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Expert Analysis

Defamation Claims at the Intersection of Church and State

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The ecclesiastical abstention doctrine, grounded in the Free Exercise Clause of the First Amendment, forbids civil courts from resolving disputes on the basis of religious doctrine and practice. This seemingly straightforward constitutional principle has, in application, generated a host of difficult questions and persistent uncertainties. See Barry Black and Hillary Byrnes, The Parameters of Ecclesiastical Abstention, New York Law Journal (Oct. 3, 2025).

The doctrine's application becomes especially fraught in defamation cases arising within religious settings. When allegedly defamatory statements are uttered in church disciplinary proceedings, prayer meetings, or other internal religious contexts, courts must decide whether to abstain or to apply neutral principles of law—a secular framework that permits adjudication without resolving theological questions.



By Barry Black



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Although *Jones v. Wolf*, 443 U.S. 595 (1979), introduced the neutral principles approach in the context of a church property dispute, courts have since extended the approach to contract, tort, and defamation disputes, producing a patchwork of outcomes.

This article explores how New York courts have drawn the line between abstention and adjudication in church-related defamation disputes, surveys the divergent approaches taken in other jurisdictions, and considers whether the Supreme Court should finally resolve the enduring split.

The New York Approach: A Fact-Specific Line Between Secular Adjudication and Ecclesiastical Abstention

The delicate boundary between abstention and adjudication comes into focus when examining New York courts' treatment of defamation claims arising within religious institutions. In *Berger v. Temple Beth-El of Great Neck,* 303 A.D.2d 346 (2d Dep't 2003), the plaintiff sued his congregation and its executive board over a statement circulated to members regarding the termination of his membership.

The congregation argued that the court lacked subjectmatter jurisdiction because the dispute concerned "the internal governance of a religious institution." The Appellate Division, Second Department, disagreed, concluding instead that the "defamation action can be settled by the application of neutral principles of law, and does not implicate matters of religious doctrine and practice."

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By contrast, in *Mandel v. Silber*, 304 A.D.2d 538 (2d Dep't 2003), the trial court concluded that adjudicating the plaintiff's defamation claim would necessarily entangle the judiciary in religious doctrine. In affirming the dismissal, the Second Department reasoned that "resolution of the parties' dispute would necessarily involve an impermissible inquiry into religious doctrine and a determination as to whether the plaintiff violated religious law," and therefore affirmed dismissal of the claim. Regrettably, the court offered no further explanation as to why the dispute could not be resolved through neutral principles, leaving the precise contours of the "impermissible inquiry" unresolved.

The ecclesiastical abstention doctrine becomes especially fraught in defamation cases arising within religious settings.

In recent years, the Second Department has sought to further delineate the boundaries of the ecclesiastical abstention doctrine in the defamation context. In *Laguerre v. Maurice*, 192 A.D.3d 44 (2d Dep't 2020), the plaintiff, a former church elder, alleged that he was defamed when the defendant pastor told approximately 300 congregants that the plaintiff "was a homosexual who viewed gay pornography on the church's computer." According to the complaint, the pastor made these statements to influence the congregation's vote to remove the plaintiff from his leadership role and terminate his membership.

The defendants moved to dismiss, arguing, among other things, that adjudicating the claim would require the court to intrude upon matters of internal church governance.

But the Second Department rejected that argument. Because the plaintiff did not challenge his expulsion from the church or seek reinstatement, and because the allegedly defamatory statements could be evaluated without reference to religious doctrine or ecclesiastical principles, the court held that adjudication would not necessitate impermissible inquiry into church governance.

When defamation allegations involve the fitness of ministers to serve as such, New York courts are more hesitant to intervene. In *Jackson v. Presbytery of Susquehanna Valley*, 265 A.D.2d 253 (1st Dep't 1999), a Presbyterian minister alleged that other ministers made defamatory statements about his fitness to continue serving in that role. In its decision, the First Department declined jurisdiction, holding that "adjudication of the dispute would impermissibly involve the court in matters left by constitutional design for ecclesiastic resolution.

In *Kaplan v. Khan*, 31 Misc. 3d 1227(A) (Sup. Ct. 2011), the allegedly defamatory statements were made during a church prayer meeting. At that gathering, the defendant pastor purportedly called the plaintiff a "whore" and asserted that she was "running a house of prostitution." The exchange arose after the plaintiff confirmed that two individuals were living together unmarried in a property she owned. The pastor maintained that his remarks were delivered "in a spirit of rebuke," consistent with his pastoral role.

In declining to apply neutral principles of law and instead abstaining, the court's reasoning turned heavily on the context and character of the statements, including the language used and the circumstances under which they were made. The court emphasized that the comments occurred during a "heated" prayer meeting amid a broader dispute over church governance, and that the pastor had framed his rebuke with explicit biblical references. In that setting, the court concluded, the congregation would reasonably have understood the statements as a pastoral admonition rather than a factual accusation. Allowing the claim to proceed, the court reasoned, would necessitate evaluating the religious propriety of the pastor's rebuke—an inquiry that would "necessarily involve an impermissible inquiry into religious doctrine and a determination as to whether the plaintiff violated religious law."

A Jurisdictional Divide: Competing Approaches to Religious-Context Defamation

While New York has fully adopted the neutral principles of law approach to adjudicating defamation claims made in a religious setting, not all states share this approach. In *Pfeil v.*

St. Matthews Evangelical Lutheran Church, 877 N.W.2d 528 (Minn. 2016), the plaintiffs alleged that the church's pastor made false and defamatory statements about them during church disciplinary proceedings.

Without considering whether adjudication would require impermissible inquiry into religious doctrine, the Minnesota Supreme Court held categorically that the First Amendment affords absolute immunity for all defamatory statements made in the course of religious discipline. As the court put it, "the First Amendment prohibits holding an individual or organization liable for statements made in the context of a religious disciplinary proceeding when those statements are disseminated only to members of the church congregation or the organization's membership or hierarchy."

> Courts may adjudicate when the allegedly defamatory statements can be evaluated without reference to religious doctrine or ecclesiastical principles.

The plaintiffs sought review in the United States Supreme Court, arguing that Minnesota's rule was irreconcilable with the approach taken in many other jurisdictions. The certiorari petition described a landscape divided into two broad camps. On one side are states such as Minnesota, Massachusetts, Texas, and Hawaii, along with the Sixth Circuit, which construe the neutralprinciples doctrine narrowly and effectively treat all statements made in religious disciplinary settings as categorically immune from civil liability.

On the other side are jurisdictions—including Pennsylvania, South Carolina, Virginia, the District of Columbia, Alaska, and the Eighth Circuit—that reject blanket immunity. Like New York, these courts hold that defamation claims arising from religious proceedings may proceed so long as they can be determined without interpreting religious doctrine. This approach has produced more nuanced, factspecific analyses of when neutral principles may be applied without entangling civil courts in ecclesiastical matters.

The Need for Supreme Court Guidance

The stark divergence between these approaches underscores the need for Supreme Court guidance. Notably, the Minnesota Supreme Court in Pfeil acknowledged the "absence of a U.S. Supreme Court decision directly on point with the decision we reach today."

The uncertainty only deepened with *McRaney v. N. Am. Mission Bd. of the S. Baptist Conv., Inc.,* 966 F.3d 346 (5th Cir. 2020). There, the dispute centered on whether allegedly false statements by the Mission Board led to Reverend McRaney's termination as Executive Director of a Baptist Convention Board. The central question—whether the statements were made in a religious context such that neutral principles could not be applied without encroaching on religious practice—mirrored the unresolved issues in *Pfeil*. As in *Pfeil*, the Supreme Court denied certiorari, leaving the jurisdictional split intact and precise governing standards unrealized.

Conclusion

Because the Supreme Court articulated the ecclesiastical abstention doctrine and endorsed neutral principles analysis in the context of property disputes, courts have struggled to extend those principles to other areas—most notably tort claims, and especially defamation. New York courts have largely proceeded on a case-by-case basis, while other jurisdictions have adopted more categorical approaches.

When the Supreme Court eventually takes up the issue, it will need to strike a careful balance: shielding religious institutions from governmental entanglement in matters of faith and governance while ensuring that the First Amendment does not become an unwitting refuge for misconduct carried out within the church.

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