

## **The Pratten ruling: An anonymous sperm provider<sup>1</sup>'s son explains why it matters**

(By Barry Stevens. Biopolitical Times. June 2/11)

<http://tinyurl.com/Stevens-2011-06-02>

On May 19, 2011, a door opened that has long been closed in North America. The Supreme Court of British Columbia ruled in favour of Olivia Pratten, a 29-year-old Canadian woman, conceived from the sperm of an anonymous man, who had argued that BC's laws discriminate against the offspring of sperm and egg providers.

Adoptees in that province born after 1996 can know the identity of their birth parents, but the progeny of anonymous gamete providers do not have that right in BC or anywhere else in Canada or the USA. BC Justice Elaine Adair gave the Province 15 months to amend the adoption law to include offspring of gamete donors, and ordered that records not be destroyed.

The ruling could lead the way for an open system of gamete donation, putting BC on par with a growing number of countries, such as the UK, seven European nations, New Zealand and most of Australia. It will not lead to retroactive identification of sperm providers who were promised anonymity, so Pratten herself will perhaps never know the identity of her own biological father. Nevertheless, she called the ruling <sup>3</sup>tremendously gratifying.<sup>2</sup>

I know how she feels. I also am the offspring of a man who, almost 60 years ago, masturbated into a cup and made an anonymous gift of his sperm to a multitude of women, one of them my mother. I searched for my donor's identity and as many of the hundreds of half-brothers and sisters whom I could find. I made a documentary film about this quest, called Offspring <<http://www.imdb.com/title/tt0307264/>> , and another, BioDad <<http://www.cbc.ca/documentaries/doczone/2009/biodad/#>> , about the future of reproductive technology.

Along with the majority of my fellow offspring, I believe that it is wrong to use anonymous gamete providers in assisted conception. A growing movement argues for openness over anonymity and secrecy, and the International Donor Offspring Alliance supports replacing the current system with one similar to that in the UK, where the only donors of sperm and eggs used are those willing to be identifiable to their offspring when those children reach their majority. The millions of people conceived from donated (or sold) gametes argue, like adoptees, that knowledge of who you come from is important. We believe that genetic heritage has meaning and value, and that nobody has the right to withhold significant, personal information about someone from that very person.

This is not the same as wanting a parent, and certainly should have nothing to do with financial support. Neither adoptees nor offspring expect or want that. Nor can we claim

any right to a relationship, and indeed the BC adoption law, while insisting on the birth parent's identity's being available to the grown child, it also allows for a contact veto. But like adoptees, we do want the right to know.

Why? Of all the arguments, the most obvious is the medical one. With thousands of diseases now known to have genetic origin or influence, family history is an important diagnostic tool. Those who don't have this information are being treated differently. With us and with adoptees, we have created a sub-class of people who have fewer rights to health than others. And this is more than a theoretical issue for many offspring. Just last week, I heard the story of a young woman offspring of sperm donation in another country who was diagnosed with an aggressive, and heritable form of cancer that might have been curable had she known she was at risk and thus treated earlier. Anonymity and secrecy can kill.

Sperm banks and egg providers do give medical histories (though paying gamete providers creates an incentive to conceal problems in the medical history.) But even if accurate, giving a snapshot of medical history at the time of collection is insufficient. Most sperm and egg providers are young-ish and healthy (we hope). Often their fathers and grandfathers are alive. Often they do not yet know where their genetic weaknesses lie. Only an updated, central and publicly regulated database, with access to the gamete provider should medical problems arise, can mitigate this danger. The whole problem is avoided by identifiability.

There is also the real danger of consanguinity unintended sexual relationships between close genetic relatives. But I think it's fair to say that for most offspring, especially younger ones, medical information or the fear of consanguinity is not the primary motivator for wanting to know the truth. For most of us, it's more personal than that.

Many offspring speak of genealogical bewilderment. Of not seeing part of themselves in the mirror. Many have close relationships with their non-genetic fathers or mothers, but often have felt odd person out in their family. Many suspected they were adopted or that they were products of a secret affair. They feel as though the first chapter in their stories were missing.

Part of the process of growing up is seeing oneself reflected in one's close relatives. The role of parent can be taken by any person who is committed and loving. However, it is also significant for many of us to see our own proclivities and characteristics and physical bodies reflected in our genetic relatives. Just like adoptees, or others who have been separated from their family members, we desire those mirrors, those connections.

We are story-telling creatures. We make sense of our lives through understanding how we got to be who we are. Offspring of anonymous sperm or egg providers are missing a piece. And commonly, the story we are told is a lie. Not that social families don't provide love and context and mirroring. They typically do. But they don't give all of it.

They can't satisfy the curiosity about why one has this or that ability or weakness or even eye colour, or the desire to connect with members of your physical family.

Circumstance may deprive us of those connections. But to deliberately withhold that connection forever for the convenience of others is wrong, both for adoptees and for us.

Oddly, many in the profession of fertility medicine regularly have denied the importance of the genetic tie. It is ironic that in an age of genetic medicine, some of the most skilled practitioners talk as though it has no significance. My mother was told to forget it and pretend it never happened. The sperm was meaningless tissue and the process is morally equivalent to blood donation. It means nothing.

Yet this is of course contradicted every day: parents often return to a clinic and are offered or request the same gamete provider for a second child. They want to have a <sup>3</sup>full blood sibling<sup>2</sup> for their first child. Indeed, if genetic heritage were unimportant, the choice of adoption or assisted conception would be a neutral one based on convenience. This is obviously not the case. If genetic connection is so important for parents, it should not be surprising that it is important to us.

So why not simply have an open and identifiable system? Perhaps the biggest obstacle is the widespread belief that the supply of sperm and egg providers would <sup>3</sup>dry up<sup>2</sup> if anonymity ended. Of course, if something is wrong, it is wrong, and whether or not there are sperm and egg donors who are willing to be identifiable should make no difference. But it happens that this is not a problem. The assertion that there will be no donors has been repeated by clinicians and journalists so often, it has taken on the gleam of fact. In reality, it is not supported by the evidence.

Since anonymity ended in the UK, the number of sperm and egg donors has indeed changed significantly. It has gone up. The government reported a 6%+ increase in 2006 over 2005. The following year, the most recent recorded so far, there was another increase of 27%+.

The UK pattern of increasing donors after ending anonymity has been seen elsewhere. Sweden ended anonymity more than 20 years ago. There was a decline at first in donors, then a recovery. The numbers subsequently exceeded those before the law mandating identifiability.

For decades, the Sperm Bank of California has been offering sperm vendors the choice to be anonymous or identifiable to their offspring when the latter reach age 18. Currently, 80% of their sperm providers choose to make their identities available to their offspring.

This evidence, as well as data from Australia, New Zealand, and the Netherlands, make clear that anonymity is not necessary for the recruitment of sperm and egg providers.

It is a simple matter to declare in law that a gamete provider is not a parent (already in place in many states and provinces) and has no financial obligations.

There is thus no reason not to open up the system, and many reasons to end anonymity. We should follow the lead of British Columbia in the rest of Canada and in the United States.

It would be better to alter the system consciously, but it will change anyway. Anonymity is weak protection, and is threatened because information generally and DNA testing in particular are becoming better, quicker and cheaper. I was able to identify my secret donor after 50 years. The website [Donorsiblingregistry.com](https://www.donorsiblingregistry.com) <<https://www.donorsiblingregistry.com/>> has facilitated more than 8000 mutually agreed matches of offspring with their kin a testament to people's desire to know their genetic connections, despite bans on doing so by sperm banks. (There are over 600 formerly anonymous donors on the site, men choosing to look for their bio-children.)

Personally, I have found thirteen half-siblings, as well as numerous extended family members. We calculate we have perhaps 500 more whom we shall likely never know. But I have met many of those I do know of, and some of us have met as a group several times now. My new clan has brought me deep satisfaction.

My pleasure in this clan is not to diminish the memory of my father. He became my father when he decided to have children.

But I still needed to search for my sperm provider, who was that man I never call 'father.' I deserved the dignity of knowing who this man whose body gave me life was. To deprive me of that was wrong.

Now I know who he was. I know his history. I can see glimpses of him in my new family's faces. I can see him in me. There is a sense of membership. And now I can thank both my twin fathers for the gift of my life.