A Harean Perspective on Humane Sustainability

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Animal well-being must be a primary normative consideration in a conception of *humane* sustainability. The two-level utilitarianism of R.M. Hare embodies aspects of both animal welfare and animal rights views, and in this paper I illustrate its application to questions about what counts as humane sustainability. Hare's theory is highly controversial, and a thorough defense of it is beyond the scope of this paper, but the insightful way it provides of assessing various visions of humane sustainability testifies to the explanatory and analytic power of the theory. In particular, on a Harean analysis, it makes sense to distinguish among "prelapsarian," "contemporary," and "utopian" visions of humane sustainability.

"HUMANE SUSTAINABILITY"

Everyone agrees that a social system is sustainable only if it is structured in such a way that it can be used into the indefinite future. This is the *descriptive* aspect of sustainability. As Paul Thompson has emphasized (1995, chapter seven), even here there are variations by context: what counts as "the system," and how long is "the indefinite future"? But, as Thompson also notes, sustainability always includes—at least implicitly—another, *normative* component. This consists of a value commitment that allows the user of the term "sustainability" to reject or prioritize various systems that are each sustainable in the descriptive sense. For instance,

"the slave agricultures of the ancient world" were perfectly sustainable in a purely descriptive sense, but Thompson doubts that this would suffice to qualify them as "sustainable" forms of agriculture (1995, 158, 162).

Various authors have spelled out what sustainable systems would look like if various versions of the normative component were endorsed. For instance, Wes Jackson's vision of sustainable agriculture based on restoring a continuously harvestable prairie to the Great Plains includes normative assumptions about the appropriate scale of human communities, and some "sustainable development" plans for third world nations have been criticized for being driven by first world assumptions about what is most valuable in those nations' environments.

By "humane sustainability," I mean thinking about sustainability with the well-being of the affected animals as a primary focus. The focus cannot be exclusively on animal welfare, because human social systems exist to serve human interests, but in humane sustainability there is a strong emphasis on animal welfare. Various authors in the literature on sustainable agriculture have included a commitment to animal welfare, but without examining in any depth what the basis of that commitment is.

In this paper, I focus on how the two-level or "Kantian" utilitarianism of R.M. Hare (1981) helps us address questions about what counts as humane sustainability. A systematic defense of Hare's theory is beyond the scope of this paper, but after a very general overview of it in the next section I will be able to illustrate its application to questions about humane sustainability.

HARE'S TWO-LEVEL UTILITARIANISM

Its Kantian starting point

A key feature of Hare's theory is that his starting point is the same as Kant's (1785 [1948]). Instead of defending their theories by showing how they match our pre-theoretic intuitions (the so-called method of reflective equilibrium), Hare and Kant both appeal to the logic of moral discourse. Kant argued that there are two logical requirements on all moral judgments, universalizability and overridingness, and that these together entail the categorical imperative. Hare argues that there is a third logical requirement, which he calls "prescriptivity," and that these three logical requirements together entail utilitarianism. A thumbnail sketch of his ar-

gument to this conclusion can be given in terms of the familiar Golden Rule (Hare 1993, chapter 10).

Hare claims that the Golden Rule, properly understood, expresses the three logical requirements on moral judgements, and that it requires us to choose as if we had to experience all of the consequences of our decisions, from each affected individual's perspective. According to Hare, asking children how they would feel if roles were reversed, or to "stand in the shoes" of other people, is a crude but effective way of getting them to understand that this is what taking the moral point of view requires. But then, Hare argues, morality becomes a kind universalized prudence. For if I had to experience all of the consequences of my actions, from each affected individual's perspective, then I would (Hare claims) choose to maximize aggregate happiness across individuals, just as prudent choices maximize aggregate happiness across phases of an individual's life. This is how, according to Hare, the three logical requirements on moral judgments force us to think like utilitarians.

The need for two levels ("intuitive" and "critical")

Hare emphasizes, however, that real-world human beings have very good reasons to train themselves not to think like utilitarians most of the time. The first is that utilitarianism is notoriously data-intensive in application and real-world humans often (if not *usually*) cannot know all of the relevant facts. The second is that even when the facts are clear enough, humans have a tendency to "cook the data" in favor of self-interest. For these reasons, real world humans have good utilitarian reasons for internalizing what Hare calls "intuitive level rules," and in order to perform their function, these rules must be internalized in a way that makes people diffident about violating them. This is how Hare's theory comes to have two levels: explicitly utilitarian "critical thinking" is used to select and amend an intuitive level system (ILS) of rules,[1] but to fulfill their function in the human context, these ILS rules must have a decidedly deontological "flavor."

Critical thinking must also be used when ILS rules conflict or offer insufficient guidance, but it should also be used when it is true both (a) that a course of action that is ruled out by the ILS rules of common morality would maximize aggregate happiness, and (b) that one can trust one's judgement that this is so. To not break the ILS rules one has internalized

in such cases would be to abandon one's commitment to moral thinking, which is always ultimately utilitarian according to Hare's theory. Since ILS rules must be internalized in a way that makes us diffident about violating them, however, Hare notes that if the agent in question "had been well brought up," he might not be able to bring himself to do what critical thinking requires in some such cases, and "If he did bring himself to do it, it would haunt him for the rest of his life" (1981, 135).

Hare's theory is simultaneously descriptive and normative

Although he eschews the method of reflective equilibrium, Hare claims that his theory thus explains why we have the intuitions we do, and why these intuitions are often decidedly non-utilitarian. In this way, Hare's theory is simultaneously *descriptive* and *normative*. He begins from the claim that there are three logical requirements on all critical level moral judgments, which is a bit of descriptive linguistics. Then he argues that if he has accurately described these requirements, he has shown that logical consistency requires us to think like utilitarians, which justifies that normative ethical principle. He then argues that good critical thinking would lead humans to adopt a set of ILS rules that are non-utilitarian in flavor. In this way Hare's theory is again descriptive: it explains why we have certain non-utilitarian intuitions, by providing a rational reconstruction of how ILS rules develop and change. This is why Hare freely switches back and forth—as I do in this essay—between claiming that his theory *explains* why humans believe the things they do, and claiming that his theory shows that people *ought to* believe various things.

A host of objections

From even this thumbnail sketch of Hare's theory, it should be obvious why Hare's theory faces a number of important objections. Apart from concerns about the is/ought gap which I have just tried to address, one major objection is that when choosing as if one had to experience all of the consequences of one's action, instead of choosing to maximize aggregate happiness (as Hare claims) one would instead employ something like Rawls' maximin principle. Another objection questions the plausibility of "compartmentalizing" moral thinking into an explicitly utilitarian critical level and a distinctly non-utilitarian intuitive level. And then there are the standard "test cases" for utilitarianism, where instances of slavery,

punishing the innocent, and so on are presented in such a way that clear critical thinking would have to endorse them.

Elsewhere I address each of these objections (and others) in detail, and I conclude that, on the whole, Hare's is the best theory going (see Varner forthcoming). I also claim that a general virtue of Hare's theory is the way it explains why people think the ways they do about various real-world controversies. In this essay, my goal is to emphasize this point in the context of humane sustainability, specifically. In order to proceed with this application of Hare's theory, I will simply assume its truth in the remaining sections of this essay. Before beginning this applied discussion, however, I first need to introduce two more key features of Hare's theory.

Four kinds of good ILS rules

The first is that there will be at least four different kinds of good ILS rules. A set of ILS rules is "good" to the extent that it approximates the set that "an archangel" (Hare's term for a perfectly informed and flawless critical thinker) would choose for a target population. To the extent that target populations differ in various ways, however, the best set of ILS rules will differ. This means that the "common moralities" of societies facing very different ecological and technological background conditions may differ. For instance, pre-contact populations of Inuits routinely practiced infanticide, especially on newborn girls, and early European explorers reported that the Inuit found this totally acceptable. But a Harean archangel could cite the extreme ecological conditions under which the Inuit lived, plus their lack of birth control technologies, to justify choosing different sets of ILS rules for pre- and post-contact Inuits.

Even within a given society in a given time period, however, there are good utilitarian reasons for choosing different sets of ILS rules for different target populations. Hare recognized this with regard to both professional ethics and what we might call "personal morality." To the extent that individuals in various professions tend to encounter types of situations that the general population does not encounter, a Harean archangel would have good reasons to prescribe special sets of ILS rules for those professions. When explicitly codified, these would constitute a code of professional ethics.

"Personal morality" plays two important roles in Hare's theory. First, he notes that a wise individual will have adopted "some *methodological* prima

facie principles which tell him when to launch into critical thinking and when not; they too would be justified by critical thinking in a cool hour" (1981, 52). In this way, the ILS rules that individuals internalize should be fine-tuned to their character traits, especially their idiosyncratic weaknesses.

In Hare's treatment of supererogation lies a second important role for personal morality. Generally, an act is said to be supererogatory if it is good, but more than duty requires. Utilitarianism is often criticized for having no place for this notion of "going above and beyond the call of duty." This is true of act utilitarian reasoning, where one applies the principle of utility directly to the evaluation of a particular case. Since the principle defines the right action as that which maximizes aggregate happiness, there cannot be any supererogatory action, according to act utilitarianism. There might be more than one option from which to choose (if more than one option would maximize aggregate happiness), but there is no way to say, from this act utilitarian perspective, that what one did was *morally better* than what duty required.

In Hare's two-level utilitarianism, however, one does not think like an act utilitarian most of the time. Hare's account of supererogation focuses on the fact that it will be appropriate for some people to set their sights higher and train themselves to do more than the ILS rules of common morality or professional ethics require:

> Although it would probably be disastrous if moral education were devoted to the sole purpose of producing saints, it would be detrimental to nearly everyone if those who are able to be saints failed to become such, according to their capacity. Each of us, therefore, has to ask himself what is the level of saintliness of which he is likely to be capable, and strive for that. (1981, p. 201)

So individuals who adopt personalized ILS rules that result in them habitually doing more to further aggregate happiness than is required by the relevant ILS rules of their common morality or professional ethics are in this way "going above and beyond the call of duty." The rationale for not requiring this level of sacrifice of everyone is that it would be requiring more than most people are capable of, but it is good to encourage those who are up to the task, and so it makes sense to praise those who internalize especially demanding ILS rules in their system of personal morality. So Hare characterizes "The saint or hero" as someone who "will do more and will be praised for it" (1981, p. 203).

Incorporating animal welfare and animal rights into Hare's theory

The final feature of Hare's theory that I will discuss here is how it can incorporate aspects of both animal welfare and animal rights philosophies. According to Hare, all moral thinking is ("at least ultimately") utilitarian, and his theory requires moral agents to choose as if they had to "stand in the shoes" of all sentient beings affected by their actions (1981, 90, 127). In this way his theory shares the basic philosophical commitments of animal welfare views as philosophers conceive of them. Given the way they function in the moral thinking of real world human beings, however, Harean intuitive level rules must have a "deontological flavor," and Hare finds rights claims useful in formulating some intuitive level principles designed to govern our treatment of human beings (1981, 147–56; 1993, 24–30). This makes it possible to incorporate an animal rights component into Hare's theory, if it can be shown that sound critical thinking would support extending similar (even if not identical) intuitive level protections to at least some animals.

Relatedly, in a late essay (1993, chapter 15) Hare made it clear that in a good set of ILS rules, what we might call "merely sentient" animals—those whose consciousness is, in effect, "stuck in the present"—deserve less strong protection than human beings. And although Hare himself never made the distinction, a Harean utilitarian should draw a further distinction between *persons*—defined as individuals with a biographical sense of self—and *near persons*—defined as individuals who lack a biographical sense of self, but nevertheless have episodic memory and the ability to consciously plan for at least the non-immediate future. This is because there are good utilitarian reasons for holding that the lives of individuals with a robust, conscious sense of their own past and future have more value than those of individuals that lack such capacities (see Varner, forthcoming).

In Harean terms, this means that good ILS rules will call for a higher form of respect for persons and near-persons vis-à-vis the merely sentient, and for persons vis-à-vis both near-persons and the merely sentient. In a set of ILS rules, this could be captured by attributing various rights to persons, only some of which are attributed to near-persons, and few (or none) of which are attributed to the merely sentient. Although I cannot defend the claim here, there are good reasons for believing that no non-

human animals are persons (i.e. individuals with a biographical sense of self), and it may be that only a few non-human animals are candidates for near-personhood (see Varner forthcoming).

A BENIGN FORM OF RELATIVISM

Hare's theory allows for what looks like a kind of relativism, as illustrated by the case of infanticide among the Inuit, and it seems plausible to acknowledge a similar form of benign relativism in discussions of humane sustainability. Just as technological advances may have made it inappropriate for Inuits to continue practicing infanticide, technological advances may make it inappropriate for people in affluent, developed nations to use animals in ways that would have been appropriate in earlier times.

For instance, at the time of first contact with Europeans, Native Americans were reported to hunt bison in various ways. This included killing individual animals, which were relatively easy to approach from downwind, but also by driving whole herds over cliffs, into natural or artificial enclosures, or onto thin ice. In these drives, anywhere from a few dozen to more than a thousand bison would be killed at one time, and in the higher numbers it was impossible to utilize the carcasses efficiently. Eyewitnesses across decades of the 19th century reported Native Americans leaving hundreds of carcasses to rot, sometimes butchering only the cows, or taking only favorite parts such as tongues and humps, or fetuses. These radically inefficient drive-based techniques may well have been sustainable in the descriptive sense, since the decline of the bison is thought to have begun only after Native Americans began trading bison meat and hides with European immigrants who shipped them out to large nonnative markets by railroad (Krech 1999, 138ff).[2]

Such inefficient hunting strategies may have been morally justifiable as well, given the extreme conditions under which pre-contact Native Americans lived. For the bison provided pre-contact Native Americans with more than meat; they "provided over one hundred specific items of material culture" from various parts of the animals, ranging from winter clothing and tipi covers to ropes and glue (Krech 1999, 128). To reliably harvest enough animals to provision an entire tribe, Native Americans lacking firearms may have needed to rely on inefficient drive hunts rather than trying to kill individual animals. From the Harean perspective adopted in this essay, inefficient hunting of merely sentient animals would

be presumptively justified for persons living under the Native Americans' ecological and technological circumstances. So the drive hunts of pre-contact Native Americans may well have been an example of humane sustainability *for persons in their circumstances*.

But that should not blind us to the fact that the Native Americans' drive hunts were not just inefficient but caused an enormous amount of suffering that obviously could be avoided using more modern hunting techniques. Bison driven onto thin ice died by drowning; those driven off of cliffs would often be stunned rather than killed and left with broken legs or backs; and Europeans who witnessed the slaughter of those driven into enclosures were shocked to see Native Americans butchering still-conscious bison (Krech 1999, 128–35). So even if pre-contact Inuits were morally justified in using them, surely modern humans would not be justified in using such inefficient and relatively inhumane hunting techniques.

For another example, consider that the practice of eating great apes, cetaceans and elephants—"the usual suspects" for near-personhood—is now widely believed to be unjustifiable, and it is widely believed that these animals deserve fairly strong legal rights. I believe that both of these claims are justified from a Harean perspective, at least in modern societies, but this does not mean that, from a Harean perspective, it was always wrong to kill them for food. Even Tom Regan's worse-off principle implies that humans are justified in killing non-human animals for food if that is the only way to survive (Regan 1983, §8.10). So just as pre-contact Inuits were, perhaps, justified in using infanticide for sex selection, pre-contact Inuits were, perhaps, justified in killing whales for food, even if today's Inuits are justified in doing neither. Similarly, in pre-modern times, good ILS rules might have allowed people to kill great apes for food even though that would be ruled out by good ILS rules for modern societies.

This illustrates how, from a Harean perspective, "showing appropriate respect for animals" may mean something very different in pre-industrialized societies than it means in a wealthy, industrialized state. I call this a "benign" form of relativism, because full-blown cultural ethical relativism is the view that what justifies the members of a society in believing an ethical rule and acting accordingly is the bare fact that it is accepted in their society. In Hare's theory, by contrast, members of a society are justified in believing and acting according to the rules of their common morality to the extent that those rules approximate the ILS rules that clear

critical thinking would lead them to choose, and as the society's circumstances change, reformers can use critical thinking to urge changes in the common morality.

A DEGREE OF CONSERVATIVE BIAS OR INERTIA

Although Hare's theory thus allows for dramatic changes in ILS rules across time, there is also a degree of conservative bias or inertia built into utilitarian thinking about ethics. This is because various costs must be taken into account when considering reforms. These would include, for instance, the economic losses that slave owners suffer during abolition, as well as the feelings of offense that racists suffer in the process and afterwards.

Reformers find this feature of the theory repulsive. Convinced that the practices and attitudes in question are wrong, they argue that the feelings of slave holders and racists should no more be counted than the pleasures of rapists. In response to this kind of concern, Hare wrote:

> It has been thought to be a defect of utilitarianism that it is in this way at the mercy of the facts. Likewise, it shows the lack of contact with reality of a system based on moral intuitions without critical thought, that it can go on churning out the same defences [sic] of liberty and democracy *whatever* assumptions are made about the state of the world or the preferences of its inhabitants. This should be remembered whenever some critic of utilitarianism, or of my own view, produces some bizarre example in which the doctrine he is attacking could condone slavery or condemn democracy. What we should be trying to find are moral principles which are acceptable for general use in the world as it actually is. (1981, 167–68)

And in the real world, people don't tend to prosper under tyranny and slavery.

That helps to blunt the reformers' criticism of utilitarianism, but it is still true that, when considering changes in ILS rules, the costs to those who benefit from the status quo must be considered along with the benefits of those whose interests would be better protected by the contemplated reforms. This mirrors the common assumption that development projects must take into account not only technological limitations but also economic ones—the best available technology from an environmental perspective may not be appropriate if it is too expensive to be adopted by the target population. A Harean perspective acknowledges this pre-

cisely because it recognizes the relevance of the various costs accompanying policy changes.

When it comes to questions about humane sustainability, this means that deeply entrenched social and economic interests count as costs that must be weighed against welfare improvements that various social reforms would have and that various technological advances would make possible. Hare himself once described fox hunting and bullfighting as forms of "mass sadism." In saying this he emphasized that these were instances where the aggregate enjoyment of the spectators really does outweigh the suffering of the animals involved. Hare argues that in such cases, the right thing to do is substitute "other less atrocious sports" which would "generate just as much excitement" in the fans without causing any suffering to animals (1981, 142). This is certainly correct, but a consistent utilitarian must admit that it takes time to accomplish such changes when the targeted activities are deeply entrenched in a culture's traditions, and that various "transition costs" must be taken into consideration.[3]

Similarly, economics and existing consumer preferences must be taken into account when assessing welfare-related reforms in agriculture. Sometimes welfare improvements and consumer preferences go hand-in-hand—for instance, if it is true both that free-range, organically raised animals are better off than factory farmed ones and that they taste better. But sometimes consumer preferences and welfare improvements don't go hand-in-hand. Suppose, for instance, that it will soon become economically feasible to raise chicken meat *in vitro* or in "decerebrate food animals" (Rollin 1995, 193).[4] Either would be fine from an animal welfare perspective, because these new technologies would eliminate sentient animals entirely from the production process. The product would probably not be acceptable to many contemporary consumers, however. For even if the meats were judged equivalent in blind taste tests, the so-called "yuck factor" would kick in for consumers who both knew about the new production process and found it revolting. If one is contemplating outlawing traditional production techniques in favor of such new technologies, these negative reactions of consumers are a genuine cost that must be taken into account in a utilitarian analysis of the proposal, along with costs to families invested in current production technologies.

Thus Harean thinking about humane sustainability has a degree of conservative bias or inertia. For economic interests, cultural traditions, and existing consumer preferences must all be taken into account when

assessing policy changes. At the same time, a utilitarian analysis can call for radical changes, at least in the long haul, and sometimes it can call for "extreme" and unlawful measures in the short term.

A POTENTIALLY REVOLUTIONARY BENT

Famously, Mill argued on utilitarian grounds against slavery and in favor of extending voting rights to women at a time when race-based slavery seemed natural to many people and women's suffrage seemed unthinkable. But across time, educational efforts (including Mill's own writings) changed background cultural attitudes in ways that reduced the costs of changes in common morality and laws.

Similarly, some visions of sustainability can be read as challenges to deeply entrenched cultural biases and economic interests, and people who strive to live up to these ideals in the present can be understood as attempting to re-educate the public by their example. Thus from a Harean perspective, self-styled "animal activists" can be understood as living a lifestyle that it would be unethical to force upon society at large—at least at present—but which might become feasible as a social norm in future generations. In Harean terms, such animal activists have internalized, as their personal morality, a set of ILS rules that require more of them than the common morality of their present society, so it is no wonder that they sometimes consider their moral commitments heroic. In the long run, however, such activists can influence entrenched cultural assumptions and, over time, reduce the transition costs of reform. Through demonstrations, popular and philosophical literature, films, advertisements, political campaigns and so on, they sometimes succeed in shifting the goal posts of their culture's common morality.

In the short term, extreme and unlawful measures can sometimes be justified in utilitarian terms. For instance, Hare held that terrorist tactics could be justified under certain circumstances. Certainly it would be good to internalize an ILS rule against harming innocents, but like all ILS rules, if you "have a pretty cast-iron reason, based on firm knowledge that the case is an unusual one, for breaking them," then critical thinking will lead you to do so. Hare concluded that such cases do arise in practice: "I have no doubt that *some* of the acts of members of the Resistance against the Germans could be so justified" (1989, 41–42). Relatedly, the United States' use of nuclear weapons in the Second World War is commonly

defended on utilitarian grounds. From a Harean perspective, the choice American war planners faced can be understood as a conflict between a good ILS rule against knowingly killing non-combatants, and what critical thinking indicated about how long the war would have gone on and how many more would have died had the United States invaded mainland Japan instead.

Members of the Animal Liberation Front (ALF) claim that they do not engage in terrorism, because they go to great lengths to avoid physically injuring either humans or animals when they destroy property. I have argued elsewhere (Varner 2006) that this is false, because terrorizing a population need not involve actually injuring anyone, and it is rational for people involved in practices targeted by the ALF to fear for their safety. Indeed, members of the ALF sometimes say that the effectiveness of their tactics depends on spreading fear among the people who engage in the targeted practices.

Nevertheless, there have been cases where illegal actions, including theft or destruction of property, seem to have been very effective in reducing animal suffering while causing minimal psychological harm to people. Steven Best and Anthony Nocella's anthology *Terrorists or Freedom Fighters? Reflections on the Liberation of Animals* (2004) is sprinkled with examples. On a small scale, destroying a leghold trap costs the trapper some money but may save an animal from suffering a long and painful death (56, 272), and a man who stole an abused rabbit from a neighbor's yard deprived the neighbor of a pet but rescued the rabbit from a life of abuse (260). The benefits of these illegal actions to the affected animals clearly seem to outweigh the costs to the affected humans. On a larger scale, defenders of the ALF cite cases where primate labs were closed in the wake of raids. For instance, Laurence Taub's lab in Silver Spring, Maryland and the head injury lab at Penn State were both closed down in the wake of ALF actions. These cases are more complicated to evaluate than the foregoing examples of small scale ALF actions, because both labs were engaged in research that could potentially have benefitted humans. In both cases, however, investigations triggered by resulting publicity found serious violations of existing animal welfare regulations.

Just as in the case of U.S. war planners' decision to use nuclear weapons to end World War II, in such cases it is plausible to claim that good critical thinking justifies one in breaking what are nevertheless good ILS

rules. That is, these are cases where it is plausible to say both (a) that a course of action that is ruled out by the ILS rules of common morality would, nevertheless, maximize aggregate happiness, and (b) that one can trust one's judgement that this is so.

ENVISIONING HUMANE SUSTAINABLE COMMUNITIES
"Prelapsarian" visions

In my own thinking about sustainability, I have always found it natural to distinguish among three ways of envisioning sustainable human communities. The first way looks to the past for examples of societies that survived relatively unchanged for millennia. These societies' agricultural technologies were certainly sustainable in the descriptive sense, but as I emphasized in the introduction, the concept of sustainability always contains, at least implicitly, a normative element.

I call these "prelapsarian" visions because environmentalists often venerate pre-modern societies and assume that these descriptively sustainable communities also met whatever norms their conception of sustainability carries with it. As illustrated by the discussion of Native Americans' hunting of bison above, however, it would be an oversimplification to say that their community achieved humane sustainability, and certainly it would be misguided to hold them up as an example to be emulated today. On a Harean analysis, they may well have achieved humane sustainability given the ecological and technological background conditions they lived under, but that certainly would not be true for any modern society. Such communities clearly fail to achieve humane sustainability when their animal husbandry and slaughter practices are compared to what contemporary technology makes possible, let alone what might someday be possible.

"Contemporary" visions

By "contemporary visions" I mean attempts to improve animal welfare using contemporary science and engineering, but constrained, at least generally, by contemporary consumer preferences and economic realities. From a Harean perspective, such visions concede that utilitarian thinking has a conservative bent or inertia, but at the same time they work to achieve meaningful welfare reforms. Examples would include when large corporations like McDonald's require suppliers to meet improved welfare standards and certification programs like "Certified Humane Raised &

Handled" (http://www.certifiedhumane.org/) which allow participants to label their products in ways that concerned consumers can identify.

Such reforms operate within the confines of existing preferences and economic realities. For a corporation like McDonald's won't adopt standards that raise the price of their products significantly, and while certification systems cater to "niche market" consumers willing to pay premium prices, such systems can't take hold if they ask producers to do too much. At the same time, insofar as such relatively conservative reforms become popular, they can prepare the way for more ambitious reforms in the long-term.

"Utopian" visions

Finally, what I call "utopian visions" involve bracketing such concerns about "social engineering" and economic and technological feasibility. Such proposals are either not currently economically and technologically feasible, or they imagine that consumer preferences could be altered to suit the envisioned system. At the same time, like Mill's writings, such utopian proposals give concrete expression to the ideals of utilitarianism.

An example of such a utopian vision that I personally find very compelling builds on the so-called "buffalo commons" proposal for the Great Plains. In *Bring Back the Buffalo! A Sustainable Future for America's Great Plains* (1996), Ernest Callenbach proposed that dwindling populations (of humans) in rural areas of the Great Plains be supported by a combination of electric wind farms and bison ranching on a truly grand scale. Callenbach claims that native prairie grasses are well adapted to the natural grazing habits of bison, which "tend to bite off the top parts of grass rather than tear away the near-ground growing shoots as do cattle and sheep," and that bison move almost constantly, grazing an area heavily, but then leaving it alone for a long time before returning (24). This causes bison on "suitably large unfenced ranges" (29) to naturally achieve the effects of Allen Savory's highly management-intensive (and fence-intensive) rotational grazing system for cattle (Savory 1999, parts VIII and IX). "With bison and their companion grazers," Callenbach claims, "it seems almost certain that the best management is no management" (29).

Apart from finding Callenbach's proposal highly appealing aesthetically, I believe that bison rearing and slaughter could be made tremendously humane, given their natural behavior and resilient health, and modern carcass processing technologies. For although bison are generally

more difficult to herd and handle than cattle, and they have a keen sense of smell, Native Americans were able to kill individual bison by approaching from downwind and European explorers commonly had to shoo the animals out of their way (Krech, 128, 124). I remember seeing footage of bison that went on grazing casually while animals around them were shot from a short distance off, and so I suppose that experts shooting (perhaps with silencers on their rifles) could selectively harvest animals with minimal disruption to the herd. Mobile processing facilities developed for use with African game, with reindeer herds in Scandinavia (Hoffman and Wiklund 2006, 201), and with deer in Scottland (Sharman 1983, 502) could be adapted to hygienically process the bison carcasses immediately after they are shot. Obviously some of the meat would be bruised as the animals fell, but that seems like a small cost to bear in eliminating all of the welfare concerns raised by handling and transport.

The "buffalo commons" proposal is not utopian because it would replace meat from cattle with bison meat. Bison meat is still a "niche market" product, but it is leaner and lower in cholesterol than feedlot-finished beef (Rule et al. 2002), so it is conceivable that health-conscious consumers might make a large shift towards bison in the near future. Callenbach's proposal *is* utopian, however, in its grand scope. For he imagines turning vast expanses of the Great Plains into unfenced bison range, with bison fenced out of remaining small towns, which could involve enormously expensive land transfers. Nevertheless, the buffalo commons land-use plan, when coupled with the *in situ* slaughter option described above, provides a vision of humane sustainability that can be seen as inspiring to contemporary consumers and producers. Just describing it goes some small way towards moving the goal posts of our common morality.

CONCLUSION

In the limited space available in this essay, I have tried to illustrate the explanatory and analytic power of Hare's two-level utilitarianism by applying it to questions about what constitutes humane sustainability.

Hare's theory situates discussions of animal welfare and animal rights amid the changing ecological, technological, cultural, and economic background conditions of real-world, evolving human societies. For this reason, it does not give cut-and-dried, once-and-for-all answers to questions like "What constitutes humane sustainability?"

But this makes Hare's theory truer to the lived experience of moral agents situated in those fluctuating background conditions. Diverse moral agents sincerely concerned about animal welfare do not automatically come to consensus on a vision for humane sustainability, which suggests that the question is complicated in ways that are covered up by, rather than exposed by, theories that do give cut-and-dried, once-and-for-all answers to it. While Hare's two-level utilitarianism is controversial in many important ways, its ability to reveal rather than obscure such complexities is surely a virtue.

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NOTES

1. In the rest of this paper, I will speak of "sets of ILS rules," with the embedded acronym standing for "Intuitive Level System." The acronym (which is mine, not Hare's) is appropriate because it is used in aviation to stand for "Instrument Landing System," a system for finding the right path when you can't clearly see it for yourself and you could easily drift off course or be blown off course. In Hare's theory, a set of ILS rules has a similar function. A set of ILS rules is designed to cover a range of ethically-charged situations that are encountered by the target population in the normal course of their affairs. Internalizing the rules properly produces dispositions to judge and act accordingly and makes the individual diffident about violating them, even when clear critical thinking indicates that doing so will maximize aggregate happiness.

2. Although there are no reliable estimates of bison and Native American populations prior to the 19th century, in 1800 there are estimated to have been 120,000 Native Americans and 30 million bison on the Great Plains. Krech estimates that per capita, the Native Americans needed about six bison per year and that 120,000 Native Americans could have sustainably harvested that number (720,000) from a herd of 30 million (1999, 137). But given how inefficient the drive hunts were, it seems likely that the Native Americans

would have killed far more than the number of animals they needed each year.

3. Hare says flatly: "If we all had the right intuitions (the ones which a wise critical thinker would seek to inculcate) we would condemn such practices unhesitatingly. There need therefore be no conflict between utilitarianism and received opinion over this kind of example" (1981, 142). I tend to think that Hare underestimates the degree to which bullfighting and fox hunting are entrenched in the cultures that celebrate them, although a 2002 Gallup Poll found that "nearly 70 percent of Spaniards claim to have no interest whatsoever in bullfighting" (cited in Bailey 2007, 24).

4. Cf. Comstock (2000, 152) and "Chicken Little" in the science fiction novel *The Space Merchants* (Pohl and Kornbluth 1952). According to a *New York Times* article, "Scientists at NASA and at several Dutch universities have been developing the [in vitro] technology since 2001, and in a few years' time there may be a lab-grown meat ready to market as sausages or patties. In 20 years, the scientists predict, they may be able to grow a whole beef or pork loin. A tissue engineer at the Medical University of South Carolina has even proposed a countertop device similar to a bread maker that would produce meat overnight in your kitchen" (Robin 2005). There is also a non-profit organization, called New Harvest, which is dedicated to developing "cultured meat" (http://www.new-harvest.org/default.php), and PETA is offering a $1 million "reward" for the first *in vitro* chicken meat successfully marketed in at least 10 states by June 30, 2012 (http://www.peta.org/feat_in_vitro_contest.asp).

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