

## **Aggressive Secularism Evident in Judge's Ruling Barring Intelligent Design from Dover Schools' Biology Curriculum**

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On December 20, 2005, U.S. District Judge John E. Jones ruled that Intelligent Design cannot be mandated in the biology curriculum of the public schools of Dover, Pennsylvania, because ID is "creationism in disguise" and "a religious view, a mere re-labeling of creationism, and not a scientific theory."

The ruling seems absurd on its face. To rule that it is inherently religious to recognize design in phenomena and to hypothesize the existence therefore of a designer flies in the face of reason.

However, it appears that the ruling might have been driven more by the alleged dishonesty of the board members who initially adopted the rule that ID should be taught in the schools. If their motive for that was primarily religious, and if they made that motive public in various ways before the court case but then tried to hide it, one can understand why the judge would have little patience with them.

Further, if their motive was primarily religious, their rule would, at least in many judges' views, fail one of the three aspects of the so-called *Lemon* test that for about thirty-five years has been the dominant standard for rulings on church/state cases. The test, formulated by Supreme Court Chief Justice Warren Burger in *Lemon v. Kurtzman* (1971), requires: "First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion; finally, the statute must not foster 'an excessive government entanglement with religion'."

Although Supreme Court decisions in the last decade or so have chiseled away at *Lemon*, particularly at the element that has been interpreted as prohibiting religious motives (that is, the first), it remains a common standard by which to judge church/state cases. Assuming it, Judge Jones's ruling is predictable granted the proven religious motives of the board members who adopted the rule—although, of course, *Lemon* does not prohibit all religious motivations but merely requires that the legislation "have a secular legislative purpose." (As I point out in my logic course, one cannot infer a negative conclusion from only affirmative premises. Had *Lemon* held that legislation must have *only* secular purposes, *not* religious purposes, the inference that it prohibits religious motivations would be defensible—although the distinction between motive and purpose would be ignored. But it didn't.)

That leads to another comment: *Lemon* is itself absurd in that it seeks to treat religion as something that can be cordoned off in its own private little sphere and have no impact on major areas of our lives, and in that it assumes that secularism is not itself religious. It is self-defeating.

So, what do I think of the ruling? Seemingly absurd at first glance; at the next level of analysis, very predictable; at the last level: finally, utterly absurd.

But perhaps there's a silver lining in the cloud. Although it's sad that this turned out to be the first

test of ID's acceptability in the public schools, since ID surely could have been represented better than in this case, still this ruling might be another nail in the coffin of public education. The aggressive, extreme secularism that would reject all reference in biology studies to intelligent design of irreducibly complex structures is more patently unscientific and more obviously religious than what most people have encountered in discussing evolution and creation. Perhaps a few more will waken now to the fact that the public schools are the enemy, not the friend, and not even a neutral party, to Christians, and therefore (a) remove their kids from them and (b) stop working in them.