NEWS AROUND THE WORLD

BRUSSELS, BELGIUM

The Reduction of Sperm Donor Candidates Due to the Abolition of the Anonymity Rule: Analysis of an Argument

Submitted: May 21, 2001
Accepted: June 13, 2001

INTRODUCTION

For some time now, the anonymity of gamete donors is questioned. A major argument against changing the rules that govern the practice is the predicted loss of donor candidates. The reduction of the donor pool could even jeopardize the practice as a whole. Most fertility centres and physicians believe that abolishing donor anonymity and payment will drastically reduce the number of candidates (1). The opponents of anonymity advance two counterarguments. Firstly, they argue that since anonymity is wrong, the less anonymous sperm is used the better. Secondly, they try to show that the donor group will not diminish in the long run. In an older study by Rowland, 42% of the donors would still donate if their name were available to the parents (2). Even when presented with the real choice, 56% of the donors have chosen to become identifiable (3). In an older study by Daniels, approximately 86% were willing to be identified (4). However, research outside the Australasian countries indicates that the number of donors will decrease significantly. Only 20% of the Danish donors would still donate if donor offspring had the right to know the identity of their biological father (5). Sauer et al. reported from the United States that 71% opted for strict anonymity (6). Another American study by Schover et al. showed that 59% would not donate if the children could contact them (7). In Finland, only 17% of the sperm donors agreed to the registration of identifying details (6). In a Belgian study among 75 donor candidates, 74% would no longer donate if their anonymity was not guaranteed (9). The estimation by the centres in the UK that they would lose about 80% of their donors is roughly confirmed in other Western countries (10).

A significant decrease in semen donors would have several practical consequences. Here follows a non-exhaustive list: reduction of choice for infertile couples, increased costs for recruiting donors that will have to be carried by the recipients, increased pressure to accept donors with suboptimal characteristics, introduction of waiting lists, development of “black” circuits and adoption of unsafe solutions by couples who cannot afford to wait or who disagree with the new rule, inability to match donor and partner of recipient, and multiple pregnancies as a consequence of aggressive therapies to maximise the result of the limited supply of semen (11). All these practical consequences have a negative impact on the general level of happiness of the recipients. The question from a moral point of view is whether these costs and disadvantages are compensated by “moral benefits.”

CAUTIOUS INTERPRETATION OF THE FINDINGS

The results on the loss of sperm donors mentioned above should be interpreted with caution for several reasons. First of all, most surveys are conducted on the existing donor pool. These men evidently presented themselves while anonymity and payment were in place. To a certain extent, the current donors are pre-selected in favour of the existing rules. Consequently the results of the surveys should be specified as follows: “the existing donor pool will be decimated by the abolition of anonymity and payment.” This link between regulations and selection of donors was corroborated by unique data provided by De Bruyn et al. (12). Within the group of 63 already active donors,
79.4% wanted to donate anonymously, 6.3% agreed that their identity would be registered, and 14.2% found both choices acceptable. Of the 14 new donors who were recruited after the introduction of a “double track” system (in which donors can choose between anonymity and identifiability), however, 57% chose anonymity and 43% opted for identifiability. They concluded that there seemed to be a trend that new donors were more often prepared to have their identity registered than the already active donors. These data are particularly important since they concern real choices. Doubts can be raised about the validity of answers by donors on hypothetical choices of the kind “what would you do if...”

A second factor that has to be taken into account to predict the effect of a rule change is the possibility that other groups with different characteristics and motives feel attracted by a procedure which includes identifiability. Again, the experience in Sweden reveals that, after the law change, older men in stable relationships who already have children of their own came forward instead of the usual population of young students (13,14). However, the results from one country cannot be extrapolated to the next. A study in the Netherlands showed that donors who accept to release their name to donor offspring at the age of 16 are more likely to be single and not to have a child wish (15). A recent survey among three groups of men (fathers, students, and candidate donors) in Belgium revealed that the fathers and the older men were least prepared to release their name to donor offspring (16). The only way to know what will happen in a specific country is by conducting the research there. But even then, it is difficult to predict to what extent new recruits will compensate for the loss in older donors.

Finally, the effects are estimated in a situation in which all other aspects of the procedure stay unchanged. However, when a central rule is altered, other rules and regulations should be adapted in order to reconstruct a coherent whole. When payment is stopped, other forms of compensation like social benefits (gratitude) or psychological satisfaction (improved self-image) must be offered (17). The same applies to anonymity. It has already been suggested that when anonymity is abolished, the maximum number of offspring by one donor should be decreased (18). Simultaneously, legal rules that protect the identifiable donor against possible abuses and unjustified claims by the offspring should be adopted. Information and awareness campaigns might also help to change the global image of sperm donation in society at large. If the rule change is accompanied by supporting measures, the effects on the number of donor candidates may be less dramatic. Still, in general, attracting another type of donor who accepts the new rules will demand more efforts from the recruiting institutions and a different style of approaching and treating donors.

Nevertheless, even if all possible measures are taken to soften the effects on the practice, it can be reasonably predicted that the alteration of the anonymity rule will still lead to a considerable decrease of donors in a number of European countries.

A UTILITARIAN JUSTIFICATION

Utilitarian theories asserts that we ought to adopt that rule of all possible alternative rules which brings about the greatest happiness or, more sophisticated, the greatest possible balance of value over disvalue. Two utilitarian arguments can be found in the literature on donor anonymity. Firstly, the most simple argument is that the alteration of the rule will lead to the reduction of well-being due to the diminished availability of donor material. A reduced number of donors results in a smaller number of treatments and thus indirectly in a lower level of happiness. There will be fewer couples whose desire for a child will be satisfied. The shortage will inevitably result in waiting lists and this generates the corresponding psychological suffering (uncertainty, stress, frustration, etc.) caused by waiting. If the number of donors drops below a critical threshold, the programmes can no longer be kept up. This is the worst case scenario, i.e., when the practice collapses because of lack of donors. Nobody would gain by such scenario. It can be argued that it is better for a child to be born without the right to know the biological father than for the child not to be born at all (19). However, the comparison with nonexistence introduces several philosophical problems which can be avoided by looking at the quality of life of the children that are born. A practice is morally acceptable as long as the future children will have a reasonably happy life (20). It would stretch things rather far to argue that this is no longer the case for children born from anonymous gamete donation.

Secondly, altering the rule would decrease the number of donors (and treatments) but would significantly increase the happiness of one (or more) of the parties involved, resulting in a net benefit. For some opponents of anonymity, this is the main point: