

Tza'ar Ba'alei Chayim in the Lab

The Halachic Limits of Animal Experimentation

In 2022, the U.S. Congress passed the FDA Modernization Act 2.0, which removed the requirement to test all new drugs on animals as part of the approval process. While some new drugs can now be tested equally and perhaps more effectively in ways that do not require animal testing, many drugs rely on animal experimentation and testing in the development process. GLP-1-based medications like Ozempic were developed in large part through animal testing. GLP-1s are drugs that, broadly speaking, inhibit appetite and thereby indirectly induce weight loss and help prevent obesity.¹ These drugs, when first developed, were tested on animals in such high doses that they were found to cause severe malnourishment and, in some cases, complete cessation of eating. The question I would like to address—despite the immense benefits we now derive from the availability of these drugs—is whether it is permissible to induce such a level of malnourishment in an animal for the purpose of developing medication.

The Torah teaches in numerous places that there is an obligation to assist another person and their animal. The scenarios described in the Torah vary, but generally involve

animals that are suffering—whether from the load they are carrying, from having fallen, or from some other need for assistance—and bystanders are required to step in and help.² The Gemara infers from the wide-ranging application of these obligations that causing pain to animals—*tzaar baalei chayim*—is a violation of a prohibition *MiDioraysa*.³ The challenge, of course, lies in identifying both the precise source and, perhaps more importantly, the parameters of this prohibition.

Meiri suggests that even though the Gemara derives this prohibition from the pesukim concerning loading and unloading a struggling animal, its true source lies in the prohibition against muzzling an animal while it threshes wheat.⁴ The *Shitah Mekubetztes* suggests that there is no explicit pasuk at all, but rather that it is a *Halacha LiMoshe MiSinai*.⁵ Rambam, in *Moreh Nevuchim*, goes even further, suggesting that the core prohibition against inflicting suffering on animals is derived from the cruelty Bilaam showed to his donkey.⁶ None of these suggestions fully clarify the nature of the prohibition in any particular detail, yet they all agree on one point: there is a biblical prohibition against inflicting suffering upon animals. The question, then, is not merely whether



**Rabbi Kalman
Laufer**

*Director of Graduate Halacha
Programs, RIETS*

tzaar baalei chayim is prohibited, but how its limits are defined within a halachic system that simultaneously permits—and at times depends upon—the human use of animals.

In numerous areas of halacha, the Torah grants humanity the opportunity to derive tangible benefit from animals. In Sefer Bereishis, God bestows upon Noach and his progeny both the blessing and the mandate to procreate and fill up the land, granting them dominion over⁷ all the animals and creatures of the earth. In later parshiyos, the Torah requires the use of animals for korbanos, and many mitzvos revolve around eating meat. Yet killing is not a kind act. How, then, can the Torah so clearly prohibit cruelty to animals while at the same time requiring human participation in acts that necessarily cause them suffering?

One attempt to address this challenge



is a suggestion that appears in *Sefer HaChinuch*, mitzvah 451. There, the *Chinuch* suggests that the Torah offers us the mitzvah of shechitah because this method of slaughter minimizes the animal's suffering. The *Chinuch* explicitly addresses the tension between the slaughter of animals and the Torah's permission to derive benefit—monetarily or otherwise—from them. Following this logic, one might conclude that even the wanton use of animals for pleasure or profit would be permitted. In a responsum, the *Noda BeYehuda* suggests a slightly different logic to resolving the core issue.⁸ The prohibition of *tzaar baalei chayim*, he suggests, applies specifically to cruelty inflicted on a living animal. When the act in question is the killing of the animal itself, however—since it results in the animal's immediate demise—it cannot be categorized as cruelty. Cruelty is defined by the way we treat living animals; killing them is inherently not cruel.

This fundamental distinction between cruelty and the negative impact such cruelty has on the perpetrator, and actions taken for purposes that are not inherently cruel, extends much further. The Rama, for example, explicitly permits the use of animals, even if the animal will suffer, when it serves a legitimate medical purpose.⁹ He argues that “need,” broadly defined, permits the infliction of pain on animals, because the prohibition was never intended to apply in circumstances where

a legitimate purpose removes the element of cruelty. As an example of such a need, the Rama cites the plucking of feathers from a live bird to use as quills or down, even though it causes the animal pain. In comments on this ruling of Rama, however, Pri Megadim points out that avoidance of financial loss alone is insufficient. He was asked whether a bird keeper could break the small bones in a bird's wings to prevent it from flying away. He rules that it is not permitted.¹⁰

The question that remains is whether experimentation on animals to develop drugs that will most certainly benefit humans is broadly permitted. On the one hand, there is a clear argument that the benefit derived from such research constitutes a significant medical need to the human population. On the other hand, in the case of GLP-1 drug testing like Ozempic, animals were given medication that essentially forced them to starve themselves. In an analogous ruling, Rav Eliezer Yehuda Waldenberg permits the induction of cancer in mice for the purpose of developing treatments for those diseases.¹¹

However, although he allows the experimentation itself, Rav Waldenberg requires that anesthesia and pain killers be used to spare the animal any unnecessary suffering.

The principle thus permits the use of animals in pursuit of meaningful human benefit, yet halacha continues to demand adherence to the highest standards of moral sensitivity, lest we become cruel or callous in our effort to improve the world.

Endnotes

1. Liu, Qiuyan Keith. “Mechanisms of action and therapeutic applications of GLP-1 and dual GIP/GLP-1 receptor agonists.” *Frontiers in endocrinology* vol. 15 1431292. 24 Jul. 2024.
2. Shemos 23:5.
3. *Bava Metzia* 32a.
4. *Bava Metzia* 32a.
5. *Bava Metzia* 32a.
6. *Moreh Necuchim* 3:17.
7. Bereishis 9:3-5.
8. *Noda BeYehuda*, Mahadura Kama, YD 83.
9. Rama EH 5:14.
10. *Pri Megadim*, OC 468:2.
11. *Tzitz Eliezer* 14:68.



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