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Beastly Nature of Mankind

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ABSTRACT

Crime in present time has taken a very disgraceful form. It is motivated by various factors like revenge, oppression, love, mental disorder etc. Society and civilisation without animals will be next to impossible to imagine given our dependency on them. But, when crimes are bestiality are being committed against animals, how low can the mankind stoop. The author tries to find out how a does person take the route of committing crimes like bestiality. The author tries to find if such crimes are an outcome of sadistic behaviour of a person. The crimes mentioned above are heinous in nature, but the author seeks to find if the sadistic behaviour of the person can be used as a shield and hence, used as a defence of insanity or not. Since bestiality is act that goes unnoticed, there has to be a new law that specifically deals with animals and various types of atrocities committed against them.

Keywords- Mental Disorder, Animals, Sadist, Bestiality, Insanity.

I. INTRODUCTION

Crime is an inevitable part of society. It is bound to take place where civilisation starts, and people come and make an attempt to cohabit together. The commission of crime has taken place since time immemorial. Be it in the name of love for country or greed for wealth or for thirst of power or in the jealousy of love; crime has always been committed and still continues to persist, but the intensity and character has been shifted a lot. According to Emile Durkheim: *'There is no society that is not confronted with the problems of criminality. Its form changes, the acts thus characterized are not the same everywhere but, everywhere and always, there have been men who have behaved in such a way as to draw upon themselves penal repressions....No doubt it is possible that crime itself will have abnormal forms, as for example, when its rate is usually high. This excess is undoubtedly morbid in nature'*².

A crime cannot to be devoid from been committed due to change in the society or evolution of the society. There usually exists a trigger in the society depending on various societal factors like social position of a person as per the social strata, minority of a religion or as simple as the

¹ Author is a student at University of Petroleum and Energy Studies, Dehradun, India.

² Emile Durkheim, Rules of Sociological Method (1950) 65

environment of the house which deviates a person from his/her moral character and clothe into that of a beastly character thus, taking the step to commit a crime. However, a person inspired by the change in society does not go about committing crime like a lone wolf usually but becomes a part of a criminal group that has similar intentions to the new member or have some motive that could help in serving the interest of the new member which Gabriel De Tarde call as a result of 'Social Disorganisation'. According to Edwin Sutherland,

*'a person becomes delinquent because of an excess of definitions favourable to violation of law over definitions unfavourable to violation of law. Criminal behaviour is explained as a product of learning in interaction with other persons, primarily within inmate personal groups. It is assumed that any person inevitably assimilates the surrounding culture unless other patterns are in conflict'*³.

However, there exists another category called 'Psychological Criminals'. The area studies the intention, behaviour, actions, and reactions of criminals psychologically. This helps them understand the personality of the individuals and then probably an answer so to why the individual commit crime can be answered. Sigmund Freud through his psychoanalytical approach throws light on how does this violent nature surfaces in some people, the criminals however, in many of them to whom we normally refer as to non-criminals; it stays dormant. According to him, the psychic apparatus or the mental composition of a person comprises of id, ego, and superego. The merit of Freud's theory is that social factors are accommodated in the analysis of the ultimate personality of the offender by considering the interaction of ego and superego⁴. This can arise in any person of any mentality and any personality. However, the author focuses on the persons having sadistic personality or those who call themselves or are called as sadists.

II. NATURE OF A SADIST

A sadistic person is a person who finds or gains pleasure by inflicting pain on others. A sadistic person "humiliates others, shows a longstanding pattern of cruel or demeaning behaviour to others, or intentionally inflicts physical, sexual, or psychological pain or suffering on others in order to assert power and dominance or for pleasure and enjoyment."⁵ Sadistic people lack emotionality, honesty-humility, and agreeability, which means they lack empathy, are dishonest, and are aggressive and vindictive.

³ Edwin Sutherland and Donald R. Cressy, Principles of Criminology (1960) 78

⁴ Ahmad Siddique; Criminology, 43, (2016), 7

⁵ O'Meara, A., Davies, J., & Hammond, S. (2011). The psychometric properties and utility of the short sadistic impulse scale (SSIS). Psychological Assessment, 23, 523-531.

Sadists usually inflict pain sexually. They use various techniques which are usually called as kinky since they are not committed or practiced in a normal sexual intercourse. Many a times these encounters end up in a master slave relationship which normally is known as a bondage submissive relationship. These are usually voluntary. Thus, in a broader sense it might be said that the apparently wilful persistence with which they bring humiliation and emotional suffering upon those who love them, as well as failure and unpleasant circumstances upon themselves, marks all psychopaths as both sadists and masochists. Only in this sense, however, are these impulses common or consistent, and the gratification is probably not the directly erotic sensation enjoyed by perverts who literally whip others or have themselves whipped.⁶ In 1997, Hucker pointed of 8 types of sadistic sexualism being studied earlier by Kraft-Ebing. These are murder due to lust, corpse mutilation, causing injury to woman by stabbing or whipping or flogging or any other act of similar kind, deflowering a women, any other act that can be associated with a person of sadistic nature like shaving the hair of woman or making several cuts on naked body of a woman often termed as symbolic sadism, ideational sadism that is being creative usually through various fetishes and fantasies related to body, acts using objects on bodies for e.g., flogs, whips, gags etc and sadistic activities with animals which is termed as bestiality. The paper seeks to find an answer that bestiality is a consequence of sadist behaviour.

III. BESTIALITY- MANKIND'S BEASTLY ACT

Bestiality refers to the act of indulging into sexual activities with an animal. It can be considered a part of zoophilia which involves attraction towards an animal with a possibility of having sexual attraction but becomes an act of bestiality when it results into real act of having a sexual intercourse any form of sexual activity with an animal. This could arise because of the love of a human towards an animal and with the development of a deep emotional bond resulting into sexual attraction in some cases. As per the condition mentioned by Ebing called as 'zoophilia erotica fetichistica' a person could feel deep affection towards the animal, however, would not be aroused sexually or be attracted to the genital organs of the animals.⁷ But bestiality is void of any affection or love towards the animal but is mere sexual arousal towards the genitals of the animal.

Bestiality is an act that is an abomination to the mankind. According to St. Thomas, the most heinous and vice unnatural act is the act of bestiality out of the four. The origin of word can be

⁶ Cleckley (1988, pp. 290–291)

⁷ Aggrawal A. Forensic and medico-legal aspects of sexual crimes and unusual sexual practices. Boca Raton: CRC Press; 2009

traced back to 14th century which meant indulging with beasts (animals) which after evolving started being understood as sexual activities with beasts in 1650s. Bestiality—human sexual relations with animals, has been part of the human race throughout history, in every place and culture in the world.⁸ As per Rosenberger, bestiality can be traced back to the 4th Glacial Age. In many cultures, there have been painting and etchings of the sexual activities between man and animal. Various research has found that bestiality was a common practise in Mesopotamia, present day Egypt. Such activities were forbidden and were punished by death. Instances can be seen such as King Hammurabi (1955–1913 BC) proclaimed death for any person engaging in bestiality, The Hittites, (around 13th century BC), the predecessors of the Hebrews in the Holy Land, had certain rules about which animals were tolerable to have sex with and which were forbidden and punishable by death.⁹ In the present times, the crime is one of the most heinous crimes as it is against the nature and reflects the horrendous mentality of a person.

IV. BESTIALITY AS A CONSEQUENCE OF SADISM

In the opinion of the author, such act is a consequence to the sadist personality of a person. as earlier mentioned, a sadist person enjoys inflicting pain on the other and a sexual sadist is a person who enjoys by inflicting pain or being inflicted by pain sexually. But in bestiality the pain can only be inflicted. The animals are used as surrogate objects to fulfil the fetishes on a person as per Massen¹⁰. These fetishes could be fulfilled by touching or masturbating or by non-frotteurism which is non-consensual rubbing of a human against an animal as per Massen¹¹. According to Krafft- Ebing, bestiality was a sexual perversion that was manifested through an insurmountable yearning for sexual intercourse with animals.¹² It is very difficult to say that bestiality is the sole consequence of sadism, but it surely is a consequence of mental disorder. No person in his/her right mind state, rationally think of committing such an act. Every crime defined in the law books need to be proved that there existed an intention that led to the commission of crime but what possible reason or intention can be there for having sexual intercourse with an animal that is incapable of giving consent because primarily such animal is incapable to speak. The author is of the opinion that since the act is committed on such an organism that can just suffer pain but cannot retaliate in any manner, they become prime

⁸ Andrea M Beets and Anthony L Podberscek- Bestiality and Zoophilia: Sexual Relations with Animals, 1, (2005) 7

⁹ *Ibid.*, 8.

¹⁰ Massen J. Zoophilie - Die sexuelle Liebe zu Tieren. [Zoophilia - the sexual love for animals]. Köln: Pinto Preß Verlag; 1994. 57.

¹¹ *Ibid.*, 58.

¹² Richard von Krafft-Ebing, Psychopathia sexualis, mit besonderer Berücksichtigung der conträren Sexualempfindung, 15. Aufl. (Stuttgart, 1918), 211

candidate for any sadist discarding sexual slavery and the relationship of dominant and submissive.

There have been instances of horror associated with that of bestiality. Joseph Mengele, a physician of Germany famously known as the 'Angle of Death' during the World War II was obsessed with the act of bestiality. He used to carry out various medical experiments. One such was to create hybrid that could perform menial jobs thus, getting rid of slaves and servants. For doing this, he used a concentration camp of Polish and Jewish girls were and forced them to mate with ponies. Physician such as Klaus Barbie forced women to have sex with animals during the war.¹³ By the time he was 5 or 6, Jeffrey Dahmer had developed a fascination with dissecting the insides of animals. This pattern, once established, remained constant throughout his life, and became his "signature" as a serial killer. He dismembered and killed his victims, concentrating on their abdominal organs.¹⁴ Now, can these physicians be considered as sadists and could they evade from these crimes if they call themselves as sadists?

V. CAN DEFENCE OF INSANITY BE CLAIMED?

People suffering from 'sexual sadism disorder' are in layman language considered as psychopaths. However, it is a very broad term, and every psychopath cannot be considered as insane thus, it can be said concretely that every sadist cannot claim the defence of insanity. They usually lack empathy and perform their act without remorse thus, it can be understood that they do understand the nature of their act and so its consequences. Thus, knowingly committing an act and knowing about its consequences cannot be roadway to take the defence of insanity merely on the notion that they suffer from a disorder due to which certain urges surface and the commission take place skilfully with full rationality. Thus, unless it is established that a person suffering from this disorder is legally insane, such person cannot claim the defence of insanity.

VI. NEED OF STRICT LAW

Bestiality has been a perpetual practice from the start of civilisation yet, it is not given much importance and no strict laws are made on it. Most supporters of laws against bestiality initially focus their arguments on the issue of consent.¹⁵ At first glance, this seems to be a sensible approach, since consent is "what distinguishes licit from illicit sexual activity between human

¹³ The Wild Animal Revenue, (1992), 7

¹⁴ Stone, Michael. (2010). Sexual Sadism: A Portrait of Evil. *The journal of the American Academy of Psychoanalysis and Dynamic Psychiatry*. 38. 133-57. 10.1521/jaap.2010.38.1.133.

¹⁵ See e.g., BEIRNE, *supra* note 9, at 116.

beings.”¹⁶ A very important condition when indulging in a sexual activity is obtaining consent of the other party. A speaking animal i.e., a human being if doesn't consent to any sexual forwardness, it is punished under the provisions of rape or any other provisions that the honourable courts deem fit. It is considered a heinous crime against the society and is punished severely but can the courts deal with the crimes like bestiality with same quantum when the victim here are animals that cannot even speak of their agony? In India, sec 377 punishes the act of bestiality with rigorous imprisonment and fine. It's the only provision that deals with the heinous crime but is it enough? Sexual sadists enjoy inflicting pain on humans, but animals are also victims. The bestiality of a baby cow was alleged against an 18-year-old boy from Najafgarh, Delhi. He was admitted to AIIMS and examined for his mental illness by a psychiatrist. Sadism is commonly diagnosed in such individuals, and they are more likely to engage in similar behaviours against humans. In the Linga village of Madhya Pradesh's Balaghat district, a 25-year-old man was arrested for having sex with a cow. The accused was apprehended under IPC Sections 456 and 377 after being caught red-handed. A 50-year-old drunk man raped an escaped cow in Madhya Pradesh's Betul district. Sravan Vyas, the man, was later arrested and charged with sexually assaulting the cow under Section 377 of the Indian Penal Code.¹⁷

Mere provision of 377 of the Indian Penal Code, 1860 is insufficient as such act is a menace to the society and has been breeding but goes unnoticed. There must be mechanism that could mitigate such horrendous acts towards mute and helpless animals. Most animals are pets that become a victim of bestiality and hence, are adopted from the pet care centres. It should be a prime responsibility of these centres to keep a very keen eye while handing over the pets and keep a regular check on them just similar to that of adoption of children. A monthly or tri-monthly survey should be conducted which shall keep a check on the number of crimes that are being committed against these animals. It is important to understand that as much as plants and humans are vital parts of the environment cycle so are the animals and they cannot be left alone when such crimes are being committed on them.

VII. CONCLUSION

This paper intends to shed some light on the much undiscussed, unexplored, and left crimes, the crime of bestiality. It is difficult to understand that a person without having disorder can commit such act. Sadism (Zoophilia) is a type of personality that is capable of committing such

¹⁶ Levy, supra note 10.

¹⁷<https://www.dailyo.in/variety/sexual-perversion-deviance-animal-abuse-bestiality-necrophilia-india/story/1/13620.html>

act as the commission of act is a result to sexual attraction and a mere need to fulfil the lust or the sexual arousal on witnessing the genitals of the animals. From the commission of such act, it is crystal clear that an animal cannot experience any form of pleasure but mere pain. On the other hand, the person committing it in the first place does it to derive pleasure. Hence, it could be said that bestiality is a consequence of sadism.
