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Theological Reflections on the Judgment of the US Supreme Court in the Case of Edwards Governor of Louisiana et al *versus* Aguillard et al.

Lesslie Newbigin

This is a case in which, after a very long process of legislation and litigation, the Supreme Court finally struck down an act of the Louisiana legislature which provided that 'creation-science' should be taught in the public schools along with evolution. The nub of the act is contained in the following paragraph:

"[P]ublic schools within [the] state shall give balanced treatment to creation-science and to evolution-science. Balanced treatment of these two models shall be given in classroom lectures taken as a whole for each course, in textbook materials taken as a whole for each course, in humanities, and in other educational programs in public schools, to the extent that such lectures, textbooks, library materials, or educational programs deal in any way with the subject of the origin of man, life, the earth, or the universe. When creation or evolution is taught, each shall be taught as a theory, rather than as proven scientific fact."

§ 17:286.4(A)

At the same time, two other cases concerning public education are going through the courts and arousing enormous public discussion. To summarise a series of complicated stories very briefly, the following are the main facts. A group of Christians in Greenville, Tennessee, have filed a suit in court to the effect that a large number of the text-books used to teach English in the public elementary schools contain material which violates their religious beliefs and that the School Board is therefore infringing their religious liberty. The Judge in this case, Judge Hull, has found in favour of the plaintiffs and consequently banned about 145 of the English reading text-books currently in use. Since the list includes Shakespeare and other generally respected writers, one is bound to say that a very large proportion of English literature would be brought under the ban. And in Mobile Alabama a group of Christians have successfully sued the local School Board on the ground that the books in use, mainly English readers but also books in other subjects, are teaching secular humanism, that secular humanism is, or is the functional equivalent of a religion and that since the compulsory teaching of religion in the public schools is a violation of the 1st Amendment, the School Board is guilty of this violation. The Judge in this case, Judge Hand, has also found for the plaintiffs. In all these cases powerful and well-

financed bodies have been involved, huge amounts have been spent in legal proceedings, and reams of newsprint have been filled with comment. The Kentucky and Alabama cases have not yet reached the Supreme Court, but it is to be presumed that neither side will rest until they do.

The issues raised in these debates are vast, fascinating and endlessly complicated. One could spend a term lecturing on them. Since they are likely to be debated and fought over for a long time, and not only in the USA, and since they go to the heart of the spiritual and intellectual crisis of our culture, they deserve a much better discussion than I can give. But let me offer a few preliminary observations.

Let me begin with the Louisiana case, where the final verdict has been given. It is very evident that what is called 'creation-science' would be labeled by most scientists as pseudo-science. It is apparently supported and practised by many hundreds of ladies and gentlemen with Ph.D. and other letters after their names. It undertakes to prove by the methods approved in modern science that the events narrated in the early chapters of *Genesis* are a factually accurate account of the origin of the universe and of human life. But whatever criticisms might be brought against this academic discipline, they play no part at all in the Court's judgment. This rests essentially on two arguments: firstly, that the Act has as its primary purpose the promotion of a religious opinion, namely that "A supernatural being created humankind" and is therefore in violation of the First Amendment and secondly that the Louisiana Legislature's claim that the Act had a secular purpose, namely to advance academic freedom by giving children the option of two alternative beliefs about the origin of human life is invalid, since in fact the legislature "acted with the unconstitutional purpose of structuring the public school curriculum to make it compatible with a particular religious belief: the 'divine creation of man'". The issue is thus not whether the things being taught are true or false; it is whether they are scientific or religious. If they are scientific they may be taught, whether true or false; if they are religious they may not be taught, whether true or false.

This immediately leads into the noose into which Judge Hand of Alabama has inserted his judicial head. What is and what is not 'religion'? There is no question that the text-books in use in the public schools of the United States, as anywhere, teach children a certain set of beliefs, a certain view about what is the case. And there are fairly reliable, non-partisan grounds for thinking that 'secular humanism' is not a bad description of this view. The US National Institute of Education commissioned Professor Paul Vitz, professor of Psychology at New York University, to make a study of the contents of school textbooks and basal readers. He and his team of assistants studied the material in the text books issued for grades 1 to 6 in the public schools by 31 leading publishers of school text-books. This research reveals what the authors call 'a pattern of censorship' which has eliminated almost all references to the role of religion in American history and in the human story generally. It would take too long to document this. To give a few examples, the fact can hardly be concealed that the first pilgrims celebrated Thanksgiving Day, but the fact that they thanked God is eliminated. Even such apparently innocent phrases as 'Thank God', are replaced by 'Thank goodness'. The introduction of ice-hockey at Yale is history, but the work of foreign missions is not. There is no suggestion that Martin Luther King was a Christian. In the 40 social studies texts in the survey, there is not a single reference to marriage, husbands or wives. And so one could go on. The Christians in Mobile Alabama do not have to be crazy fundamentalists (though some of them are) to sense that a particular view of human life is being communicated to their children, and that it is one they do not approve of. They call it 'scientific humanism' and they say it is in effect a religion which has replaced Christianity in the school text-books. And Judge Hand agrees. I am sure the Supreme Court will not, but before they rule on the subject let us follow the debate.

The great witness for the plaintiffs is of course, Paul Tillich. He plays a key role in the trial. Religion is ultimate concern, and whatever is your ultimate concern is religion. The ultimate concern of the writers of these text-books is evident from their choice of matters to be included or excluded from the American story. So these text books are violating the 1st amendment by teaching religion in the public schools. For the defendants, the School Board, it is argued that religion requires a supreme transcendent being and that since scientific humanism is not furnished with a supreme being it is not a religion but a world-view. In that case, of course, Buddhism is not a religion, and it could be argued that even Hinduism is not, since even Brahma is not supreme. He is subject to the law of *Karma*. And even if secular humanism is not a religion but a world-view, every religion is also a world-view, an account of what is the case. What then is the difference, the absolute distinction upon which the Supreme Court entirely relies, between science (the intellectual core of the 'scientific humanism' which the plaintiffs in Alabama are protesting) and religion. Both claim to be world-views, accounts of what is the case.

The answer will be, of course, that the one refers to what we know and the other to what some people believe. As one of the many journalists in the battle has written:

'The faith of the Enlightenment was a faith that believed it had transcended the need for faith ... Even the deistic wing of the Enlightenment regarded its affirmation of the existence of God not as an act of faith but as an act of knowledge'.

The God in whom every dollar bill affirms our trust, is - or rather was once - part of what we know. The debate produces some fascinating and unexpected alliances. Thus the plaintiffs, in claiming that secular humanism is a religion, put themselves alongside Marx who said that the real religion of the capitalist, world is money. If it were successful, this could lead to the demand that wherever capitalist economics is taught a course in Marxism should also be compulsory. And the defendants have in all probability long accepted in practice the functional definition of religion which they have to resist in the Alabama Court.

But the mention of Marx reminds us that the boundary between science and religion is certainly not as clear as the Supreme Court requires for its purpose. Marx, we remember, made a sharp distinction between religion - which is not science but ideology, a system of ideas whose real origins are to be found by understanding the operation of the productive process; and his own system which was - as Marxists still love to say, scientific. Marx's account of things was, he believed, not ideology but science. But the argument destroys itself. If the Marxist account of the origin of ideas is true, then Marxism is itself an ideology - and most Marxists today do not quarrel with that word. Similarly if Freud's account of the origins of our conscious thoughts in the hidden dynamics of the unconscious is true, then there are no more grounds for believing the products of Freud's unconscious battles to be true than for believing anyone else's. The work of historians and philosophers of science has surely shown conclusively that the attempt to draw an absolute boundary between science as what we all know and religion as what some of us believe is futile. Both science and religion claim to give a true account of what is the case and both involve faith-commitments. In this sense, the Alabama plaintiffs have a point.

In the list of best-selling non-fiction in the United States the two top places are (or were last week) '*Spycatcher*' and the book by the Chicago academic Allan Bloom entitled '*The Closing of the American Mind*'. I found it necessary to read it carefully twice and have to conclude that if this is a best-seller, the American mind is not quite closed. It is a devastatingly bleak account of the present state of the American academic world. The part which I found most illuminating was the long central section which analyses the movements of thought which brought us to where we are. Most of the threads lead back to Nietzsche who was, says Bloom, the first to realise with terribly clarity that the operation of the modern critical scientific method must make it strictly impossible to assert of any proposition: 'This is

true', or of any course of conduct: 'That is right'. The critical principle must necessarily destroy all such pretensions. There is left only the will - the will to power. And, says Bloom, what has happened is that this truth has caught up with us, albeit in a kid-gloved form which conceals the brutal reality. We do not talk of right and wrong; we speak of values, life-styles, orientations. We do not ask of a world-view 'Is it true', but 'Are you sincere': We do not speak of grasping the truth, but of being an authentic person.

The schools believe that students should be able to evaluate and make judgments on their own, based on their experience and beliefs, not on those of their teachers. In the caustic language of *Newsweek*:

'When questions of morality arise in public school classes, they are routinely processed like cheese into the individualistic jargon of humanistic psychology. Thus pupils are encouraged to discover their own 'identities' to learn how to express their true 'selves', and to 'clarify' their values".

All of this, Bloom would say, is just Nietzsche packed in cotton wool.

On this the *Christian Century* comments: "We take so much for granted the language of individual autonomy that it requires an effort to remember that there *is* another way of seeing the task of education, one involving exposure to a tradition representing accumulated (even divinely revealed) truth."

For my own part, in reading these' words, I was reminded of the opening sentence in the report of the Muslim representatives to a conference of educationists jointly sponsored by Cambridge University and a University in Saudi Arabia. The opening words of the Muslim statement were: 'The aim of education is to produce good men and women'. I was also reminded of a recent remark of a teacher in an English comprehensive school, who told a friend of mine that he now found it impossible to teach Milton to any of his pupils except the Muslims. For them there were still the concepts of right and wrong, truth and falsehood, heaven and hell; for the native English, no more. Milton was incomprehensible.

It is at this point that the nature of the distinction upon which the Supreme Court relies becomes clear. The teaching of *science* in our schools corresponds to the description just quoted from the *Christian Century*. It seeks to expose the children to a tradition representing accumulated truth. The children are not left to find out for themselves how to do science. They are taught to understand and accept a tradition in which there are authoritative guides. If all goes well they will reach the point at which they can raise questions about the tradition, suggest changes, even make radical innovations. But they will be competent to do so only in the measure in which they have first submitted to the tradition, trusted its authorised guides and followed them.

Once again one has to notice the strange alliances which these cases create. The powerful organizations defending the school boards in these cases are in general organizations which claim to defend freedom of thought. One of their leading legal experts, David Remes, writes: "Public education is not and cannot be an education that instructs children in the orthodoxy of their parents". Maybe so, but it is certainly instructing children in something. It is telling them what kind of a world it is. There are other orthodoxies than those of southern fundamentalists and the evidence of Professor Paul Vitz's study suggests that it is the advocates of freedom who are exercising the censorship.

Our situation is not, of course, identical with that of the US, but we share a great deal of the same culture. We do not have the 1st amendment, but we have a very powerful education lobby which considers it improper to teach children the Christian faith and claims rather to offer (in the words of one

syllabus for religious instruction) an objective and critical view of all the religious and non-religious stances for living. This programme, of course, conceals from the children's view a whole range of assumptions on which such a critical view is based. It denies to the children the possibility of criticising that. The facts about the world's religions can be taught because they form part of knowledge. In fact most people have religious beliefs. But the things which religious people believe may not be taught, because they are not knowledge but belief. The same dichotomy runs through our education, even without the fortification provided by the 1st Amendment.

But the frontier is less stable than it seemed when the 1st Amendment was made. In a book published earlier this year the atomic physicist W.G.Pollard, who is also an Anglican priest, has a chapter entitled 'The Two Cultures in Historical Perspective'. He is referring, of course, to C.P.Snow's oft-quoted phrase, and he questions its propriety. We have, says Pollard, not two cultures but - on one side of the frontier the vigorous, coherent, confident culture of the natural sciences, and on the other side not another culture, but only the disintegrating fragments of what was once a culture, a coherent view of how things are. On reflection I am inclined to wonder whether this diagnosis goes to the heart of the matter. I suggest two thoughts - one marginal but relevant to the particular matter of Darwinism and creation, the other central and relevant to the whole debate.

On the first point I have no competence to speak as a biologist, but I have been impressed in reading David Holbrook's recent survey of ten writings by contemporary biologists by the extraordinary vulnerability of the whole Darwinian theory. To mention only a few points: the theory posits a vast number of very small mutations which eventually, through survival of the fittest, develop into new and viable species. If this were so, the fossil record should contain evidence of these millions of intermediate types. In fact it does not. The famous Piltdown Man turned out to be a fraud, and there is apparently scholarly doubt as to whether the same may not be true of the *Archaeopteryx*, the supposed missing link between reptile and bird. But even if the fossil is genuine, we require not one but millions of missing links to validate the theory of evolution through very small accidental mutations. Moreover the mutation has no survival value until it is complete. A reptile which has just begun to develop the first suggestions of a feather is not a viable bird. Furthermore the cosmologists are now confident about the age of the earth and find it too short to allow for the necessary mutations. Even Francis Crick now says that life can not have emerged on earth but must have come from outer space, since the age of the earth is too short to allow for the development of amino-acids out of the primal elements. Finally, to cut short a fragmentary comment, that is so obvious in the writings of Darwin and his successors is that they constantly transfer the quality of benevolent purpose from the God of the Bible to the process of natural selection itself as though the process by which non-viable creatures perish was itself the work of a wise and loving designer. Thus, for example, Darwin writes: 'Natural selection is daily and hourly scrutinising every variation, even the slightest rejecting that which is bad, preserving and adding up all that is good, silently and insensibly working at the improvement of every organic being' (Origin, p83).

Here we have a benevolent supreme being deliberately carrying out a highly moral purpose. Is this science or religion? It is certainly a matter of belief - a carry-over from Darwin's Christian upbringing. But as a statement of fact it is, of course, unprovable. The only knowledge we have of the improvement of species is in the experience of experts in the breeding of plants and animals, a purposeful activity with a personal vision of what is good to direct it.

But this is marginal to my argument. I am certainly not interested in defending the so-called 'creation-science' as an alternative to Darwin. My main point, and this is my final point, is that I think Pollard's analysis fails to touch the heart of the matter which is in the area of epistemology. It is the break-down of our capacity to affirm what we know, even when we know that our knowledge is only partial and

imperfect. The absolute dichotomy between science and religion on which all these legal cases rest, and also the breakdown in communication within the Christian family between what we call liberals and fundamentalists, are both the external manifestations of a more fundamental breakdown between what one may call the objective and the subjective poles of the human enterprise of knowing. I suppose this goes back to Descartes, who usually gets blamed for everything that has gone wrong. It is the issue with which Michael Polanyi was wrestling in all his writings, the false ideal of a kind of knowledge of reality which is immune to doubt, which involves no faith-commitment on the part of the knower, in contrast to everything else about which we can only say 'I believe' - which means, 'I do not know'. In the field of Christian spirituality this leads to the dichotomy between a fundamentalism which wishes to affirm infallible propositions about everything in earth and heaven and a liberalism which sees the affirmations of religion merely as symbolic expressions of something which is at heart a purely inward, psychic experience. In fact fundamentalism and liberalism are twin children of the Enlightenment, Tweedledum and Tweedledee who have always agreed to have a battle but never agreed on anything else. It is not, to return to Pollard, a matter of reconstructing the fragmented culture on the side of the wall labelled arts and humanities. It is a matter of removing the wall and recovering the unity of human knowledge, of the endless and enchanting enterprise of discovering how things really are. The only place where we can attack the malaise of our culture as it is expressed in these distressing legal battles over the schools, is at the place where we ask about what it means to know, about epistemology.

And for us as Christians that means that the first question is about how we know what God has spoken, about revelation, about the authority of scripture and the Christian tradition of its interpretation. Unless we can recover a way of affirming what we know about God's revelation of himself, we have absolutely no standing ground in the contemporary cultural confusion, no Archimedean point from which we can exercise leverage on the world. For me personally, one of the blessings of a very brief visit to the States last week was the chance to talk with two biblical scholars who are - I think - exploring a way in which we can begin to do this. George Linbeck in his *'The Nature of Christian Doctrine'* and Hans Frei in his *'The Eclipse of Biblical Narrative'* are both in distinct but related ways, as friends and colleagues at Yale, trying to find a new way of affirming biblical authority which breaks through the sterile battle between Tweedledum and Tweedledee. My only contribution to the discussion was to urge them to set their biblical work in the wider context of Polanyi's epistemology, so that it could be protected against the charge to which it is exposed, namely that of a too subjective choice of (to use Linbeck's phrase) a cultural linguistic language.

I am sorry that I have wandered so far from the awe-inspiring precincts of the US Supreme Court to this little excursion into biblical theology. But I don't think the excursion is an escape. The trickle-down theory has been discredited in economics, but I think it is still valid in the world of ideas. What is argued about in the obscurity of a theological college, or - for that matter - what is pored over in the British Museum library, eventually affects the way everybody thinks. So I do not think that our theological discussions are irrelevant to the anguish of these good Christians in Tennessee and Alabama who are worried about the education of their children. At this moment hundreds of thousands of them are withdrawing their children from the public schools and setting up, at their own expense, their own schools where they can teach their children what they think they ought to know. After some recent speeches in Blackpool and other places, it would be unwise to say 'It can not happen here'. My point is that there is a daunting intellectual task ahead of us if our culture is to be rescued from the kind of moral chaos that Bloom chronicles in his book. If exercises of this kind are condemned as elitist, we must not let that frighten us. If we have been trained to think about ideas, we must do the duty which

that training lays upon us. That, at least, is my excuse for submitting to you these very unsystematic reflections.