

Invasion of privacy

[Literature](#), [Russian Literature](#)



Invasion of privacy Invasion of privacy became a tort when the Boston lawyer Samuel Warren (1852 – 1910) was upset because the local press reported about the conduct of his wife at a party. Warren had graduated second in his class at Harvard Law School (1877) and, together with his friend Louis Brandeis (1856 – 1941) (who was to become a justice of the United States Supreme Court), who had been the first-place student in the same generation, decided to publish an article arguing for a right of privacy. (www. bigsiteofamazingfacts. com) Their article " A Right to Privacy" was published in 1890 in the Harvard Law Review. The article complained about the intrusion of the media into the private and domestic life and argued that gossip had become a trade, with the goal of generally informing people about other people`s intimate activities.

Gradually, the courts began to recognize invasion of privacy. Today almost all the states of the U. S. recognize all four sub-torts as common law: intrusion (any form of intrusion into someone`s private space), appropriation of publicity rights (use of a person`s name, likeness or identity without consent), public disclosure of private facts and false light (publication of false, highly offensive information about an individual).

We can look at this case study: Steve recently joined a church. Church doctrine required that members reveal any personal indiscretions to the leaders of the church. Steve disclosed some of his personal indiscretions to the leaders of the church. After his disclosures, these leaders informed Steve that they intended to tell other members of the church about his indiscretions because they thought the church leaders might help him overcome his problems. Steve was dismayed that this personal information

might be disclosed. He told the church leaders about his intention to leave the church rather than have his problems disclosed. The church leaders informed him that their next step was to tell the members of the church, his neighbours, and his employer about his problems.

In this case we can look at the sub-tort public disclosure of private facts, from the tort invasion of privacy. Steve's personal indiscretions are true and they were consented, but they were disclosed to church members for spiritual purposes and not in order to be discussed with the other members. In no way can that information be considered newsworthy to any part of the public, and its disclosure to other church members who might help Steve overcome his problems is an entirely separate issue that should have been discussed previously and also consented to. Without knowing the exact nature of the disclosures, one cannot tell for sure the outcome of a law suit, but given it was not murder or anything serious, Steve would normally win the law-suit.

Regarding the legal difference between disclosing facts to church elders, church members or members of the public, it is the following: Steve disclosed those facts to the church elders because he considered them his superiors, spiritually, and because he wanted to be a part of that church. Any of those elders that were also formally priests were forbidden from disclosing anything Steve told them. As for the church members, Steve did not wish to disclose anything to them, personally, so neither should the church elders. In this matter, though, Steve would only have a case against the elders who would disclose his past, and not against anybody present at the very moment of the disclosure, be they members of the church or the greater

public.

As to the issue of a law-suit for libel, it is unlikely that Steve should win such a law-suit, as the facts to be disclosed are true, and it is generally required both that the claims be fake and that the publication is made to some other than the defamed person. If there had been a disclosure of fake information, then Steve would have had a libel case.