

## How our rights affect their rights: rethinking animal rights in Africa

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### Abstract

*The issue of animal rights protection is a fundamental one for the animal rights activists especially in Western societies. There are animal rights organisations in the USA, UK and some European countries, with the sole aim of protecting and rescuing animals around the world. There are series of legislations also from the governments of various countries with the aim of prohibiting wanton and unreasonable killing of animals or violation of animal rights. But is it the same in Africa? The answer is not straightforward. Why is this so? Do Africans really believe in the validity of such rights? If they do, are they really thinking about it, just like Westerners? These questions are addressed in this paper, which agrees with the view of the supporters of animal rights. Essentially, it argues that given the enormity of socio-economic and political challenges confronting African countries, the issue of animal rights seems not to be a matter of priority in practice for many African leaders. The focus of this paper is that the inherent challenge of securing human rights in Africa, coupled with socio-economic and political problems confronting African countries, is basically responsible for ineffective protection of animal rights in Africa. Thus, this paper concludes that if human rights are taken seriously in Africa, animal rights will be taken seriously.*

**Keywords:** Animal rights, human rights, African beliefs, African religions, culture

### Introduction

The question of the relationship between human beings and non-human animals is an essential one that cuts across every culture, religion and society. In recent time, this question has generated controversies among the ethicists as well as social and political philosophers. The so-called animal rights activists/defenders have engaged their opponents in argumentative discussions at various levels. Scholars such as Tom Regan and Peter Singer defended moral equality of human beings and non-human animals with a resolution that non-human animals have rights. Thus, using animals for education, product safety testing, and experimentation, harmful non-therapeutic experimentation in particular, is not justifiable. Others, such as R.G. Frey, Neil Smith and Edwin Locke, are of the opinion that non-human animals have no rights. Considering how scholars are divided over the subject matter, Tom Regan, Peter Singer, Richard Ryder and Peter Wilson argue in defence of animal rights. For them, non-human animals are like us in many respects; they have similar physiological make-up, biological make-up, and psychological make-up to human beings. Also, animals suffer in the same way that humans do. Hence the conclusion that it is impossible to justify actions that inflict pain on animals. Animals, like humans, are entitled to the basic right to live free of suffering. Meanwhile, scholars such as Frey (1995), Smith (1996) and Locke (1997) are of the opinion that non-human animals have no rights. They argue that animals are not rational, they cannot make moral

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choices, they lack the values of human beings; they are property needed to fulfil human needs. Nevertheless, in this paper, I agree with the arguments of the defenders of animal rights. Why is this so? The answer is simply because the main arguments of the opponents of animal rights are not sufficient to establish the non-existence of such rights. It should be reported at this stage that this paper is a preliminary evaluation of the 'state of the art' of African thought regarding animal rights. The paper will be developed in another full-blown article in order to deal with the arguments that this one could not exhaust.

This paper is divided into three sections. The first discusses the issue of animal rights and the beliefs of Africans about it, the second discusses Tom Regan's reasoning on why animals have rights. The third section considers some arguments to establish why animal rights protection in Africa is facing challenges in present conditions. Let us begin the discussion with the issue of animal rights in particular, and the question of rights in general.

## Animal rights and the question of rights

Rights have become a dominant concept in the moral and political discourse of contemporary democracies, displacing to some extent, at least where moral issues are concerned, talks on the common good, general wellbeing and social justice (Campbell 2010:669). For the sake of clarity, issues of this controversial nature require definitions of terms. In what way are we using the term "right"? Following Mill's explanation on rights:

When we call anything a person's right, we mean that he has a valid claim on society to protect him in the possession of it, either by the force of law, or by that of education and opinion ... To have a right, then, is, I conceive, to have something which society ought to defend me in the possession of. If the objector goes on to ask, why it ought? I can give him no other reason than general utility (Mill 1962:309).

From the above quotation, the fundamental point to be made here is that for every right there must be a corresponding obligation or duty on the part of others to protect such rights. This view is also supported by Campbell. In his view,

More recently, it has become common to associate rights with responsibilities, although it is often not clear whether this is meant to curtail the scope of rights by making people's rights conditional on the fulfilment of their duties, or to strengthen the impact of rights by emphasising the duties of various parties to uphold the rights of others (Campbell 2010:669).

The next question is: do animals have rights? The straightforward answer according to the activists is yes. According to Peter Wilson,

Philosophers have been arguing for millennia over exactly where rights come from. There have been nearly as many theories put forward as there have been philosophers. They range from divine commandment to majority rule to pure self-interest. Some philosophers even deny that there are such things as rights. In the interest of time, let's take the pragmatic approach and just assume rights exist and that humans possess them. Animal rights must then stand or fall on the ability to show that it is inconsistent or irrational to grant rights to humans but to deny them to animals (Wilson 1999:17).

Granted that animals have rights, what are these animal rights? From the *Free Dictionary*, animal rights is defined as the right to humane treatment claimed on behalf of animals, especially the rights not to be exploited for human purposes. The concept of animal rights is the ideal that the most basic interest of animals should be afforded the same consideration as the similar interest of humans. Now, one important question is this: who should protect animal rights? The answer to this question is not far-fetched. From Campbell's quotation above, the duty of securing animal rights lies with human beings. In other words, for there to be animal rights and for animal rights to

be protected, there must be a corresponding duty or responsibility on the part of human beings to protect such rights.

Now, what are the objectives of animal rights defenders? For Regan, animal rights activists are committed to a number of goals, including:

- the total abolition of the use of animals in science;
- the total dissolution of commercial animal agriculture;
- the total elimination of commercial and sport hunting and trapping (Regan 1985:13).

The question of rights is a complex one among scholars because it could be used either in a moral or in a legal sense. In other words, one might be talking about moral rights or legal rights. One clear line of demarcation between the two is that, while legal rights are justiciable, moral rights are not. But in championing animal rights, what kind of rights are we talking about? What is the concern of philosophers as regards the status of animals? The simple answer is that philosophers are interested in the two, depending on the direction of the discussion. Tom Regan and Peter Singer, for instance, defend moral equality of human beings and non-human animals. According to Regan, it is wrong when any animal's rights are violated in pursuit of benefits for others (Regan 2002:88). The import of Regan's view is that non-human animals (lower animals) have the same moral rights as human beings (higher animals or human animals). In other words, non-human animals have the same moral status as human beings. Now, what are the African views and beliefs regarding animal rights? Do Africans also believe that animals have the same moral status as human beings? These questions are addressed in the next section.

## The issue of animal rights and Africans' beliefs

Do Africans believe in animal rights? The answer to this question is a complex one. There is no consensus on African beliefs on animal rights, just as there are divisions in Western societies over the reality of rights for non-human animals as well. It is a common belief for Africans, especially the devotees of indigenous religions, that sacrifices and rituals must be performed as a matter of duty; as part of religious rites and worship, in order to appeal to gods and ancestors. In fact this is considered a pious act. Thus, to perform some of these sacrifices, animals must be slaughtered in the ritual process. In other words, a traditionalist considers slaughtering of animals for ritual purposes part of his/her religious obligations.

However, is the idea of defending animal rights a totally foreign or alien concept to Africans? My answer is no. This answer is borne out by the fact that defending human rights and non-human animal rights cannot be removed from African socio-cultural experience, following the communitarian nature of African societies. Now, when we move further to the question of whether or not Africans believe that human and non-human animals are equal in some morally relevant respects as championed by Regan and Singer, the answer is complex. It is believed that Africans live in a cultural or religious universe, but the truth is that some of them really believe in the existence of animal rights while some do not. Let us now consider Tom Regan's defence of animal rights.

## Tom Regan on why animals have rights

Tom Regan, a foremost animal rights activist, has written extensively on this subject. In fact, Regan and Singer were known for championing the moral equality of human beings and animals. Some of Regan's works include Regan (1983) *The Case for Animal Rights*, Regan (2001) *Defending Animal Rights*. Regan (2002) "Empty cages: animal rights and vivisection." Regan (2004) *Animal Rights, Human Wrongs: An Introduction to Moral Philosophy*, and Regan, (2004) *Empty Cages: Facing the Challenge of Animal Rights*. In some of these works, we were able to establish Regan's arguments in support of animal rights. The arguments are physiological, by cognitive-ability, and psychological.

### *Physiological argument*

Regan observes that human and non-human animals are alike physiologically. Drawing from Darwinian analysis, Regan argues that,

In all essential respects, these animals are physiologically like us, and we like them. Now, in our case, an intact, functioning central nervous system is associated with our capacity for subjective experience. For example, injuries to our brain or spinal cord can diminish our sense of sight or touch, or impair our ability to feel pain or remember. By analogy, Darwin thinks it is reasonable to infer that the same is true of animals that are most physiologically similar to us. Because our central nervous system provides the physical basis for our subjective awareness of the world, and because the central nervous system of other mammals resembles ours in all the relevant respects, it is reasonable to believe that their central nervous systems provide the physical basis for their subjective awareness (Regan 2002:84).

Following the above quotation, Regan's position is clear. But whether the position is correct or not is open to another philosophical debate. However, this author finds the basis of Regan's argument too weak, in the sense that both Africans and non-Africans will find it difficult to accept that non-human animals have rights just because they resemble human beings. Thus, a stronger argument will be needed.

### *Cognitive-ability argument*

According to Regan, human and non-human animals have certain cognitive abilities in common. He states that,

In addition, both humans and other mammals share a family of cognitive abilities (we both are able to learn from experience, remember the past, and anticipate the future) as well as a variety of emotions (Darwin (1976) lists fear, jealousy, and sadness). Not surprisingly, again, these mental capacities affect their behaviour. For example, other mammals will behave one way rather than another because they remember which ways of acting had pleasant outcomes in the past, or because they are afraid or sad (Regan 2002:84).

### *Psychological argument*

Regan opines that the psychological complexity of mammals is a clear indication that non-human animals are like humans. According to him,

Moreover, that these animals are subjectively present in the world, Darwin understands, is required by evolutionary theory. The mental complexity we find in humans did not arise from nothing. It is the culmination of a long evolutionary process. We should not be surprised, therefore, when Darwin summarises his general outlook in these terms: "The differences between the mental faculties of humans and the higher animals, great as it is, is one of degree and not of kind" (Darwin 1976: 80). The psychological complexity of mammals (henceforth "animals," unless otherwise indicated) plays an important role in arguing for their rights. As in our case, so in theirs: they are the subjects-of-a-life, their life, a life that is experientially better or worse for the one whose life it is. Each is a unique somebody, not a replaceable something (Regan 2002:85).

The summary of Regan's view is that human and non-human animals are alike and as a result, equality and sameness of the two species ought to be emphasised. The nucleus of his argument is that, without a doubt, if humans have rights, so too do these animals (Regan 2002:85).

Metz presents a different account. According to him,

The African theory entails that even if there is no intrinsic difference between two beings, there could be a (modal) relational difference between them, because capacity to have a life that is shared with, and cared for by, normal human beings, that grounds

differential degrees of moral status. The idea that humans have a greater moral status than animals is a persistent intuition, and invoking the property of degree of capacity for communal relationship is a more attractive way to account for it than is the speciesist one of the bare fact of human life (Metz 2011:6).

The import of this quotation is that Metz provides a clearer picture of how Africans' view of the relationship between human beings and non-human animals ought to be understood. Africans believe that even though humans have a greater moral status than lower animals, this does not rob lower animals of their rights. Even among human beings, a rational adult will be seen as having a higher moral status than an infant or an imbecile. Yet, that will not rob an imbecile of his/her rights. If a foetus should have rights as far as pro-lifers are concerned, why not non-human animals? This question is the author's argument in support of the view of the defenders of animal rights. Let us now move to the challenges of protection of non-human animals rights in Africa.

## The challenges of protecting non-human animal rights in Africa

In this section, I want to divide the challenges of protection of non-human animal rights in Africa into two, namely the major versus minor challenges. The major challenges include the challenges of human rights in Africa, lack of functional animal rights policies in Africa and poverty. The major challenges are discussed first.

### *The challenges of human rights in Africa*

Violation of human dignity largely affects non-human animals in Africa. Bringing so many war-torn countries in Africa into the picture, it is obvious that there is gross violation of human rights in those places. Now, championing the idea of animal rights in most of these places will as a matter of fact be of secondary importance. The big problem is demanding animal rights from a person who does not respect a co-human being. Apart from the manifest violation of human rights in Africa, it is a fact that many African countries have lost and are still losing their citizens in diaspora to unjust killings in different parts of the world, without taking any considerable measures to demand justice. This remain a serious challenge to the protection of animal rights in Africa. According to Mbia,

Human rights abuse or violation in Nigeria has been a contentious and perennial phenomenon ... the ugly and image denting phenomenon has been the hallmark of successive administration (both military and civilian) in the country. This has manifested itself few years ago in the unlawful arrest, torture, genocide, etc. (Mbia 2007: 108).

One important fact in Mbia's argument is that this view can be extended to many other African countries. They have similar features.

### *Lack of functional animal rights policies in Africa*

Closely related to the first is the second: that there is a lack of functional animal rights policies in many African countries. Despite the fact that the first International Pan African Animal Welfare Alliance (PAAWA) Conference on 'Mainstreaming Animal Welfare in Africa's Development' held in Nairobi, Kenya, from 2nd-4th September, 2013, there are still other policy issues. Even in a place like South Africa with all the structure on ground, we still need to revisit the issue of animal rights in the country.

### *Poverty*

Poverty is arguably the dominant problem in most of the African countries, to which all other issues relate. According to Mandiyanike (2009:144), "Extreme and persistent poverty, hunger, disease, and ignorance have come to characterise life in a typical developing country". It is a fact that many Africans are living below the poverty line. This was caused by many internal and external factors. As a matter of fact, it is not out of place to trace poverty to unemployment in African countries. According to Corrigan, unemployment is a significant problem and one of the

key causes of poverty (Corrigan, 2009:10). As a result, a good number of Africans resorted to hunting, fishing, and factory farming or using animals as farming tools as a means of livelihood. Giving that one of the greatest instincts in life is the instinct for survival, African leaders will need to create enough alternative jobs in order to dissuade those who engage in the kind of jobs that affect the rights of non-human animals.

## Minor challenges

### *African culture and tradition*

It is strange to tell a typical African man that his dog or cat should be accorded rights, respect and dignity just like his children. The average African man was brought up with the mentality that animals are created for human needs, use and enjoyment.

### *African Religion and Animal Rights*

Case I: Ogun festival in Nigeria involves beheading dogs in public as part of the necessary rituals for festivity by the devotees.

Case II: Zulu festival in South Africa also involves beheading bulls or cows openly as part of the ceremony.

Case III: Sallah festival also involves slaughtering rams and goats to commemorate the festival.

## Animal rights in Africa: issues and challenges

In this paper, three arguments are developed as justifications to address the question of why animal rights may not succeed in Africa:

### *Religion and Cultural Arguments*

The question of ritual slaughter of animals. Certain gods demand the fresh blood of animals, e.g. Ogun (god of iron in Yoruba land).

Even the new-found religions, such as Islam and Christianity, permit ritual slaughter of animals for ceremonial purposes.

### *Human rights argument*

Violation of human rights in Africa poses a serious challenge to the protection of animal rights in Africa. In Wiredu's reflection, the problem that bedevilled modern Africa is ... how to devise a system of politics that, while being responsive to the developments of the modern world, will reflect the best traditional thinking about human rights (Wiredu 1990:260). Thus, the implication of Wiredu's conception is that thinking about human rights is more pressing than some other challenges. While Africans are still struggling with the question of human rights, the question of animal rights may not be of the utmost importance. This, from this author's point of view, suggests a critical reflection on these two important questions.

1. Do animals have rights?
2. Do non-human animals have equal moral status like human beings?

While the first question could be answered in the affirmative by defenders of animal rights, both in the west and Africa, the second is not so straightforward. In reviewed previous studies, no African writer has defended this position like Peter Singer.

According to Cornwell,

The driving force behind Africa's experiment with democracy came both from ideology conviction and the growing impatience of an ever bolder public consciousness, and from the related manner of the continent's prevailing economic woes. On the other hand, the politically conscious urbanised, professional and studies bodies began to rail against the continued failure of their rulers to match rhetoric and promises to economic progress, for much of Africa had experienced a steady decline in living standards in the 1970s and 1980s. On their part, the World Bank, the International Monetary Fund (IMF) and other

bilateral aid donors also made it quite clear that if further financial assistance was to be forthcoming, African leaders must protect the rights of the people. More specifically, they had to become politically more accountable to their people, and curb corruption (Cornwell 1995:15).

I think one way by which human rights can be protected the more in Africa is to agree with the directives of the IMF and World Bank that African leaders ought to be more accountable to their people. The import of this is that, if the rights of the people are well respected, it will reflect in the way they react and respond to the rights of non-human animals. The truth is that many Africans do not know that they have any rights due to the behaviours of some leaders. By extension, a person whose rights are not protected will see no reason for discussions on animal rights. In another development, Galadima noted

a process of organizing and managing legitimate power structures, entrusted by the people, to provide law and order, protect fundamental human rights, ensure rule of law and due process of law, provide for the basic needs and welfare of the people and the pursuit of their happiness (Galadima 1998:117).

According to Regan (2002:88), it is wrong when any animal's rights are violated in pursuit of benefits for others.

## The need for an attitudinal shift to the question of animal rights in Africa

African traditional religions and culture, which formed the basis of the African belief system, can be engaged to change the orientation of millions of African people who are still sceptical about such rights because we are not ignorant of such scepticism. Attitudinal shift towards a more enlightened and morally awakened society is needed where more people are working towards rights for animals than ever before.

Do non-human animals and human beings belong to the same moral community? The answer is yes. The point here is to raise arguments that will appeal to African tradition, culture and religions.

## Conclusion

The issue of animal rights is a complex one that is wider than the scope of this paper. In fact it is not as simple as many writers may argue. However, based on the scope of this paper, the following conclusion could be reached.

- Every animal (both higher/lower) has a right to fair treatment
- Non-human animals are animals
- Therefore, every non-human animal has the right to fair treatment

It is our submission in this paper that the idea of defending animal rights is not a totally foreign or alien concept to Africans. But, the challenge is that the question of rights is not really taken seriously in many African countries; with manifest violation of such rights up till today despite the democratic structure on ground. How can a country that could not protect the rights of her citizens effectively protect the rights of non-human animals? It is our view in this paper that human rights protection is a key to the protection of animal rights. This is because if one respects human rights and understands the pain that comes with the violation of such rights, it will be easy to accord rights to non-human animals that share essential features with man. From the paper, some of the identified common problems in African countries are unemployment, access to land, weak educational systems, gender discrimination, and poor health care systems. The argument is that African leaders should focus more on building a society with enviable principles of tolerance, magnanimity and fair-play, which are essential for socio-political order, so that both human and non-human animals will have a sense of belonging in the same environment. In other words, the protection of fundamental human rights is essential for the enhancement and protection of fundamental animal rights.

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