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[*433] To the Editor:

I am writing in order to inform you that in a recent issue of the Chapman Law Review,ⁿ¹ Timothy Sandefur falsely portrayed my views on intelligent design, creationism, and the public education.

I have published a bookⁿ² and several law review articlesⁿ³ on the issue of whether it would be unconstitutional to teach intelligent design (ID) in public schools. These publications were the result of a dissertation I completed for the Master of Juridical Studies degree I earned in 2001 at the Washington University School of Law in St. Louis.ⁿ⁴

According to Mr. Sandefur, "Francis Beckwith, probably the most prominent defender of creationism in the legal academy, argues in many of his articles that science's methodological naturalism is no more or less valid than the embrace of supernaturalism among religious believers and that granting science any greater prestige is "intellectual imperialism.""ⁿ⁵ This is riddled with falsehoods.

First, I am not a defender of creationism. I think "creationism" is a mistaken view, if what Mr. Sandefur means by creationism is a view of the first twelve chapters of Genesis that one finds among those who call themselves "creation-scientists." As stated in my 2005 article in the Journal of Law and Religion:

When most people think of creationism, this is the view they have in mind. And this is why scholars who have their doubts about materialism in general and evolution in particular typically keep it to themselves. But in order to dispute naturalistic evolution as defined above, one does not have to embrace this sort of creationism. (It is certainly not a view I embrace or have ever embraced).ⁿ⁶

[*434] In my published works, I have gone to great lengths to explain important distinctions between the differing views on the relationship between science, theology, and knowledge. Unfortunately, it is not possible in this venue for me to convey the complexity and variety of viewpoints that are involved in this debate. Suffice it to say that Mr. Sandefur does not advance the conversation in a fruitful and illuminating way when he uses unrefined categories that cannot

possibly capture the range of arguments and points of view that are being offered in the literature.

As a Christian, and as a Catholic, I, of course, believe that God created the universe. And as a philosopher who embraces natural theology, I believe there are good arguments in support of belief in God that do not depend on Holy Scripture or special revelation.ⁿ⁷ But that does not make me a "creationist." After all, if Mr. Sandefur were to maintain that anyone who believes that God created the universe or embraces natural theology is a "creationist," then some of his allies, including biologist Ken Miller (Brown University) and geneticist Francis Collins (director, Human Genome Research Institute), self-described "theistic evolutionists,"ⁿ⁸ are creationists. But Miller and Collins, both devout Christians, have offered strong criticisms against ID as well as creationism while also presenting arguments that are best classified as examples of natural theology.ⁿ⁹ If Sandefur's definition of creationism includes even the views of these gentlemen, then the only non-creationists are atheists who do not embrace natural theology.

Second, I have never argued "in many of [my] articles," as Mr. Sandefur maintains, "that science's methodological naturalism is no more or less valid than the embrace of supernaturalism among religious believers and that granting science any greater prestige is "intellectual imperialism.""ⁿ¹⁰ To give one a sense of my actual position, here are some excerpts from a chapter I published in a 2007 book edited by the philosopher Robert B. Stewart:

Intelligent design [or "ID"] is not one theory. It is a shorthand name for a cluster of arguments that offer a variety of cases that attempt to show, by reasoning unaccompanied by religious authority or sacred scripture, that intelligent agency rather than unguided matter better accounts for apparently natural phenomena and/or the universe as a whole. Some of these arguments challenge aspects of neo-Darwinism. Others make a case for a universe designed at its outset, and [*435] thus do not challenge any theory of biological evolution. Nevertheless, they all have in common the notion that the human intellect has the capacity to acquire knowledge of, or at least have rational warrant to believe in, an inference that mind, rather than nonmind, best accounts for some apparently natural phenomena or the universe as a whole.

But even ID advocates who criticize neo-Darwinism are technically not offering an alternative to evolution, if one means by evolution any account of biological change over time that claims that this change results from a species' power to accommodate itself to varying environments by adapting, surviving, and passing on these changes to its descendents.

This is not inconsistent with a universe that has earmarks and evidence of intelligent design that rational minds may detect....

Because ID arguments do not contain Genesis and its tenets as propositions, and because ID advocates build their cases from inferences that rely on empirical facts and conceptual notions, ID does not run afoul of the U.S. Constitution. Of course, the cases for ID may indeed fail as arguments, but that is not a violation of the establishment clause.

As a matter of policy, I believe there are good reasons why a public school should not require the teaching of ID. Nevertheless, there are no good constitutional reasons to prohibit a teacher from teaching it or a school board from permitting or requiring it. ⁿ¹¹

I quote this because it captures well what I've communicated in virtually all my works on this topic: At the end of the day, the ID debate, or any debate about the nature of science or the scope of knowledge, should be a matter of arguments and their soundness or strength. Questions about what is or is not science are irrelevant to the issue, since if one has a good argument for a point of view that another declares as "non-science," then so much the worse for "science." In other words, if there are good grounds to accept a non-materialist position on an issue, e.g. human beings possess an immaterial mind, then one has warrant to accept that position. What I oppose is the insistence that this position, because it happens to run counter to a materialist understanding of mind, is ipso facto non-science and thus not knowledge because science presupposes materialism and science is the paradigm of knowledge. Now, that is intellectual imperialism, since it is not the result of assessing an argument on its own merits, but employing an a priori commitment that serves as an automatic defeater to any non-materialist conclusion. So, Mr. Sandefur is grossly mistaken when he says that I have argued "that science's methodological naturalism is no more or less valid than the embrace of supernaturalism among religious believers and that granting science any greater prestige is "intellectual imperialism.""ⁿ¹² My point is at a far lower level of abstraction and does not require that science abandon any of its principles of investigation or theory [*436] making if they are fruitful and advance our knowledge. But if a particular argument on a certain issue happens to lend greater support for an immaterial conclusion rather than a material one, such as in the case of the mind (as some philosophers have argued), then one ought to be within one's epistemic rights to embrace the better argument without having to subject one's conclusion to a metaphysical litmus test extraneous to the argument and its quality.

Furthermore, as far as I know, in my work on ID and the law I have never used the term "supernatural" to refer to the non-material entities that many people believe exist, such as moral properties, universals, numbers, God, souls, mental events, et cetera. Admittedly, in the discipline in

which I earned my PhD, philosophy, the term "supernatural" is a perfectly acceptable word, for it is often employed as a term of art in serious discussions in the philosophy of religion and metaphysics. But in policy discussions over evolution, creation, and public education, the term "supernatural" only muddles things, since many, like Mr. Sandefur, often employ it as a term of derision in order to marginalize, rather than understand, the wide array of beliefs that are inconsistent with materialism but are not technically "supernatural" in the way that Mr. Sandefur uses the term (because Mr. Sandefur thinks of the "supernatural" as "magic," it should be evident to the thoughtful reader that he is not being philosophically carefulⁿ¹³). For example, some philosophers have argued that non-material entities - such as moral properties, universals, numbers, God, souls, mental events, et cetera - are part of "nature" so to speak, since there is nothing outside of nature. Thus, for these thinkers, the non-material is not the same as the "supernatural," and yet I can imagine some of these thinkers being sympathetic to ID. Even among religious believers, there are those, such as the Mormons, who deny that there is anything, including God, outside of "nature." And yet, many Mormons, such as Utah State philosopher Richard Sherlock, are ID friendly.ⁿ¹⁴ Where does one place them?

Third, I am not, and have never been, a proponent of ID, for reasons having to do with my philosophical opposition to the ID movement's acquiescence to the modern idea that an Enlightenment view of science is the paradigm of knowledge. By seeming to agree with their materialist foes that the mind or intellect cannot have direct knowledge of real immaterial universals, such as natures, essences, and moral properties, many in the ID movement commit the same mistake as the one committed by the late medieval nominalists such as William of Ockham, who gave us what is often called "Ockham's razor," though Ockham himself did not [*437] offer this precise formulation:ⁿ¹⁵ "Pluralitas non est ponenda sine necessitate" (translated: "entities should not be multiplied unnecessarily"). According to many scholars,ⁿ¹⁶ the practical consequence of "Ockham's razor" is that claims about a thing's nature, purpose, or intrinsic dignity - universal properties it shares with other things of the same sort - are "unnecessary" for our scientific investigation of the world because they don't add anything of explanatory importance to our direct empirical observations of the world. But if one thinks of science as the only or best way of knowing, then these claims are not "knowledge" and thus not real objects of academic inquiry. This is a death knell for dogmatic and moral theology as actual knowledge traditions. Although I continue to maintain that ID advocates raise important questions about the nature of science and whether science should presuppose naturalism (namely, the view that all that exists is the material universe and that there is no mind, such as God, behind it), I have doubts about ID's answers and whether these answers can offer an attractive alternative to the inadequacies of the Enlightenment for the rationality of religious belief.

These misrepresentations by Mr. Sandefur are not merely a theoretical matter. To be labeled a "creationist" in some circles is to be put in the same category as "holocaust deniers," at least according to the blog to which Mr. Sandefur contributes, Pandasthumb.org.ⁿ¹⁷ This sort of defamation by association has no place in an academic journal.

Thank you for your time and consideration.

Sincerely,

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FOOTNOTES:

n1. Timothy Sandefur, Reason and Common Ground: A Response to the Creationists' "Neutrality" Argument, 11 Chap. L. Rev. 154 (2008).

n2. Francis J. Beckwith, Law, Darwinism, and Public Education (2003).

n3. Francis J. Beckwith, Science and Religion 20 Years After McLean v. Arkansas: Evolution, Public Education, and the Challenge of Intelligent Design, 26 Harv. J. L. & Pub. Pol'y 455 (2003); Francis J. Beckwith, Public Education, Religious Establishment, and the Challenge of Intelligent Design, 27 Notre Dame J.L. Ethics & Pub. Pol'y 461 (2003); Francis J. Beckwith, A Liberty Not Fully Evolved?: The Case of Rodney LeVake and the Right of Public School Teachers to Criticize Darwinism, 39 San Diego L. Rev. 1311 (2002).

n4. Francis J. Beckwith, "Rethinking Edwards v. Aguillard?: The Establishment Clause of the First Amendment and the Challenge of Intelligent Design." (2001) Dissertation. Master of Juridical Studies degree. Advisor: Stanley F. Paulson. Washington University School of Law, St. Louis.

n5. Sandefur, supra note 1, at 134.

n6. Francis J. Beckwith, Rawls's Dangerous Idea?: Liberalism, Evolution, and the Legal Requirement of Religious Neutrality in Public Schools, 20 J. L. & Religion 423, 431 (2004-05) (citing and responding to the description of "creation-scientists" in Phillip E. Johnson, Darwin on Trial 4 (Regbery/Gateway 1991)).

n7. See, e.g., Francis J. Beckwith, David Hume's Argument Against Miracles: A Critical Analysis 73-84 (1989) (defending the kalam cosmological argument); Francis J. Beckwith, "Why I am Not a Moral Relativist?," in Why I am a Christian: Leading Thinkers Explain Why They Believe 17-22 (rev. & expanded ed., Norman L. Geisler & Paul K. Hoffman, eds. 2006) (defending a version of the moral argument).

n8. See generally Kenneth R. Miller, *Finding Darwin's God: A Scientist's Search for Common Ground Between God and Evolution* 288-92 (1999); Francis S. Collins, *The Language of God: A Scientist Presents Evidence for Belief* (2006).

n9. *Id.*

n10. Sandefur, *supra* note 1, at 134.

n11. Francis J. Beckwith, *Intelligent Design, Religious Motives, and the First Amendment in Intelligent Design: William A. Dembski and Michael Ruse in Dialogue* 93-94 (Robert B. Stewart, ed. 2007).

n12. Sandefur, *supra* note 1, at 134.

n13. See *id.* at 130, 139 (contrasting science with supernatural or magic causes).

n14. Richard Sherlock, *Mormonism and Intelligent Design*, 18 *The FARMS Rev.* 45 (2006), available at <http://maxwellinstitute.byu.edu/publications/review/?vol=18&num=2&id=623>.

n15. See Paul Vincent Spade, *William of Ockham*, *Stanford Encyclopedia of Philosophy*, available at <http://plato.stanford.edu/entries/ockham/#4.1> (last visited Feb. 23, 2009).

n16. See, e.g., Richard M. Weaver, *Ideas Have Consequences* 44 (1948). Weaver writes:

Rebellion against distinction is an aspect of that world-wide and centuries-long movement against knowledge whose beginning goes back to nominalism. For it requires only a slight transference to say that, if our classifications of the world of physical nature are arbitrary, so, too, are those of human society. In other words, after we grant that those generalizations about the world which we necessarily make - and this is a necessity no one can really deny - do not express an objective order but only afford convenient modes, the same must be granted about society. With this conceded, inherent pattern is gone; nothing is justified that does not serve convenience, and there remains no court of appeal against subversion by pragmatism. Thus, repudiation of knowledge of what is destroys the basis of renewal. It is not fantastic but, rather, realistic to see as an ultimate result of this process the end of civilization.

Id.

n17. Posting of Dr. GH to *The Panda's Thumb*, <http://www.pandasthumb.org/pt-archives/000639.html>, *The Panda's Thumb: Evolution deniers and Holocaust Deniers in Locked Step*, (Dec. 3, 2004, 7:22 PM) (discussing how evolution deniers and Holocaust deniers are in locked step).