

FAQ:

Wouldn't Teaching Intelligent Design Violate the Establishment Clause of the First Amendment?

The Short Answer: No, definitely not. The First Amendment of the United States Constitution states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..." The current authoritative case over the teaching of origins in public school science classes is *Edwards v. Aguillard* (1987) where the United States Supreme Court majority stated that a legislature can pass an acceptable bill regarding the teaching of science if purpose is to increase the "comprehensiveness" and "effectiveness" of science education and teaches "scientific" theories of origins. Thus, if intelligent design is a bona fide scientific theory (which it is) and if a legislature chose to advocate the teaching of intelligent design theory for the purpose of enhancing the effectiveness of science education (which it could) then intelligent design theory could be taught.

The Long Answer:

Federal courts do not allow state or federal governments to "establish" a religion. This comes from the First Amendment of the United States Constitution which states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..." The most common constitutional test employed by the United States Supreme Court to determine if the state or federal governments have "established" a religion is the "Lemon Test:"

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." (*Lemon v. Kurtzman* at 612-613)

This test has three criteria, or "prongs," and if a law fails a single one, then the law is said to establish a religion and will be struck down as unconstitutional by the courts. Though this "Lemon Test" has been highly criticized by many legal scholars, judges, and even various Supreme Court Justices, the test was employed in the currently reigning Supreme Court case over the teaching of creation / evolution, *Edwards v. Aguillard* (1987), and has also been employed in a variety of lower court cases.

In *Edwards v. Aguillard*, the Supreme Court struck down a Louisiana "balanced treatment" law which mandated the teaching of "creation-science" whenever "evolution-science" was being taught. Interestingly, the reason the Court struck down the law was because it failed "first prong" of the Lemon Test, namely that it had not been enacted for a "secular legislative purpose." The Louisiana State Senator who had sponsored the bill had explicitly stated that he felt that evolution conflicted with his religious beliefs and supported the teaching of creationism for the purpose of teaching something that did not conflict with his religious beliefs. While this "legislative purpose" prong has been highly criticized (many have noted that religious motives do not necessarily undermine the social utility of a law--religion has historically motivated many social goods from the eradication of slavery to welfare support for the poor to the modern civil rights movement), there is no need for a law advocating the teaching of intelligent design to be premised on any perceived conflicts between evolution and some religious beliefs. A statute passed for the purpose of enhancing student learning about origins and allowing a more effective teaching of the nature of historical scientific investigation, could easily require the teaching of intelligent design yet be enacted for an entirely secular legislative purpose.

Secondly, it should be noted that the law struck down in this case dealt with creationism. The Court pointed out that creationism, "embodies the religious belief that a *supernatural* creator was

responsible for the creation of humankind." (Emphasis added). Thus, creationism represented a religious belief because it explicitly postulated that a supernatural being, God, created humanity. This stands in stark contrast with intelligent design theory which simply argues that life contains the sort of information we find when intelligent agents act. Intelligent design does not (and cannot) seek to identify the designer, but simply can detect the tell-tale signs of design in the past. Intelligent design makes no statements about the supernatural for it, like any scientific theory, cannot address metaphysical questions such as the nature of the supernatural realm. Thus, intelligent design is different from creationism in this crucial aspect: creationism does postulate a supernatural creator, and intelligent design simply detects that life was designed, but cannot state anything about the metaphysical nature of the designer.

The majority in *Edwards. v. Aguillard* did provide a framework under which a legislature might pass an acceptable bill regarding the teaching of science:

If the Louisiana Legislature's purpose was solely to maximize the comprehensiveness and effectiveness of science instruction, it would have encouraged the teaching of all scientific theories about the origins of humankind. (Edwards at 588).

Furthermore, the Court stated that it was not facially unconstitutional for a legislature to pass a bill which "require[d] that scientific critiques of prevailing scientific theories be taught," because "teaching a variety of scientific theories about the origins of humankind to schoolchildren might be validly done with the clear secular intent of enhancing the effectiveness of science instruction." (Edwards at 593 - 594). The Court here thus allows the teaching of theories other than the theory of evolution, as long as they are scientific, and they are being taught with the clear secular purpose of enhancing science education. Thus, if the purpose of a law increase the "comprehensiveness" and "effectiveness" of science education, and it advocates teaching a "scientific theor[y] about the origins of humankind" then such an act requiring the teaching of intelligent design might be constitutional. Intelligent design is a bona fide scientific theory, and there is nothing stopping it from being taught for the purpose of enhancing the scientific learning of students.