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Life

After

Death

Parents of fallen Israeli soldiers are pushing for the right to have their slain sons' sperm extracted, frozen, and stored so they can be future grandparents. Critics call it planned orphanhood

**By Ethan Bronner and Chen Shalita
Photographs by Michal Chelbin**

The Memorial Day gathering in Kiryat

Shmona, like countless others across Israel in early May, begins in the morning at the local military cemetery. Everyone stands in silence as a siren blasts for two minutes. Wreaths are laid, speeches are made, and tears are shed.

Later, about 20 people, young and old, sit around the table in the main room of a public housing apartment in this city near the Lebanese border. They help themselves to pasta, shawarma, cakes, and coffee, and they remember German Rozhkov.

Rozhkov, a Ukrainian immigrant turned soldier, was killed 20 years ago, when he was 25. According to Israeli military authorities and press accounts, he tried to stop two gunmen shooting at motorists at the height of the second Palestinian uprising. Disguised in Israeli army uniforms, the shooters penetrated from Lebanon and opened fire on a main road. Rozhkov, passing by, engaged them in a 30-minute battle. Five Israeli civilians and Rozhkov were slain before the gunmen were killed, too. (The Palestinian Authority hasn't publicly challenged this account and didn't respond to multiple requests for comment.)

The paraphernalia from Rozhkov's service forms a shrine in the apartment. His M16 rifle is framed on a wall with pictures of him wearing his green beret. On a desk sit military medals and trophies. Many of the mourners—now leafing through photos, gently mocking their younger selves—knew Rozhkov. They served with him and were his neighbors. His mother, Ludmila, a former teacher in Crimea who lives alone in the apartment, tells the group that their presence is comforting. "An apartment should be filled with children and light," she says in heavily Russian-accented Hebrew. "Thank you for bringing them."

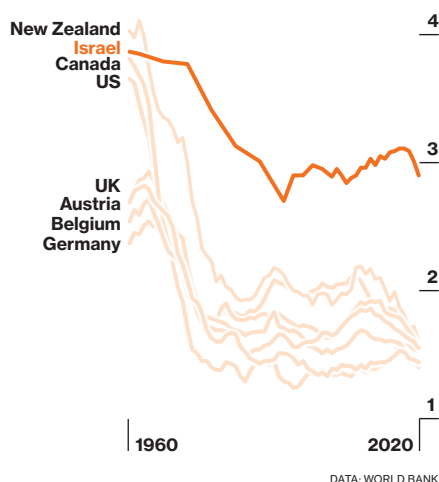
One of the children darting among the mourners—sitting on laps and nodding shyly—is 5-year-old Veronica. She never met Rozhkov, of course, but she's his daughter. Thirty hours after he was killed, his sperm was extracted, preserved in liquid nitrogen, and, 14 years

later, used to fertilize the eggs of Irena Akselrod. She didn't know Rozhkov, but she volunteered to bear and raise his child after meeting Ludmila. "I was moved by her story," Akselrod says. "She's alone in Israel, she lost her only son, and had no grandchild."

Persuading a judge to grant Ludmila Rozhkov and Akselrod the right to German's sperm included testimony about his desire for children. But there was no case law covering when a dead man's sperm could be used to produce offspring. In his ruling, the family court judge wrote, "When the law doesn't provide an answer, the court must turn to the principles of Jewish heritage. 'Give me children, or I shall die,' our mother Rachel cried out. This logic reflects man's desire to continue through his offspring the physical and spiritual existence of

Fertility Rates

Lifetime births per woman



himself, his family, and people. We are told, 'Be fruitful and multiply.'"

When she gave birth to Veronica, the Russian-born Akselrod was 42 and divorced with a teenage son. She doesn't consider herself German's widow, only the mother of his child. But she makes a point of honoring him, taking her daughter to the monument the city recently constructed in his memory. She and Veronica, who starts first grade in September, live in public housing near Ludmila Rozhkov. When Akselrod is at her factory job, Rozhkov picks up Veronica from school. One room in her

apartment is filled with toys. At the front door, there's a crayon drawing by Veronica of a smiling man, woman, and child. She labeled it in Hebrew: "Daddy, Mommy, and Veronica."

Being an active grandmother is something Rozhkov feared she'd never get to experience on that day in March 2002 when officers came to visit her with the unbearable news. When she saw them, she blocked the door in an attempt to avoid hearing the truth. Later, in grief, she shouted out in Russian, "We must get his sperm!" No one, including those who spoke Russian, knew what she was talking about.

Rozhkov isn't sure herself where the thought came from. The procedure had never been done in the Israeli military. But German's best friend, who was with her, contacted the army. The call was taken by Yaffa Mor, the chief casualty officer of German's brigade, whose job is to help families of the dead and wounded. "It sounded bizarre and honestly insane," says Mor, now a civilian.

It turned out, though, that the procedure existed. After a man dies, his sperm cells live as many as 72 hours and can be retrieved with an incision to the testicle, then frozen. "We checked with legal and medical authorities and went ahead," Mor says. "Today it is becoming routine."

"Routine" may overstate it. There are a few dozen children like Veronica. But the military practice of postmortem sperm retrieval is now a familiar topic in Israel, even if it's extremely rare elsewhere. A couple of dozen army families are eager to replicate the experience. Many more beyond the military are interested, too, including the loved ones of victims of disease, accidents, and terrorist attacks.

Initially, government guidelines and court decisions leaned toward giving parents of dead soldiers access to the procedure. The assumption was that having kids is everyone's natural goal. But complications arose.

In one case, parents wanted to use their son's sperm, but his widow, after initially agreeing, remarried and had kids with her new husband. She blocked

the parents from doing anything with the sperm, arguing that the dead man wouldn't have wanted a child with anyone but her. The Supreme Court sided with the widow in 2017. Justice Esther Hayut wrote, "Unfortunately I could not find a legal way to approve the use of the deceased's sperm without the consent of the person who was his wife at the time of his death." Without legislation, she said, the court's hands were tied. As a result, it's now harder to get approval.

In March a preliminary version of legislation that would regulate the practice in the military passed the Knesset, Israel's parliament. The bill's sponsor, Zvi Hauser, a member of the right-leaning New Hope party, says he believes that once Israel legislates the practice, other countries will follow. His bill requires asking every male military conscript what he'd like done with his sperm if he dies in uniform. "If you cannot stay in this world and must leave it at age 19 or 20, one compensation you can have is to leave someone here, a human being," Hauser says. "We may eventually expand this to the rest of society, but we are starting with the military, because we take people 18 to 21 and we say, 'You have to serve your country by law. If something happens to you, we take good care of you, and if you die, we take good care of your parents and children. We now have the technology so that if you don't have a child and want to leave one, we can give that to your wife or parents.'"

When parents of a dead soldier go on Facebook or TV seeking a mother for their future grandkid—not only a surrogate but also a kind of daughter-in-law who will raise the child—the response can be overwhelming. Hundreds of women volunteer in a display of national solidarity and what seems to be a growing preference for a sperm donor who isn't anonymous and whose family will be involved.

Still, the whole thing gives plenty of people the creeps. Some reject what

they see as the unseemly glorification of the military. Others see an abuse of the child. "It's not surprising that this is impossible in most countries," says Gil Siegal, head of the Center for Medical Law, Bioethics, and Health Policy at Ono Academic College. "It is in a child's best interests to be born to living par-

ents and not in a state of planned orphanhood. My heart goes out to bereaved parents, but the discourse around fertility and birth must start with mother-father-child, not

grandmother-grandfather-child. When you retrieve sperm from a dead man, you are trying to restore something lost under tragic circumstances. It's like erecting a living monument."

In some countries—Germany, Italy, and Sweden, among others—the procedure is banned. In the US, regulations vary by state; the practice is reserved mostly for widows who can attest that their husbands wanted kids this way. The American Society for Reproductive Medicine adopted guidelines that include that stipulation and a one-year waiting period before the sperm can be used. One of the more famous cases occurred in 2014, when New York City police officer Wenjian Liu was killed. His widow, Sanny, had his sperm retrieved and gave birth to a daughter, Angelina, in 2017. A Pentagon spokesperson says the US military doesn't cover the procedure under its health benefits and declined to say whether the armed forces follow the society's guidelines.

A company called PMSR Network—it uses the initials for postmortem sperm retrieval—began offering services last year in California. Mel Cohen, the chief operating officer, says it plans to expand nationally next year. It has 27 physicians who can get to a body at a moment's notice and are trained in the procedure.

Peter Schlegel, a professor of urology and reproductive medicine at Weill Cornell Medicine in New York City and one of the leading experts in the field,

estimates that several dozen children have been born in the US this way. "We turn down most requests, because they don't fit our guidelines," he says. "The biggest issue is intent—evidence that the man would want children in this way."

Israel is splintered with political crises and religious-secular tensions. But on two things, the vast majority of Israeli Jews agree: the importance of having babies and the sacredness of the military.

Among the 38 members of the Organization for Economic Cooperation and Development, the group of the world's prosperous nations, Israel is by far the leader in fertility, at more than three children per woman. The next closest countries, Turkey and Mexico, are almost a full child behind. The countries whose gross domestic product per capita compares more closely with Israel's have about half its fertility rate. As Israel's Taub Center for Social Policy Studies put it in a recent paper, the last time similar countries had Israel's fertility rate was the mid-1960s in the US, 1931 in Italy, 1914 in Germany, and 1908 in the UK. Israel's population has about doubled in the past 30 years, to 9.5 million, and is expected to do almost the same in the coming 30. While other rich countries worry about collapsing birthrates—some couples are forgoing children entirely, citing a warming planet and other catastrophes—Israel is getting denser every decade.

It might seem that the high birthrate is attributable to the ultra-Orthodox and Arab minorities. But as Israel's Arab citizens have grown more prosperous, their birthrates have fallen to about those of Israeli Jews. And though the ultra-Orthodox do have an astronomical rate of six or seven children, they account for only 12% of the population. Secular, educated women in Israel are simply producing offspring at a rate that defies their cohorts abroad, including fellow Jews.

"Look around you," says Roy Gilbar, a law professor at Netanya Academic College who studies fertility law. He's sitting outdoors at a cafe in the leafy Ramat HaHayal neighborhood of north ►

"If you don't have a child and want to leave one, we can give that to your wife or parents"

◀ Tel Aviv, where spiking real estate prices are helping to make Israel's largest city one of the world's most expensive. "Many in those apartments vote left or center-left. There are relatively few religious people here. Many are high-earning professionals. And the latest status symbol for them is to have five kids."

Israel has a long tradition of promoting big families. Although its pro-natalist policies apply equally to its Jews and Arabs—80% and 20% of the population, respectively—they stem from a desire to replace the 6 million Jews killed in the Holocaust and create a robust population for a strong state in a hostile region. Among the policies: free, unlimited in vitro fertilization treatments for one or two children; subsidies for each birth; generous maternity leave and work breaks; and free infant vaccinations and checkups. In 1996, Israel passed the world's first surrogacy law, which established that surrogates must be paid and couldn't be genetically related to the parents. It was limited to infertile heterosexual couples and has since been expanded to include same-sex couples.

The country's tiny size and population clusters help with child rearing, with adult children rarely living more than an hour from their parents and often within a few minutes. "We are very post-modern in our reproductive practices," says Zvi Triger, a professor of family law at the College of Management Academic Studies. "Now, even being dead doesn't prevent you from having children."

Unlike egg retrieval, extracting sperm is straightforward and relatively inexpensive:

\$1,000 for the procedure and \$100 a year for storage. (The military covers the procedure for dead soldiers.)

A request can occur at any hour. If a wife has lost a husband, say, her lawyer calls a duty judge who grants permission to call a doctor running a sperm bank. Professor Ron Hauser presides over one of the largest, at Tel Aviv Sourasky Medical Center. He says he's been awakened numerous times in

the middle of the night to carry out the procedure, often after terrorist attacks and accidents. He tries to freeze 10 portions to increase the chance of successful fertilization.

"The body is usually at the hospital," Hauser says. "We take a small piece of the testicle tissue, which is then cryogenically frozen. It's best to do it within 24 hours, but if the body is stored in cold temperature, it can be later. We take as little of the testicle as possible in deference to the dignity of the victim." If too much has been removed, he says, the extra is returned and buried with the body. At his sperm bank, the cells are kept at -196C (-321F). In theory, they could last forever, which means that potential grandparents have time to shop for a mom.

In 2020, Triger and Yael Hashiloni-Dolev, a Ben-Gurion University sociologist, wrote a paper on the phenomenon for the journal *New Genetics and Society*. They coined the term "posthumous grandparenthood," saying that the practice joined the old idea of parents choosing their children's spouses based on the social and economic standing of their families with the more modern one of choosing based on romantic interest. "But unlike in ancient times," they wrote, "they are not choosing for their son, who is deceased, but for themselves." They described Israel as the only country where the phenomenon has been "legally permitted and repeatedly practiced," adding that this is "either a global anomaly, or a harbinger of things to come." The paper

quotes from bewildered Israeli court rulings. In one nonmilitary case, a judge argued that parents working full time functioned more as "weekend-only parents." They relied heavily

on grandparents—"quasi-parents," the judge called them—which substantiated a right to grandparenthood.

That ruling was overturned. But it describes the view of many aspiring grandparents such as Irit and Asher Shahar, who lost their son to a motor accident during his military service.

They asked the court to let them use his sperm to fertilize an egg from an anonymous donor, then hire a surrogate to carry the child, which they would raise. A family court agreed, but a district court reversed the ruling, saying there was no evidence that the dead man would have wanted a child "brought into a fatherless world to a life without his or her biological parents." Asher was furious. "Why does the state care what happens to our son's sperm?" he asked in an interview with a local paper. "Why is it OK for them to call me right after my son was killed to ask for his organs, but I am not allowed to use my son's sperm?"

Baruch Ben Ygal lost his only child, Amit, in 2020. A soldier in the occupied West Bank, he was killed after being struck in the head with a large stone, according to Israeli military authorities and press accounts, while he and others in his unit were arresting Palestinians they said were planning anti-Israel violence. (The Palestinian Authority hasn't challenged this account publicly, either, although the Palestinian charged with the killing says he's innocent. A trial is being held in a military court.)

The head of a teachers' union, Ben Ygal lives alone in the Tel Aviv suburb of Ramat Gan in an apartment he once shared with his son. He wears Amit's dog tag around his neck and keeps his bedroom untouched. He says he's saving it for his future grandchild—Amit's sperm is in cold storage. "If I have a grandchild," he says, "I will replace every picture of Amit with a toy."

Ben Ygal, whose father was a Holocaust survivor, spends much of his nonworking time lobbying lawmakers over the prospective measure for posthumous sperm retrieval. He's met with two recent prime ministers, Naftali Bennett and Benjamin Netanyahu, and 100 parliamentarians. He's been profiled twice on TV. He





Ben Ygal in his son's former room

says his desire to use Amit's sperm for a grandkid is part deeply personal, part collective endeavor.

"Once your son is in the army, he doesn't just belong to you but to the whole nation," Ben Ygal says. "About 50,000 people came to his funeral. Thousands of women have contacted me to be the mother of his child. I have made a book with all their names and contact information and showed it to the prime minister. I have interviewed about 100 of the women. But I am waiting for the law to be passed."

One of the women in his book is Shira Pilus, who works at a laser hair removal clinic in the southern city of Ashkelon. Ben Ygal hasn't committed to her but says she has a big heart and impressed him. Pilus says she believes she's at the top of his list. "I'm divorced

and have gotten very hurt in life, and I realized what I most want right now is a child," she says. "I could've gone to a sperm bank, but when my brother told me about seeing Baruch on TV, I sent Baruch a note. At a sperm bank, I won't know who the father is. And here we have a national hero with a family on the father's side. Instead of finding a partner first and then having a child, I will start with the child. A partner may follow."

If Zvi Hauser's law is passed, it will resolve one issue: whether the defense ministry, which provides support to any child of a fallen soldier (a monthly stipend, university tuition, help with a mortgage), will do the same for children birthed from harvested sperm. Some families are challenging the ministry in court to win such benefits. Those

pushing for a law say no such subsidy will be included.

"The law will specifically say that these children are not recognized as military orphans," Hauser says. "We don't want to make this a monetary event where people are doing it to get a government stipend. The existing stipend is for lost income from the father. When a soldier dies and leaves a child, the state is saying to that child, 'I hurt you, I took your father, and I am compensating you for the loss.' This is different. The child didn't exist."

That's not how the family and friends of Veronica Rozhkov view it. Her mother and grandmother won their original case partly by promising to forgo any defense ministry subsidy. But Veronica never agreed to that; lawyers representing her are suing the ministry for failing to provide her with the financial support it provides other kids born to fallen soldiers.

Ludmila Rozhkov came to Israel alone from Ukraine to follow the son she'd brought up on her own. They were close. German urged her to come and invited her to live in his apartment. Upon his death, she was inconsolable. For years she struggled. But since Veronica's birth in 2016, she's found a purpose: She sees her son's face and mannerisms every day in her granddaughter. Rozhkov's health hasn't been good, and several months ago she underwent major surgery. As she lay on the operating table, her first instinct was to acknowledge that she might never wake up. And then, she says, she pictured Veronica and bolted upright, telling herself, German wants you to live and help Veronica grow up. "She will not have a father, it is true," she says. "But she has a mother and a grandmother who love her." **B**

This story is a collaboration between Bloomberg Businessweek and Shomrim, the Center for Media and Democracy, an independent, nonprofit investigative journalism organization in Israel.