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Marketing Intelligent Design

Recently, a new battle has emerged between science and religion. The battle focuses on intelligent design (ID) and the numerous legal, philosophical, and educational concerns surrounding it. Resolution of these concerns centers on two questions: Is ID science? Is ID religion? Despite the fact that ID does not meet the standards of scientific rigor, ID proponents have been able to create a remarkably well-designed marketing plan aimed at imposing a theistic naturalism in schools and scientific discourse. Both the ID movement and some of its most vociferous opponents have a vested interest in suggesting that science, especially evolutionary biology, and religion are incompatible. This book presents a legal and philosophical counterpoint by demonstrating the compatibility between religion and evolutionary biology and the incompatibility between ID and mainstream science.

Professor Frank S. Ravitch is Walter H. Stowers Chair in Law and Religion at the Michigan State University College of Law. He is the author of, most recently, *Masters of Illusion: The Supreme Court and the Religion Clauses* (2007) and *Law and Religion, A Reader: Cases, Concepts, and Theory*, 2nd edition (2008). He also has published numerous law review articles dealing with law and religion, civil rights, and disability discrimination. Ravitch regularly serves as an expert resource for print and broadcast media and speaks on topics related to church–state and civil rights law to a wide range of national and local organizations.

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*This book is dedicated to my wife, Jamie,
my daughters, Elysha and Ariana,
and my parents, Carl and Arline.
Thank you for your love and support.*

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Preface

This book and the articles I have published on intelligent design (ID) did not begin as a research project aimed at demonstrating the scientific, philosophical, and legal problems with treating ID as science. For years, I, along with many other people, have been fascinated by the debate over evolution. From my vantage point, I never saw any inherent inconsistency between scientific evidence that overwhelmingly supports evolution and my faith. With the caveats set forth later in this book, I still do not. Yet I initially wondered if ID would be a plausible alternative to traditional evolutionary biology.

After reading much of what ID advocates have written, I realized that ID is not a plausible alternative to evolution, at least not a scientifically plausible alternative. In fact, the more ID material I read (i.e., material written by ID

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advocates), the more convinced I became that ID is a marketing strategy based on religious apologetics and not truly a scientific approach. This realization had the potential to disappoint, but, in the process, I gained a better understanding of my own religious commitments and the relationship between these commitments and science. For me, however, ID has no role in either. After all, it is hard to base one's faith or one's understanding of the natural world on a marketing strategy, albeit an exceptionally well-designed marketing strategy.

Having spent many years studying law and religion, I am familiar with the religious apologist tradition of trying to prove the truth of faith commitments. More specifically, I am familiar with the idea of natural theology and, specifically, of the form that that idea took in the writings of the Reverend William Paley and his contemporaries. Reading the work of ID advocates, it was immediately obvious to me that much of their work was just a rehash of Paley's ideas, disguised in fancy terminology or brought into the realm of biochemistry.

Moreover, because I have spent much time working with interpretive theory, especially philosophical hermeneutics, I am familiar with a variety of philosophical perspectives that can be applied to the sciences. Specifically, I am familiar with the concept of relativism. It struck me that ID advocates have no choice but to rely on relativism if they wish to have their work accepted under any rubric of science. Of course, the reason for this is that ID advocates would have to redefine science for ID ever to be accepted as science. To

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do so in an intellectually consistent fashion, however, ID advocates must argue that science is relative. This means that almost anything could count as science. In fact, I saw these types of arguments in some of the legal and philosophical arguments made by ID advocates, but the authors never seemed to grapple with the implications of using relativism.

Another interesting facet to ID is that ID advocates do not acknowledge that the designer is God. In considering this aspect as a law and religion scholar, it was difficult to miss the legal implications. I began to wonder about the relationship between the legal principle that religion cannot be taught as science in a public school science classroom and the evolution of ID (especially the ID movement's general denial that ID is religious and that the designer is God). This question alone would have been worth the time to engage in this subject, but the project has taught me so much more and has piqued my interest in the relationship between law, religion, and science.

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As mentioned earlier in these acknowledgments, I have incorporated modified sections of two articles into this book: *Playing the Proof Game: The Law and Intelligent Design*, 113 PENN ST. L. REV. 841 (2009) and *Intelligent Design in Public Universities: Establishment of Religion or Academic Freedom?* 16 WILLIAM & MARY BILL RTS. J. 1061 (2008) (symposium).