

Spaying or Neutering Pets

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Pets are increasing in popularity and one of the issues that pet owners must address is spaying or neutering their pet. For a variety of reasons, most people prefer to spay or neuter their pets but, unfortunately, are unaware of the *halachic* issues involved. In this article we will address the prohibition and some of the potential methods of arranging to have one's pets spayed or neutered without violating *halacha*.

The Torah enumerates some physical conditions that disqualify a *kohen* from serving in the *bais hamikdash*. One category is damaged genitals (see Vayikra 22:24). That *pasuk* not only disqualifies a *kohen* with damaged genitals from serving in the *bais hamikdash* but the *pasuk* concludes: *ובארצכם לא תעשו* – and this may not be done in your land. Accordingly, Shulchan Aruch (Even HaEzer 5:11) rules: It is prohibited to destroy reproductive organs, regardless of whether they are human organs, or from domesticated animals, undomesticated animals or even from birds. Furthermore, it makes no difference whether the creature is kosher or not or whether the procedure is performed in Eretz Yisroel or outside of Eretz Yisroel. One who violates this prohibition is punished with lashes. It is questionable, however, whether the prohibition applies to female animals and thus Shulchan Aruch rules that one who destroys the reproductive organs of a female, regardless of whether a human or any other creature, has committed a non-punishable offense

– פטור אבל אסור –

Shulchan Aruch is clear that a Jew may not spay or neuter his pet, and the only questionable aspect of this is whether performing the procedure is Biblically prohibited or Rabbinically prohibited. We know, however, that there are activities that, *halachically*, are prohibited for a Jew but permitted for a gentile. May one bring his pet to a gentile veterinarian to perform the procedure? There are two parts to this question. The first part is the question of whether spaying or neutering is permitted for a gentile or not. If a gentile is also prohibited from spaying and neutering animals, asking one to perform the procedure would violate the prohibition of *lifnei iver* – lit. placing a stumbling block before the blind, conceptually prohibiting one from causing someone, even a gentile, to sin. The second part of the question assumes that it is permitted for a gentile to perform these procedures and the question is whether a Jew may ask a gentile to perform that action on his behalf.

These two issues are presented in two different discussions in the *gemara*. The existence of the *Sheva Mitzvos B'nei Noach* is well known. The *gemara* (Sanhedrin 56a) records a dispute regarding which seven *mitzvos* that gentiles are obligated to observe. After listing the seven that comprise the standard list, R' Chidka adds the prohibition against destroying the reproductive organs of an animal. This discussion relates to the first issue of whether a gentile is permitted, *halachically*, to spay or neuter his own animals. The second discussion is in *Bava Metziah* (90a) where the *gemara* inquires whether a Jew may instruct a gentile to muzzle the Jew's animal and then thresh with it, something the Torah prohibits a Jew to do. The inquiry relates to whether the prohibition against asking a gentile to do something that a Jew may not do (אמירה לנכרי שבות) is limited to Shabbos

or does the restriction apply to any activity a Jew is prohibited to perform?

Shulchan Aruch (Even HaEzer 5:14) rules that it is prohibited for a Jew to ask a gentile to spay or neuter his animal. The Bais Shmuel (5:16) explains that the *Rishonim* disagree whether R' Chidka's opinion, prohibiting a gentile from destroying reproductive organs, is accepted in *halacha*. However, regardless of whether one subscribes to the view of R' Chidka or not, asking a gentile to spay or neuter one's animal is prohibited. It is either prohibited because a gentile is not permitted to spay or neuter, even his own animals or because asking a gentile to spay or neuter your animal is prohibited, even though the gentile may perform these procedures on his own animal. Furthermore, if a gentile takes a Jew's animal and castrates it, the animal is permitted but if subterfuge – *ha'aramah* was employed, the owner must sell the animal or gift it to someone outside of his household.

Rema, however, cites some options that could be used to arrange to have one's animal spayed or neutered. One option is to make the gentile a partner in the animal. Once the gentile is a partner in the animal, he can have the animal spayed or neutered because as a part owner of the animal he has the authority to perform the procedure on his animal. Another option that authorities agree is permitted is to sell the animal to one gentile who will take the animal to another gentile to perform the procedure, called *lifnei d'lifnei*. When it is a two-step process, 1 – sell the animal to a gentile, 2 – the gentile asks another gentile to perform the procedure, it is permitted but it is debated whether one may sell an animal to a gentile who, himself will perform the procedure. Lastly, the Rema rules that procedures that are done to heal the animal or for other purposes, beneficial for the animal, the prohibition of *tzaar baalei chaim* – causing distress to an animal – does not apply.

Aruch HaShulchan (Even HaEzer 5:26) asserts that the majority of *poskim* subscribe to the view that, *halachically*, it is permitted for a gentile to castrate an animal and thus it is permitted for one

to sell his animal to a gentile so that the gentile will spay or neuter it. However, since there is a dissenting opinion that agrees with R' Chidka who prohibits gentiles from castrating an animal, there are authorities who avoid selling animals to gentiles to be sensitive to that minority view.

As far as spaying a female animal, when Rav Moshe Feinstein zt"l was asked whether it is permitted to ask a gentile veterinarian to spay his female animal, Rav Moshe ruled that it is prohibited. However, Rav Moshe advised informing the gentile veterinarian that he may not spay his animal and would prefer to sell the animal to the vet. Once the procedure is performed the Jew may purchase the animal back from the vet. This leniency is rooted in a *sfek sfeika* – two points of doubt. The first is that there is a question whether a gentile is prohibited from destroying reproductive organs. The second doubt revolves around the question of whether the prohibition applies to female creatures. These two points of doubt can be combined and permit one to sell a female animal to a vet, for the vet to spay the animal and then for the Jew to repurchase the animal back from the vet. Rav Heinemann (<https://www.star-k.org/articles/articles/6709/insights-from-the-institute-pet/>) adds that although one should not state explicitly that he intends to purchase the animal back, one may use terminology that hints that that is the intent. Moreover, the Jew may even give the gentile vet a cash gift to use towards the purchase of the animal and then “repurchase” the animal for the cost of the procedure. An even better approach, however, is to sell the animal to the receptionist or some other gentile to bring the animal to the vet to perform the procedure. As we explained, however, this solution is limited to female animals where the *sfek sfeika* applies but does not apply to male animals. One who wishes to purchase a male animal should make sure that the animal was already neutered to avoid potential Biblical prohibitions involved in neutering one's animal.



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