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## SELECTED ISSUES OF EUTHANASIA OF ANIMALS: PART I – ELIMINATING THE SUFFERING

### WYBRANE ZAGADNIENIA DOTYCZĄCE EUTANAZJI ZWIERZĄT: CZĘŚĆ I – NIWELOWANIE CIERPIENIA

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**Streszczenie.** Renesansowa myśl Francisa Bacona na temat łagodzenia cierpienia u pacjentów przyczyniła się do powstania pojęcia eutanazji i jego ewolucji na przestrzeni wieków wraz z podążającą za nią zmianą postaw moralnych i etycznych w medycynie ludzkiej i weterynaryjnej. W XXI wieku trwa spór na temat legalizacji eutanazji u ludzi terminalnie chorych. Z drugiej strony – poprawie ulega jakość i ilość środków nakładanych na opiekę paliatywną. Różne grupy społeczne próbują uzasadnić celowość eutanazji lub nie dopuścić do jej zalegalizowania (Gielen et al. 2009; Łużyński 2011). W świecie zwierząt eutanazję cechuje chęć zniwelowania cierpienia u osobników wyniszczonych bądź w skrajnych przypadkach zagrażających życiu ludzi i innych zwierząt. W obu sytuacjach motywy eutanazji mają uzasadnienie znajdujące się w polskim prawie w tym w Konstytucji RP.

**Key words:** animals, euthanasia.

**Słowa kluczowe:** eutanazja, zwierzęta.

The idea of euthanasia was created by Francis Bacon in 1605. In his work: “The Advancement of Learning”, he described i.a. his vision of alleviating suffering among patients by doctors as *euthanasia exteriore* – reducing suffering. The word euthanasia comes

from Greek, where according to the etymology of this term, it means 'good death' (*eu* – good, *thanatos* – death). In then-developing human medicine the view was an important novum. Bacon thought alleviation of pain for terminally ill to be not only a professional, but also a moral obligation of doctors. In his opinion, the role of the doctor did not end in the moment when one had used all possibilities of curing the patient, but the doctor ought to help the patient to easier part with life. However, further consideration of Bacon's project do not allow to decide if it was the announcement of contemporary palliative care or actual euthanasia, the more so, because in the text there is no mention about actual killing of the patients. Both practices are aimed at alleviating ailments of terminally ill patients, however, palliative care is a holistic active care of an ill person, who cannot be treated by casual treatment, when euthanasia aims at intentional killing of the patient (Bacon 1893).

The term of euthanasia has evolved and is still ambiguous. It is revealed for instance by diversity of terminology. There is euthanasia, self-euthanasia, dysthanasia, orthothanasia, neonatal, eugenic and economic euthanasia. Distinction is made between passive and active, indirect and direct, voluntary and involuntary, and legal and illegal euthanasia (Biesaga 2005). Not all of these terms can be applied in the case of animals, however their mere multiplicity draws attention to the diversity of the term, and some simplifications, in veterinary names in force, additionally complicate understanding of this issue.

Human euthanasia is now legal in a few countries, i.e. The Netherlands, Belgium, and Luxembourg. In Germany it shall be recognised as assisted suicide, namely an abortion of the act of sustaining life functions on clear request of the patient (Smets et al. 2010). In human medicine euthanasia evokes various, sometimes very extreme emotions. Leppert and co-authors (2013), published results of the research carried out among a group of medicine students from two polish universities, which showed that the society of future doctors is generally against the practice of euthanasia. The authorities in France, Scotland, England, South Australia and New Hampshire are also against euthanasia and opt for the right palliative care (Pereira 2011).

From the legal point of view animal euthanasia is a necessity of an immediate deprivation of life of an animal in order to end its suffering. Regulations include detailed regulations of the techniques of euthanasia among various animal species (Close et al. 1996, 1997, <http://www.animalsheltering.org/resources/all-topics/euthanasia/euthanasia-reference-manual.pdf>). The law in force specifies situations and methods of deprivation of life of various animal species humanely and with the assurance of the welfare conditions – i.a. the Council Regulation (WE) NR 1099/2009 of 24 September, 2009 in the case of animal protection during the process of depriving them of life, and the hunting law. Detailed guidelines of using therapeutic substances or methods, however, are not defined in regulations because they are connected with competences of veterinary doctors. Motives of animal euthanasia are not as controversial as in the case of human medicine. On the contrary, it is thought to be a sign of respecting animals. However, it is essential to remember, that humane premises are not the same as humane methods of deprivation of life of the animal. There may occur the necessity of immediate killing of the animal when there are no gentler means of this procedure, and inversely a humane method can be used in a questionable situation toward the motif. On farms there are inevitable situations when an animal would get ill or harm itself, and there is

no immediate help from a veterinary doctor. These incidents may also happen in the case of fire or a natural disaster. Then euthanasia shall, first of all, be humane. In the United States, American Association of Swine Veterinarians provide farmers with brochures informing about methods of euthanasia in order to immediately stop the suffering of the animal (<https://www.aasv.org/aasv/documents/SwineEuthanasia.pdf>). Some countries in Europe also promote among farmers a few authorized techniques of this medical procedure, which can be used in the emergency situations (Chevillon et al. 2004). The necessity of an animal euthanasia without the presence of the veterinary doctor cannot be eliminated. Many times animal suffering is so big that waiting for the veterinary doctor to arrive violates humanitarianism and respect for animals. Determining acceptable methods of euthanasia, that could be performed by the owners of the animals in emergency situations could help to prevent this. Without such findings euthanasia is not eliminated, but probably contributes to using such methods by the farmers, that could possibly be strictly prohibited. There is no information on killing animals in Poland by persons who are not veterinary doctors. This practice is not documented in any way since it is a taboo. The only trace of its existence is police and judicial records in cases when a complaint was made on inhumane killing of the animals, and information in the media.

In the case of poultry (hens, ducks, geese) the issue is so difficult that it has low market value and this is why, for economic reasons, the owners of the birds omit transport of individual poultry to the slaughterhouse in order to subject it to euthanasia. Killing birds is done without any supervision. Poultry breeders are another group that could use guidelines on birds humane euthanasia.

The number of animals killed without the presence of the veterinary doctor may increase in cases when there emerge the so-called unwanted animals in numerous litters, or unplanned litters, or when they are the so-called unsolicited presents. It mostly concerns cats and dogs. The lack of responsibility and understanding of suffering of the animals results in their death. A similar situation may concern snakes breeders, for whom there are no legal regulations on humane killing of the animals that are the food for their pets, and as a result they can be given to reptiles alive, or undergo an inhumane euthanasia. Practical control of such behaviours is actually impossible.

In the Regulation 33 of Act on animal protection of 21 August, 1997, appears a closed catalogue of cases where it is possible to perform euthanasia of pet animals, in the form of: an immediate necessity of killing, actions necessary to eliminate health risks of people and animals, removing individuals directly threatening people and other animals. In the regulation 4, pt. 3 of this Act we learn that the necessity of immediate killing of an animal means an objective state of affairs established by the veterinary doctor, when the animal can live only suffering and enduring pain, and human moral obligation is to shorten this state. In accordance with the regulation 1 of 21 December, 1990, of the Act on the occupation of the veterinary doctor and medicine and veterinary chambers, only a veterinary doctor is entitled to perform medical procedure of killing an animal, in this case a cat or a dog. It is done with the consent of the owner, after presenting them all the circumstances appealing to make such decision.

In the case when an animal is a health hazard, not the consent of its owner is necessary, but only a medical-veterinary certificate issued by a veterinary doctor. When an animal is a hazard for people due to aggression, the situation may become more complicated at a time

when the owner does not consent to euthanasia. The Act does not provide any regulations of the rules of the procedure. Then it is possible to interpret the Regulations of the Animal Protection Act, where the only exceptions foreseeing killing animals without the consent of the owner are provided in the Regulation 33, Act 2 (sanitary needs). However, in the Regulation 1, Act 2 in cases not covered by the Act, appropriate provisions of the Civil Code on these cases are applied. Whereas, the Civil Code does not provide grounds for taking away of the animal in such situation. Hence, the most careful appears to be giving the owner a receipted medical-veterinary certificate, where a veterinary doctor will express his opinion about the necessity of animal euthanasia (Świercz 2012). Here it is worth to mention the issue of having merits-related background on expressing opinion about animal aggression. If the Act sets clearly, that medical-veterinary certificate can be receipted only by a veterinary doctor, then a question emerges whether every veterinary doctor has a merits-related knowledge to decide whether there is some other method of avoiding the threat than killing the animal. It is worth to consider whether it would be a good practice to consult an experienced behaviourist in doubtful cases, especially if the veterinary doctor does not have any knowledge in this field.

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**Abstract.** Francis Bacon's renaissance idea of alleviating the suffering of patients contributed to the creation of the concept of euthanasia and its evolution over the ages with the following change of moral and ethical attitudes in human and veterinary medicine. In the 21'st century there is an ongoing controversy around the legalisation of euthanasia in people terminally ill. On the other hand the quality and quantity of measures imposed on palliative care are improving. Various social groups are trying to justify purposefulness of euthanasia or not to allow to its legalization (Gielen et al. 2009; Łużyński 2011). In world of animals euthanasia is characterized by the willingness of alleviating suffering in devastated animals or in extreme cases threatening the life of people and other animals. In both cases motives of euthanasia can be justified by Polish law including the Constitution of the Republic of Poland.

