

CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The “Contemplation of Justice”
Presbyterian Church v. Hull Church, 393 U.S. 440 (1969)



Held: Civil courts cannot, consistently with First Amendment principles, determine ecclesiastical questions in resolving property disputes; and since the "departure from doctrine" element of Georgia's implied trust theory requires civil courts to weigh the significance and meaning of religious doctrines, it can play no role in judicial proceedings. Pp. 393 U. S. 445-452.

224 Ga. 61, 159 S.E.2d 690, reversed and remanded.

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The *Watson* Court refused, pointing out that it was wholly inconsistent with the American concept of the relationship

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between church and state to permit civil courts to determine ecclesiastical questions. In language which has a clear constitutional ring, the Court said:

"In this country, the full and free right to entertain any religious belief, to practice any religious principle, and to teach any religious doctrine which does not violate the laws of morality and property, and which does not infringe personal rights, is conceded to all. The law knows no heresy, and is committed to the support of no dogma, the establishment of no sect. . . . All who unite themselves to such a body [the general church] do so with an implied consent to [its] government, and are bound to submit to it. But it would be a vain consent, and would lead to the total subversion of such religious bodies, if anyone aggrieved by one of their decisions could appeal to the secular courts and have them [*sic*] reversed. It is of the essence of these religious unions, and of their right to establish tribunals for the decision of questions arising among themselves, that those decisions should be binding in all cases of ecclesiastical cognizance, subject only to such appeals as the organism itself provides for."

13 Wall. at 80 U. S. 728-729. [Footnote 5]

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The logic of this language leaves the civil courts no role in determining ecclesiastical questions in the process of resolving property disputes.