How Do God’s Chosen Choose?

A Report of the Commission on Theology and Church Relations of The Lutheran Church—Missouri Synod
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Christians and Procreative Choices
How Do God’s Chosen Choose?

INTRODUCTION

People today pride themselves on choosing. Christians know that their choosing is shaped, disciplined, and sometimes overruled by God’s choice of them through their Baptism into Jesus Christ. Christians are called regularly to examine the connection between biblical faith and the many practical choices they must make in a rapidly changing world.

The Synod in convention has recognized the need for mutual counsel and advice on a wide variety of medical and health-related ethical issues. The challenge is not only to be well grounded in sound confessional theology. We need also to have a firm grasp of how our faith connects with practical choices. The task is to achieve a deeper understanding of how biblically disciplined reasoning proceeds in relation to the difficult choices people are being asked to make.

Biblically Disciplined Moral Reasoning

In this document the Commission on Theology and Church Relations responds to the Synod’s request for counsel and advice by illustrating and examining the relationship between Christian faith and practical choices in procreative issues. We shall study this relationship by examining four cases involving procreative choices that people in our culture find themselves considering. The discussion of these case studies provides opportunities to reflect on how Christian faith and theology inform our ethical choices.

Uses and Abuses of Reason

Throughout this document we will be talking about how Christians reason. God’s Word leads Christians to recognize both that human reason is an especially powerful gift of his creative love and that, because it is so powerful, human reason is especially liable to disastrous abuse by sinful humans. Reason performs two distinct but interrelated tasks:

1. Reason suggests and assesses strategies for seeking, gathering, and selecting information relevant to whatever inquiry we want to pursue.
2. Reason helps us take apart, reassemble, and consistently relate together the information we have gathered in order for us to see what conclusions are supported by the information at hand. The philosophical and mathematical study of “logic” provides profound insight into this task of reason.

Sin can distort and corrupt both tasks, but the first task is the one liable to the most serious abuses. The serpent began the attack on our first parents by saying, “Did God say … ?” (Gen. 3:1). Here was an invitation to human reason to abandon the strategy of trusting God’s Word about life and to put in its place ways of seeking, gathering, and selecting information independent of, and supposedly superior to, the clear words of God. If we humans can be brought to seek, gather, and select information independently of, and in contradiction to, God’s guiding Word, then Satan does not mind when we use our divinely-given powers of logic (task 2 above) to draw sinful conclusions from sinful sources.

Our goal in this study of procreative choices is to use God’s good gift of reason to his glory and for human blessing. The constant touchstone of

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2 *Reason* is a word with many meanings. Reasoning always involves the use of logical inference consistently to think through what is implied by the information on which a line of reasoning is based. We refer to this use of reason in item 2 above. Reasoning also involves seeking, gathering, and selecting information (item 1 above). When we, with Luther, confess that “I cannot by my own reason or strength believe in Jesus Christ, my Lord, or come to Him,” we are acknowledging that in our fallen humanity reason is no longer able to rely on its own natural ways of seeking, gathering, and selecting information to judge for itself concerning what God has done in Christ. Instead, “the Holy Spirit has called me by the Gospel, enlightened me with His gifts, sanctified and kept me in the true faith” (Luther’s Small Catechism, 15). When we are called and enlightened by the Holy Spirit, we learn to discipline our reason by having it seek, gather, and select information in the light of God’s Word in the midst of the church. Thus we can understand both the high praise due to God for giving “me ... my reason and all my senses” (Luther’s Small Catechism, 13) and yet also the confession that “I cannot by my own reason or strength believe in Jesus Christ.” Christian theology from early on distinguishes between a “magisterial” use of reason that, “judging according to its natural principles,” lords itself over God’s Word and a “ministerial” use of reason “held locked within the circle of the divine Word and kept under discipline, or illumined by Holy Scripture” (Johannes Quenstedt, *Systema* 1:55ff.; quoted in Francis Pieper, *Christian Dogmatics* [St. Louis: Concordia Publishing House, 1950], 1:199).
our work will be to discipline our reason by reference to the guidance provided in God’s Word.3

Procreative Ethics

Many of the most difficult ethical problems in contemporary life are related to human procreation, to questions about giving birth, and to the technological means that may be used to bring about or prevent new life. Many moral questions hover around the problems of infertility, technological reproduction, contraception and abortion. How much should children matter to a marriage? Of what moral significance is the biological connection between parent and child? What medical techniques may be permissibly used in pursuit of conception? Are some means of gaining children morally superior to others? In a hungry world how much may couples justifiably spend in pursuit of children? Is voluntary childlessness a responsible choice for married life?

Contemporary methods of genetic screening as well as current adoption practices raise questions about choices parents might wish to make concerning their child’s characteristics and makeup. If genetic screening can provide vital information at the earliest stage of conception, how should Christian parents use that information? Should prospective parents be willing to accept any available adoptive child or may they rightly specify some characteristics that they wish the child to have and others that they wish the child not to have?

Questions such as these regularly face Christians in their daily lives. Christian communities should be prepared to help people relate these questions to the biblical faith. We intend in this document to provide a resource that can be read and discussed by study groups within a congregation. We also intend to help Christians who work their way through this document to practice and reflect on what is involved in biblically disciplined moral reasoning. The questions we will be addressing are not easily answered, and they sometimes are so perplexing that they leave Christians in disagreement concerning God’s will. For this reason attention will be given not simply to arriving at one set of answers. Instead, we will also

3 Reflection on the nature of human reason has led to the development of numerous accounts of reason’s tasks and capabilities. This document draws on an account called the “interrogative model” of reasoning. This account has been developed over the last several decades by Jaakko Hintikka and his associates. The interrogative model has been used for this document both because it is simple and because it seems well suited for highlighting ways in which human reasoning can be disciplined by biblical faith. Two resources that provide background information concerning the interrogative model are Jaakko Hintikka and James Bachman, What If …? Toward Excellence in Reasoning (Mountain View, CA: Mayfield Publishing Company, 1991), and James Bachman, “The Appeal to Authority,” in Fallacies: Classical and Contemporary Readings, ed. Robert C. Pinto and Hans V. Hansen (University Park, Penn.: Pennsylvania State University Press, 1995).
explore how thoughtful Christians can become more practiced and adept at biblically disciplined moral reasoning. In this way we will be able to understand the significance of disagreements that we may have and to see how we can continue to reason together concerning God’s guidance. We will also be in a position to take up related questions or new issues that are not directly addressed in this document.

Reflection on our disagreements also serves us well by reminding us that right reasoning is not the key to righteousness before God. In this, as in all endeavors of life, even our best efforts are in need of Christ’s redemption. We give thanks that our righteousness before God is given freely by grace through faith. One way of living out our thanks is by attending seriously to the ways in which God may be guiding us in the midst of the difficult choices that confront us in life.
CASE 1:  
CHOOSING AGAINST CHILDLESSNESS

We begin with a case based on questions originally raised in a local congregation.

Harriet teaches fifth grade in a Lutheran school. She and her husband Albert have been married for 10 years and have two children. They have become close friends with James and Rachel, a childless couple in their congregation. After many months of conversation and study, the four have gradually settled upon a plan for Harriet to be a nonpaid surrogate mother for the child that James and Rachel so much desire. Harriet would be artificially inseminated with James’ sperm, and the baby would be legally adopted by James and Rachel.

Because all four are active members of the congregation, and because Harriet’s vocation is teaching at the Lutheran school, Harriet went to Pastor Arnold to discuss the plan with him. They quickly agreed to pursue the issues further in a conversation involving both couples, Pastor Arnold, an elder, and two other members of the church council.

Initial Observations

Perhaps you already have a firm opinion concerning the proposal that Harriet serve as a surrogate to help James and Rachel have a child. Perhaps your study group is also reasonably well agreed in what to think about this plan. On the other hand, some of you may be perplexed as to just what to think at this point.

Regardless of your own opinions, we ask you to imagine for a time that you find yourself in a situation in which members of your congregation are not initially in agreement about what choices are right or wrong in this case. Then, assuming there is some perplexity and disagreement, spend some time writing down and communicating to each other a list of steps that might be taken to help your group or congregation think through this case.

What did you come up with? We imagine that a number of possible steps came to mind, perhaps such as these:

• Seeking to learn more about how and why the two couples settled on this choice.
• Praying together for God’s guidance, especially when the conversations are becoming difficult or stressful.
• Seeking biblical materials that may be relevant to the case.
• Asking if other Lutheran congregations or our Synod or its theologians have offered any advice about nonpaid surrogacy by a friend for friends.
• Looking for relevant discussions of this matter among Christians in other confessional communities.
• Examining discussions of surrogacy found in medical, psychological, sociological, legal, philosophical, and other literature.
• Raising questions about the effect of this choice on children in the school and on the congregation.
• Exploring your own moral and ethical insights/principles/intuitions concerning this set of choices.

**DISCIPLINED CHAOS**

This list of possible steps to follow in considering this case is by no means exhaustive, but it illustrates what is needed when we begin to address a difficult and perplexing issue. Notice what happens when people patiently listen to each other in the first phase of reflection on a problem. People typically begin to suggest lines of reasoning that they think ought to be considered. What first emerges in their responses can be called disciplined chaos. Thoughtful people throw out a number of possibilities and some tentative proposals. They try to look at the problem from several different perspectives.

Disciplined chaos is needed in the first phase of practical reasoning concerning a challenging problem. We know from experience that our problem-solving skills are enhanced when we permit some disorder to enter into our initial approach to a puzzle. We are troubled when people try to cut through the disorder too quickly, insisting on their own preferred shortcut to a solution. Some suggest that religious communities are especially tempted to insist on shortcuts, but impatience with disorder is a universal phenomenon.

The initial phase of disciplined chaos more often than not takes us down some blind alleys and leads us to some information that turns out not to be relevant or useful. We can become anxious about the seeming “chaos” of information we are receiving. We need to have confidence that the initial overload of information will gradually be sorted out into what is significant.

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4 The word chaos refers here to the process of “brainstorming,” which Webster’s Collegiate Dictionary (10th edition) defines as “a group problem-solving technique that involves the spontaneous contribution of ideas from all members of the group.”
and what is not. As we work together, listen to each other, and pray together, we often increase our ability to find what is most important. But we must first have the patience to let some disorder come into our deliberations.

So, the first phase of practical reasoning requires tolerance for a kind of disciplined disorder. Christians, like any thoughtful people, need to have the patience and courage to resist taking an early shortcut to solutions that may leave important matters insufficiently examined.

If we close off study and discussion too quickly, we risk errors that might have been avoided had we asked more questions. Even if our shortcut leads to a correct answer, we risk leaving brothers and sisters unpersuaded and alienated by the fact that they have not been given a thorough hearing. The apostle James advises that everyone should “be quick to hear, slow to speak” (1:19). In this way Christians create a nurturing and forgiving environment that can free people for thorough and careful thought.

The initial phase of our engagement with a problem is not simply chaotic, however. It is also disciplined, because we do not look just anywhere for help with our puzzles. We are Christians, so we turn early and diligently to God’s Word. We are members of the body of Christ, so we expect that fellow Christians both near and far in space and in time may be able to speak faithful words that can help us attend to God’s guidance. We are Lutherans, so we are especially attuned to lines of questioning provided by our church’s confessional principles. Because Christ is in our midst and the Spirit guides us to the truth, we expect to be able to make progress with our problems.

We also look beyond the Christian community in the first phase of our reasoning. St. Paul reminds us in Rom. 2:14–15 that thoughtful non-Christians may be able to point us toward features of our problems that deserve careful attention. Paul writes: “When Gentiles who have not the law do by nature what the law requires, they are a law to themselves, even though they do not have the law. They show that what the law requires is written on their hearts, while their conscience also bears witness.” Our faith in God the Creator teaches us to recognize his good gift of reason at work in non-Christians.5

5 Gordon Rupp summarizes Luther’s teaching regarding the positive aspects of natural reasoning in this way: “We are not to think that God is only interested in Christians and has left the world to its own devices. God has given all men the light of reason and the law of nature. Luther accepts the fact that natural law is reflected in the legal systems of mankind, in the accumulated wisdom of the past, and in the common proverbial wisdom of the people” (The Righteousness of God [London: Hodder and Stoughton, 1953], 297–98). In the Apology of the Augsburg Confession we read that “God wants this civil discipline to restrain the unspiritual, and to preserve it he has given laws, learning, teaching, governments, and penalties. To some extent, reason can produce this righteousness by its own strength, though it is often overwhelmed by its natural weakness and by the devil, who drives it to open crimes. We freely give this righteousness of reason its due credit; for our corrupt nature has no greater good than this, as Aristotle correctly says, ‘Neither the evening star nor the morning star is more beautiful than righteousness’” (IV, 22–24). Plainly, however, the “righteousness of reason” is not the righteousness of God that justifies the sinner (see Apology IV, 25–47).
Where Does the Disciplined Chaos Lead Us?

Jot down some of the information you would expect to find by taking some of the first steps you and we have listed. What might come out of listening in detail to the two couples discuss their plan? (Perhaps members of your group could role-play a discussion between the couples and other members of the congregation.) What biblical passages do you think may be relevant? Are you or others in your group aware of discussions of this sort of issue by other Lutherans and/or non-Lutheran Christians near or far? Do any of you know what kinds of “pros” and “cons” are discussed in the secular literature about surrogacy?

None of us actually knows Harriet, Albert, James, or Rachel, so we can only imagine what details were important to them for how they arrived at their plan. Researchers tell us that perhaps two million couples in America struggle with infertility. Every year infertile American couples spend an average of $2,500 for diagnostic and medical expenses to combat infertility. If technological methods of reproduction are attempted, the expense is far higher—from $6,000 to $100,000 depending on the number of attempts. Some of this cost is covered by insurance companies and, as such, passed on to others. Some is borne by the individuals themselves. No matter who pays, the financial expenses associated with infertility are significant and exact a considerable toll in individual and social resources. And these costs are but a small portion of a larger cost involving dignity, emotion, and spiritual health paid by the infertile couple and those closely related to them.

Sympathetic Christians will likely be able to imagine the complex of reasons and feelings that would enter into a choice like that proposed by Harriet, Albert, James, and Rachel. Rachel and James no doubt have the natural desire to be parents. Harriet and Albert are already parents and would naturally sympathize with their friends over their infertility. We can imagine that they had many conversations in which they explored the pluses and minuses of their proposal.

Surveying Possible Points of View

We have ample testimony from God’s Word concerning the human dimensions of infertility. The accounts of Abraham and Sarah (Genesis 16), Isaac and Rebekah (Genesis 25), Rachel and Jacob (Genesis 30), Hannah and Elkanah (1 Samuel 1), Elizabeth and Zechariah (Luke 1), all depict sorrow over infertility and happiness when a child is conceived. Several of these accounts tell of the use of surrogacy as a response to infertility.

Your group might take some time to study the accounts of surrogacy in Genesis 16 and 30. In a very few verses Genesis 16 paints a vivid picture of a surrogacy plan gone sour. Genesis 30 seems somewhat more neutral about the practice. Genesis 16 also reflects on how Sarah and Abraham fail
to trust God’s promise that they would have a child. That problem is not involved in Genesis 30.

God’s Word also speaks positively to the relationships of parents and children in the Fourth Commandment and in passages such as Eph. 6:1–4 and Col. 3:20–21. In the parable of the waiting father (Luke 15:11–31) Jesus uses the relationship of parents and children as an image of our relationship to God. Scripture often speaks of us as God’s children, and most importantly, Jesus is uniquely God’s Son and has taught us to pray “Our Father....” On the other hand, various passages in the New Testament—such as Luke 14:26; Mark 3:33–35; Matt. 19:29; and 1 Cor. 7:8, 28—caution us against idolizing human marriage and family.

Martin Luther apparently thought that the biblical material on Levirate marriage (Deut. 25:5–10; Genesis 38) suggested that in cases where a husband was infertile the wife might legitimately seek to become pregnant with the help of the husband’s brother.

If a woman who is fit for marriage has a husband who is not ... she should say to her husband, “Look, my dear husband, you are unable to fulfill your conjugal duty toward me; .... Grant me the privilege of contracting a secret marriage with your brother or closest relative, and you retain the title of husband so that your property will not fall to strangers.”

Your group might look up the full text of Luther’s discussion of this approach to infertility and discuss the background and basis of Luther’s advice. Helpful (and critical) commentary is provided by William Lazareth in Luther on the Christian Home and by Gerhard Lenski in Marriage in the Lutheran Church.

Luther provides another perspective on marriage and family that may be helpful in our deliberations. He praised family life over monastic life, not because it satisfies human desires but because it puts people into a truly spiritual struggle. Marriage is understood biblically as a relationship in which wife and husband, parents and children are challenged to live by faith in God rather than by human efforts and attempts to protect themselves from their vulnerabilities to each other. Luther was critical of the notion that marriage and family are mainly a means of fulfilling our human desires. Thus he might not be sympathetic to the plea that infertile couples should be prepared to use any and all means to satisfy their desire for a child.

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8 Gerhard Lenski, Marriage in the Lutheran Church (Columbus, Ohio: The Lutheran Book Concern, 1936), 175–80.

Over the centuries Lutherans have consistently returned to Luther’s thoughts about how marriage provides a spiritual testing place for faith. Lutherans have less often applauded Luther’s speculations about possible applications of the Old Testament’s teaching on Levirate marriage.

In its 1981 report *Human Sexuality: A Theological Perspective*, the Commission on Theology and Church Relations had the following to say about third-party intrusion into the procreative aspect of the marriage relationship:

> Although the Scriptures do not deal directly with the subject of artificial insemination by a donor other than the husband (AID), it is our opinion that such a practice must be evaluated negatively. Whatever the reasons offered in support of AID, whether eugenic or simply concern that an infertile couple be enabled to have a child, the process of fertilization is removed from the personal context of the one-flesh union of husband and wife in a way that not even their consent can allow.10

The understanding of marriage and family on which this line of reasoning is based would in a similar way provide a negative evaluation of surrogacy in the case here being considered.

Oliver O’Donovan, a Christian theologian teaching at Oxford University, raises some different questions regarding how couples might respond to the problem of infertility. In his book *Begotten or Made?* O’Donovan argues that when reproductive technologies divorce procreation from sexual intimacy in marriage, we risk turning children into projects and products. He writes:

> [W]hen procreation is divorced from its context in man-woman relationship, it becomes a project of marriage rather than its intrinsic good; the means to procreation become the instrumental means chosen by the will, rather than themselves being of the goods of marriage. … It is no longer the case that the gift of self in sexual communion is at the same time a gift to the other of the possibility of parenthood. The divine blessing of children is no longer a blessing conferred upon this relational union of bodies with its promise of permanent affection and affinity. … [In divorcing procreation and sexual relation we are] abandoning the underlying conception of that link as part of the ontology of marriage, the conception which originally made that form of social order [marriage] seem necessary and right.11

Your group might profitably discuss strengths and weaknesses of these perspectives and also consider the effect of this surrogacy plan on children in the parochial school and on the congregation generally. What

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messages about marriage and family, both positive and negative, might be communicated by carrying out this plan?

Depending upon available resources and time, the group might also explore secular discussions of the problems and possibilities of surrogacy. Perhaps a member of the congregation who works in reproductive health care or in a family services agency could provide helpful background.

**Closure**

In the previous section we have been surveying a wide diversity of resources that might be relevant to the question raised by our first case. The second main phase in connecting our Christian faith with practical problems involves bringing order out of the disciplined chaos of our initial gathering of information. This second phase can be called the search for closure.

Human beings have a God-given capacity for bringing meaningful order to informational disorder. Working together, listening to each other, praying together, we often increase our ability to find what is most important. If we have been patient in exploring a variety of questions during the disciplined chaos phase, we can often reap benefits in coming to an agreement that is well understood and accepted among us all. Even if we do not completely solve our ethical puzzles, we may nevertheless come to a better understanding of where and why we are perplexed and where and why we disagree.

In order to understand how closure comes about, we can be helped by noticing again, as we did at the beginning of this study, that practical reasoning involves two main activities.

1. We seek, gather, and select information. Disciplined chaos helps us in the seeking and gathering of information. We then attempt to select and assemble the information that seems most relevant, reliable, and helpful for understanding and solving the problem with which we are wrestling.

2. We arrange the information we have gathered in ways that lead us to see what conclusions are best supported by the available information. This aspect of our God-given reasoning powers usually operates rather automatically. Mistakes concerning which conclusions are supported by which information are for the most part both readily detected and easily remedied. Especially when we work together and correct each other, this activity in our reasoning poses few serious problems.

Typically we move back and forth between gathering and selecting information and examining what conclusions follow. In the early stages of studying a puzzle it is usually wise to focus on the gathering of information through encouraging disciplined chaos. We then make tentative selections of the information available to us and examine what conclusions follow. If we settle too quickly on a definite selection of information, we run
the risk of excluding some of the information that would be most valuable in addressing the problem at hand.

Often a key to effective problem solving lies in finding the right questions to ask. We have already noted that reasoning concerning which conclusions are supported by which information is relatively straightforward. The reasoning activity that makes the most difference usually involves the gathering and selecting of information.

Once we are satisfied that we have sought out all the information that is likely to be helpful, we turn increasingly to the task of making sure precisely what conclusions follow from the best available information. When the available information seems reliable and consistently points to a specific conclusion, then closure has been achieved and we are ready to make our choices and to act.

Biblically Disciplined Reasoning and Disagreement

One more issue needs to be studied before we conclude our discussion of the surrogacy case. People popularly believe that well-defined communities that share a common faith and life will easily and always come to common conclusions about practical choices in life. This popular belief is partially true. Christians are in agreement on a wide variety of important questions concerning how life is to be lived.

But this popular belief is also misleading. The problem is with the word always. Well-defined communities do not always and easily come to common conclusions. There are at least two reasons for this fact.

1. God has created a humanity characterized by great diversity. Wherever two, three or more people gather, there you find fascinating differences. This means that even in well-defined communities we must expect to find differences concerning a variety of practical choices. In a world untouched by sin, this diversity would be seen simply to reflect the beauty of God’s creative work. Christians who know themselves chosen in Baptism are not frightened by every difference or disagreement that arises in the body of Christ about the application of doctrinal or ethical principles. They trust that God will help us all toward speaking the truth in love (Eph. 4:15), and they respect Christian freedom for honest differences (Gal. 5:1, 13; 1 Peter 2:16).

2. But our world is deeply touched and twisted by sin and evil. This means that even in well-defined communities we can be sure that each of us is tainted by the futility to which the whole creation has been subjected (Rom. 8:18–23). For this reason, sometimes we are unable to discern together with certainty the right path among difficult choices. At such times we continue carefully and prayerfully to reason with each other in the hope of coming to agreement, but we must also be sensitive and careful concerning conscientious but different choices to which fellow members may be led. In such circumstances we learn anew how much we all need a Savior and how we all must live at all times by
God’s grace in Christ. That grace includes the explicit promise that “the
Spirit helps us in our weakness; for we do not know how to pray as we
ought, but the Spirit himself intercedes for us with sighs too deep for
words. And he who searches the hearts of men knows what is the mind
of the Spirit, because the Spirit intercedes for the saints according to the
will of God. We know that in everything God works for good with those
who love him, who are called according to his purpose” (Rom. 8:26–28).

The emergence of disagreement on practical matters must be under-
stood in proper perspective. Disagreement does not immediately mean
that we are no longer disciplined by a common confession. This is so
because an important part of what it means to share a common confession
involves sharing a common set of strategies for seeking, gathering, and
selecting information. Our common confession provides common places
for seeking and gathering, and a basis for evaluating and selecting, the
information we will rely upon.

We have just been studying how a key to effective problem solving lies
in finding the right questions to ask. The reasoning activity that makes the
most difference usually involves the seeking, gathering, and selecting of
information. Confessing Christians share a wide-ranging commitment to a
common set of strategies for seeking, gathering, and selecting information
as we make our way through life. These strategies do not guarantee that
we will achieve agreement on all our practical choices, but they do guar-
antee a wide-ranging consistency in our response to life’s problems and a
foundation for exploring our disagreements in the hope of coming to com-
mon conclusions.

An Illustration

In 1993 the Commission on Theology and Church Relations adopted
and published a report titled Christian Care at Life’s End. This document
explores how Christian teaching concerning the end of life frames signifi-
cant questions that do not always have well-defined answers. An impor-
tant observation in the document reads as follows:

[We should expect that Christians who have had different specific ex-
periences may at times disagree concerning application of principles to specif-
ic cases. And, in fact, we do find Christians respecting fundamental biblical
principles and yet coming to different decisions concerning medical care. …

We … believe that our disagreements over the details of application to
extremely difficult cases neither discredit the principles nor threaten our
common commitment to God’s Word. We … owe to each other continu-
ing dialog on difficult points, a dialog that respects the consciences of per-
sons who are seeking to live God-pleasing lives in the context of sincere
and careful attention to God’s Word on the basis of accepted principles of
interpretation.12

Returning to the Case: Surrogacy in the Christian Congregation

Our surrogacy case has already illustrated much of what we Christians have in common, even though we have so far not come to a conclusion about a recommended choice. Because we are Christians, we sensitively and patiently hear each other out. Because we are Christians, we agree to pray together for God’s guidance. Because we are Christians, we together search the Holy Scriptures for guidance. Because we are Lutheran Christians, we pay special attention to the ecumenical creeds, Luther’s catechisms, and the other confessional writings in the Book of Concord.

Consider, for example, how we might make use of the Small Catechism’s discussion of matters relevant to surrogacy and family life. In the Small Catechism Luther presents the Ten Commandments as a means for raising questions concerning our daily life. He was aware that we are often helped as much by having at hand effective strategies for questioning as by having detailed lists of answers to questions that may not be appropriate.

Luther uses each of the Ten Commandments to prompt lines of questioning for examining one’s life. The Sixth Commandment—“You shall not commit adultery”—concerns the relationship of husbands and wives, a topic relevant to our case. Luther writes in explanation, “We should fear and love God so that we lead a sexually pure and decent life in what we say and do, and husband and wife love and honor each other.”

This explanation does not answer every question, but confessional Lutherans are committed to framing questions about surrogacy in its light. Questions about purity, love, and honor in marriage can be framed in a variety of ways. When the Commission’s 1981 report on sexuality raised the question whether third-party intrusion into such an intimate matter as pregnancy compromises the one-flesh nature of marriage, it was, like Luther, asking us to examine one of the many dimensions of God’s guidance concerning marriage.

The Fourth Commandment—“Honor your father and your mother”—is also relevant to our case. Luther writes, “We should fear and love God so that we do not despise or anger our parents and other authorities, but honor them, serve and obey them, love and cherish them.” Here again Luther helps us to frame some questions that Christians should be asking.

13 Luther’s Small Catechism, 10.
14 Ibid.
about the parent-child relationship. As we think about a child born through surrogacy, we ask whether the circumstances of the child’s conception and birth may complicate or interfere with the parent-child relationship. We ask questions such as those raised by Oliver O’Donovan concerning whether surrogacy risks turning a child into a “project” or “product.” What are the implications for parents and children honoring, serving, obeying, loving, and cherishing each other?

Concluding Thoughts on Surrogacy

What shall we say about the plan proposed by Harriet, Albert, James, and Rachel? Members of the Commission on Theology and Church Relations worked their way through a number of the resources that this document has indicated could be helpful for this case. The conclusion reached was that the weight of considerations concerning surrogacy is against the plan that Harriet, Albert, James, and Rachel have proposed.

The key considerations present themselves in two different categories:

1. A number of concerns have to do with practical complexities in family relationships. Surrogacy will introduce complications into the lives of both couples. These difficulties threaten to damage the relationship of husband and wife in both marriages, the relationship of Harriet and Albert to their other children, the relationships of the birth mother, the biological father, and the adoptive mother to each other and to the child they propose to bring into the world. A related problem concerns the danger that the child may be seen more as a project or product than as a unique individual. Relationships within the congregation where Harriet is a teacher must also be considered.

2. The preceding considerations involve practical judgments about what may happen as a result of bringing a child into the world in this way. A related but distinct set of considerations concerns a Christian’s desire to trust and follow God’s guidance about marriage and family. In the Commission’s 1981 report on Human Sexuality: A Theological Perspective, reflection on scriptural teaching concerning marriage and family led to the conclusion that God intends the conceiving of a child to take place within the context of the one-flesh union of husband and wife.\(^\text{15}\) The plan we have been discussing proposes that the child’s conception and gestation cut across the lines of two different marriages. Consequently, if the 1981 study has read God’s scriptural guidance rightly, a Christian who seeks to trust God’s guidance will refrain from the disturbance of the one-flesh union of husband and wife in the conceiving of a child.

We note that some surrogacy proposals involve in vitro fertilization using gametes from the married, but childless, partners. In such a propos-

\(^{15}\) Human Sexuality: A Theological Perspective, 39.
al the embryo would be conceived from within the one-flesh context of the marriage. Still, the implantation of the embryo and the gestation of the child in another woman’s womb continue to locate some of the most intimate features of marital and parental relationships outside the one-flesh union of husband and wife. Furthermore, most of the considerations surveyed in item 1 above would continue to threaten this type of surrogacy plan. *In vitro* fertilization raises some other difficult questions as well. These will be addressed in case 4 below.

**Continuing Disagreement?**

Not all Christians will agree with the conclusions to which the Commission came concerning surrogacy. Disagreement usually means people think that somewhat different questions are the most important to ask and/or that somewhat different answers are more plausible on the key issues. Some people will be able to pinpoint precisely where their disagreement arises. They will be able to show where their seeking, gathering, and selecting of information parts company with the line of reasoning developed in the preceding section.

Other people may simply be troubled by a feeling that something is “not quite right.” Nagging feelings that something is “not quite right” should not be summarily dismissed. Emotions sometimes point us in the direction of questions that need asking or suggest information that can put matters in a new light. As we together wrestle with difficult choices, we endeavor to respect both the feelings and the carefully formulated reasons of others. The goal is to become as clear as possible about the guidance God may be providing us for the shaping of our lives.

What is the significance of disagreements that may arise on issues like this within The Lutheran Church—Missouri Synod? Several observations are in order.

1. We are together pledged *not* to disagree on our basic strategies for approaching difficult ethical questions. For example, we are pledged to give God’s Word the central place in our deliberations, and we are agreed that Lutheran confessional documents such as the Small Catechism are reliable guides for finding our way in the Scriptures. “Walking together” in our Synod means that we together agree on the key resources available for Christian guidance. We also agree to pray together in the midst of our deliberations. We together trust that the Holy Spirit will strengthen our faith.

2. Ethical reasoning often includes reflection on somewhat unpredictable aspects of human life. In the case of surrogacy, for example, we reflect on possible emotional and psychological implications for the parents and children who are involved. Judgments concerning such implications often leave room for honest disagreement among Christians. For example, not everyone will agree with Oliver O’Donovan that surrogacy
and other reproductive technologies lead people to view a child more as a project or product than as a unique human being. We may find ourselves disagreeing about the risks involved in a relatively rare arrangement such as surrogacy. Insofar as our reasoning turns on the assessment of such risks we may find ourselves disagreeing about the acceptability of surrogacy.

3. In its discussion of surrogacy the Commission put special weight on its 1981 conclusion that the proper context for the conception and gestation of a child is the one-flesh union of husband and wife. Faithful Christians will not disagree with the commitment to be guided by God’s Word. Some may, however, disagree with how the Commission has applied the scriptural “one-flesh” principle to the question of bringing a child into the world. The Commission’s own words in the 1981 document leave some room for considered disagreement: “Although the Scriptures do not deal directly with the subject of artificial insemination by a donor other than the husband (AID), it is our opinion that such a practice must be evaluated negatively…. the process of fertilization is removed from the personal context of the one-flesh union of husband and wife in a way that not even their consent can allow.”16 In our synodical life together there are a variety of ways for responsible pastors and congregations to communicate and work through disagreements concerning how God’s Word speaks to complicated contemporary issues. The significance of the one-flesh union of husband and wife is important for other matters, which we will be discussing below, and the biblical foundation for this understanding will be examined in further detail in connection with case 3.

Justification by Grace through Faith

In its work on end-of-life issues in both 1979 and 1993 the Commission highlighted the following principle:

Any decisions made in this highly complex area, and any actions taken that may later appear to have been wrong, have been redeemed by that forgiveness which is available to all who put their trust in the work and merits of mankind’s Savior and Redeemer.17

Disagreement on ethical issues reminds us that sometimes even our best efforts may yet lead to error. Always present are the dangers of saying too little or saying too much. In retrospect we may come to wonder whether we correctly discerned how to be guided by the Scriptures. But whether we rightly or wrongly assessed the situation, God’s Word witnesses that all our righteousness comes from Christ. Luther asks, “Are we

to rate the price of [Christ’s] blood so low as to say that it has redeemed only what is lowest in man, and that what is most excellent in man can take care of itself and has no need of Christ?” Clearly, we need Christ always, and we live always and only by God’s grace.

Our living always and only by grace does not, however, exempt us from seeking God’s guidance as we wrestle with issues in procreative ethics. People who know themselves to be redeemed by Christ, do—for the sake of Christ and the neighbor—seek to make the right rather than the wrong decisions. How else should we seek to bring God’s love and care to our neighbors? Right or wrong ethical decisions do not ultimately make us right or wrong with God. We live by grace. But people who live by grace ponder God’s guidance and seek ways to apply that guidance to the complexities of life in a world made difficult by sin.

\[18\] LW 33:227.
A happily married, childless couple is considering artificial insemination by donor because the husband has been diagnosed as sterile.

One of the simplest of the reproductive technologies is proposed as a remedy for those cases of infertility that result from the husband’s sterility. The proposal is that sperm from a donor be used artificially to inseminate the wife.

DISCIPLINED CHAOS

As in the first case, so in this case many different questions come to mind. Many of the questions are similar to those raised in our reasoning about surrogacy. Certain insights that became central in our deliberations on surrogacy also become central here, so we proceed directly to what these insights would mean for this case.

CLOSURE

As mentioned in the discussion of the preceding case, the Commission spoke directly to the practice of artificial insemination by donor in its 1981 report on *Human Sexuality: A Theological Perspective*. In artificial insemination by a donor from outside the marriage “the process of fertilization is removed from the personal context of the one-flesh union of husband and wife in a way that not even their consent can allow.”19 If this report has read God’s scriptural guidance correctly, a Christian who seeks to trust God’s guidance will refrain from this type of disturbance of the one-flesh union of husband and wife. The significance of the one-flesh union of husband and wife is also important for other matters we will be discussing, and the biblical foundation for this understanding will be examined in further detail in the next case.

We would further note that this simple technology raises troubling questions concerning the way it treats a man’s capability to procreate child-

dren. This technology reduces the donor’s role simply to that of providing the initial genetic material. Steps are taken to insulate the donor from any further involvement and responsibilities. This proposal of “minimal paternity” is troubling on scriptural grounds. Scriptural teachings concerning a father’s leadership role in relation to his children are ignored by men who consent to participating in fatherhood in so minimal a way. The logical outworking of this minimizing view of fatherhood is to be seen in the case of unmarried women who, by choice and apart from a marital relationship with a husband, bring a child into the world through artificial insemination by donor. Married couples considering use of this technology will want to reflect carefully about these dimensions of artificial insemination by donor.

In addition to our commitment to follow God’s guidance concerning marriage and family we also give thought to the practical implications for family relationships when artificial insemination by donor is undertaken. Psychological and emotional risks are taken by marital partners who accept this kind of intimate intrusion into their relationship. Children born through this technique are at risk for wondering what significance, if any, is to be found in the hiddenness of their relationship to their biological father.20

The weight of considerations thus comes down against the practice of artificial insemination by donor. Related proposals that have been given more attention recently include egg donation for use in in vitro fertilization and other related technologies, and donation of human embryos made possible by in vitro technology.21 The considerations that lead to a rejection of artificial insemination by donor apply equally to human egg and embryo donation.

**Disagreement?**

Discussion of the preceding case led us to reflect on ways in which faithful Christians might disagree with each other concerning the proper guidance to be drawn from God’s Word and concerning practical judgments about the likely outworking of a proposal. Similar reflections are relevant also to possible disagreements among us on the question of artificial insemination by donor. What we are pledged to do is to keep God’s scriptural guidance central in our deliberations. We recognize that drawing out that guidance is not always a simple matter that leads to ready consensus. We again also give thanks that God enables us to live by grace through faith.

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CASE 3:  
CHOOSING FOR CHILDLESSNESS

Priscilla and Paul are a childless couple about 30 years in age. They have been married for five years. They are active in the congregation and both have satisfying, productive careers that they understand as part of their Christian vocation. Their minds are mostly made up about achieving permanent birth control through Paul’s having a vasectomy. They want to double check their perception that Christians can, in good conscience, make such a decision. They say, “We know what we want to do with our lives. We have been blessed with a good marriage, satisfying work, and are happy to devote significant energies to the church. We are dissatisfied with other methods of birth control, and do not want to run the risk of getting pregnant. We don’t believe in abortions and want never to have even to think about that problem.” They believe they know what is best for them, but as a precaution against the unknown future Paul plans to have a supply of healthy sperm frozen and stored in a sperm bank.

DISCIPLINED CHAOS

As in the first case, spend some time writing down and communicating to each other a list of steps that might be taken to help the group enrich its thinking about this case. Perhaps people in your group have come to decisions similar to that of Paul and Priscilla, either in deciding not to have children or in deciding to limit family size. Group members will want to be sensitive in discussing these matters with each other.

What did you come up with? Here are some of the steps we have drawn up:

• Seeking to learn more about how and why Paul and Priscilla settled on this choice.
• Praying together for God’s guidance.
• Seeking biblical materials that may be relevant to the case.
• Asking if other Lutheran congregations or our Synod or its theologians have offered any advice about intentional childlessness.
• Looking for relevant discussions of this matter among Christians in other confessional communities.
• Examining discussions of marriage and parenting found in other literature.
• Asking about similarities and differences between this case and the choices made by families that limit size to a certain number of children, whether it be one, two, three, or more.

Now, jot down some of the insights you would expect to find by taking some of the first steps you and we have listed. What might come out of listening in detail to Paul and Priscilla discuss their plan? (Role-play may again be helpful here.) What biblical passages do you think may be relevant? Someone from your group might research how the CTCR’s report on Human Sexuality develops an evaluation of intentionally childless marriages.22 How is intentional childlessness viewed in our culture generally?

Much of the biblical material relevant to the issues of voluntary childlessness is discussed in detail in the next section. At this point we briefly note two perspectives that may be of interest.

Surveying Possible Points of View

First, we have already had occasion to mention the work of Oliver O’Donovan on procreative choices. He offers the following thoughts on why the Christian church has traditionally kept marital sexual intimacy and procreation closely related to each other. He argues that apart from openness to children, sexual relationships “become simply a profound form of play, undertaken for the joy of the thing alone, and depending upon the mutual satisfaction which each partner affords the other for their continuing justification.”23

Apart from sexual sharing, O’Donovan claims, procreation is changed into reproduction. He contrasts the language of “begetting children” with “making” products:

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 her being. In that embrace the primary object of attention to each partner is the other…. [So] Christian thinkers in the West have argued that the procreative and relational aspects of marriage strengthen one another, and that each is threatened by the loss of the other. This is a knot tied by God, which men should not untie.24

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23 O’Donovan, 17.
24 Ibid.
Your group may wish to discuss strengths and weaknesses of O’Donovan’s thesis about the dangers that come with separating the pro-
creative and relational aspects of sexual intimacy in marriage.

Second, in its 1981 report on *Human Sexuality* the Commission states:

In view of the Biblical command and the blessing to “be fruitful and multiply,” it is to be expected that marriage will not ordinarily be voluntarily childless. But, in the absence of Scriptural prohibition, there need be no objection to contraception within a marital union which is, as a whole, fruitful.... there may be special circumstances which would persuade a Christian husband and wife that it would be more responsible and helpful to all concerned, under God, not to have children. Whatever the particular circumstances, Christians dare not take lightly decisions in this area of their life together. They should examine their motives thoroughly and honestly and take care lest their decisions be informed by a desire merely to satisfy selfish interests.25

Your group may wish to discuss what kind of “special circumstances” might persuade Christians not to have children and what the dangers are that a decision for childlessness may mask faithless and selfish interests.

**CLOSURE**

We believe that the key insights relevant to the question of voluntary childlessness are again the insights relating to the one-flesh union of husband and wife. In our discussions of surrogacy and artificial insemination by donor we argued that God intends the conceiving of a child to take place within the context of the one-flesh union of husband and wife. This claim was supported by reference to the Commission’s reasoning in its 1981 report on *Human Sexuality*. We now argue that the biblical material concerning the one-flesh union of husband and wife also indicates that in the ordinary course of married life, God intends the union of husband and wife to be fruitful in the procreation of children.

Before we examine the relevant biblical passages more closely, we once again refer to Romans 8 and the recognition that each of us is touched by the futility to which the whole creation has been subjected. We are not at this point examining what Christian husbands and wives might be advised to do about procreation when confronted by specific evils that threaten us, and under which we along with all of creation groan. We ought not jump immediately to hard cases before trying to discern God’s guidance for Christians in ordinary circumstances. We note, too, that the topic of procreative choices initially concerns marriages among Christians who are of child-bearing age. It is in these marriages that the question of voluntary childlessness arises.

Our thesis is that both God’s Word and practical considerations that arise counsel against voluntarily choosing not to conceive a child in marriage. We will not be arguing for this thesis on the grounds that contraception and family planning are in themselves wrong. We also acknowledge that special considerations might lead a Christian husband and wife responsibly to conclude that they would better serve God, the world, and each other by not having children. We are nevertheless persuaded that what God says in his Word about the unique nature of the marital relationship urges couples ordinarily to choose for rather than against children in marriage.

The biblical theme concerning the one-flesh union of husband and wife is enunciated in the creation narrative in which God gives Adam and Eve to each other in marriage. “Therefore a man leaves his father and his mother and cleaves to his wife, and they become one flesh” (Gen. 2:24). The “one-flesh” image has suggested to more than one interpreter not only the uniquely intimate relationship of husband and wife but also the child who so fully and uniquely incarnates the one-flesh unity of husband and wife.26 In Human Sexuality the Commission combined these two realities this way: “As a result of God’s creative power at work through their union the child incarnates—makes physical and represents in the flesh—the mystery of this union.”27

When Jesus was questioned concerning marriage, he made explicit reference to Gen. 2:24 and a remarkable sequence ensued. Jesus’ words and actions are reported both in Matthew 19 and in Mark 10. Here are the two passages:

And Pharisees came up to him and tested him by asking, “Is it lawful to divorce one’s wife for any cause?” He answered, “Have you not read that he who made them from the beginning made them male and female, and said, ‘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 no longer two but one flesh. What therefore God has joined together, let not man put asunder.” They said to him, “Why then did Moses command one to give a certificate of divorce, and to put her away?” He said to them, “For your hardness of heart Moses allowed you to divorce your wives, but from the beginning it was not so. And I say to you: whoever divorces his wife, except for unchastity, and marries another, commits adultery.”


The disciples said to him, “If such is the case of a man with his wife, it is not expedient to marry.” But he said to them, “Not all men can receive this saying, but only those to whom it is given. For there are eunuchs who have been so from birth, and there are eunuchs who have been made eunuchs by men, and there are eunuchs who have made themselves eunuchs for the sake of the kingdom of heaven. He who is able to receive this, let him receive it.”

Then children were brought to him that he might lay his hands on them and pray. The disciples rebuked the people; but Jesus said, “Let the children come to me, and do not hinder them; for to such belongs the kingdom of heaven.” And he laid his hands on them and went away. (Matthew 19:3–15)

And Pharisees came up and in order to test him asked, “Is it lawful for a man to divorce his wife?” He answered them, “What did Moses command you?” They said, “Moses allowed a man to write a certificate of divorce, and to put her away.” But Jesus said to them, “For your hardness of heart he wrote you this commandment. But 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 no longer two but one flesh. What therefore God has joined together, let not man put asunder.”

And in the house the disciples asked him again about this matter. And he said to them, “Whoever divorces his wife and marries another, commits adultery against her; and if she divorces her husband and marries another, she commits adultery.”

And they were bringing children to him, that he might touch them; and the disciples rebuked them. But when Jesus saw it he was indignant, and said to them, “Let the children come to me, do not hinder them; for to such belongs the kingdom of God. Truly, I say to you, whoever does not receive the kingdom of God like a child shall not enter it.” And he took them in his arms and blessed them, laying his hands upon them. (Mark 10:2–16)

Notice that both Matthew and Mark report a common sequence:

1. The discussion began with a question that was meant to make marriage more like other humanly chosen and defined relationships. Jesus was asked by the Pharisees whether legitimate reasons could be given for divorce. People of every age have continued to ask questions regarding the permanency of marriage. Why the lifelong commitment? Why not make provision for change and adjustment over the course of many years? Business partnerships do not necessarily require lifelong commitment; friendships do not necessarily require lifelong exclusivity. Why invest our choices in marriage with such special (and challenging) significance?

2. Jesus responded by explicitly recalling the unique institution of marriage in Eden, and he affirmed from Genesis 2 that “what therefore God has joined together, let not man put asunder” (Matt. 19:6; Mark 10:9).
Jesus plainly refused to see marriage as analogous to other types of humanly chosen relationships, friendships or contracts. In marriage God joins husband and wife uniquely. God’s intention, Jesus said, is that no one separate the couple. In this regard the relationship of husband and wife is made to be like the relationships into which God places us initially in life—in eradicable relationships to mother and father, sister and brother. Consequently, the church has always treated marriage as a lifelong joining of wife and husband.

3. Jesus’ disciples saw clearly what Jesus was saying and were deeply troubled. Both Matthew and Mark report that they pressed Jesus on this point. Matthew reported their words: “If such is the case of a man with his wife, it is not expedient to marry” (Matt. 19:10).

4. Jesus did not back away from the unique nature of the marriage relationship. “Not all men can receive this saying, but only those to whom it is given” (Matt. 19:11). “Whoever divorces his wife and marries another, commits adultery against her; and if she divorces her husband and marries another, she commits adultery” (Mark 10:11–12).

We observe that when the disciples invited Jesus to see marriage in a more “realistic” light—as simply a special case of any number of humanly chosen relationships and friendships—he adamantly refused. Marriage is unique: God joins the couple; their union is meant to be lifelong; sexual intimacy is confined to the union; and God joins them so that “they are no longer two but one flesh” (Matt. 19:6; Mark 10:8).

Christians are committed to trusting God’s guidance concerning marriage. While some Christian communities, following tendencies present also in Jesus’ day, have diminished the importance of lifelong commitment in marriage, by far the majority of Christians throughout the church’s history have understood the Scriptures to teach the view of married life summarized above.

But what does this understanding of marriage have to do with voluntary childlessness within a Christian marriage? We continue with God’s Word in Matthew 19 and Mark 10:

5. Children were brought to Jesus.

6. The disciples, still trying to be “adult” about things, sternly warned that Jesus was busy teaching about marriage and ought not to be bothered with childish things.

7. “But when Jesus saw it he was indignant, and said to them, ‘Let the children come to me, do not hinder them; for to such belongs the kingdom of God. Truly, I say to you, whoever does not receive the kingdom of God like a child shall not enter it.’ And he took them in his arms and blessed them, laying his hands on them” (Mark 10:14–16; cf. Matt. 19:14–15).
We have already noticed that the image of “one flesh” in Gen. 2:24 may include reference to the children that issue from the married couple. Now we see that both Matthew 19 and Mark 10 closely link the discussion of marriage with the presence of children. We must be cautious about putting too much weight on the mere sequence of the material in Matthew 19 and Mark 10. But at least three reasons suggest that the progression may well be meant to help us ponder God’s guidance that links marriage and parenting in the ordinary course of life.

First, we have just seen that God’s Word rejects making marriage a function of indefinite and inconstant human choices. Instead, it describes the joining of husband and wife as permanent and final, just as the linking of children to their biological parents is ineradicable. Second, we have noted that a child “makes physical and represents in the flesh” the unique relationship of a man and woman who come together sexually. Third, the creation narrative explicitly links the creation of man and woman with God’s command to be fruitful and multiply: “So God created man in his own image, in the image of God he created him; male and female he created them. And God blessed them, and God said to them, ‘Be fruitful and multiply, and fill the earth and subdue it’” (Gen. 1:27–28).

Practical observations concerning the contrast between how the world and God’s Word view marriage also recommend strongly linking marriage and parenting. One of the most persistent and pernicious lines of attack on God’s guidance concerning marriage is the one that seeks to separate the relationship of husband and wife from the relationship of parents and children. Even the disciples were tempted by this stratagem. Once the nature of the union of husband and wife is made a separate question from that of the relationship of parents and children, then the essence of marriage can be significantly obscured. People can more easily begin to view marriage as a contractual arrangement for the purpose of companionship or friendship. As a result, Jesus’ word that none should divide what God has joined becomes more and more difficult for them to trust.

When sexual intimacy and parenting in this way become separate issues, people also begin to doubt God’s guidance concerning lifelong commitment in marriage. What God’s Word says about how a child’s father and mother should live together and care for their children together begins to be seen as only one possible approach among many. The unity of the family is then fractured—the union of husband and wife and the relationship of parents and children, contrary to God’s intent, are both severed.

In our discussion of artificial insemination by donor in case 2 and of surrogacy in case 1 we argued that God’s Word warns us against disturbing the one-flesh unity of marriage by third-party intrusion into procreation.
However strongly we share the sorrow of infertile couples, we are all cautioned against consciously choosing to separate the conception of children from the one-flesh union of marriage. Such disconnection distorts and disturbs this union and tempts all of us to interpret marriage and family according to our own wisdom rather than God’s. When we are thus tempted, anonymous donation of sperm for artificial insemination begins to appear plausible as a way of employing a man’s ability to be a father. Surrogacy with the intentional unwillingness to care as a mother for the child borne in a woman’s womb becomes plausible as a way of employing a woman’s ability to be a mother.

In contemporary society we see the drive to separate what God has joined emerging in many configurations. Two women who have not found their way into marriage nevertheless compact together to have a child by contriving to arrange for one of them to become pregnant. Two men who have not found their way into marriage nevertheless arrange for a surrogate to carry the child that they think they have a right to parent in their own way. Single women and single men decide purposely to bring a child into existence through the use of artificial insemination or surrogacy, because, after all, being a parent has little to do with the one-flesh union of the child’s father and mother.

In this same society age-old sexual temptations are given new strength as sexual intimacy is recommended simply for the purpose of enhancing adult friendships and relationships. Once sexual intimacy is no longer inextricably linked with parenting, then the notion that God joins a man and a woman in a lifelong, one-flesh relationship becomes implausible. Instead, people substitute their own notion that sexual intimacy is simply an especially wonderful possibility for close human relationships.

Lutheran political scientist Jean Bethke Elshtain comments that “all the eugenic world-views with which I am familiar—from Plato’s Republic to Hitler’s Reich—aimed to eliminate, undermine, or leap-frog over the family in order to achieve their aims.” She argues that human attempts to put something new in place of ordinary family units, even when well-intentioned, again and again open up human lives “to more extensive forms of control.”

The Commission is aware of readings of the biblical texts about marriage that allege that they are time-bound and no longer relevant in a day of reliable contraception and of autonomy for both women and men. But we note that the Pharisees of Jesus’ day, and the disciples as well, understood and were tempted by a form of sexual liberation—at least sexual liberation for men. Jesus did not teach in a time-bound way, offering help

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29 Ibid.
only with the peculiarities of first-century sexual experience. Instead, he went back to the beginning: “Have you not read that he who made them from the beginning made them male and female, and said, ‘For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh’?” (Matt. 19:4–5).

Other passages in God’s Word support and confirm the central significance of the one-flesh union we have been studying. Because God has made marriage such a special and unique relationship, both the Old and New Testaments can use marriage as a profound and mysterious image of the relationship between God and his people. Your study group might, for example, look at Isaiah, chapters 54 and 62; Hosea 1–3; John 3:29; 2 Cor. 11:2; and Rev. 21:2. Ephesians 5:21–33 ties together the mystery of the institution of marriage with the mystery of Christ’s faithful love for the church. When Christian husbands and wives trust what the Bible says about their union and live out what God has given them in marriage, they powerfully and beautifully reflect something of God’s gracious faithfulness to his people. “When transfigured by Christian faith and love, the intimate lifelong union between a man and a woman—while never sacramental or redemptive—becomes the most profound human parable there is for the gracious activity of God.”30

One of the church’s ancient prayers for families captures this beautiful mystery of marriage well: “O God, you are our dwelling place in all generations. Look with favor upon the homes of your people; enfold husbands and wives, parents and children, in the bonds of your love; and so bless our homes, that they may be a shelter for the defenseless, a fortress for the tempted, a resting place for the weary, and a foretaste of our eternal home, through Christ our Lord. Amen.”31

For the reasons given above we have come to the conclusion that for men and women joined in marriage voluntary childlessness is not a choice to be made lightly. In marriage the sexual joining of a man and a woman also joins them in a relationship as potential parents. Christians who believe that they are called to married life will listen closely to God’s guidance concerning what they are doing. They will not be misled by a culture that has carried out to a remarkable degree the Pharisees’ vision of autonomous choice, which manifested itself in their attitude toward divorce.

We hasten now to repeat the caveats with which we began this discussion. We readily admit that in special circumstances there can be reasons for choosing childlessness. We have not, for example, been examining what Christian husbands and wives might be advised to do about procreation

30 W. Lazareth, Luther on the Christian Home, 200.

31 The Occasional Services from the Service Book and Hymnal Together with Additional Orders and Offices (Minneapolis: Augsburg Publishing House and Board of Publication of the Lutheran Church in America, 1962), 88.
when in this fallen world pregnancy and childbirth become threats to the health of a woman, or when the probability of severe genetic disease afflicting a potential child becomes known. Just as in a fallen creation some couples are inexplicably infertile, so also some couples are faced with specific threats and dangers attendant upon a choice to procreate.

Furthermore, we have not been suggesting that contraception and family planning are wrong. God’s Word urges us to recognize the close connection between the relational and procreative aspects of marriage, but no rules are laid down concerning how many children a couple should conceive and raise in faithful response to how God has joined them. Neither do there seem to be any rules that prohibit temporary childlessness in the early years of a marriage.

We also recognize that people can be faithful to God’s will for marriage when circumstances of age, physical disability, or illness preclude conceiving and/or caring for children. And we further acknowledge that there may be circumstances we have not yet mentioned that might lead a Christian couple to conclude that they will better serve God and their neighbors by choosing not to have children.

The guidance we find in God’s Word concerning voluntary childlessness does not suggest that involuntarily childless marriages are for this reason incomplete or less pleasing to God. All Christians find that some of their plans are reshaped and even completely rewritten by circumstances beyond their control. When plans are rewritten our faith in God is challenged, but that faith gives us confidence that “in everything God works for good with those who love him, who are called according to his purpose” (Rom. 8:28).

Mindful of the foregoing qualifications, we once again note how the nature of the marital relationship as presented in Scripture urges couples ordinarily to choose for, rather than against, children in marriage. So we have come to the conclusion that the burden of justifying voluntary childlessness should not be undertaken lightly.

**Summary of Insights from Cases 1–3**

A common theme runs through our reflections on the first three cases: the choice to procreate, to bring new human life into the world, should be a choice responding to and closely connected with God’s joining of a woman and a man in marriage. In case 3 we have argued that God’s Word urges husbands and wives in ordinary circumstances to conceive and raise children as part of their faithful response to his joining them together. In cases 1 and 2 we have argued that, despite the frustration and sadness that infertility may bring into a marriage, faithful Christian response to God’s Word concerning the one-flesh unity of marriage will mean refraining from disturbing that unity by conceiving a child outside this union.
Contrast to Adoption

Some may argue that contemporary procreative choices are simply a variation on the morally praiseworthy practice of adoption. They would contend, for example, that if we are prepared to welcome an adopted child into the one-flesh unity of a marriage, then we should also accept procreative choices that involve third-party intrusion into a marriage.

This argument overlooks a crucial moral difference between procreative choices and adoption practices. As we have repeatedly emphasized, an important principle in our evaluation of procreative choices involves respecting the one-flesh union of marriage when procreating a child. The practice of adoption does not involve a choice to conceive a child outside of the one-flesh relationship of marriage. Adoption responds to the absence or disruption of a family context in a child’s life by welcoming the already present child into a new home. Persons involved in adoption are thus able to continue to respect the one-flesh unity of marriage as the only appropriate context for conceiving a child.

Adoption is a choice that infertile couples often consider as they prayerfully seek to serve God by caring for a child. Such a choice can be made responsibly without disturbing the one-flesh unity of marriage through third-party interventions into the conception of a child. This is one way for some infertile couples to serve God and the world by responding to the needs of a child through parenting.

Disagreement?

Discussion of these cases has perhaps led your group to experience some difficult disagreements, and not everyone will be persuaded by the reasoning offered here. We have noted several times along the way in this study how faithful Christians might disagree with each other concerning the proper guidance to be drawn from God’s Word and concerning practical judgments about the likely outcome of a concrete decision in life.

If we are pledged together to strive to keep God’s scriptural guidance central in our deliberations and if we recognize that God’s Spirit works in the body of Christ to lead us into truth, then wrestling with disagreement can be a positive aspect of our life together in Christ. We acknowledge that determining God’s guidance is often a complex and difficult matter, and we find that we are led once again to give thanks that God forgives us and then commends us again to live with one another as those redeemed by grace through faith.

32 In 1983 the Synod in convention adopted Resolution 3-04B, “To Reaffirm and Implement the Synod’s Pro-Life Position.” This resolution included a recommendation that the synodical Board for Social Ministry Services encourage adoption as an alternative that affirms life. Adoption is a significant way in which people can be guided by the Fifth Commandment. It is a focused way of helping and supporting a child “in every physical need” (Luther’s Small Catechism, 10).
CASE 4:

IN VITRO FERTILIZATION WITHIN A MARRIAGE

Beth and Zachary have been advised that their best hope for having a child involves the technique of in vitro fertilization. In vitro fertilization brings together the couple’s eggs and sperm for fertilization outside of the woman’s body. Fertilized eggs are reintroduced in one of several different ways into the mother’s reproductive system. If one or more embryos successfully implants in the mother’s womb, then pregnancy can proceed in the usual way. Beth and Zachary wonder whether this proposed method can be an appropriate approach to parenting for a Christian couple.

DISCIPLINED CHAOS

As in the previous cases, spend some time writing down and communicating to each other a list of steps that might be taken to help the group enrich its thinking about this case. Perhaps someone in your group is knowledgeable about this technology, either as a health care professional or as a person who has some experience with it. As always, group members will want to be sensitive in discussing these matters with each other.

What did you come up with? Here are some of the steps we have drawn up:

• Praying together for God’s guidance.
• Seeking to learn more about the details of in vitro technology.
• Seeking biblical materials that may be relevant to the case.
• Asking if other Lutheran congregations or our Synod or its theologians have offered any advice about in vitro fertilization.
• Looking for relevant discussions of this matter among Christians in other confessional communities.
• Examining discussions of this technology found in other literature.
• Asking about similarities and differences between this case and the cases we have already discussed.
Now, jot down some of the insights you would expect to find by taking some of the first steps you and we have listed. What possibilities for good or ill seem to present themselves?

Many of the biblical passages relevant to decisions about in vitro fertilization have been discussed in connection with the preceding cases. Some background concerning current practices will be important to know.

For example, many versions of this technology include a conscious intention not to nurture all of the fertilized eggs. Some practitioners increase the efficiency of the technique by fertilizing more eggs than are likely to be used and then choosing to implant only those that, upon inspection, appear most promising.

When the technology is pursued in this way, the presence of so-called “spare” embryos raises questions concerning their future. Should they simply be discarded? Should they be frozen and stored for possible future implantation? Should they be donated to other infertile couples for possible implantation? Might medical research profitably use some of these embryos for research? All of these proposals have in fact been utilized in the practice of one or another in vitro clinic.

Another dimension of this issue is illustrated in the following use of in vitro technology:

In February of 1992, Chloe O’Brien, a healthy child, was born to British parents who are carriers of cystic fibrosis. The 1 in 4 chance of producing a child with CF was circumvented by using in vitro fertilization, genetically screening the 8-cell embryos, and implanting only those determined not to be affected with the disease. The screening technique was developed by scientists in Houston in cooperation with London’s Hammersmith Hospital.33

This technique, known as Blastomere Analysis Before Implantation (BABI), can be adapted to screen for a variety of potential genetic defects. Some are beginning to argue that as such techniques become more refined and widely available, people will be under a moral obligation to use them.34


34 Barbara Rothman is an opponent of this development, but she sketches the following scenario to illustrate how the argument might be made: “Of course, Helen, you can go ahead and get pregnant with Frank any old way. But is that sensible, mature? Let’s run you through three cycles over the next few months, extracting eggs, fertilizing them with Frank’s sperm and freezing them. We’ll grow the embryos for a bit, test them and use only the very best. This is the most important decision of your life. You wouldn’t have accepted any husband by chance—why should you accept any embryo?” (Barbara Rothman, “Reproductive Technologies Offer False Hope and Serious Risk” in Biomedical Ethics: Opposing Viewpoints, ed. Terry O’Neill [San Diego: Greenhaven Press, Inc., 1994], 168).
Advocacy for such techniques is based on the premise that fertilized eggs afflicted with a known genetic disease should simply be denied nurture in the mother’s womb.

Some proponents of this kind of embryo screening argue that this practice simply brings more precision to what nature already does. They note that as many as half or more natural conceptions end in natural loss of the fetus, and much of this loss is related to elimination of severely compromised fetuses.35

Others point out that in the earliest stage of embryonic life none of the cells have differentiated or specialized. They point to the phenomenon of twinning: if the embryo is divided in its early moments, two complete individuals sharing identical genetic patterns can grow from the division. They then argue that at this earliest stage of development no one distinct person is yet to be reckoned with. The indeterminate personhood of the embryo is said to indicate that the embryo is not of the same status as that of a fetus in which cell differentiation has begun. Thus, disposal of the embryo and perhaps even research upon it at this earliest stage is defensible both morally and spiritually.

A different set of questions involves the practice of introducing multiple embryos into the woman’s reproductive system in order to increase the likelihood of a successful implantation. If too many implant, the response is selectively to “reduce” the pregnancy to a safe number of fetuses.

Our Synod has not previously commented directly on in vitro technology. We note, however, that synodical representatives participated in discussions that led in 1985 to the preparation of a report on in vitro fertilization by the Division of Theological Studies of the Lutheran Council of the U.S.A. In this report those representing The Lutheran Church—Missouri Synod in these discussions suggested that in vitro technology would need to be subject to the following limitations:

a. Because the biblical injunction to be fruitful and multiply was given by God to a man and a woman united in the one-flesh union of marriage (Gen. 1:28; 2:21–25), only the sperm and egg of a man and woman united in marriage may be employed. Any use of donor sperm or eggs

35 Although addressing a somewhat different problem (the treatment of extracorporeal embryos when using in vitro fertilization to treat infertility), Leon Kass suggests that “no disrespect is intended or practiced by the mere fact that several eggs are removed to increase the chance of success.” He continues, “The demise of the unimplanted embryos would be analogous to the loss of numerous embryos wasted in the normal in vivo attempts to generate a child. It is estimated that over 50 percent of eggs successfully fertilized during unprotected sexual intercourse fail to implant, or do not remain implanted, in the uterine wall, and are shed soon thereafter, before a diagnosis of pregnancy could be made. Any couple attempting to conceive a child tacitly accepts such embryonic wastage as the perfectly acceptable price to be paid for the birth of a (usually) healthy child” (Leon Kass, Toward a More Natural Science: Biology and Human Affairs [New York: Free Press, 1985], 107).
involves the intrusion of a third party into this one-flesh union and is contrary to the will of God. For the same reason surrogate wombs must not be used.

b. Because the unborn are persons in God’s sight from the time of conception (Job 10:9–11; Ps. 41:5; 139:13–17; Jer. 1:5; Luke 1:41–44), all fertilized eggs must be returned to the womb of the woman. Any experimentation with, destruction of, or storage of unneeded or defective fertilized eggs fails to accord respect and reverence for new life brought into being by God at the moment of conception and is contrary to his will. The same considerations preclude any agreement to permit the interruption of an IVF pregnancy for any reason other than to prevent the death of the mother.36

In the previous cases we have noted Oliver O’Donovan’s objections that when reproductive technologies divorce procreation from sexual intimacy in marriage, we risk turning children into projects and products. A related concern is that in vitro fertilization is such a complete technological intrusion into the mystery of the creation of new human beings that use of this technology may inevitably lead to practices no Christian could affirm.

Other Christians, however, remind us of the long and rich history of human use of God’s gifts in the overcoming of disease and disability. They caution that we not precipitously oppose medical advances simply because possibilities of abuse are present in addition to possibilities of blessing.

Your group may wish to discuss these and other considerations as you think about how the church should advise a couple like Beth and Zachary.

**Closure**

The Commission is troubled about the potential for abuse opened up by this technology. We understand why some Christians urge us simply to reject the entire practice. But we are reluctant to locate the problems that arise simply in the medical technique itself and to suggest that Christians could never faithfully use it.

Our discussion of the previous cases outlined the scriptural basis for taking into account the divinely established one-flesh union of marriage. We agree with the synodical representatives who argued that faithful use of in vitro technology will involve sperm and eggs only from within the marriage. This conclusion is consistent with the advice we offered in the cases involving surrogacy and artificial insemination by donor.

In our discussion of surrogacy we noted that some surrogacy proposals involve *in vitro* fertilization using gametes from married, but childless, partners. We acknowledged that in such proposals the embryo would be conceived within the context of the one-flesh union of the marriage. But we also noted that the implantation of the embryo and the gestation of the child in another woman’s womb continue to locate some of the most intimate features of the marital and the parental relationship outside the one-flesh union of husband and wife. We recognize that generous and even sacrificial motives can be at work when, for example, a woman proposes to carry a child for her sister who is unable to do so. Troublesome questions remain, however, regarding the implications of such a way of proceeding for the one-flesh union of a married couple.37

We find that another deeply troubling aspect of *in vitro* fertilization is the way in which it intentionally puts embryos at risk for never being nurtured in the womb. We noted above how, for a variety of reasons, some versions of this technology include a conscious intention not to nurture all of the fertilized eggs.

If we affirm that “the living but unborn are persons in the sight of God from the time of conception,”38 the problem of “spare” embryos is seen to be of the utmost seriousness. We acknowledge and carefully note that some people, including some thoughtful Christians, offer arguments in favor of not implanting all fertilized eggs. These arguments are based, in part, on the observation that the natural processes of pregnancy eliminate many fetuses. Moreover, attention is called to the phenomenon of twinning and the indeterminate personhood of the embryo in its earliest stages. These arguments deserve careful attention because they raise questions about the status of the unborn from the time of conception.

We will not here restate or amplify the arguments concerning the status of the unborn that are presented in the Commission’s 1984 report on *Abortion in Perspective.*39 We do, however, think that respect for the unborn

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37 A number of our concerns are echoed by Leon Kass, who claims that such considerations should be visible also to persons “not informed by any particular ... religious teaching.” He writes: “Properly understood, the largely universal taboo against incest, and also the prohibitions against adultery, defend the integrity of marriage, kinship, and especially the lines of origin and descent. These time-honored restraints implicitly teach that clarity about who your parents are, clarity in the lines of generation, clarity about who is whose, are the indispensable foundations of a sound family life, itself the sound foundation of civilized community. Clarity about your origins is crucial for self-identity, itself important for self-respect. It would be, in my view, deplorable public policy to erode further such fundamental beliefs, values, institutions, and practices. This means, concretely, no encouragement of embryo adoption or especially of surrogate pregnancy” (Leon Kass, *Toward a More Natural Science: Biology and Human Affairs*, 102, 113).


at every stage can be enhanced also by reflection on the biblical themes concerning marriage and procreation.

First, in the biblical perspective the dignity and worth of the members of a family are not based on their inherent genetic properties or developed talents. Instead, God gives us to one another and commends us to mutual care for each other. One’s spouse is loved as that person to whom one has been joined by God. One’s children are received as gifts from the same God. One’s parents are honored because God has placed them in that role. A conscious decision not to nurture an embryo procreated from within a marriage is tantamount to a decision not to nurture a gift given by God. Such a decision would seem to encourage the notion that familial relationships are conditioned primarily on human choice rather than on God’s gifts.

Second, God does and permits many things that we are not permitted to do. God permits marriages to end through untimely illness or accident. Sometimes illness or accident take a young child from loving parents. In the mystery of the beginnings of life God does in fact permit natural causes to end pregnancies. None of these events yet establishes that spouses are to separate what God has joined, or that parents or children are permitted to end their human relationship, or that we may consciously choose to exclude from the womb an embryo or fetus whose life seems problematic to us.

Third, we are sympathetic to the argument that the church should welcome medical technology that expands our ability to cure and to care. But we do not see how this commits us to technologies that cut embryonic lives short in the name of caring, regardless as to whether the care is for couples thought to be infertile or for embryos affected by genetic disease. In our “culture of death” Christians must be alert to and must reject arguments purporting to show that actively ending a human life is the best way to express our care for one another.

Fourth, we believe that the biblical witness puts the highest premium on the institution of marriage and on the closely related mystery of procreation within this one-flesh union. When embryos explicitly created from within a marriage are denied the possibility of nurture in the womb that God created to receive them, then the unique and sacred expression in the embryo of the one-flesh union of marriage is subject to distortion and diminution.
In Summary

Christians who are convinced that the “unborn child developing within the mother’s body is clearly a human being entitled to our care and protection”\(^40\) will recognize the limitations required by this principle in the practice of *in vitro* fertilization. Christians who take seriously the awe-inspiring institution of marriage as God’s Word describes it will also recognize that *in vitro* fertilization brings many temptations to act without trusting God and to pursue goals the world holds before us without sufficient attention to God’s Word.

CONCLUSION

The Commission offers this document to the church as a resource for examining and connecting Christian faith with practical choices in procreative ethics. We hope that as you or your group worked your way through these pages you were helped in several ways.

We have tried to raise some of the most important questions related to procreative choices and to provide resources for addressing these questions. We realize that we have not begun to take up all the questions that need to be asked. For this reason, our goal has been not simply to provide answers, but also to help members of the body of Christ practice biblically disciplined moral reasoning and to do so under the guidance of God’s Word.

We have tried to offer help for considering the significance of the disagreements inevitably involved in our wrestling with difficult choices. We have been pointed continually to God’s grace and forgiveness. But as people living by grace, we have also pondered God’s guidance and sought fruitful ways to apply that guidance to the complexities of life in a world made difficult by sin.

The future portends rapid change and development in both technology and society concerning marriage, family, and procreation. We pray that the Lord of the church will keep his people faithful to his will as we greet and reflect on each new choice presented to us.

\(^{40}\) *Abortion in Perspective*, 33.