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2020

## The Definition of Nonhuman Animal Euthanasia

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### Recommended Citation

Lorenzini, Daniele, The Definition of Nonhuman Animal Euthanasia, *Animal Studies Journal*, 9(2), 2020, 1-20.

Available at: <https://ro.uow.edu.au/asj/vol9/iss2/2>

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## The Definition of Nonhuman Animal Euthanasia

### Abstract

Under what conditions does the killing of a nonhuman animal qualify as euthanasia? In this paper, I elaborate an original nonprescriptive definition of nonhuman animal euthanasia which avoids the conceptual confusions surrounding the use of this expression. Such a definition imposes strict limitations on the notion of nonhuman animal euthanasia. On the one hand, the nonhuman animal whose life is ended through an act that legitimately qualifies as euthanasia is *normally* a sentient domestic animal. On the other, the painless and merciful nature of the termination of a nonhuman animal's life is a necessary but *not* sufficient condition for it to count as a genuine instance of nonhuman animal euthanasia.

### Keywords

Compassion, Domestic Animals, Nonhuman Animal Euthanasia, Pain, Sentience

### Cover Page Footnote

An earlier version of this paper was presented at the international conference "Animals and Death" at the University of Leeds in September 2016. I am indebted to the conference participants, three anonymous reviewers, and Sabina Vaccarino Bremner for illuminating discussion and insightful comments that greatly helped improve my argument.

# The Definition of Nonhuman Animal Euthanasia

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**Abstract:** Under what conditions does the killing of a nonhuman animal qualify as euthanasia? In this paper, I elaborate an original nonprescriptive definition of nonhuman animal euthanasia which avoids the conceptual confusions surrounding the use of this expression. Such a definition imposes strict limitations on the notion of nonhuman animal euthanasia. On the one hand, the nonhuman animal whose life is ended through an act that legitimately qualifies as euthanasia is normally a sentient domestic animal. On the other, the painless and merciful nature of the termination of a nonhuman animal's life is a necessary but not sufficient condition for it to count as a genuine instance of nonhuman animal euthanasia.

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## I

In this paper, I draw from Tom Beauchamp and Arnold Davidson's nonprescriptive definition of human euthanasia in order to elaborate a rigorous nonprescriptive definition of nonhuman animal euthanasia which avoids the conceptual confusions surrounding the use of this expression. Such a definition imposes strict limitations on the notion of euthanasia when applied to nonhuman animals. Under what conditions does the killing of a nonhuman animal qualify as euthanasia? I argue, on the one hand, that the nonhuman animal whose life is ended through an act that legitimately qualifies as euthanasia is *normally* a sentient domestic animal, and that to talk of euthanasia in relation to other kinds of sentient nonhuman animals is only *exceptionally* justified. On the other hand, I contend that the painless and merciful nature of the termination of a nonhuman animal's life is a necessary but *not* sufficient condition for it to count as a genuine instance of nonhuman animal euthanasia.

## II

It seems clear that only a *nonprescriptive* definition of nonhuman animal euthanasia, that is, one which dictates no moral conclusions (Beauchamp and Davidson 294), can provide us with a solid ground on which to elaborate rigorous normative arguments on the moral rightfulness or wrongfulness of such a practice. Strikingly enough, however, no attention has been devoted to this specific problem so far, and only very little attention has been paid to the more general issue of nonhuman animal euthanasia.<sup>1</sup>

Tom Regan's in-depth discussion of this issue in the third chapter of *The Case for Animal Rights* stands out as one of the rare exceptions to the rule.<sup>2</sup> Regan rightly emphasizes the moral and political relevance of nonhuman animal euthanasia. Every year, millions of nonhuman animals are said to be 'euthanized': not only companion and domestic animals, but also food and laboratory animals, animals used for human entertainment, and so on (Regan 109). However, to describe all these intentional terminations of nonhuman animal lives as instances of euthanasia,

rather than as (more or less morally justifiable) killings of nonhuman animals, has profound consequences – first and foremost that of presenting such terminations as morally and politically unproblematic. As long as these nonhuman animals are killed painlessly, ‘humanely’, no ethical issue should arise, or so we are told. In other words, euthanasia is attributed in this context the (literal) meaning of a ‘good’ – that is, a painless – death, so that the only problem deserving to be addressed seems to be that of the means used to kill these nonhuman animals, and not that of the *reasons* that made it necessary to kill them in the first place.<sup>3</sup> By contrast, if we want to ‘embrace euthanasia as an act of mercy for suffering animals, while challenging its use as a tool for easy disposal of unwanted or fractious animals’ (Pierce, *The Last Walk* 11), I argue that it is crucial to first address the issue of whether, and if so when, the termination of nonhuman animal lives is properly classifiable as a *genuine* instance of nonhuman animal euthanasia. A thorough conceptual clarification is the necessary prerequisite to any normative discussion about the moral legitimacy of this practice.<sup>4</sup>

In order to provide such a clarification, it is necessary to elaborate a rigorous nonprescriptive definition of nonhuman animal euthanasia. If this has never been done before, it may be because scholars and practitioners (surprisingly) take the meaning of human euthanasia, and *therefore* of nonhuman animal euthanasia, to be uncontroversial, or because defining nonhuman animal euthanasia is for them a negligible aspect of an endeavor they consider to be far more important: the elaboration of an *ethics* of nonhuman animal euthanasia. However, both of these reasons are deeply unsatisfactory. On the one hand, although a nonprescriptive definition of nonhuman animal euthanasia can be fruitfully modeled on that of human euthanasia, it does not perfectly coincide with it. On the other hand, while discussions about the moral justifiability of nonhuman animal euthanasia are of crucial importance, the elaboration of an adequate definition of it – one that dictates no moral conclusions – constitutes the ground on which such discussions must rely if they want to avoid the risk of conceptual confusions.

Here, to elaborate a nonprescriptive definition of nonhuman animal euthanasia, I draw from the definition that Beauchamp and Davidson offer of human euthanasia in their paper, ‘The Definition of Euthanasia’. The latter has the invaluable merit of challenging the widespread idea that the distinction between active and passive euthanasia has to be built into the definition of

euthanasia.<sup>5</sup> Beauchamp and Davidson convincingly argue that such a distinction has no conceptual significance: ‘If A is causally responsible for the death of B, then it is of no conceptual significance (even though it may be of moral importance)<sup>6</sup> whether A’s responsibility is active or passive; in either case he is still causally responsible’ (310). In *The Case for Animal Rights*, Regan only addresses the issue of active nonhuman animal euthanasia, claiming that the cases in which it is possible to talk of passive nonhuman animal euthanasia are extremely rare (109). However, this clearly does not constitute a satisfactory justification for ruling them out when elaborating a rigorous definition of nonhuman animal euthanasia.

### III

The termination of a nonhuman animal’s life can be legitimately considered as an instance of nonhuman animal euthanasia if and only if five conditions are satisfied. To begin with:

- (1) The nonhuman animal’s death must be intended by at least one moral agent,<sup>7</sup> where the latter is either the cause of death or a causally relevant feature of the event resulting in death (whether by action or omission).

As emphasized in Section II, this means that no a priori conceptual distinction between active and passive euthanasia is built into our definition of nonhuman animal euthanasia. Also note that the termination of the nonhuman animal’s life should be intentional, not accidental, to count as a genuine case of nonhuman animal euthanasia. Moreover:

- (2) There must be sufficient current evidence for the moral agent to believe that the nonhuman animal is acutely suffering or comatose, and that this condition is irreversible or that any available treatment would be too painful compared to the quantity and quality of life that the nonhuman animal is expected to gain from it.

This condition, together with the following one, challenges the widespread idea that painlessly ending a nonhuman animal’s life does not harm them because ‘one is not aborting [their] life’s goal or project’ (Rollin 1081), and thus that *any* painless termination of their life can be

considered – and potentially justified – as an instance of nonhuman animal euthanasia (Kasperbauer and Sandøe 21). I argue instead that, to count as a genuine instance of nonhuman animal euthanasia, the intentional termination of the nonhuman animal’s life must aim at the alleviation of their suffering or the cessation of their comatose state (see below, condition [3]), provided that there is sufficient current evidence that they are irreversible or that all the available treatments would be too painful compared to the quantity and quality of life that the nonhuman animal is expected to gain from them.

However, condition (2) is also meant to bring to light that not every action intended to alleviate the nonhuman animal’s suffering or to put an end to their comatose state, and resulting in the nonhuman animal’s death, is an instance of nonhuman animal euthanasia. Indeed, such an action might be based on ignorance or insufficient evidence. If that is the case, one should talk of ‘well-intentioned killing’ rather than euthanasia (Regan 115). In other words, not all instances of well-intentioned killing are *ipso facto* instances of euthanasia. This is why it is crucial to include in condition (2) the need for the moral agent to have ‘sufficient current evidence’ for their beliefs about the nonhuman animal’s situation, although one should refrain from going as far as Regan and arguing that ‘the one who kills must believe, *and it must be true*, that the death of the one who is killed is in that individual’s interests’ (111, emphasis added). Not only it seems inappropriate to use the (morally charged) term ‘killing’ in a nonprescriptive definition of nonhuman animal euthanasia, but more importantly it is unclear how one could ever establish, *beyond any reasonable doubt*, that the belief of the moral agent who puts the nonhuman animal to death is ‘true’.

It should be noticed here that there is an asymmetry between Beauchamp and Davidson’s formulation of condition (2) as applied to human euthanasia and my formulation of the same condition as applied to nonhuman animal euthanasia. Beauchamp and Davidson stipulate that, to count as an instance of human euthanasia, the termination of A’s life can also rely upon ‘sufficient current evidence related to A’s present condition such that one or more known causal laws support B’s belief that A will be in a condition of acute suffering or irreversible comatoseness’ (301). However, it seems reasonable to assume that, barring exceptional circumstances, the termination of a nonhuman animal’s life *before* they fall into an

irreversible condition of acute suffering or comatoseness, that is, when they are still able to enjoy their basic ‘capabilities’ (Nussbaum) or have ‘valuable experiences’ (Cochrane 131-132), should not count as a genuine instance of nonhuman animal euthanasia. This is not to say that, for instance, the justified belief of a companion animal guardian that their dog will soon fall into an irreversible condition of acute suffering should not play *any* role in the decision process potentially leading to the termination of their life, nor that the choice to actually terminate their life under those circumstances would be morally reprehensible. But since we have no conclusive evidence that nonhuman animals are able to anticipate their falling into such a condition or, *a fortiori*, that they may suffer from the simple knowledge of it, it does not seem legitimate to include this clause in our nonprescriptive definition of nonhuman animal euthanasia.<sup>8</sup>

As mentioned above, in a nonprescriptive definition of nonhuman animal euthanasia, pace Robert Garner (*Animals, Politics, and Morality* 19), one also needs to include a condition about the *reasons* the moral agent has for causing the death of the nonhuman animal, although these are sometimes difficult to ascertain. For instance, if a companion animal is acutely suffering or irreversibly comatose and their guardian terminates their life *primarily* because they are costing too much in treatments, or because they want to go on vacation instead of staying home with the companion animal, the termination of the latter’s life may still result in an objectively desirable death for them, but should not count as a genuine instance of nonhuman animal euthanasia (Cochrane 132). Therefore:

- (3) The moral agent’s primary reason for intending the nonhuman animal’s death must be cessation of the nonhuman animal’s condition of acute suffering or irreversible comatoseness, where the moral agent does not intend the nonhuman animal’s death for a different primary reason, even though there may be other relevant reasons.

In this respect, it is important to notice that the merciful nature of the act of termination of a nonhuman animal’s life is a necessary but *not* sufficient condition for it to count as a genuine instance of nonhuman animal euthanasia – although compassion can and usually does play an important role in the choice made by the moral agent(s) responsible for it. Thus, if one can legitimately talk of a ‘merciful’ termination of a nonhuman animal’s life, this should not obscure

the fact that any genuine act of nonhuman animal euthanasia must be practiced only after undertaking a thorough, rational decision process, as condition (2) also emphasizes. Moreover, condition (3) entails that all the terminations of nonhuman animal lives for reasons of public (human) health can at best be considered as morally justified killings, but certainly not as instances of nonhuman animal euthanasia.

#### IV

In addition to these three conditions, a further condition stipulates that:

- (4) *a.* There must be sufficient current evidence for the moral agent to believe that the causal means to the nonhuman animal's death will not produce any more suffering than would be produced for the nonhuman animal if the moral agent were not to intervene.
- b.* The causal means to the event of the nonhuman animal's death are chosen by the moral agent to be as painless as possible, unless there is an overriding reason for a more painful causal means, where the reason for choosing the latter causal means does not conflict with the evidence in (4*a*).

While condition (4*a*) is quite straightforward, condition (4*b*) requires clarification. Its aim is to capture the intuition that a moral agent might choose a more painful means of inducing death if, for instance, such a means would hasten the nonhuman animal's death, and that their act would still count as a genuine instance of nonhuman animal euthanasia, provided that it does not involve more total suffering than would be produced if they were not to intervene (Beauchamp and Davidson 451).

This twofold condition is of crucial importance, but the role it plays in the definition of nonhuman animal euthanasia should not be exaggerated. Indeed, as mentioned above, there is a widespread tendency to reduce nonhuman animal euthanasia, (etymologically) defined as good death, to this sole condition. For instance, nonhuman animals used for scientific purposes are said to be 'euthanized', upon completion of nonfatal uses, *only* because the means employed to

put them to death are painless (Jiménez-Coello et al.; Pierce, ‘The Dying Animal’). The report to the European Commission on the ethics and practice of ‘euthanizing experimental animals’ (Close et al.) is just one among many examples that could be cited, including the latest edition of the American Veterinary Medical Association’s ‘Guidelines for the Euthanasia of Animals’ and virtually all the other professional guidelines for ‘euthanizing’ nonhuman animals. However, this is clearly not enough for these terminations of nonhuman animal lives to count as genuine instances of nonhuman animal euthanasia, since ‘euthanasia requires more than killing another painlessly or with a minimum of suffering’ (Regan 109).

The problem is that if we define nonhuman animal euthanasia simply as ‘a gentle and easy death’ (Singer, *Practical Ethics* 175), then it becomes possible to argue that the painless, ‘merciful’ killings of nonhuman animals in laboratories, or of companion animals requiring medical care the financial or emotional costs of which their guardian(s) are not able or willing to bear, are all instances of nonhuman animal euthanasia – and to justify or even applaud such practices (Meijer 213). Thus, the conceptual confusions that characterize current definitions of nonhuman animal euthanasia risk obscuring serious moral issues and entailing the implementation of suspect political strategies. This is not to suggest that we should stop demanding a more effective and generalized use of painless means to terminate nonhuman animal lives whenever such terminations are deemed necessary. Yet this (legitimate) demand should not overshadow the fact that painlessly putting a nonhuman animal to death does not constitute *in and of itself* an instance of nonhuman animal euthanasia – much as painlessly killing a human being does not constitute *in and of itself* an instance of human euthanasia.

Therefore, to define ‘proper euthanasia’ as a ‘painless killing that is in the interest of the killed individual’ (Kasperbauer and Sandøe 21) is not enough. We must add a fifth and final condition to our nonprescriptive definition of nonhuman animal euthanasia:

- (5) The nonhuman animal’s condition of acute suffering or irreversible comatoseness must not be the immediate outcome of the way they were treated by the moral agent(s) (directly or indirectly) involved in the termination of their life.

This means that, for example, if a companion animal guardian has forced their dog to live in a small cage for years, thus provoking permanent psychophysical damages leading to a condition of acute suffering that proves to be irreversible, the termination of the dog's life decided by their guardian, although realized painlessly and out of mercy, should not be considered as an instance of nonhuman animal euthanasia. The same conclusion applies to laboratory animals who are killed upon completion of nonfatal uses. Indeed, even if the individual putting them to death might not have been directly involved in the scientific experimentation, the termination of the nonhuman animal's life is still the direct (and foreseeable) consequence of a process defined and controlled by a group of individuals they are part of. To avoid talking of nonhuman animal 'euthanasia', in this as well as other analogous cases, and instead describe such acts as instances of – at best – 'merciful killing', should help develop a new moral and political awareness of the ways in which nonhuman animals are routinely put to death in our society.<sup>9</sup> If specific individuals, practices, or institutions are the direct cause of the harm leading to a nonhuman animal's present state of acute suffering or irreversible comatoseness, it is not legitimate to talk of nonhuman animal euthanasia when their life is 'mercifully' terminated – although, under these conditions, the painless termination of their life could still turn out to be morally justified.

As a result, to talk of 'nonhuman animal' euthanasia might be misleading: our definition entails that the nonhuman animals to whom the notion of euthanasia can be legitimately applied are *normally* sentient domestic animals, and that to apply the notion of euthanasia to other kinds of sentient nonhuman animals is only *exceptionally* justified.<sup>10</sup> Indeed, although it is conceptually possible to apply the notion of euthanasia to *any* sentient nonhuman animal, condition (5) stipulates that it is legitimate to talk of nonhuman animal euthanasia *only* in relation to nonhuman animals who have not been utilized solely as objects – to be treated as we please regardless of their own well-being (Singer, *Practical Ethics* 134) – but who have also been treated as subjects with a specific welfare and interests to be preserved.<sup>11</sup> These will normally include sentient companion animals, but may also include other sentient domestic animals such as service animals or animals from whom labor is sought (Cholbi 265). There are of course exceptions. For instance, if a wounded sentient free-living animal, or a sentient laboratory or

shelter animal, is ‘rescued’, but it eventually turns out that it is impossible to heal them and that the best solution for the nonhuman animal themselves is that their life be painlessly terminated, then condition (5) is satisfied and it is therefore legitimate to talk of nonhuman animal euthanasia.<sup>12</sup>

Here, an important objection deserves to be raised.<sup>13</sup> It could be argued that, since we are mainly talking of sentient nonhuman animals *under human control*, it is virtually impossible to rule out an anthropogenic causal chain leading to their suffering. This is true in particular of domesticated animals who have been put in a situation of vulnerability to all kinds of diseases and health problems through breeding practices (Palmer, *Animal Ethics in Context*). However, it is still intuitively legitimate to say that we ‘euthanize’ these nonhuman animals when they are acutely suffering from such diseases and they were not the victims of any specific maltreatment. Thus, condition (5) seems to overapply in that it makes it virtually impossible to talk of nonhuman animal euthanasia in our society, except maybe for wounded free-living animals, or for rescued laboratory or shelter animals – a conclusion that an abolitionist might very well be willing to endorse.<sup>14</sup>

My response to this objection is that causal responsibility is *gradual* and it is not the business of a nonprescriptive definition of nonhuman animal euthanasia to determine its exact boundaries, although such a definition should allow us to clearly include or rule out the most uncontroversial cases. Condition (5) refers to the nonhuman animal’s acute suffering or irreversible comatoseness as the ‘immediate outcome’ of the way they were treated, thus clearly preventing us from talking of euthanasia with respect, for instance, to the killing of laboratory animals upon completion of nonfatal uses, or of domestic animals whose condition of acute suffering or irreversible comatoseness is the direct consequence of a maltreatment by their guardian(s). At the same time, it suggests that the commonsensical view about ‘euthanizing’ domestic animals who did not suffer any specific maltreatment by their guardian(s) is conceptually justified. However, it should be noticed that our definition of nonhuman animal euthanasia is capacious enough to accommodate a more radical interpretation of the practice of domestication: if one believes that, even in the latter case, the killing of domestic animals must be considered as the ‘immediate outcome’ of the human practice of domestication, then one is

forced to conclude that in our society we should talk of merciful killing instead of euthanasia in most of the cases involving the termination of nonhuman animal lives.<sup>15</sup>

## V

Before concluding, it is crucial to mention – and respond to – one last, more general objection: no definition of human euthanasia, as rigorous as it may be, could function as a model for the elaboration of an acceptable definition of nonhuman animal euthanasia. Michael Cholbi seems to express such a view when he vigorously argues that human and nonhuman animal euthanasia only share a ‘superficial similarity’ (since they ‘both involve the use of medical means to bring about the end of a creature’s life for beneficent reasons’), but that ‘modeling the ethics of euthanizing companion animals on the ethics of euthanizing human beings is implausible’ (264). Indeed, ‘very few of the ethical considerations that count in favor of (or against) euthanizing humans apply straightforwardly to nonhuman animals’ (265). Yet the aim of this paper is not to model the *ethics* of euthanizing nonhuman animals on the *ethics* of euthanizing human beings, but to draw inspiration from a nonprescriptive definition of human euthanasia in order to elaborate a rigorous nonprescriptive definition of nonhuman animal euthanasia.

The initial objection remains nonetheless valid: intuitively, it seems illegitimate to model our definition of nonhuman animal euthanasia on Beauchamp and Davidson’s definition of human euthanasia. To respond, I offer here two arguments.

On the one hand, the main reason to challenge the legitimacy of building on a definition of human euthanasia in order to elaborate a definition of nonhuman animal euthanasia seems to be the impossibility, in the latter case, of making sense of the traditional distinction between voluntary and non-voluntary euthanasia (Regan 112-113; Cholbi 265-267).<sup>16</sup> Indeed, although some nonhuman animals seem to have a sense of their own mortality,<sup>17</sup> it is highly doubtful that they are capable of articulating the desire that their life be terminated in such a way to be unambiguously understood by human beings. However, this obstacle is not relevant to the nonprescriptive definition of nonhuman animal euthanasia elaborated here, since none of the

above-mentioned conditions raise the issue of the distinction between voluntary and non-voluntary euthanasia. Much like Beauchamp and Davidson's definition of human euthanasia, our nonprescriptive definition of nonhuman animal euthanasia can *accommodate* such a distinction, but does not *depend* on it (Beauchamp and Davidson 299). The legitimacy of drawing from their definition of human euthanasia in order to elaborate our definition of nonhuman animal euthanasia exclusively rests on the intuition that what matters in *both* cases is that (a) the individual who causes the death of the other is capable of doing so intentionally, and (b) the individual whose life is terminated is capable of suffering and/or falling into a comatose state. This does not seem to be problematic nor controversial.

On the other hand, as Clinton Sanders rightly observes, most people engage with companion and other kinds of domestic animals in forms of 'emotionalized anthropomorphism', enjoying with them 'authentic social relationships bounded by shared histories and encompassing direct knowledge of the animals' unique personal attributes' (209). Consequently, the application of the notion of euthanasia to certain terminations of domestic animal lives is not only, nor even primarily, the result of a philosophical argumentation, but rather of an agreement in the 'form of life' we share with them (Wittgenstein 88).<sup>18</sup> In other words, our understanding of the notion of euthanasia when applied to the termination of human lives should be considered as a *precondition* for the understanding of this notion when applied to the termination of (certain) nonhuman animal lives. To model our definition of nonhuman animal euthanasia on a rigorous definition of human euthanasia is therefore not only legitimate, but in a sense necessary.

## VI

The aim of this paper was to elaborate a rigorous nonprescriptive definition of nonhuman animal euthanasia which imposes strict limitations on this notion, and to clearly distinguish the practice of nonhuman animal euthanasia from other (more or less morally justifiable) killings of nonhuman animals – and notably from well-intentioned or merciful terminations of nonhuman animal lives.

In order to talk legitimately of nonhuman animal euthanasia, I argued, five conditions should be satisfied:

- (1) The nonhuman animal's death must be intended by at least one moral agent, where the latter is either the cause of death or a causally relevant feature of the event resulting in death (whether by action or omission).
- (2) There must be sufficient current evidence for the moral agent to believe that the nonhuman animal is acutely suffering or comatose, and that this condition is irreversible or that any available treatment would be too painful compared to the quantity and quality of life that the nonhuman animal is expected to gain from it.
- (3) The moral agent's primary reason for intending the nonhuman animal's death must be cessation of the nonhuman animal's condition of acute suffering or irreversible comatoseness, where the moral agent does not intend the nonhuman animal's death for a different primary reason, even though there may be other relevant reasons.
- (4) *a.* There must be sufficient current evidence for the moral agent to believe that the causal means to the nonhuman animal's death will not produce any more suffering than would be produced for the nonhuman animal if the moral agent were not to intervene.  
*b.* The causal means to the event of the nonhuman animal's death are chosen by the moral agent to be as painless as possible, unless there is an overriding reason for a more painful causal means, where the reason for choosing the latter causal means does not conflict with the evidence in (4*a*).
- (5) The nonhuman animal's condition of acute suffering or irreversible comatoseness must not be the immediate outcome of the way they were treated by the moral agents (directly or indirectly) involved in the termination of their life.

One of the most notable consequences of this definition is that the nonhuman animals to whom the notion of euthanasia can be legitimately applied are *normally* sentient domestic animals, and that to apply it to other kinds of sentient nonhuman animals is only *exceptionally* justified. This definition also entails that the painless and merciful nature of the termination of a

nonhuman animal's life is a necessary but *not* sufficient condition for it to count as a genuine instance of nonhuman animal euthanasia. Finally, I provided a justification for modeling this definition of nonhuman animal euthanasia on a rigorous nonprescriptive definition of human euthanasia, although it is clear that the *ethics* of nonhuman animal euthanasia cannot be simply derived from that of human euthanasia. To elaborate the former is of crucial importance, but is outside the scope of this paper.<sup>19</sup>

## Notes

<sup>1</sup> For instance, Frey and Wellman; Palmer (*Animal Rights*); Beauchamp and Frey; and Višak and Garner do not contain any extensive discussion of this topic. The same is true of Singer (*Animal Liberation*; *Practical Ethics*), Francione, Garner (*A Theory of Justice for Animals*), and many others: while they all address the moral issues related to the act of killing nonhuman animals, none of them addresses in detail the specific question of the definition and justification of nonhuman animal euthanasia.

<sup>2</sup> Other exceptions include Sanders and, more recently, Rollin, Pierce (*The Last Walk*), Cholbi, and Meijer.

<sup>3</sup> See for example, Rollin and the fourth part of Kuře on ‘Euthanasia of Animals’ (191-248).

<sup>4</sup> On this point, see Pierce (*The Last Walk*), who rightly argues that “‘euthanasia’ has become a catchall to describe a wide variety of killing practices’, so that ‘the term covers too much ground and obscures too many moral nuances’; in particular, she claims that ‘we need to be able to distinguish, with language, between those contexts within which “euthanasia” says what we mean and those within which it simply serves as a euphemism for killing animals who aren’t ready to die’ (166). This is also implicitly acknowledged by Dunleavy, who argues that “‘putting down” animals because there is no room in shelters or because they are born with an overbite is no “good death”, and thus ‘maybe we should not call such cases “euthanasia”’ (9).

<sup>5</sup> Active euthanasia consists in directly and deliberately causing someone’s death (for example, by giving them a lethal injection), while passive euthanasia consists in simply allowing them to die (for example, by withdrawing or withholding treatment necessary to prolong their life). For a criticism of this controversial acts/omissions distinction, see Singer (*Practical Ethics* 206-213).

<sup>6</sup> Consequentialists think that this distinction also has no moral significance, because ‘there is no *intrinsic* moral difference between killing and allowing to die’ (Singer, *Practical Ethics* 209).

<sup>7</sup> In the discussion that follows, I will often refer to the moral agent in question as a human being, but for the sake of the definition itself it is not relevant that they are members of a particular species. I am grateful to an anonymous reviewer for this suggestion.

<sup>8</sup> The same conclusion arguably applies to severely cognitively impaired human beings. I should also emphasize here that, by claiming that we have no conclusive evidence that nonhuman animals are able to anticipate their falling into a condition of acute suffering or irreversible comatoseness (or that they may suffer from the simple knowledge of it), I do not mean to deny that – at least some – nonhuman animals are able to experience grief and may have a concept of and the capacity to anticipate death, including perhaps their own (see for example, Bradshaw; King).

<sup>9</sup> On this point, see also Pierce (*The Last Walk*), who suggests that ‘we should avoid calling the killing of healthy animals in shelters “euthanasia,” even if we judge that we are, in the broad scheme of things, doing these animals a favor’ (166).

<sup>10</sup> Another (less controversial but important) consequence of our definition is that it is only legitimate to apply the notion of euthanasia to *sentient* nonhuman animals. In fact, although conditions (1), (2), (3), and (5) suggest that, at least in principle, a non-sentient nonhuman animal in a comatose state could be ‘euthanized’, it is unclear whether such a thing even exists and how it would be possible for us to assess its comatoseness. In addition, condition (4) would simply become meaningless in the case of a non-sentient nonhuman animal. I am indebted to an anonymous reviewer for inviting me to clarify this point.

<sup>11</sup> Here, it is tempting to adopt (and adapt) the most famous but often misquoted formulation of Kant’s categorical imperative, which does not claim that one should *never* treat humanity, whether in one’s own person or in the person of any other, as a means to an end, but that one should never treat it *merely* as a means to an end, but always *at the same time* as an end in itself.

<sup>12</sup> One could ask whether a moral agent’s decision *not* to help or rescue a wounded free-living animal is to be construed in terms of (passive) nonhuman animal euthanasia. Although it is clear that our definition of nonhuman animal euthanasia primarily applies to sentient nonhuman animals *under human control*, the fact that the distinction between active and passive euthanasia is

not built into it makes it capacious enough to accommodate this possibility, at least in principle. However, since our definition does not dictate moral conclusions, it cannot answer the question of whether or not one *should* intervene in nature to help nonhuman animals. This discussion clearly exceeds the purpose of this paper. For a review of the literature on ethical issues related to human intervention in nature, see Dorado. I am grateful to an anonymous reviewer for raising this question.

<sup>13</sup> I am indebted to an anonymous reviewer for pressing this objection.

<sup>14</sup> Abolitionists claim that all sentient (human and nonhuman) animals have the basic right not to be treated as the property of others, and thus that all forms of animal exploitation must be abolished (Francione and Charlton).

<sup>15</sup> See for example, Cholbi, who claims that ‘euthanizing companion animals might more accurately be seen as a species of (potentially) justifiable homicide, the justification of which turns almost entirely on our duties to protect or promote animal wellbeing’ (265).

<sup>16</sup> While voluntary euthanasia is carried out at the explicit request of the individual put to death, we talk of non-voluntary euthanasia when the latter cannot decide or cannot make their wishes known. On this distinction, see Singer (*Practical Ethics* 176-181).

<sup>17</sup> On this point, see Meijer (206-210).

<sup>18</sup> On this point, see Balaska.

<sup>19</sup> For a recent, convincing elaboration of a relational approach to the ethics of nonhuman animal euthanasia that focuses on companion animals, see Meijer.

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## **Acknowledgements**

An earlier version of this paper was presented at the international conference *Animals and Death* at the University of Leeds in September 2016. I am indebted to the conference participants, three anonymous reviewers, and Sabina Vaccarino Bremner for illuminating discussion and insightful comments that greatly helped improve my arguments.