

## Phil Johnson

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**From:** Phil Johnson  
**Sent:** Tuesday, March 23, 2021 11:30 AM  
**To:** [REDACTED]  
**Subject:** On our pastors' sermons & the question of copyright/intellectual property

Dear [REDACTED]

I think this issue was recently raised and given quite a bit of publicity by Julie Roys, who clearly has a personal agenda to try to discredit John MacArthur. Evidently, Mr. [REDACTED] has picked up on the theme and hopes to get some mileage out of it.

Unfortunately, Mr. [REDACTED] hasn't a clue what he is talking about. The elders of Grace Community Church considered and settled this issue in the early 1980s. The policy they formally ratified then has remained unchanged ever since. ***Our pastors' sermons are not works for hire, and their messages are not considered the church's intellectual property.***

A pastor's sermons are the equivalent of a college professor's lectures and study notes. Since the 1976 Copyright Law went into effect, several courts have ruled emphatically that a university professor's research, classroom content, and notes are his own intellectual property. (See: <https://digitalcommons.law.villanova.edu/cgi/viewcontent.cgi?article=2776&context=vlr>.) If a professor transfers to a new university, the material still belongs to him, and if it becomes the basis of a book he publishes, the university that employs him has no rightful claim on a share of the royalties. (**Note:** "There is a thin but assertive line of judicial decisions recognizing a 'professor's exception' to the work-for-hire doctrine." Source: <https://www.mediainstitute.org/2010/04/29/academic-freedom-copyright-and-work-for-hire/>.) Also, virtually every pastor I know uses his personal time in evenings or on days off to do at least part of his study, reading, reflection, and preparation. Pastors are not hourly employees, writing sermon notes "for hire."

However, because this is a frequently-contested issue, in 1984, Grace church engaged an attorney, Mr. Sealy Yates, to investigate and advise the church on this very question. (Mr. Yates is an expert in copyright and publishing law. <http://yates2.com/>.) He gave the elders a 12-page opinion detailing why a pastor's sermons should not be regarded as works for hire. The elders formally affirmed his opinion at the time, and by written agreement, this has been on record as a matter of church policy ever since.

The actual law in question, the 1976 Copyright Act [Section 201(b)] states that "in the case of a work made for hire, the employer or other person for whom the work was prepared is considered the author ... ***unless the parties have expressly agreed otherwise in a written instrument signed by them.***" So this is not a matter for legal debate. Our church's policy has been clear and well documented for decades.

Furthermore, because the question resurfaces every 10-15 years, the elders of GCC reaffirmed the same policy in 1998. About a decade into the new millennium, we discussed the issue again and reaffirmed once more what has always been recognized by the church's leadership: Namely, that teaching notes and messages prepared by pastors at Grace Community Church remain the intellectual property of their authors, and sermons preached in our church or works written for publication by our staff are not to be regarded as works done for hire, *unless a specific topic is assigned and the work is specifically contracted as a work for hire in a signed agreement with the pastor or staff member who writes the material.*

*Christianity Today* magazine helped muddy this issue a few years ago with an article arguing that sermons ought to be viewed as works for hire. But no church that really cares about their pastor would ever enforce such a ridiculous scheme. It would mean that if the pastor prepares a sermon for preaching to his church, he could never use that sermon again without the express, formal permission of the church. If he should leave and go to another church, the original church would still own all the material he prepared while he was their pastor,

and he could never preach to church #2 from the passages of Scripture he covered while he was at church #1, unless he contracted for permission from church #1 to use that material again, or unless he generated completely new sermons on those biblical texts, with none of the same ideas or wording he used at church #1. That's an insane proposal, and literally no one faithfully practices or enforces such a policy.

If a pastor who uses the content of his sermons to write books wishes to donate royalties from his writing ministry to the church, that is of course perfectly appropriate—but it is entirely his business, and no principle of ethics or propriety requires him to make those donations public in order to satisfy the muckrakers, scandalmongers, and self-appointed legal experts who troll the Internet trying to sully the reputations of faithful men.

For the record, John MacArthur does *all* his own study in preparation for his sermons. He does not employ a “research assistant” or ghostwriter to generate sermons. Editors *do* help in the preparation of that material for print publications. (I'm one of those editors, and Pastor MacArthur regularly and generously gives credit for the work his editors do.) There is nothing unusual or unethical in that process.

Mr. [REDACTED]'s claim “that it is legally not correct . . . to publish sermons that belong to the church” would have some teeth if it were true that sermons are the church's intellectual property. Since that is not the case, his whole argument is bogus.

Thanks for asking. It's what someone ought to have done before raising unnecessary questions about John MacArthur's integrity on the Internet.

**Phil Johnson**

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