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Expert Analysis

The Constitutionality of Ecclesiastical Deference

By Barry Black

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More than a century later, the court decided *Jones v. Wolf,* sanctioning judicial resolution of church property disputes through the application of neutral principles of law. Nonetheless, strict ecclesiastical deference remains the approach of choice in several state jurisdictions.

This column examines whether the Constitution requires abstention only in the narrow category of cases presenting genuinely ecclesiastical questions, rather than automatic deference to hierarchical organizations on issues that courts can resolve through neutral principles of law.

Watson v. Jones

The doctrine of ecclesiastical deference traces back to Watson v. Jones, 80 U.S. (13 Wall.) 679 (1871). The Walnut Street Presbyterian Church was organized around 1842 "under the authority and as a part of the Presbyterian Church in the United States."



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Although neither the deed nor the church's charter documents specifically subjected the local church's property to the broader denomination, "both contemplated the connection of the local church with the general Presbyterian one, and subjected both property and trustees alike to the operation of its fundamental laws."

Amid Civil War tensions, a bitter schism split the Walnut Street Presbyterian Church in Louisville, Kentucky, over slavery. Two rival factions—pro-slavery traditionalists and anti-slavery loyalists—claimed to be the church's legitimate "ruling elders" and were therefore entitled to exclusive control of church property.

Each faction claimed to be "the true Walnut Street Church mentioned in the deed and charter." When the national Presbyterian General Assembly recognized the anti-slavery faction as legitimate, the pro-slavery group sued in civil court to seize the property.

This dispute forced the Supreme Court to determine whether secular courts could decide a church property dispute when resolution might entail overturning decisions made by a hierarchical church's highest ecclesiastical body.

The court established the ecclesiastical abstention doctrine, ruling that secular courts lack jurisdiction to resolve religious disputes or overturn decisions on theology, discipline, or church governance. When a hierarchical religious body's highest authority rules on an internal dispute, civil courts must accept that decision as final and binding.

Jones v. Wolf

Over a century later, the Supreme Court decided *Jones v. Wolf*, 443 U.S. 595 (1979). In 1973, a majority of the congregation of the Vineville Presbyterian Church in Macon, Georgia, voted to separate from the Presbyterian Church in the United States and join another denomination. A minority faction wanted to remain affiliated with parent denomination.

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The local presbytery declared the minority faction to be the "true congregation" entitled to the church property. However, Georgia state courts applied secular property standards—examining deeds, corporate charters, and state statutes—and awarded control of the property to the majority faction.

The Supreme Court held that, under the First Amendment, states are constitutionally permitted to resolve church property disputes using "neutral principles of law"—such as standard property deeds, statutes, and trust documents—rather than being required to defer automatically to the determinations of hierarchical church authorities, provided the courts do not resolve any underlying religious or doctrinal questions.

Courts may resolve religious disputes by applying neutral principles of law so long as they avoid religious doctrine or second-guessing ecclesiastical determinations

Notably, the court emphasized that "a sis constitutionally entitled to adopt neutral principles of law as a means of adjudicating a church property dispute," leaving open the mechanisms by which a state may choose to resolve such conflicts.

The Compulsory Deference vs. Neutral Principles Dilemma

A plain meaning reading of *Watson* and *Jones* highlights a key tension: both cases involved internal church schisms. In *Watson*, the Supreme Court chose to defer, insisting that the church hierarchy alone was capable of making the underlying ecclesiastical determination.

In contrast, the *Jones* Court declined to adopt the denomination's selection of the minority faction as the "true congregation," instead awarding the property to the majority faction by applying neutral principles of law. Thus, one might conclude that Jones simply departed from the older deference standard and invited judicial resolution through neutral principles of law.

Florida's First District Court of Appeal recently adopted this precise analysis: *First United Methodist Church of Hobe Sound v. Bd. of Trustees of the Florida Annual Conference of the United Methodist Church, Inc.*, 51 Fla. L. Weekly 713 (Dist. Ct. App. 2026).

The court explained that "the Supreme Court has recognized two main approaches for resolving intra-church property disputes, either of which a State may choose to adopt." The first method is *Watson's* deference approach, in which courts simply defer to the church hierarchy.

The second method is the neutral principles approach set forth in Jones. The court concluded that while "the U.S. Constitution permits states to employ either approach... Florida courts abide by the hierarchical deference approach."

By contrast, New York's Court of Appeals has not read *Watson* to require automatic deference to hierarchical church authorities or to foreclose the use of neutral principles.

In *First Presbyt. Church v. United Presbyt. Church*, 62 NY2d 110, 119 (1984), the court explained that Watson "did not pass on whether the courts could decide exclusively property issues in litigation involving a hierarchical church," because the dispute before the *Watson* Court was inherently ecclesiastical and did not present an occasion for applying neutral principles.

Only later, in cases such as *Jones*, did the Supreme Court adopt the neutral-principles approach for resolving nondoctrinal disputes.

This raises an essential question: did *Watson* actually mandate strict hierarchical deference even in the presence of neutral principles? Or did *Watson* require deference solely because the questions before it were purely ecclesiastical? Had there been factual issues in *Watson* capable of resolution via neutral principles of law, it remains unclear whether the court would have still required deference.

Is Automatic Deference Constitutional?

The *Jones* Court held that the First Amendment does not require a state to automatically defer to a church hierarchy when the controversy is entirely nondoctrinal. But this leads to a broader constitutional question: When adjudication by neutral principles is possible, should strict deference even be permissible?

In *Tandon v. Newsom*, 593 U.S. 61 (2021), the Supreme Court held that "government regulations are not neutral and generally applicable, and therefore trigger strict scrutiny under the Free Exercise Clause, whenever they treat any comparable secular activity more favorably than religious exercise." Although

Tandon did not involve ecclesiastical deference, it established that government may not treat secular conduct more favorably than comparable religious exercise.

By this logic, is it constitutional to allow secular corporations to enjoy the protections of trust and property law while depriving religious institutions of those same legal benefits? Viewed in this light, does the First Amendment require courts to apply neutral principles of law to a church property dispute when feasible—just as they would in a secular context—thus prohibiting automatic deference altogether?

Perhaps this aligns with what the *Jones* Court observed when stating, "[w]e cannot agree, however, that the First Amendment requires the states to adopt a rule of compulsory deference to religious authority in resolving church property disputes, even where no issue of doctrinal controversy is involved."

> Courts should not presume that every civil consequence flowing from a religious dispute is beyond judicial review

Indeed, *Watson* explicitly called for deference only on "questions of discipline, or of faith, or ecclesiastical rule, custom, or law." Thus, *Watson* and *Jones* may not be at odds with each other after all.

Under this framework, courts should not abstain from resolving church disputes unless adjudication would require them to decide ecclesiastical questions. If the issue is purely ecclesiastical, the court must abstain; if it is purely secular, the court should resolve it through neutral principles of law.

But abstention should also be reserved for the narrow category of cases that may appear, on the surface, susceptible to resolution by neutral principles but in fact turn on underlying questions of ecclesiastical doctrine or authority.

The New York Approach

This is the precisely approach New York's Court of Appeals took in *Matter of Congregation Yetev Lev D'Satmar, Inc. v. Kahana,* 9 NY3d 282 (2007), the state's leading ecclesiastical abstention case. The case involved an internal governance dispute between two factions of a Hasidic Jewish congregation.

The court noted that, while at first blush the arguments did not appear to implicate ecclesiastical issues, and that indeed New York courts "have properly adjudicated disputes involving religious elections on neutral principles of law," it ultimately could not resolve the dispute at hand because it hinged on religious determinations.

Specifically, questions arose regarding whether the Grand Rabbi had removed an individual named Berl Friedman (who had allegedly been elected president) from congregation membership, and whether he satisfied the bylaws' requirement that members follow in "the ways of the Torah."

The court concluded that "[w]hether Berl Friedman was expelled from membership… inevitably calls into question religious issues beyond any membership criteria found in the Congregation's bylaws," and therefore "[w]ith such membership issues at the center of this election dispute, matters of an ecclesiastical nature are clearly at issue… and cannot be determined by this court."

Conclusion

Even when applying neutral principles, courts remain strictly prohibited from interpreting religious doctrine or second-guessing ecclesiastical determinations. However, courts should not presume that every civil consequence flowing from a religious dispute is equally beyond judicial review.

Courts can—and should—accept a religious body's determination concerning membership, discipline, or spiritual authority, while concurrently exercising their authority to decide what legal effect that determination has under secular law.

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