

Constraints and Animals - Robert Nozick, *Anarchy, State, and Utopia*, (New York, Basic Books, 1974) pp. 35-38,

We can illuminate the status and implications of moral side constraints by considering living beings for whom such stringent side constraints (or any at all) usually are not considered appropriate: namely, nonhuman animals. Are there any limits to what we may do to animals? Have animals the moral status of mere objects? Do some purposes fail to entitle us to impose great costs on animals? What entitles us to use them at all?

Animals count for something. Some of the higher animals, at least, ought to be given some weight in people's deliberations about what to do. It is difficult to prove this. (It is also difficult to prove that people count for something!) We shall first adduce particular examples, and then arguments. If you felt like snapping your fingers, perhaps to the beat of some music, and you knew that by some strange causal connection your snapping your fingers would cause 10,000 contented, unowned cows to die after great pain and suffering, or even painlessly and instantaneously, would it be perfectly all right to snap your fingers? Is there some reason why it would be morally wrong to do so?

Some say people should not do so because such acts brutalize them and make them more likely to take the lives of persons, solely for pleasure. These acts that are morally unobjectionable in themselves, they say, have an undesirable moral spillover. (Things then would be different if there were no possibility of such spillover- for example, for the person who knows himself to be the last person on earth.) But why should there be such a spillover? If it is, in itself, perfectly all right to do anything at all to animals for any reason whatsoever, then provided that a person realizes the clear line between animals and persons and keeps it in mind as he acts, why should killing animals tend to brutalize him and make him more likely to harm or kill persons? Do butchers commit more murders? (Than other persons who have knives around?) If I enjoy hitting a baseball squarely with a bat, does this significantly increase the danger of my doing the same to someone's head? Why should things be different in the case of animals? To be sure, it is an empirical question whether spillover does take place or not, but there is a puzzle as to why it should, at least among readers of this essay, sophisticated people who are capable of drawing distinctions and differentially acting upon them.

If some animals count for something, which animals count, how much do they count, and how can this be determined? Suppose (as I believe the evidence supports) that eating animals is not necessary for health and is not less expensive than alternate equally healthy diets available to people in the United States. The gain, then from the eating of animals is pleasures of the palate, gustatory delights, varied tastes. I would not claim that these are not truly pleasant, delightful, interesting. The question is: do they, or rather does the marginal addition in them gained by eating animals rather than only nonanimals, outweigh the moral weight to be given to animals' lives and pain? Given that animals are to count for something, is the extra gain obtained by eating them rather than nonanimal products greater than the moral cost? How might these questions be decided?

We might try looking at comparable cases, extending whatever judgments we make on those cases to the one before us. For example, we might look at the case of hunting, where I assume that it's not all right to hunt and kill animals merely for the fun of it. Is hunting a special case, because its object and what provides the fun is chasing and maiming and death of animals? Suppose then that I enjoy swinging a baseball bat. It happens that in front of the only place to swing it stands a cow. Swinging the bat unfortunately would involve smashing the cow's head. But I wouldn't get fun from doing that; the pleasure comes from exercising my muscles, swinging well, and so on. It's unfortunate that as a side effect (not a means) of my doing this, the animal's skull gets smashed. To be sure, I could forego swinging the bat, and instead bend down and touch my toes or do some other exercise. But this wouldn't be as enjoyable as swinging the bat; I won't get as much fun, pleasure, or delight out of it. So the question is: would it be all right for me to swing the bat in order to get the extra pleasure of swinging it as compared to the best available alternative activity that does not involve harming the animal? Suppose that it is not merely a question of foregoing today's special pleasures of bat swinging; suppose that each day the same situation arises with a different animal. Is there some principle that would allow killing and eating animals for the additional pleasure this brings, yet would not allow swinging the bat for the extra pleasure it brings? What could that principle be like? (Is this a better parallel to eating meat? The animal is killed to get a bone out of which to make the best sort of bat to use; bats made out of other material don't give quite the same pleasure. Is it all right to kill the animal to obtain the extra pleasure that using a bat made out of its bone would bring? Would it be morally more permissible if you could hire someone to do the killing for you?)

Such examples and questions might help someone see what sort of line he wishes to draw, what sort of position he wishes to take. They face, however, the usual limitations of consistency arguments; they do not say, once a conflict is shown, which view to change. After failing to devise a principle to distinguish swinging the bat from killing and eating an animal, you might decide that it's really all right, after all, to swing the bat. Furthermore, such appeal to similar cases does not greatly help us to assign precise moral weight to different sorts of animals.

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"But for the sake of some little mouthful of flesh, we deprive a soul of the sun and fight, and of that portion of life and time it had been born into the world to enjoy." - Plutarch, c 46-c. 120, *Moralia*

"Consider a poor dog whom they are vivisecting in a laboratory. He lies strapped on a board and shrieking at his executioners, and his own dark consciousness is literally in a sort of hell. He cannot see a single redeeming ray in the whole business; and yet all these diabolical-seeming events are often controlled by human intentions with which, if his poor benighted mind could only be made to catch a glimpse of them, all that is heroic in him would religiously acquiesce. (...) Lying on his back on the board there he may be performing a function incalculably higher than any that prosperous canine life admits of yet, of the whole performance, this function is the one portion that must remain absolutely beyond his ken. -William James, *Is Life Worth Living*," in *The Will To*

Believe and Other Essays in Popular Philosophy, (Longman, Green, & CoL New York, 1917) p. 58.