology of the Church* (Minneapolic: Augsburg Fortress, 1998).	29
Harold Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Harvard University Press, 1983).	6, 13
Iain T Benson, "The Limits of Law and the Liberty of Religion Associations" in Iain T Benson and Barry W Bussey, eds, *Religion, Liberty and the Jurisdictional Limits of Law* (Toronto: LexisNexis Canada Inc, 2017).	12
Jules Bonnet, Letters of John Calvin (Philadelphia: Presbyterian Board of Publication, 1858).	8
Rémi Brague, *The Law of God: The Philosophical History of an Idea* (Chicago: The University of Chicago Press, 2007).	6, 12
John Calvin (trans Ford Lewis Battles), *The Institutes of the Christian Religion,* vol 4 (Philadelphia, The Westminster Press).	8
Bernard Cottret (trans. M.W. Macdonalds), *Calvin: A Biography* (Grand Rapids: Wm. B. Eerdmans Publishing, 2000).	8
Herman Dooyeweerd (trans. Magnus Verbrugge), *A Christian Theory of Social Institutions* (Ontario: The Herman Dooyeweerd Foundation, 1986).	29
Robert E. Forbes, "Judicial Review of the Private Decision Maker: The Domestic Tribunal" (1976) 15 U.W. Ontario L. Rev. 123.	26
William Galston, "Religion and the Limits of Liberal Democracy" in Douglas Farrow, ed, *Recognizing Religion in a Secular Society* (Quebec City: McGill-Queen's University Press, 2004).	9
M.H. Ogilvie, "Case Comment: Lakeside Colony of Hutterian Brethren v. Hofer" (1993) 72 Can. Bar. Rev. 238.	19, 21, 24
M.H. Ogilvie, *Religious Institutions and the Law in Canada* , 4th ed. (Toronto: Irwin Law, 2017).	8, 10
Bruce Ryder, "State Neutrality and Freedom of Conscience and Religion" (2005), 29 SCLR (2d).	12
John Witte Jr., *Law and Protestantism* (Cambridge University Press, 2002).	7, 8
John Witte Jr., *The Reformation of Rights: Law, Religion, and Human Rights in Early Modern Calvinism* (Cambridge University Press, 2007).	8