

## Who are my brothers and sisters? Genealogy as *one* source of belonging

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### INTRODUCTION

‘Who cares where you come from?’ This question is ambiguous. On the one hand, it poses a challenge. In that sense, it can be rephrased as asking roughly *why* anyone should care where you come from. This is a challenge to explain, in order to justify, an interest in our personal history; including the history of how; from whom; and from what we came to be. On the other hand, the question is a forensic one. In that sense, it can be rephrased as asking roughly *who it is* who cares where you come from. This is a question of historical fact that could in principle be invoked as part of an explanation, hence also in a justification, of taking an interest in our personal history; including the history of how; from whom; and from what we came to be. In what follows I shall be focusing primarily on the second sense of the question as a way of approaching the first sense of the question in order to highlight some of the *relational, social, and historical* facts that should inform a convincing answer to more specific question, namely whether prospective parents have strong reasons to conceive in such a way as to make available to their offspring the identity of the persons providing the gametes and other genetic materials involved. To remove one obvious source of potential confusion from the start, my answer to this more specific question is: ‘Yes, they normally do’. My interest here is therefore not to question either the truth of this claim, as much as to probe the significance of one type of consideration that speaks in its favour; namely the relational, social and therefore contingent facts about how people around us actually think and feel about questions of identity, family, and genealogy.

I take it that any satisfactory answer to our question must meet at least the following two criteria. First, it must render intelligible the sense of those actual people born as a result of anonymous gamete donation who feel that they have been excluded from either understanding of developing an important part of themselves by having the identity of the gamete donor kept from them. Second, it must render this sense of loss intelligible in such a way as not to disrespect or underestimate the fact that some actual people born as a result of anonymous gamete donation may feel that there has been nothing important missing from their understanding or development of themselves as persons in virtue of that fact. My own view is that any account that renders anonymous gamete donation entirely unproblematic (or even obligatory) will fail to do justice to the first desideratum, whereas any account that renders anonymous gamete donation wrong as a matter of principle must fail to do justice to the second.

What I suggest in the remarks that follow is that one important aspect of the ethics of anonymous gamete donation is a question about the value of *belonging*, and the *disvalue* – and in some cases *wrong* – that can be imposed on someone in virtue of deliberately excluding them from truthful access to one source of a *meaningful sense of belonging*. I will suggest that the disvalue or wrongness in question is largely a *contingent* matter, perhaps more so than is apparent from some recent discussions of the topic in the literature. I do not claim that the disvalue or wrongness in question is the either the only, or even the most important consideration in play in all the cases we are likely to be interested in. I will, however, suggest that it *is an important one*; and one that should find resonance across a wide range of actual and likely reproductive scenarios. In my view, therefore, the duty of those involved in the rearing of children conceived via gamete donation is not fundamentally one of either providing or not providing them with certain forms of *information*, but rather of giving them *truthful access to sources of a meaningful sense of belonging*; of which either knowledge of, or a relationship with, a gamete donor is one, but not the only, example.

Although it is likely that the term 'belonging' will be less than ideally suited to capture all the connotations of the values that are at stake in these matters, I am quite confident that it does at least capture some of them. In particular, 'belonging' captures two overlapping ideas of something '*being* a part of another thing', (as in being a member of a family) on the one hand, and something either 'feeling', or 'being *recognized* as being' part of another thing (as in feeling a part of a family, or being accepted as part of a family', on the other. The way I shall understand the value of the *truthful access to sources of a meaningful sense of belonging* at stake here is in terms of these two connotations *matching up*, or being instantiated together (as in an actual family member feeling and being recognized as such.)

#### THE SOCIAL DETERMINANTS OF IDENTITY

Who am I? The question is partly, but not only, up to me. And to the extent that it is up to anyone at all, it is partly an ethical question of whether to *encourage*, *discourage* or *be indifferent* with respect to the possibility of my being, becoming, or knowing that I am one thing rather than another, in some socially and psychologically salient respect. Consider the following example from my own experience. As a child, I spent a short period living with my paternal grandmother in a small town in the Norwegian fjords. One of my most vivid memories of that time is the question put to me by one of the local boys when I turned up for my first day at school, namely "Who is your father?" This question, which seemed to be an obvious one for the boy to ask, and the only question he actually did ask, was ethically significant in at least the following ways. First, it was expressive of a strongly *familial conception of social identity* by means of which different members of the community are classified in terms of group membership, relative intimacy, and (inevitably) hierarchical status. (Imagine me replying that my father is one of the drunks frequently seen sleeping in their own piss outside the public toilets by the town hall.) Second, it was expressive of an *acquired sensitivity to the boundaries of community* reflected in the fact that the stranger questioned (i.e. me) was someone the boy in question was as yet unable

to place on the inside of that community (and whose answer to the question would be likely to determine whether he would be so placed, or would remain excluded as an outsider for now, or forever.) It is a further significant that in neither case would the answer in any sense be entirely *up to me*. Who I would be with respect to the boy in the schoolyard, and hence where and to whom I would belong with respect to the other children there, would be largely a matter of how I would be *classified by others*, even in – as anyone knows who have entered a community from the outside – there might be things I could do that could allow me *a way in*. Finally, it is also significant that in order to give a passable answer to the boy's question I did not have to go into a potentially complicated story about family genetics. 'He is X'; 'He is an X'; 'He is from X' would probably do. And if my answer would be that my father was away, or that I did not have one, the next likely question would probably be 'So who is your mother?', and so on. Once more, a variety of perfectly vacuous descriptions relating distinctively to my social relations could in principle have kept things going for the relevant purposes (such as whether I was allowed to play with the boy and his friends). What the boy might have been looking for if he were either suspicious or ill-inclined (which in this case, he was not) would be any evidence that I was either someone to be regarded as an *irredeemable outsider*, or someone otherwise *unusual* (as a community insider could also be), the specific features of which might provide an excuse for him and the other children to refuse me entry into a contingently constituted group, thereby denying me truthful access to a sense of meaningful belonging. As all too many of us know from personal experience, that is often how a campaign of bullying begins. (And not only in the schoolyard.)

#### THE SIGNIFICANCE OF BELONGING

The ethics of genealogical knowledge is, I suggest, partly an ethics of belonging. Let us assume it is agreed on all sides that parents have a duty to provide the means for their children to develop a healthy sense of belonging. This duty is arguably an *imperfect* duty, in the (broadly Kantian) sense that it is partly indeterminate and partly up to the persons bound by the duty how exactly it is complied with. Thus, even if the resulting children have a right against their

parents that the duty be complied with, they do not thereby have a right that it be complied with *in some determinate way*. (In the same way, I have may have a right that my parents ensure that I have a basic education without me thereby having a right that the education take some highly determinate form, such as boarding school followed by Oxbridge.) And needless to say (if sometimes forgotten), any educational trajectory will by its nature rule out access to certain good in virtue of giving access to others. The canonical form of belonging provided by parents in the circumstances we are interested in is the *social and genetic* family, with the historically conventional model of a heterosexual couple naturally conceiving one or more offspring together being one, but by no means the only, recognizable instance of this kind. It is worth noting, however, that this form of belonging has not been uniquely favoured by everyone at all times and places in human history. Thus, both in Ancient philosophy and poetry there is a conflict visible between those who think that a child 'belongs' primarily to her family or household on the one hand, and those who think the child 'belongs' primarily to the city or the state on the other. (This is one root of the conflict we see in *Antigone*, as well as in Plato's argument for the ideal state in the *Republic*.) A similar conflict has been visible more recently in some articulations of Communism, and in various 'free love' experiments in the Twentieth Century. Either way, it would probably be agreed on all sides that not to provide our children with *any* access to sources of a meaningful sense of belonging would be a serious infringement of duty. The question is what the range of meaningful forms of belonging is (e.g. when, if ever, it excludes the conception of children via anonymous gamete donation.)

To bring the issue of belonging into a somewhat broader perspective, consider the following facts. First, although I will normally be expected to remember the names of my siblings, my parents (normally 2) and probably also my grandparents (normally 4), I would not be expected to know the name of all, most, or even any of my great grandparents (normally 8). In my own case, I can probably guess the names of at most 3-4 of my great grandparents, without this giving rise to any sense of loss on my part. (When I was little, however, I did experience a sense of 'absence' due to the fact that I had little or no knowledge of

the identity of one of my four grandparents.) What this shows, I think, is that even if my genetic inheritance is ultimately as much a product of my great grandparents as it is of my parents or grandparents (although proportionately more diffused), there is a *phenomenological horizon of closeness* with respect to which parts of my genealogy I consider to be relevant in defining 'me', or, to put the point in a slightly different way, to delimit a familial narrative in which I, as opposed to people more distantly related to me, essentially 'belong'. Usually, these will be relatives of which we have had some personal experience; but depending on how the people around us construe their own sense of belonging, it by no means has to be that way. (Imagine a shared family narrative constructed around the fate of a recent ancestor who heroically lost their life in a patriotic war.) Either way, being able to think of oneself as a member of a family in this restricted sense is one way in which most of us can be expected to feel that we 'belong'; a feeling my lack of access to which might constitute a harm, at least if my situation is compared with a statistically normal population of neighbors of whom most, or all, have benefited from precisely such access.

Second, although I will normally be expected to be indifferent to large sections of my family tree, there will probably be some branches of that tree that I can reasonably be expected to know about, care about, or be particularly attached to. (In the normal course of events, we can be expected to pick out people or lines that stand out in some way, such as by way of unusual achievement, hardship, or (this may be easier the further back we go) notoriety. Where I grew up, the thing to be was a direct descendant of Harold Fairhair, who allegedly unified Norway to one kingdom at the battle of Hafrsfjord – just down the road from where I grew up - in 872. Now the thing about the year 872 is that at this time the entire population of Norway is estimated to have been less than 450 000, compared to its 5 million plus inhabitants today. Assuming that the majority of people in that part of the world have been relatively stationary over time and bearing in mind that for every generation further back we go the number of our genealogical ancestors is multiplied by two, the chances are that if your family is from Western Norway, then you will also be a descendant of Harold Fairhair. (Or, as a relative of mine once put it: 'Around here, everyone is a descendant of Harold

Fairhair. So what?'.) If so, what might be the point of caring about whether or not you are a descendant of Harold Fairhair?. Two obvious answers present themselves; one entirely unproblematic, the other less so. First, being able to trace one's ancestry back to Harold Fairhair allows me to place myself in a wider historical narrative; thereby enhancing my sense of belonging to a group of people much larger than either myself and my immediate family. (Norwegians can be, I have to submit, annoyingly patriotic in this and other respects.) Second, being able to trace my ancestry back to Harold Fairhair allows me to distinguish myself from other people in the population on the grounds that *they do not* descend from Harold Fairhair. (Indeed, if you were looking for an extensionally adequate code to pick out the victims of ethnic exclusion in this latter day democratic paradise, you could do a lot worse than use the colloquial 'not a descendant of Harold Fairhair'.) I take it that using this criterion as a tool of exclusion in defining a social group to which we can meaningfully be said to belong is ethically problematic; as ethically problematic as the statement on the advert for the company *Ancestry DNA* which boldly asserts that 'the average Briton is (only) 60% European'. Whatever that statement codes for it cannot be that the average Briton is only entitled to *feel* 60% European; or that only some percentage (lower than 100%) of Britons are entitled to feel European, or some other genetically reductive absurdity. What we are or can be, and where (and to whom) we either do, or can, belong, is not to be reductively determined by our genetic history in this way, even if facts about our generic history can play a meaningful role in spelling out what we are, and where (and to whom) we belong, as members of a family line; tribe; nation; or a people. To be deprived of truthful access to a minimal set of such narratives can obviously be a serious harm, as numerous attempts to destroy all historical records of targeted cultural groups and traditions will non-controversially testify. The question is not whether 'we' (parents of children conceived via gamete donation included) have a duty to provide our descendants with truthful access to such narratives at all. The question is what the range of truthful narratives must be in order to respect the (imperfect) duty to provide the required means for a meaningful sense of belonging. As the story of distant genetic ancestry suggests, there is a wide range of ways in which such a sense of meaningful belonging can be constructed; most

of which need not be genetically reductive and some of which could in principle be genetically indifferent.

Bringing the themes of the two previous paragraphs together yields the following distinctions of direct relevance for the ethics of anonymous vs. identity-release conception via gamete donation. First, we need to distinguish the two available routes with respect to whether they either allow for or prevent the cultivation of some meaningful sense of belonging on part of the resulting child, *full stop*. The obvious point to note here is that anonymous donation rules out at least one such project – namely one essentially involving the identity of the gamete donor – thus leaving those who defend anonymous donation with the burden to argue that there are enough available projects of the relevant kind to go round, whether these – loosely following Locke - are thought of as ‘enough’, ‘just as good’, or not. (Once more, any conceivable choice comes at the irreversible exclusion of at last *some* others.) Second, and less obviously, we need to distinguish the two available routes with respect to whether they either allow for or prevent the cultivation of some meaningful sense of belonging on part of the resulting child, involving *the identity of all relevant genetic ancestors*. The most important point to note here is that while anonymous donation does rule out at least one such project, it does not thereby rule out all projects focused on being part of a wider ‘genetic family’ group, provided that the anonymous donor in question is also part of that ‘genetic family’ group. For better or worse, I would be surprised if this were not the case for a vast range of cases involving anonymous gamete donation (e.g. descendants of Harold Fairhair seeking anonymous gamete donation from other descendants of Harold Fairhair). What this suggests is, first, that parents of children born via anonymous gamete donation do already pay attention (whether explicitly or implicitly) to the truthful availability of a sense of meaningful belonging on the part of their child (e.g. at the level of being ‘one of our kind’), regardless of whether donor conception is anonymous or not; and, second, that what the argument about anonymous donation is really about is the *replaceability* or otherwise of some *genetically identifiable other of that kind* in the construction of a meaningful sense of belonging on the part of the resulting child. In other words, the question

is whether even if access to the identity of this genetically identifiable other would be *a good thing*, all else being equal; it is thereby also *morally required*. If the duty to provide access to a meaningful sense of belonging is an *imperfect* duty, it need not be. Nor need all else be equal. To further illustrate these claims about the ‘imperfectness’ of the relevant duty and all things not always being equal, it may help to consider the following examples.

## GAMETE DONATION AND A SENSE OF BELONGING

### a) many child cases:

Many of us have read the stories of Bertold Wiesner, who allegedly ‘fathered’ one thousand children by donating sperm at his own fertility clinic in London; of Simon Watson, an unlicensed sperm donor who claims to have ‘fathered’ in excess of 800 children ‘all the way from Spain to Taiwan’; or similar tales from elsewhere in the technologically advanced reproductive universe. (In 2011, Britain; Sweden and France had a limit on how many children a donor could father, whereas the USA had none. The British limit on 10 children per donor was introduced as a result of the Warnock report, produced under the leadership of the philosopher Mary Warnock.) Now suppose the vast majority of children were conceived this way, perhaps as a result of an acute scarcity of sperm donors (with the sex reversed, the world of bees is a bit like that.) In that case there would be a vastly higher number of people in the world who would look a lot like each other. No doubt this would present a large number of demographic, logistical, and medical challenges. Yet there is no question that recognizably human societies would be able to cope with it somehow. So part of what makes one suspicious of such cases is arguably that they are not, actually, *normal*; and a concern about how the children of donors like the ones cited above are diffused among the population. Yet there has to be something more than the mere question of *normality* to make for an ethical problem for donor conception along these lines. Nor can the concern in question be reduced to a question of anonymity. (Indeed, the question of anonymity seems quite irrelevant.) One

suggestion is that the 'something more' in question is the desirability of having truthful access to a meaningful sense of belonging; the idea being that relating oneself as child to a genetic father with +/- 1000 offspring seriously challenges our ability to think of what such a sense would consist in, regardless of whether the offspring in question are the arbitrary results of a detached and anonymous piece of reproductive altruism (at best) or the anonymous victims of a massive ego-trip (at worst). Indeed, however genuine or sincere the motivation of any such donor might have been in wanting to make it possible for prospective parents to have 'their own' child (as may well have been the case with Wiesner), the mere fact of the extreme *non-exclusiveness* of the relationship between donor and resulting children in this case may explain and to some extent justify a potential sense on their part that truthful access to meaningful belonging in the relevant sense has been partly or wholly subverted, *whether gamete donation were anonymous or not*. Part of the problem here is that any anonymity attached to gamete donation in such cases might only be a cover (of course, it need not have to) for another problematic feature of the donor; namely the absence of any wish, and therefore consequent potential, for such a relationship. A case of anonymity that from the parental perspective may look like a redeeming feature of the case, is one that may reasonably look, to the contrary, like some kind of 'cover up' of an injustice done to the prospective child; as if to say that were it not for the fact of not knowing who my 'genetic' father is, I would know that I am (in one perfectly recognizable sense of that word) an *unwanted child*. (Analogous considerations apply to other cases of ethically 'dubious' donors, whose donations of gametes might have been made for purely economic gain, or whose lives and character might offend the sensibility of a resulting child in other ways, were they to acquire knowledge of them.)

b) 'many parents' cases:

The fact that current practices of donor conception require the donation of gametes from a single donor is a contingent feature of the current state of reproductive technology. So, at least in part, is the fact that anonymous versus identity-release donation is a live, practical issue. Thus, although one historical

explanation for offering anonymous gamete donation is an ethical/religious conception of what a 'good family' consists in and the potential stigma associated with the raising of children in disregard of that conception, another obvious explanation for offering anonymous gamete donation is simply that more potential donors might be forthcoming that way (a 'market' incentive). Be that as it may, there is nothing in principle to prevent the conception of children via gamete donation from multiple donors (we already have an analogous case with mitochondrial donation, which results in a child having two 'genetic mothers'), or the conception of children produced from purely 'synthetic' gametes; with genetic material – possibly in the form of 'copies' – harvested from a multiplicity of sources. In fact, it would not be unreasonable to predict a reproductive future in which 'synthetic gametes' play significant part in the family planning of vast numbers of economically resourceful families. The relevance of this possibility for present purposes is that *one* route toward a truthful access to a sense of meaningful belonging for the resulting children would in such cases be excluded in principle, and so regardless of the issue of anonymity. In this case, there will simply be no individual person in the 'genetic father' position a meaningful relationship with which any resulting child is deliberately excluded from. The children in question would still, of course, be excluded from *forming any such relationship*. One would therefore expect that, insofar as access to such a relationship *as such* is the source of perceived wrong, there would be pressure on the part of relevant stakeholders against ever making conception via 'synthetic gametes' available. Although there will no doubt be people who take this view (and the issue is at present one of mere speculation), I would be surprised if such pressures would be enough to prevent prospective parents who are keen enough to start a family from pursuing this course, and to do so successfully both in terms of the health and the well-being their resulting children, partly because the mere fact of having been conceived via 'synthetic' gamete donation a) does not rule out truthful access to other sources of a sense of belonging (such as one's social family); and b) is also compatible with the process of 'synthetic' gamete donation being such as to replicate the statistical regularities of the natural inheritance of traits and similarities associated with conventional forms of human reproduction. (In other words, the practice of

'synthetic gamete donation is consistent with making sure that that the resulting children have truthful access to a sense of belonging to the descendants of Harold Fairhair or *whoever*, just as much as their parents and grandparents do). Once more, the perceived impact on any resulting child of being conceived this way is likely to depend on the extent to which this mode of conception is *normal*, and the extent to which there not actually *being* a unique 'genetic father' for them to form a relationship with is likely to generate a legitimate sense of being excluded. However, and precisely in contrast to the many-children case, the fact that there is no such unique individual from a relationship with which the child has been excluded, there is arguably less of a case for claiming that they have been *wronged* in being thus excluded *by someone*, there being no individual donor who, whether anonymously or otherwise, have excluded them from having a relationship with them. Although the resulting child could still consistently argue that they have been wronged by their parents *by being conceived without potential for a relationship with an individual gamete donor at all*, this is a different complaint from the complaint that they have being *conceived without potential for a relationship with some particular gamete donor*, whose decision (along with their parents) to remain anonymous (or equivalent) has made it impossible for the resulting children to have a meaningful relationship *to them* (where developing a sense of belonging could in principle be one way of having such a meaningful relationship, and is therefore prior – in the sense of ethically more basic – than the mutual cultivation of one.) To this extent, it could be argued that conception via 'synthetic' gamete donation would be less ethically problematic than conception via anonymous gamete donation, however many children may result from donation by a single donor. In my view, this is suggestive of the claim that it is not so much (or at least not only) the absence of access to meaningful relationship with a gamete donor that presents the ethical challenge for anonymous gamete donation, but *the fact of exclusion* from access to such a meaningful relationship *with some specified ancestor*, as *deliberately engineered* by one's parents in collusion with that ancestor. If anything, it is this fact of exclusion from truthful access to a sense of belonging that is bad for the child, and potentially wrongful to impose on it. Moreover, it is this fact of exclusion that could in principle either be mitigated (a concessive

conclusion) or cancelled out (a non-concessive conclusion) by the provision of other routes of truthful access to a sense of meaningful familial belonging.

## AN OBJECTION

Before I close, I want to consider one important objection to the view I have just set out. The objection is that the plausibility of that view – such as it is – is purchased at the cost of a hidden ambiguity and that once that ambiguity is removed, the view I just set out can be shown to be implausible. What I have argued, in a nutshell, is that a genetically focused sense of parental belonging is *one* among a plurality of potentially permissible sources of a meaningful sense of belonging, but not the only one. This view, however, is consistent with the further claim that a genetically focused sense of parental belonging is *the best, more desirable*, or otherwise the *ethical default* sense of parental belonging, in comparison to which any other sense of parental belonging is either *second best, less desirable*, or otherwise an *ethical substitute* sense of parental belonging the permissibility of which is purchased at the cost of the *innocent unavailability* (so not deliberately engineered) of the ethical default sense. (Analogous argument could be made with respect to children raised by adoption.) If so, then for all I have said the conception of children via anonymous gamete donation is always *intrinsically wrong*, even though this is a wrong that might, at least in principle, be compensated for.

I don't know how one would settle this dispute between the claim that 1) a genetically focused sense of parental belonging is one among a plurality of *equally valuable* sources of a meaningful sense of belonging, and 2) a genetically focused sense of parental belonging is one among a plurality of *differently valuable* sources of a meaningful sense of belonging, with a genetically focused sense of parental belonging being the *most valuable*, 'in principle'; 'in the abstract', or otherwise removed from the contingent social and historical features of familial life. Nor, as the previous sections of this paper may testify, am I sure about the desirability of doing so. What I am quite sure about (and this is not meant to be any kind of 'concession') is that there *actually are and have been*

many cases where the claim that a genetically focused sense of parental belonging would be *most valuable* is actually true. These includes cases where *facts of history* have made it so that the lack of access to a genetically focused sense of parental belonging would be a cause of significant *disadvantage*, and also cases where the *choices of others* (including members of one's family) are a concurrent cause of disadvantage. Yet it clearly does not follow that this either *has, is, or would always* be the case. Indeed, I think the claim that it *must* be the case is one that should be treated with extreme skepticism. One thing that does follow, however, is that *the actual* attitudes and behaviors of parents and others (including ourselves) with respect to the issue of parental belonging has the potential to *directly affect* what the attendant advantages and disadvantages are in any particular case. To this extent, the answer to our question is, at least to some extent, *in our hands*, for example as a function of *who cares where you come from*, where that question is taken in its forensic sense.

#### CONCLUDING REMARKS

A person conceived via gamete donation is just that: a person so conceived. This is a fact, and it will remain a fact whatever anyone goes on to either make of it or do with it. Yet it is neither a simple, nor a historically unambiguous fact. Its location in a relational network of social and historical contingencies has ethically significant implications both with respect to *being the fact that it is*, and with respect to *what people* (which include both themselves and others) may either *go on to make of, or do with*, that fact. These are issues that are not, in any particular case, fully addressed by asking questions such as the following: 1) Is it *intrinsically permissible to conceive a child via gamete donation?*; 2) Is *intrinsically permissible not to inform a child conceived via gamete donation that they have been thus conceived?*; 3) Is it *intrinsically permissible not to inform a child conceived via gamete donation that they have been thus conceived from the gametes of some particular donor?* This is not only because for each of these questions 'the facts on the ground' may already have answered them for us (or are in the process of 'answering' them) anyway; nor only because *all else is never equal*; but also because *what it is* for something to either be, or not to be,

*relevantly equal* is partly a function of the *relational* features the act of conceiving by means of gamete donation has by virtue of its instantiation in a given set of contingent social and historical circumstances, and the interests at play of the actors involved.

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