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TRANSYLVANIA UNIVERSITY

FOUNDED 1780

*Transylvania University in Lexington, Kentucky, honored me with an honorary degree at its Academic Convocation on September 15, 2017. The following is the first installment of a lightly edited version of my talk on that occasion.*

I very much appreciate this honor from an institution I have long admired. For a variety of reasons, my own undergraduate years were spent in somewhat impersonal state universities, and I've always been drawn to the idea of small liberal arts colleges, which typically have a closer relationship between students and caring faculty, emphasizing individual attention to students' needs (and sometimes even wants).

I tried to create this atmosphere as much as possible with my students when I taught at the University of Kentucky in the 1970s and early 1980s, and I must have succeeded to some degree, because I find that even after so many years, I sometimes hear from former students.

I enjoyed living in Lexington very much, but Lexington has become a lot more sophisticated and is an even better place to live these days, with a lot more and better coffee shops, bookstores, and restaurants than thirty-plus years ago. This noon I had fish tacos for lunch. Fish tacos! Back in the day, I had to make my own tortillas on my own tortilla press—you couldn't buy tortillas in stores. Clearly fish tacos are a sign of increased civilization in Lexington.

But I'd like to tell you a different story than how much more comfortable it is to live in Lexington in 2017. I want to tell you the story of a judge, and an important decision he made in 2005 regarding what should be taught in high school science classes—for which, by the way, he got death threats.

My story intertwines with his in that in 2005, I was the executive director of a not-for-profit organization, the National Center for Science Education. NCSE is a membership organization of scientists, teachers, parents, and other citizens concerned about ideological attacks on science education. We believe that religion, politics, economics, and other ideological views should not determine what students are taught in science classes. As Senator Moynihan once said, you are entitled to your own opinion, but not to your own facts.

The two topics NCSE has concentrated on are evolution and climate change. Teachers get pushback for teaching evolution from people holding a particular religious ideology, and they get pushback for teaching climate change from people holding a particular political or economic ideology.

In 2004, we were working with citizens in a small town in Pennsylvania. The school board in Dover had been attacking evolution for a couple of years, culminating in 2004 with the passage of a policy requiring the teaching of a type of creationism known as "intelligent design." Although teachers and parents had tried a number of compromises, the board was obstinate, and finally, and reluctantly, the only recourse left was to sue.

NCSE partnered with the ACLU, Americans United for Separation of Church and State, and a private law firm, Pepper Hamilton, to try to get the "intelligent design" resolution declared unconstitutional. We were the experts on "intelligent design," its content and history; they were the experts on the law. We were a good team.

The case was filed in federal district court—but who would we draw as the judge? We like to think that all judges are dispassionate interpreters of the law, but guess what? They are human. They have preferences and prejudices, and sometimes those can interfere with the execution of justice.

Well, the case was assigned to John E. Jones III, a fiftyish Republican who had been appointed by George W. Bush to the federal bench a few years before. "Intelligent design" proponents were delighted! In their blogs, they were quick to point out that Jones was a mover and shaker in Pennsylvania GOP politics, was a self-described conservative Republican, and was a church-going Lutheran, who certainly would be likely to find the ID policy constitutional.

I must say, our lawyers, who pay attention to judges more than we science types do, were a little apprehensive. What was this guy going to do? He'd only been a federal judge for a couple of years, so there wasn't much of a record to go on.

His being a person of faith wasn't an automatic concern. It's so easy to misconstrue the creationism/evolution controversy falsely as "science versus religion," when really it is one particular religious perspective versus everyone else's. People are sometimes surprised to learn that our best allies in support of teaching evolution are other Christians: Catholics and mainstream Protestants— such as Disciples of Christ [with which Transylvania University is affiliated]—don't want children taught Monday through Friday in science class that God specially created the universe in its present form 6,000 years ago, and then have to straighten them out on Sunday—because their theology is that God created through evolution.

We had to plan our case carefully. The ultimate basis upon which the case would be determined would be legal issues. The First Amendment says that public institutions must be religiously neutral: religion can be neither promoted nor denigrated by schools. Religion can be taught about, but it can't be advocated—you can't say "Buddha was right."

So is "intelligent design" a religious view? If it is only a religious view, with no scientific basis, and no secular reason to teach it, then it is unconstitutional to advocate it in public schools.

So we had to show that "intelligent design" was religious, but we also had to show that its claims to be science were false.

*In [part 2](#) [7], I describe the challenge facing the expert witnesses testifying for the plaintiffs in *Kitzmiller v. Dover*—to communicate effectively about issues in science, religion, history, philosophy, and pedagogy with the presiding judge, the product of a liberal arts education.*

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