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Evolution in Court

100 years ago, the Butler Act was passed in the US state of Tennessee. The attempt to ban the teaching of evolution in schools still has an impact today.



Enlightenment prohibited

Section 1. The General Assembly of the State of Tennessee enacts, That it shall be unlawful for any teacher in any university, normal school, or any other public school of the State, supported in whole or in part by the public school funds of the State, to teach any theory which denies the story of the divine creation of man as taught in the Bible, and teaches instead that man is descended from a lower order, such as the animals.

Section 2. It is further enacted that any teacher guilty of violating this act shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than one hundred (100.00) nor more than five hundred (500.00) dollars for each misdemeanor.

Excerpt from the Butler Act, passed by the Tennessee Congress on March 13, 1925

Translation: Ronald Weber

In the early 1920s, the United States experienced a wave of religious fundamentalism directed against modern scientific theories. At the heart of this dispute was the theory of evolution, in particular the theory of natural selection developed by Charles Robert Darwin (1809–1882). This was viewed by Christian fundamentalist groups as a threat to the belief in creation by God. Until modern times, Homo sapiens was considered the pinnacle of creation, but the findings of modern science reduced him to what he actually was: a naked ape that had climbed down from a tree.

A turning point in this debate about education and religion was the "Butler Act," introduced on March 21, 1925. It was initiated by John Washington Butler, a farmer and member of the Tennessee House of Representatives. He represented the widely held position in society that the Bible was the foundation "upon which our American government is built," rejected the theory of evolution, and saw its proponents as a threat to society.

Butler's intention with the law was to prohibit the teaching of evolutionary theory in public schools and to ensure that students were not exposed to ideas that contradicted a literal interpretation of the Bible. The law therefore explicitly prohibited the teaching of "human development or evolution" in public schools and provided for penalties for teachers who violated this ban. The law is considered to be of immense importance because it reflected the tensions between scientific knowledge and religious beliefs.

The Scopes Process

The passing of the Butler Act led to one of the most famous court cases in US history: the Scopes Trial, also known as the Monkey Trial. In July 1925, John T. Scopes, a teacher from Dayton, Tennessee, was tried for violating the Butler Act. Scopes had taught the theory of evolution in biology class and was subsequently charged. The trial became a symbol of the conflict between science and religion. Scopes was found guilty and fined \$100. However, the verdict was later overturned due to a procedural error. The trial received so much attention because it was the first trial to be broadcast live on the radio. Every day, airplanes brought film reels for the newsreels to the major US cities.

The trial, which lasted only a few days, sparked a broad discussion about science education in schools and caused many people to think about the role of religion in education. The issue remained controversial in the decades that followed. In the 1960s, the Supreme Court of the United States declared in several decisions - including "Epperson v. Arkansas" (1968) - that laws such as the "Butler Act" were unconstitutional because they violated the principle of the separation of church and state.

Over the years, proponents of creationism - the idea that the creation of the universe and all life is explained as the work of a god - have been looking for a way to incorporate belief in creation into the public school curriculum. They saw one viable method in trying to formulate a theory of creation that claimed to use the methods of natural science to confirm the assumptions of the Bible. This was the birth of "scientific creationism."

Some states took this as an opportunity to pass laws requiring public schools to teach creation science alongside the theory of evolution. The American Civil Liberties Union (ACLU) challenged these laws. This resulted in a significant legal case in 1981: "McLean v. Arkansas Board of Education."

A lawsuit was filed in a U.S. district court in the state of Arkansas, arguing that the Balanced Treatment for Creation-Science and Evolution-Science Act was unconstitutional because the law required the teaching of creation science in public schools. The lawsuit was based on the Establishment Clause of the First Amendment to the United States Constitution, which guarantees freedom of religion.

Unlike the first Scopes trial, the proceedings were not conducted from a legal perspective, but rather scientific arguments were given priority. Scientists were heard to assess whether the theory of creation could claim to be scientific. The verdict was clear: creation science, according to Judge William Overton, is religion and not science.

In 1987, the Supreme Court upheld the decision when, in another case involving a similar Louisiana law, the Supreme Court declared the teaching of creation science unconstitutional. This finding was applicable nationwide.

Brittle bar

It took until 2005, exactly 20 years ago, for a new process to attract attention. In Dover, Pennsylvania, the local school district decided to introduce a curriculum that would teach students the concept of "intelligent design" alongside the theory of evolution. The majority of the school board was convinced that "intelligent design" would represent a scientific alternative to the current theory of evolution. In fact, the theory of "intelligent design," according to which life can only be explained by an intelligent creator, is a modern form of creationism.

Parents sued against the curriculum because they were convinced that the introduction of "intelligent design" in the classroom violated the First Amendment of the US Constitution, which guarantees the separation of church and state. The plaintiffs demanded a judicial review of the curricula and their compatibility with the principles of scientific education.

A few weeks after the *Kitzmiller v. Dover Area School District* trial began, Judge John E. Jones III delivered his verdict: the school district had violated the First Amendment. He found that intelligent design was not a scientific theory and that the introduction of this concept in the classroom must be viewed as religiously motivated. The court also ruled that the school board's decision was based on religious belief and not on an objective assessment of scientific facts. This put a further stop to the teaching of religious doctrines in public schools - for the time being.

With the second presidency of Donald J. Trump and the ongoing restructuring of the US justice system, it can be assumed that there will be further attempts to undermine the separation of church and state. Republican-led states will pass laws that contradict the constitution. This will be followed by lawsuits that will be brought all the way to the US Supreme Court. With the majority of right-wing conservative judges, the separation of church and state could be called into question and the door could be opened to the doctrine of creation in school classes.