

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 5 | Issue 1

2022

© 2022 International Journal of Law Management & Humanities

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for "free" and "open access" by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of any suggestion or complaint, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at the **International Journal of Law Management & Humanities**, kindly email your Manuscript at submission@ijlmh.com.

Bestiality: Is it a Practice or Behavioural Problem?

SURYANSH MISHRA¹

ABSTRACT

From the ancient period to the present time, animal cruelty has been a serious concern for the legal, animal rights community, and psychiatric communities all over the world. This article is going to deal with that one type of animal cruelty which is an important issue but with the least attention, and that is Bestiality which means sexual intercourse between animals and human beings. Many people get confused between Zoophilia and Bestiality, but both are different.

Bestiality is an unnatural sexual offence under Indian law, but not everywhere; in some places, it's legal. What do you think an act of Bestiality is natural or unnatural? In this article, I have tried to highlight all the cases, laws and possible reasons for Bestiality along with experts and public opinion for Bestiality. After reading this article, you will get to know whether Bestiality is the result of practice or behavioural problems. Sometimes the world becomes a weird place where same-sex is prohibited, and no law for bestiality and bestiality tourism.

Further, this article deals with what can be the side effects of Bestiality on humans and animals and does the laws made by countries are they meeting the purposes for which they are made? In addition, this article will give you the details of the source of motivation from where an individual is taking for committing Bestiality.

This article will also highlight the position of Bestiality and laws related to it during the ancient periods in countries like Rome, Kenya, India and other countries. One important thing to note down that there are several countries around the world where Bestiality was practised, and mentioning all those countries in this article is not possible, so I have mentioned as much possible data I have.

Keywords- *Bestiality, Zoophilia, Psychiatrist, Bestiality tourism, Prohibition of a same-sex, unnatural sexual offence.*

I. INTRODUCTION

Bestiality word is enough to evoke reactions ranging from solicitousness and repugnance to moral outrage and moral criticism. It is a kind of sexual offence in which humans have sexual

¹ Author is a student at Babu Banarasi Das University, Lucknow, Uttar Pradesh, India.

relationships with animals with and without flourishing any emotional bonding. It is a perversion.

Many people consider Zoophilia and Bestiality the same and use them as synonyms, but it is not so. Zoophilia is the sexual attraction and feelings for animals, whereas Bestiality is the sexual act.

Who can Commit Bestiality?

- 1) People with cruelty towards animals.
- 2) People who have limited access to human partners.
- 3) Sometimes people love watching bestiality porn.
- 4) People and young boys are seen to be bashing up animals without any reason.
- 5) Emotionally disturb persons or suffering from psycho trauma.

II. ANIMALS MOST PRONE TO BESTIALITY

Dogs

According to a study conducted by Rakesh Shukla, founder of the voice of stray dogs 20, in every 1 lakh streets, dogs are raped every day in India. It is in the same range as women's rapes in the country.

A 26-year-old taxi driver Mahesh Kamath ²who raped a stray dog in 2009 later; this became a landmark case in India in which investigation was done in the same way as in the case of humans. Later Mahesh Kamath gives a plea in court that he should be given bail because the police are not in a position to record the victim's statement.

A 22-year-old man named Aslam Khan Subhash Singh ³belongs to Hyderabad, attacked the pregnant dog and then raped that pregnant dog.

It became more horrible when news came that a church leader in the US preaches against homosexuality says that it is unnatural sex, and he raped a dog. ⁴

The next case is from Australia, where a woman named Jenna Louise Driscoll, ⁵age 27 years, raped her dog 3 times to arouse her partner.

² Stuti Bhattacharya, 8 Instances Of Bestiality Which Prove That Animals Need Stronger Rights, available at: <https://www.vagabomb.com/Instances-Of-Bestiality-Which-Prove-That-Animals-Need-Stronger-Rights/>

³ *Id.*

⁴ *Id.*

⁵ Kristian Silva, Jenna Louise Driscoll 'bestiality' case adjourned, available at: <https://www.brisbanetimes.com.au/national/queensland/jenna-louise-driscoll-bestiality-case-adjourned-20150817-gj0oiu.html>

During the year 2015, a 64-year-old woman was charged because she was having sex with a black Labrador.⁶

Goats

The year 2016 hear wrenching case committed by Rapist Ameerul Islam who raped a young law student Jisha; not only did Jisha rape a goat and mutilate the genital parts of the goat, the horrible part was that police said that he was not alone there were more people.

Next place, committed in July 2018, a pregnant goat was raped by 8 men in Haryana, later that goat was not even able to walk and died⁷.

Horse

The year 2009, a 47-year-old married father of two expressed his sexual feelings for the horse. In addition, he described that he tried so hard to control it, but at last, he didn't, even he assumed that her wife was a horse, but that didn't work too.⁸

Penyin horse bestiality case - In the year 2005, Kenneth pinyin, an engineer, filmed zoophilic pornography along with Michael Tait, a truck driver and other unidentified men distributed this porn in which pinyin was receiving anal sex from stallion breed horse. Penyin later received fatal internal damage and died. After this incident, Washington banned sexual intercourse between humans and animals.⁹

Cow and Buffalo

This is one of those animals that are very much prone to Bestiality, according to a survey from 93 zoophiles by Dr Hani Miletski¹⁰

The year 2014, the police of New York arrested a man who attempted sex with a cow, and another man was filming it.¹¹

In Madhya Pradesh (Betul district), the cow was raped by a 50-year-old drunk man named Sravan Vyas¹²

The table shows the Miletski report showing the percentage of men involved in Bestiality

⁶ Mona Chalabi, Bestiality: which animals are most at risk, available at: <https://www.theguardian.com/world/datablog/2017/jun/21/bestiality-animal-sex-laws-zoosexual-community>

⁷ *Supra* note 2

⁸ *Id.* Note 6

⁹ Enumclaw horse sex case, available at: https://en.wikipedia.org/wiki/Enumclaw_horse_sex_case

¹⁰ *Id.* Note 6

¹¹ *Id.*

¹² Drunk man 'rapes' cow in Betul, Times of India, available at: <https://timesofindia.indiatimes.com/city/bhopal/drunk-man-rapes-cow-in-betul/articleshow/51593249.cms>

with different types of animals.¹³

Animal	Report
Male dogs	90%
Female dogs	72%
Male horse	54%
Female horse	52%
Male cattle	18%
Female cattle	40%

The table¹⁴ shows the kinds of Sexual Practices Humans engaged with animals

	Miletski (2002)	Beetz (2002)
Sexual Activity	Male Female	
Masturbating Animal	38% 64 %	96.2%
Dog		87.5%
Horse		
Receiving Oral sex	14% 23%	
Dog		78.2%
Horse		30.4%
Performing oral sex	34% 42%	
Dog		79.5%
Horse		66.1%

¹³ Bestiality and Zoophilia Sexual Relations With Animalsn Edited by Andrea M.Beetz and Anthony L podberscek pg no 118

¹⁴ Bestiality and Zoophilia Sexual Relations With Animalism Edited by Andrea M.Beetz and Anthony L podberscek pg no120

Performing vaginal intercourse	55%	----	50%
Dog			69.6%
Horse			
Performing anal intercourse	5%	8%	14.1%
Dog			39.3%
Horse			
Receiving anal intercourse	—	34%	
Dog			64%
Horse			17.9%

III. HISTORICAL EVIDENCE OF BESTIALITY¹⁵

It is evident from literature, sculptures, paintings and statue that Bestiality has been in practice and an integral part of humans from the ancient period. The practice of Bestiality began around 25000 years ago, according to Rosenberger (1968). Drawing in the iron age cave from the 7th century BC from Italy clearly shows the practice of Bestiality in which a man is inserting his penis into the anus or vagina of a donkey. Stone age drawings in the caves clear the whole doubt. It shows the sexual relations between humans and animals, according to Waine (1968).

Near Eastern Region¹⁶

Paleohistory describes that human and animal sexual relation was exercised in Babylonia, the ancient empire of Mesopotamia. Hammurabi (1955-1913) BC gives death to the person who commits Bestiality.

Around the 13th century BC, predecessors of the Hebrews known as Hittites in the holy land had certain rules regarding with which animal one can have sex and to with whom it was prohibited, and if found committing the act against the rules, then that person was sentenced to death. The Hebrews considered this sexual relationship with animals as a way of worshipping

¹⁵ Bestiality and Zoophilia Sexual Relations With Animalism Edited by Andrea M.Beetz and Anthony L podberscek pg no 8

¹⁶ Bestiality and Zoophilia Sexual Relations With Animalism Edited by Andrea M.Beetz and Anthony L podberscek pg no 9

gods.

Egypt¹⁷

Ancient peoples of Egypt worship gods who have body shapes like animals around the time before 3000BC. Bestiality is characterized on the tombs and recorded in hieroglyphics of Egyptians. Many kings and queens were engaged in Bestiality; one most famous are Cleopatra, who has a box filled with bees that were placed in front of her genitals for stimulation like a vibrator. In the ancient period, Egyptian women had sexual relations mostly with dogs, and men had sexual intercourse with cattle or any domesticated animals, and both men and women were engaged with apes for Bestiality, and they have mastered the skills of sexuality with the crocodile. Nymphomanics used goats for their cure. However, it was also evident that Bestiality was a punishable offence in Egypt through various mechanisms, which gives severe pain and sometimes results in death.

Greece¹⁸

In Greek mythos, Bestiality is a very famous theme; very well known are the stories of Leda and the swan, and Pasiphae, spouse of Minos, Monarch of Crete, who have Zoophilia for a bull. Bestiality was very common in Crete, and a bull was worshipped as a symbol of fertility. In honour of God, peoples of Greeks practice Bestiality during religious celebrations like Bacchanalia. It was part of their customs. The famous novel *The Golden Ass* by Lucius Apuleius depicts the practice of Bestiality in Greece, which was very much censored. In Greece, human-animal sexual relations, that Bestiality was never illegal.

Rome¹⁹

Rome mythos is also very prosperous with human-animal sexual relation themes. Romans love to view the intimate lives of symbolic gods on the stage, which include human animals intimate relations. They keep snakes with them and give pieces of training to them so that they can give sexual pleasure. For the sake of enjoyment for the audience, Romans invented the rape of women and men by animals at circuses or auditoriums.

Evidence of Bestiality in Middle Ages in Europe²⁰

¹⁷ Bestiality and Zoophilia Sexual Relations With Animalism Edited by Andrea M.Beetz and Anthony L podberscek pg no10

¹⁸ Bestiality and Zoophilia Sexual Relations With Animalism Edited by Andrea M.Beetz and Anthony L podberscek pg no10

¹⁹ Bestiality and Zoophilia Sexual Relations With Animalism Edited by Andrea M.Beetz and Anthony L podberscek pg no11

²⁰ Bestiality and Zoophilia Sexual Relations With Animalism Edited by Andrea M.Beetz and Anthony L podberscek pg no12

During middle age, in Europe, acceptance and spread of Bestiality was at their peak. This was the duration that covers the fall of the roman empire to the discovery of America by Christopher Columbus (AD 476 -1492). Animal and Humans were sharing the same home having a sexual relationship together, and it was very common those days, and also it was considered that Bestiality is good for curing many diseases. However, Bestiality was always connected with necromancy. During the middle ages, it seeks full surveillance from catholic judges, jurists and theologians. They made Bestiality a punishable offence as it was not contributing to the reproduction process. Theologians made laws against Hebrews laws. During the making of laws, theologians face many issues because early Christians belief two traditions-

- 1) Heroes were considered as having the strength of animals; hence they believe that their ancestors were animals as according to German Mythos.
- 2) They believe that God appeared in the form of animals for sexual intercourse with humans according to Greco-Roman traditions.

So they have to keep this notion in mind while writing, and they gave the plea that humans and animals are different as they cannot give birth to new life.

Early German law did not ban Bestiality but as Christian legislation came into effect concept of Prohibition of human and animal sexual relations emerged.

The wave of remorse began in Ireland as a way to heal the souls of sinful who committed Bestiality; the reason wave of remorse was because the Germanic view animals as food and property, and the same view was inherited in Irish and they consider Bestiality as masturbation, making Bestiality a half sin. If someone had lived three 40 days periods of fasting, that person was free from sin. Factors like married, unmarried, and age were considered while calculating the gravity of the sin of Bestiality of an individual.

Now perchance regarding Bestiality started changing, which was casual before is now punishable, legislation from the east started influencing whole Europe slowly- slowly, now the Bestiality and sodomy is a punishable offence. During the 13th century, Bestiality was considered a more heinous offence as compared to the middle ages; hence penalties and punishment increased. According to St. Thomas, Bestiality, homosexuality, sexual intercourse other than the missionary position, and masturbation were against nature.

The Revival Period of Europe²¹

The end of the Middle ages witnessed prosecution actively for the person who was committing homosexuality and Bestiality. The 15th and 16th centuries was the time when preachers mostly talked about Bestiality along with homosexuality. This was the main topic that revolved around the whole of Europe. England and Sweden made Bestiality a very serious offence. Denmark in 1683 passed punishable laws for Bestiality and homosexuality. During the 17th century, Bestiality increased between young boys and cows and sheep, so Catholicism prohibited the employment of male herdsmen. Between the 16th to 18th centuries, there was a sudden increase in Bestiality; several cases were recorded. Bestiality is now well established. Many myths start spreading all over Europe like a monster birth result of Bestiality and sexual disease.

Condition of Bestiality in South and East Asia and Oceania Region²²

Between 1885 to 1888, the Chinese were practising Bestiality with animals like ducks and goats, along with dogs were highly preferential animals for Bestiality. During the old days in shanghai, Princes forced women's to Bestiality with a dog. Other kings and monarchs also keep animals in their harem for the sexual satisfaction of their queens.

In India, Bestiality is visible on the sculptures made outside their temple. One incident that proof that Bestiality was practised by some Indians was also during the Mauryan age Kautilya, also known as Chanakya punishment to a person who was engaged in Bestiality.

Africa and Arab Countries²³

Bestiality was practised by peoples of Arabs for a long period. Their preference were Dogs, Goats, Mares, Sheep, and Camels. Whenever Arab men were absent, women were found engaged with Bestiality for sexual pleasure. They also believe, like Europeans, that sexual intercourse with animals cure diseases and increases the fertility rate and increases the penis size of an individual. The same belief was practised by African Muslims where they also have sexual intercourse with donkeys to increase the size of their private part. Muslims of Arab and African countries consider Bestiality a better option as compared to "Zina". However, punishment for Bestiality is death under Islamic laws under which a person who commits Bestiality is killed by stones.

²¹ Bestiality and Zoophilia Sexual Relations With Animalism Edited by Andrea M.Beetz and Anthony L podberscek pg no14

²² Bestiality and Zoophilia Sexual Relations With Animalism Edited by Andrea M.Beetz and Anthony L podberscek pg no16

²³ *Id.*

IV. SIDE EFFECTS OF BESTIALITY

If someone has committed Bestiality, that person is very prone to zoonotic disease. This is an infection or disease found in animals that can be transmitted easily during sexual intercourse. There are above 200 types of zoonoses²⁴ that are identified yet caused by various factors like viruses, fungi and parasites.

The three most dangerous diseases caused by zoonoses are-

- 1) Leptospirosis²⁵ - It is caused when one is having sexual contact with private parts of animals like pigs, horses, sheep and dogs and in about 10% of cases of leptospirosis, a person dies.
- 2) Rabies²⁶ - You have heard this name before; it is one of the most dangerous diseases caused due to zoonose found in the saliva of animals like horses, cats, and dogs. It affects the central nervous system of a person.
- 3) Echinococcosis²⁷ – Zoonose found in the waste of animals like dogs, cats, and sheep can cause this disease and can cause cysts in the lungs, liver, spleen, heart, kidney and brain.

Apart from this disease, there are many cases where it is seen that one who was engaged in Bestiality suffered from penile and vagina cancer and sometimes severe injury in private areas due to continuous sexual intercourse with animals, as in the case of Penyin which can be resulted into death also.

V. FACTORS RESPONSIBLE FOR BESTIALITY BEHAVIOUR

There are various kinds of factors due to which a person commits Bestiality, but here I'm mentioning the report of Miletski and Indian journal of community and medicine²⁸, which shows that it is sexually deviant behaviour mostly seen in rural males having a low level of educational qualification and working in animal farms having very minimum social exposure in his life and sometimes it is also seen in a person who is a victim of sexual child abuse belonging from a family who is facing financial problems living in very unhygienic conditions.

²⁴ Journal of Biological and Medical Sciences Health risk of zoophilia/Bestiality by Sangeeta sing, Professor of psychology angelo state university <https://www.omicsonline.org/open-access/health-risks-of-zoophiliabestiality.php?aid=87470>

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ Sujata Satapathy, Rajanikanta Swain, Vidhi Pandey, and Chittaranjan Behera, *An Adolescent with Bestiality Behaviour: Psychological Evaluation and Community Health Concerns*, available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4746949/>

Persons who commit Bestiality also have a past of watching porn on Bestiality. Apart from this pre-pubertal stage in the life of a person is also a contributive factor.

During some psychological analysis, it is also seen that the person is alcoholic, sexual and emotional immaturity, very less emotional feelings/attachments, anger, frustration, lack of self-discipline and moral, very less reactive to criticism and sexual, physical inadequacies are revealed inside a person who commits Bestiality. According to Miletski²⁹, it is seen that person who commits Bestiality hates socialization, but that person feels comfortable in talking with the interviewer.

Sexual deviation,³⁰ known as sexual perversion or sexual paraphilia, is the intense reaction, fantasies, urges for an unnatural situation, object, person, animal etc., due to the rise in the sexual feeling, which is uncontrollable in most cases. These are 8 types of paraphilia:- sexual masochism, frotteurism, fetishism, voyeurism, sexual sadism, exhibitionism, transvestic fetishism, and paedophilia.

- 1) **Fetishism**³¹- When a person is using non-living things like undergarments, shoes for sexual enjoyment.
- 2) **Transvestic Fetishism**³²- When a sexual feeling arises inside a person when that person is dressed opposite to the gender.
- 3) **Exhibitionism**³³- When someone exposes private parts in front of strangers for sexual pleasure.
- 4) **Voyeurism**³⁴- When a person is watching some other people engage in sexual activity for sexual pleasure.
- 5) **Sexual Masochism**³⁵- When a person suffers from sexual child abuse or harassment etc.
- 6) **Sexual sadism**³⁶- When a person harrases, torture, abuse another person for sexual pleasure.
- 7) **Paedophilia**³⁷- When a person is engaged in sexual fantasies for s pre-pubescent child,

²⁹ *Supra* note 28

³⁰ Paraphilic Disorders, *Lumen*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

and the age of that person is at least 16 years.

- 8) **Frotteurism**³⁸- When a person touches or rub another person body for sexual enjoyment without consent.

VI. POSITION OF BESTIALITY IN INDIA

Bestiality is a detestable crime. Human-animal sexual intercourse is illegal in India, and provision for this crime is given in IPC section 377³⁹, which says whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to 10 years, and shall also be liable to fine. Explanation⁴⁰- Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

Article 51-A(g) ⁴¹of the Constitution of India given that it is the fundamental duty of all Indians to protect and improve the natural environment, including forests, lakes, rivers and wildlife, and to have compassion for living creatures.

In the Concurrent list⁴², it is stated that both centre and state have powers to prevent cruelty against animals and protect wild animals and birds.

Criminal Procedure Code⁴³states that if any person is found killing, maiming, poisoning or the rendering of an animal, that person will be punished under section 428 of the Indian penal code, 1860.

Animal cruelty act 1960- Section 11(k) ⁴⁴states that if any person offer for sale or, without reasonable cause, has in his possession any animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment, he shall be liable for a fine which may extend to 100 Rs.

PETA India is continuously appealing for amendments in the Animal Cruelty Act 1960 to make Bestiality a cognizable offence with strict punishment. However, the government is not giving attention to this topic.

³⁸ *Supra* note 30

³⁹ IPC by professor S.N. Misra 22nd edition page no785

⁴⁰ IPC by professor S.N. Misra 22nd edition page no785

⁴¹ The constitution of India by professional's 2021 page no23

⁴² The constitution of India by professional's 2021 page no250

⁴³ Radha Mehta, Animal Cruelty And Laws for Protection of Animal Rights, available at: <https://www.legal-service-india.com/legal/article-3565-animal-cruelty-and-laws-for-protection-of-animal-rights.html>

⁴⁴ The prevention of cruelty to animal act, 1960 section 11(k) page no 9

VII. SOCIETY PERSPECTIVE

As we all know that Bestiality is such a heinous crime that where one party is not even able to say something about the condition he/she is going through, only the thing that party can do is just some possible efforts, but still, most of the people in society ignore this topic. However, some communities give serious attention to this topic like Sociology, Psychology, Doctors, Activists, Lawyers, and Researchers; if they also avoid this issue, then I don't think so people will care about this and this topic will collapse from the mind of peoples but will still exist in between them. We are living in the 21st century preparing to settle on Mars, and we are not able to help a creature who can't speak. Do you think we will be able to survive on mars with this mentality?

VIII. CONCLUSION

An article intends to increase awareness regarding Bestiality, Zoophilia and sexual deviation not to defame any individual or country. This article tried to cover almost all the situations from past to present regarding Bestiality in the best possible way. Bestiality is so common nowadays than you think. There are many cases which are not reported as I already told you that in every 1 lakh dog 20 dogs are raped every day and this figure is only about dogs what about other animals. It is that part of society that needs serious attention like other issues. Now Bestiality is losing the status of taboo day by day. Some countries have no provision regarding bestialities like Russia, Japan, Cuba, Chile, Hungary, Romania and many more, but same-sex marriage is prohibited, and people are saying Indians have low thinking I'm not praising India for the laws he has to stop Bestiality, but at least our country has laws, yes it's true that they need amendment like Animal cruelty act 1960. Finland is a country where Bestiality is allowed where one can do sex with his/her animal, and that person will not be prosecuted until it's proof that sex was rough which injured the animals. Animals are an important part of human life; they make our life better, and it's our duty too to make their life better, not hell. Finland legislation says that criminalizing Bestiality is not fair for the people who are suffering from mental illness or one living alone. In contrast, Denmark banned Bestiality on 21 April 2015 because the country was developing as a safe place for bestiality tourists.

To conclude, Bestiality is against moral wrong, which needs serious attention and demands more research and open discussion like other issues.
