

Cambridge University Press

978-0-521-19153-1 - Marketing Intelligent Design: Law and the Creationist

Agenda

Frank S. Ravitch

Excerpt

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# 1

## Designing Design

Design theory promises to reverse the stifling dominance of the materialist worldview, and to replace it with a science consonant with Christian and theistic convictions.<sup>1</sup>

Concepts concerning God or a supreme being of some sort are manifestly religious. . . . These concepts do not shed that religiosity merely because they are presented as a philosophy or as a science.<sup>2</sup>

### I. Introduction to Intelligent Design

Every day in public schools, universities, houses of worship, and coffee shops, a battle rages over where humanity came from or, more specifically, how humans came to be human. Much of the debate is focused on whether a supposedly new concept of human origins – intelligent design (ID) – should

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be taught in public schools. Yet few people know much, if anything, about this concept: how it came to the fore, and what it means for law, science, faith, and the future of America.

ID advocates have a vested interest in this confusion. ID is, at least partially, a response to the success of modern science, especially evolutionary biology and cosmology, in explaining natural phenomena. Yet the form ID has taken is primarily an attempt to respond to several important cases decided by the U.S. Supreme Court<sup>3</sup> and to win in the court of public opinion – not exactly an auspicious baseline for a so-called scientific theory. This book explains that the essence of ID lies in a solid marketing plan and an attempt to avoid legal constraints, not in promoting a serious scientific alternative to evolutionary biology and biochemistry.

Since the 1960s, attempts to teach creationism and “creation science,” as well as attempts to exclude or marginalize evolution in public school science classrooms have been found unconstitutional.<sup>4</sup> At the same time, science has made remarkable strides in explaining numerous natural phenomena and in fostering a technological explosion. These developments have led to the increased prevalence of support for what ID advocates often refer to as *scientific materialism* – basically a fancy term for the notion that natural phenomena and human behavior are the products of natural forces that can be explained by science.<sup>5</sup> As seen in later chapters, scientific materialism need not conflict with religion or faith, and it is the ID movement itself that tries to

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promote the idea that there is an inherent conflict between scientific materialism and faith.

ID is more about marketing creation in a manner that will enable it to be taught in the public schools and accepted in public discourse than it is about scientific disagreement.<sup>6</sup> This is why ID advocates rarely acknowledge that the intelligent designer is God. It is also why confusion is one of ID's greatest weapons.

Many people of faith believe that God must have had some role in the complexity we see in the universe. This is, however, inherently theistic and therefore problematic when introduced as science in public schools. Still, numerous people of faith believe in what can loosely be called *theistic evolution* – quite simply, the notion that the scientific proof for evolution is so overwhelming that it would be ludicrous to ignore it, but that this in no way precludes a belief that God created life.<sup>7</sup> Evolution may simply be the mechanism that God used.<sup>8</sup>

For now, it is enough to note that from the perspective of theistic evolution, there is no reason to teach theistic views of human origins in science classrooms or to attempt to view theistic concerns through the lens of science. This is because theistic evolutionists accept modern science and do not see it as inconsistent with faith – faith is faith, not science. Theistic evolution is explored in greater depth in Chapter 4. Conversely, intelligent designers seek to explain the existence of the designer through what they argue is science, an argument that is at the core of the issue.<sup>9</sup> This has

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significant legal ramifications because it causes ID proponents to enter into what I have called the *proof game*.<sup>10</sup>

If ID advocates had simply proposed their ideas in a philosophical or theological context – ideas that are already thousands of years old in those disciplines<sup>11</sup> – there would be little dispute. After all, in a free society, there is nothing wrong with believing in design. The problem arises when ID enters the proof game in the scientific context. The movement has a vested interest in doing this so that it can market its ideas in science classrooms and appeal to public sentiment,<sup>12</sup> but to be taken seriously in scientific circles or taught in public school classrooms legitimately and without violating the Constitution, ID must be science.<sup>13</sup> Thus, the proof game is everything to ID proponents.

By couching ID as science and not theology, ID proponents are able to argue for access to the forum of scientific debate. As will be seen, they often treat the scientific realm as a forum for debate of philosophical and metaphysical questions. Such questions, however, are not generally answered by studying the natural world – the world to which modern science is devoted.<sup>14</sup> ID advocates then claim that ID is being discriminated against when it is excluded from the scientific forum.<sup>15</sup> These claims seem to be based in free speech concepts, often cast by ID proponents in broad terms such as “academic freedom” and “fairness.”<sup>16</sup> Such arguments are, however, question begging.

If ID is a scientific theory, it could have a place in scientific discourse, but if not, the ID movement’s rhetoric of

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exclusion and discrimination is nothing more than crying wolf. Otherwise, alchemy could claim a place in chemistry classrooms because excluding it would be discrimination. The same would be true for astrology in astronomy classes and UFOlogy in a number of fields.<sup>17</sup> As will be seen, from a legal perspective the ID movement's arguments about exclusion suggest that public school classrooms and scientific research are limited public fora, that is, fora opened to debate about all ideas claimed to be scientific, no matter how discredited.<sup>18</sup> As explained in Chapter 3, this argument makes no sense legally or philosophically.

Under current legal standards, the ID movement must redefine science to justify including ID in science courses.<sup>19</sup> In the *Kitzmiller* case, discussed in depth in Chapter 3, Michael Behe, a biochemist who is also a leading proponent of ID theory, acknowledged under intense questioning that a definition of science that includes ID would also include astrology.<sup>20</sup> In all fairness to Behe, he had no choice because there is no way around this conundrum when one tries to include ID within the definition of science. The key for present purposes is that the definition of science is so important to ID proponents precisely because of the law surrounding the teaching of human origins in public schools and universities.

In response to these concerns, ID proponents often raise the specter of *secular humanism* and *scientific materialism*.<sup>21</sup> They argue that evolutionary biology privileges secular humanism and a materialistic worldview and

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excludes all alternatives.<sup>22</sup> They claim that ID provides a counterbalance to the establishment of secular humanism in the public schools.<sup>23</sup> Yet they do so without arguing that ID is a religious alternative; rather, they argue that ID is an alternative to *scientific materialism* and *methodological naturalism*, as they define those concepts.<sup>24</sup> When the history and tenets of ID are considered, this amounts to the same thing as openly acknowledging ID as a religious concept. Moreover, what ID proponents call secular humanism is really just plain secularism.<sup>25</sup>

Secular humanism is a philosophy and actually shares some common ground with religious humanism.<sup>26</sup> The organized followers of secular humanism often follow the teachings of the *Humanist Manifesto*,<sup>27</sup> which is a document that sets forth the tenets of secular humanism, at least for those who are part of the secular humanist groups that adhere to it. This should not be confused with secularism more generally, which comprises essentially the nonreligious. Science is secular. Science studies the natural world and sometimes leads to discoveries that benefit people in important ways, but it does not have a humanist agenda or moral philosophy.<sup>28</sup> Thus the use of the term *secular humanism* by ID advocates evokes a straw man in an effort to affect public consciousness. This has serious implications.

None of this means that the ID movement is wrong to assert that much commentary on evolutionary biology, especially by scientists, promotes naturalism and materialism at the expense of supernatural explanations. Many

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scientists have ventured far beyond their scientific areas of expertise to express opinions on what evolutionary theory suggests about God. Perhaps most notable among this cadre is Richard Dawkins,<sup>29</sup> whose work is discussed in depth in Chapter 5, but he is joined by many others, including geneticist Richard Lewontin and scientific philosopher Daniel Dennett.<sup>30</sup>

Of course, this does not mean that by its nature, evolutionary biology leads to such conclusions; rather, as will be explained in Chapter 5, it simply means that it has been applied by some in such a manner.<sup>31</sup> As discussed in Chapter 4, many religious leaders, theologians, and religious movements,<sup>32</sup> along with some leading scientists,<sup>33</sup> have explained that evolution and religion need not conflict with each other. ID advocates assume that naturalism and materialism inherently conflict with religion,<sup>34</sup> as do some of their most vociferous opponents,<sup>35</sup> but as biochemist Kenneth Miller has explained, this is not inevitable or even logical.<sup>36</sup>

Evolution is part of science and as such, it is testable and helps explain the natural world.<sup>37</sup> It has been immensely successful in this regard.<sup>38</sup> Yet one must go beyond the scientific realm to address metaphysical questions. To the extent ID advocates and some of their opponents venture into this realm, they venture beyond science (although, as seen in Chapter 5, Richard Dawkins makes some powerful arguments concerning the role probabilities may play in assessing aspects of the metaphysical realm).<sup>39</sup> The answer to ID

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advocates' claim that modern science, especially evolution, is a threat to religion cannot be found by asserting that ID is science, unless, of course, that can be proven, but rather by acknowledging that some of the brilliant scientists and philosophers who have pitted evolution against religion are not good theologians.

Another facet of the ID debate involves a persecution complex that many ID advocates seem to have internalized and in which legal conceptions play a significant role. In a recent movie called *Expelled: No Intelligence Allowed* (2008),<sup>40</sup> Ben Stein suggests that ID advocates are being persecuted in the educational and scientific arenas and that this persecution conflicts with free speech and intellectual fairness.<sup>41</sup> Similar arguments have been made by a number of ID proponents.<sup>42</sup> Yet there are standards and law that relate to what can and cannot be done in academic contexts, and as with most things, the story of these expulsions told by Stein and others leaves out many salient and important facts.<sup>43</sup> Surely Stein raises some important questions about academic and scientific discourse, but as seen in Chapter 6, the answers are not necessarily what Stein and other ID proponents imply.<sup>44</sup>

## II. A Basic Primer on Creationism, Creation Science, and the Supreme Court

On July 20, 1981, Louisiana Governor David C. Treen signed the Balanced Treatment for Creation-Science and



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Evolution-Science in Public School Instruction Act into law. The law was sponsored by state senator Bill Keith, who introduced a related bill in June 1980.<sup>45</sup> The stated purpose of the law was to promote academic freedom,<sup>46</sup> but it did so by requiring that “creation science” be taught whenever evolution is taught in Louisiana public schools.<sup>47</sup> There was no explicit prohibition on teaching creation science before the law was enacted,<sup>48</sup> and under the law, there was no requirement that either creation science or evolution be taught.<sup>49</sup> The only requirement was that teachers must teach creation science if they teach evolution.

The Louisiana law was an example of what came to be known as balanced treatment laws. These laws were supported by the creation science movement, which existed long before the current ID movement.<sup>50</sup> Creation science evolved mostly from a sometimes uncomfortable pairing of *old Earth creationists* and *young Earth creationists*.<sup>51</sup> Old Earth creationists believe the Earth may be quite old but that complex life-forms – especially human beings – were placed here by God in their present form.<sup>52</sup> Young Earth creationists take the time line in the Bible literally and date the creation of the Earth and humanity to about six thousand years ago.<sup>53</sup> A few young Earth creationists would allow for a slightly older Earth, but even these people would suggest the age to be in the thousands of years, not millions, and certainly not billions, of years.<sup>54</sup>

Interestingly, the creation science movement, like the ID movement, was designed to gain public acceptance of

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creationism and especially to gain access to science classes in the public schools.<sup>55</sup> By couching creationism in scientific terms, creation scientists hoped to win the legal battle over the constitutionality of teaching creation science in the public schools. One of the major strategies creation science advocates employed was balanced treatment laws like the one in Louisiana.<sup>56</sup> Creation scientists argued that these laws were designed to promote academic freedom and free speech.<sup>57</sup> The Louisiana law was challenged in federal court shortly after it was signed.<sup>58</sup> The resulting decision issued by the Supreme Court in 1987 is known as *Edwards v. Aguillard*.<sup>59</sup>

In *Edwards*, the Court held that the Louisiana law was unconstitutional because its purpose was to promote a religious concept, creation science, and not to promote academic freedom.<sup>60</sup> *Edwards* was a major defeat for the creation science movement and a defining moment for what would become the ID movement.

The *Edwards* Court focused exclusively on whether the Louisiana Balanced Treatment Act had a valid secular purpose.<sup>61</sup> After looking at the language of the Louisiana Balanced Treatment law<sup>62</sup>; the statements of Senator Keith, who introduced it,<sup>63</sup> statements by other legislators and government officials;<sup>64</sup> and statements by those who testified before the legislature on the bill,<sup>65</sup> the Court held that the purpose of the law was to promote creationism and to favor the views of certain Christian denominations.<sup>66</sup> The Court did not accept the state's argument that the