

Salt & Light

Summer 2006

The Newsletter of the Social Concerns Ministry Team

You are the salt of the earth...
You are the light of the world...

Educating and informing the church body in light of biblical principles

Mt. 5:13-14

Editorial Note:

The previous issue of *Salt & Light* introduced the topic of intelligent design (ID) and explained why it is so controversial. Building on that discussion, the current issue focuses more specifically on whether or not it is appropriate to teach this topic in public schools as a credible alternative to evolution.

The opening article here examines this question from the perspective of law—considering whether or not teaching ID violates the U.S. Constitution or conflicts with important case law. One court in Dover, PA recently barred teachers from making even a modest reference to ID. The second article here features the text of what was not allowed, in order to illustrate how aggressive the efforts to silence ID have become.

The third article suggests a practical way forward in light of the debate over the relative merits of evolution and ID: teach the controversy.

Finally, although ID is not an overtly religious outlook, the fourth article examines where in the public school curriculum religious ideas can be taught. Even were ID to be considered a religious outlook, there should still be a place for it.

Is Teaching Intelligent Design Unconstitutional?

From: www.ideacenter.org

No, definitely not.... Federal courts do not allow state or federal governments to "establish" a religion. This comes from the First Amendment of the United States Constitution which states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...." The most common constitutional test employed by the United States Supreme Court to determine if the state or federal governments have "established" a religion is the "Lemon Test."

First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion..., finally, the statute must not foster "an excessive government entanglement with religion" (*Lemon v. Kurtzman* at 612-613).

This test has three criteria, or "prongs," and if a law fails a single one, then the law is said to establish a religion and will be struck down as unconstitutional by the courts. Though this "Lemon Test" has been highly criticized by many legal scholars, judges, and even various Supreme Court Justices, the test was employed in the currently reigning Supreme Court case over the teaching of creation / evolution, *Edwards v. Aguillard* (1987), and has also been employed in a variety of lower court cases.

In *Edwards v. Aguillard*, the Supreme Court struck down a Louisiana "balanced treatment"

law which mandated the teaching of "creation-science" whenever "evolution-science" was being taught. Interestingly, the reason the Court struck down the law was because it failed "first prong" of the Lemon Test, namely that it had not been enacted for a "secular legislative purpose." The Louisiana State Senator who had sponsored the bill had explicitly stated that he felt that evolution conflicted with his religious beliefs and supported the teaching of creationism for the purpose of teaching something that did not conflict with his religious beliefs.

While this "legislative purpose" prong has been highly criticized (many have noted that religious motives do not necessarily undermine the social utility of a law--religion has historically motivated many social goods from the eradication of slavery to welfare support for the poor to the modern civil rights movement), there is no need for a law advocating the teaching of intelligent design to be premised on any perceived conflicts between evolution and some religious beliefs. A statute passed for the purpose of enhancing student learning about origins and allowing a more effective teaching of the nature of historical scientific investigation, could easily require the teaching of intelligent design yet be enacted for an entirely secular legislative purpose.

Secondly, it should be noted that

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Prior issues of *Salt & Light*: www.wbc.org (Adult Ministries)

What the “Dover” Case Blocks

From: Karla Dial, *Citizen Magazine*

The Dover, Pa., school district in 2004 required teachers to read the following text at the beginning of high school biology class. The American Civil Liberties Union filed suit, claiming the statement is an unconstitutional establishment of religion in public schools. [This is the famous “Dover” case that has recently blocked even modest mention of intelligent design in science classes]:

“The Pennsylvania Academic Standards require students to learn about Darwin’s theory of

evolution and eventually to take a standardized test of which evolution is a part.

“Because Darwin’s theory is a theory, it continues to be tested as new evidence is discovered. The theory is not a fact. Gaps in the theory exist for which there is no evidence. A theory is defined as a well-tested explanation that unifies a broad range of observations.

“Intelligent design is an explanation of the origin of life that differs from Darwin’s view. The reference book, *Of Pandas*

and People, is available for students who might be interested in gaining an understanding of what intelligent design actually involves.

“With respect to any theory, students are encouraged to keep an open mind. The school leaves the discussion of the origins of life to individual students and their families. As a standards-driven district, class instruction focuses upon preparing students to achieve proficiency on standards-based assessments.” †

Teach the Controversy

From: Stephen Meyer, *Cincinnati Enquirer*

When two groups of experts disagree about a controversial subject that intersects the public school curriculum, students should learn about both perspectives.

In such cases teachers should not teach as true only one competing view, just the Republican or Democratic view of the New Deal in a history class, for example. Instead, teachers should describe competing views to students and explain the arguments for and against these views as made by their chief proponents. Educators call this “teaching the controversy.”

Recently, while speaking to the Ohio State Board of Education, I suggested this approach as a way forward for Ohio in its increasingly contentious dispute about how to teach theories of biological origin, and about whether or not to introduce the theory of intelligent design alongside Darwinism in the Ohio biology curriculum.

I also proposed a compromise involving three main provisions:

(1) First, I suggested--speaking as an advocate of the theory of intelligent design--that Ohio not

require students to know the scientific evidence and arguments for the theory of intelligent design, at least not yet.

(2) Instead, I proposed that Ohio teachers teach the scientific controversy about Darwinian evolution. Teachers should teach students about the main scientific arguments for and against Darwinian theory. Ohio should test students for their understanding of those arguments, not for their assent to a point of view.

(3) Finally, I argued that the state board should permit, but not require, teachers to tell students about the arguments of scientists, like Lehigh University biochemist Michael Behe, who advocate the competing theory of intelligent design.

There are many reasons for Ohio to adopt this approach.

First, honest science education requires it. While testifying before the state board, biologist Dr. Jonathan Wells and I submitted an annotated bibliography of over 40 peer-reviewed scientific articles that raise significant challenges to key tenets of Darwinian evolution. If students are to be required to

master the case for Darwinian evolution (as we think they should), shouldn't they also know some of the difficulties described in such scientific literature?

Shouldn't students know that many scientists doubt that the overall pattern of fossil evidence conforms to the Darwinian picture of the history of life? Shouldn't they know that some scientists now question previously stock Darwinian arguments from embryology and homology? And shouldn't they also know that many scientists now question the ability of natural selection to create fundamentally new structures, organisms and body plans? Last fall 100 scientists, including professors from institutions such as M.I.T., Yale and Rice, published a statement questioning the creative power of natural selection. Shouldn't students know why?

Second, constitutional law permits “teaching the controversy” about scientific theories of origins. In the controlling *Edwards v. Aguillard* case, the Supreme Court made clear that state legislatures (and by extension state boards) already have

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Teaching Religious Ideas in Public Schools

From: Christian Legal Society (clsnet.org)

Students may be taught about religion, but public schools may not teach religion. As the U.S. Supreme Court has repeatedly said, "[i]t might well be said that one's education is not complete without a study of comparative religion, or the history of religion and its relationship to the advancement of civilization." It would be difficult to teach art, music, literature and most social studies without considering religious influences.

The history of religion, comparative religion, the Bible (or other scripture) as literature (either as a separate course or within some other existing course), are all permissible public school subjects. It is both permissible and desirable to teach

objectively about the role of religion in the history of the United States and other countries. One can teach that the Pilgrims came to this country with a particular religious vision, that Catholics and others have been subject to persecution or that many of those participating in the abolitionist, women's suffrage and civil rights movements had religious motivations.

These same rules apply to the recurring controversy surrounding theories of evolution. Schools may teach about explanations of life on earth, including religious ones (such as "creationism"), in comparative religion or social studies classes. In science class, however, they may present only genuinely scientific critiques of,

or evidence for, any explanation of life on earth, but not religious critiques (beliefs unverifiable by scientific methodology).

Schools may not refuse to teach evolutionary theory in order to avoid giving offense to religion nor may they circumvent these rules by labeling as science an article of religious faith. Public schools must not teach as scientific fact or theory any religious doctrine, including "creationism", although any genuinely scientific evidence for or against any explanation of life may be taught. Just as they may neither advance nor inhibit any religious doctrine, teachers should not ridicule, for example, a student's religious explanation for life on earth. †

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the right to mandate teaching scientific critiques of prevailing theories. Interestingly, the Court also made clear that teachers have the right to teach students about "a variety of scientific theories about origins . . . with the clear secular intent of enhancing science education." Our compromise proposal requires teaching existing scientific critique of Darwinism, and permits discussion of competing theories, just as the Court allows.

Third, federal education policy calls for precisely this kind of approach. The report language accompanying the federal education act ("No Child Left Behind") states that "where topics are taught that may generate controversy (such as biological evolution), the curriculum should help students to understand the full range of views that exist [and] why such topics may generate controversy."

Some have dismissed this language as irrelevant to Ohio's

deliberations because it appears in the report accompanying the federal education act, not in the act itself. But report language typically articulates Congress's interpretation of law and guides its implementation. As such, report language expresses federal policy and has the effect of law. In this case, as Ohio's John Boehner, chair of the House education committee, has advised the Ohio Board, the report language makes clear that "science standards not be used to censor debate on controversial issues in science including Darwin's theory of evolution."

Fourth, voters overwhelmingly favor this approach. In a recent national Zogby poll, 71% of those polled stated their support for teaching evidence both for and against Darwin's theory of evolution. Only 15% opposed this approach. An even greater majority favored exposing students to "evidence that points to an intelligent design of life."

Finally, good pedagogy commends this approach.

Teaching the controversy about Darwinism as it exists in the scientific community will engage student interest. It will motivate students to learn more about the biological evidence as they see why it matters to a big question. This is not only good teaching; it is good science. As Darwin wrote in the *Origin of Species*, "A fair result can be obtained only by fully stating and balancing the facts and arguments on both sides of each question."

Yet, the modern Darwinist lobby continues to distract attention from their advocacy of censorship by reciting a litany of complaints about the emerging theory of intelligent design. But that theory is not the issue in Ohio. The issue is whether students will learn both sides of the real and growing scientific controversy about Darwinism, and whether a 19th century theory will be taught dogmatically to 21st century students. †

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the law struck down in this case dealt with creationism. The Court pointed out that creationism, "embodies the religious belief that a supernatural creator was responsible for the creation of humankind" (*Edwards v. Aguillard*, emphasis added). Thus, creationism represented a religious belief because it explicitly postulated that a supernatural being, God, created humanity.

This stands in stark contrast with intelligent design theory which simply argues that life contains the sort of information we find when intelligent agents act. Intelligent design does not (and cannot) seek to identify the designer, but simply can detect the tell-tale signs of design in the past....

The majority in *Edwards v. Aguillard* did provide a framework under which a legislature might pass an

acceptable bill regarding the teaching of science:

If the Louisiana Legislature's purpose was solely to maximize the comprehensiveness and effectiveness of science instruction, it would have encouraged the teaching of all scientific theories about the origins of humankind (*Edwards* at 588).

Furthermore, the Court stated that it was not facially unconstitutional for a legislature to pass a bill which "require[d] that scientific critiques of

prevailing scientific theories be taught," because "teaching a variety of scientific theories about the origins of humankind to schoolchildren might be validly done with the clear secular intent of enhancing the effectiveness of science instruction" (*Edwards* at 593 - 594).

The Court here thus allows the teaching of theories other than the theory of evolution, as long as they are scientific, and they are being taught with the clear secular purpose of enhancing science education. †

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