

PROCREATION ETHICS SERIES

A Joint Project of the ALC, LCA,
and the AELC, 1983



Evangelical Lutheran Church in America
God's work. Our hands.

Surrogate Motherhood Janet McDowell

[1] Now Sarai, Abram's wife, bore him no children. She had an Egyptian maid whose name was Hagar, and Sarai said to Abram, "Behold now, the Lord has prevented me from bearing children; go in to my maid; it may be that I shall obtain children by her." And Abram hearkened to the voice of Sarai. So, after Abram had dwelt ten years in the land of Canaan, Sarai, Abram's wife, took Hagar the Egyptian, her maid, and gave her to Abram her husband as a wife. And he went in to Hagar, and she conceived (Genesis 16:1-4).

[2] To many contemporary couples the Old Testament account of Abram, Sarai, and Hagar has a familiar ring - years of trying to conceive, frustration of their dreams of parenthood, and finally the desperate hope that another woman might make it possible to "obtain children by her." Estimates are that as many as one in five couples of childbearing age in the United States are involuntarily childless; to some surrogate motherhood appears to be the solution to their infertility; But it is not a solution without ! serious drawbacks, especially for members of the Christian community.

[3] How does the Bible contribute to a Christian idea of procreation and parenthood, and what insight does that provide regarding surrogate motherhood? What are the pros and cons of surrogate motherhood from the perspective of those who would make the decision to employ it, that is, the infertile couple and the surrogate? Before turning to these central questions it is important to clarify what surrogate motherhood is and how the practice may vary.

The Contemporary Practice of Surrogate Motherhood

[4] The essential structure of surrogate motherhood is fairly standard. A woman, called the surrogate, agrees to conceive a child by artificial insemination and to surrender the child at birth to the man who provided the semen (and to his wife, if he is married). The surrogate gives up her child, a child linked to her by genetics, and allows the child's genetic father to assume all responsibility for the child's care. Usually his wife will adopt the child. All of this is agreed prior to the conception of the child and is sometimes stipulated in a written contract.

[5] Beyond the basic framework, the practice of surrogate motherhood varies substantially: In most cases, surrogate motherhood is undertaken because the man who desires to be a biological father is married to a woman who is infertile. They may have considered adoption, but often are discouraged by the shortage of healthy

(particularly Caucasian) infants or by regulations (such as age or income) that may reduce or eliminate their chances of adopting. Surrogate motherhood allows them access to the child within days of its birth, and creates a biological connection between the father and the child. Sometimes single men have also sought surrogates because they cannot find or do not want a marital partner, but do desire biological parenthood and the chance to raise their own child.

[6] Another element that may vary in the surrogate arrangement is the relationship between the surrogate and the childless couple. The surrogate may be a friend or relative who volunteers to conceive and bear a child out of personal concern for the couple's situation. Other surrogates, though, are women who respond to advertisements, agreeing to be matched with couples previously unknown to them. They may be motivated by compassion, curiosity, or the desire to experience pregnancy and childbirth without responsibility for the child. Sometimes in the latter situation the surrogate and the couple become friends during the pregnancy; other times they remain anonymous.

[7] Whether previously acquainted or not, the relationship between the surrogate, the child, and the couple may take one of several shapes after the child's birth and surrender. The surrogate may remain in close touch with the couple and her child, and the child may or may not be informed that the surrogate is his biological mother. Or all ties may be severed at birth and, again, the child may be informed that a surrogate mother gave him birth or may be led to believe that his legal, social mother is also his biological mother.

[8] Payment to surrogates is a controversial aspect of surrogate motherhood. Almost all surrogates are paid for their medical expenses, but some women are willing to undergo artificial insemination, pregnancy, and birth only if they can receive additional fees for providing these services. Suggested fees are from \$5000 to \$20,000 and more (plus medical expenses). The legality of "commercial" surrogate motherhood is unclear since most states prohibit the exchange of money for the privilege of adoption, and many have ruled that paid surrogate motherhood is a violation of state law.

[9] Finally, the characteristics of a surrogate are not uniform. Some are married, some single. Some have had children previously, others have never given birth. There are no standard age qualifications. Surrogates usually are screened for personal health or emotional problems or a family history of genetically-transmitted disease, but the rigor of this screening depends entirely on the people making the arrangement.

[10] Because of these many possible permutations of the basic surrogate motherhood arrangement, anyone considering participation in "surrogate motherhood" should be careful to clarify what that label means in their particular case. Some variations would merely be matters of convenience or preference, but some may have moral significance, making the agreement more (or less) in keeping with Christian norms for procreation.

A Biblical Interpretation of Procreation and Parenthood

[11] Although the Bible cannot be said to have anticipated the current revolution in ways of dealing with infertility and thus may not speak directly to surrogate motherhood, it contains substantial guidance about the relative importance of parenthood and the appropriate framework in which procreation ought to be undertaken. It also shows remarkable sensitivity to the great unhappiness that involuntary childlessness may represent.

[12] Procreation has an honored place in the Bible. Human beings are created male and female in Genesis, with the potential to "be fruitful and multiply." Both man and woman are needed for procreation. Together through their sexual companionship they bring forth new life. This model is one reiterated in monogamous marriage, where committed partners are the wellspring of the next generation. In the Old Testament there are instances of polygamy, a traditional family form that was accepted within the Hebrew community, and from such an arrangement came children. But it is notable that procreation was not endorsed apart from a publicly acknowledged, permanent relationship between those who would create a child. One of the few apparent exceptions, the union of Abram and Sarai's maid Hagar, resulted in dissension and the eventual expulsion of Hagar and her child.

[13] The overwhelming message of the biblical witness is that procreation is best undertaken with the precondition of a marital commitment.

[14] Barrenness, a not uncommon theme in the Old Testament, was tragic. Always attributed to the woman, the failure to have children cut her off from the central role available to women in Hebrew society, that of mother. Children are frequently described as God's blessings, and barrenness interpreted as a sign of divine disfavor. The release from infertility, as in Sarah's conception of Isaac, was a wondrous gift that made possible the fulfillment of the duty to fill the earth with Abraham's descendants.

[15] Even with the clear importance associated with the family and procreation, some elements of the Old Testament temper that focus, elements that are amplified in the New Testament. The account of Abraham's near-sacrifice of his long awaited son Isaac powerfully (if somewhat brutally) conveys the idea that obedience to God's command is to take precedence over all natural loyalties. The theme of ordering one's commitments is reiterated in Jesus' calling of his followers and his warnings that they must be prepared to leave all. Membership in the family of faith may wrench apart family units, even as it creates new ties. The Kingdom of God must have priority (Matthew 10: 34-38; Matthew 12: 45-50). However, Jesus did not seek to eliminate families or propose any alternative structures for the begetting and rearing of children. His prohibition of divorce and presence at the wedding at Cana have been seen as endorsing monogamous marriage and the resulting family unit. As long as they are kept in perspective, such institutions can serve God's purposes.

[16] What conclusions can be drawn from this sketch of biblical material? Two lessons

emerge. The first is the great esteem in which the family is to be held: parents are to be honored; the birth of children to be celebrated as a gift from God; the capacity to procreate through loving intercourse to be cherished; and grief acknowledged when natural procreation is not possible. But the second lesson, equally significant, is that the family is not the only or even the most important dimension of human life-covenant faith with God is. If family concerns jeopardize the relationship with God through Christ, then the family may have become a substitute for God. Jesus opposed all forms of idolatry, whether of law, economic status, or family; nothing must take God's rightful place.

Surrogate Motherhood: The Infertile Couple

[17] Would the biblical perspective on procreation and parenthood provide guidance for a couple contemplating surrogate motherhood? It would surely focus their attention on a central question, the legitimacy of undertaking procreation with an individual outside the marital relationship. It is plain that the biblical norm is that a child ought to be the result of loving sexual communion between its parents. Mutual commitment to each other and mutual responsibility for the welfare of the child is vital, and because surrogate motherhood lacks both (insofar as the relationship between the man and his biological partner in reproduction, the surrogate, is concerned), it falls short of the Christian vision of procreation.

[18] However, some will argue that the restriction of procreation to marriage partners interprets the process too physically, that as long as both wish to have a child and to have it with the cooperation of another woman, their procreational decision is as legitimate as that which normally leads to sexual intercourse, conception, and birth. The joint character of the decision and their mutual desire to make unqualified commitments to the child ought to be sufficient, according to this view. There is much to be said for such a perspective, since parenthood at its heart is far more the moral, legal, and social responsibility for a child, far less the contribution of sperm or ova. If procreation's moral commitments are emphasized more than the biological underpinnings, surrogate motherhood might sometimes be seen as a viable option from the infertile couple's viewpoint. Also, one can imagine circumstances in which there are very few or no adoptable children available or where a couple fails to meet an arbitrary criterion to qualify to adopt. In such cases surrogate motherhood might be seriously entertained, and if the less biologically-focused view of parenthood is also brought to bear, a decision for surrogate motherhood on the part of the couple might be morally justified.

Surrogate Motherhood: The Surrogate

[19] From the viewpoint of the surrogate, it is very difficult to justify the surrogate motherhood arrangement. This may seem surprising, since it has been the willingness of women to volunteer as surrogates that has popularized the practice in recent years. But in light of Christian norms and values, there are few if any factors to commend a woman's participation in surrogate motherhood. This seems to be the case whether she knows the couple or not, is married or single, is compensated handsomely or carries the child without pay; Some variations may be more

problematic than others, but all reflect a basic misunderstanding of the nature and responsibilities of procreation.

[20] Surrogates have agreed to the arrangement for a number of reasons: curiosity; to assuage guilt over an abortion; because pregnancy and birth had been or were anticipated to be rewarding experiences; or, most commonly, out of compassion. By themselves, these are not appropriate reasons for undertaking procreation. There is no context of loving commitment to the child's father - a basic prerequisite - and unlike the husband in the infertile marriage, there is no intention on the part of the surrogate even to care for the child she deliberately conceives. The absence of these elements reduces human procreation to the mere biological production of babies, and so degrades one of the most wondrous of human capacities.

[21] Some women, in defending the decision to become surrogates, describe themselves as "providing the gift of life" - an action which appears commendable. But a Christian understanding of procreation does not view children as entities to be created in order to be bestowed on others, as though they were handmade sweaters or cookies. Participation in their creation entails a responsibility for their well-being and the surrogate has no intention of carrying out that responsibility beyond birth. There are certainly other contexts in which one or both biological parents may surrender their role to others, but these are not normative situations. Moreover, the premeditated character of the surrogate's decision to forfeit a parental relationship makes her choice especially repugnant.

Surrogate Motherhood: The Whole Picture

[22] Taken as a whole, does surrogate motherhood appear to be an arrangement that Christians could support? The picture is somewhat mixed, but the majority of the evidence leans against surrogate motherhood. Wholesale condemnation may not be appropriate, but Christian perceptions of the significance of human procreation and its place within the marital relationship are not compatible with the basic premise of surrogate motherhood: that one could deliberately conceive and bear a child with no commitment either to the child or to its father. From the perspective of the infertile couple, surrogate motherhood may seem to be a tempting solution to a heart-wrenching problem. But can its benefits outweigh the distortion of procreation, especially for the surrogate, that makes those benefits possible? Ultimately this is a judgment that might best be left to individual conscience, but it should be a conscience informed by the Christian community and the Bible. Parenthood is affirmed as good, but only when it is kept in perspective. There is a great danger faced by all parents, but heightened by the desperation felt by infertile couples - the danger that a child may replace God, as revealed through Jesus Christ, as their center of value and meaning. Children are wonderful gifts entrusted by God, but they are not gifts to be sought at any price. For most people, the costs of creating a child through surrogate motherhood - costs to the integrity of the marriage, to the surrogate's perception of parenthood and procreation, and perhaps to the child - are simply too high.

