

## The Church Of A Good Night's Sleep? One Court Says No.

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There is a growing philosophical debate in some circles about whether atheism is itself a religion. At least one California appellate court has now weighed in with an answer. In *Copple v. California Department of Corrections and Rehabilitation*, Marshel Copple founded his own branch of atheism called Sun Worshipping Atheism, a religion of which he is the sole member. The central beliefs of Sun Worshipping Atheism are sleeping eight or more hours a day, getting fresh air daily, exercising frequently, having a job, being social frequently and being skeptical of all things. Copple's belief structure came into sharp conflict with his job as a corrections officer. One of the essential functions of his job was to be available to work eight hours of mandatory overtime if needed and up to 16 hours of overtime in the rare instances of a prison riot. All of these overtime hours conflicted with Copple's allegedly religious need to sleep eight or more hours per day. Copple requested that the department limit his duty to eight hours a day as a religious accommodation – a request the department promptly denied. Copple resigned, claiming religious discrimination, failure to accommodate and constructive discharge. Copple lost his case on summary judgment, and on March 24, the Court of Appeal affirmed, holding that Sun Worshipping Atheism is not a religion and therefore requires no accommodation. The court held that there are three guidelines to "make the sometimes subtle distinction between a religion and a secular belief system."

- First, a religion must address "fundamental and ultimate questions having to do with deep and imponderable matters."
- Second, a religion must be comprehensive and not deal only with an isolated teaching or subject matter.
- Third, a religion "can often be recognized by the presence of certain formal and external signs."

Sun Worshipping Atheism had none of these. The court found that there was no fundamental and ultimate question addressed – Sun Worshipping Atheism is essentially about living a healthy lifestyle. There is no comprehensive philosophy, and there were no formalities, as there was no structure or hierarchy, no rituals and no place of worship. The court compared Sun Worshipping Atheism to an earlier case in which a plaintiff claimed veganism was a religion – "although there is a set of principles on which plaintiff relies to guide his life, it reflects a moral and secular, rather than religious, philosophy." The court's decision likely has little broader application to

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atheism as a whole or to those who argue that atheism is a religion, as Sun Worshipping Atheism is a one-man belief system with very specific beliefs. However, the court's decision, among many others across the country addressing different one-person do-it-yourself belief systems, is affirmation that one may not simply make up a religion to get out of work duties.