

Invasion of Privacy

To disclose publicly private facts or information about another person (without that person's consent) that an ordinary person would find objectionable or offensive if made public.

- Whether the allegations are true or false is irrelevant
- The complainant can seek damages for emotional injury
 - Complaints of this type, seeking damages for emotional injury, often occur in situations involving church discipline, particularly
 - where the disclosure could or does lead to dismissal from office or
 - where church discipline against an individual has continued after the person subject to discipline has withdrawn his/her consent to membership. (From the perspective of the law, the church is a voluntary association, in which persons are bound together only by the extension of consent to membership.)
 - See the **Marian Guinn vs. Church of Christ of Collinsville case study in Batten, *Ethics in the Sanctuary*, pp. 21-22,61-65** (cf. also the discussion on pp. 68-73).
- The facts or information in question cannot be a matter of public record (i.e., criminal conviction[s], divorce, marriage, birth, death, driving records, lawsuits, ownership, bankruptcies, etc.)

Defamation

Public communication of false statements that

- injured a person's reputation (esp. by impugning one's honesty, virtue, morality, trustworthiness, or integrity) or
- exposed one to public hatred, ridicule or contempt

and did so with malice (i.e. without just cause), either

- knowing the statements communicated to be false or
- communicating these statements with reckless disregard for whether they were true or false.

Requires proof of damages or resultant injury, i.e.

- intentional infliction of emotional distress (this sometimes advanced as a separate, parallel charge in the lawsuit) or
- financial injury (particular where the communication can threaten one's livelihood or ability to make a living)

See the St. Luke Evangelical Church, Inc. vs. Smith case study summarized in Taylor, p. 44 and Bullis and Mazur, p. 60

Spoken (transitory) statements=**slander** (often in connection with negative statements made about an individual from the pulpit)

Written (permanent statements)=**libel** (often in connection with clergy writing recommendations)

Bibliography on Legal Aspects of Church Ministry

- Ronald K. Bullis, *Sacred Calling, Secular Accountability: Law and Ethics in Complementary and Spiritual Counseling* (Philadelphia: Brunner-Routledge, 2001)
- H. Wayne House, *Christian Ministries and the Law*, rev. ed. (Grand Rapids: Kregel, 1999)
- Cynthia Mazur and Ronald Bullis, *Legal Guide for Day-to-Day Church Matters: A Handbook for Pastors and Church Members*, rev. and exp. ed. (Cleveland: Pilgrim Press, 2003)
- Mary Angela Shaughnessy, *Ministry and the Law: What You Need to Know* (New York: Paulist Press, 1998)

These books all cover somewhat different types of issues, so it is valuable to purchase all of them and keep them on your bookshelf for reference. If you can only afford one, start with Mazur and Bullis' *Legal Guide*, which is the most up to date on the issues it covers.

*Nothing in this handout shall be construed as providing legal advice.
One should always consult a lawyer to determine the laws applicable to your particular locality and specific situation.*