NEW REPRODUCTIVE TECHNOLOGIES: PROTESTANT MODES OF THOUGHT

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Even those who know relatively little about Christianity know that what we are pleased to call Protestantism arose as a kind of rebellion against certain notions of ecclesiastical authority. However much more complicated the story may be, there is a certain truth to that simple description. And, one might say, Protestants have been reaping the harvest of that rebellion ever since. There is no single "Protestantism," nor is it clear to what authorities all Protestants agree to bend the knee. How to summarize such creative chaos is a problem.

The approach I will take is surely not the only one that might be taken, nor will it even come close to saying all that could — and perhaps should — be said on my topic. But it will, at least, unearth a few important theological moves — and characteristically Protestant ones. I will pay attention only to the views of a few contemporary Protestant theological ethicists — and, in particular, more to the modes of reasoning they employ than to the particular conclusions they draw. I will not attempt to summarize or explain church statements — which are, in any case, of varying degrees of authority, and which seldom engage in any extended process of moral reasoning.

Lacking an accepted teaching magisterium within the church, Protestants had to find some way to develop moral and theological positions. One way is to turn from the authority of the church as interpreter of Scripture to the biblical texts themselves. That certainly has been and continues to be a characteristically Protestant approach. When, however, our subject is the new reproductive technologies we might guess in advance that this tried-and-true Protestant approach might have limited applicability; for, we are not likely to find much direct guidance on the subject within the writings of the Old and New Testaments. Nonetheless, it is a useful place to begin.

Janet Dickey McDowell — writing in particular about surrogate motherhood, but concerned generally with new reproductive technologies — has looked to the Bible not for an answer to this moral issue but for an understanding of the meaning of parenthood. The Bible does not directly deal with surrogacy, though it has the indirectly relevant story of Abram, Sarai, and Hagar; and the Bible clearly does

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not envision a technique like in vitro fertilization ("IVF"). But it
does, McDowell suggests, "provide substantial guidance regarding the
relative importance of procreation and parenthood for those within
God's covenant community and indicates a remarkable sensitivity to
the psychological and social stresses faced by those who desire chil-
dren and cannot have them."\(^1\) What sort of guidance does it provide?
It places high value upon procreation (though within the context of a
stable bond between mother and father). It sees infertility as cause
for sorrow and many children as an indication of divine blessing. It
recognizes children as our primary link to the future and as fulfill-
ment of God's promised blessing upon humankind.

At the same time, it places limits upon our desire to have chil-
dren. Although children are gifts of God, they are not to be sought at
any price. McDowell appeals to the famous story of the "binding of
Isaac"\(^2\) to demonstrate that our first loyalty is not to family but to
God. And she notes the stringency of Jesus' call to his followers: not
to love father or mother more than him. Jesus does not, on her read-
ing, call us away from or devalue the family bond. (Indeed, his strict
prohibition of divorce does the opposite.) Nonetheless, the first and
greatest command is not to have a family but to love God.

Having surveyed these general biblical themes, McDowell draws
two generalizations: (1) "[W]ith God's blessing and at his command,"
the family is to be held in "great esteem;"\(^3\) and (2) covenant faith
with God, not family commitment, must be said to be the most im-
portant dimension of life.\(^4\) From this perspective she offers her
moral analysis of surrogate motherhood. She finds in it no evidence
of loving commitment to the father of a child one bears, no intention
to care for the child one deliberately conceives, no sense that a child
is not simply an entity created in order to be given to others. Surro-
gate motherhood may well seem to give evidence of compassion,
which is normally considered a Christian virtue. But when placed
into the context of larger biblical themes, we must judge surrogate
motherhood to be "compassion gone awry, sympathy that steps be-

tyond the bounds of appropriate behavior."\(^5\)

McDowell's essay is an example — and, to my mind, quite a good
one — of how one may appeal to a variety of biblical passages and
themes, attempting to cull from them some general direction and gui-
dance. One can also, however, use biblical themes in quite different

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\(^1\) Janet Dickey McDowell, "Surrogate Motherhood," in Questions About the Be-

\(^2\) Genesis 22.

\(^3\) McDowell, supra note 1, at 59.

\(^4\) Id.

\(^5\) Id. at 67.
ways and to quite different argumentative ends. Thus, for example, Paul Simmons finds in “biotechnical parenting” a symbolic value that is in accord with certain biblical principles. It makes clear, first, that sexual intercourse “is primarily expressive of love and intimacy, and thus has meaning apart from childbearing.” Second, because it brings to fruition the divine promise of offspring through choice rather than chance, it assures every child of “caring love” from the outset of life. And third, because it relates parenthood “to calling, not to accident or mere biological capacity,” encouraging us to become parents only after having counted the cost, biotechnical parenting expresses the kind of commitment that is “integral to the biblical sense of calling.” Simmons summarizes: “These are parents by design, intention, and purpose. They will recognize their child as the extraordinary gift it truly is. They will not resent the pregnancy as an untimely accident or reject the child as an unwelcome intruder. . . . To such commitment every parent is called.”

In juxtaposing McDowell’s and Simmons’s readings of biblical themes, we can begin to see a basic issue emerge — an issue for what we might call theological anthropology, even if not a “natural law” position in a Roman Catholic sense. This issue directs our attention to a duality in human nature, a duality to which the Bible gives witness. We are two-sided beings, both finite and free: made from the dust of the ground, with the divine gift of life breathed into us by God’s own Spirit. This insight is not the private possession of Protestant thinkers, but it has been central in some Protestant discussions of artificial reproduction. (Its lineage could be traced through Reinhold Niebuhr, to Kierkegaard, and to Augustine, that great font of both Catholic and Protestant theology). To this issue we now turn.

David H. Smith, in Health and Medicine in the Anglican Tradition, lifts up for attention two features of our creaturely condition, asks us to affirm them and to find moral significance in them. They are 1) the embodied nature of the self, and 2) the bond of marriage as “a deep and avowed commitment of the self.” Although we might in our freedom separate human reproduction from the community of sexual love, Smith argues that to do so would damage these two aspects of our creaturely condition. Such an exercise of freedom —

7. Id. at 191.
8. Id. at 192-93.
9. Id. at 192.
11. Id.
though, in a sense, characteristically human — would be destructive, not truly creative of human flourishing.

The self, Smith argues, is always embedded in a particular history, and we come to know our identity only as so embedded. Any act that intentionally fractures that identity is morally suspect. And intentionally to separate our biological origins from the family community in which we develop is such a fracturing. "The child growing up in such a situation perceives a gap between the roots of self and the roots of body; the child's world is fractured in some ways that others' worlds are not."\(^{12}\) Of course, sometimes circumstances beyond our control do this to a child's world, and then we try to salvage and redeem it as best we can — as, for example, in adoption. But that is quite different from actions that intentionally create such dangers in order to satisfy our desire for a child.

Smith's second reason focuses not on the child but on the married couple. If they are unable to have children and turn for help to a reproductive technology that involves the person or gametes of a third party, then the "fertile partner is purchasing 'authentic' (i.e., genetic) parenthood for himself or herself when just that possibility is closed to the spouse."\(^{13}\) Whereas in adoption the fertile and infertile spouse remain equal partners, here one seeks to have the good of genetic parenthood alone and "is unwilling or unable to surrender one's private hopes to the ambiguities of a joint project: marriage."\(^{14}\) Smith concludes that these two considerations place "the burden of proof" on anyone choosing to be a surrogate and suggest that "flat-out opposition" to artificial insemination by donor ("AID") and other techniques that use the gametes of a third party should be "seriously considered."\(^{15}\) Although such techniques are within our power and are an expression of the marvelous freedom that characterizes human nature, they will, Smith judges, be destructive of other, equally important, aspects of the self.

A similar argument is developed in more detail by Paul Ramsey in *Fabricated Man.*\(^{16}\) He recognizes that human nature is characterized by a kind of "limitless self-modification."\(^{17}\) But that is not the sole truth — or even the preeminent truth — about our nature. Anyone, Ramsey writes, who "intends the world as a Christian will know man's dignity consists not only in thought or in his freedom . . . [and]

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12. *Id.* at 83.
13. *Id.*
14. *Id.* at 84.
15. *Id.*
17. *Id.* at 105.
that there are more ways to violate man-womanhood than to violate the freedom of the parties.” 18 New reproductive technologies involve such violation — and for Ramsey this may include even IVF in which no third-party gametes have been used.

Ramsey suggests, borrowing language from the great Protestant theologian Karl Barth, that parenthood is “a basic form of humanity” in which we hold together the love-giving and life-giving dimensions of our being. 19 Of course, we can separate them; we are free to do so. We can sever human reproduction from the embrace of love between man and woman, and we can even claim that, as an expression of our freedom, this makes the reproductive act more human. From one perspective all that is, Ramsey grants, certainly true. Once we have broken the fundamental unity of the biological and the personal in parenthood as a basic form of humanity, we may rework or combine them in countless ways. But such exercises of our freedom will be dehumanizing, because they will not find the moral meaning in parenthood.

For Ramsey this is not just a religious insight, but an insight into what is truly human. He seeks to defend not simply religion but true humanism. Arguing in a way reminiscent of C.S. Lewis (in The Abolition of Man), he depicts the way in which such an exercise of our freedom will prove destructive. Mixed with our sense of “boundless freedom” there is here also a “boundless determinism.” We think we have become self-creators, when, in fact, we have enslaved ourselves to whatever new technological advance becomes possible. 20 Women are set free — and at the same time limitlessly used. But we have not in fact become self-creators. What has happened is that some of us exercise control over others. We become slaves to “an acknowledged minority of scientific saviors,” and, Ramsey adds, “Calvin’s God was never so offensive to the dignity of man.” 21 He discerns here a religious problem and a religious urge: “despair over man as he is” and a desire to create humanity anew. 22 But in turning against that basic form of humanity that is parenthood and that holds together the love-giving and life-giving dimensions of our nature, we are losing a sense of what is truly human.

Other Protestant thinkers have begun with the same duality — the tension between our finitude and our freedom — but have arrived at drastically different positions. The obvious example here is

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18. Id. at 131-32.
19. Id. at 131.
20. Id. at 108.
21. Id. at 151.
22. Id. at 159.
Joseph Fletcher. As long ago as 1954, in *Morals and Medicine*, Fletcher pointed to the duality between our finitude and our freedom. His ethic, he wrote, rested upon two negative oughts: “(1) We ought not to submit willy-nilly to what is, to physical and physiological facts simply as they are, since to do so would be to be unfree; and (2) we ought not to ignore or disregard or flout what is, simply because it is unchosen, since to do so would be to be guilty of an unrealistic denial of human finitude.” But Fletcher was never in much doubt about where the emphasis should lie, how our humanity was most fundamentally expressed — and his view was quite different from that of Smith and Ramsey. Christian morality welcomes “emancipation from natural necessity” and the raising of “morality to the level of love (a personal bond), above the determinism of nature.”

In 1954 Fletcher was, of course, writing before the advent of many of the new reproductive technologies, but artificial insemination by donor was well known, and Fletcher’s evaluation of it was clearly positive. Objections to AID on the ground that it exercised unwarranted control over human nature would, Fletcher writes, strike “at the very heart of the thesis in this book.” The donor gametes do not involve the personal presence of a third party unless those involved will that they should. Kinship is essentially a matter of human intention and will, of love and not of blood. “To transcend natural restrictions, to seek ends by means devised through choice rather than by physical determinism, is a human and spiritual victory.”

By the time Fletcher published *The Ethics of Genetic Control* in 1974, these claims had become still more pronounced. Indeed, it is no longer clear whether the second of Fletcher’s two negative oughts — that “we ought not to ignore or disregard or flout what is, simply because it is unchosen” — is still operating in his thought. He now exalts human freedom above all constraints of finitude. This does not necessarily lead to an uncritical approval of the use of new reproductive technologies. “Having babies is not necessarily the greatest thing in the world.” Being free and rational — and rational in our freedom — is. He is no advocate of a right to reproduce; rather, his

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24. *Id.* at 213.
25. *Id.* at 139.
26. *Id.* at 116.
27. *Id.* at 129.
28. *Id.* at 117.
30. *Id.* at 5.
“bias is for fewer babies and better ones, whether they are made naturally or in the new artificial modes.”

The control over the future of the species that Ramsey, following Lewis, had warned about, Fletcher celebrates as a victory for humankind. He takes Jesus’ warning not to love father or mother more than God as offering a new understanding of the family, no longer grounded in “blood’ or genes or genital origin.” What constitutes a family is simply shared caring and concern, and it is good that human reproduction is no longer centered in the genitalia. It is possible, he suggests, that “[o]ur notion of avarice may have to be broadened to condemn the selfishness of keeping our sperm and ova to ourselves exclusively.” The “fracturing” of a child’s identity about which Smith had worried, and the severing of love-giving and life-giving dimensions in parenthood as a basic form of humanity about which both Smith and Ramsey had worried, Fletcher sees as the triumph of “rational and human choice” over “blind worship of raw nature.”

These are two quite different visions of what is truly human, even though each begins from the duality of our nature in its freedom and finitude. It would be possible to analyze each in more detail in order to determine their relative adequacy. Were we to do so, I record here my judgment that the Smith/Ramsey view would prove more adequate than the Fletcher view. But appealing to this duality in our nature has not been the only kind of theological anthropology developed by Protestant thinkers, and we should consider yet one more important strand of Protestant thought. In order to understand what is human — and what it would mean to flourish as human beings — we might begin not with the duality of our created nature, but with Jesus. From such a Christological starting point we might seek the meaning of what Ephesians calls “mature manhood,” which is determined by “the measure of the stature of the fulness of Christ.”

Paul Ramsey was not content to rest his case on a claim about what was truly human, truly in keeping with our created nature. That insight, however true, would not prove an adequate starting point for Christians, whose moral obligations are developed “not from slavish obeisance to a fact of nature” but from the fulness of Christ. Hence, he turned not only to Genesis, in which the duality of our created nature is depicted, but also to the Prologue of the Gos-

31. Id.
32. Id. at 144.
33. Id. at iv.
34. Id. at 36.
pel of John, "the Christian story of creation which provides the source and standard for responsible procreation."^{37}

In those opening verses of the Gospel of John, Jesus is identified as the Word — the *logos* — of God. All things, the Gospel says, were created through that Word, through the One in whom the love of God is expressed and revealed. This mystery of God's creative power in love is, of course, in large measure beyond our comprehension but we can let our understanding of human procreation be shaped by this mystery as we seek to let our action truly be pro-creation. Why think it important that procreation should take place only within the marital embrace of love? "[W]e procreate new beings like ourselves in the midst of our love for one another, and in this there is a trace of the original mystery by which God created the world because of his love."^{38} God's own creative power is never exercised apart from his love — the Word, who is Jesus. Nor, by analogy, should we separate our sharing in God's creative power — our procreation — from the bond of mutual love between husband and wife. To do so would mean "a refusal of the image of God's creation in our own."^{39}

In somewhat similar fashion, Oliver O'Donovan has begun with the relation between Father and Son in the Triune God. In order to affirm the deity of the Son, in order to affirm that the Son is of one being with the Father, the Nicene Creed describes the Son as "begotten, not made." Here, for O'Donovan, is the ultimate source of the distinction between making and begetting, a distinction which points to two quite different sorts of relationships.

The church fathers at Nicea wanted to say that the Son was God, just as the Father is God; they wanted to affirm an equality of being. And for that they needed a language other than the language of making. "That which we beget is *like* ourselves . . . But that which we make is *unlike* ourselves . . . [I]t is the product of our own free determination. . . . What we 'make,' then, is alien from our humanity. In that it has a human maker, it has come to existence as a human project, its being at the disposal of mankind."^{40} We cannot, of course, say of any human beings that they are "begotten, not made" in the same absolute sense that the Creed says it of the Son of God, because faith affirms that God has made us through human begetting. Hence, although we are not at each other's disposal, neither are we God's equals. Still, the basic analogy, developed by starting with what Christians confessed about Jesus as eternal Son of God, holds. Beget-

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37. *Id.*
38. *Id.* at 38.
39. *Id.* at 39.
ting implies a sharing of being — equality. Making implies that the one made is alienated from the maker.

Ours is a culture, O'Donovan believes, in which human begetting has "been overwhelmed" by making. We are "incapable of acknowledging the inappropriateness of technical intervention in certain types of activity," for we see circumstances as providing only raw material to be fashioned by the exercise of our wills.\textsuperscript{1} We are in danger of losing the capacity to see the human significance of certain forms of activity. We may contrast O'Donovan with Fletcher here. For Fletcher, "[i]t is depressing, not comforting, to realize that most people are accidents. Their conception was at best unintended, at worst unwanted."\textsuperscript{2} But O'Donovan, with his vision shaped by his starting point in the relation of Father and Son within the Godhead, has a quite different view. In ordinary procreation the status of the child as "begotten, not made" is assured by the fact that she "is not the primary object of attention in that embrace which gave her being. . . . The She (or He) which will spring from the I-Thou is always present as possibility, but never as project pure and simple."\textsuperscript{3}

O'Donovan's concern, then, is not simply with the separation of love-giving and life-giving dimensions of parenthood; indeed, if no donor gametes are involved, he might be willing to see IVF as "not the making of a baby apart from the sexual embrace, but the aiding of the sexual embrace to achieve its proper goal of fruitfulness."\textsuperscript{4} The problem for him is not so much this separation itself as the turning of begetting into making. And it is, he argues, very difficult not to regard the IVF child as "the \textit{creature} of the doctors who assisted at her conception" — not as begotten, but as made.\textsuperscript{5} For the time being, our "habits of thought" continue to encourage us to think that the child is the equal of those who produced her. But, O'Donovan predicts, such habits of thought will over time come to seem "merely sentimental," if we accept practices which undermine them.\textsuperscript{6} And then, indeed, we may have done what Ramsey predicted: altered the meaning of parenthood so fundamentally as to have committed species suicide, "the death of the species and its replacement by a species of life deemed more desirable."\textsuperscript{7} O'Donovan prefers a different sort of description, because he is not willing to grant that such an act of suicide and new creation is really within our power. To transform

\textsuperscript{1} Id. at 3.
\textsuperscript{2} Fletcher, \textit{supra} note 29, at 36.
\textsuperscript{3} O'Donovan, \textit{supra} note 40, at 17.
\textsuperscript{4} Id. at 78.
\textsuperscript{5} Id. at 85.
\textsuperscript{6} Id. at 86.
\textsuperscript{7} Ramsey, \textit{supra} note 16, at 152.
begetting into making would be, in his view, "a false claim to lordship." We should not expect that the one God will "relinquish to others his place as the maker and preserver of mankind, and we should set ourselves against all such false claims."

In this brief depiction of Protestant attitudes toward new reproductive technologies, I have worried less about particular conclusions than about the theological approaches at work. Protestants have always appealed to the Bible and will do so even here when they must of necessity appeal not so much to particular passages as to more general themes. They have developed views of the meaning and significance of our created nature, a theological anthropology, in which the duality of finitude and freedom (itself a biblical theme) has been prominent. And they have sought a vision of humanity shaped by a Christological starting point, in which Jesus — as the eternal Son of God and the Word made flesh — is the true image of human flourishing. There is, I think, a good bit of wisdom still to be gained from such patterns of thought. Even in a culture rapidly forgetting its rootedness in these beliefs, it may still be that faith is most likely to give rise to understanding of what is truly human.

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