

Experts Debate Impact of Intelligent Design Ruling

by Mary Ann Sullivan

HARRISBURG, Pa. – The Dover intelligent design decision may not be appealed, but its effects will be felt for some time to come, experts agreed. In a Dec. 20 ruling, Judge John Jones of the U.S. District Court for the Middle District of Pennsylvania said a school board's requirement that intelligent design be mentioned in a science classroom violated the First Amendment. Jones' 139-page decision in *Kitzmiller v. Dover Area School District* called intelligent design "a religious alternative masquerading as a scientific theory."

Proponents of intelligent design say there are gaps in evolutionary theory which can be better explained scientifically by their theory which holds that there is a design and purpose inherent in life forms which spring from an unnamed intelligence. Michael Behe, a Catholic and a biochemist at Lehigh University, had testified in defense of the school district. He is author of the book *Darwin's Black Box* (1996, Free Press). Behe said the ruling "slaps a label on intelligent design that I think is inappropriate. It calls it religious. I disagree. Although it has religious implications it's based on scientific data and therefore is a scientific idea."

The judge's decision is binding only on a small region of Pennsylvania but has national implications. Defense Attorney Richard Thompson, president and chief counsel of the Thomas More Law Center of Ann Arbor, Mich. said, "Even though the judge's opinion only covers the Dover Area School District and has no value in other districts in terms of precedent, other courts can look at the decision to see if it is persuasive or not and adopt any thinking processes that the judge used." Rob Boston, assistant director of communications for Americans United for Separation of Church and State, which represented the plaintiffs in Federal District Court, agreed with Thompson that the judicial effect is far reaching, but for the opposite reason. "This decision sends a strong signal that the federal courts will regard intelligent design with great skepticism," he said.

Thompson adamantly insisted that Jones was unfair, saying, "The judge's ruling cries out for appeal." However, it is unlikely the case will be appealed. The original school board named in the case was voted out of office in November, and the new board is not inclined to revisit the issue. In fact, in a vote Jan. 3, the new members ditched the requirement to mention intelligent design. "This is theophobia, a fear of God," Thompson said, explaining that students in the district will now think evolution is a fact and that mankind was a result of blind fate or chance.

"The judge's ruling was astounding in this regard." said Thompson. "On page 138 of his decision, he specifically prohibits the denigration and disparagement of the theory of evolution. In other words, he said the theory of evolution is sacrosanct. We cannot have any criticism of it, which in effect makes that theory orthodoxy and dogma, the very concepts the Supreme Court says we cannot officially establish."

But Kenneth Miller, a Catholic and author of the book *Finding Darwin's God* (1999, Cliff Street Books), and who testified on behalf of the plaintiffs, said the judge "made a great decision for religion." Miller said his book is used in scores of public school classrooms, and will continue to be used. "My book clearly deals with theological ideas which are considered and will continue to be considered in science classrooms." He thinks the 'problem with intelligent design is the tactic it uses. "Intelligent design portrays a theistic alternative to an anti-theistic evolution," Miller said. "In other words, it puts these two ideas in direct opposition to each other. It gives young people the message that they must either abandon their faith to accept scientific evidence for evolution or turn their back on science to maintain their faith. That's a terrible message to give to young people."

Casey Luskin, an attorney from the Seattle-based Discovery Institute, a think tank on technology, science and culture, thinks Miller's portrayal of intelligent design is misinformed. "Intelligent design is not an argument for God or about creation he said. "Intelligent design is a scientific theory that says we can see life is the result of intelligence. When we look at a cell, we see digitally-encoded information, an information processing system more complex than any computer program ever written. We see micro machines on the nano scale. [People who study intelligent design] who look at this say, 'We see the result of an intelligent cause.'" Luskin thinks the judge's ruling will have negligible impact on public school classrooms where individual teachers at their own discretion are already teaching intelligent design. Though the effect on individual classrooms might be insignificant, the decision sends a strong message to school boards across the nation.

Lee Strang, a professor at Ave Maria School of Law, said, "If school boards out there want to get intelligent design into their classrooms, they need to be much more circumspect. They need to present it as another scientific view of how different species came to exist in our world, and not as 'I want religion back in the classroom.'"

Mary O'Keefe Daly, a science teacher with a Catholic home school learning cooperative in eastern South Dakota and author of the book *Creator and Creation* (hedgeschool.homestead.com/ordering.html), believes there should be a comprehensive account of creation that takes both science and theology very seriously. Nevertheless, she found Jones' decision harsh and biased. "It is disappointing that it was so sweeping and so insulting, particularly since the actual demand of the school board did not seem to exclude information about Darwinism, as the Darwinians demand exclusion of their opposition."

Looking on the brighter side, Behe admitted, "One good thing that came out of it is that more people are aware of the idea of intelligent design, and since most people are not students in high school they are free to think whatever they want on the topic." Luskin, too, is convinced this issue will continue to impact society for years to come. "A judicial ruling cannot change the fact that there is a digital code in our DNA," he said. "It cannot remove empirical facts of biology. The idea that life was designed will not change because of a legal decree. This debate is not over."

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