

## **Using The Notion of Sentience to Eradicate Unnecessary Harm to Domesticated Animals in Malawi**

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### **Abstract**

*This paper argues that the only plausible way to eliminate unnecessary harm to domesticated animals in Malawi is by adopting the sentience criterion for moral status of animals. All sentient beings have interests in not being suffering and these interests should be taken into consideration, hence, all animals (including domesticated animals) have moral status. Unlike in Western countries where the welfare of domesticated animals is to a large extent protected and promoted, in Malawi domesticated animals are regarded as property to be used by humans anyhow. Even the Malawian legal framework is silent on how these animals should be treated. It is therefore necessary that this 'property status' of domesticated animals must be eradicated so that unnecessary harm caused to these animals is also eradicated. This can only be done by providing an ethical justification that is simple and consistent in its explanation for the moral status of animals. And Peter Singer's sentience criterion just does that.*

**Key Words:** companion animal, domesticated animal, eradicate, harm, livestock, Malawi, moral status, moral obligation, property, sentience, suffering, welfare

### **Introduction**

It is estimated that human beings started the keeping of domesticated animals from about 11,000 years ago (Armstrong and Botzler 2003: 1). Domestication refers to the process whereby a population of animals or plants becomes accustomed to human provision and control. Humans have brought these populations under their control for a wide range of reasons: to produce food or valuable commodities (such as wool, fur, cotton, or silk), for help with various types of work (such as transportation or protection), and to enjoy as pets. Some of the domesticated animals include dogs, rabbits, turkeys, doves, goats, cats, sheep, cows, chickens, donkeys, horses, water buffaloes, llamas, yaks, geese, alpacas, and ferrets, just to mention but a few.

It is worth noting that domesticated animals have also been used to provide a service to people. Service animals are those animals individually trained to provide assistance to persons with disabilities. They perform tasks that help people with disabilities to live more independently. Some of the animals that are used as service animals include dogs, pigs, capuchin (a type of monkey), cats and miniature horses. Service animals are particularly used in developed countries including the United States of America.

Research findings suggest that people started to keep domesticated animals as a result of explosive human population growth. Serpell (1996) reports that initially human beings lived on hunting and fruit-gathering before the birth of agriculture and animal husbandry, and that this shift from hunting to farming also produced a fundamental change in human relationships with animals. Serpell (1996) observes that the traditional hunters viewed the animals they hunted as their equals. This implies that there was an egalitarian kind of relationship. Serpell (1996) asserts that this relationship disappeared with the advent of domestication. As a result the domesticated animals started to depend for survival on their human owners. Humans became the overlords and masters, the animals their servants and slaves. The loss of this independence has had some fairly devastating long term consequences on the animals. It implies that humans could now do whatever they want with the animals. In other words, animals are now generally considered as property and this has a bearing on how these animals are treated. Africa in general and Malawi in particular, domesticated animals are treated badly.

Until the 1970s animal protection movement and some ethicists have strongly condemned the traditional assumptions that animals have little or no moral status, and that they may be used for practically any human purpose. This has given rise to the ethical study of animals called *animal ethics*.

One of the pertinent questions that *animal ethics* attempts to address is: Does the treatment of animals raise ethical issues at all? This paper is an attempt to answer this question by looking at the treatment of domesticated animals in Malawi and then offering some critical reflections on the same. It argues that Peter Singer's sentience criterion is a plausible ethical justification that can be used to eradicate the unnecessary harm caused to domesticated animals in Malawi.

### ***The Keeping of Domesticated Animals in Malawi***

Malawi is a land-locked country, situated in the south-eastern part of Africa. It has a human population of about 15 million people (Population and Housing Census 2008: Population Projections), and an area of 118, 484 square kilometres, of which 20% is inland water. Malawi has about 85% of its human population in rural areas, most of whom are mainly occupied with subsistence agriculture (Malawi Census, 2008). Thus, Malawi's economy is dominated by agriculture. Almost 80% of the smallholder farmers own livestock. It is estimated that the contribution of livestock to the Gross Domestic Product (GDP) is 7% and about 20% of the total value of agricultural productivity (National Livestock Development Project Report 2004; Kachule, 2011). Some of the livestock kept in Malawi include chickens, guinea fowls, doves, ducks, turkeys, goats, sheep, pigs, cattle, horses, donkeys, and rabbits. Malawi conducted the fourth census of agriculture (National Census of Agriculture and Livestock) in 2006/07. According to the 2006/07 National Census of Agriculture and Livestock, Malawi has 884 130 heads of cattle, 2 623 000 goats, 76 600 sheep, 792 300 pigs, 7 558 000 chickens, 14 000 donkeys, 167 500 rabbits, 34 000 guinea pigs, 429 200 ducks, 281 500 guinea fowls, 610 500 pigeons and doves, and 61 000 turkeys. Poultry is the most common livestock raised in Malawi, followed by goats, cattle, pigs, and sheep. These animals are owned or kept by almost 60% of households and are mainly used for food, labour, and transportation (National Census of Agriculture and Livestock 2006/07).

Livestock production in Malawi is primarily subsistent. Most of the domesticated animals including goats, sheep, and poultry are basically kept under the extensive free-range system with no supplementation at all. Intensive commercial livestock production is practiced at a very small scale and this is particularly done in urban and semi-urban areas. It is claimed that serious promotion of the use of animal power in Malawi can be traced to as far back as 1940s (Kumwenda, 2006). At that time the most commonly used animal was the ox. Today, in almost all the three regions of Malawi people use oxen, horses and donkeys for tillage, weeding and carting because farm mechanisation has not yet fully developed. Animal care in livestock production has not been given greater emphasis as compared to crop production (National Livestock Development Project Report 2004).

### ***Treatment of Domesticated Animals***

Generally, Malawians do not take good care of domesticated animals. The well-being of domesticated animals is not a major concern for many. Domesticated animals undergo a lot of unnecessary harm that could be avoided or eradicated. In this paper attention is drawn to three major problems relating to the keeping of domesticated animals in Malawi. These problems can be interpreted as inflicting unnecessary harm to domesticated animals.

Firstly, there is poor feeding of the animals. Often times domesticated animals are left to find food for themselves. Kumwenda (2006) notes that carting animals are not given proper food, as they are taken in the morning to the market and by the time the farmer returns home they are weak and there is no time for them to graze. They are only allowed to feed for only a few hours each day on whatever they can find near the homestead before they are put back in the *kraal* (*khola*) overnight, waiting to be used again the following day. Also, these animals are not given enough water to drink. These animals are overworked and are not given proper food. Kumwenda (2006) notes that most of the animals used for carting tend to be in a poorer condition than those used for field work because they are used more frequently. As a result of poor feeding the animals become thin and weak.

Secondly, domesticated animals are subjected to a lot of beating. Beating of animals is a major problem in the keeping of domesticated animals in Malawi. Some of these animals especially cattle are beaten up with rough sticks as they are led to the grazing fields. Sometimes people who use animal power beat up the animals or burn their tails in order to force them to work, thus bruising them and then damaging their skin. This does not only result in deforming the animals, but also renders the animals more susceptible to diseases (Kumwenda, 2006). These beatings sometimes deform the animals. In some cases carting animals especially those that are male are castrated. They are castrated to make them sexually inactive. But all this is unnecessary. Instead the farmers can be using voice commands. Research has shown that domesticated animals are able to respond to voice commands (see Conroy, 1995; Mills & McDonnel, 2005; Heart, 2014).

The third problem relates to housing of the animals. In terms of housing, *kholas/kraals* where these animals are kept are not usually roofed. According to Kumwenda (2006) farmers have open-roofed *kholas*; this is just a pole fence erected around the area where the donkeys and other farm animals rest at night. This becomes a problem especially during the rainy season as the animals have to brave the rains and *kholas* become muddy such that the animals are made to stand the whole day and night.

Malawians keep companion animals as well. The most commonly household animals are dogs and cats. These animals provide companionship, security and a sense of comfort. Unlike in the West where dogs are allowed in the house, in Malawi dogs are not allowed access into the house. They are kept just to provide security of the homes and most of them are not leashed. They are left to roam about and find their own food. In this case they could be regarded as 'stray' dogs. Simply put, they are considered as property. Not many care about giving them proper housing, protection, food, water and medication when sick. In most cases pets are just beaten up anyhow without being conscious that they too feel pain. Victor Kaonga, a Malawian broadcast journalist and blogger while studying for a postgraduate degree at Örebro University in Sweden had this to say in one of his blog entries: "Here it is the extent of care given to pets that shocks me in Europe especially as I compare it to how we look at pets in Malawi" (Kaonga, 2007).

Kaonga is fascinated with how Europeans care for pets. Another Malawian Henry Nyekanyeka in his response to a question 'Do you think animals have rights?' posted on Unicef website writes:

"Animals have rights only that a lot of people in Africa do think that animals belong to the bush. For example, in our country Malawi, people don't treat animals as they (animals) are supposed to be treated....As youth who are future leaders of tomorrow, we must have the mind of treating animals nicely. Animals do need love and care" (Unicef, 2004).

Kaonga and Nyekanyeka share the sentiment that Malawians need to change their attitude about animals including pets.

Generally, Malawians treat animals as property at their disposal for use. Perhaps, this is so because a majority of Malawians have no conception of animal suffering i.e. animals can be treated anyhow since they are property for humans to use. It is important to note that several factors have contributed to the bad treatment of animals in Malawi. They include historical, social/cultural, religious, economical and legal factors. This paper is also of the view that lack of a proper legal framework in Malawi has also contributed to the exploitation of domesticated animals. Animals have no moral status within the Malawi legal framework. By implication, animal cruelty is permissible by the law. This gives people a leeway to treat animals anyhow. Thus domestic animals survive at the mercy of their owners. Wherever the legal framework regards animals as property, there is limited type of legal protection that can be extended to them. As observed by Gary L. Francione:

"any significant improvement in animal treatment will be most difficult to achieve as animals as regarded by the law as nothing more than property. The owners of animal property will always insist that the level of treatment that they are providing is appropriate given the particular use of the animal....If the law regarding animals is to change, it is necessary to eradicate the property status of nonhumans" (Francione, 1996).

Francione (1996) posits that the major culprit to mistreatment of domesticated animals is the law. This means that treatment of animals is arbitrary wherever there is no legal framework that protects and promotes that well-being of domesticated animals. The paper argues that while the legal framework plays an important role in protecting and promoting the interests of domesticated animals not to suffer, it is the sentience criterion that should be the major guiding principle in as far as the relationship between humans and domesticated animals is concerned. Also, the cruelty to domesticated animals in Malawi has little to do with a person's socio-economic status and religious beliefs. We all need to understand that domesticated animals are sentient beings just like humans.

### ***The Moral Status of Animals***

In her book *Moral Status: Obligations to Persons and Other Living Things* (1997), Mary Anne Warren investigates a theoretical question that is at the centre of practical and professional ethics: what are the criteria for having moral status? According to Warren:

"To have moral status is to be morally considerable, or to have moral standing. It is to be an entity towards which moral agents have, or can have, moral obligations" (Warren, 1997: 3).

This simply means that when an entity, say an animal, has moral status, then human beings who are considered as moral agents have a moral obligation for its welfare or well-being.

According to Warren (1997), the concept of moral status has certain important features. The first important feature of this concept of moral status is its generality i.e. moral status is ascribed to members of a group and not necessarily to specific individual beings. Secondly, the moral obligations that are implied by the ascription of moral status to an entity are obligations to that entity. Thus, we are liable to any entity that has moral status.

Warren also points out that the concept of moral status has two major functions. Firstly, the concept specifies minimum standards of acceptable behaviour towards beings of some sort. Thus, the concept guides us by giving us the basis on how we ought to treat those beings that have moral status.

Secondly, the concept of moral status is used in the establishment of moral ideals which create a conceptual space for supererogation by encouraging individuals to move beyond conforming to the minimum standards of acceptable behaviour, towards exceptional goodness, heroism, or saintliness.

What beings have moral status? Do non-human animals have moral status? If they have moral status, how are we to understand the moral status of these animals? What about other beings not in the class of animals? Well, there are controversies as to which beings are morally considerable. There are also heated debates on whether non-human animals do have moral status and what criterion should be used to accord an object moral status. The details of these debates are beyond the scope of this paper. The scope of this paper is to argue that domesticated animals have moral status on the basis that they are sentient beings.

DeGrazia (1996) argues that animals have interests and since ethics is primarily concerned with interests of beings, then we should be concerned with animals' moral status. The conclusion that can be drawn from this assertion is that animals have moral status by virtue of them having interests. But what interests are these? Animal ethicists have argued for the moral status of animals based on certain specific morally relevant features present in animals, which include their cognitive capacities, their capacity to flourish, sentience, sociability, and possession of life. Singer (1975) argues that animals as sentient beings have an interest in not suffering. This paper argues that animals have moral status because they are sentient beings. Sentience is the capacity that any being has to feel pain or pleasure. Thus, the paper uses the sentience criterion to eradicate causing unnecessary harm to domesticated animals in Malawi.

### ***Singer's Sentience Criterion and Treatment of Domesticated Animals in Malawi***

Peter Singer is an Australian philosopher who is arguably the most influential philosopher in the world today having written much in the field of practical ethics. Two of Singer's many books are *Animal Liberation* (1975) and *Practical Ethics* (1979). In these two books he argues that interests of all beings capable of suffering are worthy of equal consideration. Singer who describes himself as a preference utilitarian<sup>1</sup> argues that while animals show lower intelligence than the average human, many severely retarded humans are no better than some animals, and therefore intelligence does not provide a basis for providing nonhuman animals any less consideration than such retarded humans. He asserts that animals are sentient beings. Sentient beings are defined as those entities that can experience either pleasure or suffering (pain).

In his *Practical Ethics*, Singer quotes Jeremy Bentham's most frequently cited footnote to make his point:

"The question is not, 'Can they *reason*? Nor Can they *talk*?' But, '*Can they suffer*?' (Singer, 1979: 57).

Thus he argues that the moral status of animals is hinged on the fact that animals suffer. He says:

"...If a being suffers there can be no moral justification for refusing to take that suffering into consideration....If a being is not capable of suffering, or of experiencing enjoyment or happiness, there is nothing to be taken into account" (Singer, 1975: 8-9).

As long as animals can suffer then we have to take that suffering as a basis for our moral obligation towards animals. To put it simply, animals have moral status because they are sentient beings and only sentient beings have an interest in not suffering.

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<sup>1</sup> Preference utilitarians define a morally right action is that which produces the most favourable consequences. They interpret the best consequences in terms of 'preference satisfaction'. This means that 'good' is described as the satisfaction of each person's individual preference or desires, and a right action is that which leads to this satisfaction.

Singer does not specifically argue that in view of this we ought to adopt a vegetarian or vegan diet. He thinks that we can use animals for food insofar as they are raised and killed in a way that actively avoids the inflicting of pain. It is for this reason that Singer suggests that the most practical solution to avoiding causing harm to animals is by becoming vegetarians or vegans. Singer also condemns the use of animals in research except in cases where the benefits outweigh the harm done to the animals used.

Can domesticated animals suffer? If the answer to this question is in the affirmative and we know that pleasure is a good and suffering is an evil, then the domain of moral thinking must extend to all feeling beings. Domestic animals have an interest not to suffer and this must be taken into account as we relate with domesticated animals.

Catherine Larrère and Raphael Larrère (2000) argue that there is an implicit “domestic contract” between humans and domestic animals and those domestic farmers have obligations towards domestic animals which correspond to the rights of the animals: the right to security, health, subsistence, and reproduction. These rights are interests in well-being but do not include a right, in principle, to life. In this contract of domestication humans are obligated not to mistreat or harm the animals up to the time they are slaughtered. This contract can be broken when humans abandon caring for these animals, for instance, when farmers abandon their obligations and release the animals into their natural environment. The notion of “domestic contract” is linked to Singer’s sentience criterion for moral status of animals because it acknowledges that domesticated animals have interests and that these must be promoted and protected. Animal interests must be taken into account as long as the animal is alive (before it is slaughtered).

It is evident that Malawians in general and farmers in particular are causing unnecessary harm to domesticated animals by not taking very good care of them. Domesticated animals lack good food to supplement what they fetch on their own by the free range system; they lack proper housing since their *kholas* are not roofed; they lack protection and become prey to stray dogs and other ferocious wild animals; and they lack medication when sick. All these need to be provided to the animals by the farmers to eradicate unnecessary animal suffering. Singer argues that the interest in not suffering which all sentient beings have should be considered equally. If our treatment of domesticated animals cannot be applied to humans then there is something wrong. There has to be equal consideration of interests. It means some of the tendencies including beating of animals ought to be stopped. As pointed earlier, beatings do deform the animals and the wounds on their skins make them susceptible to sicknesses and diseases. The practice of beating up the animals can easily be stopped and farmers can learn to use voice commands—a practice which has proved to be very effective in some parts of the world (see Conroy, 1995; Mills & McDonnell, 2005; Heart, 2014). For those that keep dogs it is necessary that dogs should be on a leash to prevent them from biting other people and for the dogs’ safety. In some cases, stray animals have caused road accidents. Keeping domesticated animals comes with responsibility: to prevent causing unnecessary harm to the animals as much as possible. This is the price to be paid for choosing to keep domesticated animals. The assumed contract should benefit both parties to the contract.

Furthermore, it is necessary that proper ways of slaughtering the animals that prevent causing harm should be devised. Singer argues that animals must be raised and killed in a way that avoids inflicting pain. It is usually disheartening to see how domesticated animals in Malawi are slaughtered. The animals bleed profusely as they breathe their last. Certainly they undergo a lot of pain during the slaughtering process.

This paper argues that the sentience criterion for moral status of animals is a plausible ethical justification if we are to develop an animal ethic in Malawi for two main reasons. Firstly, the sentience criterion is the most consistent and simplest of all criteria for moral status and can be easily grasped by everyone especially Malawian farmers who are mostly illiterate. Singer argues that animals are sentient beings. And sentient beings have interests in not suffering. This means that we must give equal consideration to the interests of all animals by not harming them. Therefore, all sentient beings including domesticated animals must not be harmed and therefore have moral status. This is so simple an argument to be grasped and something that we can all identify with. As human beings (and we are sentient beings), we know what it means to go through pain and we do not like to suffer. Hence all animals should not suffer. Secondly, the sentience criterion as argued by Singer does not prohibit people from keeping domestic animals and using them for food but rather that the animals should live good lives and minimum pain is inflicted on the animals when it is time for them to be sacrificed for food.

### ***Objections to Singer's Sentience Criterion for Moral Status of Animals***

Singer's sentience criterion for moral status of animals also popularly known as the 'Sentience Only view' is without criticisms. According to Warren (1997, p71), there are four potentially fatal objections to the principle of equal consideration of interests. These objections threaten the basis on which the argument of this paper is built. Let us follow through these objections.

The first objection comes from environmental ethicists. They argue that Singer's Sentience Only view denies moral status to plants, species, and other non-sentient elements of the biosphere. Deep ecologists think that natural plant and animal species, populations, and habitats can all have moral status. This means that adopting this theory that only recognises the moral status of sentient beings leave the rest of the beings without protection.

The second objection also known as the Humean/feminist objection argues for the relevance of social and emotional relationships to moral status. The advocates who hold this view argue that there is a natural inclination for a human being to have moral obligations towards other humans because of emotional and social attachment to them and that this cannot be applied to non-human animals and other entities.

The third objection is that Singer's sentience criterion provides no basis for ascribing moral rights to individual human beings. The critics argue that Singer puts all animals (humans inclusive) at the same level and that they all have the right to equal consideration of comparable interests. These critics trash Singer's theory as it sacrifices human rights at the altar of equal consideration of interests between humans and non-human animals (Hill, 2010). Critics posit that Singer's argument for moral consideration of animals fails to make a compelling case against "speciesism" (Steinbock, 1978).

The last criticism that this paper advances could be considered as the strongest among the rest. The argument is that the principle of equal consideration leads us to a "comparable interests dilemma" because it does not provide a solution when there is a conflict of interests between humans and non-human animals. In a situation where we are to be consistent with the principle we are likely to be in a dilemma. Warren (1997) writes: "On earth, any human society which seriously sought to accord equal moral status to all sentient beings would severely endanger its own survival." This is so because humans will have to take the interests of all animals into account. And this would virtually mean not causing any harm to animals including using them for food.

Notwithstanding the above criticisms, the sentience criterion for moral status offers a better starting point to Malawi considering that animal ethics has not been developed there. The sentience criterion for according moral status to domesticated animals is plausible for its consistency and simplicity.

### ***Conclusion***

Adopting the sentience criterion for moral status of animals is the only plausible way of eradicating unnecessary harm caused to domesticated animals in Malawi. All domesticated animals are sentient beings, and all sentient beings have moral status. Therefore, all domesticated animals have moral status. Singer's sentience criterion for moral status should be a starting point in developing a plausible animal ethic in a population where there is no regard for the welfare of animals. The sentience criterion is so simple a criterion to be understood by any reasonable human being. If all animals (humans inclusive) have moral status and therefore have interests, then these interests must be taken into account. There has to be equal consideration of interests of all animals. Certainly domesticated animals have an interest not to suffer. It is therefore recommended by this paper that there has to be a change of mindset among the Malawian public. Moreover, the Malawian legal system should put in place mechanisms that would ensure that the welfare and life of domesticated animals is protected and promoted. We must eradicate the property status of nonhuman animals because domesticated animals, just like human beings, are sentient beings and therefore have moral status.

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