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More Musings on The Killmitzer-Dover Trial

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The Patriot-News

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JUDGE RULES INTELLIGENT DESIGN IS

'NOT SCIENCE'

Area schools walk a fine line over religion

FROM THE RULING:

"The citizens of the Dover area were poorly served by the members of the Board who voted for the [intelligent design] Policy. It is ironic that several of these individuals, who so staunchly and proudly touted their religious convictions in public, would time and again lie to cover their tracks and disguise the real purpose behind the ID Policy."

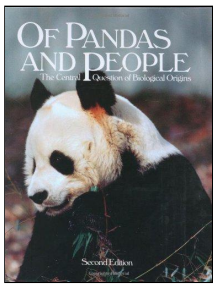
Historic ruling orders Dover to rescind policy

Fifteen years years after *Kitzmiller v. Dover Area School District* was decided, the case continues to draw interesting comments.

The lesson of Kitzmiller: Science bridges divides, by Nathan H. Lents and S. Joshua Swamidass, shows how the trial itself, and, more generally, the defense of science against obscurantism, bridges the gulf between believers and nonbelievers.

My own view is that the deeper gulf is one found within all three Abrahamic religions, between those who are willing to accommodate their reading of the sacred texts to scientific (and indeed historical) reality, and those who insist that these texts, literally interpreted, are the infallible word of God. The authors themselves exemplify bridge building between believer and non-believer. Nathan Lents has risked ridicule by discussing the scientific possibility of Joshua Swamidass' religiously motivated speculations, while Joshua Swamidass must have surprised many in his own group by his friendship with an openly gay godless humanist.

Ken Miller, Genie Scott & Barbara Forrest: 15 Years After Dover, by Faizal Ali, includes links to interviews of three major participants; Ken Miller, Eugenie Scott, and Barbara Forrest. As many readers will know, Ken Miller, biology professor and major textbook author, has been defending evolution against creationist attacks for 40 years, Eugenie Scott was at the time of the trial director of the (US) National Center for Science Education, which acted as consultant to the plaintiffs and was instrumental in forming the legal strategy, and Barbara Forrest, philosopher, testified at the trial that Intelligent Design should not be considered science because of its reliance on the supernatural.



The supplementary text at the center of the case was "Of Pandas and People."

As this blog piece points out, that last argument (technically: intrinsic methodological naturalism) should give us pause, and is now rejected by many philosophers and scientists, including me, in favor of a provisional methodological naturalism that would be willing to examine supernaturalist explanations on their merits, if they had any.

Indeed, the piece argues that judge Jones' blistering verdict in this case was only made possible by the incompetence of the School Board, who made their religious motivation obvious.

The Discovery Institute continues to claim that *Kitzmiller* was wrongly decided, and even that " recent scientific discoveries have confirmed and extended the concept of irreducible complexity." Most recently, to mark the 15th anniversary of the trial, the DI featured a debate on the issues between Michael Behe and Joshua Swamidass. While I have a poor opinion of Behe's ideas, I admire his willingness to discuss them. I would also praise him for not abandoning his post at the trial when things got difficult, unlike several of his Discovery Institute colleagues.

A search for "Kitzmiller" on the website of the Thomas More Law Center, which had recommended the book, *Of Pandas and People*, at the center of the case, and provided the school board's legal defense, returned no hits.

I was curious to see what the major creationist organizations had to say about the trial, even though they were not directly involved. Last month, *Answers in Genesis* mentioned Kitzmiller as part of a long discussion of US court cases, claiming that

> "The *Kitzmiller* ruling has stifled debate in classrooms and prevented full discussion of topics related to biological origins. The result is that indoctrination has replaced education, at least in this one area."

Tammy Kitzmiller, named plaintiff, offers her recollections at the NSCE.

No need to spell out my own reaction to that claim. Also in December 2020, Creation Ministries International offered us, in a review, by Jerry Bergman, of Ron Milliner's *Fake Evidence: A look at evolutionary evidence for over 90 years in the court cases from Scopes to Kitzmiller*, Elm Hill (Elm Hill Books appears to be a self-publishing service under the umbrella of HarperCollins Christian Publishing). This review is not yet available to non-subscribers, but it seems clear from elsewhere that the book's title is a fair summary of its thesis, that it is yet another example of the evolution-as-conspiracy genre, and that Jerry Bergman can be expected to approve.

Kitzmiller was decided in theUnited States District Court for the Middle District of Pennsylvania. So appeal to higher courts would in principle have been possible. However, the School Board members whose actions had precipitated the case were removed at the next election, and it would be difficult to imagine another School Board willing to put itself in the same position.

But I will leave the last word to the Institute for Creation Research (ICR). They rarely mention *Kitzmiller*, but did so in 2011, to draw attention to Berkman and Plutzer's famous study that found considerable resistance to evolution teaching within schools. They conclude, quoting the study's authors, that legal rulings are less important than what teachers really believe, and what happens in the classroom as a result. They're right, of course.

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