

38. Killing in plural? On animal life assessments by veterinarians and the role of euthanasia

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Abstract

In society and within the veterinary profession, a plurality of views is seen on killing of animals. This plurality of views leads to diversity in the characteristics of end of animal life (EOL) discussions. It is in that perspective remarkable that euthanasia as a concept is used consistently throughout the various disciplines of the veterinary practice. In this paper we will explore how the concept of euthanasia can function as a bridging concept in ethics for EOL decisions and how it enables comparison of veterinary actions in different disciplines of the veterinary practice. The former requires conceptual clarity. Using existing literature, we define four core elements of the concept of euthanasia in the veterinary practice, namely: (1) a deliberate decision to kill an animal; (2) the act of killing performed in such a way that it does not come with any avoidable pain, distress or suffering; (3) the intention to act in the best interest of the animal by preventing (further) suffering; and (4) the determination of the agents to act in the interest of the animal as much as possible when a conflict of interest arises. Building on this, we argue that euthanasia may not function as a bridging concept, but it has the ability to compare various actions in different disciplines of the veterinary practice. Furthermore, euthanasia can enable discussion between veterinarians and the general public on EOL related questions including the veterinary role and responsibilities at the EOL. In conclusion, we will show how this desk study functions as building block for the design of a planned empirical study on (moral) attitudes of veterinarians on EOL discussions that allows for comparing the role of veterinarians in various contexts.

Keywords: veterinary ethics, conceptual analysis, intentions

Introduction

In all contexts in which animals are kept or receive veterinary care, questions about the end of animal lives (EOL) occur (Christianen *et al.*, 2016; Hartnack *et al.*, 2016; Meijboom and Stassen, 2016; Springer *et al.*, 2019). Nonetheless, there are serious differences in what kind of questions arise depending on the animal practice. For example, in a small animal practice, EOL discussions are often about quality of life or expected life span. Whereas in a farm animal practice discussions more often focus on the economic value of an animal in relation to further treatment. These differences have a multi-layered background including tradition, views on the moral position of animals and human-animal bonds (Meijboom and Stassen, 2016). Moreover, these differences are rooted in a plurality of views on killing of animals in society and within the veterinary profession. This plurality is reflected in discussions regarding when, why and who is allowed to kill an animal or even should kill an animal. Additionally, discussions focus on when one is allowed to refuse killing an animal (Meijboom and Stassen, 2016; Schukken *et al.*, 2019; Yeates and Main, 2011). Consequently, questions about consistency of veterinary ethics arise. What elements are needed in veterinary ethics to deal with the plurality of views on killing of animals? Additionally, we wonder what could support the veterinary profession in dealing with the impact of this plurality in their daily work. Several publications reported that veterinarians experience ethical dilemmas when confronted with the killing of animals. In some cases, this affects their professional and personal wellbeing due to signs of burnout and moral distress (e.g. Rollin, 2011). Although a plurality

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of views within the profession leads to differences in EOL discussions, it is noteworthy that euthanasia as a concept is used consistently throughout the various disciplines of the veterinary practice (Edwards-Callaway *et al.*, 2020; Hartnack *et al.*, 2016; Springer *et al.*, 2019). In this paper we will therefore explore whether, and if so, how the concept of euthanasia can function as a bridging concept in ethics for EOL decisions and how the concept enables the comparison of veterinary actions within different disciplines of the veterinary practice. The former requires conceptual clarity. Using existing literature, we define four core elements of the concept of euthanasia in the veterinary practice to create the needed conceptual clarity.

The concept of euthanasia in veterinary practice

When focussing on euthanasia in veterinary practice several definitions can be found in the literature (Bekoff and Meaney, 1998; Cholbi, 2017; Kasperbauer and Sandøe, 2016; McMahan, 2002; Yeates, 2010). The Greek *ευθανασία*, from which euthanasia originates, literally translates to 'good death'. A part of the content is revealed by the literal meaning as it implies that we can differentiate between forms of death considered as 'good' and forms which we consider not as 'good'. This evaluative stance supposes that euthanasia is about something active that can be valued rather than a situation that happens to you. Therefore, we consider euthanasia as a concept that describes killing rather than the decisions of letting an animal die. Furthermore, euthanasia is about a decision to act rather than to omit. This leads us to a first core element of the concept of euthanasia, namely euthanasia refers to a deliberate decision to kill an animal. This first element of euthanasia is, however, still rather broad and spans over many cases in which animal lives are ended, such as procedures of slaughter and depopulation. With the first core element in mind, we compare two examples to discover two additional core elements.

Suppose one drives a car and suddenly a dog crosses the road. Imagine the car hits the dog and as a result the animal dies. This example is considered to be an accident rather than euthanasia. It lacks a deliberate decision to kill an animal as there is no intention to kill. The importance of intention can be illustrated in the following example. Two sisters decided to kill their hen with help of their car¹. Their intention was to kill the animal and consequently to stop the suffering of the hen. This case raised a lot of public commotion including suspicions of animal cruelty. In the end, the authorities concluded that this was not a case of animal cruelty as the animal seemed to be killed instantaneously and the intentions of the sisters were not to harm the chicken.

The comparison of these two examples first illustrates that euthanasia is not only about active killing and the decision to end an animal's life but is also about the performance of an act that results in the death of an animal and to prevent (further) suffering. When we focus on the method, we argue that the 'good' in euthanasia refers to the quality of the performance of the act. Euthanasia links to conditions of an appropriate level of knowledge, competence and experience to kill without causing the animal any avoidable discomfort. This leads us to the second core element, namely the act of killing the animal is performed such that it does not come with any avoidable pain, distress or suffering. Furthermore, the comparison reveals also a third element: the intention. Intentions play a vital role to differentiate euthanasia from other forms of killing animals. In the example of the sisters it becomes clear that they had the intention to do the right thing for the animal. When we focus on the motivation, we argue that the 'good' in euthanasia refers to the intention to act in the best interest of the animal. In other forms of killing such as slaughter or depopulation, the interest of the individual animal seems to play a less central role. This conclusion brings us to the following questions: how can 'the right thing to do' be defined and, building on that, 'the best interest of the animal'? Before we address these questions, let us consider the above discussions. Based on these we can conclude that the core elements that define the

¹ <https://www.rtlnieuws.nl/nieuws/artikel/4606751/vrouwen-kip-slachten-auto>.

concept of euthanasia are: (1) a deliberate decision to kill an animal; (2) the act of killing performed in such a way that it does not come with any avoidable pain, distress or suffering; and (3) the intention to act in the best interest of the animal by preventing (further) suffering. From these three elements, element (3) seems to be the most specific for euthanasia as (1) and (2) are also applicable in other cases in which animals are killed. Therefore, we elaborate on (3) in more detail. We first focus on the interest of the animal in cases of end of life decisions followed by an analysis of the intention. This leads us to the fourth core element of euthanasia as a concept.

The interest of the animal

Focussing on the interest of the animal raises the question whether an animal can have an interest in the continuation or ending of its life. Although many animals have a strong biological instinct to survive this is not the same as to having an interest in staying alive, i.e. that staying alive is good for the animal in itself. From the recognition of animals as sentient beings, we can conclude that animals can be harmed rather than damaged only. Animals have interests, at least to prevent harm, but also to achieve certain goods. However, this is not yet an answer to the question whether they have interests in the context of end of life. A sentience approach combined with a utilitarian outlook often results in a view that the death of an animal is morally neutral. This is based on the assumption that animals cannot be deprived of future welfare as long as they lack the capacity to anticipate or reflect on the future. Therefore, if an animal is killed in a way that does not lead to any avoidable discomfort, it can be in the interest of the animal. Nonetheless, there is more to say about interest of animals in end of life situations. There are even indications that some animals are capable of episodic future thinking (Broom, 2010; Clayton *et al.*, 2003) and thus have an idea of future or are aware of their life stage. Although this episodic future thinking may not be completely comparable to the capability of humans, these indications complicate the idea that animals have no, or very limited, interests related to the end of life. This observation questions the statement that killing is morally neutral. Furthermore, for an animal to have interests, an animal does not necessarily need to be aware of its interests. This entails that animals can have an interest in the continuation or ending of their life referring to what is good for themselves. The reference to the 'good' of the animal may sound odd in combination with the ending of a life, though this can be explained via the Life Comparative account theory and time-relative interest account theory. In the Life Comparative account theory, death is measured in terms of its effect on the overall value of the animal's life as a whole (Cholbi, 2017; McMahan, 2002). This theory suggests that the death of an animal is *prima facie* harmful to the animal and should be compared with the harm of suffering when life is prolonged. Depending on the prospective quality of life, death can be harmful or beneficial for the animal. In practice, one has to assess how to prevent greater harm to the animal by comparing the actual life with a death at time t with a prolonged life and a death at time x . From this perspective, it can be in the interest of an animal to kill it if the continuation of its life leads to greater harm. However, this may lead to counterintuitive implications. Suppose one is confronted with a dog that is a companion to a family and a fish in an aquarium in the same family. The Life Comparative account theory would lead to a much lower threshold to kill the fish than the dog, because the dog's quality of life is more complex than that of a fish. Therefore, the dog can be more harmed by the killing than the fish (McMahan, 2002). The time-relative interest account (TRIA), proposed by McMahan (2002; 2016), adds a level of complexity. TRIA also considers the amount of good life of which the individual is deprived by death. However, it expands on this by including the extent to which the individual is psychologically connected to their future self and their self at the time of death. Hence, the badness of death is proportional to the strength of the victim's time-relative interest in continuing to live (McMahan, 2002). As a result, the death of a 3-year-old human child, a 3-year-old dog or a one-day old chicken depends on the time-relative interest of each of these three in continuing to live. This interest is based on: (1) the amount of good that a living being loses through death; and (2) the psychological unity over time (DeGrazia, 2016). Regarding the former, the young child loses more 'good' than the young chicken due to both the life expectancy and the complex

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cognitive abilities that a child already has and the chicken does not (seem to) have. Concerning the latter, the dog has a stronger internal reference between earlier and later mental states, such as past experiences or anticipations than the one-day old chicken (seems to) have. Therefore, the interest of these animals in cases of end of life situations differ. Although TRIA has its own disadvantages (Heeger, 2016), it shows that animals can have interests that have a direct impact on the evaluation of the death of the animal.

Acting in the animal's interest

Even though animals have interests related to their end of life, there is a complicating matter: humans are making the decision when it comes to ending the animal's life. This leads to epistemic problems and questions of intention.

First, in most cases we cannot communicate with animals about their interests. Additionally, despite innovation in ethology and animal welfare science, we still lack sufficient knowledge about the interest of the animal. Cholbi (2017) proposes to let the animal keeper play an important role as a guardian in questions of euthanasia of companion animals due to their long-term relationship. This is an interesting start, although we see two problems. On the one hand, despite the daily interaction that animal owners have with their animals, animal owners might have limited knowledge in interpreting the health and/or welfare status of their animal. Furthermore, their vision can be clouded by human-centred interests. On the other hand, the proposal to consider the animal keeper as guardian could make the animal quite vulnerable. For example, in cases in which a long-term relationship is missing. The lack of this long-term relationship could be due to the intentions of the owner or the specific system in which the animal is kept. Think of a broiler farm in which chicken by definition of the practice will not get old enough to build a long-term relation. In both cases, the expertise of a veterinarian can be of essential added value to decide whether, considering the health and welfare status of the animal, it is in the best interest of the animal to resort to end the animal's life.

Second, one can wonder if killing an animal is still euthanasia when the intention of those involved is not only focused on the interest of the animal. Do we exclusively consider the killing of an animal as euthanasia when discomfort is avoided, and the act of killing is performed by a person who is only guided by the animal's interest? Or can we still speak of euthanasia when other considerations such as context are included? This is important for our aim to explore whether euthanasia can play a role in bridging the diversity in EOL decisions. An answer can be formulated with the help of the notion of 'contextually-justified euthanasia' as proposed by Yeates (2010). This viewpoint stresses the importance of context in EOL situations and argues that quality of life is also depending on the context in which the animal lives. Therefore, the situation can exist in which an animal under ideal circumstances could have a life worth living. However, because of the context in which the animal lives there are circumstances due to which one decides to kill the animal. These circumstances may be the result of various reasons such as 'an owner's unreasonableness or the fault of society' (Yeates, 2010). From this perspective, the interest of the animal is still included in the decision whether to euthanise the animal. Other contextual considerations can be included as well such that ending the animal's life can be still justified. To further elaborate on the inclusion of other considerations, we use an example from practice. An owner comes to a veterinary practice with his dog which repeatedly vomited over the past two weeks and has significant weight loss. Despite efforts by the veterinarian to convince the owner, the owner does not allow the veterinarian to perform any diagnostics. As second-best option, the dog received medication which did not stop the vomiting. In the end, the veterinarian decided to kill the animal considering that the continuation of the animal's life was not acceptable. In line with Yeates' account, we could speak of contextually justified euthanasia. It is obvious that the decision to kill the animal is not only based on animal interest but influenced by the interest of the owner. This example raises the question whether the inclusion of human-centred interest in the definition of euthanasia will not lead to arbitrary situations.

Is there a difference between acting according to the wishes of the owner and what the veterinarian did in this example? We argue that intentions are essential to make a difference. This leads to a fourth core element of euthanasia. When confronted with a conflict of interest in EOL discussions, the intention of the agents involved should still be to act in the best interest of the animal as much as possible. This allows that context and the interests of others to be included in EOL discussions, though it does not form a *carte blanche* to escape from professional responsibilities. One should strive to remedy the conflict of interest in such a way that one still acts in the interest of the animal.

In summary, we propose the concept of euthanasia is formed by four core elements: (1) a deliberate decision to kill an animal; (2) the act of killing performed in such a way that it does not come with any avoidable pain, distress or suffering; (3) the intention to act in the best interest of the animal by preventing (further) suffering; and (4) the determination of the agents to act in the interest of the animal as much as possible when a conflict of interest arises.

The perspective in practice

We defined four core elements of the concept euthanasia in the veterinary practice to create conceptual and normative clarity. Now we can return to the question whether euthanasia can function as a bridging concept. The four elements show that euthanasia is not restricted to a particular context or part of veterinary practice. Furthermore, euthanasia can incorporate the characteristics of the specific disciplines of the veterinary practice. In this way the concept can bring different practices of EOL together and can deal with the characteristics of a (clinical) case. However, we would overload the concept if we aim to build a veterinary ethics for EOL decisions only on this concept. The plurality at stake in cases of animal death is more profound and includes fundamental assumptions such as about what we owe to animals, the value of life and human freedom. Differences at this level cannot be mitigated on a conceptual level only. Nonetheless, euthanasia in the way we presented in this paper enables to open and to stimulate the debate between veterinarians and the general public on EOL related questions including the role of the veterinarian and her responsibilities at the end of animal life. As first step to support this claim an empirical study among veterinarians of various disciplines of the veterinary practice seems a logical step to explore what our proposed concept implies in practice. Therefore, we have planned a study to analyse whether, and if so, how the concept enables to compare contexts and enables discussion. Additionally, we plan to explore whether the concept can provide guidance for veterinarians to address EOL related problems and so to cope with these problems more effectively. In this way our empirical study aims to focus on the (moral) attitude of veterinarians on EOL discussions that allows us to compare the role of veterinarians in various contexts.

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