

Creationism in the Schools

One year ago a school board candidate in Greece, New York, a suburb of Rochester, declared his support for the teaching of creationism alongside evolution because lessons in the former would “develop critical thinking skills” in students. Five years ago a charter school in Rochester proposed the same because evolution was an “unproven” theory. The candidate won but the New York Board of Regents forced the school to drop the teaching of creationism.

This year marks the eightieth anniversary of the Scopes trial. The local comments demonstrate that the issue precipitating the trial, how public schools should teach evolution, if at all, resonates today. Framing the debate then and now is the Establishment Clause of the First Amendment. It forbids the enactment of any law “respecting the establishment of religion.” So what is the debate about?

The National Academy of Sciences calls evolution a scientific “theory” that “living things share common ancestors.” A theory is not speculation. It is a “well-substantiated explanation of some aspect of the natural world that can incorporate facts, laws, inferences, and tested hypotheses.” Evolution in particular “is one of the strongest and most useful scientific theories we have,” and “the scientific consensus around (it) is overwhelming.”

Opponents of evolution allege that there are “gaps” in evolutionary theory, which science cannot explain. They bridge the gaps by concluding that “life owes its origin to a master intellect” and that “new organisms arise from a blueprint devised by an intelligent agent.” This is the concept of Intelligent Design popularized by the book Of Pandas and People. Others are clearer about the identity of the agent— God— and their authority— the Book of Genesis. Their view is called Creationism.

The Board of Regents mandates that public schools teach evolution in science. Could it do the opposite, ban the teaching of evolution? Or as a compromise require schools to teach both evolution and creationism, if they teach either? No, both actions would violate the Establishment Clause. Epperson v Arkansas, 393 U.S. 97 (1968) (ban); Edwards v Aguillard, 482 U.S. 578 (1986) (compromise).

In 1971 the Supreme Court articulated a three-prong test to determine whether a government action violates the Establishment Clause. Of relevance here is the first prong, that the action must have a secular purpose. It must not endorse or disapprove of religion. Lemon v Kurtzman, 403 U.S. 602 (1971).

A school district will argue that it sets the curriculum for its science courses. Therefore, it is free to include or exclude topics, depending on the needs of its students. Generally, the courts will not second-guess these decisions, finding in the choices made a secular, pedagogical purpose.

However, a ban or compromise on the teaching of evolution will cause the courts to look deeper. Invariably, they will find either in the history of the law’s enactment or the language of the law evidence of a purpose to advance religion at the expense of evolution.

For example, in Edwards v Aguillard, supra, Louisiana declared the purpose of the compromise to be a “basic concept of (academic) fairness; teaching all of the evidence” about the origins of man. Unfortunately for the state, the chief sponsor of the law made clear his preference for an outright ban on the teaching of evolution because it conflicted with the Bible. Also the law only required one other view on the origins of life to be presented, a religious view, not all other views.

Where are we today? In 2002 a school district in Georgia affixed a sticker to its science

books, which asserted, “Evolution is a theory, not a fact.” The sticker urged students to approach evolution “with an open mind.” Unlike the sponsor of the Louisiana law, the members of the school board did not leave behind a tainted history. Nevertheless, a court invalidated the board action. The language chosen and the history of the controversy would lead “the informed, reasonable observer (to) infer” that the board “sided with the proponents of religious theories of origins.” Selman v. Cobb County School District, www.talkorigins.org/faqs/cobb/selman-v-cobb.html (N.D. GA. 2005).

The Georgia court explicitly did not rule on whether a school district could teach the concept of intelligent design. This issue is now before a federal court in Pennsylvania. Last October the school board for Dover, a rural town outside York, directed its biology teachers to read a statement in class minimizing evolution again as “theory,” “not a fact,” and encouraging students to explore intelligent design by reading Of Pandas and People. Several parents sued and the town is now deeply divided. Kitzmiller v Dover Area School District, www.aclu.org/downloads/IntelligentDesignPDF.pdf.

Some debates do not end; they simply move into new areas when old battlefields are closed off. The teaching of creationism in schools fits this modal.