

Intelligent Design and Intelligent Judging

Judge John Jones, the recent Bush appointee who is hearing the Dover School District case concerning the role of Intelligent Design in biology classes, has an unenviable job. Judge Jones must walk a tightrope between those who see Intelligent Design as the cornerstone in the fight to reestablish religious virtue in the classroom and those who view Intelligent Design as the first step down the slippery slope of establishing religion as THE pathway for all educational endeavors. In the current climate of American culture war, both sides have something worthwhile to say.

Anyone who knows Judge Jones or who has appeared in his courtroom would be convinced that he is the right person for the job. Shortly after Judge Jones was appointed to the federal bench, he made his first appearance in Williamsport, Pennsylvania, where his primary courtroom is located. He gave one of the most candid interviews to the local press and attorneys who gathered, that has ever been given by a recent judicial appointee. Jones was honest about the political considerations behind his appointment, and suggested that there were others equally or better suited to the nomination than he. Judge Jones is a dedicated professional rather than an iron-clad ideologue. The Judge clearly will understand that he is not writing on a blank slate. The Supreme Court has spoken on the question of the Ten Commandments in the public *fora* so many times that the opinions are beginning to blend together. Justice Souter, for example, has recently written that where a display of the Ten Commandments is concerned, “manifest objective may be dispositive of the constitutional enquiry, and that the development of the presentation should be considered when determining its purpose.” *McCreary County v. American Civil Liberties Union*. In the same term of court, Justice Rehnquist, clearly on a quest of his own, cast aspersions on the now famous *Lemon* test for when a religious display impermissibly tramples on the separation between church and state. Rehnquist said, “Simply having religious content or promoting a message consistent with the religious doctrine does not run afoul of the Establishment Clause.” *Van Orden v. Perry*.

Biology class is supposed to be about scientific method, whereas Intelligent Design is about faith. Can, or more importantly should, the two co-exist in a biology class devoted to the theory of evolution?

No less an authority than the great Dr. J. H. Hertz wrote:

“Conflict” between the fundamental realities of Religion and the established facts of Science is seen to be unreal as soon as Religion and Science each recognizes the true borders of its dominion.”

It is those “true borders” which the Dover School case seeks to delineate rather than to integrate.

In the famous *Scopes* trial, the question was whether a teacher could teach the doctrine of evolution in a society where anything external to the Biblical teaching was deemed to be heresy. The *Dover* case posits a different scenario: can a biology teacher be forced to discuss the theological predicate behind the mystery of cosmological and human development? When Einstein said “God does not play dice with the universe,” he was making a theological statement which may very well have led him to a scientific journey. Einstein believed that there was an all-encompassing mathematical theory to explain the physical laws of the universe. Einstein, not ordinarily thought of as one of the great religious men of our era, believed there was absolutely nothing inconsistent between orderly mathematical theory and a God who designed the universe.

What is inherently uncomfortable about the Dover School situation is that both Einstein and Hertz are ignored. Teachers in biology must and should teach the current scientific dogma, but ought to be able to wonder about the organized beauty of the chaos. Whether a teacher must or should, however, express a particular point of view as to how this chaos has developed or how the orderliness became chaotic may be more a matter of academic freedom than religious intrusion.

What is odious about the required school district statement

to recognize the possibility of an Intelligent Designer, is that the school district is **requiring** such a statement to be read. The content of the class on evolution becomes less important than the required forced feeding promulgated by the majority of the school board.

Science does not exclude the concept of an Intelligent Designer, and religion does not exclude the ideology of evolution. Both, legitimate religion and good science reject the kind of orthodoxy which requires conscripted thought and ideological norms.

Judge Jones, who is neither ideological nor theocratic, will not be detained by the pressures of public debate. Rather, the Judge will come to recognize that theology does not exclude science, and science does not necessarily reject religion. The two can co-exist in their own separate realms and sometimes together, so long as the forum for legitimate debate is left undisturbed.