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Introduction

IF HUMAN beings make animals suffer, they have committed a moral wrong, unless they can show an adequate justification for making them suffer.

Human beings often have nothing close to an adequate justification for making animals suffer.

Making animals suffer is not the only moral wrong for which human beings are responsible. If human beings make it difficult or impossible for animals to enjoy what is, for them, decent or good lives, they have committed a moral wrong, unless they can show an adequate justification for making it difficult or impossible for animals to enjoy what is, for them, decent or good lives.

Human beings often have nothing close to an adequate justification for making it difficult or impossible for animals to enjoy what is, for them, decent or good lives.

I am keenly aware that these claims leave open a host of questions. What is a decent or good life for a cow, a lamb, a pig, an octopus, a whale, a dolphin, a chimpanzee, or a horse? Do human beings even know? What counts as an adequate justification? I am not going to give full answers to these fair and good questions. We know what does *not* count as a decent

or good life for a cow, a lamb, a pig, an octopus, a whale, a dolphin, a chimpanzee, or a horse,¹ and we know what does *not* count as an adequate justification. Many questions are easy. And with respect to the hard ones, we continue to learn more every day.

The massive number and egregiousness of moral wrongs, done by human beings to animals, are self-evident. Many people have struggled and failed, for many years, to defend those moral wrongs.² The struggles have come from brilliant and good people. But the struggles have been pretty desperate, ranging from the comical to the infuriating. There is no domain, I think, in which the gap between what morality demands and what human beings do is so clear and so uncontestable.

We are going to explore philosophical issues here, and I am going to suggest that from diverse philosophical foundations, that gap is self-evident. You do not have to embrace a particular philosophical view to notice it. If you do not see it, you are not looking. So what are we going to do to close it? Much of this book will be an effort to answer that question.

Terminological note: Human beings are animals too, of course, and it is now customary to distinguish between human beings and “nonhuman animals.” I appreciate the custom, and I will on occasion use the term, but there is a problem with it. Would we refer to dogs and “noncanine animals”? (Come to think of it, that would be fun, but we wouldn’t do it.) To cats and “nonfeline animals”? The idea of nonhuman animals makes human beings the baseline, and I don’t love that, for reasons that will emerge in due course.³ For ease of exposition, I will often use the word “animals” or the term “other animals” to refer to “nonhuman animals,” recognizing that these are imperfect solutions.

Elliott

Elliott was a black Labrador Retriever mix, and he was my first dog. He was my best friend. He was also my hero.

Elliott was smaller than the usual Labrador Retriever, and he had a longer coat, too, and it was a bit curlier. My mother used to call for him, sometimes with incomparable warmth (Elliott was surely nearby!), sometimes with a bit of panic (where on earth had Elliott gone?): “Here, Ell-ee-utt!” Long after his death, I learned how he got his name. His original owner, a graduate student, named him after the poet, T.S. Eliot. Still: One L and one T for the poet, two Ls and two Ts for the pup.

Elliott was my best friend because he was kind and fun, and because he focused on me, as if I mattered, no less than taller and wiser people. He lived with me in Marblehead, Massachusetts. My sister Joan, thirteen years older than I, went off to college when I was just four, and so it was Elliott and me.

Back then, dogs did not have to be on a leash, and he would wander everywhere. One summer in the early 1960s, my friends and I decided to call ourselves the Preston Beach Gang, and we went on extraordinary adventures, always led by Elliott. He would go off, wherever he wanted, and we would just follow him. Up on Briar Lane, Elliott went, nose to the ground, tail way in the air, all the way, and then up to the mysterious and exotic railroad tracks (“the tracks,” we called them, not knowing what that meant; it occurs to me only now that they must have been old, out-of-use railroad tracks), over the tracks, into remote fields, undiscovered territory, maybe even foreign nations. We could see anything at all, we thought, on those adventures. Wild animals, zebras, lions, criminals, drug users, teenagers kissing. But we were safe. Always safe. Elliott was our leader, and he knew where to go, and how to get back.

How old was I, during those adventures? Seven, one summer. Eight, another summer.

Elliott was a sweetheart. We had a cat, and she slept on Elliott's stomach. But my gosh, Elliott could fight. Back then, all dogs were always off the leash in Marblehead, Massachusetts. While Elliott never started a fight, he knew how to end them. "It's not the size of the dog in the fight, it's the size of the fight in the dog." Ever hear that? It was first said, I am pretty sure, about Elliott.

And yet Elliott never hurt any of his opponents. He would somehow establish that he was stronger, with growling and pushing, and sheer bravery, and they would stop fighting, and off the two dogs would go, suddenly friends. Or he would somehow get his opponent under him, pinned, and it would be understood by all the world that the fight was over, and (again) off the two dogs would go, suddenly friends. (You might fight, pretty fiercely, but after that, you would be friends. Elliott taught me that. An important life lesson.)

We lived in my grandmother's house, on 8 Preston Beach Road, during June, July, and August. But the rest of the year, we lived in Waban, Massachusetts, at 9 Holly Road. Elliott would greet me every morning, with exuberance. He would send me off to school, or so it felt, and he would greet me enthusiastically, tail wagging, when I got home. At night, he wandered off into the streets, as was the custom for dogs back then. Who knew where he went? We had no idea. But every morning, he would come to the front door at 6:00 a.m., when he would bark loudly, announcing his return. My father, an early riser, would let him in.

My father had a special rapport with Elliott. He would look at him with something like deep recognition, put his huge, strong hand under Elliott's snout, and announce to Elliott, and

to the world, and to God, “You’re a good animal.” He said that approximately ten thousand times.

Elliott never seemed to get sick. When he was fifteen, he was, I believed (and insisted to anyone who would listen), undefeated in dog fights. He was the middleweight champion of the world. He never lost. Never. That is one reason that he was my hero. One day, and I remember it as if it were yesterday, a huge, sleek, jet-black Labrador Retriever ran across Briar Lane to attack fifteen-year-old Elliott. The dog’s name, it turned out, was Boxer. He was too big and too fast for Elliott, and he won the fight. No one was hurt, of course, and Elliott didn’t seem to mind so much. But I was crushed. My little heart was broken. Elliott was getting old.

Elliott died at the age of seventeen. I was ten years old, I think, and this was my first experience of grief. I produced a scrapbook—my first book. It was called “King.” It had pictures of Elliott, old Kodaks and Polaroids, and many tales from Elliott’s heroic life, under a fictional name (as you will have anticipated): King.

The Most Dangerous Man in America

In 2009, President Barack Obama nominated me to head the Office of Information and Regulatory Affairs (OIRA). OIRA is sometimes described as “the most important office you’ve never heard of.” It’s considered part of the White House, and while the administrator of OIRA works in the Eisenhower Building, next to the White House, he’s often in the White House four or five times a day. The administrator oversees the issuance of regulations by the US government in high-profile areas that involve civil rights, terrorism, cybersecurity, health care, clean water, clear air, highway safety, immigration, food

safety, pandemics, agriculture, and much more. It's hardly a glamorous job, but it was the position in Washington that I most wanted. I thought that I could do more good there than anywhere else. But to get the job, I had to be confirmed by the US Senate. The confirmation process turned out to be brutal, surreal, unimaginable, hilarious at times, and also at times a personal nightmare.

The reason? Under the influence of Elliott, so long ago, I had written some things about animal welfare and animal rights. As a result, I was said to be an "animal rights zealot" with a "secret aim to push a radical animal-rights agenda in the White House." I was described as "a rabid supporter of animal rights," who would issue regulations forbidding meat eating and banning fishing and hunting. (I was not and am not "rabid," I am pleased to report, but I was and am a supporter of animal rights.) According to one account, "It's hard to imagine President Obama nominating a more dangerous candidate for regulatory czar than Cass Sunstein," in part because he is "an animal-rights radical." (I do not think that I was an animal-rights radical then; I might be now. Not sure. Probably. You tell me.) Responding to such claims, the Farm Animal Welfare Coalition, a coalition of nine groups (including the influential American Farm Bureau Federation), wrote a letter expressing "concern" about me. Expressing "concern" is Washington-speak for, "You should vote against that crazy person."

Here's something that I found unimaginably surprising: The talk show host Glenn Beck repeatedly described me as "the most dangerous man in America"—and also as the "most evil." Here's something I didn't particularly love: Former Arkansas governor and presidential candidate (and later US ambassador to Israel) Mike Huckabee threatened me, on national television, about the "reaction" I would not "enjoy" if I ever visited south

Arkansas on the opening day of deer season.⁴ (My gosh. That's not very nice. Ambassador Huckabee, you might avoid threatening people. Here's an open invitation: Let's talk.)

According to Wayne LaPierre, head of the National Rifle Association (NRA), "Sunstein is a radical animal rights extremist who makes PETA [People for the Ethical Treatment of Animals] look like cheerleaders with pooper-scoopers."⁵ That was vivid, and not so good to hear, because opposition from the NRA could seriously endanger anyone's confirmation chances. There was even a rumor that the NRA might "score" the vote on me. That meant that in tabulating the senators' annual records on guns for the public, the NRA would include that vote—which would put a lot of pressure on a lot of senators to vote against me.

A letter opposing me was signed by Conservation Force, Dallas Safari Club, Fur Takers of America, Houston Safari Club, Masters of Foxhounds Association of North America, Mule Deer Foundation, National Shooting Sports Foundation, National Trappers' Association, National Wild Turkey Federation, Pope and Young Club, Shikar Safari Club, Texas Wildlife Association, US Sportsmen's Alliance, Whitetails Unlimited, Inc., and the Wild Sheep Foundation. That's a lot.

None of this was fun. It was particularly unfun when a handwritten death threat arrived at my unlisted home address, saying, "You should withdraw your nomination. An armed individual knows where you live." I wasn't scared, but the note did get my attention, and I reported it to White House security for investigation.

There were many rocky months, and challenging meetings with Senators and private groups, focused on my views about animals. Members of the agricultural community seemed especially alarmed. The American Farm Bureau Federation agreed

to meet with me; they were courteous, focused, and gracious. Senator Saxby Chambliss worried that my “views may someday lead to a farmer having to defend himself in court against a lawsuit filed on behalf of his chickens or pigs.”⁶ (He was unfailingly kind, and he became a friend; he voted against me. By the way, what he said wasn’t wrong.) Senator Susan Collins was polite and generous, and also sharp, and she voted for me, but she did say this: “I was also concerned by several law review articles in which Professor Sunstein made the bizarre statement that animals be given standing to sue in court—allowing ‘representatives’ to sue on an animal’s behalf.”⁷ (See chapter 15, and see if you think it really is bizarre.)

Ultimately, I did get confirmed. The vote was pretty close: 57–40. In a meeting in the Oval Office on that day, Rahm Emanuel, President Obama’s chief of staff, exclaimed to me: “A landslide!”

After my confirmation, I made just one phone call. It was to someone who had said horrible things about me, a leader of a sportsmen’s organization, to let him know that my office door would always be open to him, in case he ever wanted to discuss anything. He seemed shocked that I had called him. He said almost nothing on the call. I confess I was amazed by that; I expected, naively I guess, that we would make some kind of connection. In my four years in office, he never asked to speak to me.

Snow and Finley

In early 2017, my family got a puppy, a yellow Labrador Retriever named Snow. We had just moved from Washington, DC, and New York City, where my wife and I had served in various government positions, to Concord, Massachusetts. My

four-year-old daughter, Rian, insisted that we get a dog, as a kind of quid pro quo for the move, which she did not at all welcome. My seven-year-old son, Declan, had been frightened of dogs, but he was equally enthusiastic about getting Snow. He says, to this day, that the day we got her is the best day of his life. Snow was named after the color of her coat. She was, and is, calm, kind, attuned, soft, gentle, and languid. She lays her head on your knee. She is never frightened. In our family, you could say that she holds everyone together; she's the straw that stirs the drink.

In 2019, Rian decided that we needed to get another dog. Originally, I thought that was the worst imaginable idea. How could we possibly manage? But when my wife and I were at work and our kids were at school, Snow was left at home by herself, and I came to agree with Rian, because Snow deserved a companion. As it happened, Snow's mother, Lady, was having another litter, which included a sweet, unusually small, shy, mildly anxious male puppy, who seemed to be a reasonable choice. Lady's owner said that he was the "runt of the litter," and would never get very big, but that he had a wonderful temperament. We named him Finley. When I carried little Finley into our house, he was miserable and trembling. But then he saw Snow, and he ran rapid circles around her, with exuberance and joy. He seemed to exclaim: "My kind! A friend!" Snow looked up at me as if to say, "And who is this crazy thing? When will he leave?"

Unexpectedly, Finley has grown up to be tall and strong. He's mischievous. He is capable of awesome physical feats. He can leap and steal food, even if it's on top of our tall refrigerator. He's staggeringly beautiful; he gets stares on the street. He loves to jump up on his hind legs, to stay up there for a while, and to wriggle his front legs in the air, as if to say, "Let's play! NOW!"

He's no longer shy and anxious, but he's always on the alert. He defends the house. He can be fierce. Since that first day with us, he has followed Snow's lead. She's the boss. He won't eat until I leave food in her bowl. He won't leave the house without her; he refuses to budge, even if the occasion is a precious walk.

For her part, Snow is always relaxed, but she keeps her eye on him. A few years ago, Finley found himself trapped in a swimming pool, all by himself, and unable to get out. He was at risk of drowning, and no human being was nearby. (I have no idea how that happened.) Snow, who was indoors, witnessed what was happening, and, most uncharacteristically, languid Snow started hurling herself against the nearest door, barking hysterically. We saw that Snow was frantic, looked outside to see what she was frantic about, and rescued Finley.

Almost every morning, I take Snow and Finley in the car to "the trails," the Simon Willard Woods, in Concord, Massachusetts. When we get there, Finley explodes out of the car, like a cannonball out of a cannon. He cannot believe his good fortune. After he does his business, he repeatedly kicks the ground behind him with massive force, covering the evidence. (He paws the ground like a bull, and so in my family, we call it "the bull thing.") Much of the time, there is another dog there in the Simon Willard Woods, or two, or three, or even five: another Labrador Retriever, a Collie, a Bernese Mountain Dog, a Golden Retriever, a combination of some kind. Finley tries to get them to play—to run and to romp. Usually he succeeds.

Snow is no less excited than Finley, but she doesn't make nearly as much of a show of it. She moves more slowly, and when she leaves the car, she does not exactly explode. It's more accurate to say: She emerges. Still, her tail is wagging vigorously, nose to the ground: *What do we have here? Who has been here?*

When she encounters another dog, she is keenly interested, no doubt about that, and she wags a lot, and she offers her greetings. But she is at least as interested in the human being who is accompanying the dog, and usually she makes a bee-line for that person. Is she hoping to get food? To be petted? It's not clear. What is clear is that she's thrilled beyond measure to be there, in Simon Willard Woods, with Finley, with the smells, with the dogs and the people. (With your indulgence, Snow and Finley will make occasional appearances in these pages.)

Some people, reasonably enough, emphasize that human beings care about domestic animals, such as dogs and cats, and do not care much at all about animals raised for food, such as cows, turkeys, chickens, and pigs. They lament that fact. I agree with them. It's incongruous. As we shall see, it makes no sense. Peter Singer urges, for example, that the differences between turkeys and dogs "cannot justify us being horrified at an industry that would treat dogs as we now treat turkeys, while we support, with our purchases and consumption, an industry that treats turkeys as our existing turkey industry does."⁸ Let's consider celebrating Thanksgiving without turkeys, shall we?

Homeland Security

In 2021, I left Concord. I moved back to Washington, DC, with my family (including Snow and Finley), to take a new job: senior counselor in the Department of Homeland Security (DHS). Part of my job was to help resolve disagreements between DHS and other parts of government. For example, DHS might disagree with the Department of Labor or the Department of State on something. It was my task to ask: Can we find

an agreeable path forward? On one afternoon, I was informed that officials at Customs and Border Protection (CBP), which is part of DHS, wanted to talk to me.

It turned out that the Centers for Disease Control and Prevention (CDC) had prepared a draft version of a new regulation, designed to prevent the spread of rabies in the United States. Part of the draft regulation would require dogs who arrived in the United States without proper documentation to be held by CBP, for detention and pending attention by a veterinarian, who would ensure that they did not have rabies. CBP officials wanted to work with CDC, but they were not at all enthusiastic about holding dogs in detention. CBP did not have facilities (at, say, Logan Airport in Boston) to do that, and they did not have veterinarians on their staff. Their job description did not include taking care of dogs from foreign lands. CBP wanted to find a way to achieve CDC's goals without having to take on a set of tasks for which they were not trained and for which they lacked facilities or resources.

Of course, I appreciated those concerns, and I wanted to help them in their discussions with CDC and the White House. I also wondered: *What about the dogs?* A dog who landed in the United States would probably be frightened and confused. If she was separated from her human family, and locked in a cage and surrounded by strangers, she might be terrified. Maybe she would be stuck for days, or weeks, or months. Maybe she would get sick. Maybe she would die.

When I voiced these concerns to CBP, they looked a bit surprised, but they were not at all dismissive. When I voiced the same concerns to White House officials, they did not laugh at all. Sure, they did not want rabid dogs to come into the United States, but they too thought: *What about the dogs?*

The regulation that was ultimately finalized was far from perfect, but it was designed so as to reduce the likelihood that dogs would be caged and separated from their families upon arrival into the United States.

Out of the Closet

From 2009 until recently, I didn't say a whole lot about animals and animal welfare. I am not proud of that. To be sure, I was in the government for about half of that time, which meant that for some periods, I didn't say a whole lot about anything. But when I was out, I was quite quiet, for a long time, about nonhuman animals. One reason, I confess, was that I didn't love the idea of death threats; it wasn't the most fun to be subject to so much anger and rage. Another reason, I also confess, is that I thought I might go into government again, and I didn't want to do anything that would make that impossible. Despite the silence, I believed, and believe, that the unjustified and unjustifiable suffering of nonhuman animals is among the most pressing issues of our time.

Here is the point: Many human beings think, or can easily be brought to agree, that on moral grounds, it is not possible to justify the current treatment of nonhuman animals.⁹ They want, or can easily be brought to want, much less in the way of suffering and much less in the way of cruelty.¹⁰ But they go about their business, avert their eyes, or shut up. As Peter Singer puts it in *Consider the Turkey*, "I do not believe that most people in the United States regard the practices I describe in this book as acceptable, yet by buying and consuming turkey products they are complicit in them."¹¹ But I think it would be harsh and unkind, and not quite right, to say that people are hypocrites. A

large problem is that the suffering of animals is not salient. We can make it salient, of course, if we want to do that. But many of us do not want to do that.

At some level, many people think that life would be less fun and less good if they focused on animal welfare. At some level, many people think that some other people, or many other people, will laugh at them, think less of them, see them as zealots, ostracize them, or just think of them as part of some group of fools, sentimentalists, or radicals.

This, then, is a situation in which widespread moral convictions are not triggered or are even suppressed. A key reason is that in many places, people do not know, or prevent themselves from knowing, that horrific things are happening, and that their own behavior makes those horrific things possible. This is a point about the relative invisibility of animal suffering itself. The suffering is off-screen.

Another reason is that in many places, something like a taboo is in place. Many people who believe in animal welfare, or really care about it, are in some kind of closet. It's not a lot of fun to get on a moral high horse and to suggest that people one likes or loves are not acting morally. Actually, it's pretty horrible. I have myself spent many years in that closet. It feels jarring and a bit frightening, but also good, to come out.

All this is a problem, but it is also a terrific opportunity. When people believe or are willing to believe that something is not right, or is wrong, but nonetheless silence themselves, all they need is a green light or a permission slip. When they start to get it, things can change, possibly in a hurry. We see cascade effects, in which small trickles become floods. You can think of your favorite examples. The American Revolution is an illustration. So is the civil rights movement of the 1960s. So is the

feminist movement; so is the rise of gun rights in the United States; so is the pro-life movement.

With respect to animals, coming out of the closet can make a big difference. Animal welfare cascades are happening every day. They are reducing animal suffering in ways large and small. Jeremy Bentham wrote this:

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. . . . 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 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?¹²

That's a very good song. This book sings it. But it also sings other songs.

“It's Over”

Speaking of songs: Miranda Lambert is a country singer, and one of the best. Have a look at her performance of “Little Red Wagon” at the 57th Grammys. She burns the house down. Joe Rogan is a podcaster, and one of the best. He's controversial, but it's terrific to listen to him. He has an extraordinary knack for connecting with his guests and also with his audience.

In 2025, Lambert was a guest on Rogan's show. The conversation was wide-ranging: music, childhood, ADHD, teachers, opportunity, social media. At one point, the topic switched to hunting. Lambert seemed keen. She said, “Bowhunting was my absolute favorite to do because it took the focus and it was



FIGURE 1. A sign that a friend of mine saw in Pennsylvania in 2025.
(Safe for whom?)

intimate. Yeah. And it took a lot of skill and practice. Certainly, bowhunting.”

Himself a hunter, Rogan responded, “White tail? White. Oh, nice.” But then the conversation took a major turn.

Lambert said, casually, “But I raised a baby deer, a buck.” Rogan knew what was coming: “Oh, that’s a problem.” Lambert agreed: “That’s a problem. So my hunting days are behind me. He’s on my heart.”

Rogan got it. “We found a buck with a broken leg on our property, and my wife took to feeding it. And all of her enthusiasm for me hunting went out the window.”

Lambert agreed. “It changes things.” She added, “He was just like a dog. . . . Wild-ass white-tailed deer became my pet . . . I’d come home and he would run over to me like a dog. So definitely changed my mind.”

Then she spoke fondly about her father: “My dad, I grew up hunting with him, taught me how to shoot a gun, all that stuff

at seventeen. And when I raised that buck, he was like, It's over, isn't it? Yeah, it's over. It's over."

What's Coming

This book comes in two parts. Part I explores matters of principle. What does morality require? As we will see, some people focus on animal welfare, while others focus on animal rights. Some people who emphasize welfare, like Bentham, put suffering front and center. Others emphasize that animals can have bad lives even if they do not suffer. Still others insist that animals should not be treated as objects for human use. We will see how the most powerful moral arguments bear, in principle, on scientific experiments, the use of animals for clothing, the use of animals for food, and hunting. We will also see how those arguments might be the basis of a Bill of Rights for Animals.

Part II explores what human beings might actually do if they seek to improve the lives of animals. One of my main concerns is *deliberate ignorance*. With respect to what is now happening to animals, there is a lot that human beings do not want to know. But here, as elsewhere, knowledge is power, in the best way. If you care even a little bit about animals, and are willing to take a look at the horror, you will see the astonishing beauty and the wonder that are out there, too, and you might ask how you can decrease the horror and increase the beauty and the wonder.

Part II is also concerned with the use of behavioral science, and nudges, to improve the lives of animals. The world has a "choice architecture," with respect to food, clothing, science, and everything else. A lot of that architecture is hurting and even killing animals. It might be different. We need better

choice architecture. We need a host of nudges that will improve animals' lives. There are boundless opportunities there.

I shall also spend some time on two of my favorite topics: regulation and law. I am aware that you might not like those topics as much as I do. Some of the issues there are technical, but they are fundamental, so I hope that you will bear with me. If animals matter, regulators should take account of what happens to them and try to make their lives better—when, for example, they are deciding whether to make the air cleaner or to reduce the risk of road accidents. The good news is that in many nations, including the United States, the law provides at least some protection for the rights of animals. And like human beings, animals should have a right to legal help if their rights are violated.

In his “I Have a Dream” speech, Martin Luther King Jr. said, “All we say to America is, ‘Be true to what you said on paper.’” Dogs, cats, horses, pigs, and dolphins cannot say things to America (or to other nations), at least not in ways that human beings can readily understand. But when it comes to the law, they deserve at least this: Fidelity to what we said on paper.

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