

What (If Anything) Hath God Wrought?

Academic Freedom and the Religious Professor

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Suppose that a science professor at a state university, previously an orthodox evolutionist, has changed his mind and decided that the theory of evolution is suspect. He now believes that it is doubtful that things as complicated as living organisms could come into existence without the participation of a pre-existing intelligence – i.e., a creator. Assume that the professor is not a Biblical literalist, or at any rate does not bring the Bible into the question. Although a Christian, his expressed concern is not that the accepted theory of evolution contradicts the Bible, but that it is scientifically dubious. He teaches the prevailing theories of biological and pre-biological evolution, but criticizes them on the basis of his own opinion that a combination of chance events and chemical laws is probably not capable of creating life, and that Darwinian natural selection is probably not capable of crafting complex organs like eyes and brains.

Such a professor will surely be accused by some students or colleagues of teaching “creationism,” (1) and thus of improperly inserting a different subject – “religion” – into what was supposed to be a science course. The professor will probably reply that he is teaching only science, and bringing critical scrutiny to propositions that are usually taught dogmatically, such as the power of natural material processes to do the work of biological creation. He considers the existence of a supernatural creator to be reasonably possible, and hence not something to be dismissed from consideration *a priori*. Is the professor doing something unprofessional, or even unconstitutional?

There is no clear legal answer to that question. In its 1986 decision in *Edwards v. Gaillard*(2), the Supreme Court held unconstitutional (as an establishment of religion) a statute requiring balanced treatment for “creation-science” and “evolution science,” because the legislative purpose “was clearly to advance the religious viewpoint that a supernatural being created humankind.”(3) This holding does not by its terms necessarily prevent an individual teacher from challenging the theory of evolution as a matter of pedagogical choice, but in some reported cases teachers who tried to do just that were called to order by school administrators, and the courts have upheld the administrators.(4)

One federal appeals case has even extended this rule to college teachers, going so far as to imply that it might be unconstitutional for a professor to tell a physiology class that he doubted that anything as wondrously complex as the human body could have been produced by the Darwinian process of mutation and selection. This decision, *Bishop v. Aronov*,(5) held that University of Alabama administrators were justified in forbidding the same professor to tell students that he was a Christian, even though the university allowed professors generally to tell students about their political or philosophical orientation. The court explained that “Just as women students

would find no comfort in an openly sexist instructor, an Islamic or Jewish student will not likely savor the Christian bias that Dr. Bishop professes.” This decision seems to imply that a professor may tell students that he or she is a feminist, or gay, or an atheist, and even base arguments or class assignments on that perspective (as many do) but may not say that he or she is a bigot – or a Christian, which the opinion seemed to categorize as a kind of bigotry.

A 1993 Supreme Court decision points in the opposite direction, however, although the case did not directly involve classroom speech. In *Lamb’s Chapel v. Center Moriches School District*,⁽⁶⁾ the School District rented out its auditorium to community groups generally, but refused to extend the same privilege to a Christian group that wanted to show a film series presenting a Christian perspective on family values and child rearing. The District justified its refusal on the ground that the films were “religious.” The New York State Attorney supported the district, arguing that although freedom of expression in general serves the public interest by allowing the public to be informed by a variety of viewpoints, “Religious advocacy serves the community only in the eyes of its adherents and yields a benefit only to those who already believe.”⁽⁷⁾ The Supreme Court unanimously rejected this reasoning, holding that the film series presented a religious viewpoint on a subject (family values and relationships) which is pervasively addressed in the public forum. The court reasoned that to exclude one kind of viewpoint for no reason “other than the fact that the presentation would have been from a religious perspective” is to violate the constitutional principle that the government may not deny a speaker access to a public forum “solely to suppress the point of view he espouses on an otherwise includible subject.”⁽⁸⁾ If the Supreme Court had applied that reasoning in *Edwards v. Aguillard*, it might have concluded that the “viewpoint that a supernatural being created humankind,” whether religious or not, was a dissenting opinion on a secular subject pervasively addressed in the curriculum – namely, human or biological origins. To suppress such a viewpoint merely because it is “religious” is to engage in unconstitutional viewpoint discrimination.

We thus have two constitutional principles in tension with each other: one forbids viewpoint discrimination, and the other forbids the presentation of “religious” viewpoints in some contexts – even as a corrective to balance the presentation of naturalistic viewpoints. The crowning irony in this situation is that there is no definition of “religion” for legal purposes. The Supreme Court has said on some occasions that a religion does not necessarily involve a belief in a supernatural creator, so that there seems to be no principled way of determining whether such belief systems as Marxism and feminism are or are not religions. In practice, rulings excluding religious speech from a public forum almost always involve Christianity. The tension between the “no religion” and “no viewpoint discrimination” principles was illustrated by a case resolved in the faculty government processes of San Francisco State University in the 1993-94 academic year. Dean Kenyon is a senior biology professor, who some 25 years ago was the co-author of *Biochemical Predestination*, a standard work advocating the orthodox theory that life first began on earth when a primitive organism evolved from organic chemicals in a pre-biotic soup. Over the years Kenyon lost his confidence in this standard scenario, and became an advocate of the heretical viewpoint that the origin of life may have required the participation of a pre-existing intelligence.

When Kenyon taught the prevailing naturalistic theories of biological and chemical evolution in his large introductory biology course for non-majors, he also explained his own skepticism about whether these theories were consistent with the evidence and argued that intelligent design was a

legitimate alternative to naturalistic evolution. A handful of students complained, and the Department Chairman immediately endorsed their complaints. He announced that he would not allow Kenyon to teach this course in the future, on the ground that the professor was improperly introducing his “religious opinions” into the science curriculum.

Kenyon complained to the university faculty senate’s Academic Freedom Committee, arguing that he was merely exercising the right of a professor to question orthodox opinion in the subject of his expertise, which is exactly what academic freedom exists to protect. Whether Kenyon was correct turned on how one categorized what he was doing. Academic freedom does not permit a professor to neglect a subject he is assigned to teach (e.g. biology) and present a different subject (e.g., religion or politics) in its place. It, does, however, permit him to express a dissenting opinion about the assigned subject, even if it is an opinion that his colleagues and administrative superiors regard with distaste. Like the Christian film series involved in the *Lamb’s Chapel* case, Kenyon’s advocacy of intelligent design was an exercise of freedom of expression if it constituted a separate opinion about a subject already being discussed in the curriculum, rather than the introduction of a new and different subject.

The Committee agreed with Professor Kenyon, despite vigorous arguments from the Department Chairman and the Dean of the School of Science that intelligent design is inherently in the category of religion and not science. When the University’s faculty senate overwhelmingly voted to support the Committee (and after receiving letters of inquiry from staff of the AAUP), the administrators backed down and reluctantly reinstated Professor Kenyon in his course, at least for the time being. Although the Kenyon case did not involve a court proceeding, it suggests that in some cases the principle of academic freedom allows a professor to express opinions which university administrators (and the courts) have labelled as religious.

At this point, I should declare an interest. Like Professors Bishop and Kenyon, I am a Christian theist. Like them I also think that much of what the academic world uncritically accepts as “science” on the subject of evolution is better described as naturalistic mythology. Darwinian evolution is the great sacred cow of academia because it provides essential support for the naturalistic philosophy that dominates universities and public life in our time. Persons educated in our schools and colleges are taught to believe unquestioningly that non-living chemicals have the capacity to organize themselves into living organisms, although there is very little empirical evidence to support this speculation and there are many excellent reasons to question it. The theory that a combination of random genetic changes and natural selection has the power to create complex plants and animals from bacteria is also more a philosophical doctrine than an empirical one, being supported only by evidence of relatively trivial variation within pre-existing types such as is involved in the breeding of domestic animals. The assumption that similar mechanisms produced the complex animal phyla that appear suddenly in the Cambrian rocks is in my opinion a speculation that lacks support either in experimental or fossil evidence – and my opinion is shared by many evolutionary scientists who believe that new mechanisms must be discovered to account for the evolution of fundamental novelties and body plans. To me the important question is not whether creation by God is “religious,” but whether it is true. To the extent that evolutionary scientists claim that unintelligent material forces were sufficient to produce plants and animals, I think their belief is based more upon naturalistic philosophy than upon empirical evidence.

I have written on this subject in many articles and in a book, *Darwin on Trial*. This book is used as a text in college courses at several institutions, and I have spoken on the subject in many classrooms, faculty colloquia, and public meetings. One ardent Darwinist and atheist, Professor William Provine of Cornell, assigns my book each year to his class of 400 or so non-biology majors, and has done me the honor to say that the book (and my annual appearance as a guest lecturer), is essential to the success of his course. This is not because Provine agrees with my skepticism about Darwinism, but because he recognizes that the naturalistic picture of reality implicit in Darwinian evolution carries important philosophical and religious implications, and he thinks it legitimate for persons who are concerned about those implications to question whether Darwinism is really supported by the evidence. As an educator, he wants his students to understand this public controversy over creation and evolution, and he knows that they will not understand it unless hear not only the official orthodoxy but also the most persuasive arguments on both sides. I regret to say that Provine's openness to critical inquiry is unusual among teachers of this subject.

On some occasions science and philosophy professors have invited me to speak at classes and seminars with departmental approval. On other occasions invitations have been withheld, or canceled, because powerful professors insisted that no academic platform be provided for discussion of issues that they regard as out of bounds. At one large state university I was hosted by the geology department for an entire day of seminars and colloquia, and at another I was questioned and debated respectfully at a six-hour colloquium by a panel of philosophers and scientists. On the other hand, an official invitation that was in the works was recently canceled at the demand of biologists, who claimed that my public appearance on campus would hamper their efforts to obtain research grants.

This inconsistent treatment, particularly in light of the murky legal background, suggests the existence of a substantial question of academic freedom and academic quality that needs to be addressed. Although most Americans are at least nominally theists, and a substantial proportion build their lives on theistic principles, naturalistic philosophy rules the academic roost absolutely. Scientific naturalism is taken for granted in the natural science departments, and its only rival in the humanities is a relativistic naturalism that goes by names like postmodernism and multiculturalism. The idea that God might really exist is rarely seriously considered. In the minds of some academic authorities and judges, as we have seen, to suggest this possibility in a classroom is academic misconduct or even a violation of the constitution.

At the same time, classroom advocacy of atheism is common, and everywhere assumed to be protected by academic freedom. Many philosophy professors make a career of fashioning arguments that support or assume atheism, and students frequently tell me about courses that incorporate heavy-handed ridicule of theistic religion. I am sure that no university administrator would tell a Jew, a Muslim or a homosexual not to disclose that fact to a class because it might offend a student. On the contrary, a student who took offense at such a disclosure would be a candidate for sensitivity training. Some university administrators are clearly under the impression, however, that different rules apply to a professor who says his is a Christian. Perhaps those different rules would also apply to a Jewish or Muslim professor who made clear that he was not talking about his ethnic heritage but about his conviction that God actually did

something that matters in the course of cosmic history. What explains this unequal situation? Two factors seem to be most important. One is the myth of progress – in this case, intellectual progress. The other is an outdated view that Christian theism is a dominant oppressive force in the university, which needs to be closely confined (or expelled) so that other viewpoints can flourish.

Notre Dame historian George Marsden's book *The Soul of the American University*(9) tells the story of how American universities moved within a century "from Protestant establishment to established nonbelief," without the change being noticed until it was an accomplished fact. As recently as 1951, William F. Buckley's accusation that the Yale faculty had effectively repudiated Yale's Christian orientation was met with shocked indignation. The official rebuttal asserted that despite an active secularism that celebrated "objectivity" and aimed at excluding value judgments of any sort, Yale was maintaining "a Christian atmosphere which has been accepted as traditional through many college generations."(10) By that time the Christian atmosphere was only nominal, however, and represented little more than a religious veneer over the secular enlightenment values of freedom of inquiry, political equality, and public service. Once the Enlightenment values were fully established in the faculty culture the religious veneer was easily discarded as superfluous. To the extent Christianity is roughly the same thing as liberalism, with all distinctively Christian doctrines abandoned and God relegated to the human imagination, it remains acceptable in university life but empty of intellectual content. To the extent that Christianity asserts such distinctive doctrines as that a creator brought about our existence for a purpose, or that Jesus really rose from the dead, it is generally regarded in academic and legal circles as inherently bigoted (as implied by the court's opinion in the *Bishop* case), or irrational (as implied by the New York Attorney General's argument in the *Lamb's Chapel* case). Thus a belief system that retains great vitality in the culture at large is effectively marginalized and shut out of academic discourse. Many persons in academic life do not seem to realize that this cultural shift has occurred, and still seem to imagine that a major threat to academic freedom is coming from a religious establishment that no longer exists. In fact, the principle threat to academic freedom these days comes not from ministers, or trustees, or university administrators, but from the dominant ideologies among students and faculty. The record in the *Bishop* case indicates that the University of Alabama administrators cracked down on Bishop because they feared that the university's reputation in more fashionable academic circles would suffer if they allowed him to continue. The contempt with which many evolutionary biologists regard anyone who doubts their theories has to be experienced to be believed. Evolutionary naturalists like to think of themselves as playing the role of Galileo defying an authoritarian church, but to those of us who are skeptical of naturalism, they would be more appropriately cast as the College of Cardinals.

Because naturalism has gradually replaced theism as the guiding metaphysical assumption in academia, there is an understandable tendency to assume that this trend will continue until the "end of history" is realized when theism becomes obsolete in the society at large. People who still insist that theism is (or even may be) true thus seem like ignorant reactionaries, or even like believers in a flat earth. The assumption here is that naturalism defeated theism long ago in a fair fight on the merits, and that God is truly and permanently dead – except perhaps as a concept in the human mind, or a remote first cause that has no relevance to human affairs. The same assumption sustained the Soviet system for decades. Despite countless failures and crimes,

communism seemed to its adherents to be the inevitable wave of the future. To oppose it was therefore to oppose the direction of history, which is an atheistic equivalent of the will of God. The American version of naturalistic liberalism is a vastly more humane system than its totalitarian rivals, but it makes the same assumption of irreversible progress that they did. Reactionaries who are seen as engaging in a futile attempt to resist the future in the name of the past are not regarded as having anything worthwhile to say.

Of course, I take a different view. In my opinion, much of the history of the twentieth century will be seen in retrospect as a failed experiment in scientific atheism. The thinkers most responsible for making the twentieth century mindset were Darwin, Marx, and Freud. Freud has now lost most of his scientific standing, and Marx has been so spectacularly discredited that he retains his influence only in the loftiest academic ivory towers. Darwinism is still untouchable, but the most widely used college evolutionary biology textbook (by Douglas Futuyma) links his achievement to that of the other two. In Futuyma's words,

By coupling undirected, purposeless variation to the blind, uncaring process of natural selection, Darwin made theological or spiritual explanations of the life processes superfluous. Together with Marx's materialistic theory of history and society and Freud's attribution of human behavior to influences over which we have little control, Darwin's theory of evolution was a crucial plank in the platform of mechanism and materialism – of much of science, in short – that has since been the stage of most Western thought.”(11)

When I make exactly that point to suggest that Darwinism may reflect materialist philosophy more than empirical discovery, doctrinaire Darwinists typically respond with a naive positivism that philosophers and sociologists of knowledge would not accept in any other context. They say that science is a value-neutral search for truth, that science says nothing about God (except that he is absent from the realm of reality), and that “science is compatible with religion” (as long as religion does not challenge evolutionary naturalism). They also insist that disagreements among evolutionary biologists over every detail of the Darwinian paradigm have no tendency to suggest that the paradigm itself may be flawed. I find these defenses easy to counter, and believe it is a service to the search for truth to subject this untouchable theory to criticism despite the fierce resistance. Even if I am wrong, is it not a cardinal article of the academic faith that truth benefits from open debate over fundamental questions? Yet many scientists and nonscientists think that the Darwinian theory of evolution –and the naturalistic worldview that underlies and sustains it – is a special territory to which the usual rules of academic freedom do not apply. I wonder how many members of the AAUP agree with them.

NOTES

(1) The term “creationism” causes endless confusion. Literally, it means only that there is a creator, as opposed to a purposeless and undirected process of evolution. That is the sense in which I use the term. Newspapers and textbooks have created the stereotype that the only believers in creation are Genesis literalists who claim that the universe is only a few thousand years old. The stereotype is a distortion, which conceals the fact that the current evolutionary orthodoxy is uncompromisingly naturalistic, and hence in conflict with any view that assigns a role in nature to a creator.

(2) *Edwards v. Aguillard*, 482 U.S. 578 (1987).

(3) 482 U.S. at 591.

(4) See *Peloza v. Capistrano Unified School District*, – F.3d – (9th Cir. 1994); *Webster v. New Lenox School District*, 917 F.2d 1004 (7th Cir. 1990).

(5) *Bishop v. Aronov*, 926 F.2d 1066 (11th Cir. 1991). This decision upheld the University’s decision not to allow Professor Bishop to express his doubts about the Darwinian theory, even in voluntary, after-hours sessions (because students might feel indirectly coerced to attend). The opinion hinted that the University might have been constitutionally obligated to take this action under the first amendment’s establishment clause, saying that “the creation/evolution aspect of his lecture could have lent itself to an analysis as found in *Edwards v. Aguillard*, 482 U.S. 578 (1987).”

(6) *Lamb’s Chapel v. Center Moriches School District*, 113 S. Ct. 2141 (1993).

(7) Brief for Respondent Attorney General of New York, p. 24, quoted at 113 S. Ct., p. 2151.

(8) 113 S. Ct. at 2147, quoting from *Cornelius v. NAACP Legal Defense and Ed. Fund, Inc.*, 473 U.S. 788, 806 (1985).

(9) George M. Marsden, *The Soul of the American University: From Protestant Establishment to Established Nonbelief* (Oxford University Press 1994).

(10) *Ibid.*, p. 14.

(11) Douglas Futuyma, *Evolutionary Biology*, p. 3 (2d ed. 1986).