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Killing With Kindness: An Inquiry into the Routinized Destruction of Companion Animals

Lee Anne Fennell
University of Chicago Law School

The destruction of millions of companion animals each year in animal shelters is often overlooked in conversations about animal rights, perhaps because these killings occur under the auspices of organizations committed to the welfare of animals and are necessitated by the acts and omissions of third parties. Moreover, such killings are universally justified by the assertion that a painless death is a lesser evil than other available alternatives. The entrenched belief that the alternatives are unambiguously worse has led to the interesting result that there has been little or no moral outcry against the widespread killing of companion animals in shelters. Alan Beck describes this curious phenomenon:

For the animal welfare movement the major issue is not death, but suffering. Millions of dogs and cats are killed annually in animal shelters with the support of the humane movement, because of the perception that they are better off dead than suffering the indignities of homelessness. It is interesting that the notion "better off dead than underfed" has never been challenged by an animal equivalent of the "Right to Life" movement protecting the human's absolute right to live regardless of the circumstances (18-19).

As Phyllis Wright puts it, "[w]e know that death, humanely administered, is not an evil, but a blessing to animals who are of no comfort to themselves or to the world because they are unwanted and suffering in isolation" (7). "Being dead," she concludes, "is not a cruelty to animals" (8). Similarly, Tom Regan finds a way to bring shelter killings within the scope of his philosophy of animal rights: killing each unclaimed animal after a set period of time to make space for new homeless animals could be a "fair policy" for giving each animal "*the same opportunity* for a good life" where it is not realistic that each animal could actually experience a

good life (1990, 213).

In this paper, I will consider the ethical footing upon which such routinized killings stand. In doing so, I will examine the principal assertion by which such destructions gain moral acceptability in the animal rights and animal welfare communities--that they are necessary to save animals from consequences worse than death.

When a dog is killed in an animal shelter, it is done (we will assume) professionally and painlessly, without any apprehension or foreboding on the part of the animal. Though not all shelter destructions conform to this model, for purposes of this paper I will consider only humane destructions in which well-trained and compassionate personnel end an animal's life quickly and painlessly. One instant the dog is being lovingly handled by caretakers, and in the next instant, the dog simply ceases to exist. Such "putting down" of companion animals has been written of in glowing, almost spiritual terms by some humane professionals. Ingrid Newkirk has suggested that, in many shelters, "the last moments in the hands of that technician, in the hands of the handler, have been the nicest moments that the animal has ever had" (94). Another writer describes a routine shelter killing as a positive experience, in which "this old dog's final thoughts are of being warm and secure in the arms of a trusted friend, of feeling sleepy, and then of nothing" (qtd. in Newkirk 252 n. 9a). After reading such descriptions, one is forced to wonder whether such a relaxing and enjoyable death presents any sort of ethical problem at all. Yet the fact that even such an "ideal" killing elicits a measure of intuitive revulsion (at least when the dog in question is young, healthy, attractive, and good-natured) is suggestive.

Philosophers have long wrestled with the question of whether a death which is both unexpected and painless constitutes a cognizable harm for the one who dies. "Epicurus' dilemma," for example, purports to prove that death itself does not cause suffering for the one who dies, since a person cannot suffer from death while still alive, and cannot suffer from anything once dead (Sapontzis 172-73; Carruthers 74-75). Neither suffering nor fear (cognizable harms in their own rights) are involved in the paradigmatic shelter destruction. Yet if one imagines a human death that is similarly painless and unanticipated--Sapontzis gives the example of a young woman suddenly struck dead by a falling object as she walks down the street--it seems clear, as an intuitive matter, that the person who died has nonetheless suffered serious harm (172).

The traditional way of explaining this intuition has been to focus on a different kind of harm which is caused by death even in the absence of fear, apprehension, pain, and suffering--the deprivation of opportunities for future enjoyment (Regan 1983, 99-100; Carruthers 77, 81-82). For humans, this takes the form of frustration of long-term projects and plans

Between the Species III August 2003 www.cla.calpoly.edu/bts/

predicated upon continued existence. While animals may not have detailed plans for the future, death nevertheless cuts off further opportunities for their enjoyment and satisfaction, and can from that standpoint be viewed as a harm (Carruthers 81-82). Edward Johnson offers the example of a cow who enjoys chewing her cud, and who has an interest in continuing to have opportunities to engage in this pleasurable activity (128). Defined in this manner, the harm associated with premature death is a purely utilitarian one--further opportunities for pleasure are eliminated.

Following this reasoning, painless killing would appear to be justifiable if there was good reason to believe that an animal's future existence would be primarily characterized by pain rather than pleasure. Yet even putting quality of life issues to one side, another objection appears which has continually plagued utilitarian thought. If the harm associated with a painless, unanticipated death derives solely from its result of depriving the subject of future satisfaction and enjoyment, then is not the same type of harm caused by efforts to prevent the formation of new life? Or, put differently, why is it considered morally preferable to prevent new lives from being formed than to painlessly extinguish lives presently in being?

It is relatively easy to come up with an answer where humans are concerned. Humans have cognizance of their ongoing existence and development and are capable of formulating long-term plans for the future which assume their continued existence. These ongoing plans serve to "individualize" the experience of existence and make it nonfungible. The experiences of a new human being (however joyful they may be) cannot truly make up for the thwarting of these highly individualized plans. But, as Peter Singer has noted, this argument loses much of its force where animals are concerned: "[I]n the absence of some form of mental continuity it is not easy to explain why the loss to an animal killed is not, from an impartial point of view, made good by the creation of a new animal who will lead an equally pleasant life" (229).

A variation of this argument, termed "the logic of the larder" or "the replacement argument" is one of the oldest and best-known justifications for the routinized raising and killing of animals for food (see Salt 185). In basic form, it runs as follows: Killing an animal is justified where the animal would not have existed but for the fact that humans have chosen to raise it, where its existence for even a short while is of positive value, and where, for every animal that is killed, another "replacement" animal is brought into being who would not have otherwise existed and who will enjoy its existence as much as the one that was killed (Sapontzis 177; see Nozick 38). The horrific and absurd implications of applying this "logic" to human beings have been well noted; however, for the reasons discussed above, animals stand on fundamentally different footing insofar as they do not have a sense of their own continuing existence and cannot

formulate long-term plans. Evelyn Pluhar offers an analogy to capture this view (a view which she herself rejects):

When we kill and replace a *merely* conscious being by another such being, we are simply removing one disjointed, incoherent film from the projector and replacing it by another jumbled creation. . . . By contrast, when we kill a *self-conscious* being and replace that being with another, we are not just changing films: we are destroying the last reel of one coherent film in order to bring on an entirely different cinematic sequence. It is as if we lopped off the ending of *Gone with the Wind* in order to show the first half of *Tarzan of the Apes*, going on to interrupt the latter film with two-thirds of *Jurassic Park* and so on (200).

It is even possible to argue, as Ruth Cigman has, that individual animals do not experience a desire to go on living, even though they may instinctively "clin[g] on to life" (57). As Edward Johnson explains, "[a]ccording to a common view, animals lack the concept of death, and so cannot mind death, any more than they mind not having a ticket to the opera" (128).

Certain forms of utilitarianism are consciously constructed so as to dodge the problem of new life "making up for" loss of present life. These so-called "prior existence" varieties of utilitarianism take into account only lives currently in being when calculating utility; the creation of a new life does nothing to offset harm to an existing individual (Sapontzis 188). But while these forms of utilitarianism work fairly well when we are talking about human beings (if one ignores our obligations to future generations), they quickly become nonsensical in other contexts. For example, zoologists and biologists who are struggling to maintain a particular species of animal may care a great deal more about the "unborn" of that species than about the particularized lives currently in being. The species cannot survive unless it can successfully reproduce, and resources often must be channeled away from existing individual animals (especially those past reproductive age) to maximize the chances of sustaining the species as a whole (Lacy). Conflict may remain as to whether and when to "cull" animals to achieve these goals, but no one would suggest that the interests of future generations of animals are simply irrelevant.

Alternatively, one can try to sidestep the replacement argument, as Sapontzis and Singer have in the related contexts of animals raised for food or laboratory use, by contending that it is of no practical consequence since the animals we consume and replace in this manner do not experience lives that are of positive value to them (Sapontzis 179; Singer

229). But dogs, unlike the factory-farmed animals that these authors have in mind, usually *do* experience lives that are worth living. Moreover, dogs are destroyed precisely *because* so many "replacement" dogs are being produced. Thus, even if there is a harm associated with cutting off a particular dog's opportunities for future enjoyment, there is by definition a new dog (or dogs) that has been created that are presumably just as capable of enjoyment as the dog destroyed. In fact, it can be argued that the most pleasurable portion of a dog's existence is its puppyhood, during which it is virtually assured a loving home and a surfeit of affection and attention. By that reasoning, society would be justified in putting dogs to death (painlessly, of course) as they reach adolescence so as to provide space for joyful (and much more greatly appreciated) puppies.

If we swallow that logic, the painless destruction of individual dogs should be a matter of ethical indifference--less problematic, indeed, than the prevention of new litters. Yet the lengths to which humane organizations have gone in their efforts to make euthanasia less necessary through campaigns promoting the spaying and neutering of dogs and cats testify to the fact that euthanasia is viewed as standing on much different moral footing than the prevention of new births. Euthanasia (but not birth control) is also inconsistent with the fundamental mission of humane organizations--to meet the needs of any existing animal that comes through their doors in need.

The high levels of stress reported by shelter workers who must routinely put pets down further attest to the fact that the activity is not really perceived as morally neutral--even by those who should have the largest stake in viewing it in such a manner (see Rollin 1988). Even those who strongly believe that euthanasia is the best available alternative are aware that carrying out the practice involves struggling against or unlearning fundamental moral teachings. As Ingrid Newkirk puts it, animal care professionals "have to struggle with our religious teachings. We have to struggle with the things we were taught as children, all the stuff that there is in our brain about death and about killing" (94). What is the basis for this initial moral reaction against which one must struggle in order to carry out routinized killing?

One might argue that the very fact that people feel distaste for such killings is reason enough to find it morally problematic. If it bothers people (never mind precisely why or how) it causes disutility to them, and that, from a utilitarian standpoint at least, is bad and worth avoiding. But since people can only be bothered by companion animal euthanasia when they know about it or are exposed to it, the "distaste" problem could be solved just as well by keeping the practice out of sight and out of mind. In fact, our society has done a fairly good job of keeping euthanasia in the background, so that the average citizen or pet owner rarely experiences any discomfort as a result of its existence. It is quite possible for animal

Between the Species III August 2003 www.cla.calpoly.edu/bts/

lovers to go through their entire lives without ever having occasion to darken the door of the local animal shelter. If the only harm we are troubling ourselves about is the one that occurs in the stomachs of sensitive souls, then the worst thing we can do is keep bringing up the issue. On that view, this paper is itself part of the problem, because it could cause otherwise happily oblivious persons to dwell on an upsetting topic.

But if there are underlying causes for the discomfort--reasons why killing dogs is morally problematic independent of the discomfort the practice causes--then diverting people's minds away from the issue won't solve the ethical problem. A thought experiment offered by Peter Carruthers suggests that such underlying causes for moral discomfort may indeed exist (108-09). He posits a woman and a cat on a space ship which will never re-enter the earth's atmosphere, and which has lost all communication with Earth. In short, there is no way for anyone to know--or be troubled by--anything that occurs in the capsule. He asks whether any ethical problem is presented if the woman chooses to use the cat as a dartboard. Our intuitive sense that this is very wrong may depend largely on the suffering which the cat would endure prior to its eventual death, but it highlights the difficulty associated with an out of sight, out of mind approach to ethics.

One might alternatively argue that the question--whether the painless death of a companion animal presents an ethical problem--is a purely academic one, since such killings will always be necessary and are in any event performed to protect the animals in question from fates worse than death. Why agonize over whether a practice is "right" or "wrong" in the abstract if it will always be both necessary and morally preferable to other available alternatives? This can hardly be disputed in cases of severe injury or painful, untreatable illnesses. Indeed, one can even view euthanasia in these circumstances as carrying out the wishes that the animal himself would articulate if only he were able (Regan 1983, 113-14). The killing of healthy dogs and puppies whose futures cannot reliably be predicted, however, presents a more complicated question (Brestrup 36).

There is no question, of course, that a humane end is preferable to many horrific alternatives that might otherwise await these healthy animals. Humane workers and veterinarians are well aware that depriving the public of an easy way to get rid of their unwanted pets "can lead to abandonment of the animals or do-it-yourself 'euthanasia,' such as the time-honored gunny-sack-off-the-bridge technique or even the release of animals onto the freeway" (Rollin 1988, 34). Compared with such alternatives, painless killing in a shelter indeed looks attractive. But does the presence of these alternatives make painless killing a matter of moral indifference?

Perhaps not. Gary Francione, for one, has taken the position that a theory of animal rights is inconsistent with "compassionate" killings
Between the Species III August 2003 www.cla.calpoly.edu/bts/

where "the decision is made to kill animals that do not absolutely require to be killed for reasons that would similarly justify the euthanasia of *any* moral agent" (1996, 108). It certainly seems inconsistent to grant a healthy animal something akin to "rights" (whatever that may mean) and then find the animal's destruction to be of no moral significance. But even from an animal welfare perspective, such killings--however humanely performed and however untenable the alternatives may be--still seem morally problematic.

Returning to the question of foreclosed possibilities for future enjoyment, it seems clear that the moral problem does not disappear simply because killing is morally preferable to the other available alternatives (putting aside for the moment the question of whether that is an accurate characterization of the situation). Where the circumstances that make the non-death alternative "worse than death" are the result of volitional human action (rather than, say, the progress of a disease or a chance automobile accident), the existence of a greater harm than death would not seem to provide absolution. If evil criminals take a person hostage, proceed to torture him, and then kill him (perhaps at his own anguished request), it would be absurd for them to offer as a defense to their actions the fact that they were, after all, only "putting him out of his misery." Nor would they be able to cite the fact that since the hostage's continued existence in their hands would consist only of torture, death was provided as the more desirable alternative. Such a death is unambiguously a murder, and no amount of philosophical sleight-of-hand can transform it into a mercy killing.

Of course, shelter euthanasia (aside from the obvious fact that it involves animals rather than humans) differs from this example insofar as the persons creating the more horrible alternative and the persons engaging in the killing are not one and the same. It is more closely analogous to the mother who slips her child a cyanide pill as the pair are captured by persons whom she knows will, without a doubt, torture and ultimately kill them both. Such a killing is obviously not a matter of moral indifference either, even though it is done to avert a far more painful death, and even though the moral blame associated with it lies not with its immediate agent (the child's mother) but with the persons who threatened the greater harm. In this second example, in perceiving the death as harmful, one does not focus narrowly on the alternatives to death that were actually available at the time the mother made her decision (torture and a more painful death), but on the alternatives that would have been available absent the malevolent intervention of the evil criminals--that is, a normal life. Thus, euthanasia would seem to be morally problematic insofar as it cuts off the life that a pet could have enjoyed had he not been born into a society whose collective acts and omissions have resulted (we will assume for present purposes) in its inability to provide him with a life that is worth living.

The circumstances leading to the choice between death and "a fate worse than death" are not nearly as easy to trace where companion animals are concerned, and assigning moral blame becomes next to impossible. Is there anything morally reprehensible in a person who permits her unspayed female dog to breed with a random neighborhood dog, provides responsible prenatal and post-partum care, and then delivers the puppies to the local animal shelter? What if the shelter successfully places each of the puppies in adoptive homes? What if, by placing each of the puppies in adoptive homes, the shelter fails to place a number of other dogs and puppies already in the shelter who otherwise might have been placed? Does the moral status of the individual's actions depend upon how hard the shelter works (or how lucky they happen to be) in placing the offspring of her pet?

Much of the difficulty in assessing blame stems from the fact that by virtue of their domesticated status, dogs are dependent upon human beings to affirmatively construct a life for them that does not involve suffering. Even the law has recognized this. Gary Francione cites a Georgia case in which the court reasoned that an owner must be permitted to kill his own dog, because otherwise he would be forced to bear "considerable burden[s]" to maintain the animal in accordance with the anti-cruelty statutes (1994, 764-65). As Bernard Rollin points out, "[i]f dogs were suddenly turned loose into a world devoid of people, they would be decimated" (1992, 220). Humans do not have to do anything mean-spirited to animals or directly cause them any suffering in order to contribute to a situation in which death emerges as the alternative of choice.

Regardless of the mixture of acts and omissions responsible for the situation, the fact that painless killing emerges as the preferable alternative does not--and cannot--turn it into an act without moral significance. Nevertheless, animal sheltering professionals may well be acting morally when they put an unwanted animal to death, given their relevant choice-set at the point of decision. This presents a formidable conceptual and rhetorical difficulty. It is not easy to characterize the act of painless killing as a moral outrage while simultaneously maintaining its moral acceptability as a forced choice within an externally-imposed choice-set. Yet if the killing of companion animals is morally problematic, a frank acknowledgment of that fact is essential to efforts directed at lessening the need to resort to it.

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