



## *Human Nature and Truthfulness in Adoption and Donor Conception Practice*

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### **I. Introduction: Telling the Truth, being Truthful**

“What is truth?” (Jn. 18:38) is Pilate’s rhetorical question to Jesus’ assertion about coming to testify to the truth. The Johannine narrative implies that society in general, like Pilate, puzzles about truth and truthfulness. That same puzzlement persists in the practice of adoption and donor conception and for the children affected because social practices have justified secrets and lies. In this paper I ask what right persons have to know the truth about their conception and birth. A society that limits the information available to those in the pursuit of self-knowledge fails its duty to assure the possibility for self-knowledge.

This paper will explore practices involved with adoption and donor conception. I use “practice” in three senses: 1) as a professional practice; 2) as the actual application of an idea in contrast to a theory or principle of practice; and 3) as a habitual or usual, customary action. I discuss professional practices of adoption and donor conception, their application, and descriptions of broader habitual or customary practices which are relatively unconscious.

I will argue that preserving and disclosing identifying information makes sense because human beings are at root beings who must know. For the theological part of this argument I use western Christian biblical traditions which include traditions of criticism. “Telling the truth” is undoubtedly important, even if it is not always done. I will show that society has ambivalent feelings about truth telling. I believe that adoptees and donor-conceived persons are calling on society to tell the truth and to be able themselves to live more truthfully.

### **II. Adoption and Donor Conception Practice**

There are six sub-sections in this discussion of adoption and donor conception practices: the first and second describe adoption and donor-conception practices, the third describes a concern for the commercialization common to both adoption and donor conception, the fourth discusses in more

detail practices of anonymity and sealing records, the fifth suggests the ways that Christianity has related to adoption and donor conception practice, and the sixth is my personal story of adoption and how I came to see that adopted and donor-conceived persons share a similar concern about history.

#### **1. Adoption Practice**

By 1880 almost all states had passed laws providing for adopted children in the event that their adoptive parents died intestate.<sup>1</sup> The first state to codify adoption practice was Massachusetts. (Note that adoption practices are defined on a state-by-state basis, so what follows must not be construed to be true in all states.)

The 1851 Massachusetts “Act to Provide for the Adoption of Children,” developed the mechanism by which children could become members of a new family. The act provided language that expressed concern for the child’s welfare and mandated that adopters show qualifications to be parents. It also required that a judge, before issuing a decree, assess that the adoptive parents were “of sufficient ability to bring up the child . . . and furnish suitable nurture and education.”<sup>2</sup> The court terminated birth parents’ rights and obligations; adoptive parents gained custody and were empowered to name the adopted child.

The legal template exemplified in the Massachusetts law did not require that adoptions go through the state.<sup>3</sup> Private adoptions, which used a doctor or a lawyer as a go-between, were common and increasing in number as decades went by. Prominent persons like Alice Chapin and Louise Wise in New York City began to occupy themselves with the fate of children in need without court involvement.

<sup>1</sup> Stephen B. Presser, *Law, Christianity, and Adoption*, in TIMOTHY P. JACKSON, ED., *THE MORALITY OF ADOPTION: SOCIAL-PSYCHOLOGICAL, THEOLOGICAL, AND LEGAL PERSPECTIVES* 220-21 (2005).

<sup>2</sup> E. WAYNE CARP, *FAMILY MATTERS: SECRECY AND DISCLOSURE IN THE HISTORY OF ADOPTION* 11 (1998).

<sup>3</sup> *Id.*, at 19.

With increasing numbers of private adoptions came increasing concerns. In Chicago, the Juvenile Protective Association reported that there was a regular commercialized business of child placing[,] . . . that there were many maternity hospitals which made regular charges . . . for disposing of unwelcome children; and that there were also doctors and other individuals who took advantage of the unmarried mother willing to pay any amount of money to dispose of the child. No name, address, or reference was required to secure the custody of a child from these people.<sup>4</sup>

In response to discoveries like this, Minnesota passed its 1917 Children's Code that provided for formal review of *every* adoption case. This Code required "consent degrees, social investigations, probation periods, and confidential records."<sup>5</sup> This landmark of legislation was warmly received by child welfare reformers across the country.

In 1938 the Child Welfare League of America issued standards for all adoptions. Good practice required, among other things, that 1) adoption institutions must keep the identity of the adoptive parents from the natural parents, and 2) birth records (the birth certificate) would be revised by the state in order to avoid "unnecessary embarrassment in case of illegitimacy."<sup>6</sup> Keeping the identity of the adoptive parent from the natural parent helped assure that the adoptive family would not face interference from the natural parents. The revised birth certificate helped minimize the chance for children to accidentally discover that they were illegitimate or, more practically, learn the names of their natural parents.

In 1975, Annette Baran, Ruben Panor, and Arthur D. Sorosky urged a change in direction for adoption practice by advocating for open adoptions. An open adoption meant that the birth parent gives up the right to raise or nurture their child but may still have continuing contact of some description.<sup>7</sup> In 2012, the Evan B. Donaldson Institute reported that ninety-five percent of adoption agencies offer open adoption as an alternative.<sup>8</sup> Domestic adoption practice accepts the importance for adoptees to retain connections with their family of origin.

<sup>4</sup> *Id.*, at 20.

<sup>5</sup> *Id.*, at 21.

<sup>6</sup> *Id.*, at 27.

<sup>7</sup> *Id.*, at 198-9.

<sup>8</sup> DEBORAH H. SEIGEL, AND SUSAN LIVINGSTON SMITH, OPENNESS IN ADOPTION: FROM SECRECY AND STIGMA TO KNOWLEDGE AND CONNECTIONS 23 (2012).

## 2. Donor Conception Practice

Donor-conception practice was developed in medical clinics. From the beginning the practice invoked secrecy. The earliest reported instance of the use of donated sperm in the United States was in 1884:

Addison Hard was a student of Dr. William Pancoast who, while teaching a class at Jefferson Medical College in 1884, discussed a situation in which the male in a couple was discovered to be azoospermic and the female was found to be perfectly capable of bearing children. The students in the class suggested that a 'hired man' be called in to solve the problem. Dr. Pancoast then took a semen sample from the 'best looking member of the class' and inseminated the woman without her consent and while she was anaesthetized. The doctor later reluctantly told the husband and was relieved to find he approved of the doctor's actions but suggested that his wife not be told. In 1909 Addison Hard went to New York 'to shake the hand of the young man' who had resulted from this procedure. It is speculated that this latter action indicates that Addison Hard was perhaps the student from which the semen sample was collected in 1884, and consequently the genetic father of the world's first DI [donor inseminated] offspring.<sup>9</sup>

The story shows secrecy at each stage: on the part of the doctors who did not plan to tell the husband or wife about the sperm donation; and the husband who was directed not to tell his wife. One assumes that it was understood that the child would never be told – thus, a reader of the report would know more about the child's origin than the child himself. In general, a doctor would inseminate the prospective mother, telling one or both of the parents to be, but almost never disclosing the identity of the donor which, on at least a few occasions, may be the physician himself. Parents were told neither to think about the insemination nor to tell the child. Secrecy of this kind was purportedly used to strengthen the family bond, though no studies were done to test this theory.<sup>10</sup> Practitioners justified their decision for donor anonymity: "[D]onor semen should be regarded as 'material from an anonymous testis, the donor actually being a non-person[.]' . . . The myth of blood and flesh has to be uprooted and a state

<sup>9</sup> Ken Daniels, *Donor Gametes: Anonymous or Identified?* 21 BEST PRACTICE & RESEARCH CLINICAL OBSTETRICS AND GYNAECOLOGY 111 (2007).

<sup>10</sup> *Id.* at 118.

of consciousness has to be achieved in which the donor, from the psychological point of view, does not exist.<sup>11</sup> The practice typically involves one parent who is genetically related to the child while the other is not.<sup>12</sup> Contemporary practices involve use of either sperm or eggs, which are termed gamete donations; and embryos. Cases that implant embryos are more like adopting children who have no biological relationship to the adopting parents. Embryo implantation, called embryo donation or embryo adoption, began in the 1990's, and is like gamete donation in that the anonymity of the embryo's parents may or may not be preserved, depending on the terms set between them and the commissioning parents.

The American Society of Reproductive Medicine (ASRM) provides guidelines to practitioners. For example, the ASRM Ethics Committee Report respecting disclosure of identifying information to donor-conceived children offers several points in favor of disclosure: 1) the child has a fundamental interest, 2) the child may have a legal right to know, 3) failing to disclose may violate the child's autonomy, 4) studies of adopted children show knowledge of biological origin is central to identity development, and 5) secrecy can cause confusion and low self-esteem. The same report offers these points against disclosure: 1) disclosure will subject children to social and psychological turmoil, 2) children from donor conception have one biological relative in contrast to most adoptees, 3) donor conception is easier to "keep quiet" than adoption.<sup>13</sup> The ASRM is the standard for practice in the United States. Federal and state regulations are minimal. The *Fertility Clinic Success Rate and Certification Act of 1992* requires clinics using *in vitro* fertilization, which may include donor conception practice, to report pregnancy success rates to the Centers for Disease Control and Prevention.<sup>14</sup> Donor semen should be tested for sexually transmitted diseases.<sup>15</sup> Only Pennsylvania monitors and regulates assisted

reproductive clinics and activities. New York and California regulate payment to gamete donors.

The Donor Sibling Registry was created by Wendy Kramer, a commissioning mother and her (donor-conceived) son in 2000, as a tool to make connections between so-called donor siblings and "donors." The registry provides parents, donors, and offspring a meeting place to find one another. At the time of this writing, the registry has 36,092 users, and 9,180 half-siblings and/or donors found each other by means of the registry. There are no legal requirements for preserving or disseminating identifying information of gamete donors in the United States.

### 3. Commercialization of Adoption and Donor Conception Practice

In 2005, adoption was a \$6.2 billion industry.<sup>16</sup> Fertility treatments of all sorts cost between \$3 and \$5 billion annually; per pregnancy costs average \$30,000 to \$40,000.<sup>17</sup>

Commercialization and corruption are of concern for both adoption and donor-conception practice. The money exchanged for adoptions is a strong temptation, and a similar concern exists for donor conception. In the United States, the infamous Georgia Tann systematically tricked parents to relinquish or abducted over 5,000 children and placed them for adoption.<sup>18</sup> International adoption has been a site of child trafficking.<sup>19</sup> Different assessments of risk and implications for adoption practice are revealed in a debate between Elizabeth Bartholet and David Smolin, both adoptive parents, which will appear in *Intercountry Adoption: Policies, Practices, and Outcomes*.<sup>20</sup>

With respect to donor conception, discussion is developing, on one hand, to regulate donor-conception practice to eliminate anonymity, and, on the other, to increase donor anonymity to provide

<sup>11</sup> *Id.*

<sup>12</sup> For a discussion of the genetic relationship in donor conception, see, Joanna Rose, A Critical Analysis of Sperm Donation Practices: The Personal and Social Effects of Disrupting the Unity of Biological and Social Relatedness for the Offspring 82-89 (Doctor of Philosophy Thesis, Queensland University of Technology, 2009).

<sup>13</sup> Ethics Committee of the American Society for Reproductive Medicine, *Informing offspring of their conception by gamete donation*, in 81 FERTILITY AND STERILITY \_\_\_, 528-29 (March 2004).

<sup>14</sup> 42 USC § 263a-1, et seq. See 63 Fed. Reg. 60,177 (November 6, 1998).

<sup>15</sup> See 21 CFR, pt 1271.

<sup>16</sup> Readers Comments on THE ECONOMIST website to *International Adoption: Saviors or Kidnappers*, <http://www.economist.com/node/15469423/comments> (Accessed March 23, 2012).

<sup>17</sup> CHARIS THOMPSON, MAKING PARENTS: THE ONTOLOGICAL CHOREOGRAPHY OF REPRODUCTIVE TECHNOLOGIES, 63-64 (table 2.1) (2005).

<sup>18</sup> BARBARA BISANTZ RAYMOND, THE BABY THIEF: THE UNTOLD STORY OF GEORGIA TANN, THE BABY SELLER WHO CORRUPTED ADOPTION 89-125 (2007).

<sup>19</sup> See, e.g., E.J. Graff, *International Adoption or Child Trafficking?* THE AMERICAN PROSPECT, January 6, 2012, <http://prospect.org/article/international-adoption-or-child-trafficking> (Accessed March 30, 2012).

<sup>20</sup> David Smolin, *The Debate* (with Elizabeth Bartholet), in David Smolin, Selected Works, [http://works.bepress.com/david\\_smolin/11/](http://works.bepress.com/david_smolin/11/) (Accessed March 24, 2012).

access to gametes for more people at lower cost.<sup>21</sup>

#### 4. Bridling donor-conceived and adopted persons and erasing history

The key point is the access to history as adopted and donor conceived persons. There are several hindrances which differ for adoptees and donor-conceived persons. For adoptees, access is complicated by states' closed records statutes, which generally require a court order upon a showing of good cause. "Good cause" is a moving target. Access is complicated by the confusion about why records were sealed in the first place and from whom. The Child Welfare League of America *Good Practice Guidelines* of 1938 were concerned for adoptive parents and the strength of the family they were building with the adoption. On the other hand, it is a common misperception that birth mothers demanded that records be sealed and that they be granted blanket confidentiality from public scrutiny, adoptive parents, and their biological children.<sup>22</sup> In New York, for example, the Assembly Judiciary Committee holds that an implicit contract is made with birth mothers (and by association the fathers) that promises confidentiality and thus prohibits providing identifying information to adoptees without the mother's (and father's) consent. No documentation for these (implicit) contracts exists; and many birth mothers assert that no such contract was made in fact.<sup>23</sup>

Donor conception clinics may suggest (as the ASRM recommends) that parents disclose information to their donor-conceived children.<sup>24</sup> Many parents of donor conceived children (and some adoptive parents) do not want their children to know the early circumstances of their life.<sup>25</sup>

<sup>21</sup> NAOMI R. CAHN, *TEST TUBE FAMILIES: WHY THE FERTILITY MARKET NEEDS REGULATION* (2009) (arguing for the elimination of anonymity); Gaia Berstein, *Regulating Reproductive Technologies: Timing, Uncertainty and Donor Anonymity*, \_\_\_ BOSTON U L REV \_\_\_, 1194 (2010) (arguing that anonymity will provide more access at lower cost).

<sup>22</sup> CARP, *FAMILY MATTERS*, *supra* note 2, at 84, 199, *compare id.* at 204-5.

<sup>23</sup> Mothers who lobby with the Unsealed Initiative of New York bring documents signed at the time of relinquishment to show that there was nothing said about confidentiality. Of over 8,000 adoptees requesting their original birth certificates in New Hampshire, 83 mothers requested no contact. Lorraine Dusky, *Birth Mothers, Adoptees Have Right to Records*, at AMERICAN ADOPTION CONGRESS: FAMILIES ROOTED IN TRUTH, [http://www.americanadoptioncongress.org/archive\\_dusky\\_article.php](http://www.americanadoptioncongress.org/archive_dusky_article.php). (Accessed April 10, 2012.)

<sup>24</sup> Ethics Committee, *Informing offspring*, *supra* note 13, at 527..

<sup>25</sup> For information about how many parents plan to disclose, see, Report, Parliament of Victoria Law Reform Committee, *Inquiry into Access by Donor-Conceived People to Information About Donors* 4-5 (March 2012).

Exceptions to this are gay and lesbian families who are more likely to disclose the story of the child's conception.<sup>26</sup> No social agency or clinic will force parents to tell their children how they were conceived. The Law Reform Committee of the Province of Victoria Australia announced the recommendation that laws should be changed to allow donor conceived adults to have retrospective access to the identity of sperm donors who had been promised anonymity.<sup>27</sup>

For adoptees, Rhode Island Governor Lincoln Chafee signed a bill on July 1, 2011 allowing adoptees twenty-five and over open access to their original birth certificates. This has been touted as a civil rights victory like the accomplishments of adoptee advocates in Oregon, Alabama, New Hampshire and Maine. Some states, such as Colorado, Illinois, Tennessee and North Carolina provide limited access. On the other hand, New York still forbids adoptees access to their original birth certificate, except on the showing of good cause.

Legal changes may come to clear away the practical hindrances to learning about one's birth parents, but adopted and donor-conceived persons are often discouraged when they attempt to address the significance of what was done to them through sealing records and hiding the past. In 1975, Betty Jean Lifton told about a meeting with a psychologist. As Lifton was unearthing the truth about her life before adoption, she sought the "wisdom of a seer" in the person of an "authority on the psychology of women." At the end of the meeting, the psychologist told Lifton, "[Y]our need to look for your mother is neurotic. You are rationalizing why you must know who your 'real' parents, as you call them, are." The psychologist later spoke with Lifton's husband (also a psychologist): "Your wife is on a neurotic search, masked under the rationalization that she is seeking reality. . . . No one has has [sic] asked me if they should look up their natural parents before. . . . I do not think that most adopted people have this need."<sup>28</sup>

An online challenge to adoptee bloggers was recently posted, asking, "Why does the adoption industry annoy me?" One blogger replied that the "angry adoptee" is "marginalized . . . discard[ed],

<sup>26</sup> See, e.g., JEFF DEGROOT, *COLAGE DI DONOR INSEMINATION GUIDE* 56 (2010).

<sup>27</sup> On March 28, 2012, the Law Reform Committee of the Parliament of Victoria, Australia, found that donor-conceived persons have a right to access to identifying information of gamete donors and recommended a change in law to provide that right; see, Report, *supra* note 25, at 52, 76.

<sup>28</sup> BETTY JEAN LIFTON, *TWICE BORN: MEMOIRS OF AN ADOPTED DAUGHTER* 108-10 (1975).

push[ed] out” because his or her opinion is “ungrateful, out of control, not to be trusted, invalid . . . .”<sup>29</sup> The “angry adoptee” is a recurrent theme that signifies that the adoptee’s criticism is really a distortion caused by a bad experience; and may for that reason be ignored.

Alana S., a twenty-something donor-conceived adult, was invited to participate on a panel designed to inform parents and children about donor-conception practice. Alana says: “I suspect the panel coordinator misunderstood my stance on the subject.” Alana told those gathered about her serious concerns with anonymous donor-conception practice and that, in her view, it is truer to think of donated gametes as coming from particular people who are really progenitors. She described what happened that day as “Sunday in the Shark Tank,” because of the attack she received in reaction to her views.<sup>30</sup> One person present at Alana’s presentation wrote, “[Alana S. went on to say] that gamete donors are giving away a child that they do not want versus donating tissue/cells. I think *that was heartless and clearly rude* statement, both unfair to donors, as well as to the parents and parents-to-be in the room. I did not give away a child, nor should any child created from my donation feel that way”<sup>31</sup> (emphasis added). In that exchange, Alana, donor-conceived person, was the “angry adoptee” whose opinion was discarded.

Alana describes her concern with donor-conception practice more fully on the Family Scholars site:

[T]he difference [between children conceived by donor conception and sexual intercourse] is, as parents you are the primary guides and counselors into the world and all its problems. Your children will turn to you first. If they’re born with a disability you can comfort them and say, “Well my love, God works in mysterious ways. We don’t know why he made you disabled, but he has a purpose for you.” When

<sup>29</sup> From *REFORM (Rally Ethics For Orphans and at-Risk Minors)* a website concerned with child welfare, adoption, and foster-care, “Why does the Adoption Lobby annoy me? They all get along.” <http://reformtalk.blogspot.com/2012/02/why-does-adoption-lobby-annoy-me-they.html> (Accessed March 24, 2012).

<sup>30</sup> *Family Scholars* is a website dedicated to “Engaging the Key Debates.” See *Sunday in the Shark Tank*, <http://familyscholars.org/2010/06/08/a-sunday-in-the-shark-tank/> (Accessed March 24, 2012).

<sup>31</sup> *Donors and Disclosure Part Deux NYC Panel and My Reaction*, <http://www.proudparenting.com/node/15388> (Accessed March 24, 2012). (*Proud Parenting Blogs* are part of the website providing advice and information on insemination and gestational surrogacy).

kids at school bully your child or taunt them, your child can come to you. You can protect them. You can call the other kids parents and work out an apology or act of repentance.

But with this issue . . . your child cannot come to you. Your child will be forced to work out *this huge, oppressive, philosophical debate* alone in her mind, without the guidance of a loving parent. Because essentially, the person responsible for her problem, is you. The person who placed this burden upon her is the very person who purports to act wholly in her best interest<sup>32</sup> (emphasis added).

For Alana, donor-conception practice created a “huge, oppressive, philosophical debate.” This oppressive debate that Alana points us to is bypassed by clinicians like the one who ardently asserted that the “myth of blood and flesh has to be uprooted and a state of consciousness has to be achieved in which the donor, from the psychological point of view, does not exist.”<sup>33</sup> Donor-conception practice made the *non-existence of the donor* into a reality without the possibility for consent from the child of donor conception. Donor-conceived persons, like adoptees, are intimately and personally confronted by the contradiction that exists in society: biological relatedness both is and is not important.

For those who pursue anonymous donor conception, the gametes used in donor conception have lost traces of particularity. The gamete represents generic humanity. The ASRM agrees: “[H]eighted sensitivity to the interests of offspring in knowing their genetic histories, however, does not require knowledge of the specific identity of the donor or extend to contact with the donor.”<sup>34</sup>

## 5. Christianity, Adoption & Donor Conception

The Episcopal Church has been involved with adoptions for decades. A fifty-year old man in my parish was adopted from an institution run by the Episcopal Diocese of Albany, New York. Respecting access of adoptees to their original birth certificates, the General Convention of the Episcopal Church in Resolution 1982-D082 urged state legislatures to provide processes that do not require adoptees to petition the court but make them available for heritage, medical, and genetic information. The

<sup>32</sup> *Sunday in the Shark Tank*, *supra* note 30.

<sup>33</sup> Daniels, *supra* note 9, at 118.

<sup>34</sup> Ethics Committee of the American Society for Reproductive Medicine, 91 *FERTILITY AND STERILITY* \_\_\_\_, 23 (January 2009).

Episcopal Church (TEC) has not yet made any statement concerning anonymous donor conception though I will discuss a proposed resolution below.

The Roman Catholic Church proscribes donor conception practice.<sup>35</sup> “Heterologous artificial fertilization is contrary to the unity of marriage, to the dignity of spouses, to the vocation proper to parents, and to the child’s right to be conceived and brought into the world in marriage and from marriage.”<sup>36</sup> References to adoption are few, but include *Apostolicam Actuositatem* (note 11) and John Paul II, *Familiaris Consortio*. Neither offer more than a brief reference to adoption.

More broadly, the Christian church has been prominently involved with adoption. Charles Loring Brace’s Children’s Aid Society, founded in New York in 1853, organized ‘Orphan Trains’ to remove poor and destitute children (whose parents might still have been living) from cities in the east and place them on farms belonging to Christian families in the western states. The thought was to get orphans out of the chaos of urban slums and into the “stability American farm life provided.”<sup>37</sup>

Brace asked, “Will not, in the far-away dim Eternity, a day come in which a voice, sweeter than all earthly music, shall sound to the depth of your soul, bringing rich peace and joy, and saying ‘Inasmuch as ye did it unto one of the least of these, ye did it unto me!’” In other words, as Brace stressed, by seeking to place children for adoption in Christian homes, one would be acting ‘for humanity, for Christ, for God.’<sup>38</sup>

While progressive practices encouraged by Christian theology embraced placing children with families they were not biologically related to, older practices concerning children and the non-malleability of their identity still existed.

In ancient times, a child born to married parents was considered illegitimate (a *mamzer* in Hebrew) if the parents were not of proper ancestry. Miscegenation laws prohibited marriage between

racers, thus ensuring that mixed race children would always be bastardized. A bastard status implied a taint affecting the character of the child. Canon law barred bastards from higher religious offices and orders, and even sexual and marital relations. Common law precluded “high political, military, . . . judicial offices, [being a] juror, church warden, parish vestryman . . . denied access to local polls, clubs, schools, learned societies and licensed professions.”<sup>39</sup> These social practices were justified in that they reflected the order of creation which the Deuteronomic code articulated: “A bastard (*mamzer*) shall not enter into the congregation of the LORD; even to his tenth generation shall he not enter into the congregation of the LORD” (Deut. 23:2, KJV).<sup>40</sup> How persistent the valuation placed on bastards is illustrated by this quote from 1939 that regarded the significance of the circumstances of birth, “The bastard, like the prostitute, thief, and beggar, belongs to that motley crowd of disreputable social types which society has generally resented, always endured. He is a living symbol of social irregularity, and undeniable evidence of contramoral forces.”<sup>41</sup>

A part of society held on to the staining effects of bastardy but was countered by a movement in adoption practice. If the original birth certificate was marked “bastard,” formalized adoption would issue a new birth certificate, with the state’s blessing, that erased the offending word (and the notion). In that way, adoption would signify a new beginning, and the stain of bastardy would be washed away. Moral qualities are not inherited. Parents’ sin is not conveyed to children. The legal and moral slates are clean. Theology said as much (e.g., Ez. 18:2–4; Jer. 31:29–30).<sup>42</sup> Children, like gametes, can be washed of historical particularity so that they emerge

<sup>35</sup> See Pope Pius XII, *Address to Catholic Physicians* (September 29, 1949).

<sup>36</sup> Congregation for the Doctrine of the Faith, *Respect for Human Life (Donum Vitae)* (Congregation for the Doctrine of the Faith, February 22, 1987), at 16. One study found that 36 percent of donor-conceived persons are raised Roman Catholic; 22 percent of adoptees and 28 percent of children raised by their biological parents are raised Roman Catholic. ELIZABETH MARQUARDT, NORVAL D. GLENN, AND KAREN CLARK, *MY DADDY’S NAME IS DONOR: A NEW STUDY OF YOUNG ADULTS THROUGH SPERM DONATION* 103 (2010).

<sup>37</sup> Presser, *supra* note 1, at 223.

<sup>38</sup> *Id.*, at 223–4.

<sup>39</sup> John Witte, Jr., *Afterword: Ishmael’s Bane: The Sin and Crime of Illegitimacy Reconsidered*, in TIMOTHY P. JACKSON, *THE MORALITY OF ADOPTION: SOCIAL-PSYCHOLOGICAL, THEOLOGICAL, AND LEGAL PERSPECTIVES* 296 (2005).

<sup>40</sup> A bastard was not at the social bottom and may be highly regarded if learned in the law: “A priest precedes a levite, a levite an Israelite, an Israelite a bastard, a bastard a Nathin; a Nathin a proselyte, and a proselyte a freed slave. This applies when they all are [otherwise] equal; but if a bastard is learned in the Law and a High Priest is ignorant of the Law, the bastard that is learned in the Law precedes the High Priest that is ignorant of the Law.” Quoted in MARSHALL D. JOHNSON, *THE PURPOSE OF THE BIBLICAL GENEALOGIES* 93–4 (1969).

<sup>41</sup> Witte, *supra* note 39, at 296.

<sup>42</sup> Ez. 18:2–4: “What do you mean by repeating this proverb concerning the land of Israel, ‘The parents have eaten sour grapes, and the children’s teeth are set on edge’? As I live, says the Lord GOD, this proverb shall no more be used by you in Israel. Know that all lives are mine; the life of the parent as well as the life of the child is mine: it is only the person who sins that shall die.” Jer. 31:29–30: “In those days they shall no longer say: ‘The parents have eaten sour grapes, and the children’s teeth are set on edge.’ But all shall die for their own sins; the teeth of everyone who eats sour grapes shall be set on edge.” (NRSV)

generic and available for whatever identity they need to assume.

### 6. Adoption practice as it affected me personally

Practice goes from outside to within and becomes a person's life. Thus, the story about adoption practices (like donor conception) is not complete without a personal account.

The first parents of which I became conscious were of German and English extraction, born in America—my mother in Texas and my father in Iowa. I understood them in light of the stories they told about themselves; for example, each of them separately setting out from home in order to live in New York City. In New York, my dad, son of a farmer and general store operator, would become the musician he was born to be. Mom, daughter of an experimental psychologist, would become a Manhattan model, a secretary and copy-writer. After twelve years at Julliard, Dad took a position at Colorado State University where he stayed until his death in 1997. The Episcopal Church was a solid part of all of our lives when I was adopted at fourteen months old in 1957. I am Japanese and Cuban by birth.

When I was a child in the 1950's, it was common practice for parents to be told by adoption professionals to minimize the importance of adoption and race. As a teenager, I asked my mother why I hurt inside and felt confused. Her answer was that she did not know because *nothing happened* to me. The practice of adoption had produced in her what her adoption practitioners taught: the conviction that adoption has a minimum (nil) effect. Being relinquished by my birth mother and father, removed from a foster home when I was fourteen months old, and having darker skin color and different shape of eyes had no significant effects. All that I needed I was given in the adoptive relationship: I was loved and accepted.

In my own mind, the invisible Japanese mother and Cuban father rooted themselves in my thoughts, two silent presences. Lack of curiosity on the part of my parents implied that nothing needed to be said or asked about either of them, who were real for the people who actually knew them, but who did not exist for the people who loved and cared for me.

My mother kept a photograph on her dresser of the mother she lost to appendicitis when she was only six-months old. The photo showed a young woman standing and holding my infant mother. I still have that picture. I had no such photos of my

own mother, nor any person or memory to speak of, and that lack did not cause any wonderment for my adoptive parents. The real and concrete people from whom I came truly vanished from the real world in which I lived.

In our family, and I suppose most, life includes stories about extended family. Our extended family was geographically separated so we almost never saw each other. My father told about growing up on the farm in Iowa, going to school, learning to drive, and watching ball lightning on the back porch wander in one side and out the other. I knew what farms, schools and porches were; and loved to imagine ball lightning which I had never seen. These were all things I could relate to, but I did not relate to his family. I had heard about his brother and met him once or twice when I was a child; but seeing my dad and his brother together when I was an adult was like seeing a mirror of my father. They moved alike, spoke with the same rhythm, laughed at the same jokes. I saw where my dad came from. This was what families look like when people are related genetically.

Adoption practices disconnected persons from their past and did not replace absent stories and likenesses. My adoptive parents' stories were interesting, funny, revealing, but their significance for my own narrative and history were not clear. To me, I was clearly part of the story of their life. I was loved and included. I was not sure if I was *allowed* to include the story of my birth and life in foster-care in the story of my life with them. Few details, facts, or stories of that history existed. No one in my family or community, no teacher or pastor, said anything to the contrary or insisted that the missing history must be preserved for or disclosed to me. Sealed records implied that society believed that there was no real need for me to know the particularities of my birth or my parents.

The few tidbits my mother and father learned about my earlier life were either told them by social workers or were in the letter my foster mother wrote. My birth mother was twenty-five, Japanese, a nurse who just finished her master's degree who looked into sending me to live with her parents in Hawaii but decided against it; my father was an obstetrician, a Cuban, who left my mother in Hawaii to return to Cuba. These very minimal stories supplied material for my fantasies, speculations and self-descriptions.

In 1985, Colorado revised legislation and created a confidential intermediary system to provide adoptees with a means of searching for their biological parents. The new system required

the adoptee to petition the court in the county where the adoption was finalized with a filing fee. The court appoints a confidential intermediary (CI) who contacts the adoptee. The CI explains the fee system, and that the search is for one parent only; and asks the adoptee why he or she is searching for the birth parent. If the birth parent is located, he or she is told why the adoptee is looking for them. The birth parent then may consent to the disclosure of his or her name and contact information in writing to the court. Once the court has this permission, the name and contact information is released to the adoptee. This was the system I used in 2004 when I began to search for my birth mother.

I was forty-eight, married with two grown boys, a parish priest for sixteen years when I began to search and forty-nine when I met my (birth) mother. I was in a good place and loved what I did. My (adoptive) parents had died many years before. Being Cuban and Japanese created many questions for parishioners and people in the community but nothing insurmountable. I would tell people in the parish that I was adopted and that my birth parents were Japanese and Cuban. One elderly woman used to think of me as the “Indian” guy and another person would kiddingly, but repeatedly, tell me that I was really a Chinese war baby. I rolled with it all.

After I found and met my Nisei mother in Hawaii, I became aware that my racial history was a significant part of my life. Hawaii was the first place I visited that I looked like everyone else; people thought I was a local. Everywhere else I was used to my face and skin color telling a story of travel from exotic and alien places or perhaps Native America. There is little inhibition for some strangers to ask where I was from. In school I was called “chink” and “spic,” but I ignored it because my parents told me to ignore it.

At the Wai’oli Tea Room in Manoa my mother began telling me about her father who immigrated to Hawaii when he was sixteen and about *his* father who stayed in Japan running a business building fishing boats. This grandfather’s father was described like a tyrant, a controlling man who resented that his wife loved to dance. To punish her he divorced her. My grandfather, an only child, came to desire distance between them. So he left Japan for Hawaii, mastered English, married a Japanese Issei, had four children, and raised them in Honolulu. Grandfather was an active Soto Buddhist but had his children baptized in the Christian church. Sitting at a table in a tea room eating food with my mother telling family stories in the island paradise where I was

conceived, was joyful and wonderful to me, an almost fifty-year old Episcopal priest. Mother told me that she wished I had looked for her earlier, when she was younger. She did not understand that the records would be sealed and that I would not know who she or my father was.

After finding my (birth) mother, I obtained information recorded in my adoption file by social workers. They wrote, for example, that my mother was “very ‘oriental looking’ and was short with a nice figure. Her skin was yellowish and her eyes almost black . . . She spoke with a very perceptive accent in a soft, gentle voice.” I also obtained my original birth certificate which agreed with the date, time, and place of birth on my amended birth certificate.

It has now been over seven years since I met her. I wonder in what way the stories she told about my grandfather, great grandfather, and great grandmother are mine. I know them in my head, but am not sure how they relate to me in my heart. She has not told anyone about me. When asked about me she said that I was someone from her past. Her voice is sweet and gentle. Her manner makes me calm. Her smile affects me and when she talks about me it is like a real mother who remembers the day I was born. The barrier to our relationship is built of time, habits implanted in adoption practices for the child and for the birth mother.

### Relating to donor-conception practice

I came to see how donor conception practices relate to adoption through the story of a donor-conceived adult. Bill Cordray described growing up without knowing the truth. He wrote to me:

I was 37 when I more or less confronted my mother with my concerns about getting the same kinds of disease[s] that killed my father and younger brother. This was only a few days after my brother’s death [from respiratory failure]. Then [my mother] told me I was donor conceived. I didn’t know much about it at the time. . . . I wasn’t shocked to hear that dad was not my father but surprised that DI was around in 1944, when I was conceived.

Bill suspected since he was little that he was not his father’s child. His parents repeatedly denied any doubts, always affirming that “father” was really “father.” Nevertheless, he believed that he and his younger brothers were products of an affair. When his mother finally told the truth every

odd detail from childhood fell into place. Being donor conceived was not very different than being adopted, for more than a few adoptees were also led to believe falsehoods about the most important people in their lives.

For Bill, the real facts of life and history were concealed by the parents who raised and loved him. Social practice, custom and belief supported that deception.

Adopted and donor-conceived persons are placed in an untenable situation. If they know about being adopted or donor-conceived and want to know their history, they face barriers to that history, including social beliefs that it is insignificant. On the other hand, if they do not know about being adopted or donor-conceived, they are not allowed to form their own opinion about how these practices affected their life.

In addition to the simple loss of information, adopted and donor-conceived persons are criticized for wanting to know their roots or for pointing to the hardship imposed by adoption or donor-conception practice. Knowledge of origins, where one comes from, is ancient and should be normalized. In the following section I discuss the right to know our parentage, the human drive to know and the importance of knowledge of origins.

### III. Human rights and duties to God: society has a duty to advance knowledge

Roger Ruston, in *Human Rights and the Image of God*, observes that human nature claims particular significance and dignity in creation because human beings are said to be made in God's image and likeness. Ruston points out how this dignity provided a basis for an argument used by Pope Leo XIII that society has a duty to provide the right to own private property.<sup>43</sup> The analogy for adoptees and donor-conceived persons is that human beings have the fundamental right to the potential knowledge of their parentage. Society has a duty to preserve and provide that information.

#### Humanity is a creature of knowledge

Scripture attests to humanity's apparently unlimited hunger for knowledge. The drive for knowledge is so deep that humanity will pursue knowledge even when the knowledge sought transgresses divinely set limits. The story of Adam and Eve's temptation by the serpent to eat of the fruit of the tree of the knowledge of good and

evil is a supreme example of the human desire for knowledge contrary to God's will. One consequence, according to the story, is the introduction of death into the world.

Another consequence of the transgression was God's expulsion of humanity from the Garden of Eden. Humanity's expulsion, however, does not result in a diminished desire for knowledge. The mythic East of Eden provides opportunity for human knowledge to develop in entirely new ways. In the antediluvian world, knowledge proliferates according to Scripture, for example, in the skills of craftsmen and musicians. In subsequent ages, scriptural knowledge comes to include history and philosophy. In the New Testament period, divine knowledge (*epignosis, ginosko, gnosis*) is encouraged. For example, Paul expresses that desire that all might "have all the riches of assured understanding and have the knowledge of God's mystery...all the treasures of wisdom and knowledge" (Col. 2:2-3). Knowledge is made available through Christ's redemption (2 Cor. 4:6). Some knowledge can be empty, like a puff of air (1 Cor 8:1). On the other hand, some knowledge takes its place among goods of the Christian life (2 Cor. 6:6). In contrast, ignorant persons are likened to beasts (Ps. 73:22).

Among the many sorts of knowledge human beings seek are self-knowledge and knowledge of others. Scripture is helpful in showing diverse ways that society knows and describes people. In Scripture, people in general are known by *where they come from*. The very structure of the Old Testament is built around *Toledoth*, generations; thus Genesis 2:4 prefaces the Adamic stories and everything that follows; "These are the generations of the heavens and the earth." In Genesis 17:4, God says to Abraham, "I will establish my covenant between me and you, and your offspring after you throughout their generations." First Chronicles 9:1 says, "So all Israel was enrolled by genealogies." In the New Testament, Jesus' self-knowledge is described in elegant genealogical simplicity, he is coming from God and returning to God (John 13:3), but how he is known by those around him is described by both genealogies and a generation that comes "from above."

Stories surrounding the birth of Jesus and records of his ancestors are offered by Matthew and Luke. For Matthew, Jesus' birth is greeted by Magi who follow the light of a star to Bethlehem; Herod plots to kill the child Jesus; there is a flight to Egypt and safety. In Matthew, it is Joseph who is visited by an angel that tells him about the child and that

<sup>43</sup> ROGER RUSTON, HUMAN RIGHTS AND THE IMAGE OF GOD 269-76 (2004).

he should be named Jesus. In contrast, Luke has the angel Gabriel visiting Mary and her “relative” Elizabeth (Lk. 1:36), who announces the birth of both Jesus and John. Jesus’ birth was during the days of Quirinus, Governor of Syria, in Bethlehem at an inn, where the infant Jesus is greeted by shepherds who visit the manger where he lay. The baby Jesus is visited by two elders, Anna and Simeon, who prophesy about him.

Jesus’ lineage provided by Matthew descends from father Abraham forty-two generations through Solomon to Jesus and includes four women, Tamar, Rahab, Ruth, and the “wife of Uriah.” Three of these women were notable for the difficulties that they presented to notions of marriageable women. Rahab, Ruth, and the “wife of Uriah” were all gentiles; and Rahab was a prostitute. Oral traditions suggest that the Rahab was also the mother of numerous prophets (Jeremiah, Hilkiah, Seraiah, Machsaiiah, Baruch, Meraiah, Hanamel, and Shallum.)<sup>44</sup> Luke’s lineage differs from Matthew’s in that it ascends from Jesus seventy-seven generations to the son of God and veers through Nathan, Solomon’s half-brother. Luke and Matthew selected these particular narratives that include information about circumstances of conception, birth, and lineage because they illuminate *where Jesus came from* and provide insight about him for each of their respective communities.<sup>45</sup>

Mark’s gospel ignores birth stories, and calls “mother and brother” those who do God’s will (Mk. 3:31-35). Jesus’ *wherefrom* is minimized by Mark, but not eliminated, because at Jesus’ baptism the voice from heaven announces for the benefit of anyone who hears, “You are my son, the beloved, with you I am well pleased” (Mk. 1:11). God makes his paternity known and in that knowledge is a disclosure about who Jesus is.

John’s gospel, like Mark’s, is not concerned with genealogies. John uses the genitive expression “from God” of John the Baptizer and Jesus (e.g., Jn. 1:6, 3:2, 8:40-47.) The origin or *wherefrom* that the evangelist emphasizes is being *from* God. For humanity what henceforth matters is not birth according to the flesh but birth “from above” (Jn. 3:3). Language of Jesus’ birth is transformed by John into “the Word becomes flesh” (Jn. 1:14). John’s incarnational language reinforces the notion of generation “from above.”

The four gospels use origins as *one* means to

<sup>44</sup> See the discussion in JOHNSON, *supra* note 40, at 164, 176.

<sup>45</sup> For modern scholars discussing the two birth narratives, see MARCUS J. BORG AND N. T. WRIGHT, *THE MEANING OF JESUS: TWO VISIONS* 171, 179 (1999).

describe Jesus. Origins are an essential part of what constitutes social knowledge of Jesus, just as Jesus’ self-knowledge indicates that he came from God and was returning to God. In general, self-knowledge and social knowledge are *always* comprised of knowledge that includes *wherefrom*.

*Wherefrom* is relevant to place. Matthew and Luke put Jesus’ birth in Bethlehem because all Israel knew, as the prophet Micah said (Micah 5:2), that the messiah would come from Bethlehem. On the other hand, everyone knew Jesus as Jesus of Nazareth. The significance of this place of origin was not lost on Nathanael who said to Philip, “can anything good come out of Nazareth?” (John 1:46). Place of birth or even residence was, like ancestry, constitutive of a person’s identity. Jesus’ more complete identity was therefore concealed by the place (Nazareth) by which he came to be identified.<sup>46</sup> Thus, knowing Jesus involved *knowing where he came from* in the literal sense of *where he was born*.

The New Testament presents the idea that God can raise up children to Abraham from the stones, that is, from any person of faith irrespective of birth (e.g., Mt. 3:9, Lk. 3:8). Likewise, genealogical origin is replaced by a spiritual origin. For example, Jesus describes some persons as children of the devil because they are liars (Jn. 8:44) and others as children of God through the will of God (Jn. 1:12). The biblical imagination describes persons in terms of *wherefrom*, but the origin is not always in the ancient past or a physical location. *Wherefrom*, as we saw in John’s gospel, can be *from above*.

Paul’s anthropology makes heavy use of the distinction of flesh and spirit. Flesh and spirit, both historical realities, are understood as originative powers. One can be a child of Abraham with flesh, as Paul was himself, and also a child of God by the working of the spirit. One’s physical origin is not neglected by Paul, but neither is it determinative of one’s eternal destiny. The flesh may in fact become a hindrance, like a “thorn in the flesh” (2 Cor. 12:7); but the flesh does not have the power to be the only originative power in a person’s identity. The flesh is not irrelevant because embodiment matters even with respect to carrying out one’s life as a redeemed person. The old and new self exist together.

Paul gives examples of origins in the flesh and

<sup>46</sup> John 7:41-43 describes how place of birth affected Jesus’ identification by persons in the community: “Others said, ‘This is the Messiah.’ But some asked, ‘Surely the Messiah does not come from Galilee, does he? Has not the scripture said that the Messiah is descended from David and comes from Bethlehem, the village where David lived?’ So there was a division in the crowd because of him.”

spirit. The flesh is associated with bad works such as idolatry, sorcery, and the like (Gal. 5:19ff) and is contrasted with the works of the new self which are described as love, joy, peace, and the like (Gal. 5:22f). In both instances, the source or direction from which the work arises is relevant to the result. This is analogous to Jesus' saying that good fruit comes from a good tree and bad fruit from a bad tree (Mt. 7:18).

Paul's letters are full of language about persons who "take-on" or "receive" a new identity that comes from Christ's spirit, from heaven. Paul conveys that what really matters about human identity comes from Christ, in the present active tense, and is as solid "putting on" armor.

Paul was reticent towards genealogies. Paul was concerned about genealogies because communities became divided by their significance. Paul urges that people "not . . . occupy themselves with . . . endless genealogies that promote speculations . . ." and to "avoid . . . genealogies . . . for they are unprofitable and worthless."<sup>47</sup> One of Paul's legacies was the diminishment of the significance of genealogies (presumably of Jesus) because of their divisive character to communities. That he wrote about genealogies at all suggests that they *were socially important* during his day. A second legacy was Paul's association of the flesh with exclusively negative works. Neither his concern that Christians were arguing about unimportant genealogies nor his negativity toward the flesh, removes the fact that for Paul genealogy and flesh are constitutive of human beings. The biological and genealogical past is present along with the risen Christ and his life giving spirit. *Wherefrom* is both physical ancestry and spiritual rebirth.

Since human nature is grounded in self-knowledge that uses *wherefrom* narratives, society owes a duty to human beings to protect their ability to acquire self-knowledge and to be known by others to the same degree as they know themselves. Thus, human beings have a right to know where they come from in whatever ways required by that knowledge. Regarding adoption and donor-conception practices, a social duty exists to preserve identifying information and provide the information to adoptees and donor-conceived persons (and their descendants) when requested. This social duty implies a right for all persons, including adopted and donor conceived, to know their parentage.

#### IV. A Resolution to the Episcopal Church

<sup>47</sup> 1 Timothy 1:4 and Titus 3:9.

In response to policies and practices that have limited adopted and donor-conceived persons' potential for self-knowledge gained through parentage, the Episcopal Church is considering a resolution that posits the right to know one's full parentage, having in mind donor-conceived and adopted persons, and those born through gestational surrogates.

#### The Episcopal Church & the Diocese of Albany

The Episcopal Church is comprised of 110 dioceses in sixteen nations including the United States, Columbia, Ecuador, Honduras, Puerto Rico, Venezuela, Haiti, Taiwan, Navaholand Area Mission, the Convocation of Episcopal Churches in Europe, and the Virgin Islands. It is a member of the Anglican Communion, which has over eighty million members in forty-four regional and national churches. Actionable decisions are made according to constitution and canons determined on the national or regional church level.

The Diocese of Albany consists of 130 parishes and is one of five dioceses in the state of New York. Each diocese is canonically required to hold an annual meeting, which Albany calls the Annual Convention. Parishes elect representatives to the convention who have voice and vote. Canonically resident clergy, which include priests and deacons who have been either ordained in the diocese or were received by the diocesan bishop, are automatically convention representatives having both voice and vote.

At Albany's annual convention in 2009 I proposed a resolution very similar to the resolution below. The resolution passed and was forwarded to the General Convention for consideration.

The General Convention of the Episcopal Church, comprised of 110 dioceses from sixteen countries, is held every three years. General Convention 2009 referred the resolution to the Commission on Social Justice and Public Policy which is returning the resolution with minor modifications to the General Convention in 2012.

#### The resolution

##### *A Right to Human Identity*

Resolved, the House of \_\_\_\_\_ concurring, that the 77th General Convention of the Episcopal Church urge all dioceses to adopt the following statement: Personal history is a fundamental human right and knowledge of one's entire parentage should be assumed as

part of a person's natural property, and be it further;

Resolved, that the 77th General Convention urge all dioceses to adopt the following statement: That all state legislatures be urged to establish procedures that would enable adoptees (upon reaching legal age) to secure current information regarding their historical heritage, medical history, and genetic derivation without the necessity of court action.

I drafted the two parts to the resolution in 2009. The Commission changed language to say "the General Convention . . . urge all dioceses to adopt the following statement." Originally, the resolution said only that "the General Convention adopt the following statement." This change encourages each diocese to become informed and aware of the issues the resolution addresses.

The first resolution addresses personal history using language of natural property. I was thinking of adopted, donor-conceived persons, and persons born of surrogacy arrangements as those with the greatest potential for alienation from knowledge of their origins.

Legal and common language gets confusing with assisted reproduction and adoption. New York State, for example, defines the woman who gives birth to a child as the legal mother, even with a surrogacy arrangement in place. Thus, surrogacy contracts are not binding in New York; also, children of sperm donors are presumptively children of the mother and father, if married. The father recorded on the birth certificate is always the married father and never the donor.

A New York appellate decision in 1994 ruled that a birth mother is the legal mother when a genetic mother had never planned to raise the child. The appellate ruling addressed the situation when an egg is implanted in a woman who then wants to raise the child. Thus, an egg donor is not legally considered a mother. The children, however, may not want to be limited to legal nomenclature; so acquiring knowledge of their genetic parentage may prefer calling them "father" or "mother" as the case may be. Above I referred to my mother (adoptive) and my mother (birth) – both as simply mother. And both are (or were).

The main point for this resolution is not the legal or common usage of terms like "mother" or "father," but the ability of persons to identify their

mother and father on their own terms.<sup>48</sup>

The second part of the resolution is an update of a resolution approved by the General Convention in 1982 (1982-D082), which affirmed that adoptees should be able access their original birth certificate in a simple process that does not involve the court.

### Conclusion

Acquiring self-knowledge through parentage for a donor-conceived or adopted person has been made difficult or impossible thanks to practices that either prevent access to or have destroyed parentage information. Human beings are naturally inquisitive but have a fundamental right to know where they come from. Social practices that eliminate the possibility for that self-knowledge work against a societal duty to protect a person's right to that knowledge. Theological anthropology reveals varied ways by which human beings both know themselves and are known by others, but historical and biological knowledge has always been one of those ways of self-knowledge and should continue to be. The proposed resolution challenges the Episcopal Church to squarely face the question about what right a person has to know his or her parentage. This is the same question that American society is being asked to face through the testimony of donor-conceived and adopted persons.

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<sup>48</sup> For discussion about the ambiguity of the term "parentage," see, Rose, *supra* note 12, at 225–228.