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Did Rabbi Raichik have to die?

By Yair Ettinger

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As is the accepted practice among Lubavitcher Hasidim, hardly any eulogies were delivered at the funeral that set out from Kfar Chabad at midday Sunday. But a sensitive question was painfully whispered from one to another of the thousands of mourners: Would it have been possible to save the life of Rabbi Yossi Raichik?

Raichik, 54, He died on Sunday morning following a prolonged illness - and after the opportunity to transplant into his body the lungs of a brain-dead woman had already passed. Was it possible that the much-loved activist, a father of six, could have gone on living if a respected rabbinic authority had been found who would have approved the procedure?

"There is bitterness, but we are all religious Jews," said Haim Yaakov Leibowitz, a friend of the deceased, and a businessman. "Yossi was my soulmate. I cried at the funeral like I haven't cried in years. It is a terrible feeling, but I understand it. That is the halakha [Jewish religious law]. Yossi's whole life was devoted to others. And, in my opinion, had they asked him what to do, and he had known what the rabbis had said, I don't think he would have asked for things to be done differently. Perhaps he would have been confused, but he would have obeyed."

Raichik was known in particular for his role in the Chabad Youth Organization's Chernobyl Project. Beginning in 1986, the year of the explosion at the nuclear reactor in Ukraine, Chabad had been active in bringing to Israel thousands of Jewish children who were affected by the disaster, and suffered from disabilities and illness. More than 2,500 such children have immigrated to Israel to date, and an additional group arrived only a few days ago.

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"He devoted his entire soul to the Chernobyl children," said the chair of the organization, Yosef Aharonov. "He knew and loved every one of the thousands of these children."

A few years ago, Raichik fell ill with a serious lung disease. Despite doctors' recommendations, he continued working, even during the past few months, when his condition deteriorated. Only two and a half weeks ago, he was due to travel to the United States, in the hope of finding a lung donor, but on the eve of his scheduled departure, he collapsed and was taken, in serious condition, to the Beilinson Medical Center in Petah Tikva.

Hopes pinned on a brain-dead woman

Members of Raichik's family had pinned all their hopes on another patient, in Israel, who had been hospitalized a few days earlier after suffering a stroke, and whom doctors had declared brain-dead. On Thursday evening of last week, the doctors approached members of the family of the proposed donor, an Orthodox woman who had herself undergone a kidney transplant in the past, and asked for their approval to carry out the procedure. The woman's sons approached a rabbi from the Lithuanian stream of ultra-Orthodoxy whose opinion they respect, but he flatly forbade them to allow the transplant, saying that it would be an act of murder.

Late that same night, friends of Raichik called together a battery of religious authorities and activists in the hope of getting a different ruling, and they even went to the home of Rabbi Ovadia Yosef in Jerusalem, spiritual leader of the Sephardi Shas party and a widely respected rabbinical authority. Unlike with the transplant of a kidney, the transplant of vital organs such as lungs and heart can be carried out only from the body of a patient who has suffered brain death and is being respirated artificially. Once the heart of the "donor" stops beating, however, there is no longer any point to the donation.

The issue has been debated from the medical-ethical point of view all over the world, and it has been a subject of disagreement within the world of Jewish law too. While the Ashkenazi religious authorities, led by Rabbi Yosef Shalom Elyashiv, consider the transplant of vital organs to be "bloodshed," even when talking about a donor whose brain is no longer alive, there are rabbinic authorities who permit this under certain circumstances. That was the approach of current Sephardi Chief Rabbi Shlomo Amar, who issued a ruling that formed the basis for the law about brain death that was passed by the Knesset in March of this year.

Amar's ruling states that "death is established by the dying of the entire brain, including the brain stem, and the irreversible stopping of breathing," and the most senior Sephardic rabbinic authority, Rabbi Ovadia Yosef, added his signature to the ruling. Rabbi Amar clarified at that time that he had not permitted the wholesale harvesting of organs from the body of a person who had been declared brain-dead.

On Thursday evening, the issue was brought to one of the sons of Rabbi Yosef, who is himself a recognized authority, but he told those who approached him that his father would not accede to their request. "The son told me, 'My father is angry about the ruling by Rabbi Amar,'" Haim Leibowitz said. "He said that it is true that [a donation from a brain-dead individual] is not murder, but also that he could not allow the transplant. I can't argue with that. It is impossible to expect of a rabbi that he will only make people feel good."

The attempts to find a rabbinic authority who would permit the transplant, and whose ruling would be acceptable to the family of the woman, went on until almost 2 A.M., at which time word was received that the woman had died. Raichik remained alive until Sunday morning and then he too died. Dr. Mordechai Halperin, who oversees matters of medical ethics in the Health Ministry, said that one should not deduce from the rabbi's son's remarks that

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Ovadia Yosef had changed his mind about the religious ruling on brain death. "There have been cases, not just one or two, where all the facts were brought to Rabbi Ovadia, and he said the transplant could go ahead," said Halperin. "What happened here was that the woman died before they were able to check all the facts as required."

The spokesman of the Chabad movement, Menahem Brod, said in repose to the case: "We are sad, not angry, about the fateful decisions, and perhaps if they had gone deeper into the case and if it had been brought before the great rabbinic authorities, it would have been different. At the end of the day, it is a pure question of halakha, but we wanted the great sages to discuss it."

Brod added: "There is a difference between a debate in principle on a question of halakha, and a debate when a patient is lying in front of us. This is a case that would have required a deep discussion. Certainly there is no reason to be angry at the woman's family, because asked for a halakhic ruling. I am not in a position to argue with that."

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