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Halachic Ruling



'US Senate also passed bill approving organ transplant between HIV-positive people' Photo: Getty Images

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Rabbi okays HIV-positive organ donation

In halachic precedent, Israel's former Chief Rabbi Eliyahu Bakshi-Doron rules life-saving organ donation can be received from HIV-positive patient, even if recipient may be infected with disease

Dr. Itay Gal

Receiving an organ donation from an HIV-positive patient is permitted according to Halacha: Following an appeal from [Israel's](#) AIDS Task Force through the [Puah Institute](#), former Chief Rabbi Eliyahu Bakshi-Doron has ruled that a life-saving organ donation can be received from an HIV-positive person, even if the recipient may become HIV-positive himself following the transplant.

According to the rabbi, "If the person will not live without the organ donation, it is permitted and the transplant must be carried out in order to save a life."

Rabbi Bakshi-Doron, one of Israel's most prominent poskim (legal scholar who decides the Halacha in cases where previous authorities are inconclusive or in situations where no halachic precedent exists), is known as a pragmatic posek whose rulings are accepted by very wide circles in the Jewish world.

His current ruling, Israel's AIDS Task Force says, may lead to a process which will allow HIV-positive people to act on their right to donate organs to other HIV-positive patients and to any other person in need, and save lives.

According to the AIDS Task Force, the new ruling has many implications, including the emphasis that this is a chronic illness which can be treated and that patients can live with it for a long time.

"The world of Halacha is preceding the medical practice here, and we hope that Rabbi Bakshi-Doron's decision will prompt the medical world to hold a relevant discussion of this issue," says Dr. Yuval Livnat, director of Israel's AIDS Task Force.

"First of all, we must allow HIV-positive people to donate organs to other HIV-positive patients. Such transplants are being conducted successfully for several years now in South Africa, and more than a month ago the Senate's Committee on Health passed a bill allowing such donations in the US as well.

"Giving HIV-positive patients the option to donate organs to other HIV-positive patients will shorten the transplant waiting time, which is long as it is – especially in Israel.

"Second," he adds, "there are situations in which we should approve – as Rabbi Bakshi-Doron recommends in his ruling – organ donations from HIV-positive patients to people who are not HIV positive. For example, in situations in which the recipient urgently needs a donation – and there is no suitable donation from a person who is not HIV positive, and this donation could save his life."

'Halacha dealing with complex issues all the time'

Troubling Figures

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Rabbi Menachem Burstein, head of the Puah Institute which helps couples with fertility, medicine and Jewish Law, explains: "The halachic ruling on medicine and Halacha of the Puah Institute is based on an up-to-date examination of the medical innovations, and at the same time on extensive consultation with the greatest poskim of our generation.

"The important ruling of our master, Chief Rabbi Bakshi-Doron, may he live long and happily, is accepted by millions of Jews in Israel and around the world, and demonstrates, to those who do not already know it, that the Halacha progresses and deals with complex issues all the time. This is an excellent example of a halachic perception which provides a ruling while addressing innovations in the world of medicine."

The National Transplant Center stresses that HIV-positive people can already donate organs today – but only to other HIV-positive patients. However, in Israel this has yet to be done.

"The world is experienced in this, especially regarding kidney transplant," says Dr. Tamar Ashkenazi, head of the National Transplant Center. "As far as we know, South African has the greatest amount of experience in this field."

Israel has not been required to deal with the issue yet. More than 7,400 new cases of HIV infection occur each day. On average, at least one of them is Israeli.

The absolute majority of the new cases are contracted from people who are unaware that they are HIV positive. A survey conducted in the past three years by Israel's AIDS Task Force and the Mutagim research institute revealed that nearly 70% of Israeli residents have never been tested for HIV.

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