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## When I Left the Darwin Day Committee

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I did not quit the Darwin Day Committee at Duquesne University over its plans for Darwin Day 2008. I did not really quit at all. Nor was I actually asked to resign. I just sort of drifted away by mutual consent. The Committee was celebrating a Pennsylvania victory over reactionary creationism. I saw that victory too—I really did. But, at the same time, I was mourning a tragedy of confused parents trying to maintain a meaningful world for their children. The Committee could not see the harm they were doing. They thought they were doing the right thing.

It was a long time ago now. But, today's supporters of Donald Trump are some of those same parents, and the Darwin Day Committees of the world still don't understand them.

The Darwin Day Committee is an informal group of professors, mostly from the science departments, mainly biology, who meet every year to decide how Duquesne will celebrate International Darwin Day, around the date of Charles Darwin's birthday, February 12. Usually, the programs are scientific and technical. In 2016, for example, the title of the program was *African Evolutionary Genomics, A Modern Look at Human Genetic Diversity*.

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But for Darwin Day 2008, the Committee decided to go in a different, more policy-oriented direction. The Committee decided to highlight the public controversy concerning the teaching of evolution, especially in public schools. That is how I came to be asked to serve on the Darwin Day Committee. I taught constitutional law at Duquesne Law School and had been active in numerous progressive causes. There was never any actual discussion on the Committee about the national evolution controversy. I'm sure no such discussion was felt to be necessary.

The specific theme for the Program that the Committee adopted was evolution and the law. The program would feature the Honorable John E. Jones III of the Middle District of Pennsylvania and Dr. Edward Larson, a historian and legal scholar. Dr. Larson would trace the evolution of disputes over teaching evolution from the 1925 Scopes Monkey Trial to current religious efforts to undermine Darwinian theory. Judge Jones would revisit the 2005 case of *Kitzmiller v. Dover Area School District*. In his decision in that case, billed widely as the biggest courtroom confrontation of faith and science since the Scopes Trial, Judge Jones enjoined the teaching of intelligent design in public schools. The title of his talk was *Our Intelligently Designed Constitution*—a clever dig at the school board's position in the *Kitzmiller* case.

Judge Jones was an obvious, almost inevitable, choice for the Committee. In *Kitzmiller*, he ruled unconstitutional an introductory statement that the Dover Area School District required ninth-grade biology teachers to read to their students. That statement called evolution a theory with gaps and pointed the students to another possible explanation of the origins of life—intelligent design. Although nothing about intelligent design was actually to be taught to students—the statement was to be read before any teaching began—Judge Jones held that the references in the statement to gaps in evolutionary theory, and to intelligent design as an alternative, represented a school board strategy to promote religion, thus violating the First Amendment's separation of church and state.

Judge Jones was a natural choice not just for what he had done, but for who he was. If Jones had been some liberal firebrand, the significance of his ruling would not have been so great. But Jones

was a home-grown product, an orthodox Republican. He was appointed to the federal bench by President George W. Bush in 2002. In 1994, he served as co-Chair of Republican Governor Tom Ridge's transition team. He received his J.D. degree from Penn State Dickinson, a local school in the Middle District. Perhaps most significant, Judge Jones was by all accounts a good Welsh Lutheran, once receiving the Welsh Citizen of the Year Award from the St. David's Society of Schuylkill and Carbon Counties. He had even served as an assistant scoutmaster in the Boy Scouts.

Not that Jones was a Middle America caricature—he had been a public defender in his earlier career and years later would be the federal judge who found Pennsylvania's same sex marriage law unconstitutional. Nevertheless, Judge Jones was in every sense in the American mainstream. Undoubtedly, he was the most conventional public figure ever to win the Humanist Religious Liberty Award from the American Humanist Association.

So, in honoring Judge Jones, the Darwin Day Committee was making a cultural statement. Precisely because of who he was, Judge Jones represented a very broad American consensus. His actions proved that opposition to Darwinian theory was a fringe movement, composed of religious fanatics who would not be satisfied until a literal account from the Book of Genesis was taught in every public school. The people in Dover who supported the school board's statement had no respect for science. In contrast, educated, open-minded people could see the obvious truth of evolution, whatever their politics. Science, as opposed to the myths of Genesis, is real. Those religious myths, whatever their heuristic value might be for some, were more like poetry. Thinking people should all get behind science and defend it against its reactionary enemies.

I attended the Darwin Day program on January 15, 2008. It was indeed a celebration of civilization against barbarism. I did not write down Judge Jones's actual words, but he spoke that night in the same terms that he would use a year later in his acceptance of the Humanist Religious Liberty Award. He said that the Constitution is a defense of freedom only if the judiciary is willing to stand up against the tyranny of the majority. Judges are to stand

up against public opinion, as he had done. Quoting Alexander Hamilton, he said that religious enthusiasm is a dangerous thing.

On one level, I agreed with all of this. Judge Jones had in fact reached the correct legal decision. And, undoubtedly, there were religious fanatics in Dover who, if they had been successful in their statement, would have wanted to go further in promoting intelligent design.

Yet, the deliberations of the Committee, and the self-congratulatory tone of that Program, unsettled me. Everything about the Program was inflated. The statement challenged in the Dover case was just that—a statement. It did not actually teach anything. And it was defensive. It made no claims of truth at all. The biologists who dominated the Darwin Day Committee would not have actually disagreed that evolution was a theory and that it had gaps.

This was the entirety of the statement in Dover that was to be read to Dover students:

The Pennsylvania Academic Standards require students to learn about Darwin's Theory of Evolution and eventually to take a standardized test of which evolution is a part.

Because Darwin's Theory is a theory, it continues to be tested as new evidence is discovered. The Theory is not a fact. Gaps in the Theory exist for which there is no evidence. A theory is defined as a well-tested explanation that unifies a broad range of observations.

Intelligent Design is an explanation of the origin of life that differs from Darwin's view. The reference book, *Of Pandas and People*, is available for students who might be interested in gaining an understanding of what Intelligent Design actually involves.

With respect to any theory, students are encouraged to keep an open mind. The school leaves the discussion of the *Origins of Life* to individual students and their families. As a Standards-driven district, class instruction focuses upon preparing students to achieve proficiency on Standards-based assessments.

This statement did not seem to me to be very threatening to science.

As for standing up to public opinion, Judge Jones turned out to be no martyr. He was honored for his decision, and would continue to be so, all over the country. In contrast, support for the school board collapsed so fast in Dover that there was not even an appeal of Judge Jones's decision—a highly unusual outcome for a controversial case. All eight of the Dover School Board members who were up for re-election on November 8, 2005 (one member was not on the ballot) were defeated by a set of challengers who opposed the teaching of intelligent design in science class. The election took place a few days after the trial ended and before Judge Jones had even announced his ruling.

But, beyond all that, there was something legitimate going on in Dover that led to the creation of that statement. Because I was often asked to give public talks about constitutional issues, I had talked to parents with qualms about evolution. I listened to their confusion and misgivings. Their concerns had little to do with the promotion of a Biblical account of Creation. After all, the teaching of geology also conflicts with Genesis, and, at one time, the teaching of the Young Earth theory was a flash point in the tension between science and religion. In fact, the link between evolution and geology was still understood, which is why the Geological Society of America would later give Judge Jones its President's Award.

Yet, in 2008, America was no longer fighting over geology class. Despite that link, no one was denying geology and no one was reading statements about geology to high school students. Only evolution was still controversial. There is something about

evolution that is different, and more threatening, than just its inconsistency with the Biblical account of Creation.

On the Committee, I argued that we should try to understand what some parents were worried about. We should listen to them. You can imagine the Committee's reaction to that. It sounded like I wanted Duquesne University to give a platform to the people who wrote the Dover statement. Did I myself have doubts that evolution was true? What was I talking about? It was shortly thereafter that I left the Darwin Day Committee.

I don't blame the Committee members for their incredulous reaction. I did not explain myself very well. Indeed, I'm not sure I understood at that time just what was bothering me. I understand it better now.

We should have listened to those parents in 2008. If we had, and if we had responded with generosity and sympathy, we might not have had to go through a presidential campaign with Donald Trump leading a disaffected white working class. We were elitists, unable to hear the concerns of ordinary people—people who were frightened about the way things were headed in general.

Those parental concerns with evolution were not crackpot. As I know now, but could not explain then, there are actually two different theories of evolution. I am not talking about disputes within the discipline of biology about how evolution works. I am speaking of two different frameworks within which evolution is explained.

The first framework of evolution is the familiar explanation of change over time within groups of biological entities. It is the process by which organisms acquire inheritable physical or behavioral traits. Chance mutations, or even just variations in traits, produce offspring that are more or less well adapted to often changing environments. The better-adapted individuals are more likely to pass on copies of their genes to the next generation. Eventually, all members of the group will possess the new trait.

Now, I may be wrong, but I doubt that many of the parents in Dover who supported the school board statement disputed this

mechanism of biological change. In that sense, their doubt was not whether evolution is true.

The concern of these parents probably had to do with the other theory of evolution, the one I did not hear about at the Darwin Day Program. This is the theory of what evolution implies.

This is the theory of evolution that was championed by Richard Dawkins in his 1986 book, *The Blind Watchmaker*. This theory of evolution has two levels. On one level, evolution demonstrates that complexity in organisms can arise without the intervention of a "Creator." Dawkins shows in his book how something as marvelous as an eye can occur without a supernatural explanation.

This level of explanation of evolution is not particularly controversial. It simply undermines the argument by William Paley that biological complexity proves the existence of God. No parent would have the right to be upset that evolution in public school is taught as a natural event.

But, as the subtitle of Dawkins's book shows, the second level of the explanation is something quite different. That subtitle reads, "*Why the Evidence of Evolution Reveals a Universe Without Design*." In other words, evolution does not just show that there might not be a God, it proves that there isn't one, or at least it proves that any God that exists has nothing to do with how things happen. Here is how Dawkins put it in 1995: "The universe we observe has precisely the properties we should expect if there is, at bottom, no design, no purpose, no evil and no good, nothing but blind, pitiless indifference."

This level of the second theory of evolution is never taught in so many words in public school. No teacher will ever come right out and say, "Evolution proves that there is no God, that the universe is a blind cauldron of forces and that your life has no objective meaning." But all of that is what Dawkins thinks evolution implies. Parents may not be experts in scientific theory, but some of them sense that Dawkins's message can be understood, nascently, in ninth-grade biology class.

This is the bait-and-switch of teaching evolution. It begins as a mere mechanism, but, in the end, it raises issues of the deepest import.

Lawyers, including judges, act as if science is neutral while concern about evolution is mere religion. Others, however, understand the implications of evolution far better than that. Many people are familiar with stories like the one by the journalist and author Robert Wright, who reported in an interview in *The New York Times Magazine* that he began to doubt his Baptist upbringing when he encountered evolutionary theory in his sophomore year of high school. Why should parents not be concerned about something like that?

Now, many religious people, and the Roman Catholic Church in particular, have come to terms with evolution as being true, as far as it goes. The Catholic Church's understanding, however, really only deals with the first theory of evolution—the simple biological process. The Church seems to suggest that God should be understood as working “through” this evolutionary mechanism.

But, as Philip Kitcher explains in his book, *Living with Darwin*, this attempt at harmony does not really succeed. Evolution is simply too destructive and pitiless to be at all consistent with the loving God of Jesus Christ. Since that God is supposed to have a purpose in Creation, and to have the capacity to bring that purpose to fulfillment, that loving God cannot exist along with evolution. A loving God would not use the evolutionary mechanism, as we understand it.

From the perspective of parental concern about these implications of evolution, teaching evolution in public school *without* some kind of introductory statement would itself seem to be a violation of the First Amendment. Students would have to be told that the existence of God is not at issue in biology class. After all, government is no more allowed to require students to attend a class in which God is denied than it is allowed to require a class in which God is proclaimed. If the Dover statement is not right for this purpose, then something not that different from it would be called for.



If you appreciate these real stakes in teaching evolution, the matter is not so clear. On some level, evolutionary theory can be understood as a kind of theology, as well as science.

In light of all this, we can see that the reference to intelligent design in the Dover statement was not necessarily an attack on evolutionary theory per se. It probably was not intended, at least by most people, to challenge the process explained in the first theory of evolution. Instead, think of the statement as an insistence that there must be some order, goodness, and intelligence at the heart of reality. A cry for help, if you will, in the face of a universe proclaimed to be indifferent.

Over the years, I have wondered why none of this occurred to the biologists on the Darwin Day Committee. Duquesne is a Catholic University, after all. Therefore, the University stands for a very different account of the nature of the universe from the one Dawkins thinks is implied by evolution. Did these biologists just ignore that tension? I imagine that they did ignore it, for no obvious defense of theism within a scientific worldview has ever emerged.

In the time since I left the Darwin Day Committee, a scientific account of the universe as the blind play of forces has become utterly dominant in the culture. One manifestation of this dominance is the decline of religion, especially among the young, where soon a majority will have no formal affiliation.

You also see it in the collapse of traditional values. Some of that collapse was long overdue, as in the acceptance of same-sex marriage with astonishing speed. But at the same time, “nice” college girls now pose naked for money on the webcam site *Chaturbate*—and either think nothing of it, or imagine they are practicing liberation.

Well, the old always criticize the sexual practices of the young. So, let me point instead to the assumption, amazingly widespread, that all judgments of value are merely subjective. Dawkins has won. Many people would now agree that there is no good or evil in the universe in any absolute sense.

Our culture has embraced nihilism. We have embraced the notion that the universe is cold and indifferent, that good and evil are matters of human construction and that humanity itself has no special significance in the cosmos.

You may feel I am exaggerating the negative effect of a scientific worldview on the basic human need for significance. One example, however, will serve to support what I am saying—an example from a source that can serve as a barometer of this society's consciousness, especially the consciousness of the educated elite. In episode 3 of the 2014 *Cosmos* series, Neil deGrasse Tyson, the narrator of the series, asserts that before the rise of science, humans associated the arrival of comets with momentous events, usually bad ones. A comet, in other words, was a sign from some god. As Tyson put it, “[t]hey took it personally. Can we blame them?”

Tyson was suggesting that ancient humans were mistaken. He calls this mistake a matter of “false pattern recognition.” And there is a reason for an error like this. Tyson says of human beings, “[w]e hunger for significance, for signs that our personal existence is of special meaning to the universe. To that end, we are all too eager to deceive ourselves and others, to discern a sacred image in a grilled cheese sandwich.”

This last comment was an off-the-cuff joke at religion's expense. But Tyson's underlying claim has nothing really to do with religion as such. It is quite clear to Tyson, as it is quite clear to many in our culture, that our personal existence has no special significance for the universe. There is no ultimate sense in which who we are and what we do matters. Nor does anything else matter, from the cry of a child to the death of a star. Nothing matters objectively, inherently, and ultimately.

Tyson does not always assert in the series that the universe is without meaning. In the last episode, he ends by declaring that human beings do science “because it matters what's true.” Does Tyson, then, believe that truth means something special to the universe? As a scientist, he presumably believes that, but it conflicts with everything else he says. You see, even scientists have a hard time living in Dawkins's version of the universe.

We learn in the last episode of the *Cosmos* series just why Tyson is so anxious to claim that humans are not of special significance to the universe. In that last episode, Tyson reframed Carl Sagan's famous "pale blue dot" monologue from the first *Cosmos* series. Sagan asked NASA to take one last picture of Earth as the Voyager 1 spacecraft passed Neptune. Then, in the original *Cosmos* series, and repeated in the last episode of the new series, the viewer watches as Earth fades to what Sagan calls the "pale blue dot." The following is part of Sagan's original commentary, played anew, as we watch:

Our posturings, our imagined self-importance, the delusion that we have some privileged position in the Universe, are challenged by this point of pale light. Our planet is a lonely speck in the great enveloping cosmic dark. In our obscurity, in all this vastness, there is no hint that help will come from elsewhere to save us from ourselves.

When Sagan says humans are not special, he is hoping that human evil will thereby be lessened. Sagan believes that humans kill each other because we think God loves some of us specially.

I admit it looks that way sometimes. But I think humans also kill each other because of our fear that we are nothing. Nietzsche shared Sagan and Tyson's view that we are not special. Sagan's "pale blue dot" is not an antidote to nihilism. It is its birthplace.

Sagan must never have read how Nietzsche also described our cosmic insignificance. If he had, Sagan would have experienced a deep, disturbing chill. Sagan would have heard his own words with a far different resonance. Here is Nietzsche's pale blue dot:

In some remote corner of the universe, poured out and glittering in innumerable solar systems, there once was a star on which clever animals invented knowledge. That was the highest and most mendacious minute of 'world history'—yet only a minute. After nature had drawn a few breaths the star grew cold, and the clever animals had to die.

It is this cry against insignificance that lay behind the Dover statement and is informing our politics today. That is why we hate each other. That is why we claim that everything is rigged. We no longer have a shared account of a universe that makes sense to us. There is no longer a God who loves us, who keeps us safe and who will see to it that reality is ultimately kind.

Since we cannot go back to some earlier time—Nietzsche is right that this God is dead—where do we go from here? I am not certain about that, of course, and neither is anyone else. But I did learn some lessons from my experience with the Darwin Day Committee. Or, maybe I should say that I learned some new starting points.

First, religion and science overlap to an even greater extent than people have thought. As the evolution controversy demonstrates, both realms will speak to ultimate matters. So, religion and science cannot be expected to stay out of each other's way. Dawkins is right to speak about the nature of the universe. Religion is right to be concerned with how knowledge of the origin of life is passed on to students. Law's language of separation is not helpful here.

Second, it is time to retire the rhetoric of the European Wars of Religion. Those wars ended in 1648. The framers of the Constitution did still live with that memory, but we can now dispense with it. Religion is not dangerous to knowledge today. In fact, in this highly secular culture, religion is not dangerous at all. Our problem now is rather the opposite—a demoralized culture has few sources of meaning from which to learn. We should begin to think of religion as a resource of meaning. And we should do everything in our power to enhance and cherish religion. Not for the sake of believers. We secularists need religion as an example of what is possible.

Third, when science does speak of ultimate things, it will not speak in one voice and it cannot speak with its usual authority. There are plenty of scientists, such as Stuart Kauffman or Simon Conway Morris—not to mention combined scientists and theologians such as Teilhard de Chardin—who would reject Dawkins's vision of a cold and indifferent universe, who see, instead, emergence and

connection. Dawkins is actually kind of crude in his discussions of ultimate meaning because he does not seem to be familiar with the rich history of theology. Theologians have grappled with the absent God for a long time. We should not be mesmerized by science when it is pushing the limits of its own competency. It is not wrong for science to do this, but the rest of us should not be expected to grant unthinking assent out of a misplaced loyalty.

The late, great philosopher Hilary Putnam pointed out in his 1990 book, *Realism With a Human Face*, that modern man—and I use the term intentionally since this may be a male trait—has almost a psychological need for the kind of heroism that can be associated with human beings alone in the universe. But this need for an absolute condition can be misleading. Somewhere between the personal creator God and the cold and indifferent universe, we may find ourselves simply at home in a universe well adapted for us.

Finally, there are many lessons for my own discipline of law in my experience with the Darwin Day Committee. If law is going to successfully mediate between religion and science, lawyers, including judges, are going to have to know a great deal more than we know now. We are going to have to put aside our simplistic binary oppositions, such as religion on one side and science on the other.

If law is to play a helpful role in the future, law schools will have to become places of real learning for thoughtful generalists. We lawyers will have to be open to all the realms of human understanding. To be a great lawyer will mean to be a learned human being. That should not be out of our reach. At one time, law schools did aspire to something along that line. The evolution controversy reminds us, though, of how much harm law can do when it is not informed by wisdom.