

Exploring the ethical basis of animal treatment in Malawi

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Abstract

The paper argues that the maltreatment/cruelty and destruction of animals common in Malawi is rooted in an African form of utilitarian ethics and a biased conception of animals that is promoted by *Umunthu/Ubuntu* ethical discourse. It explores the possibility of developing or discovering a moral ground for animal ethics discourse in the African context. Finally the paper proposes a Kantian version of animal rights as a way of dealing with various forms of cruelty towards animals in Malawi.

1. Introduction

The treatment of animals across the globe has been a source of constant theoretical wrangling. The debate about animal protection from all forms of cruelty from their human counterparts raises many complex philosophical as well as ethical questions.¹ Often this debate is dominated by the question whether animals have rights or not (Crisp 1998: 476-478; Dwivedi, 1990; Jamieson, 1990, 2008). The debate is complicated further when one realizes that rights which originate from law, moral philosophy, and sometimes a combination of these disciplines usually presuppose the primacy of human welfare over anything else. To be specific, it is claimed that human rights enhance good life for human beings. In the same way, it is expected that animal rights enhance good life for animals. But what is the basis of good life for animals which ordinarily appear to lack qualities that make human beings deserve special treatment? This notwithstanding, there is no agreement on

¹ The issue of animal rights in African context is often studied under African environmental ethics. For further reading on African environmental ethics see Ogungbemi (1997) and Ojomo (2011).

whether animals have rights or not. While some think non-human animals deserve the same treatment as human animals (van Hooft and Millar 2005), others think animals do not deserve any right at all. The debate on animal treatment in terms of their rights is further complicated by the fact that even the question of rights is not a settled one. Rights, in general, and human rights, specifically, are sometimes treated with suspicion by scholars. If some people treat the question of human rights with suspicion, what more with animal rights?

As early as 1970, Malawi Laws already contained a well-defined position on the subject of cruelty towards ‘domesticated animals’ or ‘captive animals’ (non-domestic) (Protection of Animals Act 1970, Chapter 66). In spite of this advanced thinking, Malawi is still one of the African countries where animals are continuously subjected to maltreatment. For example, the ‘Lilongwe Society for the Protection and Care for Animals’ (LSCPCA) in January 2014 testified in a court case against cruelty towards animals. This maltreatment was inflicted on animals by the Universal Security Animals.² Those responsible for this maltreatment were asked to pay a fine or risk 12 months imprisonment. The mishandling of tamed animals is not only experienced by security companies but it is a common phenomenon across Malawi. There are cases where some animals are abused by children, and at times by grown-up subjects without any reason (for example, stoning dogs or cats without any cause). City councils in Malawi have often considered shooting animals, especially dogs, that have no homes as a solution to avoid the spread of diseases such as rabies. This strategy has often been very cruel towards abandoned animals. Other forms of maltreatment of animals include beating them for no cause; slaughtering; by strangulation, depriving them of food; transporting them for long distances without water, food and proper ventilation; carrying animals, such as chickens, up-side down on bicycles or in ones hands.

In order to stop this maltreatment and destruction of animals, the government and other concerned organizations tried to protect animals in different areas. For example, the Malawi Animal Protection Act of 1970 (Chapter 66: 3a-3e)

² See LSCPCA official website: <http://www.animal-kind.org/malawigroup.html>

indicates different forms of cruelty forbidden in Malawi. The first offence of cruelty in this Act is found in the following passage:

If any person – shall cruelly beat, kick, ill-treat, override, overload, torture, infuriate or terrify any animal, or shall cause or procure, or, being the owner, permit any animal to be so used, or shall by wantonly or unreasonably doing or omitting to do any act, or causing or procuring the commission or omission of any act, cause any unnecessary suffering to be so caused to any animal (Protection of Animals Act 1970, Chapter 66, 3a).

In fighting against cruelty of animals the Ministry of Agriculture and Food Security recently supported the initiative of International Organizations dealing with animal protection such as LSCPAC in 2008. There are many other international organizations that are working against maltreatment of animals and they are pushing for animal rights and protection. Some of the commonly known organizations include: World Organization for Animal Health, Humane Society International (HSI), and Animal Kind International.

The continuous occurrence of cases where animals are maltreated is indicative of some loopholes in the laws and policies developed by different stakeholders in stopping malpractices towards animals. We feel that the consequences of physical abuses such as beating animals or depriving them of food reveal a deeper cultural problem requiring serious reflection and correction. In our understanding, Malawian cultures have a utilitarian ethical orientation towards animals which makes it difficult to develop a proper moral standing towards animal protection. This paper will discuss the utilitarian ethical orientation and its influence in animal maltreatment in section two. Further, we believe that there are various cultural beliefs and doctrines that contribute towards animal cruelty in Malawi. This will be discussed in section three. In section four we will suggest a new ethical foundation that can help defend animal protection through rights of animals which can liberate them from various forms of maltreatment.

2. The Malawian utilitarian ethics and animal cruelty

In this section we argue that the African ethical utilitarianism present in many Malawian cultures is the basis for current animal treatment and it is a source of maltreatment of animals in the country. By African ethical utilitarianism we refer to the view that actions are good or bad depending on whether they are useful or not to human subjects, or to the community, in particular. The idea of usefulness is understood as the degree to which they bring harmony and happiness to human subjects (see also Bentham 1983; Kant 1997). For example, the value of a *mbuzi* (goat) is determined based on what it offers to the community. Usefulness is therefore a determining factor of value; hence it is the only guarantor of moral justification. It accounts for why Africans as moral subjects have to care about something. Focus in African utilitarianism is on human subjects as moral agents and on the value they see in things. This suggests an African form of anthropocentrism³ which is generally considered in environmental ethics as consisting in claims that the nonhuman world and/or its parts have value in as much as they serve human beings. In animal ethics the dominant form of African anthropocentrism consists in the consideration of animals as having an instrumental value, thus they are useful insofar as they satisfy various human interests (see also Descartes 1993). This leads to the understanding that the community which is at the centre of everything has to care for animals, develop norms of action and norms of feeling insofar as animals have instrumental value for man.

African anthropocentrism with its utilitarian orientation is rooted in the cultural belief that human beings were created and destined by God (*Namalenga*) to be at centre of everything.⁴ Mbiti in his work *Introduction to African Religions* (1986: 38) captures this aspect when he says:

Because man thinks of himself as being at the center, he consequently sees the universe under that perspective. It is as if the whole

³ Note that anthropocentrism is present in Malawian general traditional ethics known as *umunthu/Ubuntu* ethics due to its focus on the community.

⁴ For further understanding of African religions and the idea of God and creation see also Appiah 1998:245-274; Amanze 2003; and Chakanza 1987.

universe exists for man's sake. Therefore African peoples look for the usefulness (or otherwise) of the universe to man. This means both what the world can do for man, and how man can use the world for his own good.

African subjects themselves occupy the center of the universe. Everything that is not human is their instrument. In fact animals in Malawi have an instrumental value more especially in three forms of utilitarianism: (i) nutrition utilitarianism, (ii) cultural utilitarianism, and (iii) labour utilitarianism.

Nutrition utilitarianism is the use of animals for food purposes. The relation between humans and animals in African context is firstly that of care conditioned by their value in providing food for the community. There is an understanding that if humans are cruel then they will not have good food when time comes for slaughtering. Cruelty in this context comes when animals are taken to the market to be sold. The mentality is that the one selling no longer owns the instrument, given that it is ready to become food. This is where animals are tied upside down on bicycles; they are transported for long distances to the market in a confined carriage, often lying one on top of the other, etc. In these situations, there is minimum concern that we are dealing with something that has life and feels pain just like humans. Further incidents of cruelty in Malawi are seen when animals are slaughtered. For example, chickens are sometimes killed by twisting their head/neck a number of times (*Kupotokola khosi*). Some vegetarians and animal rightists have strongly condemned the slaughtering of animals for food. But the idea of not killing animals for food seems to be far from being real in Malawi.

Cultural utilitarianism is the use of animals for various cultural ends. For example, in the past, killing a fierce animal such as a lion had cultural significance. Those who killed these animals gained some social status, especially respect, in the community as courageous individuals. Today this practice is no longer emphasized in the society. The other area where animals are used as instruments is that of traditional medicine. This medicine is used either for physical healing of human subjects or for charms that help to improve human life in different areas. For example, some parts of animals are

used to increase fertility and physical strength when fighting, among others. In early 1995, Goodson Chisupe from Balaka, a district in the Eastern Region of Malawi, developed *Mchape* which he claimed would cure HIV/AIDS. A crocodile's gallbladder was used in *Mchape* (village cleansing from witchcraft) and this meant that some crocodiles had to be killed in order to be utilized for this practice. In addition, a hyena's tail and other organs are known to be used for medicinal concoctions in different areas. For example, it is believed that a hyena's tail makes people fall into a deep slumber and facilitates the stealing of their commodities by thieves at night. Apart from traditional medicine, animals are used for sacrifice in Malawian traditional context. This practice may be observed in traditional religions and also among traditional witchdoctors. Domesticated animals such as goats and chickens are generally victims of this practice.

Labour utilitarianism is the use of animals as a source of labour. In Malawi domestic animals such as cattle and donkeys are commonly used for this end. In this context there are various forms of maltreatment of animals by human subjects. In most areas these animals are used for transport and gardening, especially in the Central Region of Malawi. As beasts of burden, animals are forced to carry very heavy loads and are often whipped hard so that they move, even when they show signs of being tired. Most of them have wounds inflicted by the lashes which they receive whenever they convey the message that the load is too much for them. Because of the human interest to complete a certain business quickly and earn more money, these animals are whipped and forced to go quickly often against their ability and interest. Animals in this circumstance work under instinctive fear of being whipped.

3. *Umunthu* ethics and cruelty to animals

We argue that apart from ethical utilitarianism, *Umunthu* ethics, with its conception of the 'unjust person' or 'morally incorrect person' in the community and his/her punishment, greatly influences the treatment of animals in Malawi. While Malawian utilitarian ethics concentrates on an individual and the things he/she uses (everything that surrounds him/her), in *Umunthu/Ubuntu* ethics focus is on an individual and his community. An action is considered morally good when it promotes harmonious living in the community, otherwise it is regarded as bad (Metz 2007, Kayuni and Tambulasi 2012). A person with *Umunthu* is the one who lives with integrity

in the community. Although the communitarianism in *Umunthu/Ubuntu* has been decisive in uniting Africans, more especially by encouraging values of unity, collaboration, etc, in the fight against colonialism, it excludes animals in its ethical community. Often animals are metaphorically included in the community of the immoral. This tendency makes it difficult or rather impossible to develop animal ethics within *Umunthu* ethics. Our interest is not on expounding *Umunthu* ethics in details but that of focusing on how the moral discourse and moral beliefs become a ground for exclusion and cruelty towards animals.

Moral discourse within *Umunthu* ethics tends to metaphorically conceptualize and associate immorality with animality. This thought and practice reveals a negative perception and consideration of animals as generally belonging to an inferior order or class of beings deprived of any moral goodness. In the Malawian moral conceptual system, a person without *Umunthu* is often considered as an animal. This is clearly seen in the commonly used proverb in *Umunthu* ethics, *Kali kokha n'kanyama, ali awiri ndi anthu*, which is literally translated as, "The one who is alone is an animal and those that are two are human beings" (see Kayuni and Tambulasi 2012; Chakanza 2000; Kayange 2014). This is suggestive of the idea that a morally good person abides by communal values that are at the heart of this society. The one who acts alone does not qualify as a complete person in the community of human subjects. Respect towards certain animals is further affected as they are metaphorically used in a moral discourse to represent specific immoral situations. For example, it is common to hear Malawians say *Iwe ndiye ndi galu*, "You are really a dog", which immediately implies that one is immoral. One's actions are considered immoral by likening them to those performed by a dog which is deprived of any moral quality. This is further suggestive of the fact that issues of moral correctness cannot arise in the context of animals. Similarly, we say that, *Iwe ndiye ndi mbuzi*, which is literarily translated as, "You are really a goat". This also shows that the subject in question lacks *Umunthu* properties and behaves like a mere animal. This is a person who behaves badly in the society. In cases where such a person is highly corrupted in moral quality to the point that he/she kills other people, etc., the term *Chirombo* (deadly animal or simply a beast) is used to represent this subject. We believe that with this indirect perception of animals replete in moral discourse, it is difficult to develop moral norms that protect animals.

Apart from the moral discourse that relegates animals to a non-moral status, there are various moral beliefs that contribute to a negative understanding of certain animals. The idea behind these beliefs is that some animals represent certain immoral acts or morally corrupted individuals after their death. Here we will focus on three beliefs that stigmatize animals as representatives of immoral people or behaviours namely, animals as reincarnations of dead evil doers in the society, animals as familiars when committing immoral acts, and animals as representations of vices (see also Mbiti 1986: 119 ff; Schoffeleers 1997: 99 ff; van Breugel 2001).

When it comes to considering animals as reincarnations of the dead evil doers in the society, it is believed in *Umunthu* ethics that when a person without *Umunthu* when dies, he/she may be transformed into a wild animal. This idea is captured well in van Braugel (2001: 86) in the following passage:

Some people believe that at their death they can become a wild animal, a wild pig, or a leopard (translated: *munthu akafa auka chirombo, kapena nguluwe, kapena kambuku*). A leper is believed to become a hippo (*munthu wa khate akuti auka mbvuwu*) and a witch (*mfiti*) a crocodile (*ng'ona*).

Beliefs such as these create grounds for mistreatment or even the death of certain innocent animals. For example, a wild animal or a tamed animal can be harmed, chased in its habitat or killed because of such a belief. The belief in the cited passage promotes exclusion, and at times, violence towards animals such as hippos, crocodiles, and others. The problem here is that it is impossible to develop norms that will defend these animals given that humans are often not very sure whether the animal in question is actually a dead person who is back to life or is a natural animal.

The belief where animals are considered as familiars when committing immoral acts deals with those situations where an immoral person willingly performs certain rituals and transforms his/her appearance into an animal or something else in order to scare or harm other human beings. This creates the understanding that not all animals that we see are 'real animals' in the

ordinary sense; some are actually immoral people in animal form. Some of the animals that are victims of this belief are *kadzidzi* (owl), *nkhwenzule* (little owl), *fisi* (hyena), *mleme* (bat), certain snakes⁵ and house lizards. Cruelty towards these and other animals is very ubiquitous in Malawian rural as well as urban settings. For example, an owl is stoned, injured and sometimes killed because of its perceived connection with witches and wizards. A bat is maltreated and sometimes killed for a similar reason. The belief is that one can never be sure whether he or she is dealing with a real bat or owl, or a transformed immoral person.

Animals are also considered as representation of vices. Lying as a vice is often connected with a lizard because of the belief that it is responsible for lying to God that human beings do not want to live forever but face death. Behind this idea is the story among the Chewa people that was created to respond to the question of death. Lizard is believed to have received the true message from man that he wants to live forever but twisted this message. This thinking leads to maltreatment of lizards more especially by small children in the village. Some will search for them and kill them or stone them and let them go in pain. In some circumstances, a lizard is seen as representing laziness or a person who is slow in doing things. For reasons unknown to us, a lizard is protected from cruel acts from children or any form of mistreatment by a taboo which indicates that 'when touched, a lizard spits flames of fire.' Gluttony or voraciousness is associated with a dog, and in some circumstances with a pig. It is associated with a dog because he/she eats fast and to a pig because s/he can eat almost anything. We believe that using animals to represent vices may in some circumstances encourage negative perceptions towards them and in some cases even maltreatment.

4. Indirect animal rights ethics in Malawi

African utilitarianism and *Umunthu* ethics as well as its elements lead to the maltreatment of animals. This perception may be corrected by introducing *indirect animal rights* in Malawi. The proposal in this paper is the introduction

⁵ There is an exception put on *chilele*, a type of snake that is respected for religious reasons and no one is allowed to harm in the community. Protection of animals on religious grounds is also common among the Hindu (see Dwivedi 2000) and other races (see Sahni, P. 2008).

of indirect rights as a basis of human responsibility. This may be done by drawing insights from *Lectures on Ethics* by Immanuel Kant (1724-1804).⁶ In a section titled *Of Duties Towards Animals and Spirit* (Collin's lecture notes) Kant questions whether we have direct duties⁷ towards animals or not (Kant 1997: 212 ff.; Keller 2010:82-83). According to him, while human beings have a duty towards themselves and their fellow humans, they have no direct duty towards animals. Kant argues that animals are not conscious, and therefore they are a means to an end. That end is man. This alludes to the fact that human beings are morally bound only to those beings that are conscious, those who are like them. This echoes the influence of Kant's predecessors as it can be evidenced by the ideas of Thomas Aquinas and Rene Descartes (Keller 2010:63; 69 ff.). The claim that nature is a means to an end seems to suggest an instrumental value. Nature is considered as a mere instrument towards an end. In fact, for Kant, animals are instruments to be utilized by human beings. This can be traced in his statement that the end that he is referring to is man. This is similar to African utilitarianism where human beings are presented as at the center of the universe and all other animals and other things in the environment are there to serve humans.

Although Kant dismissed human duties towards animals, he nonetheless argued that human beings have indirect duties towards nature. Human beings have a duty to respect animals based on the idea that those duties are offered indirectly to fellow human beings (Kant 1997). Further, there are some analogies between human nature and animal nature which strengthen the idea of respecting animals just in the same way human beings respect a fellow human being. Based on such analogies, human beings have duties towards animals in virtue of the characteristics which correspond to human nature. For example, one can argue that it is not proper to inflict pain on animals because

⁶ As is well-known most of the philosophers followed the Aristotelian and the Judeo-Christian Ethics, which considered the environment under the domination of human beings. This was further underlined by the father of modern philosophy, Rene Descartes and others.

⁷The notion of 'duty' has a central role in his deontological view in ethics. As is well known, the term 'deontological' is derived from two Greek words, *Deon* which is translated as 'duty' and '*Logos*' which refers to 'science' or 'discourse'.

such pain is similar to the one felt by human beings. It is because of this aspect that the moment human beings perform their duties to what is manifested in animals, they indirectly perform a duty to human nature. According to him, the service of a dog deserves reward just as human service does. A dog that has chased or scared a thief has done a good thing and can be compared to a house owner who chases or scares a thief. We can further observe that most of the behaviours or feelings human beings have towards their young ones are also replicated by most of the animals. For instance, when a baby is born, human beings do care for him/her, creating a conducive environment, making sure that s/he grows up in an appropriate manner. Similarly, animals like monkeys will do something similar. In some circumstances they have been observed to do even better than some human beings in performing those acts. Observing such animals performing acts akin to human beings helps us to love them because we see how they show care towards other young animals. There is therefore no point for human beings to be cruel towards animals if they are able to show affection towards each other. Being cruel to them is the same as demeaning ourselves, as it is expressed by the following words of Kant:

Any action whereby we may torment animals,
or let them suffer distress, or otherwise treat
them without love, is demeaning to
ourselves.⁸

This statement clearly suggests that if some animal acts are analogous to human acts then we have duties towards them, given that they spring from the same principles as well as impulses. Building on the aspect that human duties towards animals are indirect, Kant focuses more on the action and wants to discourage too much concern on the idea that animals are irrational given that they cannot make judgments (Keller, R. D. 2010:82 ff.); and this makes it difficult for animals to judge human actions as good or bad (Kant, 1997: 212

⁸ See also Christine M. Korsgaard's work, *Fellow Creatures: Kantian Ethics and Our Duties to Animals*, delivered as a Tanner Lecture on Human Values at the University of Michigan, February 6, 2004. Forthcoming in *The Tanner Lectures on Human Values*, edited by Grethe B. Peterson. Salt Lake City: The University of Utah Press, Volume 25/26; and on the web at www.TannerLectures.utah.edu.

ff.). In fact, Kant noted that a man does no wrong to his dog when he shoots him because of old age. The dog is irrational since it cannot judge. What about the action of killing a dog? Can it be justified as wrong or right? In the context of indirect duties a human being who kills a dog belonging to someone or appreciated by someone (this could be for aesthetic reasons) has failed towards humanity. His failure consists in the fact that it is his duty to respect humanity in itself, and killing is against this aspect. By analogy, both animals and human beings manifest in a similar way the aspect of life which is indispensable to human beings. This idea of respecting life fits well in the Malawian traditional context where human subjects are expected to be responsible towards other human beings based on the understanding that life is sacred. This aspect originates from the belief that life was created by God and given to human being as a gift. Human life in itself is sacred and this accords it an *intrinsic value*. Sacredness of human life therefore provides a moral ground for developing human rights and related norms, and indirectly, animal rights and norms of action.

Kant sees a link between what human beings do to animals and what they do to fellow human beings in their behaviour. The point is that if one is cruel towards animals, he/she will likely show cruelty towards his/her fellow human beings (A cruel person is called *Munthu wa nkhanza*). This is also true for a person who is kind to others; he/she will most likely develop compassion and kindness towards animals. We therefore think that the maxim that humans should not be cruel to fellow humans must be indirectly extended to animals. No human being is justified to be cruel towards animals.

Conclusion

We want to conclude this paper by echoing Kantian injunction that, “No man ought to mar the beauty of nature; for what he has no use for may still be of use to someone else.” We believe that nature has an aesthetic value, and thus the beauty of nature must be respected and all acts of cruelty towards animals are a threat to this aspect. Animals must be lovable for their own sake as an art work of the creator. We further understand that animals may have an instrumental value in the context of nutrition but this doesn’t justify any violation of their indirect rights. Although our position may in some respects seem to promote a welfarist position, it is clear that our concern is promoting indirect animal rights. The link between our concern (indirect animal rights)

and welfarist position can be explored further as an extension of this paper. For the purposes of this work, we limit our discussion to indirect animal rights which are in our view a possible foundation of welfarism.

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