

SECULARISTS ARE GAMING THE COURTS

[Bill Donohue](#)

There is nothing new about die-hard secularists trying to game the courts. They typically like to say that their newly found group qualifies as a religion and is therefore entitled to the same First Amendment protections afforded Christians and members of other recognized religions.

However, there is something novel about Hoosier Jews for Choice arguing that their religious beliefs demand that their adherents have a religious right to abort their baby. This invocation is occasioned by a restrictive abortion law in Indiana.

Hoosier Jews for Choice says that its Jewish members champion abortion rights and bodily autonomy, and, most important, they argue that their religious beliefs require access to abortion. They say that “under Jewish law and religious doctrine, life does not begin at conception and a fetus is considered a physical part of a woman’s body, not having a life of its own or independent rights.”

Leaving aside the overriding biological issue, the most salient legal matter before the court is whether this entity is truly a religious organization. Of secondary importance is whether this belief is an accurate reflection of Jewish convictions.

Is abortion access a Jewish value? Yes, according to the Women’s Rabbinic Network it is. But don’t tell that to Agudath Israel of America and other Orthodox Jewish groups. They opposed *Roe v. Wade* and are staunchly pro-life. Even those religious Jews who allow that abortion is acceptable under certain circumstances maintain that abortion is never

something to celebrate. Indeed, they say that saving lives is what guides Jews, not ending it.

If Hoosier Jews for Choice qualifies as a religion, and its women must have access to abortion, what if it claimed that the parents of newborns should have the right to kill their kids until their offspring are 28 days old? That's what Princeton professor Peter Singer believes. While he is a Jewish atheist, there is no reason why Hoosier Jews for Choice couldn't reach the same conclusion, invoking religious reasons for infanticide.

This begs the question: What is the legal definition of religion? It has already been decided by the Supreme Court that Secular Humanism is not a religion. Moreover, declarations of a religion can be made by anyone, but are they legally valid?

According to the District Court of Colorado, for a belief system to qualify as a religion, it must possess five characteristics: (a) it must address ultimate ideas (b) it must contain metaphysical beliefs (c) it must prescribe a particular moral or ethical system (d) it must involve comprehensive beliefs and (e) it must be accompanied by accoutrements of religion. Fortunately, this is not a legal bar that is easy to clear.

Regarding the latter, this would require such factors as having (a) a founder (b) seminal writings (c) designated gathering places (d) keepers of knowledge (e) ceremonies and rituals (f) an organized structure (g) holidays (h) dietary rules (i) prescribed religious clothing and (j) opportunities for propagation. These strictures alone would screen out many fraudsters. Hopefully, they nix Hoosier Jews for Choice.

What makes this case so rich is that the ACLU brought it to the Indiana courts. It has typically sought to restrict religious rights, not expand them. It was founded in 1920 by

an atheist, Roger Baldwin, and it never listed religious liberty as one of its original ten goals, though it did list freedom of speech, assembly and the press.

In short, the ACLU is a dishonest broker trying to game the courts, while seeking to deny the right of unborn babies to live. That they are wrapping their case in religious garb makes it all the more depraved.