

# NEWS AND COMMENTS

## CREATION AND THE LAW

Attempts to implement a two-model approach to the teaching of origins in the public school science curriculum have been blocked by those who have branded the inclusion of creation in the classrooms as an establishment of religion. Struggles over the teaching of creation, especially in connection with the use of a textbook, *Biology: A Search for Order in Complexity*, prepared by the Creation Research Society (CRS), have taken place with school boards and textbook commissions in the states of Tennessee, California, and Texas.

Last year in Indiana, the textbook battle was taken to the courtroom. Hopes of seeing a favorable decision for the two-model approach died when a Marion County Superior Court judge ruled the required use of the CRS book to be a violation of the constitutional provisions of separation of church and state.

As in many other religion-related legal suits, the underlying problem centers on the interpretation of the opening clauses of the First Amendment to the U.S. Constitution which states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...."

The ambiguity of the wording that has plagued both plaintiffs and defendants seems to revolve around the definition of "religion" and "religious." Once, "religion" was confined solely to theistic connotations, implying a definite belief in the deity. But the definition was changed in 1961 when the U.S. Supreme Court indicated that non-theistic religions are also protected under the First Amendment's provision of "free exercise." This broader interpretation and definition of "religion" includes non-theistic concepts such as "Ethical Culture" and "Secular Humanism."

When in 1963 the Supreme Court ruled state-required prayer and Bible reading in the public schools to be establishments of religion, it seemed that God was banned from the classrooms. In explaining the ruling, Justice Tom C. Clark stated that its intent was merely to correct abuses or coercion and preference by the state. In other words, the state must remain neutral, not opposed, to religion.

In an article entitled "Has the Court *Really* Outlawed Religion in Schools?" (Worldwide Challenge, November 1977, p 9-13), John W. Whitehead argues that in actual practice, however, the state has sanctioned the religion of secular humanism over other religions. He proposes that the state has a duty to balance this trend by allowing a place for the teaching of theistic religion objectively.

Carrying this proposal one step further, Wendell R. Bird applies this idea to the teaching of creation in the science classrooms. In “Freedom of Religion and Science Instruction in Public Schools,” an article which appeared in the January 1978 issue of the *Yale Law Review* (p 515-570), Mr. Bird questions the validity of the Indiana textbook ruling. He examines the current practice of teaching only the general theory of evolution (naturalistic evolution from simple organisms to man) and concludes that the state is violating the free exercise of religion by its refusal to present alternative views. He proposes that this abridgement be neutralized by the incorporation of creation into the teaching of origins, and maintains that a non-religious approach to creation should be followed. Even though some aspects of creation are related to religious beliefs, the entire theory cannot be banned from the classroom solely because of religious reasons, for creation can be taught objectively, based on scientific evidence.

It is probably not easy to practice the distinction between presenting information *about* religion and indoctrinating the students in those beliefs. But the distinction is allowed by the First Amendment. Justice Clark has stated that religion may be taught within public schools if it is taught objectively. Even if creation ideas are ruled to be religious by the courts, they should still be allowed in the classroom.

Katherine Ching