(Un)Natural Grief: Novelty, Tradition and Naturalization in Israeli Discourse on Posthumous Reproduction

**Abstract**

This article examines Israeli discourse on posthumous reproduction (PR), and the related cultural construction of “(un)natural” grief. Based mainly on an analysis of in-depth interviews with family members who submitted a request for PR, we examine the regimes of justification used by supporters and opponents of this technology. With both sides using the notion of “nature” to support their claim, the dispute centers on whether PR constructs a new social expression of grief (and hence should be seen as “unnatural”) or is only a reflection of an age-old grieving process (and is thus “natural”). We argue that by employing a twofold, novel/traditional justification, PR supporters aim to go one step further, from a symbolic continuity of the dead to a so-called real one. This progression highlights the flexibility of the “natural” category at the intersection of technology and culture, and the abandonment of such binary distinctions as life/death and nature/culture.

*Keywords*: Posthumous reproduction; naturalization of technology; Israel; grief; regimes of justification

*To have children for continuity is not egoism. It is not a sin. It is natural, it is a natural need, it is the nature of the world. And we are not trying to change the laws of nature.*

Malka, whose nephew’s sperm was retrieved posthumously

*This is man triumphing over nature (sad to say).… And this is mankind’s biggest problem: instead of living with nature, we’re fighting against it.*

 Comment no. 111 news article “Parents Whose Soldier Son Was Killed Will be Able To Use His Sperm”

**Introduction**

Malka and respondent no. 111 hold different viewpoints about “nature” in relation to death and grief. While for Malka, practices that symbolize continuity of the dead are a “natural need,” the anonymous commenter (though representative of a widely held view) sees these practices as “fighting” nature. The debate over posthumous reproduction (hereafter PR) in Israel is analyzed in this study as a negotiation over what constitutes “natural/unnatural”—and thus legitimate/illegitimate—grief. This justification discourse reveals the complex relationship between culture, technology, and perceptions of nature (Author A 2012).

PR is the intentional application of technology to achieve conception, pregnancy and childbirth where the genetic father, mother, or potentially both, have been declared dead (Author B 2017). Technically, PR from a dead father is no different from any insemination where the sperm or pre-implementation embryo was frozen during a man’s life, and posthumous sperm retrieval is also possible. But while the technology itself is considered simple, its use is controversial. Recently, Lavi (2017) argued persuasively that “[t]he source and origin of the normative controversy lies in the anthropological ambivalence of the practice itself” (p. 37).[[1]](#endnote-1)

The extensive scholarly literature on PR touches on diverse issues, many of them involving ethical principles. Among these are the deceased’s wishes and consent (Tremellen and Savulescu 2015), the integrity of the deceased’s body (Shalev 2002), and the future child’s best interests (Landau 1999). These disputes have been analyzed from the perspective of lay persons and health professionals (Author B 2015; Hans and Dooley 2014) as well as feminists (Kroløkke and Adrian 2013) and soldiers (Bokek-Cohen and Ravitsky 2017). Earlier anthropological research dealt critically with the shift in perception of “natural” and “healthy” grief as opposed to “pathological” grief (see summary in Robben 2018). The technological contribution to this transformation has also been discussed (Jensen 2016; Lock 1996). The present study adds to the literature by focusing on the construction of what is perceived as “natural” grief. We argue that the justifications for using (or denying) technologies such as PR based on “naturalness” reflect not only a change in the perception of nature itself but an ongoing departure from such binary distinctions as life/death and nature/culture.

The empirical focus of this study is on family members who submitted a request for PR in the unique sociocultural setting of Israel, whose regulations in this area are considered extremely permissive (Author B 2017). Within this context, PR supporters have constructed a “natural” grief model based on a twofold form of justification that combines traditional cultural assumptions with aspirations for modernity, innovation, and progress. This revolutionary-traditional model reflects "the revolutionary turn of Zionism", which "culminated in a return to traditional" roles (Weiss 2002, 2). In this respect, the twofold justification offers a solution to the dispute between those who consider PR to be novel, and therefore unnatural, and those who see it as an extension of age-old emotions surrounding death, and hence natural. This dual justification aims to take “natural” grief to the next level, from a metaphoric/symbolic continuity of the dead to substantive action (inasmuch as the deceased's gametes are used posthumously). By examining the discourse on PR in a specific context, we seek to assess Lavi’s claim that PR “reaffirms and challenges modern society’s approach to the cycle of life and death" (p. 37), and hence “constitutes a modern practice of mourning” (p. 49). To analyze this discourse, framed by us as an ongoing process of normalization, our empirical data is based on the early days of PR use in Israel, and thus on the formulation of the justifications of both supporters and opponents.

**Nature and Naturalization**

Though the boundaries of life are of continuing interest to anthropologists, research in this field has accelerated over the last two decades, due in part to the development of new medical technologies (Kaufman and Morgan 2005). The classical distinction between biological death and social death has combined with the problematization of the natural/unnatural dichotomy, creating arenas in which life and death themselves are contested. In his pivotal book, Latour (1993) analyzed the tendency to draw a clear boundary between life and death as part of the modern project of constructing different ontological spheres. Such efforts are prominent whenever a new technology is assimilated into a culture through normalization and naturalization (Author A). In her research concerning infertility clinics, Cussins (1998) defined normalization as “the means by which ‘new data’…are incorporated into preexisting procedures and already recognized objects” (p. 67). Thus, the encounter between “new data” (for our purposes, PR) and “preexisting” cultural knowledge is a fruitful one. It may produce, reproduce, reorganize or alter practices, but the result is nonetheless perceived as both normal and normative. Naturalization goes one step further, erasing any problem of new norms and practices. In Cussins’ words, it is “the means by which certain uncertainties, questionings, and contingencies are rendered unproblematic, ‘natural,’ or self-evident” (p. 67).

But opponents of this process frequently denunciate the new practice and frame it as unnatural or pathological, with both sides of the debate invoking moral arguments concerning the meaning of the term “natural.” As noted by Boltanski and Thevenot (2000), this “regime of justification” is rooted in the local culture as a way of seeking legitimacy; it both reflects and reproduces collective cultural assumptions, and has the potential to change and expand the available repertoire of justifications.

**“Continuing Bonds” and the Construction of “Natural” Grief**

The construction of “natural” grief, and its changing meaning, is best illustrated by examining psychological theories of grief, which have both influenced and been influenced by cultural assumptions. In particular, the metamorphosis of the concept of “continuing bonds” highlights how perceptions of natural grief have shifted. Psychologists have used this term for years to describe the connection between the living and the dead in so-called primitive societies (Silverman and Klass 1996). While influential early writers in Western psychology tended to draw a clear distinction between life and death, and to claim that the dead leave the world and have no further agency, “traditional” societies’ perception of the relationship between life and death was described as a continuum (Howarth 2007). The belief that normative grief involves severing the relationship with the deceased became even more established with the grief work model proposed by Freud (Granek 2010). This was accompanied by the tendency in psychology to distinguish between “healthy” and “pathological” symptoms of grief (Valentine 2008). Around the mid-twentieth century, however, the binary distinction between life and death was weakened, largely due to such developments as life extension technologies (Jensen 2016), organ donation (Lock 2003), and posthumous reproduction (Simpson 2001).

Simultaneously, new models of grief have been developed, changing the notion of “continuing bonds.”Silverman and Klass (1996) offered an alternative psychological paradigm, positing that these bonds are normal and even necessary for preserving the sense of self and connection with the deceased. According to this model, the dead are present not only as static memories but as part of dynamic relationships. Continuing bonds are therefore not simply a rite of passage or an intermediate stage but a grieving model for the rest of the mourners’ lives.

As psychological theories of grief have tempered their call to let go of the dead (see for example: Stroebe and Schut 1999), practices of continuing bonds have become naturalized (Bokek-Cohen and Ravitsky 2017). In keeping with the greater acceptability of practices aimed at making the dead more “present,” the aspiration for continuity has been largely framed as natural, all the more so in cases of untimely death. According to Simpson (2001), the frozen sperm of a young deceased man bears the potential for order within the chaos of grief. It preserves the deceased’s agency, by keeping the possibility of using his gametes, and thereby enabling continuity. Like other freezing technologies, PR offers a means to “make live and not let die” (Kowal & Radin 2015).

Yet Lavi (2017) argues that PR is not necessarily about “not letting die”; rather, it is a “way in which the living bring to a peaceful resolution the passing away of the dead by regenerating the cycle of life and death” (p. 38). We suggest that the PR discourse reflects negotiation over the meaning of continuing bonds, bringing into this process not only the dead and the living, but also the life that follows, namely, the future child. An anthropological problematization of the notion of “continuing bonds” has also been made by Kidron (2018) in her work on Israeli Holocaust and Cambodian genocide descendants’ lived experience of “discontinued bonds” with the dead. The concept of discontinued bonds revises traditional perceptions of bereavement by highlighting the ways that even attenuated links to the dead, whom the descendants have never met, may be “restored.” Accordingly, we argue that, through the frozen sperm of the dead, continuing bonds can be constructed using those who are not yet born. Thus, while continuing bonds are usually characterized by a one-sided relationship, PR aims to capture a two-way dialogue with the deceased, using his frozen sperm.

While it is clear that the perception of so-called natural grief has been shifting, the question is whether posthumous reproduction reflects (or contributes to) the construction of a further change, or is simply a new practice employed to express an old emotion? Alternatively, it may even signal the collapse of the notion of “naturalness” in an era of new technologies.

In her formative work, Becker (1994) showed how metaphors are used to make sense of unexpected disruptions signifying the loss of the future in cases of infertility. As opposed to this symbolic way of coping, assisted reproduction technologies (ART) promise a substantive solution in such situations, suggesting at least the potential ability to have children. Thus, ART is an example of gaining control over the human body and over nature to the point of causing fertility treatments to be seen “as a product of nature itself” (Franklin 1995, 333­­–34). Does PR, then, represent to the aspiration for continuity of the dead what ART represents to the yearning for progeny? Is it a shift from a symbolic continuity to one that is considered real? And if so, does it reflect and construct a new form of “natural” grief?

Though PR was first achieved at the end of the twentieth century, different societies have always attempted to defeat death through social continuity of the dead (Simpson 2001). For instance, the Jewish law of levirate marriage (no longer followed in practice) commands that the brother of a childless deceased male marry his sibling’s widow in order to have children with her. Seeman (2010) claims that while the traditional Jewish practice and the modern technological practice share similarities, the latter is derived from an individual desire and the former is derived from social and economic needs. And yet, social and symbolic reproduction, and not only biological reproduction, was "almost always at stake", so that “neither the frustration of desire for progeny nor the willingness to explore radical reproductive strategies are in any way new to our own era” (Seeman 2010, 344-5).

While the levirate marriage offers religious and cultural justifications for the proliferation of PR in Israel, many other practices, both in Western and other societies, were designed to symbolize continuity of the dead (see for example: Schattschneider 2001). Yet technology expands the possibilities of memorialization, and the dead are now more visible and present than ever before (Howarth 2007). Technology is also capable of changing narratives and interpretations of death among mourners, as in the case of organ donations, where family members may develop “after-death hopes” (Jensen 2016). Facebook “in memory of...” pages are another arena of continuing bonds and posthumous communication, illustrating how the social networking service has taken on the role of “mediator deathworker,” harnessing technology in the service of traditional perceptions (Kasket 2012). In this way, technology enables us to “manipulate” and “perform” death to meet utilitarian interests (Jensen 2016).

But PR seeks to offer not only a symbolic but a "real", embodied-genetic continuation, essentially creating a form of posthumous agency. Thus, instead of using the metaphoric/ symbolic cultural toolkit offered to overcome life course disruptions (Becker 1994), this technology offers a genetic/biological way to defeat the ultimate disruption – an early death. This innovation is sometimes perceived as going against the traditional order and the basic categories of life and death (and related social taboos) (Author B 2016). At the same time, the frozen sperm of the dead represent the narrative of biogenetic kinship by preserving the potential for genetic continuation of the dead (Simpson 2001), meaning that traditional assumptions are also bolstered by PR. This dichotomy is even more salient in the sociocultural context of Israel.

**The Israeli Case**

The importance of genetic continuity is well rooted in Israeli culture, in which genetic progeny are sometimes perceived not only as the path to a “natural family” (Birenbaum-Carmeli 2009) but also as a way of overcoming mortality by bequeathing characteristics and values to the next generation (Ravitsky 2002). Israel provides the greatest degree of financial support for ART in the world, to mention just one aspect of Israeli pronatalism. This emphasis is also reflected at the other extreme of life, where bereavement discourse (mainly in the military realm) plays a central role in Israeli culture, creating a model for grieving the loss of young men while also influencing civilian cases of early death (Lebel 2011). Weiss (2002) examines the Jewish-Israeli "chosen body", a cultural script that was created in the militaristic orientation of Israel, through different phases of its life course: Pregnancy, birth, military service and death. This cultural script creates a link between early death and the national security discourse, and therefore of the national life. PR, in this sense, might bring all these phases together.

This combination of pronatalism and the dominant bereavement culture is notable in the Israeli regulations governing PR, which are probably the most permissive worldwide (Tremellen and Savulescu 2015). In several countries PR is banned by restrictive policies (such as Germany, Sweden, Italy, France, parts of Canada, Hungary, Slovenia, Norway, Malaysia and Taiwan [Author B 2015]). Other countries demand a clear statement of the deceased's wish to allow the procedure, such as England, Belgium, Australia and some of the American states (Author B 2015). In contrast, Israel’s regulations are based on a “presumed wish” model created by the Attorney General (hereafter: AG) in 2003. According to this model, if a young man dies without explicit instructions regarding the use of his frozen sperm or the option of posthumous sperm retrieval, the default assumption is that he had wished to become a posthumous father, as long as the potential mother was his spouse (Author B 2017). A legislative committee on fertility and childbirth in Israel advocated this model in 2012 (Israeli Health Ministry 2012). In practice, Israeli courts have been even more lenient with PR requests, including when the petitioner was not the deceased’s spouse (in several cases, parents entered into an agreement with a woman who wished to become the mother of a future child conceived using the deceased’s sperm). Courts in several countries, such as Australia, do not necessarily follow legal requirements concerning PR (Simana 2018). Yet, the Israeli rulings in favor of posthumous grandparenthood are unique and make Israel an exceptional case (Author B 2017). Moreover, Israel’s Supreme Court has overturned lower courts’ approval of PR in only two cases: when a surrogate was involved (making the surviving parents de facto grandparents), and when the widow objected. In the meantime, several position papers, parliamentary bills, and other documents on PR have been disseminated, suggesting that the cultural process analyzed in this study is ongoing, and relevant to contemporary and future cultural negotiations.

Author B and others (2018), however, argue that this emphasis on Israel’s uniqueness overlooks the similarities with other nations. Raz (2018), for example, asks whether Israel is reckless or pioneering, since other Western countries have moved in the direction of Israel’s less restrictive bioethical standards in some respects. Israeli practice might therefore be a harbinger of things to come, much like the Scandinavian nations with regard to gender policies (Author B 2018).

**Methodology**

This paper deals with posthumous reproduction using the gametes of a deceased male, which is the most common scenario. Sperm may be retrieved post mortem; during the man’s life; or when he is in a coma, a vegetative state or brain dead. The future mother may be the deceased’s spouse or a woman who wishes to conceive using the sperm of a known person (or potentially a surrogate mother, with the genetic grandparents as the caregivers). Though the moral justifications for each scenario are different, this study deals with a range of circumstances, since they all employ cultural regimes of justification building on a dual novel/traditional orientation.

The discourse on PR as analyzed here focuses, first and foremost, on the voices of petitioners during the early phases of the normalization process. Our primary source is 14 semi-structured, in-depth interviews conducted between 2011 and 2012, ten of them with family members of young deceased men, who sought to use their frozen sperm for fertilization. This encompasses a relatively large number of PR cases in Israel, during a period when this practice was still new. We included six cases in which the sperm were retrieved during a patient’s lifetime in an effort to preserve his fertility, and four in which sperm were retrieved posthumously or when the man was brain dead. Five of the interviewees are parents of the deceased; one is the deceased’s aunt, who in fact was the person who pushed for posthumous sperm retrieval and for PR; and four were widows who gave birth to at least one child using their husband’s frozen sperm posthumously. The other interviews were conducted with various actors: (1) a bereaved father who first learned about PR several years after his son’s death, and became an activist for raising public awareness of this option; (2) a senior official at the Ministry of Justice, who dealt with this issue; (3) a sperm bank manager; and (4) an NGO chair, who leads many public projects for raising awareness and establishing a bank of biological wills.

Interviewees were recruited through snowballing and through media coverage. They were first asked to recount their stories, and later participated in a semi-structured interview. The interviews lasted between 60 and 180 minutes at a location of the interviewee’s choosing, generally in their home. All interviews were recorded with the consent of the informants and were fully transcribed verbatim. During the analysis phase, interview transcripts were organized and coded using a grounded theory approach (Strauss and Corbin 1994) and analyzed thematically.

The interviews were conducted in Hebrew, and all quotes were translated into English by the authors. Interviewees were guaranteed anonymity (hence the use of pseudonyms below) and told they could withdraw from the interview or skip any question they felt uncomfortable answering.

Since large portions of the petitioners’ narratives were devoted to the controversial discourse and justifications necessary to execute and naturalize PR, their accounts exemplify the arguments of both advocates and opponents of PR. However, in order to enrich the data and to best illustrate the discourse on PR, some additional background texts were collected, such as court rulings and other juridical texts, governmental and parliamentary protocols, and media coverage of PR. These pivotal texts concerning PR negotiations were selected, analyzed thematically, and compared to themes that emerged from the interview analysis. The texts originated in a period when PR requests first began to emerge, starting mainly in 2003 (when the AG guidelines were issued). Thus, our analysis examines the discourse on PR from the outset, presenting a portrait of a normalization process that is still ongoing.

**A New Type of Grief and Its Naturalization**

We are talking about a process that seemingly seeks to make posthumous reproduction a norm. One of the [new] norms for a bereaved family, along with a monument and remembering the child and having ceremonies, would be to procreate him posthumously. A child-grandchild. I’m not sure this is the right thing.

(Gali Ben-Or, Knesset Special Committee for Public Petitions)

Ben-Or, one of the authors of the AG’s guidelines, is concerned that posthumous reproduction has the potential to become a new norm. While innovative technologies are leading to new social practices, state authorities are having difficulty responding to these changes and setting new regulations. In debating these issues, policy makers must take into account not only the existing practices developed from these technologies, but also possible future norms resulting from them. In the view of Netta (a senior official at Israel’s Ministry of Justice), when the parents of the deceased are the ones pursuing PR, “this is really a huge and totally disruptive change.” She expresses her discomfort, referring to a case where bereaved parents who have three other children requested permission to make use of their late son’s sperm:

Parents who have four children—and one child dies, which is truly awful, but you still have three children and with God’s help everything will be alright and you’ll have grandchildren, and things will flow as things should flow—and who keep holding onto this issue, trying to revive their dead son by having a child from his sperm…, we don’t want to create some new common practice of having children posthumously, as this entails a new norm in Israel.

For Netta, PR goes against the natural “flow” of things, and is therefore framed as pathological and unnatural. While she does not question the aspiration for continuity, she asserts that as long as there are other children besides the deceased, it can be achieved in a natural manner. This argument deals with the potential results of the legitimization of PR, claiming that too much naturalization may occur. In this way she defends her Ministry’s decision to set a regulatory limit on PR through the AG guidelines, approving it only in cases where the future mother is the deceased’s spouse.

One of the major arguments against PR is that it makes use of science to traverse the boundary between humans and God/nature. Ayelet, whose son preserved his sperm prior to his death from cancer, and who tried to find a woman to conceive using her late son’s frozen sperm, is upset by these kinds of arguments: “Those who say, ‘The child becomes a monument; they only want to memorialize their child,’ are mean people who haven’t experienced difficulties in life, who think they’re God.”

Claiming that those who oppose PR “haven’t experienced difficulties in life,” Ayelet implies that people who suffer from loss have their own sense of what is natural. Even if she is not familiar with the Jewish religious dispute concerning technologies and nature, she repeats a common argument, stating that manipulating nature in favor of humanity is mandated. Contrary to the claims of some PR opponents, who declare that those who seek the procedure “think they are God" (see for example: Yuval Cherlow 2009) since they challenge the boundaries of life and death, Ayelet turns the argument around, Breitowitz (2002) claims that the state of imperfection invites people to become God's partner by taking social/technological action. Hence, arguing that "it is wrong to play God" is rejected by Jewish tradition, which permits "people to modify – conquer – nature to make it more amenable" (Broyde 1997). Thus, the debate about the “naturalness” of PR turns into a dispute over who is seeking to triumph over nature or playing God – the supporters of the technology or its opponents.

Another common argument is that of the slippery slope, in this case the creation and institutionalization of a new norm whereby PR children are seen as extensions of, or substitutes for, their deceased fathers. Kidron (2018), for example, refers to “the child’s inability to live up to the onerous responsibility of the role of memorial candle, at once commemorating a horrendous death and replacing the dead ancestor and expected to fulfill that individual’s foreshortened dreams” (244). Accordingly, many PR seekers emphasize how they intentionally avoid practices that might be understood as acts of memorializing the dead. Inbal, who delivered a baby using her late husband’s sperm, states:

Until the delivery, I didn’t know if it was a boy or a girl, and I didn’t want to know. I didn’t care… People were asking: “If it’s a boy, will you name him after [his father]?” and it was clear to me that, no, I don’t want to turn him into a memorial.

Thus, the sense that a new type of grief is being constructed accompanies both public debate and personal considerations. In fact, PR seekers themselves are not always certain that all such practices are natural or reasonable. We encountered shifting perceptions of what is un/natural among those who pursued PR. Several years after the death of Miriam’s husband from cancer, she conceived using his sperm; yet her view of PR includes a clear division between bereaved partners and parents, which came through strongly in the interview:

Q: Do you also identify with parents who try to have a grandchild using their child’s frozen sperm?

A: No, because it’s a completely different situation.

Q: But as far as the continuity of the dead is concerned…

A: I didn’t think about continuity of the dead, I thought only about myself.

Q: But you could also use anonymous sperm.

A: Right, but it would be completely different. This is a child who has a family from both sides. Grandparents, uncles and aunts. We can tell him who his father was, what he did, photos. It’s completely different from raising a child who doesn’t know who his father is. That would be a bit cruel, no?

Q: And what about asking someone who is not your partner to have a mutual child?

A: In this case, how would you explain to this child why the father doesn’t live with us?

Q: You owe an explanation to the child in your case as well.

A: Yes, but here the explanation is logical. There is an explanation.

According to Miriam, it is clear that some PR practices are “logical” and make sense, while others are “cruel” and unnatural. Other PR seekers were not so certain of their own actions. As Arava recounts:

Knowing in advance that I will deliver a baby that has no father, that his father is dead, and that he is dead even before the baby is born…, I made a deal with myself, since achieving a pregnancy is not 100% sure. I felt like this was almost a question of faith, and that it was right toward both God and [my deceased husband] that I try only once.... So I felt relieved that it succeeded the first time, and when I found out they were twins, I felt like both of them said “yes.”

Arava felt the unnaturalness of the situation, and worried that pursuing PR might not be right. It was her continuing bonds with her deceased husband that made her feel relieved, together with the sense that God gave her a positive answer to her uncertainties. In other words, Arava conducted her own naturalization process regarding posthumous reproduction.

Thus, technology may alter grief, strengthening the continued ties between the dead and the living. . This is prominent in the story of Rebecca, whose son was killed during Military Service when PR was rarely practiced in Israel. Yet, short time after the horrible announcement, Rebecca made a request to retrieve his sperm. For her, the technological (and simultaneously natural) object itself— the frozen sperm—is perceived as a symbol of vitality:

Though it’s not possible to see it with your eyes, only through a microscope, I saw it. I asked to see it, sure…. It’s not [my deceased son], but it’s part of him. A big part of him. It’s not him, it will never be him, [but] it’s part of him…. I can’t bury it.

Rebecca sees the remaining sperm as a living part of her son, turning it from an inert object into a vital entity that cannot be buried. It is what remains of her son in this world, and its existence resists the finality of death, as long as it is not buried. It was important for Rebecca to see it in her own eyes, to instill "realness" into the metaphoric continuity.

This perception opens the door to continuing bonds, which have no time limit. Eran's son died of cancer, and his sperm was preserved due to his illness. Prior to his death, he had signed a "biological will", stating that he wishes to let his parents decide what to do with the sperm after his death. Eran and his wife found a woman who agreed to be the mother of their son's future child, and together they were trying to obtain the court's approval. During this process, Eran related to the eternal sense of the continuing bonds with his son, thanks to his frozen sperm: "This is our mission till the end of our lives, and age doesn’t matter. If, God forbid, this woman quits, we will continue the process." For Eran, life goes on as long as the potential for continuation exists, and the loss of this potential would be a second death for his son, and a second loss for him.

This new grief practice has a dual justification that is clearly exemplified in the narrative of Ayelet, as she explains why her son’s continuation is natural:

He was a great guy. He immigrated to Israel at the age of 6 and was a true Israeli. He finished high school with excellent grades in chemistry. He served in the army. Even though his medical profile was not combat [level], he served as a combat soldier in Hebron… He also had encounters with terrorists. He was very brave. An exceptional athlete.

This first part is shaped as a traditional justification, including national and collective assumptions and considering army service and other traditional values as reasons for receiving social rewards. Thus, Ayelet claims that her son’s continuity is a communal right in the public interest. Yet she continues her narrative, turning immediately to a second type of justification:

And what if he was not an amazing child? What if he was not exceptional and a combat soldier, then he wouldn’t deserve it? It doesn’t depend on the character of the dead person!... If he dies of sickness [and not in combat], or if he was not an excellent student, so what. He has no right to continuity? His parents have no right to continuity?

Here, Ayelet shifts the emphasis from the collective, national discourse to that of individual rights in order to justify PR. Her wish is based upon a new technology that enables her to fulfill traditional values. Accordingly, she employs both individual and collective justifications grounded on the assumption that this technology enables a new form of legitimate grief.

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**Age-Old, and Therefore Natural**

Contrary to the assumption of “newness,” some proponents argue that posthumous reproduction is simply one more grief practice, similar to others in the past. This theme is prominent in the narrative of Yehuda, a bereaved father who found out about the technology of PR several years after the death of his son and became active in raising public awareness of the procedure. Yehuda argues that those who resist PR by claiming that it reflects an inability to let go of the dead do not understand that it is a legitimate extension of past practices:

Most of the bereaved families create memoirs, ceremonies, albums, books, everything. They do it, and nothing will change this. So this issue of letting the dead go is absurd; for the majority, it’s not an option. There are some who know how to move on. They don’t do anything [to memorialize him]. They turn their son’s bedroom into something else. But there are some who keep this bedroom [as it was] till the end of their lives. So this is not a legitimate argument. This is what we do all the time, in one form or another, in our own unique personal way.

For Yehuda, the opponents of PR object to continuing bonds in general. Since these bonds became a widely accepted way of grieving long ago, PR does not construct any new kind of grief whatsoever.

In this respect, Yehuda joins Asa Kasher, a central figure in Israeli bereavement discourse. Kasher, a bereaved father himself, is a well-known philosopher and bioethicist who has written on several occasions in favor of posthumous reproduction. As a member of the national committee that reapproved the AG’s guidelines on posthumous reproduction in 2012, he wrote a minority opinion arguing that PR should be approved for bereaved parents as well as for widows:

In every culture, bereaved people attach deep meaning to their mourning customs, while others, who were fortunate enough not to experience bereavement, look at these customs with misunderstanding and sometimes with prejudice. In a decent society, those who are not bereaved let the bereaved express their grief in their own way.… The meaning of many grief customs is to convey “continuing bonds” between the bereaved and their late loved one. This kind of relationship was once considered pathological, but this prejudice is now outdated (Israeli Health Ministry 2012, 46)

According to Kasher, grief practices are universal, and only the bereaved themselves are capable of knowing which expressions of grief are “natural.” He mentions the change in the perception of continuing bonds as support for his argument, suggesting that PR is just another practice of continuing bonds, and that once bereaved families seek this technology, it must be perceived as natural.

At the same time, framing PR stories as natural may lead to denying their novelty. Chaya was one of the few interviewees who could speak from personal experience about raising a PR child at the time of the interview. Chaya and her deceased husband had a child before his death, and Chaya gave birth to another child using her husband’s frozen sperm posthumously. For her, this practice is another natural aspect of the continuing bonds with her deceased husband:

It is not something that ended. He did not end. Something tangible was over, but this is much more than something tangible…. Our little daughter’s birth was therefore very natural, very exciting. I was not alone during labor, [my husband] was truly with me.… We have an amazing daughter.… She keeps saying that she has never seen her father, but that she knows him.… She once said: “Mommy, you know, Daddy didn’t die, he just passed away.”

Chaya’s description is presented as an entirely natural/ordinary scenario, given the circumstances of the early death of her husband. The continuing bonds between the living and the dead are clearly demonstrated, thereby justifying this form of grief—or even rendering naturalization superfluous—since memorialization, and hence agency, of the dead has always been “natural.” PR can thus be framed as a continuation of the past, and consequently, one that does not threaten any moral or collective values.

But sometimes, the argument of “past practices” in itself suggests that something new has occurred. This can be seen through the work of an Israeli NGO called New Family, a for-profit organization in the field. Among other activities, such as representing PR seekers in court, this group calls on the public to file biological wills, portrayed by the chair of the organization as an “*insurance policy for continuation*.” This framing reflects both the novel aspect of the technology, and the traditional value of continuity, in the form of genetic parenthood. It demonstrates the age-old tendency to continue bonds with the dead while simultaneously acknowledging that symbolic means are not enough and that a technological, modern-bureaucratic tool is necessary. When no suitable technology existed, such continuity remained a metaphor. PR provides a further step toward this longed-for goal.

**Continuity of the Dead: From Metaphor to Substance**

The perceived novelty of posthumous reproduction, as a bridge between metaphor and substance, is shaped by the relationship between technology and death. In other words, if technology enables death to become less final, then the practices of maintaining continuity of the dead can become less metaphoric and more “real,” in a sense creating a posthumous agency of the dead. However, it is not always necessary to fertilize frozen sperm in order to do so; in fact, the potential for fertilization—the existence of the frozen sperm itself—is sometimes enough to achieve the sense of maintaining agency. The importance of this possibility is described by Miriam, who stated after her husband’s death but before she conceived using his frozen sperm: “I hope that I will not have to use my ‘potential children.’ It is very difficult to be a single mother, especially to a newborn. But it is worth keeping all options open.” Miriam promised herself that “if I don’t find a partner in five years, I will ‘drink this test tube,’ as I call it.” In fact, Miriam did use the frozen sperm and delivered a baby four years and six months after her husband’s death. Her preferred option was to find a new partner, but the second-best option was always on her mind, reminding her that her husband still had agency (meaning, frozen sperm with a potential to produce children posthumously).

Yehuda, who was angry that no one had informed him of the option of posthumous sperm retrieval after his son’s death, also expressed the relationship between potential continuity and the grief process: “It’s very likely that we wouldn’t have utilized this option except under very specific conditions. But the fact that it could have been a possibility, even for a while, might have meant a lot to us*.*” It is the potential for the continuity of the dead—and not necessarily its realization—that matters to Yehuda. But the leap that PR represents from symbolic to substantive continuity of the dead threatens the legitimacy and naturalization of this technology by engendering a sense of disruptive change. At the same time, the dual regime of justification enables PR advocates to claim that this novel change actually bolsters traditional values. This is a prominent theme in Rebecca’s anger toward opponents of PR:

They took my son, killed him. I took his sperm. I want to have a baby who will grow up, will become an Israeli citizen, will become a soldier and will serve this country. So what is this argument about? I cannot digest it. A soldier was killed for his country. I want to preserve his seed, and people are opposed? You would expect [that it would be] like Gilad Shalit. They brought him back home, didn’t they? What is this? Why do you fight a bereaved family? Why do I even need to fight you?

Rebecca who had lost her child during Military Service, and is ready to send her future grandson to service (as this is a central goal of the "chosen body" [Weiss 2002]), presents similarities between her son and Gilad Shalit, an Israeli soldier who was kidnapped by Hamas militants in 2006. She refers to the widespread public protests that ultimately led to a prisoner exchange with Hamas, releasing Shalit from captivity, and shares her expectation that the broad consensus over the efforts to free Shalit would apply to her own efforts to fertilize her son’s sperm. For her, the naturalization of PR should have been completed successfully by now, all the more so in the case of a fallen soldier. The comparison between Shalit and her son is made not only because of the expected social consensus over the personal story of a soldier; it is also the content of the story, the demand to bring a soldier back to his family. While Shalit was literally “brought home,” to bring Rebecca’s son “back home” is to maintain his continuity, to preserve his agency, by fertilizing his frozen sperm.

Yet the naturalization process can encounter difficulties, and the move from metaphor to substance is not necessarily a linear, one-way journey. The story of Aharon and Ruth reflects a scenario where the continuity of their deceased son was returned to the level of metaphor, and the sense of “realness” faded. After a long process of looking for a woman who is willing to become a mother to the future child, they began the lengthy judicial process of obtaining court approval for PR. During this process, Aharon created a sculpture entitled “Tears of Hope” (see figure 1). The sculpture represents tears trickling through the meeting point between a sperm and an egg. This is a visual object that reflects the potential for life—a symbolic representation of something that is not symbolic anymore. The life force is represented by a blue light traveling along the sperm. Thus, the sculpture becomes a dynamic object, moving toward continuity.

[place figure 1 here]

After several months of hearings, the designated mother became pregnant from someone else and halted the procedures, so that Aharon and Ruth had to find a new woman and submit an entirely new request to the court. Suddenly, posthumous life became a sense of death during life, as Ruth recounts:

Mentally, to experience all this again, as a mother, to hear all over again in court “the deceased [her son’s name],” was very difficult for me. And I decided to focus on life, and not on the dead… I don’t want to be involved with courts anymore and to hear about [my son].

Ruth and Aharon did not reappeal. Their son’s sperm remained frozen but figuratively stripped of its vitality, and the promise of so-called "real" continuity was not fulfilled. This may be a consequence of the fact that naturalization is still an ongoing process not yet beyond dispute, either culturally or legally. But no less true, this continuity of substance may only be an illusion, meaning that a future child born posthumously is not a "real" solution for the aspiration of continuity. For Ruth, all the court sessions highlighted the death of her son more than the possibility of life. Thus, Aharon and Ruth returned to metaphoric practices, and the sculpture stands in their living room unlit, as a silent testimony to the frozen potential.

**Conclusions**

We utilized the early stages of posthumous reproduction in Israel as a case study for examining the reciprocal implications of new technologies and cultural practices, and their relation to “naturalness.” Chronologically, PR is relatively new; but culturally, it is debatable whether the technology is indeed novel. We analyzed this dispute as a continuum, in which one extreme frames PR as a “natural” expression of grief while the other presents it as “pathological” and unnatural. The study shows a constant, bidirectional movement along this continuum, between novelty and tradition, the natural and the unnatural, life and death, reality and metaphor. This oscillation reaffirms the breaching of distinctions theorized by Latour (1993), and highlights the ways in which “nature” is a product of culture and vice versa. Moreover, since both sides use the notion of nature to support their claim, posthumous reproduction reflects the flexibility of nature as a cultural construct. The sense that PR goes one (very large) step further—from symbolic to so-called actual continuity of the dead—suggests that by blurring the life/death distinction, it simultaneously clouds the nature/culture dichotomy.

This process takes place in a unique social context, in which there are strong cultural assumptions regarding genetic parenthood and continuity of the dead. Assisted reproductive technology has created a potential solution for infertility that is culturally perceived as real rather than symbolic. For many, posthumous reproduction provides a similar solution to the yearning for continuity. For others, the move from metaphor to substance is seen as pathological and unnatural. The dispute is analyzed here as a struggle for legitimization, normalization and naturalization (Author A 2012). PR advocates invoke a dual form of justification: that of novelty, on the one hand (based on technological progress, individual rights, and liberal discourse), and tradition, on the other, “in line with neoconservative values” (Kroløkke and Adrian 2013, 271), highlighting genetic kinship, national-collective ideals, and symbolic practices of continuity of the dead.

As practices of continuing bonds have become naturalized over the past several decades, PR has attempted to take this blurring of boundaries to the next level, intertwining psychological grief theories with technological opportunities. The technological ability to maintain the agency of the deceased can be interpreted as freezing death itself, or at the very least, making it less final. Lavi [2017], by contrast, asserts that despite the temptation to think of PR as a denial of death, it is actually something quite different, relating to the cycle of life and death. This study does not aim to reach conclusions regarding the naturalization of posthumous reproduction or to judge whether it is a death denying practice or a process of mourning; rather, it seeks to shed light on the discourse surrounding this process, in which both supporters and opponents perceive it as a practice of continuing bonds. “Nature” is therefore negotiated and constructed within this hypothesis. In this context, hearing the voices of PR users themselves, particularly in these pioneering years of its application, is beneficial.

This study focuses on a specific cultural context. Yet, even though Israel's regulations regarding PR are the most permissive worldwide, it is not the only place where PR arises. Thus, further comparative research could shed light on the relations between PR and grief in different cultural contexts. Further research is also needed in order to trace the construction of grief in the wake of the advent of PR, and to explore the continuing bonds between PR children and their dead father, whom they have never met. At the same time, a distinction should be drawn between cases of posthumous grandparenthood in which the mother has not known the deceased father, and those where a spouse became a posthumous parent. Other related technologies, such as genetic cloning, may become more widespread in future, and are thus worthy of study as well.

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**List of Figures**

* Figure 1: “Tears of Hope”
1. **Notes**

. Lavi focuses on posthumous sperm retrieval, but his claims could apply equally to other PR practices. [↑](#endnote-ref-1)