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Expanding Families through Love’s Promises: Known Donors Wanted

Ideas about who is a parent and how many parents a child can have legally and socially are shifting, both through the use of contracts and more informal ‘deals’ that facilitate people’s ability to create families. Many same-sex couples, single mothers and even heterosexual couples use legal contracts as a way to clarify intimate family ties. Every family has more informal deals and exchanges, but in the last decades Martha Ertman clarifies that what were once considered mere deals have been upgraded to contracts.

Love’s Promises is an exciting read. It begins with the author’s own story and I was so drawn in I couldn’t put it down. Martha wanted a baby and her then partner did not, which caused them to break up, leaving Martha single and aging. She called an old friend from law school and they decided to test the waters of whether it was good plan for him to become Martha’s sperm donor by spending some time together “getting to know each other.” Martha would be the primary parent while Victor would be less involved. He agreed with the caveat that his involvement could change. A legal contract cemented their plans to have a child (Walter) together. Cut to several years later: Martha falls in love and marries her wife (with Victor and Walter present). Walter now has three parents.

I study families who conceived their children using donors. Love’s Promises is about their legal agreements and intimate relationships. I wanted to add some thoughts about the use of known donors since there are few empirical social science studies of new unconventional families. Ertman calls them “Plan B families” who took a different journey to parenthood by having children through donor conception or adoption. I am often asked why Plan B families want known donors. The common perception is that a known donor would be far more complicated than an

unknown one. After all, you can't order a known donor's sperm off a website from the comfort of your couch the way that you can for an anonymous donor's sperm. It certainly is more difficult to find a known donor and figure out what sort of role, if any, he will have in the family and in the child's life. For example, will his parents be grandparents? There is a lot to discuss before contracts with known donors are signed.

Many intending parents (both single mothers by choice and lesbian couples) that I have interviewed consider a known sperm donor first. Often they have a tension that weighs on them: providing a "face" (and an identity) to the person who shares half their child's genes and worrying about whether or not this person can lay legal claim to their child. Often thinking about the kind of donor a family wants is a watershed decision. Recently a parent exclaimed: "I don't want to look my own child in the eyes and tell him that I made a decision that they couldn't know who their biological father was. I felt really strongly about that. So we set out to find a known donor."

Among the people I have interviewed who conceived with known donors, many had deep social networks. Often, someone in their network knew of someone willing to entertain the idea of donating sperm without parental responsibility. Martha's ideas about how Victor might fit into her imagined family life were made by herself (even if Martha imagined a love partner in her future); but for a couple deciding on how another person might fit into their family, they imagine the family functioning with a third adult.

Known donors are expected to understand that this family will function in a nonconventional way. Intending parents decide to use a specific donor because they: (1) trust him not to cross the boundaries they all agreed upon; (2) like his personality and values; (3) believe he gives them a certain comfort to achieve a family dynamic they want. Even though parents who select known donors often decide that the donor will be an "uncle" figure, frequently after the child arrives the donor's presence might become more welcome. For instance, once a married non-gestational mom felt she had secured her own parenthood equal to her wife's she discovered a new embrace: "The more time we've spent with him and his parents as a family, the feeling of being a family unit with these people that are not my blood has evolved."

As the number of lifelong partnerships is declining in the U.S. and as most people will live in many different family arrangements over their lifetime, people question whether the nuclear family consisting of two parents is necessarily better and/or natural. Further, if fewer people are marrying than ever before and more women are conceiving with known donors, are family deals and contracts a potential way to navigate this shift? And will we see three or four adults legally allowed to become parents to one child?