25-1085-cv
Belya v. Kapral

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

August Term, 2025

(Argued: February 24, 2026 Decided: August 18, 2026)

Docket No. 25-1085-cv

ALEXANDER BELYA,

Plaintiff-Appellant,

— v. —

HILARION KAPRAL, AKA METROPOLITAN HILARION, NICHOLAS OLKHOVSKIY, VICTOR POTAPOV, SERGE LUKIANOV, DAVID STRAUT, ALEXANDRE ANTCHOUTINE, GEORGE TEMIDIS, SERAFIM GAN, BORIS DMITRIEFF, JOHN DOES 1 THROUGH 10, EASTERN AMERICAN DIOCESE OF THE RUSSIAN ORTHODOX CHURCH OUTSIDE OF RUSSIA, THE SYNOD OF BISHOPS OF THE RUSSIAN ORTHODOX CHURCH OUTSIDE OF RUSSIA, MARK MANCUSO,

Defendants-Appellees,

PAVEL LOUKIANOFF,

Defendant.

B e f o r e:

LOHIER, *Chief Judge*, LYNCH, and MENASHI, *Circuit Judges*.

Alexander Belya was once a priest in the Russian Orthodox Church Outside of Russia ("ROCOR"). In the lawsuit giving rise to this appeal, he sued various ROCOR entities and individuals in the church's leadership for defamation, claiming that Defendants wrongly accused him of forging letters from church leaders announcing his election as bishop. The district court (Arun Subramanian, *J.*) granted summary judgment for Defendants, concluding that Belya's claims failed on multiple grounds under New York State defamation law and, alternatively, that his claims were barred by the First Amendment's church autonomy doctrine. We **AFFIRM** on the constitutional ground. Whatever the merits of Belya's claims, their adjudication would impermissibly interfere with ROCOR's selection and supervision of its ministers and would require a jury to determine the correct understanding of ROCOR's protocols and governance. The First Amendment allows for neither.

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Daniel J. Hay, Marcus S. Bauer, William H. Thompson III, Mikayla Culbertson, Sidley Austin LLP, Washington, DC, and Dallas, TX, *for Amici Curiae* The Roman Catholic Archdiocese of New York and Six Other Denominational Organizations, *in support of Defendants-Appellees*.

Joshua C. McDaniel, Parker W. Knight III, Kathryn F. Mahoney, Steven W. Burnett, Harvard Law School Religious Freedom Clinic, Cambridge, MA, *for Amicus Curiae* Belmont Abbey College, *in support of Defendants-Appellees.*

GERARD E. LYNCH, *Circuit Judge*:

Alexander Belya was once a priest in the Russian Orthodox Church Outside of Russia ("ROCOR"). In the lawsuit giving rise to this appeal, he sued various ROCOR entities and individuals in the church's leadership for defamation, claiming that Defendants wrongly accused him of forging letters from church leaders announcing his election as bishop. The district court (Arun Subramanian, *J.*) granted summary judgment for Defendants, concluding that Belya's claims failed on multiple grounds under New York State defamation law and, alternatively, that his claims were barred by the First Amendment's church autonomy doctrine. We **AFFIRM** on the constitutional ground. Whatever the merits of Belya's claims, their adjudication would impermissibly interfere with ROCOR's selection and supervision of its ministers and would require a jury to determine the correct understanding of ROCOR's own protocols and governance. The First Amendment allows for neither.

BACKGROUND[1]

I. ROCOR and Its Selection of Bishops

ROCOR is a semi-autonomous division of the Russian Orthodox Church. ROCOR was founded in 1920 during the Russian Revolution and reentered communion with the Moscow Patriarchate (*i.e.*, the Russian Orthodox Church *within* Russia) only in 2007.

Central to this case is the process by which ROCOR selects its bishops. ROCOR represents that process as follows: First, candidates are identified and nominated by the church's Synod of Bishops. The Synod functions as the

[1] The parties vigorously dispute the events giving rise to this case, including Belya's claimed election and its aftermath. The recitation below attempts to report faithfully the factual contentions (and, where it exists, the testimony) of Belya and of the Defendants.

church's "executive organ." App'x 678 ¶ 17. The Synod is composed of a subset of bishops and is led by the First Hierarch, also known as the Metropolitan. At all times relevant here, the Metropolitan was Defendant Hilarion Kapral. Metropolitan Hilarion died in 2022, before his deposition could be taken.

After identifying and nominating candidates, the Synod refers the candidates to the Sobor of Bishops, the church's "highest ecclesiastical body," consisting of all its active bishops, for a vote. App'x 676 ¶ 9. Finally, after the Sobor votes to elevate a candidate to the bishopric, the Synod informs the Moscow Patriarchate, which then affirms the Sobor's election.

ROCOR further represents that it maintains formal protocols governing each step of that process. For example, the Synod's request for Moscow's approval of an election must be transmitted via "a formal letter from the ROCOR Synod on [its] letterhead" and must be sent "to the Moscow Patriarchate's Synod," not to the Patriarch himself. App'x 679 ¶ 25. And while an election can take place outside of a normal Sobor meeting, no election can occur "without the Synod seeking out and receiving the written opinions of all the bishops of the

Sobor."[2] App'x 679 ¶ 24.

II. Belya's Candidacy

Alexander Belya was previously a ROCOR priest in its Eastern American Diocese, overseeing the St. Matrona parish in Miami. He joined the church as a priest in 2011 when he moved to the United States from the Czech Republic, allegedly at the encouragement of Metropolitan Hilarion. Belya asserts that the Metropolitan intended for him to become a bishop and suggested to him on two occasions, first in 2016 and again in late 2017 or early 2018, that he would one day be elevated.

The parties agree that, in December 2018, the Synod invited Belya to one of its meetings to discuss his potential candidacy for a bishopric. But their accounts differ as to what happened next. According to Defendants, the Synod discussed Belya's candidacy but determined that it would not advance him to the Sobor until he met certain conditions, including bringing his parish's property "under the authority of the Diocese." App'x 694 ¶ 79. The Synod appointed Defendant

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[2] Belya has not taken a position on ROCOR's description of this process. His response to Defendants' Local Rule 56.1 statement neither admits nor denies their assertions, instead responding that Defendants' presentation of these procedures is "not 'material' to the claims and defenses in this litigation." *See, e.g.*, App'x 679 ¶ 25.

Nicholas Olkhovskiy, then a bishop and now ROCOR's Metropolitan, and Archbishop Gabriel Chemodakov to supervise Belya's fulfillment of those prerequisites.

Belya, in contrast, asserts that, after the meeting, Metropolitan Hilarion, Archbishop Gabriel, and several other bishops informed him that he had been elected bishop. He then claims to have received an envelope containing two letters. The first was from the Metropolitan, confirming Belya's election but also requiring that he make several "corrections" to his ecclesiastical practices, which, as in Defendants' account, included transferring St. Matrona's property to ROCOR. App'x 818 ¶ 26. The second was a copy of a letter that the Metropolitan purportedly sent to the Patriarch in Moscow (the "December Letter"). That letter stated that the Synod had met in New York to elect two bishops, one of whom was Belya, and that "[i]n the nearest future [the Patriarch] will be sent the requests of the appointment of the candidates." App'x 169.

In January 2019, Belya traveled to Moscow to celebrate the tenth anniversary of the enthronement of the Moscow Patriarch, which Belya attests that he did at the Metropolitan's invitation. While there, the Metropolitan allegedly apprised Belya of his submission of a second letter (the "January

Letter") to the Patriarch's office, this time seeking "approval of [Belya's] election as bishop." App'x 823 ¶ 38. Belya further claims that the Metropolitan provided him with copies of that letter following the trip.

Months later, on August 30, 2019, the Moscow Patriarchate's website announced its approval of the election by ROCOR of Belya as Bishop of Miami. But any celebration for Belya was short-lived. He attests that he called the Metropolitan after learning the news but was unable to reach him. He was then "bombarded with phone calls from various clerics who told [him] that things had 'blown up' at ROCOR over the announcement" and that he "was being accused of forging the Metropolitan's letters to [the] Patriarch." App'x 830 ¶ 66. Over the next two days, strangers showed up at his church and distributed leaflets accusing him of fraud; he received harassing phone calls from unknown individuals; and clerics informed him that the Metropolitan refused to speak with him and that other church leaders were preparing formal charges seeking his condemnation.

According to Defendants, the announcement of the Moscow Patriarchate's affirmation caught them by surprise, because, as they attest, Belya had never been elected bishop, not in December 2018 or at any other point. In fact, they assert, the Synod had voted internally in June 2019 to pause consideration of Belya's candidacy based on complaints it had received about his conduct. The individual Defendants, all members of the Eastern American Diocese's leadership, therefore undertook an investigation into what had transpired and, in doing so, some reached out to the Moscow Patriarchate. The Patriarchate shared three letters it had received relating to Belya's election: (1) the December Letter, (2) the January Letter, and (3) an undated letter purportedly from Archbishop Gabriel, explaining that Belya had completed all the corrections necessary for his elevation (the "Gabriel Letter").

Each of these letters, Defendants say, contained numerous irregularities. For one, the facts recited in the letters are, according to Defendants, inaccurate. They collectively referred to "an election which did not happen," App'x 718 ¶ 122, and stated that Belya had made the requisite corrections, when, in fact, he had not transferred St. Matrona's property to ROCOR. The letters also deviated from ROCOR's protocols as represented by Defendants. For example, the January Letter, purportedly requesting the Patriarch's approval of Belya's election, was sent by the Metropolitan to the Moscow Patriarch when it should have been sent by the ROCOR Synod to the Moscow Patriarchate. The letter also lacked an official "citation" and a "formal ecclesiastical biography" of Belya, as would purportedly be the case had the letter been authentic. App'x 724 ¶¶ 130–31.

Suspecting Belya's involvement, certain Defendants drafted a letter to the Metropolitan and the Synod that was subsequently approved by the entire Eastern American Diocese leadership at its September 3, 2019, meeting (the "September 3 Letter"). That letter began by expressing concern about the three letters forwarded from Moscow:

> It turns out that Metropolitan Hilarion of Eastern America & New York knew nothing about the [December and January Letters] directed to Moscow containing a request for confirmation of the "episcopal election" of [Belya] by the Synod of Bishops (which never took place). The Diocesan Council members have examined the content of these letters, which, as stated by His Eminence, were drawn up in an irregular manner. For example, the "request" does not contain the appropriate citation from the decision of the Synod of Bishops, nor does it contain a biography of the cleric "elected." . . .
>
> The letter submitted with the signature of Archbishop Gabriel of Montreal & Canada raises doubts, as well, as it was not issued[,] numbered[,] or dated. In addition, it was not printed on the official letterhead of the Most Reverend Gabriel. Nevertheless, we understand that the Holy Synod, having received the appeal supposedly from our First Hierarch, had no reason to doubt the authenticity of the written request of His Eminence.

App'x 887–88.

The letter proceeded to levy other accusations against Belya, including that he broke the seal of confession, using what he had learned from confessions to "denigrat[e]" and "control[]" his parishioners; that he and his family were profiting from their private ownership of St. Matrona; and that he had engaged in other "unseemly behavior." App'x 888. It concluded by requesting that the Metropolitan and the Synod suspend Belya "from performing any clerical functions" and investigate his conduct. App'x 888–89. The individual Defendants delivered the letter to the Synod, and Metropolitan Hilarion suspended Belya that day. Belya unsuccessfully appealed the decision and was formally defrocked in February 2020.[3]

III. The September 3 Letter's Circulation

While Belya was aware of the existence of the September 3 Letter, he did not see it until about two weeks later when it was republished in full on the Facebook page of Olga Tsibin, a former parishioner of St. Matrona's. Tsibin posted her own commentary alongside the letter, expressing that "Father Alexander for his crimes and deceptions can no longer serve," citing alleged misconduct including "[f]orgery of documents, bribes, [and] disobedience to

[3] Shortly thereafter, Belya became a priest in the Greek Orthodox Church.

superiors." App'x 922. After Tsibin's post, the story traveled across the Orthodox world, attracting considerable media attention. Belya has not identified any direct evidence of how Tsibin obtained the letter — she is not a defendant in this case and was not deposed. Instead, in asserting that Defendants were responsible for Tsibin's publication, Belya points to circumstantial evidence, noting that Tsibin was connected to other former parishioners of Belya's church who had been tasked by Defendants Olkhovskiy and Alexandre Antchoutine with searching for damaging information about Belya.

In addition to Tsibin's posts,[4] certain Defendants (or institutions with which they are affiliated) published hyperlinks to news articles related to Belya's disputed election on their own Facebook pages. First, two days after Tsibin's post, the St. Seraphim Russian Orthodox Church posted an article from *Eastern Orthodox Christian News* that stated, in relevant part, that while Belya had been "confirmed by the [Moscow] Synod," he "had not been elected by the ROCOR Synod and a letter informing about his nomination sent to Moscow was a forgery." App'x 940. Defendant Serafim Gan is the rector of the St. Seraphim

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[4] Besides her initial post, Tsibin appears to have republished the September 3 Letter on Facebook on at least two subsequent occasions.

Church, but he has denied any involvement in that post. Second, about a month later, Defendant Serge Lukianov posted on his own Facebook page an article from orthochristian.com that described how Belya had been suspended after he "managed to get his name sent to Moscow as a nominee for vicar bishop of Miami in ROCOR, despite the fact that he had not been nominated." App'x 943. And finally, nearly three years later, in 2022, Defendant Antchoutine posted on his Facebook page an article, also from orthochristian.com, that stated that "in the summer of 2019 Belya sent a forged document to Moscow in hopes of becoming a bishop." App'x 1503 (emphasis removed).

IV. Procedural History

In August 2020, Belya sued the Defendants in the United States District Court for the Southern District of New York, claiming defamation, defamation *per se*, and defamation by implication based on Defendants' statements in the September 3 Letter. *See Belya v. Hilarion*, No. 20-Civ-6597, 2021 WL 1997547, at *2 (S.D.N.Y. May 19, 2021). While that letter criticized Belya and his character on numerous grounds, Belya's complaint focused on the letter's implication that he forged the communications purportedly authored by Metropolitan Hilarion and Archbishop Gabriel. Defendants moved to dismiss, arguing, among other things, that the district court could not resolve the case because it involved "nonjusticiable ecclesiastical issues under the First Amendment['s]" church autonomy doctrine.[5] *Id.* at *3. The district court rejected that argument, because, while the First Amendment "forbids civil courts from interfering in or determining religious disputes," it "does not bar claims if they may be resolved by appealing to neutral principles of law." *Id.* at *4. At the pleading stage, the district court continued, it appeared that Belya's suit could be resolved through "neutral principles," as his claims "center[ed] on Defendants' allegations that he forged the various letters at issue that led to the confirmation of his election." *Id.*

Defendants appealed, arguing that the district court's refusal to apply the

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[5] Defendants' motion to dismiss and the order issued by Judge Victor Marrero, to whom this case was initially assigned, discussed the doctrine in the context of a dismissal under Federal Rule of Civil Procedure 12(b)(1) for lack of subject-matter jurisdiction. But in *Hosanna-Tabor*, the Supreme Court characterized the "ministerial exception," a component of the church autonomy doctrine, as "an affirmative defense to an otherwise cognizable claim" rather than a "jurisdictional bar." *Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC*, 565 U.S. 171, 195 n.4 (2012); *see also Our Lady of Guadalupe School v. Morrissey-Berru*, 591 U.S. 732, 746–47 (2020) (recognizing the ministerial exception as part of the broader church autonomy doctrine). Likewise, the church autonomy doctrine operates as an affirmative defense, *see Belya v. Kapral*, 45 F.4th 621, 633 (2d Cir. 2022), and, as such, does not implicate a "court['s] . . . power to hear [a] case," *Hosanna-Tabor*, 565 U.S. at 195 n.4 (internal quotation marks omitted). In any event, that earlier mischaracterization has no bearing on the issue now before us.

church autonomy defense was an interlocutory decision subject to immediate appellate review under the collateral order doctrine. *See Belya*, 45 F.4th at 630. A panel of our Court disagreed, concluding that the district court's decision did not qualify as a collateral order. *Id.* at 631–33. A petition to review that decision *en banc* was unsuccessful, *see Belya v. Kapral*, 59 F.4th 570, 571–72 (2d Cir. 2023), and the case was remanded to the district court.

The case proceeded to discovery and, subsequently, to Defendants' motion for summary judgment. By that point, the case had been reassigned to Judge Subramanian, who understood from Belya's motion papers that his claims were premised only on the portions of the September 3 Letter that implied that he had forged the December and January Letters from Metropolitan Hilarion and that he was challenging only the September 3 Letter's publication on Facebook. *See Belya v. Kapral*, 775 F. Supp. 3d 766, 773, 775 (S.D.N.Y. 2025). In construing Belya's claims that way, the district court concluded that Belya was no longer challenging the individual Defendants' initial dissemination of the letter to the Synod or making any claims based on the Gabriel Letter. *See id.*

After so defining the scope of Belya's claims, the district court granted summary judgment for Defendants based on both New York defamation law and the First Amendment. *See id.* at 772–80. As to New York law, the district court concluded Belya failed to adduce any evidence that Olga Tsibin's publication of the September 3 Letter could be attributed to any Defendant and that the other Facebook posts — which consisted solely of hyperlinks to news articles — were not actionable publications under New York's single-publication rule. *Id.* at 776–77. The court further concluded that, under the First Amendment, summary judgment for Defendants was similarly warranted because resolving Belya's claims on the merits would require a jury to evaluate issues of "core church functions," including "the proper election procedures of ROCOR bishops; what was said among senior church leaders about church disciplinary procedures; and communications among senior clergy about internal church governance." *See id.* at 779. Moreover, the district court recognized, "Belya's claim for damages" could not be disentangled from his status as a "priest" and the context of "his election as bishop." *Id.* Belya appealed.

DISCUSSION

"We review a grant of summary judgment *de novo*." *Zalaski v. City of Bridgeport Police Department*, 613 F.3d 336, 340 (2d Cir. 2010) (internal quotation marks omitted). Applying that standard, we conclude that the district court correctly held that the church autonomy doctrine bars Belya's defamation claims.[6]

I. The Church Autonomy Doctrine

The church autonomy doctrine, also referred to as the ecclesiastical abstention doctrine, ensures "that religious associations have 'independence in matters of faith and doctrine and in closely linked matters of internal government.'" *Belya*, 45 F.4th at 630, quoting *Our Lady of Guadalupe*, 591 U.S. at

[6] In most cases involving both state law and constitutional issues, we address the former first and, unless still necessary, avoid the latter. *See Allstate Insurance Co. v. Serio*, 261 F.3d 143, 149–50 (2d Cir. 2001). We depart from that default rule because the state-law issues presented by the parties necessitate a threshold constitutional inquiry at this stage. To determine whether Belya's defamation claims can survive summary judgment under New York law, we have to examine many of the very issues that the constitutional church autonomy doctrine arguably shields from secular review. It is thus sensible for us to address the doctrine and its scope head on.

That is not to say that a court *must* address a defendant's church autonomy defense first in all circumstances. For example, where a particular element of a plaintiff's claim is fatally deficient on secular grounds and that element does not otherwise implicate matters of church protocol or governance, a court may resolve the claim on that narrow basis without raising church autonomy concerns. As another example, a court may dispose of a case based on a procedural argument that is divorced from the underlying merits (*e.g.*, statute of limitations or exhaustion). As these examples suggest, the order of operations is case-specific and necessarily turns on the interplay between the parties' various contentions under the church autonomy doctrine and sub-constitutional sources of law.

747. The doctrine is rooted in both of the First Amendment's Religion Clauses, the Free Exercise Clause and the Establishment Clause: "State interference in th[e] sphere" of church autonomy would "violate the free exercise of religion, and any attempt by government to dictate or even to influence such matters would constitute one of the central attributes of an establishment of religion." *Our Lady of Guadalupe*, 591 U.S. at 746. Therefore, while the doctrine does not provide religious institutions with "a general immunity from secular law," it does, as relevant here, protect such institutions from civil liability predicated on "internal management decisions . . . essential to [their] central mission." *Id*.

In applying the church autonomy doctrine, a court must consider not only the source of the claim and the proof a plaintiff relies upon in support of his affirmative case but also the evidence necessary for the defendant to meaningfully challenge the claim. *See Huntsman v. Corporation of the President of the Church of Jesus Christ of Latter-Day Saints*, 127 F.4th 784, 798 (9th Cir. 2025) (Bress, J., concurring). Where it is clear that resolving the claim would require "civil intrusion and excessive entanglement" with matters of faith, doctrine, or governance, *Demkovich v. St. Andrew the Apostle Parish, Calumet City*, 3 F.4th 968, 977 (7th Cir. 2021), especially where resolution would require a factfinder to "second-guess[]" a church's[7] understanding of its own affairs, *Bear v. Nix*, 977 F.2d 1291, 1294 (8th Cir. 1992), the First Amendment requires that the court cede to church autonomy and cease to adjudicate the claim. However, "[c]ourts may decide disputes that implicate religious interests as long as they can do so based on 'neutral principles' of secular law without undue entanglement in [religious] issues." *Merkos L'Inyonei Chinuch, Inc. v. Otsar Sifrei Lubavitch, Inc.*, 312 F.3d 94, 99 (2d Cir. 2002), citing *Jones v. Wolf*, 443 U.S. 595, 604 (1979); *see also Belya*, 45 F.4th at 630 (similar). For example, if a religious organization intends to seek the aid of civil courts to "ensure that a dispute over the ownership of church property will be resolved in accord with the desires of the members," the organization must "'structure relationships involving church property so as not to require the civil courts to resolve ecclesiastical questions.'" *Jones*, 443 U.S. at 604, quoting *Presbyterian Church in the United States v. Mary Elizabeth Blue Hull Memorial Presbyterian Church*, 393 U.S. 440, 449 (1969).

As relevant here and as the Supreme Court recognized in *Hosanna-Tabor*,

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[7] As a matter of convenience, we use the terms "religious organization" and "church" interchangeably. Of course, where applicable, the church autonomy doctrine affords protection to religious institutions regardless of the faith with which they are associated.

the doctrine prevents the adjudication of claims that would necessarily interfere with a church's ability to select, supervise, and terminate its employees who serve an "important religious function[]" (*i.e.*, its ministers).[8] *See* 565 U.S. at 192. While *Hosanna-Tabor* specifically addressed a church minister's disability discrimination claim following her termination, *see id*. at 196, its reasoning applies equally to a variety of claims whose effect is to impermissibly interfere with church governance, including the relationship between a church and its ministers. At its core, *Hosanna-Tabor* recognizes that because

> [t]he members of a religious group put their faith in the hands of their ministers[, r]equiring a church to accept or retain an unwanted minister, or punishing a church for failing to do so, intrudes upon more than a mere employment decision. Such action interferes with the internal governance of the church, depriving the church of control over the selection of those who will personify its beliefs.[9]

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[8] This portion of the church autonomy doctrine is often referred to as the "ministerial exception," because it operates as an exception to laws regulating employment relations, such as civil rights laws prohibiting employment discrimination.

[9] Separately, a substantial body of case law involves determinations of which church employees qualify as ministers for purposes of the church autonomy doctrine. *See, e.g.*, *Our Lady of Guadalupe*, 591 U.S. at 751–56 (describing factors that may be considered in determining whether a church employee qualifies as a minister). Here, Belya does not dispute (nor could he) that, as a priest within ROCOR, he served as a minister.

565 U.S. at 188. Further, as *amici* law professors point out, "[a] religious body's motivation for taking an [employment] action protected by the First Amendment can be purely ecclesiastical, secular as well as ecclesiastical, or secular instead of ecclesiastical." Amicus Br. of Professors Laycock, McConnell, and Garnett at 21. The immediate motivation does not matter, because, whatever the motivation, a church's selection and supervision of its religious leaders are *inherently* religious acts.

A necessary corollary to the principles identified in *Hosanna-Tabor* is that church officials must be free to engage in speech regarding their protected employment decisions without fear of liability. Religious leaders cannot exercise their "free[dom] to determine who is qualified to serve in positions of substantial religious importance" without the ability to communicate among themselves and with their communities about the candidates and employees that should (or should not) embody the church's "message" and "speak in its . . . voice." *Hosanna-Tabor*, 565 U.S. at 199–201 (Alito, J., concurring). Where a claim challenges the propriety of, or is otherwise inextricably intertwined with, such communications, it "threaten[s] a collateral attack" on an employment decision "solidly protected by" the First Amendment. *McRaney v. North American Mission*

Board of the Southern Baptist Convention, Inc., 157 F.4th 627, 653 n.9 (5th Cir. 2025) (internal quotation marks omitted). It is therefore no surprise that courts before and after *Hosanna-Tabor* have found that the church autonomy doctrine bars defamation claims based on communications made as a part of a church's discipline and termination of its ministers. *See, e.g., id.* at 651–53; *Ogle v. Church of God*, 153 F. App'x 371, 373–74, 376 (6th Cir. 2005); *Hiles v. Episcopal Diocese of Massachusetts*, 773 N.E.2d 929, 936–37 (Mass. 2002); *Cha v. Korean Presbyterian Church of Washington*, 553 S.E.2d 511, 516 (Va. 2001); *In re Lubbock*, 624 S.W.3d 506, 516 (Tex. 2021).[10]

II. Application to Belya's Claims

The church autonomy doctrine bars Belya's claims in at least two respects. First, Belya's claims interfere with ROCOR's autonomy in selecting, supervising, and terminating its clergy. Second, evaluating the merits of Belya's claims would impermissibly require a jury to address numerous questions regarding ROCOR's

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[10] To be clear, that the church autonomy doctrine may bar defamation claims based on such communications is not to say that defamation claims — or other torts — can never lie against church officials for their tortious actions within their religious communities. So long as "a case can be resolved by applying well-established law to secular components of a dispute, such resolution by a secular court presents no infringement upon a religious association's independence." *Belya*, 45 F.4th at 630.

governance and protocols for selecting its bishops.

We start with Belya's claims stemming from the individual Defendants' initial internal publication of the September 3 Letter to the Synod.[11] It is undisputed that the individual Defendants, all members of the Eastern American Diocese leadership, sent the letter to the Synod, another leadership body within the church. It is also undisputed that the letter presented the results of the individual Defendants' investigation into Belya's elevation to the bishopric and accused Belya of other disqualifying behavior. The letter specifically recommended that the Synod investigate Belya further and discipline him for his alleged widespread misconduct, which the Synod proceeded to do. The letter was therefore the product of an investigation undertaken by Defendants as part of their supervision of ROCOR's ministers, and its findings served as a factual predicate for ROCOR's decision to terminate Belya. Thus, even assuming that the letter contained false statements and that those falsehoods were of a secular sort

[11] While the district court concluded that Belya abandoned any claims based on this instance of publication — a determination Belya challenges on appeal —we need not decide the abandonment issue because even assuming *arguendo* that Belya preserved this argument, it fails on the merits. We take the same approach, and reach the same conclusion, with regard to any claims related to the Gabriel Letter.

that hypothetically could be resolved based on non-religious evidence, the context of the letter's initial publication places it squarely within the protection of the church autonomy doctrine. Allowing judicial review of the results of Defendants' investigation "would impermissibly interfere with" ROCOR's authority "to regulate the character and conduct of its leaders," *In re Lubbock*, 624 S.W.3d at 516, and, in doing so, would render "[t]he First Amendment's protection of internal religious disciplinary proceedings . . . meaningless," *Hiles*, 773 N.E.2d at 937.

But what's more, as the district court stressed, resolving the merits of Belya's claims would entangle a jury in church protocols and governance such that the church autonomy doctrine applies regardless of Belya's status as a minister. While Belya contends that the merits turn exclusively on "[t]he genuineness of Met[ropolitan] Hilarion's signature," a fact purportedly divorced from any religious context and thus one that can be considered by a jury, a closer examination of the elements of his claims belies that assertion. Appellant's Br. 45. A jury resolving Belya's claims would be required to make numerous factual findings regarding ROCOR's election practices and, in doing so, would have to assess "the good faith" and correctness "of the position[s] asserted by"

Defendants as to the practices and beliefs of their own church. *N.L.R.B. v. Catholic Bishop of Chicago*, 440 U.S. 490, 502 (1979).[12]

First, consider the element of falsehood. A statement can only be defamatory if false; truth, as is oft-repeated, "is an absolute defense." *Meloff v. New York Life Insurance Co.*, 240 F.3d 138, 146 (2d Cir. 2001) (internal quotation marks omitted). To prove falsehood, Belya points to the opinion of a handwriting expert that the Metropolitan did in fact sign the December and January Letters. Defendants offer no expert of their own. And in depositions taken during discovery, several individual Defendants testified that the signatures and seals on the December and January Letters belonged to Metropolitan Hilarion. Defendants, meanwhile, rely solely on circumstantial evidence that implicates church governance to support their contention that the Metropolitan was not responsible for the letters, which, in turn, would be probative of the fact that

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[12] As the Supreme Court, relying on the canon of constitutional avoidance to interpret the National Labor Relations Act as not providing the National Labor Relations Board with jurisdiction over Catholic schools, recognized: "The resolution of such charges by the Board, in many instances, will necessarily involve inquiry into the good faith of the position asserted by the clergy-administrators and its relationship to the school's religious mission. It is not only the conclusions that may be reached by the Board which may impinge on rights guaranteed by the Religion Clauses, but also the very process of inquiry leading to findings and conclusions." 440 U.S. at 502.

Belya, as the individual who directly benefitted from their transmission, was. Defendants attest that the Synod does not have authority to elect bishops, that the Synod never referred Belya's candidacy to the Sobor as required for a bishopric election, that the Sobor never voted on his candidacy, and that the Synod, in fact, suspended Belya's candidacy months before the purported election allegedly occurred. Moreover, Defendants explain how the letters allegedly sent by the Metropolitan to Moscow failed to follow basic ROCOR protocols for letters seeking affirmation of a bishop's election that the Metropolitan would have presumably been knowledgeable of.

To determine whether the September 3 Letter's accusations of forgery are false, a jury would be required to make factual findings about how ROCOR's bishops are elected and how those elections are conveyed and affirmed. But under the First Amendment, a jury cannot, for example, assess whether a Sobor vote is actually required for a bishop to be elected and whether such a vote actually happened here. Without the ability to evaluate that evidence, a jury cannot determine the truth or falsity of Defendants' charge of forgery in the September 3 Letter. It is not controlling that Belya could present his own affirmative case without delving into any of those issues, as Defendants cannot do the same. If it were, Belya could strategically litigate his case to avoid issues of church autonomy and require Defendants either to abandon evidence in their defense that relies on religious practices or doctrines, or to submit the accuracy of their doctrinal contentions to a jury's scrutiny.

Second, similar issues would arise in litigating the element of fault. Under New York law and the First Amendment's Speech Clause, a plaintiff must show that a defendant made a defamatory statement with at least negligence.[13] *See Celle v. Filipino Reporter Enterprises*, 209 F.3d 163, 176 (2d Cir. 2000). But determining whether Defendants acted with negligence requires a jury to consider whether Defendants acted reasonably in their believing that Metropolitan Hilarion and Archbishop Gabriel did not write the letters that were sent in their names. That requires a jury to assess what a reasonable ROCOR clergyman would have concluded, in light of the rules and practices of ROCOR, about the likely sequence of events that led to the Moscow Patriarch's announcement. Once again, a jury is not entitled to evaluate such a question. Belya put forward some evidence in his favor that appears "secular" — namely, that certain individual

[13] The First Amendment requires a higher showing of "actual malice" where the plaintiff is a public figure or official. *Biro v. Condé Nast*, 807 F.3d 541, 544 (2d Cir. 2015).

Defendants did not review the purported forgeries before signing the September 3 Letter and that some conceded that the signatures in the December and January Letters resemble that of the Metropolitan. But like the "secular" handwriting analysis, that evidence cannot be disentangled from Defendants' understanding of ROCOR's internal affairs that informed their decision to sign the September 3 Letter.

We reach the same conclusion for Belya's claims as to the Facebook posts that circulated the September 3 Letter and its contents. While Belya contends that those posts and the articles to which they hyperlinked defamed him as a forger to the world outside of ROCOR's leadership, those posts did so exclusively in the context of his supposed election as bishop. Each repeated either verbatim (as in the case of Olga Tsibin's posts) or in substance (as in the case of the other hyperlinked news articles) only the findings of Defendants' investigation as described in the September 3 Letter.[14] As a result, any claims based on the Facebook posts are "'inextricably intertwined' with [ROCOR's] decision to

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[14] Belya points to no evidence that suggests the statements published in Orthodox-focused media outlets were the result of investigations by those outlets independent of ROCOR's own. Any such evidence would be entirely inconsistent with Belya's own theory of liability, which is predicated on the broad dissemination of *Defendants'* alleged falsehoods.

investigate its own clergy" and with ROCOR's own understanding of its protocols and governance, and cannot "be severed from th[ose]" contexts. *In re Lubbock*, 624 S.W.3d at 516, 518. Allowing Belya's claims based on the Facebook posts to proceed would require a jury to assess the procedural soundness and substantive correctness of ROCOR's investigation and termination of Belya, which, as already explained, is a decision squarely protected by the church autonomy doctrine.

We recognize that some courts have indicated that the church autonomy doctrine may not bar adjudication where a defamatory statement was made by church leaders to audiences outside their religious community. *See, e.g.*, *Kliebenstein v. Iowa Conference of United Methodist Church*, 663 N.W.2d 404, 407 (Iowa 2003) (explaining that the "fact that [the defamatory] communication . . . was published outside the congregation weakens th[e] ecclesiastical shield"); *Hubbard v. J Message Group Corp.*, 325 F. Supp. 3d 1198, 1217 (D.N.M. 2018) (observing that "some courts" have identified "a distinct legal effect between circumstances in which defamatory comments are published exclusively to the members of a religious organization and circumstances in which the comments are published, as well, to the general community"); *Pfeil v. St. Matthews*

Evangelical Lutheran Church of Unaltered Augsburg Confession of Worthington, 877 N.W.2d 528, 542 (Minn. 2016) (applying the church autonomy doctrine to "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*" (emphasis added)). We need not address the merit of that principle here, beyond noting the difficulty of line-drawing between internal and external publication. Whether or not Tsibin's or the St. Seraphim's social media posts were open to perusal by the general public, the audiences to whom they were directed, who were most likely to be interested in Belya's situation, and among whom Belya claims his reputation was most significantly damaged, were members of his own religious community — as were the target audiences of *Eastern Orthodox Christian News* and orthochristian.com, which covered the story. To the extent Defendants may have instigated any of those publications, such involvement remains covered by their privilege as religious leaders to communicate with their congregations.

In any event, we can reserve for another day hypothetical defamatory communications by or about religious authorities addressed primarily to secular audiences, such as in political campaigns or corporate proxy battles, or those addressed even within a religious community that can be adjudicated based on neutral and secular principles of law. In the factual context of this case, we can and do conclude only that, where an allegedly defamatory statement emerges from a church's protected investigation into a minister's conduct *and* implicates questions of internal church governance, the church autonomy doctrine bars the claim regardless of whether the statement is repeated beyond the church community.

Finally, we note that this Court's prior decision in this case at the motion to dismiss stage identified in dicta some questions that appeared, based on the face of Belya's complaint, to potentially be resolvable by neutral principles of law. *See Belya*, 45 F.4th at 634. We recognized that "further proceedings may uncover that the merits *do* turn on the church autonomy doctrine." *Id.* at 632–33 (emphasis added). The facts developed in discovery have demonstrated this to be true in the context of the issues proposed to be litigated in this case. With all those facts now before us, it is clear that Belya's claims ask us to go where the church autonomy doctrine prohibits courts from entering.

CONCLUSION

For the reasons explained, we **AFFIRM** the district court's grant of summary judgment for Defendants.