



**DONALD JENNER**

NYS LICENSED WILDLIFE REHABILITATOR CLASS II

## **Animal Euthanasia in Rehabilitative Practice:**

*An Examination of Problems in the Received Discourse*

29. July 2011

## ABSTRACT

One of the most difficult, yet apparently least discussed of wildlife rehabilitation problems is that of euthanasia. There are times when animals need assistance in finding an easy death. How best to understand when that is the right thing is neither comprehensively nor coherently studied, *much less consistently implemented*. Consequently, this part of the practice of wildlife rehabilitation may be particularly haphazard. This is not necessarily a problem for the practice as a set of procedures; it is very probably a problem in moral philosophy. *The problem is acute, simply because most rehabilitators espouse one principle (effectively, release-or-euthanize) but embrace another (release-or-euthanize-or-“keep-for-education”).* Contrary to doctrine, the latter appears entirely justified and quite often workable. *The operating assumption of the paper, addressing only one part of the complex problem, is that an easy death imposed on an entity, even with the best of intentions, is not thereby a good death.* One method for making the choice, resting on a (possibly dubious) revision of Kant's Kingdom of Ends and the Apel and Habermas conflation of Anglo-American and Continental lines of interpretation theory, suggests an approach both for formulating a decision for a *good death* in animal rehabilitation and for testing it.

Clearly there is general interest in untangling what seems to be a regular Gordian knot of possible actions we take and might take in given times at given places — a concern of ethics. Always and everywhere people express opinions on this.

Nowhere is this felt more acutely than in a rehabilitator's decision to euthanize an animal brought in for care. It is interesting that, in *NWRA Principles of Wildlife Rehabilitation, 2<sup>nd</sup> Edition* (hereinafter, *NWRA Principles*), a very large and comprehensive volume, the discussion of euthanasia is accorded only nine brief pages, three thoughtful but short essays. *IWRC's Basic Wildlife Rehabilitation, 6th Edition* (hereinafter, *IWRC Basics*) offers two longer essays, both by veterinarians; one offers a discussion of techniques, and of the psychology of death, while the other presents a summary of release criteria. The *IWRC Basics* chapter on euthanasia is 22 pages of a much shorter volume.

"Ethics" and "morals" (terms which I shall use more or less interchangeably) are among those unhappy words that are "spoken in several senses". This is also unpleasantly true for a great deal of the technical terms associated with ethics — "values" and "good" and "right" and so on. Matters are not made simpler by the common view that each of us is able to make perfectly correct moral judgments regardless of carefulness of thinking, familiarity with the very long history considering such matters

and the somewhat involved complex of learning and experience that together appear to be the foundation of prudence (the term most correctly used for judgment in the moral context). However we may deny it, we expect moral judgments — ours and others' — to be accepted universally, without much attention to contradictions such acceptance quite often entails. When added to the untrammelled conflicting utterances of "professional ethicists", the din on matters of moral concern may actually exceed that encountered at a meeting of Bernard Madoff dupes seeking redress.

Can we improve this level of discourse? Can it be done without recourse to the pop-ethicists, more often than not lost in the complexities of their professional disciplines without having just-spent-the-time thinking about properly human action? Can it be done in such a way as to work around the novel movement in government circles and such groups as the International Wildlife Rehabilitation Council to erect a professional vocation (with concomitant "professional ethics code") from what has hitherto been a personal avocation based in a very special sort of caring?

To make clear what I think is at stake, I have to do three things.

First, I have very definite notions as to what constitutes legitimate ethical inquiry; that this is so should be clear from **earlier** paragraphs. I will broadly describe what I consider the

useful options from within the wide, roughly 2,500 year history of ethical discourse to be.

Second, I need to comment on the essays in *NWRA Principles* and *IWRC Basics*. These especially represent a "received opinion" and they are well-considered; can – should – something be added to them?

In this context, and to that interpretive moment, it is useful to look at a particular example of a rehabilitator making a euthanasia choice. There is actually a video of a prominent New York rehabilitator, with her assistant and a rescue "regular", making this kind of decision, from diagnosis to the passing of the bird. The video is publicly available and we can examine it and consider the moral problems being worked out in a way that mere text would not allow. The video allows us to see what *is actually* done, aside from the discourse anent what *merely ought to be* done. Thus mere interpretation is supplemented with the opportunity to form a view empirically.

### **"Ethics", "Morals", "Moral Philosophy" – Categorized**

While ethical theories are legion, they fall into only a few families. We can strip out some of the popular variants pretty easily.

The people who prate of values – family values, this-or-that-religion's values, one or another set of national values – are not very interesting. The reason is simple: The values of which they natter are purely personal matters, outcomes of their

own evaluations of possible goods, arranged in a hierarchy; some wish to impose such hierarchies, or value-totalities, universally; Hitler & Stalin were good at it, as have been divers religious leaders.<sup>1</sup> This is a very seductive view of things, but not very durable. To the claim that some kind of consensus obtains for one or another set of such values is simply mistaken: On the one hand, there was a good deal of consensus (not just in 1930s Germany) supporting the views of Adolf Hitler's program; that being true does not make it right or good. On the other hand, such merely apparent consensus is commonly a matter of successful persuasion, and it is trivial to show that persuasion is a species of coercion and coercion is not a legitimate foundation for consensus.<sup>2</sup>

I think we can also dismiss most of what comes from the "professional ethicists" — **pundits** who sit on boards of one or another kind, either collegially making ethical decisions for bodies convening them, or as individuals posted to such bodies to be the official "ethical" voice. We may include in this group many of those charged with teaching "professional ethics".

1 How does this work? For example: There is a Christian theory of salvation that claims it is our duty to achieve such perfection as is possible to sinful humankind, at which point Jesus will come again, judging the quick and the dead and fulfilling the promise to those predestined to Heaven (and the other place, in some variants). It seems pretty clear that this is the explanation for political activism among the "Christian Right"; they seek to legislate and enforce morality and value-systems, thus hastening the Second Coming.

**There is another difficulty: While the word "value" implies an evaluation, erecting a totality of values in some sort of preferential order, the usual discourse treats values as some sort of Platonic ideas, eternally extant and in which particular values we hold are merely expressions.**

2 The most famous discussion of this is Plato's dialogue, "Gorgias", fairly early on in the piece.

The problem here is that many of these people come with unquestioned assumptions derived from learned principles of their particular disciplines. The idea of just thinking about what we do and ought to do and how to do it, not conditioned by such unquestioned principles, never really occurs to them. There is a certain intellectual blindness which obscures matters fatally. They are like the rest of us most of the time; the problem lies in the bully pulpit they occupy.

Of the "standard brand" families, let's also leave out "virtue ethics". This line of thinking ultimately relies on virtuous individuals — depending on time and place, the hero, the saint, the perfect gentleman, the responsible adult. It's an interesting family, but as a practical matter not all that helpful, since few of us are really that virtuous.

Another family focuses on ethics as a descriptive process. In Modern times<sup>3</sup> that view is perhaps most interestingly expressed by the Moral Sentiment theorists, most notably David Hume and Adam Smith (both Scots, and both following the lead of yet another Scot, Francis Hutcheson). Fundamentally, this line of thought starts with the observation that most people, most of the time, pursue what they perceive — *feel* — to be most useful to themselves, their own utility. This might be material gain;

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3 Arbitrarily, ~1600 to ~1950; there is some sentiment, to which I subscribe, that Modernity is dissolving into something else, but what that may be will take awhile to become clear. Scottish scholarship of the 18<sup>th</sup> & 19<sup>th</sup> centuries especially has always seemed to me so very Modern, an artifact of Scottish alignment to the European continent as a counterbalance to its stronger neighbor to the south, and also of its no-compromise Reformed Church spirituality.

it might be the esteem of others (so that even altruism is driven by personal utility). The greater good is the action of an "Invisible Hand", as Smith has it in both *Theory of Moral Sentiment* and *Wealth of Nations*. What I find very interesting is that this is not so much an assertion of what ought to be, so much as it is a description of what is. Mostly, then, it is either true or false, rather than good or bad.<sup>4</sup> It is also, in some sense, automatic, requiring no deliberate moral action.<sup>5</sup>

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4 There are problems in language here. First, we say something is such-and-such and that's fine. To say something *isn't* such-and-such doesn't say anything about what it is, clearly. It turns out to be very hard to say much about things that *aren't*, unless we **only** mean a sort of absence or privative. In that case, when we talk about some situation, we say it is "true" that *seems* actually the case, or "false" when it *seems* not to be the case. We have to say "seems" because we are often wrong, so much so that it is less interesting to build up vast piles of putative evidence proving something is true, than it is to define the conditions under which what we believe to be the case is false, then check to see if those conditions obtain.

Things that *ought to be* or *ought not to be* are not necessarily all that well connected with what is true or false. "Ought" is spoken in several senses: "Well, if this is so and that is so, then the-other ought to be so." This is about logical entailment, but has nothing to do with ethics. The *ethical* language, "I ought to do this" or "I ought **not** to do this" is very different. What is being described is not something that seems to be the case, or is even necessarily related to what seems to be the case, but something that is a response, perhaps, or another hypothetical case or perhaps still something else. At least some of these are notions-expressed-as-propositions of which it is proper to say it is good, or it is not good.

**This is enormously complex, and one needs to think about it. Study is helpful but the thinking-through part is absolutely the heart of the matter,** and it is precisely at this point, in my experience, where many people throw up their hands and say, "*Zum teufel!* I believe what I believe and screw everything else." Some of them are respectable Academics.... They go off and do what they want to do, and console themselves with their own sense of personal rectitude.

5 Moral sentiment theory arises among Presbyterians — Calvinists, Reformed Church. This is a group from within which the notion of duty, as that is understood in modern ethical discourse, arises most powerfully. Max Weber advances the argument that duty, as a driving force in pursuing one's vocation, is the proximate and (when secularized) enduring force in modern capitalism. Is there a consequence, that greed is perceived at some deep



An attempt to extend and "clean up" this defense of greed-as-good was lofted in the late 18<sup>th</sup> century by Jeremy Bentham, later espoused by the founder of modern economics (and thereby, modern, quantitative social science), John Stuart Mill. This improved Utilitarianism extends utility to include others, and it is the greatest good for the greatest number, not just for me, that is to be significant. The idea is to create a "calculus" of goodness: Your utility, my utility, the utility of everyone else comes together and the "sums" of all the various possible compatible combinations are compared; the best sum is the good course of action. This is intended to get past the problem of is-and-ought (see the note); I think it's a hat-trick, not a real solution. It aims at being practical for most people; this assumes a degree of objectivity. **There is** (at least, as I understand it and have described it) a sort of best-of-all-possible worlds approach to things. *Candide* remains a very good response to that line of thought.<sup>6</sup>

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level as divinely approved?

6 On the other hand, Bentham is definitely congenial to those of us who claim interest in animal rights:

The day *may* come when the rest of the animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny. The French have already discovered that the blackness of the skin is no reason a human being should be abandoned without redress to the caprice of a tormentor. It may one day come to be recognised that the number of the legs, the villosity of the skin, or the termination of the *os sacrum* are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason or perhaps the faculty of discourse? But a full-grown horse or dog, is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day or a week or even a month, old. But suppose the case were otherwise, what would it avail? The question is not, Can they *reason*? nor, Can they *talk*? but, Can they *suffer*? J. Bentham, *Introduction to the Principles of Morals and Legislation*, second edition, 1823, chapter 17, footnote

Moral sentiment theory and utilitarianism are enormously influential ways of thinking. Adam Smith's formulation of the Invisible Hand drives economics to this day (the current wheeze is "trickle down" and its variants). Arguably, all social science rests on the implicit and unquestioned assumption of the, at least supposed, rational pursuit of one's own utility. The attraction rests on the rather (self-)flattering notion that we are all rational, that we all have a clear understanding of where our interests lie and pursue them assiduously. If that is so, then other ostensibly rational people can easily comprehend and respond rationally. The chaos of a pre-civil war of all against all can be resolved by magistracy administering a comprehensive legal system in a commonwealth. Bentham, in fact, relies on this in elaborating his utilitarian ethics; he is, in the first place, a jurist.

The claim to rational moral decision-making is not readily confirmed in practice. People aren't all that clear about what is in their best interest; they really operate from feeling ("sentiment") — was the point, after all, of David Hume in his elaboration of the concepts. It's even worse: Severally and collectively, we are famous for doing very foolish things, contrary to our interests, no matter how charitably viewed.<sup>7</sup>

There are other problems: Notably, we don't have access to another person's thinking, and even less, feeling; we really

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<sup>7</sup> A really wonderful view of how this might work out: John Kenneth Galbraith's novel, *A Tenured Professor*. Highly recommended.

only know what that other person makes public, and we hope he isn't lying. We think we should be able to get access to others' thinking. We don't really know much about what-is, vis-à-vis the actual case of what others think.

They are like us; if they do things that seem appropriate to us for reasons we have for our own similar acts, we infer they have similar motivations. That is, however, a gratuitous assumption and is often shown to be counterfactual. We think we can read others' minds by expression;<sup>8</sup> that this is imprecise is admitted even in the test's description.<sup>9</sup> Neuroscience claims to be able to describe the brain mechanisms which operate in various kinds of thinking; psycho-active drugs affect behavior by enhancing or depressing one or another combination of brain activities. Geneticists are regularly identifying genes that toggle on certain propensities. Thus far, anyway, these are most often imprecise coincidences, not compelling correlations. Such outward and visible signs as we have are not sure indicators of inward and spiritual states.

The cogent thinker labels the belief that we can know what goes on in the minds of other human beings "psychologism"; its

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8 See Simon Baron-Cohen's *The Essential Difference*. Also see <http://glennrowe.net/BaronCohen/Faces/EyesTest.aspx>. Baron-Cohen has revised his test, and of course, his interest is quite specific and aimed at understanding the degree to which people are or are not empathic. See [http://www.autismresearchcentre.com/docs/papers/2001\\_BCetal\\_adulteyes.pdf](http://www.autismresearchcentre.com/docs/papers/2001_BCetal_adulteyes.pdf)

9 The problem is the notion of cause-and-effect, "efficient causality"; perceivable expressions are more or less invariant results of feelings, in this view. The current standard line on this still seems to be based on Hempel, "Aspects of Scientific Explanation"; the model of thinking this sets up has been shown to be less and less applicable the further one strays from rather basic physics.

effective counterpart in animals is "anthropomorphism". Both are interesting and so very attractive, but ultimately mistaken.

We accept that greed is there, and greed — pursuit of one's own best interests — is certainly a factor in any ethics. It is of some limited use in accounting for the things people (and other sentient beings...) do, but we can't really get at why they do those things, and advance at best *tentative* transcendental conditions for such activity. The result is muddy.

The other family of ethical notions that has been very important as a sort of "minority opinion" in the Modern period is based on a clear sense of what one ought to do — sometimes called "duty ethics" or more properly "deontology" (the study of what ought to be).

Immanuel Kant is the person most associated with this line of ethical inquiry. Kant agreed with Hume's reported observation that, if one had a perfect knowledge of all that is really real, one could never reasonably infer anything about what ought to be. What's needed is a universally true principle for determining right action, that is free of any taint of "real world" description, that is purely intelligible.<sup>10</sup>

Kant advances his famous Categorical Imperative. There are three **propositions**. In the first **proposition**, "Act only

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<sup>10</sup> Kant comes from a Pietist background; his grandfather was Scots; he was initially matriculated for Divinity study. We should expect a strong Reformed Church way of thinking underlying Kant's philosophy. That said, Kant also moves very far beyond that Reformed Church foundation.

according to that maxim whereby you can at the same time will that it should become a universal law," Kant found a universal that is empty of particular content, originates only in reason and so on. This gives him an "ought to be" that is as certain as the actual reality of greed and not connected to some proposition about the actual state of things, "what is". It is a controversial point; there is something of pulling rabbits from hats in this, but as a minority opinion, it has held up pretty well.

The second **proposition** intrigues me in the context of our present inquiry: "Act in such a way that you treat humanity, whether in your own person or in the person of any other, never merely as a means to an end, but always at the same time as an end."<sup>11</sup> Kant thinks this only applies to reasoning entities — people — because he wants to make a subsequent point about being both a legislator of morality and one obligated by the legislation.

Kant neatly connects these two **propositions** in a syllogism, arguing that each rational moral actor must consider himself to be a legislator (he formulates laws in the maxims of action) in the kingdom of ends. Very neat.

This all gets elaborated in a number of subsequent books. A large part of the elaboration is concerned with duty; simplifying dramatically, one has two kinds of duty — to

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<sup>11</sup> The translation is Ellington's, cited in Wikipedia:  
[http://en.wikipedia.org/wiki/Categorical\\_imperative](http://en.wikipedia.org/wiki/Categorical_imperative)

oneself, to do those things that are most conducive to being the best sort of person one can be (as Kant puts it in another place, to seek to be worthy of salvation), and to others, to foster their felicity.<sup>12</sup>

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12 It can't *stay* simple; duty is a central moral concept in Modern thinking. It is almost always linked to "calling", a concept of special significance in, especially, Reformed Church theology, and which is increasingly "secularized" in the 18<sup>th</sup> and 19<sup>th</sup> century. Cf: Max Weber, *The Protestant Ethic and the Spirit of Capitalism*. For serious rehabilitators, clearly wildlife rehabilitation meets the requirements for a calling; the question remains, is it pursued dutifully?

Barbara Cole, in reviewing these remarks, makes the point that there is immense personal satisfaction — hence personal interest, personal utility — in her activity as a rehabilitator. She observes, in part, "...For me, rehabilitation is an ultimately selfish activity. I do it because I want to, because I get a kick out of having a little squirrel fall asleep in my hand. I am soul satisfied when I set a bird free, and when I see a bird of that species flying around I think to myself " I know you". All of this is very gratifying...." Cole is therefore skeptical anent my interest in duty.

This is an important criticism, and I completely agree with Cole's observation. It depends on how we understand altruism — a term that has developed several senses. As an *ethical* term, altruism is "disinterested and selfless concern".

Duty is a matter of obligation. I am obliged for one or more reasons: I may be obliged by a right claimed by another that I acknowledge. I may be obliged by some antecedent judgment I have made. Both of these can apply in the case of wildlife rehabilitation.

On the one hand, I acknowledge a right (or maybe more than one) implicitly claimed by an animal brought to me for care; I might acknowledge claims of the individual who has rescued the animal, and the community (represented by state and federal agencies) that license me. I will do the very best I can for that animal, to bring it back to health and either restoration to independent (not thereby "natural") existence so far as that is possible, or to provide for its best possible care in a supportive environment, or those options failing, to at least give it an easy death. This may mean hospice care, not euthanasia; this rests upon a consideration of the animal's sense of itself as it expresses it in some kind of discourse (Cole's view, which I subscribe, but a very dangerous notion, to be sure).

On the other hand, I have already decided that this is something I want to do. I made certain judgments and decisions, and I keep on making them. I may have already been drawn into the practice of wildlife rehabilitation, but I undertake to formalize that. I do this for various reasons.

Duty in this context is not selfless, and is not disinterested. I chose to seek licensure, I chose to enter into this vocation. I have accepted

Keep in mind, the rules I make for myself in defining and carrying out such duties have to be capable of being made universal rules; the result is very complex, even though the basic notion is quite simple.

There are two main lines of criticism: The Utilitarians argue that Kant is pulling a fast one, that the first **proposition**, the Categorical Imperative, hides hidden agenda, notably that it aims at a utopian end. The Virtue Ethics crew argues that duty is characteristic of the virtuous person.

My own objection is more practical: I find it hard to conceive viewing humanity – or sentience or whatever – in every *guise encountered* – as part of the kingdom of ends. We do tend to pick and choose, and we do so not on only rational but also emotional – “sentimental” – grounds. This is a matter of judgment, particularly prudence, and that is a very complex subject – but I think even Kant would not consider it merely rational in the usual sense.<sup>13</sup>

this calling – and I have done so for less than tangible rewards, but real rewards nevertheless. It is, as Cole rightly observes, enormously satisfying when there is success, when the little animal accepts that you are not a danger, but a source of succor. So, in this case accepting and doing my duty is entirely interested. Doing my duty is more a matter of consistency with my previous entirely self-interested decisions (I want to do this; I accept this calling freely).

We may be at the top of a slippery slope, though. Some selfish and interested reasons for doing one's duty may be accepted as “good” ones; some we see as a community of rehabilitators to reject. This is where the Kantian *Grundlegung* propositions – the Categorical Imperative &c. – are a useful and important test of likely consensual approbation, but a longer story for another time.

13 Kant writes on this in *The Critique of Judgment*. This third Critique deals very specifically with the beautiful and the sublime, and Kant very specifically rejects applications of the notions to morals and politics. However, the connection can be made, as was persuasively done by Ernst Vollrath in *Rekonstruktion der politischen Urteilskraft*.

On the other, that we do pick and choose, and create a sort of privileged community of others, seems correct, even obvious. For example, it is not uncommon to count as close acquaintances, even friends, people who belong to social groups the members of which we normally shun. We regard such exceptions to our usual prejudices as privileged. So, we do seem to build a "kingdom of ends", but it isn't universal; it isn't all of humanity or anything like it.

So, on an actually-the-case basis, we grant special status to some others, and we hope this is reciprocated to some extent (we can't know; we have access only to the other entity's expressions, not the feelings that lie behind them).

Suppose we extend this notion of a privileged community. Can we argue that other sentients — including animals we take in for rehabilitation — also can and probably should be regarded as members of the kingdom of ends? It is still not universal; it's not *all* animals and people (and Martians and other sentients). But this does begin to get at the kind of relationship that obtains between people engaged in rescue and rehabilitation and their charges, perhaps.<sup>14</sup> It might be a useful beginning to an

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14 This must inevitably result in conflict between wildlife rehabilitators and others who interest themselves in one or another way in the care of wildlife. The descriptive term, "wildlife biologist", is commonly applied to many such people. Some of them are active Academics and quasi-Academics (e. g., zoological garden and amusement park operators). Others find berths in government agencies; the latter especially seek to exercise coercive control over the care of wildlife. There is a group of affiliated professionals, especially in veterinary medicine, who also take a view that claims a degree of special objectivity and scientific soundness. The limitations of such perspectives are of moral significance, but not relevant to the present discussion. See also note 28 *infra*.



explanation of the moral relationship that develops. It might be part of an explanation of some puzzles down the road.

There is a sort of new wrinkle on duty ethics, and I find it helpful in the present discussion. This is called discourse ethics, and it is largely and more recently associated with Karl-Otto Apel and Jürgen Habermas.<sup>15</sup>

Essentially, all we really know is comprised by the language games into which we enter. I engage you in conversation; I have before me the conversation — not your motives, and my own motives are suspect. We may even be talking at cross purposes, I suppose — playing different language games. Yet, I seem to understand you to some extent; I am somehow able to interpret what you say. I can at least get the gist of the game some of the time, and can confirm my interpretation, at least for now.

Habermas goes on to elaborate a set of rules for building discourse that can lead to common action. This is all still being worked out, and one cannot say where it will go. Both Apel and Habermas are in their 80s, and both have had tremendous influence — directly on students, indirectly through wide readership — during their own lives.

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<sup>15</sup> Apel's slightly earlier "flavor" connects Anglo-American philosophy — Peirce and Wittgenstein, mostly — to a Continental tradition of interpretation theory founded by Vico (then neglected...), given currency by Dilthey and shaped by Heidegger, Gadamer, Ricoeur and several others. In short, language games and their development and connections have an involved genesis with deep roots. This is the sort of thing of which many ethics pundits simply have no adequate command, and from which in turn arise problems.

This new variant is not without its critics, naturally. Apel's views seem to replace the kingdom of ends with an ideal discourse community; Habermas develops a rational, rule-governed behavior; these seem sort of rabbit-out-of-hat notions. On the other hand, these are cogent and powerful moves to advance the conversation on ethics, and it is interesting that I never see evidence the pop-ethicists are even familiar with these recent lines of thinking.

The point here is simple: moral philosophy is *ramified*. There are contradictions, especially if one tries to advance once-for-all rules.

There are two possible ways around this: One can abandon quest for serious solutions to moral dilemmas — pretty much the usual thing. The result is what we all see around us: Paid pop-ethicists pontificating ponderously (...). Individuals telling us, I'm OK and you're OK and moral rules are not important until you do something I don't like.

The other possibility might be more interesting: We could actually try to construct a language-game and a discourse community around our specific problems as people acting from our particular kind of caring about the world.<sup>16</sup>

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16 I've just pulled a swifty of sorts. I am sliding the reader toward a different sense of caring — not just the usual emotional sense (the line from an old song: "No, I don't think I will marry you, I care for you too much"). Caring is a very specific way of encountering the world in which we exist, and it is a survival adaptation. It's a part of human being as such. It has nothing to do with being nice; quite nasty people care for *their* world, but their caring is nasty.

## What Rehabilitators Say about Euthanasia

Can we find the germ of the wildlife rehabilitation ethics language-game in what has been published?

Quite a lot of what is published seems pretty dismal for our purposes:

Euthanasia is the act of inducing a painless death using humane techniques. The decision to euthanize an animal is often difficult. Although each case is unique, the Colorado regulations covering wildlife rehabilitation (Chapter 14) establish general considerations and criteria for euthanasia of wildlife. Specific references to euthanasia are found in the following excerpts from Colorado regulations.

[Retrieved from  
[http://wildlife.state.co.us/NR/rdonlyres/  
82ED4103-285C-4300-A69A-026F8628428A/0/MWILD\\_EU.pdf](http://wildlife.state.co.us/NR/rdonlyres/82ED4103-285C-4300-A69A-026F8628428A/0/MWILD_EU.pdf)]

This kind of comment is not a helpful contribution to our inquiry. It makes what are clearly just obligatory gestures to the difficulties entailed in a discussion of killing animals "humanely". The rest of the paragraph and the paper to which it is an introduction, is merely a discussion of mechanics. In short, euthanasia *propter se* and the circumstances when it is appropriate are assumed. This is not helpful, however professional.

*NWRA Principles'* section (chapter 5) on euthanasia is, however brief, far more interesting.

The introductory comments advance a categorization of different rehabilitation-experience levels of the propriety of euthanasia:

Beginning rehabilitators consider euthanize only as a last resort because "I don't have the cage space to keep the animal," "I can't find placement for the animal" or "my permit says I have to." Advanced rehabilitators reach the euthanasia decision as a duty. They understand the need for euthanasia. They are operating on the basis of what is best for the animal, not what is best for the rehabilitator. You know you've reached the final stage as a rehabilitator and full understand wildlife when you look upon euthanasia not as a last resort or a duty, but a gift. *NWRA Principles, p. 5.1*

The first two of these categories are immediately recognizable. Beginning rehabilitators operate from the concept of utility, whether personal ("my license...") or more general (serving more animals correctly is a greater good). Advanced rehabilitators fulfill their duty to the animal being euthanized by considering its felicity, and to themselves in setting aside mere utility in favor of a more fully human caring for their world (which includes the animal euthanized — but others as well?...).

The last category, the perception of euthanasia as a gift is more subtle, and the authors rightly refrain from too much description or assessment. We need to come back to this, but even in the very short time I have been engaged in dealing with (mostly, relatively less wild) wildlife, I have encountered instances where the option of being allowed to die in some sense appeared to be sought and euthanasia would indeed have been correct in my belief. [In instances that come immediately to mind, I did not have that gift to give, to my eternal sorrow and shame. In both cases, the birds that died were already *in extremis*.]

The first of the three brief essays, Katharine McKeever's "Quality of Life", is perplexing. McKeever's point is at the end of her essay:

...If you leave the cage door open, it [the wild animal] will opt for that one thing above all the others [correct caging &c. as set out in the essay] that were provided, and it will walk out of the door to freedom and its death. Because this is the way of all wildlife. *NWRA Principles*, p. 5.4

This is counterfactual. This is true for *some* animals; it is not true for *all* animals, and for some animals, while it is true that they take off, it is also true that they seek to return.

This can be very dramatically the case: We had a sparrow in the house for awhile. Sparrows can be troublesome little birdies; this one wasn't, even though its rehabilitation entailed plucking quite a few weak feathers (from early malnutrition) to get new ones to grow in. One day this little fellow was out of his cage when I opened the balcony door. Zip, out he went - and zip, right back he came. Other examples will surely present themselves to the reader.<sup>17</sup> This little fellow was fond of his cage, even - would seek it out (to perch on it, even when not ready to go in it). Freedom is, then, at least relative, even for the nominally wild animal.

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<sup>17</sup> This is more than my being naughty; I used to get the *NWRA Wildlife Rehabilitation Bulletin* and I recall articles there recounting instances when the carefully released-at-a-distance animal made it back "home" before the rehabilitator. There was also a very interesting article on - otter? - releases, indicating that successfully released animals, finding themselves in difficulty, also found their way back to the rehabilitator. Rehabilitator anecdotes are replete with such [stories](#).

I suspect the problem McKeever faces — we all do — is in the interpretation of the animal's actions in attempting to understand them as reflecting desires. We have no privileged access to the thinking that drives the animal's actions; every single view we take — even the most experienced of us — on such matters is merely presumptive. And yet: We claim to have some sense of what the animal thinks (or feels or whatever). In short, it would appear McKeever assumes, but does not explore, some kind of communication between rehabilitator and critter. I also suspect she overstates her case (I distrust the statement, "this is the way of all wildlife").

The very notion, "quality of life", is already difficult when applied to people. Is a person confined to a powered wheelchair, unable to do more than move the controlling joystick, denied "quality of life"? Is a person who has spent much of her life in an iron lung deprived of "quality of life"? Clearly, for many people in such predicaments, that is not so. We would not know this, if they could not tell us; would our euthanizing such people be a gift? A duty? For some, clearly, it would be; Kevorkian's adventures show this. Is this universally the case?

Animals, comes the response, are different. Perhaps so — but demonstrating that it is so in this context is awfully hard, and I submit, not possible in any universal way. We have a hard time understanding what other *people* mean; we often misunderstand, even with the privileged position of close

association. How much more so this has to be the case for animals, where the media of — cross-species — communication are substantially attenuated.

Lynne Frink, founder of Tri-State Bird Rescue & Research, observes in her essay "Why Must We Euthanize Birds?", "...The minute a wild animal is picked up by a human being, we know that it was, in nature's eyes, a dead animal." (*NWRA Principles*, p. 5.5) This seems to me an essential insight. It **can** also **be** misleading.

Human existence is *natural*. When someone finds an animal apparently in distress and brings it in, one is doing something that is consistent with human nature.<sup>18</sup> When a human being "retrieves" a wild animal, its habitat changes; there is a minute alteration in the larger ecology, but a dramatic change in the animal's role. It has a new niche as part of a human habitat. The animal is changed. Some — especially young animals — appear to adapt to this new habitat. That is not always a good thing, and the animal's way of dealing with things — including people — is seemingly quite different from its interactions (including those with people) "in the wild". It cannot be inferred from this that the animal is more or less content in its new habitat; it is just as true that discontent cannot be inferred, even in instances where the animal seems to

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<sup>18</sup> Not doing so is also human nature, and doing the things that cause horrible suffering to animals is also part of human nature. We are very complex, which is one part of the reason "social science" is an oxymoron, perhaps. Mark Lavarato, *Veracity* (available in electronic form from manybooks.net) presents an interesting, if pessimistic, assessment of human nature that I find very seductive.

be angry about its changed circumstances. None of us has the foggiest notion of what really goes on behind those eyes. "Wild" animals living with us present tremendous challenges to understanding at many levels.<sup>19</sup>

So what is Frink's case? It is that she can correctly infer that an animal in distress cannot be "returned to the wild" based on long experience of what happens when certain diseases or injuries are found, and that continued existence with human beings will necessarily be untoward and painful. To this she adds the problem of rehabilitator fag-out. Following the categorizations listed earlier, Frink is arguing both the "beginner" utilitarianism and the "advanced" duty to the animal's greatest felicity. Euthanasia is something to be done to animals we judge to be doomed never to go back to some other nature than the one into which we have — rightly, wrongly, for good or ill — have introduced it.

Erica Miller's essay is the most careful (in several senses) of those offered in *NWRA Principles*. Miller sets up her comments in the remark: "...I would like to provide some guidelines; some are obvious, others may just be something to think about." She continues:

If an animal cannot be returned to a normal life in the wild, the only options we have for it are a life

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19 See Bernd Heinrich, *The Mind of the Raven*: New York (HarperCollins) 2007. Animals do things consistently. They set up "language games" or the reasonable equivalent of them. Do we have the foggiest notion of what goes on between their ears? Certainly not. But is there some kind of communication? Quite possibly. Thinking otherwise involves assumptions that are not reasonably inferred from careful observation.



in captivity or euthanasia. If we opt for captive life, we *must* be certain that we have just cause for keeping the animal: for use in education, as a surrogate parent or in a breeding program; and that the animal can be kept in a situation where it has adequate caging with proper stimulation, correct diet, minimal stress and any other factors we can contribute to provide the animal with a quality life. E. Miller, *"Euthanasia the Other Release, NWRA Principles p. 5.7"*

On the surface, this seems straightforward enough. A more careful examination suggests that Miller has caught all the potential pitfalls in the decision not to euthanize.

First, is it really ever possible for an animal taken into care to return to a *normal* life in the wild? The evidence is at best mixed. I have noted earlier, rehabilitator anecdotes of return-for-care, not uncommonly as a result of some trauma subsequent to the first release, are commonplace. This is not part of a normal life in the wild, in any account of wild-animal natural history; such accounts more commonly suggest very different behavior. It follows that the animal is no longer part of that first "natural" existence, as already noted in comments on Frink's essay.<sup>20</sup>

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20 This is a two-way street. "Release anxiety" is a real phenomenon, and I suspect more rehabilitators experience it than will admit to it. It manifests in several ways and is yet another complexity:

There are rehabilitators who horde rescued animals; this has been discussed elsewhere, both in hypothetical cases (in *Release* some years ago, e.g.) and in reports of actual instances.

I suspect that many animals deemed unreleasable are kept for educational purposes because the rehabilitator's needs are paramount. In this connection, I recall a heavily credentialed, rehabilitator encountered recently with her educationally retained one-winged hawk — an animal she acknowledged to be frightened in public venues, with no escape possible. Allowing that the bird could enjoy a good life even though unable to fly, why was it better in her care than in a more sheltered environment; was the primary benefit to her keeping it just having that bird's company to herself?

I am also concerned with the perjorative character of the expression, "a life in captivity". If one does a reasonably good job with "adequate caging with proper stimulation, correct diet, minimal stress and any other factors we can contribute to provide the animal with a quality life", I submit the term "captivity" is at least misleading. It would just as correct to say "giving a new home".

This is not to say that the quality of life is not different, or that the animal's behavior in the new circumstances will be what it would be were it released. Experience suggests an animal develops at least superficially different behavior when living with people.

Miller's essay is most useful in providing a sort of checklist of elements to consider. This is presented in an eight-point list, a very good reality-check. Not one item on that list is controversial, so far as I can tell. She extends this list with comments in questions posed in the rest of the essay. The first two groups of questions deal with the decision to release; the third group of questions addresses the case where release is clearly not appropriate: Can life "in

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Certainly many rehabilitators are anxious to know that their charges with whom they have developed quite extensive connection over time are doing well. We hope to encounter some sign of them, perhaps. If we place them in shelter, we may wish to visit that shelter. The animal may forget us (it may not) as it achieves a new life; we do not forget it.

The admonishing tone that underlies the essays herein considered is perhaps, in part, an attempt to remind rehabilitators that it's just too easy to substitute what is useful for us, for what is useful to our charges?

captivity" still be a good life for the animal?<sup>21</sup> Miller's closing line is superb:

Euthanasia is an act that will always involve our emotions, no matter how many times we perform it, but we must remember to consider the patient, a wild animal, first, and deal with our emotions second if we are to truly provide a service to wildlife. *E. Miller, "Euthanasia the Other Release, NWRA Principles p. 5.9*

In *IWRC Basics*, Jan White's "Guidelines for Euthanasia in Wildlife Rehabilitation"<sup>22</sup> merits special attention. It is discursive and lucidly presents the more tightly expressed issues of the *NWRA Principles* articles. It brings in, and offers good examples, issues that are particularly relevant to the medical evaluation of care and releasability. White's summary of general categories of potential problems (epizootic and zoonotic diseases) is useful. I found particularly valuable her comment on the need to consider what one can do oneself, and what might be accomplished through transfer to other hands with other skills and facilities; I have the sense this might not happen often enough. There is a great deal of solid practical experience summarized, and which can "short-circuit" some of the

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21 What Miller does (and this has been the case in some of her *viva voce* presentations, as well) is to set up the various sets of conditions surrounding various kinds of possibilities, then sort of throw up her hands — "what to do, what to do?" I have this suspicion she may actually do some of that agonizing for real in her own practice, and her teaching approach is to let us experience it and work through it for ourselves.

22 *J. Wildlife Rehab*, vol. 16, no. 3, pp. 19-23. The same issue also included Richards, "Euthanasia in Wildlife", also included in *IWRC Basics*. I do not treat of the latter article; it is mostly concerned with methods, especially those favored by Richards, and offers a rather superficial adaptation of Kubler-Ross's *On Death & Dying*, which does not, in my judgment, greatly advance the discussion.

personal can-I-do-this? aspect of the treatent-or-euthanize decision.

Perhaps the most compelling of White's remarks is the description of moral failure:

In all the cases described, the animals were alive because the caretaker could not bring himself or herself to "kill" them. In one case, the bird was repeatedly featured in publicity by a veterinarian trying to raise money to build new facilities. This bird endured successively higher amputations until it did not recover from the anesthetic.

*White, IWRC Basics, p 17.17*

### **Making The Decision: Observing the Process**

[In conjunction with the following discussion, the reader is encouraged to view <http://www.jenner.org/SupportingVideos/>. Two videos are available. These are improved-download (smaller) files, taken from <http://www.youtube.com/watch?v=Sz5-dJE5wQ4>. One is complete, the other - very short - is edited to include only the parts I think immediately relevant to the discussion at hand.]

There are substantial risks in bringing under scrutiny the actual instance for a specific euthanasia decision. Clearly, I would not choose the case if I did not think the decision was open to doubt. It is important that this be understood, proximally and for the most part, as a consideration of the particular decision, not of all such decisions and certainly not of the senior rehabilitator who makes this decision in this instance. I have every reason to believe she cares greatly for the birds that come to her, to the point where she allocates most of her time and wherewithal to her rehabilitation activity; I have every reason to believe she does not consider herself to be euthanizing excessively.

On the other hand, clearly the Wild Bird Fund and its principals regard this specific application of euthanasia to be a correct and exemplary decision. This video has been available on the web, through Youtube, for some considerable time, as part of an attempt to raise money for an independent space adjacent to the present co-location. It is, therefore, a public statement of sorts, anent the organization's view on euthanasia. The organization and its principals (one of whom is the senior rehabilitator in the piece) are responsible in every sense.

Some background is required. The decision at hand is made by an experienced rehabilitator, assisted by a less experienced assistant and a person who is frequently involved in the rescue of birds. The organization is New York's Wild Bird Fund. It is co-located with a carriage-trade veterinary practice consisting of two parts: Animal General is a conventional dog-&-cat veterinary practice; The Center for Avian & Exotic Medicine, located three doors north in separate space, offers care for birds, small mammals and reptiles. The Wild Bird Fund uses the Animal General facilities on a space-available basis, with access to veterinarians with avian experience from the other office. The Wild Bird Fund pitches its services to the general public, but has limited interaction with other licensed wildlife rehabilitators.

The pigeon is presented is a youngster that has experienced problems as low bird in the pecking order, and therefore possibly deprived of food. The senior rehabilitator carries out

a thorough examination. She notes that the bird shows signs of attack by other pigeons, is eating (there is food in the crop), but that the bird's limping, a post-rescue discovery, is not from an obvious current break, and that the bird has swollen joints as well as, possibly, an old break.

At the end of the initial examination, the senior rehabilitator determines an x-ray is in order.

Reading the x-ray, the first remark the senior rehabilitator makes is "I don't really know what this is." She then proceeds to describe (for the videographer) what she is seeing as mottled bone.

A flag goes up immediately. Interpreting x-rays is not simple. Even very experienced radiologists are often in error. I have seen dramatic examples of this: In one case the consulting radiologist had the bird in question on death's door, while a cardiologist assessing using an echocardiogram dismissed the results as normal.

Admittedly, mine is a soft-tissue example, and x-ray examination is less generally satisfactory in such cases, so it seems. In the present case — bones — things are generally clearer. Even so, having acknowledged that what is depicted is not something familiar, why wasn't a more knowledgeable person consulted? Mottling in bone can be indicative of more than one cause and some are not particularly threatening.

In any case, in the next scene, the senior rehabilitator announces a decision to euthanize. The method (which I have seen used by this rehabilitator) is correctly described as peaceful, painless and so on. The rescuer observes it is humane — a term difficult to define. The assistant rehabilitator observes, "And he's in pain."

Again, the flag goes up. It is simply not possible for that woman to know whether the bird is in pain or not. Pain is a psychological state; it is inherently private to the individual experiencing it. If I am in pain, and I tell you I am in pain, you know what I tell you, but at best, you can only guess from analogy what it is I am feeling as pain.<sup>23</sup>

So, three sets of statements: The method is peaceful and painless; so far as the bird is concerned, this cannot be known, since none of these women (rather clearly) have no comparable experience base from which to make that judgment. The bird is in pain; that is clearly not knowable. The regimen is humane; the term "humane" is absent any referent, and is therefore meaningless except perhaps in specific discourse wherein a certain back-and-forth produces a merely local and temporary reference and consequent definition.

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23 A personal example: I have back problems, most of which arose from coming off the back of a horse too often, exacerbated by corpulence. There is one specific point where the deterioration (visible on x-ray...) centers; I have told this to several physicians and had it dismissed. Only one, placing his finger on the precise spot, could actually feel the muscles spasms resulting from the nervous damage. Even then, he dismissed the real and on-going pain — "Take lots of inaproxen and call me six months from now."

I now invite you to watch the bird die. Is this a bird that acquiesces in its death? Is this a bird that is saying, this is a gift? Is this bird resisting death, administered by three women who have convinced themselves of the propriety of their own action? Observe carefully — I mean that literally: apply all of your very being to caring; get caught up in this moment, so far as that is possible — the bird. Have in mind the word of Cromwell: "I beseech you, in the bowels of Christ, think it possible you may be mistaken." This is a very good moral position.

### **What's on the Table?**

In drawing conclusions, it is helpful to look at what "wildlife rehabilitation" means. Definitions commonly available describe a process; the name refers to that process. Is there more to it than that?

I believe so. Watching and visiting with rehabilitators (and some self-reflection, but that can be dangerous...), I come to the sense that wildlife rehabilitation is a calling. As noted [elsewhere](#), this is a term originally theological in context and central particularly to Reformed Church thinking. The essayist in Wikipedia cites Cotton Mather, observing:



The Puritan minister Cotton Mather discussed the obligations of the personal calling, writing of "some special business, and some settled business, wherein a Christian should for the most part spend the most of his time; so he may glorify God by doing good for himself". Mather admonished that it wasn't lawful ordinarily to live without some calling: "for men will fall into "horrible snares and infinite sins". This idea has endured throughout the history of Protestantism. Almost three centuries after John Calvin's death in 1564 Thomas Carlyle would proclaim, "The latest Gospel in this world is, 'know thy work and do it.'"

[http://en.wikipedia.org/wiki/Calling\\_%28religious%29](http://en.wikipedia.org/wiki/Calling_%28religious%29)

What Mather has in mind is clearly not just a matter of a religious vocation — the old papist notion, that led to the monastery more often than not. The mediæval asceticism is replaced, as Weber notes<sup>24</sup>, by a new spirituality that makes whatever role God gives a legitimate and Divinely ordained calling, to be done well. One is *obligated* and indeed, one should do well by oneself in answering the calling. Already in Mather's time, this spirituality is being secularized.<sup>25</sup>

Wildlife rehabilitation seems to meet the requirements of a calling in all but one way; it is not possible to earn sufficiently from this calling to live on the proceeds, generally speaking. On the other hand, there is clearly substantial support for more subtle elements in Maslow's hierarchy; both social and esteem needs (not so much

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24 *op. cit. supra*

25 I think it remains spiritual; it is the religious character that is lost. This was, as I recall, the view of Robert Sobel, who made clear the connection between the protestant, predominantly Reformed Church notions of the operation of Divine Grace and Works (Epistle of St. James 2:24) and entirely secular and popular view of things as presented in the dime novels of the late 19<sup>th</sup> century. See also Weber, *Protestant Ethic & the Spirit of Capitalism*, especially the unpacking of Reformed theology in Part II. The ramifications are quite broad.

unrecognized as unacceptable concerns for Mather and his ilk) are addressed in several ways.

What is important for our discussion is the concomitant of calling: Obligation. Duty. We are bound in our duty to pursue the calling diligently, and the calling is a set of procedures with a mission.

The last bit, *mission*, is actual, real — tangible. It begins in individuals; I shall do thus-and-so, in such a case. I enter into discourse with others I find doing similar things, and as the discourse progresses, what was something I did in and for myself becomes public. I have to objectify what I do, as do the others with whom I am in discourse. As the discourse community becomes larger, “best practices” and licensing and endorsements and so on develop.

But *duty* is not what-is. Duty is what I *ought to do*. We may have found a tentative and occasional point of intersection between the moral domain of ought and the everyday world of affairs — at least for rehabilitation (anything else is quite another matter).

If this description of wildlife rehabilitation as calling and concomitant obligation is accepted, the two-fold character of duty as Kant sets it out — duty to self but also to others — may be in play. Duty to self — personal utility — is for Kant not the obvious (and rather crass) material utility of the quotidian loaf and some assurance for that of tomorrow as well;

it is already defined (the desire to be worthy of salvation) in ways that seem to *require* consideration of duty to the other — that entity's felicity. Kant even goes so far as to say right out, I am to be a better — more objective — judge of that felicity than the other, because my personal utility (in the ordinary sense) is not at stake.

But can I really accomplish that duty to the other without taking into consideration what the other thinks?

The dilemma is clear: I am a more objective judge, but the other has very definite notions. The idea of euthanizing “defective” others — non-contributing “eaters” was, as I recall, the language popular in 1930s Germany — with no regard for their notions of their own felicity — has been roundly rejected. We do not generally countenance killing “defective” children or adults.<sup>26</sup>

The dilemma is especially acute in the case of our wildlife charges: I am the more objective judge, and the difficulty of understanding the the other's very definite notions of its own felicity is exacerbated by species differences, and communications problems arising from them.

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26 Interestingly, this is not a matter of moral judgment, in the sense that there is no judgment that one *ought not* to do such a thing. In fact, one can plausibly argue that one *ought* to kill obvious “defectives”, ideally in the womb or shortly after birth to conserve scarce resources or some such. This is not a eugenics argument; current science makes clear eugenics is simply mistaken. It is sound social science, especially economics and sociology. *Most important*: The argument has been generally rejected, also for reasons that are not based on sound moral thinking, so much as law, politics, religion and so on. Nor are we, as a society, or even within an hegemonist “high culture” elite, consistent in our expressed views on this subject.

Human arrogance — arrogating to ourselves judgments based on a belief that we are alone able to discern what is best — is a very real part of this horn.

The dilemma has already presented itself to us in the essays cited and interpreted above, in which experienced rehabilitators have taken strong views favoring euthanasia. It is not so much that the dilemma is denied, as that it may be ignored.

Against this, we have the experience of watching the decision to euthanize a bird, and its application. We have noted several instances where arrogance may be obscuring what is present before us in that situation. We have the admission that what is seen in the x-ray is not really known or understood, but is nevertheless judged "bad". We have the wholly unwarranted judgment that the bird is in pain. We have the self-supporting notion that killing the bird gently and peacefully is humane.

Against this, we have the bird itself, not obviously unhappy, not obviously seeking to "switch off"<sup>27</sup>, clearly puzzled by the onset of the drug and apparently seeking to resist its effect. It appears, as we see it in the video, to be expressing a lack of acceptance of this death imposed upon it.<sup>28</sup>

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27 I cannot speak for other species, with which I have vanishingly little experience. Observation of pigeons suggests that a pigeon that has "had it" simply folds up and settles down to die. I have seen this in other columbids. I note in passing, urban pigeons "in the wild" survive quite handily, for extended periods, with no apparent interest in "switching off" with quite severe debilities. These birds seem to suffer no more than "whole" birds, exhibiting similar behavior and so on.

28 Certainly, this can be debated. The conversation is limited and imperfect. It is not, for that reason, entirely to be excluded, as is

There are two common counterarguments to the view that seems to be developing.

On the one hand, there is the position taken by the senior rehabilitator appearing in the video cited (in conversation at another time, in a discussion of her decision to euthanize, in which I was complicit though dubious). Quite simply, in her view, the standards that we normally espouse in EuroAmerican "high culture" anent sanctity of life and a duty to support it in human beings, at least where death is not deliberately sought by the other, does not apply to animals. This may be rejected as the top end of a nasty slippery slope.

The other argument, seen in various contexts, is that the animals are sneaky; they don't tell us honestly what their condition is and they may "conceal" from us their pain or suffering or even their desire to die. Several possible objections are obvious; the least flattering is that wildlife

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clear both from numerous and well-publicized studies and even more numerous rehabilitator anecdotes. In this context, I find the comment of Lori Barrett, Esq., interesting: "I think your final point, that we must consider the whether the animal herself wishes to die, is so important. I considered having both Daisy and Petunia euthanized. But I decided that I didn't know what they were feeling and, as long as they kept eating with gusto, they seemed to have a will to live and should be allowed to do so." I hear variants on this from many rehabilitators of different backgrounds and with more or less experience. Barbara Cole takes a similar view: "I would add to the decision making process criteria that have been set out by wiser rehabbers, that the species and the individual character of the animal in question be considered if the animal has been in rehabilitation long enough for any observations to have been made. ... When I get an mammal in, I look at it's injuries and imagine how I would feel if it were me....birds are harder because it is harder to relate to their pain levels. ... [S]ometimes I think you can "tell" when it is the best decision for the animal. No empirical evidence. No scientific data. But rehabbers do 'read' their charges...it is what keep you from getting bitten!" I understand both these people, responding to the draft of this paper, to be saying that it is indeed possible to enter into an interpretive moment with the animals in our charge. I cannot see it possible to have interpretation without the language game of conversation.

rehabilitators espousing such a view may be less attentive than one might hope them to be.

There is also the utilitarian and æsthetic argument advanced by Frink: We don't have time and resources, and we may be stuck with a bird that lives uncomfortably and miserably in a small cage for the rest of a fairly long life. Again, objections are obvious, compelling and — especially in the case of the æsthetic element — easily defeasible by demonstration.

Most of the discussion we see in basic and commonly available wildlife rehabilitation literature deals with the practicalities of practice merely. In this it is like other professions. We are entitled to ask, is this adequate to the exigencies of the animals for which we care? *In the present instance, it is important to remember that a death is good (that old chestnut, *ευθανατος*, is "good death" in Greek...) only if it is deemed good by the one dying. Imposed, coerced, or even encouraged persuasively, it is death merely.*