



## DEVOURING FELLOW BEINGS: THE NORM OF HUMAN CANNIBALISM

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Cannibalism is often described as the eating of human flesh by another human or as man eating man. Though it is considered one of the most barbaric acts, but there is no specific or direct law that illegalizes cannibalism. Cannibalism was widespread in the past among humans throughout the world, continuing in the 19<sup>th</sup> century in some isolates South Pacific cultures, and in a few cases in insular Melanesia, indigenous flesh- markets existed. This paper elaborates the way cannibalism evolved from pre-Neolithic era to the present stage. This paper attempts to focus on cultural norms with regard to several traditions prevailed all over the world regarding cannibalism. It also emphasizes on the way cannibalism is perceived throughout the world and how incidents of cannibalism were reported from various parts of the world. The later part of the paper posits on the judicial precedents on cannibalism ranging from 18<sup>th</sup> century cases to the recent 2011 case of Surendra Koli. The paper concludes with the poignancy of lack of laws in India and in other several parts of the world with regard to cannibalism.

### Introduction

“Then Jesus said unto them, verily, verily, I say unto you, except ye eat the flesh of the Son of man, and drink his blood, ye have no life in you. Whoso eateth my flesh, and

drinketh my blood, hath eternal life; and I will raise him up at the last day. For my flesh is meat indeed, and my blood is drink indeed..”

- New Testament, John 6:53-55

Cannibalism is the act of an individual of a species consuming all or part of another individual of the same species as food. Cannibalism is a common ecological interaction in the animal kingdom and has been recorded for more than 1500 species. Cannibalism is derived from “Canibales”, the Spanish name for the carib people, a West Indies Tribe, which was well-known for their practice of cannibalism, the act or practice of eating the flesh of other human beings. It is also called “anthrophagy”. A person who practices cannibalism is called a “cannibal”.

Cannibalism has recently been both practiced and fiercely condemned in several wars, especially in Liberia and Congo. Today, the “Korowai” are one of the very few tribes still believed to eat human flesh as a cultural practice. It is also still known to be practised as a ritual and in war in various Melanesian Tribes. Allegations of cannibalism were used by the colonial powers to justify the enslavement of what were seen as primitive people. Cannibalism has been said to test the bounds of cultural relativism as it challenges anthropologists to “define what is or is not beyond the pale of acceptable human behavior.”

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markets existed. Fizi was once known as the 'Cannibal Isles'. Cannibalism has been well documented around the world, from Fizi to American Basin to the Congo to Maori, New Zealand, Neanderthals are believed to have practiced cannibalism and they may be eaten by modern humans.

Cannibalism has been occasionally practised as a last resort by people suffering from famine. Occasionally, it has incurred in modern times. A famous example is crash of Uruguayan Air Force Flight 571, (in 1972) after which some survivors ate the bodies of dead passengers.

These are following reasons of cannibalism:

1. Cultural norm.
2. Necessity in extreme situation of famine.
3. Self-cannibalism, a form of major self injury as a result of major mental illness.
4. Insanity or social deviancy.

### **Cannibalism: A cultural norm**

Cannibalism has been prevalent from time immemorial. During a recent study, near the village of Herxheim, there were evidences of cannibalism in Neolithic Europe. Dr. Bruno Bouslestin of the University of Bordeaux in France in one of the research papers had stated how his team members have found human bones with markings in Western Europe. More evidence of cannibalism was found in caves of Gough and El Sidrón caves of Western Europe. Paleolithic Cannibalism is either considered either being for nutritionalistic purposes or for rituals. Several archaeologists have posited that there has been evidence that people resorted to cannibalism as recent as in the eighteenth century. There are regular practices of cannibalism in East Africa, in

jungles between Argentina and Paraguay, in Brazilian rainforests and remote areas of New Guinea. Even in India, there were crystal evidence of cannibalism during ancient times. We find in Ramayana and Mahabharat period that the Nishachar Tribes used to eat human beings. In the folk stories also, the Nishachar are described living on the blood and flesh of human beings. Cannibalism was also in practice in Europe. The Daily Mail of London quotes the book, "Mummies, Cannibals and Vampires" authored by Richard Sugg of Durham University that the British Royal long famous for their lavish banquets and rich recipes had a taste for human flesh. They as recently as 18<sup>th</sup> century possibly swallowed parts of the human body. This practice was not only reserved for monarchs but wide spread among the rich in Europe. The Royals denounced barbaric cannibals but they applied, drank or wore powdered Egyptian mummy, human fat, flesh, bone, blood, brains and skin. Moss taken from the skulls of dead soldiers was used for cure of nose bleeding. The human body has been widely used as therapeutic agent. "James I refused corpse medicine; Charles II made his own corpse medicine and Charles I was made into corpse medicine."<sup>1</sup>

In India 'Aghori Panth' is well known for all rituals connected with Shamshan Ghat. They eat flesh of human corpse as one of the essential rituals of their sadhana.

Also, there have been few instances of Cannibalism been reported all over the world and some of the shocking reports are stated below:

<sup>1</sup> 'Brit Royals dined on human flesh, Sunday, Times of India, Lucknow, 22-05-2011, p.15



(a) In some tribes in Western Countries, the body of the dead person would be devoured by the family and neighbours as a sign of respect.

(b) The people of Wari Tribe gathered the next day followed by a death to cook the flesh of the corpse and consume the flesh as a symbol of departing spirit.

(c) In 1932, seven million people died when Soviet Union leader Stalin engineered a famine in Ukraine. Millions of people sorted to eating humans. It also led to infanticides wherein mothers killed one child to feed another child. In 1930s around thousands of people were in jail for acts of cannibalism.

(d) A man named Joachim Kroll targeted young females and had a paraphilic need for their flesh. He used to rape the girls and would then chop off their body parts. He continued this barbaric act for almost two decades after which he was caught when his apartment water pipes were filled and blocked with internal organs of a four year old girl. When police conducted an investigation and raided his apartment, they found the legs and hands of the girl boiling in the water and parts of the girl's body were left in refrigerator. He was later arrested and sent to life imprisonment during the course of which he died of heart attack.

(e) Albert Fish, a serial killer and a cannibal used to kidnap and murder young girls and eat their body parts and he even went to the extent of torturing a girl's family by writing a letter to them describing how he ate and devoured the young girl. He was executed in 1936 by electric chair.

(f) Issei Sagawa, a Japanese man and an experienced cannibalistic, desired human flesh at an early age and sought out to fulfill his desires. In 1981, he invited one of his classmates over for dinner. He shot him and

feasted on him for two days. He was eventually arrested after he was caught dumping the body.

(g) One of the most disturbing cases is that of Rudy Eugene. On 26<sup>th</sup> May 2012, 31 year old Eugene brutally began to eat the face of a 65 year old man. Around 75-80% of his face above the beard was gruesomely gnawed off and eaten including his eyebrows, nose, parts of his forehead and eye. The act came to an end after eighteen minutes when a police officer saw Eugene during the act and shot him dead.

#### Cannibalism and related precedents

In *R v Dudley and Stephens*<sup>2</sup> which is famous as *Mignonette case*, the facts were that Dudley, Stephen and Brooks and a boy Parker of 18 years of age were lost in a sea storm about 1600 miles away from the Cape of Good Hope. They were compelled to sit in an open boat of the ship Yacht *Mignonette*. Dudley, Stephen and Brooks were quite healthy-men. They had no supply of food and water but on the fourth day they caught a turtle and subsisted upon it for eight days. For the next eight days, they had nothing to eat. They could have only the water collected by them from time to time in their oil-skin caps. The boat was drifting in the open- sea about one thousand miles away from the earth. On the eighteenth day, Dudley suggested Brooks that someone should be sacrificed to save the rest. But Brooks did not agree. Thereafter, he suggested that the lots should be drawn as to who should be sacrificed but Brooks never consented. Then, Dudley with consent of Stephen went to the boy Parker who was lying helpless, weakened by famine and

<sup>2</sup> R v. Dudley and Stephens (1884) 14 QBD 273



drinking sea water, unable to make any resistance, and told him that his time had come. He then put a knife on the throat of the boy. Before during this ghastly act Dudley had offered prayer that he should be forgiven in case he was tempted to commit such a rash act. The three men fed upon the body and blood of the boy when they were picked up by a passing vessel. Although they were rescued alive yet they were in the lowest state of prostration. They were prosecuting for committing murder. It was found that if the men had not fed upon the body of the boy, they would probably have died earlier in case not being slain. However, there was no greater necessity of killing the boy than any of the other three men. The Divisional Court, through Lord Coleridge, C.J., with the concurrence of other four judges found them guilty of murder. It was held that upon the facts stated above there was no proof of any such necessity as could justify the killing of the boy.

To the argument, that in order to save your life you can take away the life of another when there is no threat or attempt on your life by him, it was said that there was no authority which could support it. The case of *R v. Stratton* was also not applicable as that was the case arising out of a political necessity. Lord Coleridge, C.J., observed: “The one real authority of former time is Lord Bacon who in his commentary on the maxim, ‘Necessitas Inducit Privilegium Quod Jura Privata’ lays down the law as follows;- ‘Necessity carreith a privilege in itself. Necessity is of three sorts—necessity of conservation of life; necessity of obedience and necessity of the act of God or of a stranger. First of conservation of life, if

a man steals viands to satisfy his present hunger, this is neither felony nor larceny. So if divers be in danger of drowning by the casting away of some boat or barge, and one of them get the some planks or on the boat’s side to keep himself above water, and another to save his life thrust him from it, whereby he is drowned, that is neither *se defendendo* nor any misadventure, but justifiable.’ On this it is to be observed that Lord Bacon’s proposition that stealing to satisfy hunger is no larceny is hardly supported by Staundford whom he cites for it, and it expressly contradicted by Lord Hale.... And for the proposition as to the plank of boat, it is said to be derived from the canonists. At any rate he cites no authority for it and it must stand upon his own... There are many conceivable state of things in which it might possibly be true, but if Lord Bacon meant to laydown the broad proposition that a man may save his life by killing, if necessary, an innocent and unoffending neighbor, it certainly is not law at the present day.”

Sir James Stephen<sup>3</sup> criticizing *R v. Dudley’s* judgment observed:

“I discover no principle in the judgment in *R v. Dudley*. It depends entirely on its peculiar facts. The boy was deliberately put to death with a knife in order that his body might be used for food.”

According to him, the facts of this case are quite different from the following cases—

“(i) A and B swimming in the sea, after a ship wreck, get hold of a plank not large enough to support both. A pushes off B who

<sup>3</sup> Stephen, ‘Digest of the Criminal Law’, 9<sup>th</sup> Ed. pg. 10



is drowned. This is not a crime. Here the successful man does not direct harm to the other. He leaves him the chance of getting another plank.

(ii) Several men are roped together on the Alps. They slip and the weight of the whole party is thrown on one, who cuts the rope in order to save himself. Hence, the question is not whether some shall die but whether one shall live.

(iii) The choice of evils, the captain of a ship runs down a boat as the only means of avoiding ship wreck. A surgeon kills a child in the act of birth as the only way to save the mother.”

In *Surendra Koli v. State of U.P.*<sup>4</sup> several children had gone missing over two years from Sector 31, Nithari Village, Gautam Budh Nagar, Noida. The appellant, accused no. 2 was the servant of accused no. 1 Mohinder Singh who lived together at D-5, Sctor 31, Noida. There was allegation of chopping and eating the body parts of children after cooking them. The appellant had made confession before the Magistrate under Section 164 of the Code of Criminal Procedure in great detail that he used to kill the girls after luring them inside the house by strangulating them and he would then chop up and eat up their body parts after cooking them. The confession was corroborated by the material particulars. Accused 1 and accused 2 were convicted by the Additional Sessions Judge, Ghaziabad under Sections 302/364 and 376 of the Indian Penal Code and sentenced to death. The conviction and sentence of accused 2 was affirmed by the High Court on appeal/reference to it but accused 1 was acquitted. Accused 2, therefore preferred an

appeal before the Supreme Court. The appellant was a serial killer and therefore, the Supreme Court held the case to fall in rarest of the rare category as held in *Bachan Singh v. State of Punjab*<sup>5</sup>. The Supreme Court in two Judge Bench decision by Justice Markandey Katju and Justice Gyan Sudha Mishra observed:

“The killings by the appellant Surendra Koli are horrifying and barbaric. He used a definite methodology in committing these murders. He would see small girls passing by the house and taking advantage of their weakness lures them inside the house no. D-5, Sector 31, Nithari Village, Noida and there he would strangulate them and after killing them he tried to have sex with the body and would then chop off their body parts and eat them. Some parts of the body were disposed off by throwing them in a passage gallery and drain beside the house. House no. D-5, Sector 31 had become a virtual slaughter house, where innocent children were regularly butchered.”

“In our opinion, this case clearly falls within the category of rarest of rare case and no mercy can be shown to the appellant, Surendra Koli.”

### Conclusion

Cannibalism or the act of eating fellow humans could not be encouraged at any cost. It is thus intra-specific predation. Although there are certain prevailing customs regarding cannibalism throughout the world but this could not be a rationalization of rendering cannibalism legal. Cannibalism is

<sup>4</sup> *Surendra Koli v. State of U.P* AIR 2011 SC 970

<sup>5</sup> *Bachan Singh v. State of Punjab* AIR 1982 SC 1325: 1982 SC 689



the most drastic act and it should be considered the epitome of evil. No sane human would find tranquility or satisfaction by rendering or causing death to the fellow beings and by devouring their flesh and blood. Human body should be treated with respect, even after death. People who practice cannibalism are not mere cannibals but devils inside the human body and thus, they are worthy of the utmost punishment the law could augment. There are still countries where there is no direct law against cannibalism such as the United States and India. There is no express law that states that consuming a part of human body is illegal. The cases like that of Surendra Koli in India could not be ignored as it shows the pinnacle of immorality and iniquity a person could practice as the Supreme Court judges clearly indicates it to be one of the rarest of the rare cases. These cases put the wisdom of a human in trauma lending them to consider how civilization has stooped to this level of barbaric behavior. India should not wait for a drastic incident to happen to directly criminalize cannibalism rather India should implement laws in order to further prevent the cases like that of Surendra Koli. Hence, Cannibalism could not be ever given an affirmative disputation because a crime is a crime, even it is done out of necessity.

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