Birth as Creation under Threat? Biblical-Theological Reflections on Assisted Reproductive Technologies

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Introduction

The following arguments are developed against my European context. They were stimulated by my background in Germany, where legal recognition of the inviolability of "human dignity" serves to open up German civil law.[1] Being aware of my context, I asked myself whether the issue of Assisted Reproductive Technologies (ARTs) is something that is restricted to middle- and upper-class (wo)men in neoliberal, social democracies? Are ARTs a luxury limited to such societies? How is the issue perceived by, for example, (wo)men in postapartheid South Africa?[2]

Biblical Anthropology in the Context of ART

Contextual Biblical Ethics

I was asked to reflect on human dignity from the perspective of a biblical scholar. However, in my view this does not imply that dealing with ATRs assigns the role of gatekeeper to biblical ethics. One cannot respond to issues surrounding ARTs by simply appealing to the Bible. Biblical texts represent a diversity of perspectives, which are constantly being reexam-

1. As I learned at the conference, the (postapartheid) South African Constitution is based on the concept of human dignity as well.

2. For this reason I am also looking forward to Charlene van der Walt's response to my essay.

ined and judged in light of their (normative and emancipatory) relevance.[3] In the imaginary conversation between scriptural passages and genetic engineering that follows, I will raise some questions that may assist those confronted by human dignity considerations related to ARTs in the areas of theology, ethics, and technology. For such people, biblical texts may serve not as an answer, but as a mirror.

In order to formulate a theological-ethical vision regarding ARTs, one must listen to the stories told, questions raised, and problems faced by men and women, doctors, and researchers challenged by the possibilities and pitfalls of genetic engineering.[4] Only then can biblical and contemporary stories be elucidated from a biblical-theological and biblical-ethical perspective. Narrative and poetic passages that best reflect the fragile nature of human existence are at the forefront here. Questions regarding genetic engineering may change in light of scriptural passages and, conversely, scriptural passages may generate new meanings. The hermeneutical process remains in constant motion. I thus propose a contextual biblical ethics. Within the hermeneutical circle of ethics, one criterion is that the human body is related to the sacred. The latter conviction is based on the so-called purity laws in Lev 11–15 (Eberle-Küster 2008), the heart of the Torah, since in these texts aspects of daily life (such as eating and drinking) and special occasions (such as birth) are connected to the sacred—a connection challenged to a large extent by the commercialization of the body in our own time.

Since creation plays a key role in my argument, I will give a brief outline of how the Hebrew Bible relates birth and creation. This will reveal at the same time aspects of the biblical concept of human dignity as implied in Gen 1, according to which human beings are created in God's image. The creation of the human being implies egalitarian relations. All human beings share a similar relationship with God, constitute the image of God (Gen 1:26–27; Prov 14:13; 22:2), and are bestowed with human dignity.

The expression "birth as creation" shows that there is a mystery behind being human, a mystery with God as its foundation. According to Job 38:4,

3. For the double criteria of identity and relevance within the hermeneutic process, see Volker Küster 2001, 26–28.

4. I here draw on personal conversations with mothers and doctors. In addition, I have consulted the following sources: Franklin and Roberts 2006; Huijer and Horstman 2004; Singer and Viens 2008; Mat 2008; and *Assisted Reproductive Technology* 2011.

this mystery concerns respecting human boundaries vis-à-vis God and nature: "Where were you when I laid the foundation of the earth? Tell me, if you have understanding" (NRSV). Referring to creation, God here helps us to gain insight into our own human finiteness as well as into divine infiniteness. The mystery applies to the creation of the human being as well—God has insight even into the unformed fetus (Ps 139:16; see Grohmann 2007, 326).

In the Song of Moses at the end of the book of Deuteronomy (32:18), the people of Israel are reminded that they are born of God: "You were unmindful of the Rock that bore you; you forgot the God who gave you birth." We have in fact lost sight of this. In the quotation from Deuteronomy, general images of creation are supplemented by the concept of birth, connecting the two events. The fundamental human experience of giving birth, and the births of every human being, are drawn upon to describe God's creative acts, and vice versa. Birth is creation; as a corollary, human birth and corporality become important within ethics.

Assisted Reproduction Then and Now

In the ancient Near East people attached value to physiognomic omens, to features, or to physical constitution. People thought they could draw portentous conclusions about the course of pregnancy and parturition by looking at a woman's outward appearance. These are recorded in prognostic sources referring to men's expectations of women (Berlejung 2004, 27–64). Ben Sirach, for example, formulates the pursuit of the best possible offspring from an androcentric perspective: "Seek a fertile field within the whole plain, and sow it with your own seed, trusting in your fine stock" (26:20). Such predictions regarding a child's outward appearance can be read as a distant forerunner of genetic tests for hereditary diseases.

There is currently a debate in the Netherlands on the question of whether embryos developed by IVF (In Vitro Fertilization) may be selected or discarded, for example, based on the presence or absence of the breast cancer gene. This discussion presupposes a mono-causal connection between a particular gene and a disease, while in fact a combination of factors both genetic and environmental influence one's receptivity to the disease (Haker 2002, 116–17). New methods of decoding the genes and thus the health prospects of a fetus by screening the blood of its mother in the tenth week of her pregnancy will undoubtedly have an impact on women's decisions regarding their unborn children (Bahnsen 2011, 31–32).

"Patients" who had undergone genetic testing prior to the implantation of embryos have revealed that what was at stake was exclusion of a particular (lethal) disease in their child. According to a recent study conducted in the United Kingdom, choosing between genes that determine the eye color or something similar was not the issue (Franklin and Roberts 2006, 24, 218–20). However, other uses such as selecting the sex of one's child for social purposes, as it is practiced in India or China, for example, may serve patriarchal and misogynist purposes (Banerjee 2007). If genetic codes are emphasized, one runs the risk of leaving little or no room for development, since genes are understood to determine everything and, as a result, human beings are then reduced to the (pre-natal) past.

Interviews with people who have undergone genetic tests with regard to embryo implantation also reveal the wish of a corporeal relation despite such bodiless conceptions. Future parents wish to be physically near their embryos in the laboratory (cf. Franklin and Roberts 2006, 148–49)—perhaps precisely because reproduction now becomes more and more disconnected from the body. In view of this, the question arises, what are the effects of IVF—practiced for more than three decades now—on sexuality and our awareness of corporality?

ARTs transform not only physical but also social relationships. As summarized in a recent textbook for clinicians, researchers, and bioethicists, the technology "also makes possible the creation of novel social arrangements: postmortem insemination, virgin births, postmenopausal pregnancy, multiple parents, anonymous genetic parents, and embryos conceived at one time being born at different times or to different people" (Mykitiuk and Nisker 2008, 116). These are some of the reasons why some within the feminist movement embrace ARTs for making pregnancy possible for all women, and childless women and men in general find ARTs a source of hope.[5]

A certain amount of control has been possible for some time, even before the development of modern ARTs. To ensure women's and children's survival during pregnancy and birth, medical interventions such as Caesarean sections have been used since antiquity (Dierichs 2002, 139–48; Gourevitch 2004). As we also read in some biblical narratives, surrogate pregnancy was a known phenomenon. According to Gen 16 the socially,

5. Julie Claassens addressed this issue suggesting that the possibility to beget a child restores the dignity of (wo)men (cf. as well the response to my essay by Charlene van der Walt).

legally, and economically inferior Hagar, the Egyptian female slave, gives birth to a child for a third party. Abram fathers a child by Hagar. She bears the child vicariously for Sarai, Abram's infertile wife. The pregnancy occurs outside of Sarai's body and inside another woman's body. Sarai can stand neither the pregnant Hagar, nor the child born of her. Hagar, the dependent woman, has no say over her own body. Furthermore, her son will not be accepted as the firstborn and heir. This story, like many modern ones, shows that what is technically and legally possible can often have disruptive effects on people's psyche and entire lives.

Like other critics, I contend that unjust relations are generated by ARTs. In the discussion, therefore, we have to contend with the potential and real effects of genetic engineering and ARTs. One also has to ask who benefits and who profits from that which is technically possible, as economic expectations and motives are not to be neglected. Under political pressure, the possibility of selecting certain genes may also be misused.[6] This may result in ARTs in fact promoting injustice,[7] as equal access to assisted reproduction for everybody "depends on public funding" (Mykitiuk and Nisker 2008, 115).

Being Born into a Community[8]

In biblical narrative texts, the birth of an individual is usually situated within the broader community. It is linked to the importance of a male descendant as the latter is the precondition for the passing on of both one's name and one's property.

In Gen 38, the widow Tamar wants to end her own childlessness and prevent the name of her husband Er, Judah's eldest son, from being effaced. Judah's second-born, Onan, had died after having refused Tamar his seed. Now Judah tries to spare his youngest son the same fate. However, Tamar takes action to beget progeny. She covers her face and positions herself by

6. Pollard (2009, 176) warns against the misuse of eugenics.

7. Cf. Katz Rothman 1989. Maura A. Ryan (2001) likewise argues from a Roman Catholic perspective for a social justice-based discussion on reproductive technologies.

8. In contrast to Germany, for example, where births usually take place in clinics, the majority of Dutch women prefer to deliver at home. Here children are literally born within the inner circle, and the local community learns of the event by way of banners put up in the living room announcing, "It's a boy/girl!"

the side of the road. "When Judah [her father-in-law] saw her, he thought her for a harlot ... and said, 'Here, let me sleep with you...'" (Gen 38:15–16, CJPS). Tamar falls pregnant by Judah, the one who wanted to deny her any descendants, and she gives birth to twins.

The steps Tamar took to ensure the survival of her husband's line were both unusual and dangerous. Near the end of the story Judah, who had condemned Tamar's actions (v. 24) before realizing how he was involved in them, declares: "She is more in the right than I" (v. 26). Whereas Judah previously condemned Tamar, he now changes his perception of the issue: It is no longer a legal question in his eyes. He is conscious of a connection between Tamar and himself; he relates his position to hers and vice versa. Having recognized this, he declares that, compared to himself, Tamar had done much better with regard to their community. In the Hebrew text the concept of *ṣedāqâ*, which stands for loyalty toward the community, is used. Biblical texts such as this one usually do not refer to the rights of the individual, but to justice that flourishes in relationships within a community.

The ethical acts in this story are clearly linked to the situation: Tamar's plan is in solidarity with and is aimed at the survival of generations to come. Creating a human being through pregnancy and birth confirms the bonds between successive generations. In Tamar's efforts to beget a child, it becomes clear that private acts do have a communal dimension. The birth of a child transcends the mother's (parents') individual life (lives).

Human (Female) Being and God Cooperating in Creating

Creation is an ongoing process. In fact, the Hebrew Bible uses a specific word that is only applicable to divine creation (*bārā'*, Gen 1). However, creation is also described with reference to cultural concepts such as shaping (as a potter in Gen 2), and with images derived from the experience of pregnancy and birth. The created world is not to be understood as "nature," as something immutable. Humans are called to interact with and in the world; they are "created co-creators."[9] Human creativity is aimed at the life that God has produced. Technical intervention into "nature"/creation is a constitutive element of life itself (see *Assisted Reproduction*

9. Philip Hefner introduced the concept of "created co-creator." For a critical evaluation of the concept, see Hefner 2004: "The Created Co-Creator myth is blasphemous, it does indeed bear the seeds of ecological treachery." People often seem to overlook the ambivalence of this concept. See Vander Stichele and Hunter 2006.

Then and Now). The use of technology is a core human capability in order to develop human freedom. It is a means to reach objectives, but it is no objective in itself. Without it, human life would be noncreative.[10] In the acts of the human being, God's creative blessing will emerge (Gen 1:26–28; 4:1). This becomes apparent in every human birth. The opening of the first genealogy in Gen 5:1–3 refers back to the creation of humankind in the likeness of God in Gen 1: Adam brings forth a child in his likeness and image. There thus seems to be an interconnectedness between the genetically-influenced image and the theological promised image of God. The juxtaposition of either God as creator or genetic engineering seems from the perspective of this passage already far too simplistic.

The way in which birth is spoken of tells something about the origin and identity of human beings. In the Hebrew Bible the human being is, for instance, called someone born of a woman (Job 14:1; 15:14; 25:4) or a descendant of a human being (Ps 8:5; Job 16:21; 25:6; 35:8), but also someone born of God (Num 11:12; Deut 32:18). According to biblical literature, human beings are, therefore, of double descent.

On the occasion of the first birth of a human being in Gen 4:1, this double identity of the human being is referred to: "Now the Human knew his wife Eve, and she conceived and bore Cain, saying, 'I have created a person with the help of YHWH'" (Stein 2006). With the cooperation of YHWH, the woman produced a man-child. The verb "to produce/create" (*qānâ*) is used in Gen 14:19 as an epithet for God, creator of heaven and earth. According to Gen 4, the "first" woman acquires a child with the aid of God. Her perception during birth finds expression in her child's name, Cain: the one acquired/created with the aid of YHWH. The ambiguous word *qānâ* (possibly derived from either "to buy" or "to create") expresses in an exceptional way that giving birth is similar to creation. This statement articulates that woman and God cooperate in creating: by giving birth the woman reflects God's creative work. Therefore the question is why, in dogmatic theology, only the technical possibilities of humankind within creation are discussed, and never the corporeal activity of human beings as creative action during conception and birth.[11]

10. Cf. Gräb-Schmidt 2005.

11. Many thanks to Karen Sporre of Sweden for commenting on this point and for introducing me to the work of the South African theologian Lyn Holness, who unfolds Mary's giving birth to Jesus and her motherhood as being physical, emotional, and according her will, in mediating the Incarnation.

In the purity laws in Lev 12:2, the female contribution to human beings' origins is emphasized by the use of the causative derivative from "to bring forth seed." Taking this into account, one may translate: "When a woman produces seed and gives birth to a male child." According to a poetic text concerning pregnancy (Ps 139:15), God's acts and those of human beings go hand in hand: "My frame was not hidden from you when I was being made in secret, intricately woven in the depths of the earth." Human beings' origins are described as skillful handiwork. God is the weaver of human dignity (vv. 13, 15). Psalm 139 places the origins in the secret of the depths of the earth. May this sentence from the prayer in Ps 139, therefore, be translated as and associated with a screened-off room, a laboratory? If so, it might read as follows: "My frame was not hidden from you, when I was being made in secret, intricately woven in the depths of the test tube."[12]

Therefore, it seems misleading to me to ask whether the genetically engineered human being can still be called "a creature bestowed with dignity." The question should rather be: What are the criteria for a continuous creation (*creatio continua)* with the human being as subject? In concrete terms: Can birth outside the maternal body not be called birth (anymore)? Phrased differently: Can human beings experience themselves as both *born and made*? (Franklin and Roberts 2008). To conclude, I will set out three implications for the ethical discourse around human dignity of thinking about "birth as creation."

Contextual Biblical Ethics According to "Birth as Creation"

Birth as *Initium*

As explained above, the opportunity for performing creative activities is inherent in all human beings. In and through the gift of beginning something new, in spontaneity and freedom, we re-enact our birth. Philosopher Hannah Arendt characterizes this idea by saying that human beings have

12. Frits de Lange refers to the introduction by philosopher Michel Serres to an essay, "Loef transparent," by scientist Jacques Testart, who states that through IVT human beings lose one of their specific traits, since their beginning lies in the hands of humankind (see Lange 1988).

> the capacity to start something new and thus articulate the new beginning that comes into the world with each human being.... With the creation of man [sic] the principle of beginning came into the world (2000, 181).[13]

With birth something new comes into the world. As long as birth means coming into the world and not coming from the world, human beings may realize and enjoy it.[14] This beginning enfeebles old relations and enables reconciliation. Birth breaks up causal connections and allows us to act forgivingly. Thirty or forty years ago, a bioscientist was a "*homo faber* who creates a predictable and material world," but the recombinant DNA technique has thoroughly changed his or her creative power: it resembles acting, a world-changing activity (cf. Huijer 2003, 30).

My question would thus be: Can biotechnological creativity be perceived in a positive sense as something that brings a new beginning, and with it the hope of reconciliation in the world? In view of Arendt's insights on the principle of natality, every human being is a "beginner" (*initium*), and everyone can take the initiative. In light of this, Tamar's action can be read as an exemplary initiative that focuses on the continuity of a communal and just world.

ARTs at birth and during pregnancy should not abrogate the possibility of a new beginning (*initium*). The crucial point is whether reconciliation becomes noticeable. Genetically-engineered changes are not to undermine the understanding that in every birth God's creative act is confirmed. Improvement and renewal of human and world are necessary, but these must happen in such a way that human acts are not contrary to God's acts (Jüngel 2004, 979). The mystery of creation must be reflected in birth. In birth the creative act of God is reenacted. The question is now: How can we experience being a creature bestowed with dignity, which implies perceiving birth/life as gift, while we are also acting creatively (genetic engineering included)?

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13. For theological interpretations of Hannah Arendt's concept of natality, see Ulrich-Eschemann 2000 and Verhoeven 2003.

14. See the wordplay by Heuser (2002, 33): "Solange Menschen auf die Welt—nicht aus der Welt—kommen [As long as humans come into world and not from the world], geht ihre 'Natur' nicht in einem Gegensatz zu Kultur und Technik auf." For Heuser, however, ARTs do not allow this.

Birth as Relational Event

If technologies are used at birth and during pregnancy, one must bear in mind the manifold relationships that define being human being (man and woman), for example, one's relationship with one's body, with fellow human beings, nature, the worldwide community, and with God. Being born means being interwoven into a "web of relationships" (Arendt 2000, 179). For this reason, I am convinced that there is need for an ethic that emphasizes relationships, rather than a casuistic bioethics (Praetorius 2005).[15] We may then conceive of the possibility of raising children not just as genetic or biological issue, as Mercy Amba Oduyoye has stressed.[16] A perspective based on creation is fundamentally relational and contextual. Bonds between women become distorted through surrogate motherhood, and economically vulnerable women might, for instance, be tempted into becoming egg donors.[17] The question is whether the use of techniques such as ARTs empower all (wo)men or not, and whether they violate human dignity or not (Fabre-Magnan 2007, 307–13).

Ethical discourse often focuses on the independent individual and his or her ability to make autonomous decisions when separated from his or her relations. However, "feminists have long been critical of the claim that simply expanding the number of choices equates with more autonomy" (Widdows 2010, 87).[18] The concept of relational autonomy (MacKenzie and Stoljar 2000), like the (South) African concept *umoja*, is far more helpful.

In fact, the responsibility for producing a healthy child is often placed on women. They find themselves confronted with omnipotent promises of medicine and become exhausted by their efforts to become pregnant with the help of ARTs, which becomes almost a full-time job. The question, furthermore, emerges whether and to what extent a philosophical

15. Widdows (2010, 97) puts it as follows: "What feminist ethicists desperately need is a way to value and respect the experience of women seeking to use ARTs and yet to take into account the social and collective import of these decisions."

16. I thank Mary-Ann Plaatjies-van Huffel from Stellenbosch University for reminding me of this point. See Erbele-Küster (2003).

17. Overall 1987, 127: "Surrogate motherhood is not and cannot be a freely chosen 'job' because the practice is such that it recognizes both individuals who can make the choice ... all that is left is what has been described as a 'womb for rent.'"

18. According to Widdows (2010, 87–89), ARTs in the end leave women with the "same old 'choice'" of motherhood.

model of human autonomy is capable of including and integrating both emotional and corporeal experiences, such as are present, for example, in giving birth.[19] This concept of autonomy is also contradictory to the biblical-theological concept of being an infant, because the latter signifies precisely finiteness and relational existence.[20]

In biblical narratives, the beginning of life is seen as relational and as occurring within history. The way in which these stories are told—their narrativity—offers readers the opportunity to retell their own stories (Erbele-Küster 2009). The story of Tamar in Gen 38, and the genealogies in Gen, Ruth 4, and Matt 1, emphasize the social dimensions of birth—the fact that through birth one is admitted into a succession of generations. Furthermore, according to biblical texts, the beginning of life is connected to physical objects, such as semen and the maternal body. This notion is not to be understood as purely biological, but as a reminder of our corporeal existence. Corporeal experiences, such as the relation between mother and the fetus inside her are important. The poetic language employed in the Psalms embraces different dimensions, such as the biological, social, biographical, and theological (Grohmann 2007, 325).

From a perspective based on creation, God's cooperation at the beginning of existence is constitutive to our existence. Prior to the "beginning" of human beings (see Ps 139:15–16), God enters into a relationship with them. This relationship shows that human beings, human heritage, and human tissue are not means toward different ends, and may not be instrumentalized. Otherwise, human dignity is under threat. Against the background of understanding birth as a relational event, human dignity likewise appears to be a relational, and not a static concept.

Birth as Corporeal Experience

Human beings experience and understand the world and themselves via their bodies. This is a crucial presupposition for my argument. The body is likewise central to pregnancy and birth. Some decades ago, coitus was a precondition for conception and birth. That has now changed. This

19. As is stressed in the work of the Swedish scholar Kirsten Grønlien Zetterquist. Cf. Sporre 2003.

20. Kohler-Weiß 2009, 223: "Das Lebensverhältnis Schwangerschaft entzieht sich ja gerade unseren begriffslosen Unterscheidungen von Identität und Differenz, Gleichbleiben und Wandel, Zweiheit und Einheit, Selbstständigkeit und Abhängigkeit."

comment is neither meant in a romanticizing way—the sexual act that leads to pregnancy can be involuntary and violent—or in a naturalistic way (suggesting that IVF is against nature). However, it profoundly changes the way in which a human being perceives his or her body and the body of the other, presupposing that it is through and with the body that we live (cf. Marzano 2008). Reproductive techniques (at the far end of which is the issue of an artificial uterus) alienate women from the crucial and specific role bodily experiences play in the development of the fetus.[21]

IVF, genetic selection, and manipulation of embryos are actions that occur *outside* the female body, but that nevertheless make deep inroads into (*inside*) the female body. These technologies are often offered as solutions and promises to childless women, "but the effects on the lives and bodies of women remain undiscussed" (Huijer and Horstman 2004, 243).

As opposed to this, the philosophical and biblical-theological concepts that were outlined here stress that pregnancy is a corporeal experience of being in relationship with others. One only has to think of Rebecca, who feels the twins inside her body (Gen 25:22), or the pregnant Mary, who visits the pregnant Elizabeth. Their encounter leads to the baby's leaping in Elizabeth's womb (Luke 1:39-45).

My plea for taking corporeal relations seriously with regard to pregnancy and birth is not formulated against the background of a creation or natural order argument. It is, in fact, an anthropological argument: corporality is fundamental to being human in everyday life. Conversely, the *imago Dei* may be understood as an embodied presence.[22] From a biblical-theological perspective, ethics will aim at formulating preconditions so that our cognitive, corporeal, and emotional knowledge and experiences remain connected in order that the fragile human body will be neither fragmented nor reduced to mere genes.[23] Some impulses toward a theo-

21. Marzano (2008, 110) is assertive regarding the role of the female body: "La relation entre une mère et son enfant pendent une grossesse est quelque chose très particulier que la science et la technique ne pourront jamais recréer." [The relationship between a mother and her child during pregnancy is something very special that science and technology will never be able to recreate.] Widdows (2010, 90–91) mentions this as one argument of feminists rejecting ARTs.

22. I take up here an argument of Robert Vosloo's after the presentation of this essay.

23. The emphasis of Widdows (2010, 94, 98) on embodiment as a key theme—

logical endorsement of corporality are supplied by Lev 11–15. Aspects of daily life, such as food, time, birth, and menstruation are related to God's holiness. In these chapters, a utopia unfolds regarding the relationship between God and the human body. Female and male bodies are not portrayed as mere objects or commercialized. In their relationship with God, humankind comes into being and human dignity flourishes. In the words of the introduction to the Holiness Code in Lev 19:2: "You shall be holy, for I, YHWH, your God am holy."[24]

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arguing from a different perspective but along the same lines—opens up new possibilities in this debate.

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