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Cover Page Footnote

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PROTESTANT PERSPECTIVES ON THE USES OF THE NEW REPRODUCTIVE TECHNOLOGIES

Cynthia B. Cohen*

Introduction

Ever since Adam and Eve brought forth the first children, human beings have tried to capture the processes of procreation and bring them under control. We find midwives assisting with childbirth as early as Exodus in scripture, and Caesarian section birth is seen in use in ancient Rome.¹ The pace of human interventions into procreation has increased rapidly over the generations to the point where today we are faced with an explosion of radically new methods that can be used to revise and repair reproductive processes. Technologies such as in vitro fertilization and egg donation are increasingly being employed for those who are infertile.² Reproductive cloning and the use of artificial wombs to bring children into the world are on the horizon.³

Protestant denominations span a broad range of views about the morality of employing such new reproductive technologies.⁴ Although they embrace normative standards of conduct, many denominations do not have a central teaching authority to guide members who are concerned about whether to use these new ways of conceiving and bearing children.⁵ Such questions are among

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^{1.} Exodus 1:15-21; see also Jean Donnison, Midwives and Medical Men: A History of Struggle for the Control of Childbirth 1 (1998).

^{2.} See Cynthia B. Cohen, Introduction, in New Ways of Making Babies: The Case of Egg Donation xi (Cynthia B. Cohen ed., 1996) [hereinafter New Ways of Making Babies]; see also Cynthia B. Cohen, Parents Anonymous, in New Ways of Making Babies, supra note 2, at 88-89 [hereinafter Cohen, Parents Anonymous].

^{3.} See Mark W.J. Ferguson, Contemporary and future possibilities for human embryonic manipulation, in Experiments on Embryos 22 (Anthony Dyson & John Harris eds., 1990); see also Ronald Cole-Turner, The Era of Biological Control, in Beyond Cloning: Religion and the Remaking of Humanity 2-6 (Ronald Cole-Turner ed., 2001) [hereinafter Beyond Cloning].

^{4.} The Ethics of Human Cloning and Stem Cell Research, A Report from California Cloning: A Dialogue on State Regulation (Oct. 12, 2001), at http://www.scu.edu/ethics/publications/cloning.html.

^{5.} Ronald Cole-Turner, At the Beginning, in Human Cloning: Religious Responses 126-27 (Ronald Cole-Turner ed., 1997).

matters of substantial morality left to individual conscience, guided by scripture, tradition, reason, and experience. Since these various resources are each interpreted in somewhat different ways within Protestant thought, it is not possible to state *the* Protestant moral position about the use of the new reproductive technologies. Even so, certain relevant values and beliefs at the core of Protestant thought can be canvassed to gain a sense of how those adhering to this form of the Christian tradition tend to view the morality of employing these new technologies.

The Protestant tradition places high value on individual human dignity and choice.⁶ It maintains that human capacities for understanding and willing, even though flawed, still reflect the image of God.⁷ Consequently, individual decisions about the use of novel reproductive technologies are owed great respect. Couples should be allowed to weigh the ends and goods toward which these technologies can be put, and to choose among them based on their understanding of what Christian ethics requires.

Yet, individual human beings are not isolated atoms,⁸ and procreation is not exclusively a private matter.⁹ Bringing children into the world is a shared activity involving a relationship between prospective parents, and should children result from their relationship, another between parents and children. Moreover, procreation is inseparable from broader social relations and goods, in that it brings new members into the community who are owed care and protection. Consequently, the way in which children are conceived and born, for the Protestant tradition, is not only a matter of individual concern, but also of familial, social, and Christian concern.

Evaluating which, if any, are appropriate uses of the new reproductive technologies within the Protestant tradition requires consideration of Christian teachings about the meaning of procreation, the good of the resulting children, and the integrity of family bonds. Such considerations have led many Protestant thinkers to contend that it is morally acceptable for individuals to employ

^{6.} See Abigail Rian Evans, Saying No to Human Cloning, in Human Cloning: Religious Responses, supra note 5, at 27-29.

^{7.} Hessel Bouma III et al., Health, & Medical Practice 57-66 (1989); Cynthia B. Cohen et al., Faithful Living, Faithful Dying: Anglican Reflections on End of Life Care 61-62 (2000); David H. Smith, Health and Medicine in the Anglican Tradition: Conscience, Community, and Compromise 9-11 (1986).

^{8.} Duane H. Larson, Lutheran Theological Foundations for an Ethics of Cloning, in Human Cloning: Papers from a Church Consultation 35, 38 (2000); Smith, supra note 7, at 11-12.

^{9.} BOUMA ET AL., supra note 7, at 182-86; SMITH, supra note 7, at 82-83.

these novel methods of creating children, but within certain limits.¹⁰ Protestant thinkers differ, however, about exactly where these limits should be drawn. Even so, a certain degree of agreement can be found among them.

I. Reproductive Technologies and the Purposes of Sex

To understand the predominant Protestant approach to the use of reproductive technologies, it is necessary first to grasp the significance of procreation within Protestant thought. This can be better understood and explicated by contrasting it with Jewish thought. Within Judaism, procreation is heavily emphasized as the major end of sexuality within marriage.¹¹ This procreative thrust is supported by the Priestly account of creation in Genesis, 12 in which God commands humankind to be fruitful and multiply.¹³ Having children and raising them to become integral members of the community and carry on its traditions promotes social identity and ensures the survival of Israel as a people.¹⁴ Although companionship is also an end of sexuality within marriage for Judaism, its primary focus is on bringing forth progeny. That is why, when a man and a woman are married in a Jewish ceremony, they sign a contract in which they agree to perform their respective parts, so that children will be born to bear the identity of their parents and their people into the future.15

In Protestant thought, in contrast, sexual relations within marriage are often more closely tied to companionship than to having children or forming a people. Protestants tend to rely on the Jahwist account of creation in Genesis, which although later in sequence, was given its edited form some three hundred years

^{10.} BOUMA ET AL., supra note 7, at 195.

^{11.} Peter Brown, The Body And Society: Men, Women and Sexual Renunciation in Early Christianity 61-65 (1988); Roland De Vaux, Ancient Israel: Its Life and Institutions 34-37 (John McHughes trans., McGraw-Hill 1961); Elliot N. Dorff & Arthur Rosett, A Living Tree: The Roots and Growth of Jewish Law 485-86 (1988).

^{12.} Genesis 1:1-2:4a.

^{13.} Id. at 1:28.

^{14.} ELAINE PAGELS, ADAM, EVE, AND THE SERPENT 13 (1988); Timothy F. Sedgwick, *The Transformation of Sexuality and the Challenge of Conscience, in Our Selves, Our Souls & Bodies: Sexuality and the Household of God 30-32 (Charles Hefling ed., 1996).*

^{15.} DORFF & ROSETT, supra note 11, at 451-54.

^{16.} Sedgwick, supra note 14, at 33-35.

^{17.} Genesis 2:4b-3:24.

before the Priestly account.¹⁸ In it, companionship is emphasized as a significant end of human sexuality. Adam is formed from the dust of the ground, whereupon God declares, "It is not good that the man should be alone."¹⁹ Woman is, therefore, taken from Adam's rib as he sleeps.²⁰ Man and woman are made for one another; emerging from one flesh, they are called once again to unity.

That sexual relations within marriage are closely tied to companionship is borne out at several points in the Gospels where Jesus challenges the Jewish understanding of human sexuality.²¹ For example, in the gospel of Mark, Jesus responds to a question about whether it is lawful for a man to divorce his wife (which was allowed within Judaism if she were barren, among other reasons) as follows:

From the beginning of creation, "God made them male and female." "For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh." So they are not longer two, but one flesh. Therefore what God has joined together, let no one separate.²²

In this and other passages,²³ Jesus asserts that companionship is the primary end of sexual union within marriage. Elaine Pagels observes that, "By subordinating the obligation to procreate, rejecting divorce, and implicitly sanctioning monogamous relationships, Jesus reverses traditional priorities declaring, in effect, that other obligations, including marital ones, are now more important than procreation."²⁴ Marriage is no longer grounded in a contractual agreement in which something is done in order to realize something else, but is a matter of mutual commitment between two persons, regardless of the consequences. This is reflected in the marriage vows of the Episcopal tradition, for instance, in which man and woman take each other "for better for worse, for richer for poorer, in sickness and in health, to love and to cherish, until we are parted by death."²⁵ Those being married are told:

^{18.} LISA SOWLE CAHILL, BETWEEN THE SEXES: FOUNDATIONS FOR A CHRISTIAN ETHICS OF SEXUALITY 53-56 (1985); Phyllis A. Bird, Genesis I-III as a Source for a Contemporary Theology of Sexuality, 3 Ex Auditu 31, 36-39 (1987).

^{19.} Genesis 2:18.

^{20.} Id. at 2:22.

^{21.} Sedgwick, supra note 14, at 33.

^{22.} Mark 10:6-8.

^{23.} See Matthew 19:3-6; Luke 16:18; 1 Corinthians 7:10-11.

^{24.} PAGELS, supra note 14, at 16.

^{25.} The Celebration and Blessing of a Marriage, in The Book of Common Prayer According to the Use of the Episcopal Church 427 (1979).

The union of husband and wife in heart, body, and mind is intended by God for their mutual joy; for the help and comfort given one another in prosperity and adversity; and, when it is God's will, for the procreation of children and their nurture in the knowledge and love of the Lord.²⁶

Thus, sexuality within marriage in Protestant thought is tied to agape, love that leads man and woman to embrace and care for one another. Instead of gaining identity and fulfillment in the future through their children, they do so now in their love for one another.27 In accord with this approach, the Lutheran Church in America, a precursor of the contemporary Evangelical Lutheran Church in America, maintained that, "God has established the sexual relation for the purpose of bringing husband and wife into full unity so that they may enrich and be a blessing to each other."28 Their relationship is grounded in an unconditional steadfast love and trust that turns outward to embrace and care for children who may be its fruit. Should man and woman be blessed with children consequent on their mutual commitment, they are to acknowledge and care for them on behalf of God. Having and rearing children has always been valued within Protestantism.²⁹ An openness to procreation, however, is not essential to the sanctification of sexuality within marriage in the Protestant tradition. The use of contraception, for instance, is readily accepted, as is sexual expression within marriage after menopause.³⁰

Some within Protestantism would disagree with this interpretation of the Protestant view of the weight of procreation, arguing either that procreation is the central Christian rationale for sexual union or that it is co-equal in importance with the unitive end.³¹ Consequently, they consider it illicit to use the new reproductive technologies to generate children, since this necessarily involves the separation of these two ends. This is a vexed question. Certain early Church Fathers took procreation as the sole acceptable end

^{26.} Id. at 424.

^{27.} Sedgwick, supra note 14, at 32.

^{28.} Sex, Marriage, and Family: A Clarifying Convention Minute of the Lutheran Church in America, J. Lutheran Ethics (1964), at http://www.elca.org/jle/lca/lca.sex_marriage_family.html (last visitied Oct. 20, 2002).

^{29.} Ted Peters, For the Love of Children: Genetic Technology and the Future of the Family 128 (1996).

^{30.} Margaret A. Farley, *Sexual Ethics*, in 5 ENCYCLOPEDIA OF BIOETHICS 2363, 2368 (2d ed. 1995).

^{31.} OLIVER O'DONOVAN, BEGOTTEN OR MADE? 14-30 (1984); PAUL RAMSEY, FABRICATED MAN: THE ETHICS OF GENETIC CONTROL 38-39 (1970); Gilbert Meilaender, *Begetting and Cloning*, First Things, June/July 1997, at 41-43.

of human sexuality within marriage. Augustine, a significant figure within the early Christian tradition, turned the various strands of asceticism about sex of his own day into a firm and explicit procreative ethic. He maintained that sexual desire is God's crowning punishment for Adam and Eve's disobedience and that sexual union in fulfillment of desire is therefore morally unacceptable.³² According to Augustine, only the intention of bringing children into the world can excuse acting upon sexual desire.³³ Critics charge that his analysis of sexuality is not consistent with scripture or with other strands of the Christian tradition that frame sex within a generous love.³⁴ Even so, his view had enormous influence over the Christian tradition in the first half of its history.³⁵ This gradually changed among some, but not all, major Protestant thinkers in the later centuries of Christianity. Calvin, for instance, maintained that the greatest good of marriage and sex was the society that is formed between husband and wife.36 As the Reformation progressed, Luther wrote along similar lines: "[B]y the grace of God now everyone declares that it is something good and holy to live with one's wife in harmony and peace even if one should have a wife who is barren or is troubled by other ills."37

Protestants are generally concerned about moving procreation out of the loving embrace of couples and into the medical laboratory because this seems to mechanize and objectify procreation.³⁸ However, when couples elect to use new reproductive technologies because these provide the only way in which they can circumvent natural processes that have gone awry, their choice is not in itself wrong.³⁹ Children who are born with the aid of reproductive technologies can spring from a love between man and woman that is as deep and intimate as that between couples whose reproductive channels bear fruit without medical assistance.

^{32.} AUGUSTINE, THE CITY OF GOD 14-16 (Marcus Dods trans., 1950).

^{33.} *Id*.

^{34.} Thomas E. Breidenthal, Christian Households: The Sanctification of Nearness 124-228 (1997); Peters, *supra* note 29, at 121-26.

^{35.} Farley, supra note 30, at 2367.

^{36.} See generally John Calvin, Commentary on Genesis (John King trans. & ed., 2001) (1975).

^{37.} Martin Luther, *Genesis Chapters 1-5*, in 1 Luther's Works 135 (Jaraslov Pelikan ed., 1958).

^{38.} BOUMA ET AL., supra note 7, at 193.

^{39.} Id. at 193-94; Peters, supra note 29, at 140-53.

II. DESIGNER BABIES, THIRD PARTIES, AND ORPHAN EMBRYOS

Not every possible use of the new reproductive technologies is justifiable in Protestant thought, however. Parents are the procreators, rather than the creators of their children, meaning that children are their trusts, rather than their possessions, products, or projects. Children are to be cherished not only as expressions of the mutual love between man and woman, but also as persons with their own integrity and uniqueness.⁴⁰ They are not valued because they can secure the identity of their parents or their community in the future. Hence, Protestant thought maintains that it is wrong to use the new reproductive technologies to produce made-to-order children who have been shaped to meet arbitrary parental or social standards of beauty or perfection.⁴¹ Such an instrumental view of the value of children runs the risk, not only of denying the integrity and value of each child, but also of reinforcing discriminatory and harmful stereotypes that surface all too frequently in our society. The shadow of the eugenics movement hovers over such perfectionist reproductive choices and raises the question of what sort of society we want to become.42

Given this view of the meaning of procreation and parenting, the enunciation of a right to reproduce sounds odd to Protestant ears. Protestants see themselves as gifted with children, rather than entitled to them by right. Moreover, a right to exercise "quality control of offspring" sounds even more odd.⁴³ Children are not to be "acquired" on grounds that they meet certain parental pre-conception specifications and desires, but are to be welcomed as persons in their own right, regardless of their traits. Methodist theologian Sondra Ely Wheeler observes:

In our urgency to provide would-be parents with whatever they want, and can pay for, we have allowed ourselves to forget a lesson that should have been burned into our brains with the abolition of slavery and the repeal of laws that made women and

^{40.} Brent Waters, One Flesh? Cloning, Procreation, and the Family, in Human Cloning: Religious Responses, supra note 5, at 78, 82-85.

^{41.} Sondra E. Wheeler, *Contingency, Tragedy, and the Virtues of Parenting, in Beyond Cloning, supra* note 3, at 111, 117-19.

^{42.} Cynthia B. Cohen, Creating Tomorrow's Children: The Right to Reproduce, Public Policy, and Germ Line Interventions [hereinafter Cohen, Creating Tomorrow's Children], in Human Genetic Modifications Across Generations: Assessing the Scientific, Ethical, Religious, and Policy Issues 132-52 (Audrey R. Chapman & Mark Frankel eds., 2002).

^{43.} John A. Robertson, Children of Choice: Freedom and the New Reproductive Technologies 150-51 (1994).

children property: no one can have a right to another human being.⁴⁴

We will reveal a fundamental misunderstanding of what procreation and parenthood mean if we come to view children as ours by right, as products we create or acquire to serve our own interests and desires.⁴⁵

Serious reservations have also been raised by some Protestant thinkers about the use of third party "donors" to assist couples to have children, as occurs in oocyte donation and artificial insemination by a donor. These reservations are grounded in three major concerns—that third party donation may: 1) diminish the importance of the biological relationship between parents and children and within the family; 2) have a serious negative psychological impact on children; and 3) lead to the commodification and commercialization of procreation.

Whether the biological relation between parent and child may be severed from their social relation without moral onus is a troubling question for Protestants. They have been reluctant to accept such severance, maintaining that those who engender a biological relationship to a child create certain moral obligations to that child that cannot be dismissed out of hand.⁴⁷ It is true that in adoption the biological and social relation between parent and child is sundered without moral censure. Yet this does not mean that it is also morally licit to allow such separation in other contexts, including gamete donation. What we celebrate about adoption is not the separation of the biological from the social, but that adoptive parents treat already existing children, whose biological parents cannot rear them, with the kind of love and care they are obligated to give to children born to them. Gamete donation, in contrast, involves a pre-conception decision to give away biological children whom their procreators are under obligation to care for and nurture. "Begetting is not merely biological and physical; it is essentially parental, entailing obligations for nurturing the child," Bouma and colleagues, of the Reformed tradition, maintain.⁴⁸ Some, therefore, conclude that to accept adoption as moral does not provide good reason to do the same for third party gamete

^{44.} Wheeler, supra note 41, at 123.

^{45.} Karen Lebaqz, Genes, Justice, and Clones, in Human Cloning: Religious Responses, supra note 5, at 49, 55-56.

^{46.} Smith, *supra* note 7, at 82-84.

^{47.} See O'Donovan, supra note 31, at 35-38.

^{48.} BOUMA ET AL., supra note 7, at 196.

donation.⁴⁹ Others, however, focus on what happens to the child once born, maintaining that the loving nurture of a child within a stable family is more important than whether that child is biologically related to its rearing parents.⁵⁰ They believe that those who seek to have children with the assistance of third parties can provide these children with the same love and care required of biological parents. Protestants, therefore, remain divided about the moral weight to be given to the biological and social connections of parent to child in considering the moral licitness of using third party donors.

Protestants have also been concerned about the potential of third party donation to reconceive the family.⁵¹ The use of gametes from donors enlarges the class of those who can become parents beyond traditional biological bounds, opening the door to parenthood to single persons, those beyond normal reproductive age, and gay and lesbian couples. If we are to develop fundamentally new understandings of the family, they maintain—and this is a large "if" for many Protestants—we should do so reflectively as a community, rather than by chance as isolated individuals following our own desires.

An additional consideration raised by Protestants is that the use of donors might have a detrimental psychological and social impact on the children born of their gametes. Some argue that it is important to the healthy development of children that they know of their biological origins and wrong to deny them this information.⁵² When their origins are hidden from children, there is always the risk of inadvertent disclosure of the circumstances of their conception. And yet, when children are told outright of their atypical origins, they may feel and be treated as radically different from other children.⁵³ Thus, gamete donation would seem to run the risk of negatively affecting children psychologically and socially no matter how much or little they know of their origins. Protestant thinkers, while sensitive to this issue, generally do not believe they have sufficient information about this to determine whether the use of sperm and eggs donors is seriously detrimental to the resulting children.

^{49.} O'Donovan, *supra* note 31, at 36-37.

^{50.} Bd. of Soc. Responsibility, Church of Eng., Personal Origins 50-51 (2d rev. ed. 1996) [hereinafter Personal Origins].

^{51.} GILBERT C. MEILAENDER, BODY, SOUL, AND BIOETHICS 65-66 (1995).

^{52.} Personal Origins, supra note 50, at 69.

^{53.} Cohen, Parents Anonymous, supra note 2, at 97-98.

In Protestant thought, gametes, as the means of making possible new life, are not negligible body products to be bought and sold in the open market.⁵⁴ If they are to be given to infertile couples, this should be done as a free and voluntary gift. Our current practice of paying gamete donors runs the danger that we will place price tags not only on each part of the reproductive process, but ultimately on the entire process itself, thereby succumbing to baby-selling. Such a practice violates the dignity of children and flies in the face of our deepest social values. Moreover, allowing access to these new reproductive services primarily to those who are financially well off unfairly privileges the well to do at the expense of those who are not. Protestants have therefore been cautious about using money to attract gamete donors and, more generally, about accepting payments to donors as moral.

During in vitro fertilization, more embryos are often produced than can be used at one time. The question of the moral status of these early embryos and the protection they should be given has been a thorny one for Protestants. Some believe that the same protection should be accorded to the newly fertilized egg as to a postnatal human being.⁵⁵ This belief is based on recognition that the unique genetic complement of an individual is largely established at conception. There seems no obvious point in embryonic development that these thinkers can detect when "unformed" fetal life becomes "formed" and physically developed enough to receive a human soul, a traditional distinction made within Christian thought for many centuries.⁵⁶ Others observe that for at least fourteen days after conception, embryos may divide or even fuse and maintain that, therefore, they are not distinct individuals for the first fourteen days.⁵⁷ They hold that early embryos are not owed the same protection as later embryos or as discrete individual human beings. Despite these differences, Protestants unite in maintaining the embryos are owed respect and that they should be

^{54.} Cynthia B. Cohen, Selling Bits and Pieces of Humans to Make Babies: "The Gift of the Magi" Revisited, 24 J. MED. & PHIL. 288, 295-98 (1999).

^{55.} OLIVER O'DONOVAN, THE CHRISTIAN AND THE UNBORN CHILD 15 (1986); David Atkinson, Some Theological Perspectives on the Human Embryo (Part 2), in 2 ETHICS AND MEDICINE: A CHRISTIAN PERSPECTIVE 23, 32 (1986).

^{56.} John Connery, Abortion: The Development of the Roman Catholic Perspective 40, 50-52, 56 (1977).

^{57.} G.R. Dunstan, *The Embryo, from Aristotle to Alton*, 38 Hist. Today, Apr. 1988, at 6-8; *see also* James C. Peterson, Genetic Turning Points: The Ethics of Human Genetics Intervention 123, 126, 134 (2001); Anthony Dyson, *At Heaven's command?: the Churches, theology, and experiments on embryos, in* Experiments on Embryos, *supra* note 3, at 98-99.

treated in ways that are potentially beneficial to them whenever possible.⁵⁸ This implies that only as many embryos should be produced as are strictly needed over the course of attempts at in vitro fertilization, and that every effort should be made to avoid leaving behind "surplus" frozen embryos.

Conclusion

It will require much more observation and discussion for those within the Protestant tradition to reach a clear mind about which purposes to which the new reproductive technologies can be put are morally acceptable. The underlying Protestant view is that it is allowable to use certain of these technologies to circumvent infertility and bring children into the world. Yet there are major differences among Protestant thinkers about which reproductive technologies should be used, whose gametes, and for what purposes. There is a general acceptance of the use of IVF, but less agreement about whether to add the use of donated gametes when employing this procedure. Moreover, Protestants tend to maintain that it is wrong to use the new reproductive technologies to design children in their parents' own image and according to parental tastes, rather than to bring forth children who are to be loved and nurtured in the own right as unique individuals.

We stand in unprecedented circumstances today as new reproductive technologies make available to us ways of having children that were never dreamed of in earlier times. Protestant thinkers recognize that their tradition of moral thought, which has not been honed on the specific questions raised by these novel technologies, will need to be extended to capture the nuances in moral thinking that they bring to the fore and to address them. This does not mean that previous Protestant moral thinking must be radically changed or dismissed. It means that the implications of that thinking must be more thoroughly and specifically developed in the face of the problems and anguish experienced by many who desperately hope that their loving union will be blessed with children.

