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Transylvania University in Lexington, Kentucky, honored me with an honorary degree at its Academic Convocation on September 15, 2017. The following is the second installment of a lightly edited version of my talk on that occasion. In [part 1](#) [7], after introducing myself and NCSE, I described the issues in Kitzmiller v. Dover, the 2005 trial over the constitutionality of teaching “intelligent design” in the public schools, presided over by Judge John E. Jones III.

Judge Jones was not a scientist. Like most judges, as an undergraduate he had majored in something other than law; political science, in his case. Near as we could tell, he had taken the usual science course

or two in college, but had never shown any particular interest or ability in science.

We would have to carefully choose examples of why evolution was good science and “intelligent design” was not science to convince him that the Dover policy of teaching “intelligent design” would result in religious indoctrination, not in improving student understanding of science.

We also had to deal with philosophy of science—why the way the “intelligent design” proponents went about doing their “science” was not how science is done.

Our first expert witness was a scientist [Kenneth R. Miller], who spoke for a full day about evolution, and about the shortcomings of the claims of the “intelligent design” proponents. We got a little nervous at the noon break when the judge quipped, “class dismissed.” Was the judge taking in all of this science stuff? He seemed to be listening intently, and taking notes, which was a good sign. But he had a real poker face—we couldn’t really read him, and he treated both our side and the defendants alike, very fairly. (Both legal teams commented after the trial that they felt that the judge had been very even-handed.)

Our second expert witness was a philosopher of science [Robert T. Pennock]. His job was to help the judge understand how science works, because we needed to show that “intelligent design” was outside of science. He explained why science has to restrict itself to natural causes. Science is about testing explanations, and the only explanations you can test are those where you can hold constant some of the variables. Because as former Transy professor Cara Richards once said, “you can’t put God in a test tube—and you can’t keep him out of one, either.” So we leave Him out of a scientific explanation. If we ever invent a “theometer,” maybe then we’ll introduce supernatural causes into science. But for now, we can use only natural causes, whether or not there is a God. As the philosopher of science noted, “To say nothing of God is not to say that God is nothing.” And of course, “intelligent design”—though supporters were reluctant to admit it—tries to use God to explain nature.

To help illustrate that “intelligent design” was religious, our third expert witness was a theologian [John F. Haught] from Georgetown University who had written several books on evolution and Christianity. He made some of the same points as the philosopher about how science works, but he also explained the direct theological connection between “intelligent design” and an earlier view called natural theology (for those of you who know something of the history of philosophy, William Paley’s argument from design specifically).

We had another witness [Barbara Forrest] talk about the history of “intelligent design,” tracing it back to an earlier form of creationism called “creation science,” again, to tie “intelligent design” to religion.

We also brought in an expert on educational pedagogy [Brian Alters] to address such questions as What is the job of a teacher? What is the responsibility of a teacher to teach the accepted knowledge of a discipline? If the claims of “intelligent design” are factually wrong, and outside of science, how can a teacher justify teaching it, given his/her responsibility to their profession and to students?

Finally, our last expert witness was another scientist [Kevin Padian], who went through the “intelligent design” textbook the school board wanted to impose on the students, showing that its science was mostly to entirely wrong, and reiterating that the scientific methodology used by “real” scientists was lacking in “intelligent design.”

Well, to jump ahead to the end of the story (though the transcripts of the trial make for quite interesting

reading, and you can find them on NCSE's website), when all of the depositions, the testimonies, and cross examinations were completed, and the judge wrote his opinion, our side won big

The judge issued a 139-page decision declaring that the Dover policy of teaching "intelligent design" was unconstitutional. "Intelligent design" was a religious view masquerading as science. There was no secular reason to teach it: its fact claims were wrong, and the process it followed to reach conclusions was outside of science.

So the "intelligent design" proponents were wrong when they assumed that a politically conservative, politically-savvy, Republican, church-going judge would automatically rule in favor of the "intelligent design" policy's constitutionality.

Why, then, was Judge Jones able to sort through the extensive testimony and the legal issues so effectively? In [part 3](#) [8], I suggest that his liberal arts education is to thank.

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