

Article

Fit for Consumption: A Legal-Philosophical Inquiry into the Permissibility of Cannibalism

Muzainy Shahiefisally

Independent Researcher, Singapore; shahiefisally.muzainy@gmail.com

Submitted: 1 April 2025, accepted: 10 October 2025, published: 11 November 2025

Abstract: Contemporary English and Singapore law is extremely limited in its circumscription of various acts committed against a cadaver, only individuating two offences that can be committed against a corpse. The first is that of corpse desecration. The second is that of necrophilia. Given this limited scope of criminalization, there is a wide range of acts which might putatively be done to a corpse which escapes the spectre of criminality. This paper will demonstrate that cannibalism is, with certain constraints, legally permissible in both England and Singapore. It will be further argued that the cannibalism of corpses is morally permissible and should therefore continue to remain legally so in both jurisdictions. Kantian theory, particularly Kant's conception of personhood, as well as Matthew Kramer's version of the interest theory of rights will be utilized to demonstrate cannibalism's moral permissibility. Finally, this paper will obviate certain communitarian objections to the continued legal permissibility of cannibalism.

Keywords: cannibalism; corpses; corpse cannibalism; Kant; Kantian personhood; interest theory of rights; criminal law; offence principle

How to cite: Shahiefisally, M. Fit for Consumption: A Legal-Philosophical Inquiry into the Permissibility of Cannibalism. *Journal of Controversial Ideas* **2025**, 5(2), 4; doi:[10.63466/jci05020004](https://doi.org/10.63466/jci05020004).

©2025 Copyright by the author. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY 4.0) license.



1. Introduction

The practice of cannibalism has traditionally been associated with extreme barbarism. Most famously, Michel de Montaigne maintained that opprobrium towards cannibalism derived from Western prejudice towards peoples they considered uncivilized savages (Sickmueller, 2022). Indeed, Montaigne's speculation is seemingly confirmed by the fact that the etymology of the word 'cannibal' originates from the 15th-century Spanish word *canibales* which was used to describe the Carib tribe in the West Indies who were thought to engage in the consumption of human flesh (Oxford English Dictionary, 2018). As Schutt has noted, the Spanish conjured up imagery of "savage" natives as a pretext

for slaughtering indigenous peoples (Schutt, 2017). Cannibalism's historic ignominy was further exacerbated by its pervasive description as emanating from disordered minds (Oldak et al., 2023; Raymond et al., 2019).

Moving to the present day, while depictions of cannibalism are now shorn of their racist connotations, the practice's connection to notions of savagery and brutality has only intensified. From the discovery of Stalin's cannibal gulags (Werth, 2007), to the iconic silver-screen depiction of the fictional cannibal serial killer, Hannibal Lecter (Demme, 1991), and finally to a recent renaissance following Netflix's serialization of Jeffrey Dahmer's crimes (Murphy & Brennan, 2022), the archetype of the cannibal *qua* murderer is firmly etched into the public consciousness (Beggs, 2022; Grose, 2010). Indeed, popular depictions of cannibals as demented killers have reinforced society's historical stigmatization of cannibalism, with it now being described exclusively in pejorative terms (Mufson, 2018; Twilley et al., 2017).

Whatever the cause of our revulsion towards cannibalism, it is indisputable that society's perception of cannibalism is skewed. The type of cannibalism often depicted in history and popular media is only one possible manifestation of the practice and there is, in fact, no necessary connection between cannibalism and murder or extreme violence. For instance, in the study of archaeology, cannibalism has been defined to include "the practice of eating human flesh ... for ceremonial purposes" and "eating parts of deceased relatives" (Darvill, 2008). To be sure, medicinal cannibalism – where "the flesh and excretions of the human corpse" were "consumed as medicine" – was rampant in 16th-century England (Noble, 2011, pp. 1–3). This form of cannibalism *sans* prior murder or other criminal conduct – henceforth "Pure Cannibalism" – is worthy of investigation as scholarly attention towards the subject has been scant from a legal and moral lens (Brooks-Gordon et al., 2007; Nwabueze, 2019). This paper will fill this gap by arguing that Pure Cannibalism is both legally permissible and ought to remain so due to its inherent moral permissibility.

Society has a long history of criminalizing acts that are regarded as socially repugnant. For instance, both incest and necrophilia are criminalized as a matter of English and Singapore law (Sexual Offences Act, 2003, ss. 64–65, 70; Penal Code, 1871, ss. 376G, 377; see Appendix A.2.). In light of the fact that cannibalism is equally as socially reviled in both societies as incest and necrophilia are in the two aforementioned acts, it would thus be quite jarring if it were the case that Pure Cannibalism is actually permissible under English and Singapore law. However, this is precisely what obtains as a matter of legal reality. Many, undoubtedly, will be unconvinced by the mere assertion that this is the case. As such, Section 2 of this paper will substantiate my bold claim and prove that Pure Cannibalism is indeed legal in both England and Singapore.

Having answered the descriptive question of Pure Cannibalism's legality, the remainder of the paper will take up the normative question of whether Pure Cannibalism ought to remain legally permissible. On this front, the pivotal issue is whether Pure Cannibalism is morally permissible. Lu has recently advanced an account which seeks to explain cannibalism's wrongness, arguing that cannibalism violates our intrinsic duties to respect the dead (Lu, 2013). However, as other authors have pointed out, his account would force us to arrive at unduly Eurocentric conclusions that would necessarily marginalise cultures where ritualistic cannibalism is or was normalised (Wisniewski, 2024, p. 95).

Pace Lu and others who decry cannibalism as morally impermissible; this paper will demonstrate that corpses neither retain their personhood nor do they continue to hold rights. Further, this paper will go further than contemporary defences of cannibalism (Wisniewski, 2024), arguing that contingent cultural revulsion towards such practices is insufficient to justify imposing legal constraints on cannibalism.

In this regard, Sections 3 and 4 will draw on two of modern philosophy's most influential theories of rights-holding: the will theory of rights as posited by Immanuel Kant, and the interest theory of rights as posited by Matthew Kramer. These sections will not attempt to mediate between these two competing conceptualizations of rights-holding, but will instead demonstrate how Pure Cannibalism is morally permissible under both theories.

The selection of Kant's view as representative for the will theory of rights is not an arbitrary one. Rather, it is a purposeful decision which I have made as not only is Kant one of "the most important Western philosopher[s]" (Kahan, 2023, p. 78; Gomes & Stephenson, 2024, pp. v–viii), but his version of the will theory is one of the few to articulate a fully fledged theory of personhood (Haag, 2024, pp. 331–332; Grenberg & Vinton, 2024, pp. 336–337). Hence, section will draw upon Kant's theory of personhood to demonstrate how a corpse is no longer a person but a thing (Timmons, 2017a). As such, Kantian theory would prescribe that the consumption of corpses, as with the consumption of animals (Timmons, 2021, pp. 201–202), falls outside the scope of our duties to respect persons and is thus morally permissible.

Section 4 will then proceed to consider Pure Cannibalism's moral rectitude under Kramer's version of the interest theory of rights (Kramer, 2000). It would be superfluous for us to consider the necessary and sufficient conditions for personhood under Kramer's interest theory as he asserts that a corpse can be an independent locus of rights. It will, however, be argued that the rationales Kramer puts forth for posthumous rights-holding are incoherent, entailing that Pure Cannibalism is reconcilable with his version of the interest theory.

Finally, Section 5 will reject Joel Feinberg's Offence Principle (Feinberg, 1988), which could be invoked to criminalize Pure Cannibalism. Much like the selection of Kant's theorizing on personhood, the selection of Feinberg's Offence Principle was a deliberate one. This is because his argument, that certain courses of conduct can be legally prohibited not on the basis that they are inherently morally wrong but rather because society deems such conduct obscene, finds a natural home in paternalistic and communitarian societies such as Singapore.

Given the illiberal tenor of such societies, the mere demonstration that Pure Cannibalism does not violate rights is, on its own, insufficient to arrive at a conclusion on continued legal permissibility in these societies. Instead, such societies often appeal to the fact that a course of conduct is offensive (PP. v. Tang Koon Huat, 2017: [29]; see Appendix A.1.), though not necessarily morally wrong, as a basis for criminalization.

To be sure, a leading defence of the moral permissibility of cannibalism has referred to socially contingent reactions to the practice as a prudential reason for limiting it (Wisniewski, 2024, p. 96). Defusing Feinberg's argument is thus imperative as it provides normative weight for social conventions.

It will principally be argued that the Offence Principle, by mandating that banal conduct be criminalized and by requiring governments to wield powers they cannot legitimately hold, should be rejected for violating the liberal principle of neutrality.

By exploring the legal and moral permissibility of Pure Cannibalism, this paper demonstrates the chasm between our intuitive revulsion towards the practice and the bald reality that our uncritical assumption that cannibalism ought to be criminalized is without moral foundation. The implications of this conclusion are far-reaching, compelling us to revisit other practices that we are intuitively repulsed by and to investigate whether they are, in fact, morally permissible.

2. The Legal Permissibility of Pure Cannibalism

Pure Cannibalism is permissible under English law. This is evidenced by England's surprisingly liberal attitude to what may be done to corpses, including the lack of any statutory provisions that might potentially proscribe cannibalism in any form. To the chagrin of many, England does not have any laws that criminalise corpse desecration (Jones, 2017). Likewise, cannibalism is not individuated as a separate offence in English criminal law. This has not gone unnoticed and there was recently a failed petition to prohibit the practice (UK Government and Parliament Petitions, 2024).

As Herring explains, “executors can do with a body or its remains pretty much as they please in private ... They can bury the body in a garden, put it in their loft, *eat it* [emphasis added], give it to an artist ...” (Herring, 2007, p. 230). Similarly, Spencer has concluded that English law will “leave unpunished ... those who mutilate or desecrate human bodies for other and less savoury ends; such as black magic, ... malice, or a desire to shock or offend” (Herring, 2007, p. 231). One reason why this might be so is that English law treats corpses as *res nullius*, that is, as belonging to no one (R. v. Lynn, 1788; R. v. Sharpe, 1857; R. v. Price, 1884; see Appendix A.1.). English law therefore displays complete indifference to a deceased person's wishes regarding his or her corpse.

It might perhaps be argued that although cannibalism is not a statutory crime in England, it could potentially be a common law crime (R. v. Swindell, 1981; see Appendix A.1.). However, the English common law has never considered cannibalism to be an independent act of wrongdoing.

The seminal case of cannibalism in England is that of Dudley and Stephens (1884) 14 QBD 273. There, three mariners were stranded at sea for twenty days with little to subsist on. After all three had gone without food for eight consecutive days, two of the mariners killed the third, a cabin boy, and ate his corpse until they were rescued by a passing vessel.

Despite being among the most striking cases of cannibalism in English legal history, the case did not grapple with the legal permissibility of cannibalism *per se*. Rather, the Queen's Bench focused on whether murder could be justified by circumstances of dire necessity. To this, the Queen's Bench answered emphatically in the negative (Dudley and Stephens, 1884, pp. 287–288; see Appendix A.1.). Though the Queen's Bench was unequivocal in rejecting the defence of necessity to murder, the question of cannibalism's legal permissibility was totally neglected.

Indeed, given their vigorous defence of human life's sanctity, the Queen's Bench's silence on the matter of cannibalism was deafening. Hence, it might be argued that, had the cabin boy died either of starvation or dehydration as opposed to being killed, the two mariners would have been legally free to consume his corpse.

The conclusion that English law does not consider cannibalism to be an independent offence can be surmised from two cases of a more contemporary vintage. Both cases

involved offenders who murdered and subsequently proceeded to consume their victims. Consequently, both offenders were charged with murder, with cannibalism only being considered at the sentencing phase of their respective trials.

In *R. v. Bryan* [2006] EWCA Crim 379 (see Appendix A.1.), the offender “ate [one of the victim’s] brain with butter” and fantasized about eating another but did not manage to do so. The judge initially categorized the offender’s offences as being of an “exceptionally high” seriousness due to the fact that the offender had killed to gain a sense of stimulation, “a feeling of power” when consuming his victims’ flesh, and had “obtained a sexual pleasure” from his crimes.

Similarly, in *R. v. Morley* [2009] EWCA Crim 1302 (see Appendix A.1.), the offender had killed his victim before proceeding to “remove[] sections of flesh from the body, cooking part of it before spitting it out”. The Court of Appeal classified the offender’s act of cannibalism as a “profoundly significant feature of seriousness”.

These examples might be thought to demonstrate that although cannibalism does not constitute a separate offence, it can nonetheless be considered a major aggravating factor which warrants harsher punishment during the sentencing phase of criminal proceedings. However, it is not cannibalism *per se* which the English courts deem to be an aggravating factor. That is, it is not something inherent about cannibalism which makes it an aggravating factor. Rather, cannibalism, in both cases, is utilized as evidence (*indicia* in legal terms) of an extreme lack of remorse on the part of the offender and it is this lack of remorse which is what warrants the imposition of a heavier sentence.

This is evident from how, in *R. v. Bryan* at [26], the sentencing judge concluded that the offender’s crimes were of high seriousness, with his cannibalism constituting an aggravating factor due to the sexual and emotional significance which the act had for the accused. In essence, the act of cannibalism, being done as it was for the purposes of sexual arousal, heightened the offender’s level of culpability as it was symbolic of his derivation of pleasure from extreme violence. Likewise, in *R. v. Morley* at [23], the post-death cannibalism was classified as a severe instance of corpse desecration.

In English law, post-murder cannibalism is therefore merely one instance of a more general genus of wrongdoing which, for the purposes of being classified as an aggravating factor, can be perpetrated by other means. Certainly, the courts would have arrived at the exact same conclusion on the level of culpability if the offender in each case had instead derived pleasure by decapitating or urinating on the corpses.

To recapitulate, English law does not individuate cannibalism as a separate offence. Further, even though cannibalism can constitute an aggravating factor by a sentencing court, there is nothing intrinsic about the act itself that is treated as increasing an offender’s level of culpability. Rather, cannibalism is a particular instance of a more general form of post-murder wrongdoing which is used as a proxy for an offender’s lack of remorse. In any case, irrespective of the extent to which cannibalism is an aggravating factor in criminal sentencing, the fact remains that Pure Cannibalism is legally permissible under the extant law of England.

Having established that Pure Cannibalism is legally permissible in England, we can now turn to Singapore law. It will be demonstrated that despite the presence of legislation that might presumptively be thought to proscribe specific forms of cannibalism (Penal Code, 1871, s. 308B; Human Organ Transplant Act, 1987, ss. 13, 27; see Appendix A.2.), the highly specific nature of these provisions indicates that Pure Cannibalism is legally permissible in Singapore.

Corpse mutilation is an offence under s. 308B of Singapore's Penal Code. The provision would punish anyone who "knowingly conceals, desecrates or disposes of a human corpse". This section might be thought to criminalize Pure Cannibalism as it defines 'desecration' as "including ... any act committed to cause the human corpse in whole or in part to be *devoured* [emphasis added], scattered or dissipated" (Penal Code, 1871, s. 308B(3); see Appendix A.2.). However, the desecration of corpses is only an offence under s. 308B if it "impedes or prevents ... the discovery or identification of a human corpse; or ... the detection, investigation or prosecution of an offence under this Code or any other written law" (Penal Code, 1871, ss. 308B(1)(a)-(b); see Appendix A.2.). Given s. 308B's limited scope, it therefore appears that Pure Cannibalism, committed as it is for purposes not contemplated by the section, does not fall foul of this provision.

Another potential fetter on Pure Cannibalism's legality in Singapore might be found in the Human Organ Transplant Act 1987 (HOTA). S. 27(1) HOTA makes it a punishable offence to "remove any organ from the body of a deceased person". Much like the aforementioned penal provision, however, the scope of s. 27 HOTA is highly circumscribed. Under this section which is to be read in conjunction with s. 4(1) HOTA, it is only an offence to remove a corpse's organs "for the purpose of the transplantation ... to the body of a living person". Given that s. 27's operation is confined to organ removal for the sole purpose of transplantation, an individual therefore has the liberty to remove the organs of a deceased to carry out Pure Cannibalism.

It might be objected that s. 13 HOTA, by criminalizing the sale and purchase of "any organ", precludes the possibility of Pure Cannibalism from occurring. But this objection is misguided as s. 13 merely prohibits the formation of contractual relations for the purpose of buying and selling organs. It does not, explicitly or implicitly, rule out the consumption of organs. In a paradigmatic case of Pure Cannibalism, a corpse is consumed without any exchange of value between the deceased and the consumer. Pure Cannibalism, properly understood, hence falls outside of s. 13 HOTA's contemplation.

Finally, it should be noted that apart from donating one's organs for transplantation, a deceased person can also donate his or her organs for medical research. The law on donating one's organs for medical research is governed by the Medical (Therapy, Education and Research) Act (MTERA). Unlike s. 8 HOTA, which creates a presumption that deceased persons consent to donating their organs for transplantation and must expressly opt out should they wish otherwise, MTERA does not assume that deceased persons consent to donating their organs for medical research and instead requires deceased persons or their relatives to explicitly donate the deceased's organs for this purpose (Medical (Therapy, Education and Research) Act, 1972, ss. 3, 4; see Appendix A.2.).

MTERA does not affect the overall permissibility of Pure Cannibalism, only the time at which it can be carried out. This is because MTERA makes it such that, for deceased persons whose organs are to be gifted for research, organ removal can only be lawfully effectuated by a registered medical professional (Medical (Therapy, Education and Research) Act, 1972, s. 16(2)(a); see Appendix A.2.). Only after a deceased's organs have been harvested by a registered medical professional will the corpse be returned to the deceased's family (Medical (Therapy, Education and Research) Act, 1972, s. 11(3); see Appendix A.2.). It is at this point that Pure Cannibalism can occur. This is because MTERA only prohibits organ removal by non-registered medical professionals prior to said organs being removed for research purposes, and says nothing about the removal

of these organs after a body has been released. Indeed, the Coroners Act stipulates that where a death occurs, the Minister may issue a certificate for the body to be released; or the Coroner might release the body for burial or cremation (Coroners Act, 2010, ss. 17A(1), 22(3)(a); see Appendix A.2.).

To summarize, Singapore law does not prohibit the practice of Pure Cannibalism. In Singapore, cannibalism is only criminalized where it is committed as a means to conceal evidence of a crime or obstruct the administration of justice. Should a deceased or his or her relative decide that their organs should be donated for medical research pursuant to MTERA, Pure Cannibalism is only limited in that it cannot be carried out prior to the organs being removed. In short, Pure Cannibalism is legally permissible in Singapore, albeit with minor constraints.

3. Kant and Pure Cannibalism

Where Section 2 demonstrated that Pure Cannibalism *is* legally permissible, this section begins addressing the question of whether Pure Cannibalism *ought* to remain legally permissible. This will be achieved by exploring the practice through the lens of moral philosophy. In particular, this section demonstrates that corpses are not persons (Kant, 1785/1998, pp. 36–37) and are instead Kantian things (Kant, 1798/2006, p. 15; Kant, 1797/2017, [6:443]; Warren, 2000, pp. 96–101). As such, under a Kantian ethic, corpses can permissibly be consumed.

It should, at the outset, be noted that other authors who have sought to defend cannibalism's moral permissibility have referred to this strand of Kantian thought (Wisniewski, 2004, p. 267). However, they have only done so in a cursory manner and have thereby overlooked the potential controversies which arise when categorizing a corpse as a Kantian thing. This section seeks to address this gap in the scholarly literature.

Kant's moral philosophy is grounded on the notion that one should always treat persons with respect. As he puts it: "So act that you use humanity, whether in your own person or in the person of any other, always ... as an end, never merely as a means." (Kant, 1785/1998, p. 38) Conversely, for Kant, "one can do as one likes" with beings which are properly characterized as *things* (Kant, 1798/2006, p. 15).

To see why corpses land on the side of things in Kant's person—thing dichotomy, we must address the preliminary question of the incidents necessary for a being to qualify as a Kantian person. According to Kant, persons are ends-in-themselves because they possess the freedom to "set oneself an end – any end whatsoever" and this is what "characterizes humanity ... as distinguished from animality" (Kant, 1797/2017: [6:392]). Here, Kant emphasized the fact that unlike events that occur in nature which are an effect of natural causes, humans' ability to set their own ends is the effect of free choice.

Yet, end-setting alone fails to effectively distinguish humans from animals. This is because our freedom and capacity to set ends is neutral as to the kinds of ends we set for ourselves. Consequently, we might set our ends purely on the basis of sub-rational (or even rational but unreasonable) inclinations that lead us astray of moral perfection. For instance, we might murder others to achieve the end of pleasure. This is no different from how predators in the animal kingdom hunt and kill prey to satiate their hunger. End-setting *simpliciter* is therefore incapable of distinguishing human beings from the rest of nature and fails to be a distinctive mark of our humanity.

How then can Kant justify distinguishing between persons and things? As Grenberg and Vinton note, we must begin with Kant's definition of "humanity". Kant described his "ideal of humanity" as an "image of perfect humanity which human beings take as a standard as they pursue virtue" (Grenberg & Vinton, 2024, p. 347). Kant further asserted that his ideal of "humanity ... in its complete moral perfection" (Kant, 1792/2009, p. 67) is already present "in our morally legislative reason" and is something "[w]e ought to ... conform[] to" (Kant, 1792/2009, p. 69). Thus, for Kant, the distinguishing feature of humanity – that is, the moral ideal which informs his person–thing dichotomy – is those capacities necessary for attaining "complete moral perfection".

From this perspective, Kant located the exclusive personhood of humans in our capacity for morality. As Grenberg and Vinton explain, "one with a capacity for morality has both a firm basis for the freedom of ... end-setting and also a basis for discriminating amongst ends so as to move towards the true perfection of one's self as expressed in [Kant's] ideal [of humanity]" (Grenberg & Vinton, 2024, p. 348). Kant hence placed a premium on practical reason and freedom because both are crucial to complying with the requirements of objective morality (Timmons, 2017a, pp. 182–184).

It is through practical reason that persons become capable of "comprehending" and abiding by morality's strictures (Schafer, 2024, pp. 4–9; Kant, 1785/1998, p. 53). Likewise, it is autonomy which allows persons to legislate morality as a universal law, consistent with the "equal reciprocal freedom" of other persons (Weinrib, 2022, p. 44). Since living human beings are the only creatures *capable of possessing* these two *desiderata* necessary for complying with morality's strictures, we are therefore "elevated over the rest of nature" (Sensen, 2009, p. 117; Kant, 1797/2017: [6:392]).

Hence, the argument that corpses should be deemed Kantian persons on the basis that they once possessed these traits fails as Kant limited his ascription of personhood strictly to *living* human beings. This conclusion is reinforced by Kant's writings on suicide. Kant viewed suicide as the termination of freedom and thus as a renunciation of one's "personality" (Kant, 1797/2017: [6:422]). To Kant, death – presupposing as it does the obliteration of one's reason and freedom – therefore constitutes the destruction of one's personhood. Consequently, corpses are not Kantian persons but Kantian things.

A potential challenge to this conclusion arises from Kant's elevation of the status of human beings *as a class* over all other beings. Said class includes those who cannot actually exercise practical reason or autonomy. It might thus be suggested that Kant was inconsistent in his ascription of personhood since, like corpses, at least some living but mentally incapable humans can never exercise freedom or reason. However, Kant's ascription of personhood to all human beings – irrespective of individual capacities – was completely consistent.

As Kant stated:

The fact that the human being can have the "I" in his representations raises him infinitely above all other living beings [B]y virtue of the unity of consciousness through all changes that happen to him, one and the same person – i.e., through rank and dignity an entirely different being from *things*, such as irrational animals ... This holds even when he cannot yet say "I". (Kant, 1798/2006, p. 15)

Kant hence viewed humans as unitary beings whose status *qua* persons is beyond reproach. This status persists regardless of whether a human is a foetus which has yet to develop the capacity for freedom or reason, or whether a human loses this capacity due to

some tragic accident, or whether this capacity is never operationalized (Kant, 1797/2017: [6:422]).

Although it is true that mentally incompetent humans and the like are incapable of binding us through their will, they can, *qua* beings of the same kind, i.e., human beings, bind us through their nature. As Varden explains, “characterizing someone as impaired or incapacitated ... is already to say that ... she is of a particular kind, but that her capacities are not operating, realized, or realizable so as to enable full functioning” (Varden, 2020, p. 169). Indeed, were it not the case that Kant viewed all humans, notwithstanding their actual capacities for freedom and reason, as persons, it would generate the preposterous conclusion that Kant thought humans lose personhood when they fall asleep or into unconsciousness and regain personhood when they come around.

The suggestion that Kant ought to, for consistency’s sake, ascribe personhood to corpses collapses once it is recognized that Kant believed that there is a qualitative difference between mentally incompetent persons and corpses. This becomes evident when one juxtaposes Kant’s views on very young children and his aforementioned views on suicide.

Despite very young children being incapable of freedom or reason, Kant nevertheless described children as “being[s] endowed with freedom” (Kant, 1797/1999, p. 92). The fact that, for Kant, children possess innate freedom entails that they cannot be treated as means which would only be possible if they are things. However, the fact that their capacities for freedom and reason are as yet undeveloped also entails that they cannot interact with other persons on the basis of equal reciprocal freedom. To reaffirm the point that children cannot be treated as mere means but are still subject to their parents’ control until they can exercise their capacities, Kant fashioned a *sui generis* category of rights-holding for parents over their children, terming it “a personal right of a real kind” (Kant, 1797/1999, p. 93).

By contrast, when we consider Kant’s views on death and suicide, he did not ascribe personal rights of a real kind to the living over the dead in the same fashion as he did for parents over their children. Quite the contrary, we see that Kant’s disdain for suicide stems from the fact that he views the act as a breach of one’s duty to oneself. By bringing about death through suicide, one has “annihilate[d] the subject of morality in one’s own person” and “root[ed] out the existence of morality itself from the world” (Kant, 1797/2017: [6:423]; Kant, 1785/1998, p. 38).

Since Kant ascribed personhood on the basis of characteristics he believed necessary for complying with morality’s demands, the fact that Kant viewed death as the termination of a subject of morality entails that death brings an end to a human’s personhood. Consequently, corpses are not Kantian persons but things which can neither be bearers of rights nor owed direct duties by humans.

A fervent Kantian might, however, point out that my interpretation of Kant, where death terminates our moral duties to the deceased, glosses over the fact that Kant believed that we have a duty to refrain from sullyng the reputation of the deceased. As Kant observed, “a *good reputation* is an innate external belonging ... which clings to the subject as a person, a being of such a nature that I can and must abstract from whether he ceases to be entirely at his death ...; for in the context of his rights in relation to others, I actually regard every person simply in terms of his humanity, hence as *homo noumenon*” (Kant, 1797/2017: [6:295]).

Several observations should be made with respect to this. First, there is a blatant contradiction in the passage just quoted. If, as has been detailed, Kant believed that corpses are mere things, then death marks the point at which a person ceases to exist such that we could say that there is no longer any *homo noumenon* to whom we owe duties. Consequently, as there is no longer any person whose dignity we ought to respect, Kant was mistaken to believe that we had a duty to maintain the good reputation of the dead.

Second, and perhaps more pertinently, the maintenance of a good reputation is quite distinct from the corpse itself. Consuming a corpse does not in any way detract from the good reputation of the person who once inhabited that corpse. As such, even if we grant that there are good reasons to posthumously protect a person's reputation, this should not compromise our conclusion that a corpse ceases to be a person and is instead a Kantian thing.

One class of things which Kant explicitly stated was fit for consumption is that of nonhuman animals. Kant maintained that although gratuitous cruelty towards animals was prohibited because such cruelty has the tendency to desensitize humans to the agony of general suffering (Kant, 1797/2017: [6:443]; Sensen, 2009, p. 114; Timmons, 2021, pp. 201–202), humans may still consume animals insofar as these animals could be killed “quickly” and “without pain” (Kant, 1797/2017: [6:443]). This is because unlike killing a human, killing an animal does not extinguish a locus of freedom (and thus morality) from the world. These insights about what may permissibly be done to animals can be analogized to corpses. Upon death, a locus of freedom is extinguished and the human being loses its personhood, degenerating into a mere thing. Like animals, then, corpses may be consumed.

Appreciating Kant's person–thing dichotomy is crucial for distinguishing between the moral permissibility of Pure Cannibalism and the impermissibility of other forms of cannibalism. Recall that, for Kant, suicide's moral wickedness stems from one's breach of a duty to oneself. While Kant scholars quibble about situations where suicide's moral wrongness can be mitigated (Hill, 1991; Timmons, 2017b, pp. 228–229), the commission of suicide to abet another's cannibalism is definitely not one such situation. Instead, it is a central case of what Kant would regard as the debasement of “humanity in one's person . . . , to which the human being . . . was . . . entrusted for preservation” (Kant, 1797/2017: [6:423]). Hence, deliberately terminating one's life to gratify a cannibal's appetite is impermissible.

Likewise, Kant distinguishes between having a diseased organ amputated to prolong one's life and selling a tooth to another person for transplantation (Kant, 1797/2017: [6:423]). Though the former is permissible as the “partial murder” (Timmons, 2021, p. 160) of oneself is necessary to preserve the “non-discretionary end” of one's life, the latter, being done as it is in pursuit of the “discretionary end” of material gain, is impermissible (Timmons, 2017a, p. 183).

Kant explained that the evil perpetrated against oneself in the sale of tooth for transplantation is that of *corruption* of the human heart (Kant, 1792/2009, p. 33). By mutilating oneself, one has reduced one's bodily substance to mere means and thereby breached one's duty to oneself (Kant, 1797/2017: [6:435]). It would therefore be impermissible to form contractual relations with a cannibal, obligating one to self-mutilate for monetary gain.

Similarly, even if *A* obtains the consent of *B* to mutilate *B*'s limbs for *A*'s consumption, *B*'s consent cannot overtop the wrongfulness of *A* violating *B*'s right to bodily integrity. This is because *B* cannot consent to mutilation without also instrumentalizing himself. As such,

Kant would have viewed the consensual mutilation of other persons for consumption as impermissible.

It would appear that Kant would go further than simply permitting Pure Cannibalism and would also, in certain circumstances, permit the consumption of human flesh while its owner is still alive. For instance, if person *P* has his leg amputated to prevent disease from spreading to other parts of his body, cannibal *C* is morally permitted to consume the amputated leg. This is because *P* did not undergo the self-mutilating procedure for the sake of fulfilling *C*'s cannibalistic desires but rather to preserve his own life which, as Kant informs us, is a permissible form of "partially murdering oneself" (Kant, 1797/2017: [6:423]).

To recapitulate, while we are absolutely prohibited from treating others or ourselves as mere means, Kant is completely silent on what we may permissibly do with corpses. It has been argued that, as things, corpses, like animals, can permissibly be consumed.

However, the scope of this consumption is tempered by the fact that procurement of human flesh can only occur after either (a) a human's death, or (b) a human undergoes a necessary medical procedure to remove his body parts. The ambit of permissible cannibalism under a Kantian ethic is further constrained by the fact that the cannibal in (a) must have played no causal role in the death. Likewise, in (b), a cannibal cannot enter into contractual relations to obtain the patient's body parts.

These insights also reveal the staggering conclusion that, given the cruel conditions of modern industrial farm life decried by animal ethicists (Anomaly, 2014; McPherson, 2018, p. 223), the consumption of corpses under the above conditions is, for a Kantian, a more moral practice than the killing of nonhuman animals for consumption.

4. Kramer's Interest Theory and Pure Cannibalism

Matthew Kramer argues that the dead retain their interests and, consequently, can continue to hold rights (Kramer, 2001, pp. 46–49). It will, however, be demonstrated that the arguments he has put forth in favour of posthumous rights-holding are flawed. Given the unsound nature of posthumous rights-holding, Pure Cannibalism remains morally permissible under Kramer's version of the interest theory.

The interest theory holds that "[i]ndividually necessary and jointly sufficient for the holding of a claim-right by *X* are (1) the fact that the duty correlative to the claim-right deontically and inherently protects some aspect of *X*'s situation that on balance is typically beneficial for a being like *X*, and (2) the fact that *X* is a member of the class of potential holders of claim-rights" (Kramer, 2024, p. 300). The reference to 'a right' in this formulation refers to both legal and moral claim-rights (Kramer, 2024, pp. 292–293). This is an important clarificatory point which should be borne in mind throughout the subsequent discussion.

To determine the type of being that qualifies as a potential holder of claim-rights under the interest theory, Kramer asserts that such a being must possess "ultimate value" (Kramer, 2024, pp. 312, 317). According to Kramer, a being possesses such value if "(1) they are *êtres pour eux-mêmes* [beings capable of undertaking sophisticated deliberations] (Kramer, 2024, p. 328); and (2) the furtherance of their interests is intrinsically valuable" (Kramer, 2024, p. 317). The former criterion refers to "a level of self-reflective attunedness that is characteristic of conscious engagement with oneself

and with the world” (Kramer, 2024, p. 318). The latter criterion refers to the fact that the being “is valuable in itself” (Kramer, 2024, p. 315).

As should be evident, Kramer’s paradigmatic rights-holder is therefore a “human adult[] of sound mind” (Kramer, 2024, p. 331). Having identified this paradigm rights-holder, Kramer then proceeds to ask whether the interests of the type of being under consideration are sufficiently close “in morally pregnant respects” to the interests of his paradigm rights-holders (Kramer, 2001, p. 33).

To explain why the dead continue to hold rights, Kramer asserts that the salient similarities between the dead and paradigm rights-holders become manifest once we “subsume the aftermath of each dead person’s life within the overall course of ... her existence” (Kramer, 2001, p. 47). That is, a person’s interests endure posthumously because he or she remains “a multi-faceted presence in the lives of his contemporaries and successors” (Kramer, 2001, p. 47).

There are several difficulties with Kramer’s view of posthumous interests. Firstly, the degree to which a person’s life endures in the memories of the living is socially contingent. To see this, let us juxtapose two fictional societies:

Dunwich is a society which reveres its dead, holding daily ceremonies to commemorate the lives of the departed. Desecrating corpses is a capital offence in Dunwich.

Redhook is a society that only cares for the living, viewing corpses not as artefacts of sentiment but as things undeserving of veneration. Redhook does not criminalize corpse desecration, with citizens actively defiling them.

Applying Kramer’s view to Dunwich and Redhook, the interests of corpses in Dunwich can last an eternity whilst corpses in Redhook possess no interests whatsoever. Hitching posthumous interests to the wagon of cultural attitudes to the dead therefore entails that these interests are vulnerable to the ebb and flow of societal attitudes and are infinitely variable across different societies. Hence, *pace* Kramer, it is conceivable that there may be entire societies where posthumous rights do not exist.

Furthermore, there is an insidious problem undergirding Kramer’s view of posthumous rights-holding. Having tethered posthumous interests to the extent the deceased figure in the lives of the living, Kramer would simultaneously allow for the interests of those renowned for being wicked to persist indefinitely while the interests of ordinary dead people fade into obscurity. For instance, the posthumous interests of Hitler will last far longer than those of a hermit due to the fact that Hitler’s atrocities are etched into collective memory, while the hermit has neither friends nor surviving family members to remember him (Kramer, 2001, pp. 48–49). Hence, Kramer’s view of posthumous rights creates a perverse incentive structure, rewarding the most morally repugnant individuals by ensuring that their posthumous rights are preserved for far longer periods than those of the average person.

Such a conclusion stands at odds with other areas of Kramer’s scholarship. This is because when discussing the death penalty, Kramer has held that communities are under a the “collective responsibility ... to resort to capital punishment” to deal with those who commit acts of extravagant evil (Kramer, 2011, pp. 228–229). Kramer would thus deny such individuals their fundamental right to life by obligating the communities in which they exist to purge them, while simultaneously allowing for these same individuals for whom

purgation is necessary to have posthumous rights which endure far longer than those of ordinary individuals.

More recently, however, Kramer has sought to distance himself from his initial theorizing on posthumous rights-holding (Kramer, 2024, p. 369). Kramer begins by asserting that the dead have interests. He does this by asserting that the “overall trajectory” of a person’s life can either be “enhanced or diminished in its quality as a result of ... post-mortem occurrences” (Kramer, 2024, p. 360). Crucial to understanding Kramer’s new position on posthumously rights-holding, then, is his idiosyncratic definition of the “overall trajectory” of an individual’s life which encompasses “some span of time after [a person’s] death ... in combination with the span of time during which [that person] existed as a living organism” (Kramer, 2024, p. 359). To highlight how the overall trajectory of one’s life can be detrimentally impacted posthumously, Kramer lists examples of dead people being defamed (Kramer, 2024, p. 360) and of having their wishes for the disbursement of their estate defied (Kramer, 2024, p. 361).

Of course, if Kramer’s contention was about the living contravening *legal* duties to the dead, such a proposition would be uncontroversial. After all, a system of governance could promulgate a law which places every member of that system under a *legal* duty to pray to the Greek God Hades for 15 hours every week (Kramer, 2024, pp. 318–321, 334–338). Obviously, Kramer must be referring to the contravention of *moral* duties owed to the deceased.

Notwithstanding this, however, it is not readily apparent why the duties described in his two examples are duties *owed* to the deceased person. To be sure, I am not questioning that a claim-right was infringed and a correlative duty breached in either of Kramer’s examples. What I am disputing is that the relevant moral claim-right is, in each instance, *held by* the deceased. That is, I am disputing Kramer’s claim that we intuitively understand that some interest *of the deceased* has been set back in each of his examples.

Let us begin by analysing the first example. The defaming of a deceased person is self-evidently qualitatively different from the wrong that a living victim of defamation suffers. To use Kramer’s terminology, a deceased person is no longer *êtres pour eux-mêmes* and therefore lacks the sentience to perceive and experience the defamatory act. The sense of “experience” invoked here does not refer to direct sensory perception, since one can be wronged by a defamatory act without one’s knowledge. The sense of “experience” which I am referring to is what Fabre describes as “veridical” (Fabre, 2008, p. 233).

This sense of experience is best illustrated by way of an example. Imagine if a person, Brett, has a best friend, Reagan. Both Brett and Reagan live in Texas. Unbeknownst to Brett, when Reagan takes a trip to Tibet, she defames Brett to a group of Tibetan monks. Clearly, Reagan has wronged Brett. There is hence a sense in which defamation (and moral wrongs more generally) is indeed experience-independent. Equally, however, there is another sense in which – even though it is extremely improbable that Brett will ever gain knowledge of Reagan’s mendacity – Reagan has nevertheless altered Brett’s experience of the world as it is. Brett continues to believe and experience her friendship with Reagan as one of mutual trust and support, when, in reality, it is only Brett who genuinely cares about Reagan. Insofar as Reagan continues to covertly despise Brett, she has thus rendered Brett’s experience of the world untrue. While living human beings, even those with labouring under a defect or an extreme impairment, are capable of having veridical experiences, the dead are no longer in such a position.

Of course, if we were to ask whether we would, in the present, wish to be posthumously defamed, the intuitive answer would resoundingly be in the negative. However, the force of the question lies precisely in the fact that we are considering it *now*, that is, we are considering it from the standpoint of a person who is *alive*. Such a question only makes sense because when we are alive, we are possessed of interests which can either be advanced or set back.

When we are dead, however, it becomes senseless to speak of such interests since nothing can happen to *us*. Not only does death deprive us of experience *simpliciter* (which is ordinarily what makes an act wrong), it also deprives us of veridical experience (the capacity that makes an act wrong even when the victim is unable to directly perceive what has been done to him/her). All this is to say that, if we do not get blindsided by our ability to abstract into the future, it is plain that I cannot have my interests advanced or set back after death because there is no longer any “I” to meaningfully speak of.

This, however, should not be misconstrued to mean that the living are now deontically free to spread falsehoods about the dead. On the contrary, our duty not to defame the dead remains unchanged. The only perceptible change lies in the parties to whom such a duty is now owed. To see this, imagine that the deceased politician, Tulsi, is defamed by a journalist, call her Bari. By lying about Tulsi, Bari has breached a moral duty owed to herself, a moral duty owed to her readers, and a moral duty owed to Tulsi’s loved ones.

Kramer, in his defence of Hohfeld’s correlativity axiom, recognized that moral duties are always owed at least to oneself. As he explained:

A moral duty inherently protects an aspect of its bearer’s situation that is typically beneficial on balance for anybody like the bearer – namely, the aspect that consists in his or her conformity with the requirements of the correct principles of morality. (Kramer, 2024, p. 112)

Thus, because it is on-balance beneficial for Bari to conform to the correct principles of morality (of which abstention from lying is one), she hence holds a claim-right *vis-à-vis* herself that she abstain from lying about others.

Likewise, *qua* journalist, Bari would have readers who hold claim-rights – correlative to her duty – that she only publish true information for them to read. Given that she knowingly published information about Tulsi which she knew to be false, she therefore contravened this duty to her readers.

Furthermore, it seems plausible that Bari would have contravened duties to Tulsi’s loved ones. It seems arguable that Bari owes duties to those who shared a personal relationship with Tulsi to abstain from maliciously spreading spurious falsehoods about him. Kramer explicitly recognized that, in the case of a drunk driver who kills a child through his careless driving, the driver not only breached his duties to the child but also that he breached his duty not to “deprive [parents and/or loved ones] of the companionship of an immediate relative through any failure by the motorist to exercise due care in using the road” (Kramer, 2024, p. 163).

Likewise, Bari owes Tulsi’s loved ones a duty not to spread malicious falsehoods about him correlative to their claim-right that Tulsi’s reputation not be unjustifiably tarnished. Nowhere in the preceding analysis does Tulsi feature except for being the object “*in regard to which* [claim-right/duty] relationships are established” (Kramer, 2024, p. 336).

Similarly, when we train our attention on Kramer's other example, it can be readily observed that the duties involved are not owed to the deceased. To recapitulate, a deceased person can never again either directly perceive or veridically experience having her estate misappropriated. More plausible is the fact that the her family members owe duties to themselves to keep the promises they made to the deceased. Even more obviously, potential beneficiaries named by the deceased have moral claim-rights to his estate. In failing to disburse the deceased's estate to these beneficiaries, the family members have straightforwardly wronged them. Thus, much like the example of Bari and Tulsi, the deceased's wishes in this scenario serve as the context from which claim-right/duty relations arise. However, the deceased does not directly partake in these relations.

As the preceding analysis has demonstrated, it is not at all self-evident that the moral duties in each case are *owed to* the deceased. Indeed, I am not alone in doubting the intuitive plausibility of owing duties *to* the dead as numerous other scholars find the notion similarly perplexing (Partridge, 1981, p. 243). The fact that owing duties to the dead appears counterintuitive was best captured by Harris who described such duties as "self-indulgent nonsense" (Harris, 2013, p. 214).

To be sure, what does most of the heavy lifting in each of Kramer's examples is not his provision of a justificatory basis for the existence of a duty, but rather his idiosyncratic definition of "the overall trajectory of one's life". Given that we commonly understand our lives to cease at the point of death, it is hence incumbent on Kramer to justify the existence of a duty *owed to* the deceased. What he cannot do is establish such duties by way of terminological fiat. That is, in the absence of a positive justification, Kramer cannot safely conclude that the claim-rights in the aforementioned scenarios are borne by the decedent and not by some other party (as I have sought to demonstrate).

It is to Kramer's justification which we shall now turn. The first plank of Kramer's attempted justification asserts that although the dead can no longer harbour a sense of self-respect, "the vast majority of dead people were quite sophisticated *êtres pour eux-mêmes* during their lifetimes" (Kramer, 2024, p. 363). Further, he claims that "the levels of self-respect warranted for them were lifted by the fact that each person would remain within the community of potential holders of claim-rights after his or her death" (Kramer, 2024, p. 363).

The second plank of Kramer's attempted justification rests on the import of acknowledging the deceased's status as rights-holders for living human beings. On this front, Kramer asserts that the "persistence of the influence of a dead person on the doings and thoughts and fortunes of people who have outlived her" coupled with the "susceptibility of dead people to the posthumous intensification or diminution of the goodness of their lives through ... actions and decisions by their successors" entail that the dead belong to "the community of potential holders of claim-rights" (Kramer, 2024, p. 365). Paradigmatic members of the community of claim-rights-holders are "morally obligated to ... recogniz[e] that the dead are members" (Kramer, 2024, p. 365) on pain of tarnishing their "moral integrity" (Kramer, 2024, p. 347).

Firstly, it is unclear why protecting aspects of a deceased's situation through the conferral of claim-rights *ipso facto* heightens our levels of warranted self-respect. Surely, what matters more for our levels of warranted self-respect is simply *that* aspects of our situations are protected, not *how* this protection is achieved. As the aforementioned examples of defamation and misappropriating a deceased's estate demonstrate, deontic

protection over the morally salient aspect of a deceased's situation can be achieved without conferring rights *on* the deceased. It therefore seems superfluous whether protection of the relevant aspect of our posthumous situation is protected through the conferral of claim-rights directly on the deceased or on other bearers of claim-rights.

Likewise, there are several difficulties with the second plank of Kramer's argument. To begin with, Kramer treats himself to an absurdity by asserting that the dead have "lives" whose goodness can be intensified or diminished. The dead cannot be said to be alive in any real sense and anyone who seriously entertains such a notion would render completely redundant the characterization of a person as being dead. To apply a *reductio*, by Kramer's lights, we are immortal since even death does not deprive us of life.

Second, it is perplexing why the mere fact that the dead can affect the situation of the living creates a moral obligation on the living to acknowledge them as holders of claim-rights. After all, a polar ice cap could adversely affect a living human being's situation by melting and plunging them into the depths of a freezing ocean. Yet, this would not justify recognition of a polar ice cap as a holder of claim-rights. In fact, Kramer himself argues that an insentient being, such as a polar ice cap, can never qualify as a potential holder of claim-rights (Kramer, 2024, pp. 318–321, 334–338).

Kramer might object that the distinction between polar ice caps and the dead is that the former were never sentient, while the latter were once so and thus entailing that they once had ultimate value, making the comparison facetious. This is unpersuasive as Kramer has, as previously mentioned, elsewhere argued that despite being paradigm holders of claim-rights who are of ultimate value (Kramer, 2024, pp. 326–327), we are nevertheless under a collective moral obligation to purge extravagantly evil wrongdoers from society (Kramer, 2011, pp. 228–229). That is, by dint of their abominable conduct and notwithstanding that they possess ultimate value, extravagantly evil human beings have "forfeited" their rights.

Kramer's recognition that some paradigmatic rights-holders can forfeit their rights entirely opens up the possibility that there might be other conditions under which such forfeiture is apposite. I would argue that although not all dead people were extravagantly evil during their lifetime, the fact that they are no longer alive and thus no longer *êtres pour eux-mêmes* should be considered a morally salient fact that counts against them being potential rights-holders. That is, by dint of their no longer being alive, the dead have forfeited their ability to hold claim-rights. After all, recalling the discussion on experience, one salient distinction between the living and the dead is that the dead can no longer have veridical experiences.

Since both renditions of Kramer's arguments fail to legitimately justify posthumous rights-holding, corpses are not putative rightsholders under Kramer's interest theory, entailing that Pure Cannibalism is permissible. Even if this conclusion is misplaced and posthumous rights-holding can be justified under the interest theory, this would not categorically preclude Pure Cannibalism's permissibility.

Firstly, from a purely analytical standpoint, Kramer is not ascribing rights to the corpse *per se*, but rather to the memory of the deceased. The extent to which we may manipulate corpses without infringing upon a deceased's posthumous rights is therefore underdetermined, leaving the issue of Pure Cannibalism an open question.

As Kramer himself has clarified, his project "prescinds from justificatory questions" concerning "the ways in which the interests of various beings should be legally protected through the conferral of legal claim-rights" (Kramer, 2024, p. 310). Kramer's arguments in

favour of posthumous rights-holding were hence limited to the non-justificatory question of whether claim-rights can be held posthumously and did not address the justificatory question of the manner in which the rights of the dead ought to be legally protected.

Secondly, were Pure Cannibalism to be prohibited by the interest theory because it infringes upon the deceased's rights, then interest theorists are bound to explain the widespread intuition that the cremation of corpses even without the deceased's prior authorization is permissible. Indeed, some governments have enacted default rules to ensure that, absent a prior written declaration, the non-religious will be cremated upon death (Environmental Public Health (Crematoria) Regulations, 2000, reg 7(1)(a); see Appendix A.2.).

Interest theorists must either explain why such practices do not constitute posthumous rights infringements while acts of Pure Cannibalism do, or bite the bullet and accept that all interferences with a corpse, absent the deceased's prior consent, are impermissible. Should interest theorists opt for the latter, however, it would entail that a deceased person who never stated how he wished for his corpse to be disposed cannot be buried. This is because interest theorists cannot safely say whether the deceased person would have preferred to be buried or, like the 18th-century British philosopher Jeremy Bentham, have his body displayed. Thus, even moving the deceased's body would constitute a rights infringement, which is a patently absurd conclusion.

5. The Offence Principle and Pure Cannibalism

Notwithstanding the fact that Pure Cannibalism does not harm persons or infringe on any rights, communitarian-minded legislators might nevertheless argue that Pure Cannibalism should still be criminalized on the basis of Joel Feinberg's Offence Principle (Feinberg, 1988). This section will hence demonstrate that criminalizing conduct on the basis of the Offence Principle violates the liberal principle of neutrality and should hence be rejected.

To determine whether an act can be criminalized on the basis of the Offence Principle, Feinberg asks us to balance the conduct's seriousness against its reasonableness. A conduct's seriousness is to be determined objectively by discounting the abnormal sensibilities of some within society. Other factors to consider include the conduct's intensity, duration, and extent; the ease with which third-parties can avoid viewing it; and the *volenti* maxim which entails that third-parties who voluntarily expose themselves to offensive conduct are prohibited from subsequently claiming to have been wronged by said conduct (Feinberg, 1988, p. 35). In turn, the reasonableness of this conduct is ascertained by a multifactorial inquiry into the act's subjective importance to the actor, the act's social value, free expression, alternative opportunities to partake in the conduct, the presence of malice and spite, and the nature of the locality (Feinberg, 1988, p. 44).

Applying this, Feinberg concedes that mistreating corpses within the sanctity of one's home cannot be criminalized under the Offence Principle (Feinberg, 1988, p. 46). On this basis, when committed in private, Pure Cannibalism does not fall foul of the Offence Principle. Feinberg, however, distinguishes conduct that is carried out in public, asserting that publicly consuming faeces "satisfies the extent of offense standard" and is therefore unambiguously criminalizable (Feinberg, 1988, p. 45). It might therefore be argued that, due to the salient similarities it shares with faecal consumption, Pure Cannibalism ought to be criminalized, by virtue of the Offence Principle, when carried out in public.

There are a number of difficulties with the Offence Principle. Firstly, Feinberg's talk of balancing assumes that the values pitted against each other in the calculus are commensurable. The reality, however, is that the values being weighed are incommensurable (Raz, 1986). There is thus no feasible means for us to objectively determine whether a course of conduct's seriousness is weightier than its reasonableness.

As Finnis puts it, "every method of practical reasoning which proposes ... to guide deliberation by aggregating value" is replete with "incommensurabilities" and so "for want of a rationally defensible understanding of *value* remains at the mercy of its exponents' ... non-rationally determined horizons of concern" (Finnis, 2011, p. 255). Consequently, the conclusions yielded by the Offence Principle's balancing exercise can never be objectively derived.

Secondly, it is unclear why an act's *subjective* importance to the actor should figure in an assessment of the act's *objective* reasonableness. On this basis, if one had an irresistible compulsion to consume faeces, this consumption would be more reasonable than if one consumed faeces out of mere epicurean curiosity. Surely, an inquiry into the objective reasonableness of a given course of conduct should turn on the nature of the act itself and not the subjective inclinations of the person performing it.

Thirdly, the Offence Principle is highly relative as it is "dependent on cultural standards that vary greatly from place to place" (Feinberg, 1988, p. 47). Feinberg readily accepts this quality of the Offence Principle as he naively assumes that all cultural changes would be unidirectional in favour of greater toleration (Feinberg, 1988, p. 47). The type of conduct capable of contravening the Offence Principle is hence incalculably variable between societies and even within individual societies, when the society is considered on a long timescale.

Thus, there might virtually be nothing capable of violating the Offence Principle in a society which cherishes restraint in exercising the coercive powers of the state. By contrast, in militantly theocratic societies, banal conduct, such as wearing a bikini at a swimming pool, will breach the Offence Principle. Apart from disclosing its vicious circularity, the relativity of the Offence Principle derogates from Feinberg's assertion that it is an objectively derived principle.

Finally, and most pertinently, the Offence Principle is an unreasonable doctrine which violates the liberal principle of neutrality. A government is morally obligated to remain neutral among different conceptions of the good. Such an obligation arises from what Rawls termed "the fact of reasonable pluralism" (Rawls, 1993, p. 4; Gaus, 2022). That is, because conceptions of the good vary endlessly as between different individuals, a system of governance is obligated to exercise self-restraint where the pursuit of any given conception by an individual does not contravene basic liberal principles of justice (Quong, 2010, p. 299).

Applying this, a government which criminalizes conduct on the basis of the Offence Principle violates the principle of neutrality as it is exercising political power in a manner that is not "suitably public" (Quong, 2010, p. 292). By invoking prevalent societal attitudes to criminalize otherwise banal conduct, the Offence Principle is therefore insisting, in paternalistic fashion, that certain lifestyles are radically inferior to others. On its own, this would already constitute an egregious violation of the liberal principle of neutrality.

However, the Offence Principle's odiousness goes further still, as its consistent application would result in everyone in society being coerced – on pain of punishment

– into conforming to the narrow band of lifestyles that have been designated socially palatable. The Offence Principle therefore demonstrates a thorough disregard for, what Ian Carter termed, freedom’s content-independent value (Carter, 1999, pp. 31–67).

Kramer has advanced a similar objection to the Offence Principle, labelling it as “redolent of a quidnunc mentality” thereby breaching a government’s “paramount responsibility” to cultivate conditions of “warranted self-respect” among its citizenry (Kramer, 2021, p. 140). As demonstrated earlier, the Offence Principle can be exploited to criminalize harmless conduct. For instance, the Offence Principle could potentially be utilized to prohibit public displays of affection among unmarried adult couples.

In this respect, Kramer asserts that the Offence Principle is “self-aggrandizing” because “it takes for granted that one’s fellows can permissibly be prevailed upon” to refrain from publicly displaying affection for each other (Kramer, 2021, p. 140). It is also “self-abasing” because “it makes the success of a system of governance partly dependent on the decisions of citizens to alter their jejune ... pursuits in response to directives from the system’s officials” (Kramer, 2021, p. 141).

Where my critique of the Offence Principle does not rely on any value-laden judgements about the underlying conduct, Kramer’s critique relies on the contentious notion that a government is obligated to promote *warranted* self-respect and is thus inextricably tied to value judgements about individuals’ conduct. Hence, despite the strength of Kramer’s argument, we need not follow him into such vexed territory as I have demonstrated that the Offence Principle can be repudiated via less disputable means.

Indeed, even though Kramer’s critique rests on an insistence that government can never legitimately exercise power to browbeat individuals into acquiescing to state-prescribed lifestyle choices, his argument is nevertheless incredibly protean. It could hence be manipulated by edificatory perfectionists as a justification for a government to exercise power in precisely the manner he abjures.

Edificatory perfectionists can achieve the same outcomes as the Offence Principle by exploiting Kramer’s emphasis on *warranted* self-respect so as to proscribe what they deem to be licentious lifestyles. Kramer distinguishes between “self-respect”, which he defines as “compris[ing] ... [one’s own] sense of self-worth, and ... [one’s own] sense of self-confidence” (Kramer, 2017, p. 301), and “warranted self-respect”, which refers to the objectivity of one’s appraisals of one’s self-worth (Kramer, 2017, pp. 323–324). His theory might therefore be extended to make it such that acts which are widely considered degrading could be prohibited because they detract from a government’s paramount obligation to bring about conditions “under which every citizen can be warranted in harboring a high level of self-respect” (Kramer, 2017, p. 327).

What is more, Kramer has asserted that citizens “can be warranted in experiencing vicarious pride about [their society’s] excellences and vicarious dismay over its shortcomings” (Kramer, 2021, p. 149). This entails that individuals could “warrantedly” conclude that “the trajectory of [their] li[ves] will be substantially worse ethically” if a system of governance turns a blind eye to what they deem to be decadent lifestyles (Kramer, 2021, pp. 151–152). Consequently, Kramer’s critique, being moored to the concept of warranted self-respect, can be exploited to achieve the self-same ends as the Offence Principle, albeit by different means.

Given the overall neutralist tenor of his arguments, Kramer, upon seeing his theory distorted by edificatory perfectionists, might be convinced to shed his underlying premise about warranted self-respect (Kramer, 2017, pp. 193–250). But even without its

underlying premise, Kramer's argument still carries bite. To be sure, regardless of whether one favours the neutralist argument I have marshalled or Kramer's quidnunc mentality analysis, it is clear that the Offence Principle cannot be a sufficient basis for criminalizing Pure Cannibalism. Any system of governance that relies on the Offence Principle to criminalize Pure Cannibalism thereby undermines its own moral legitimacy.

6. Conclusions

In conclusion, this paper has demonstrated that not only is Pure Cannibalism legally permissible in England and Singapore, it is also morally permissible as a corpse is neither a Kantian person nor capable of being a rights-holder under the interest theory. Moving forward, Pure Cannibalism should hence continue to remain unregulated in both England and Singapore.

Indeed, it would be incoherent for English law to impose regulations specifically on Pure Cannibalism when, as mentioned, it leaves unregulated other similar practices such as decapitating corpses. In the case of Singapore, the spectre of criminalization under both ss 300 and 308B of the Penal Code should be sufficient to ensure that cannibalism remains confined within boundaries that acknowledge other concerns such as the necessity for corpses to be identified.

It might be argued that Pure Cannibalism should instead be governed by an MTERA-like regime which, as highlighted earlier, requires those who wish to donate their organs to medical research to gift them for that purpose. Thus, it might be argued, anyone wishing to carry out Pure Cannibalism should first obtain the express consent of the deceased or his relatives before their cannibalism can be deemed legally permissible.

However, such an argument is unsustainable as, given that a corpse is neither a person nor a rights-holder, there is no reason why the prior consent of the deceased or his relatives should serve as an impediment to a putative cannibal's corpse consumption. Indeed, to the extent that statutory regimes governing corpses, such as HOTA and MTERA, are premised on the notion that a corpse's interests can be set back, such regimes are *prima facie* unjustified. This does not necessarily entail that such statutes should be repealed as they might, like s. 308B of the Penal Code, be grounded by other reasons. One possible concern underlying HOTA and MTERA might be the worry that, absent regulation, corpses would be plundered to further commercial ends.

Ultimately, this paper has demonstrated that there is great incongruity between societal perceptions of cannibalism and its actual legal and moral permissibility. This incongruity suggests that there might be other types of conduct for which public sentiment diverges from moral facts. Necrophilia might be a practice where such a variance exists. It is true, of course, that necrophilia, unlike Pure Cannibalism, is legally proscribed (Penal Code, 1871, s. 377; Sexual Offences Act, 2003, s. 70; see Appendix A.2.). The question, however, is whether there are compelling grounds for such proscription and, on the basis of the conclusions established herein, there do not appear to be any. While it is beyond this paper's scope to flesh out the merits and demerits of continuing to criminalize necrophilia, this paper has certainly demonstrated that regardless of any public outrage, Pure Cannibalism should continue to be legally permissible.

Funding: This research received no external funding.

Conflicts of Interest: The author declares no conflict of interest.

Appendix A

Appendix A.1. Cases

Dudley and Stephens, 14 Q.B.D 273 (1884).
PP. v. Tang Koon Huat, SGDC 221 (2017).
R. v. Bryan, E.W.C.A. Crim. 379 (2006).
R. v. Lynn, 2 T.R. 733 (1788).
R. v. Morley, E.W.C.A. Crim. 1302 (2009).
R. v. Price, 12 Q.B.D. 247 (1884).
R. v. Sharpe, 169 E.R. 959 (1857).
R. v. Swindell, 3 Cr. App. R(S). 255 (1981).

Appendix A.2. Legislation

Coroners Act 2010 (2020 Rev. Ed. Sing).
Environmental Public Health (Crematoria) Regulations (Cap. 95, Reg. 6, 2000 Rev. Ed. Sing).
Human Organ Transplant Act 1987 (2020 Rev. Ed. Sing).
Medical (Therapy, Research and Education) Act 1972 (2020 Rev. Ed. Sing).
Penal Code 1871 (2020 Rev. Ed. Sing).
Sexual Offences Act 2003, c. 42 (UK).

References

- Anomaly, J. (2014). What's wrong with factory farming? *Public Health Ethics*, 8(3), 246–254. [CrossRef] [PubMed]
- Beggs, A. (2022, July 23). A taste for cannibalism? *The New York Times*. Available online: [link to the article](#) (accessed on 9 October 2025).
- Brooks-Gordon, B., Ebtehaj, F., Herring, J., Johnson, M., & Richards, M. (Eds.). (2007). *Death rites and rights*. Hart Publishing.
- Carter, I. (1999). *A measure of freedom*. Oxford University Press.
- Darvill, T. (2008). *The concise Oxford dictionary of archaeology* (2nd ed.). Oxford University Press.
- Demme, J. (Director). (1991). *The silence of the lambs* [Film]. Orion Pictures.
- Fabre, C. (2008). Posthumous rights. In M. H. Kramer, C. Grant, B. Colburn, & A. Hatzistavrou (Eds.), *The legacy of H.L.A. Hart: Legal, political, and moral philosophy* (pp. 225–238). Oxford University Press.
- Feinberg, J. (1988). *The moral limits of the criminal law: Vol. 2. Offense to others*. Oxford University Press.
- Finnis, J. (2011). Commensuration and public reason. In J. Finnis (Ed.), *Collected essays: Vol. 1. Reason in action* (pp. 233–255). Oxford University Press.
- Gaus, G. (2022). *Public reason and diversity: Reinterpretations of liberalism* (K. Vallier, Ed.). Cambridge University Press.
- Gomes, A., & Stephenson, A. (Eds.). (2024). *The Oxford handbook of Kant*. Oxford University Press.
- Grenberg, J., & Vinton, M. (2024). Kant on humanity. In A. Gomes, & A. Stephenson (Eds.), *The Oxford handbook of Kant* (pp. 334–352). Oxford University Press.
- Grose, A. (2010, December 23). Cannibalism: More captivating than we like to think. *The Guardian*. Available online: [link to the article](#) (accessed on 9 October 2025).
- Haag, J. (2024). Kant on duty and moral motivation. In A. Gomes, & A. Stephenson (Eds.), *The Oxford Handbook of Kant* (pp. 315–333). Oxford University Press.
- Harris, J. (2013). Doing posthumous harm. In J. S. Taylor (Ed.), *The metaphysics and ethics of death: New essays* (pp. 213–221). Oxford University Press.
- Herring, J. (2007). Crimes against the dead. In B. Brooks-Gordon, F. Ebtehaj, J. Herring, M. Johnson, & M. Richards (Eds.), *Death rites and rights*. Hart Publishing.
- Hill, T. E., Jr. (1991). *Autonomy and self-respect*. Cambridge University Press.
- Jones, I. (2017). A grave offence: Corpse desecration and the criminal law. *Legal Studies*, 37(4), 599–620. [CrossRef]
- Kahan, A. S. (2023). *Freedom from fear: An incomplete history of liberalism*. Princeton University Press.

- Kant, I. (1998). *Groundwork of the metaphysics of morals* (M. Gregor, Ed.). Cambridge University Press. (Original work published 1785).
- Kant, I. (1999). *Metaphysical elements of justice: Part I of the metaphysics of morals* (J. Ladd, Trans.; 2nd ed.). Hackett. (Original work published 1797).
- Kant, I. (2006). *Anthropology from a pragmatic point of view* (R. B. Loudon, Ed.). Cambridge University Press. (Original work published 1798).
- Kant, I. (2009). *Religion within the bounds of bare reason* (W. S. Pluhar, Trans.; 2nd ed.). Hackett. (Original work published 1792).
- Kant, I. (2017). *The metaphysics of morals* (L. Denis, Ed.; M. Gregor, Trans.; 2nd ed.). Cambridge University Press. (Original work published 1797).
- Kramer, M. H. (2000). Rights without trimmings. In M. H. Kramer, N. E. Simmonds, & H. Steiner (Eds.), *A debate over rights: Philosophical inquiries*. Oxford University Press.
- Kramer, M. H. (2001). Do animals and dead people have legal rights? *Canadian Journal of Law and Jurisprudence*, 14(1), 29–54. [CrossRef]
- Kramer, M. H. (2011). *The ethics of capital punishment: A philosophical investigation of evil and its consequences*. Oxford University Press.
- Kramer, M. H. (2017). *Liberalism with excellence*. Oxford University Press.
- Kramer, M. H. (2021). *Freedom of expression as self-restraint*. Oxford University Press.
- Kramer, M. H. (2024). *Rights and right-holding: A philosophical investigation*. Oxford University Press.
- Lu, M. (2013). Explaining the wrongness of cannibalism. *American Catholic Philosophical Quarterly*, 87(3), 433–458. [CrossRef]
- McPherson, T. (2018). The ethical basis for veganism. In A. Barnhill, M. Budolfson, & T. Doggett (Eds.), *The Oxford handbook of food ethics* (pp. 209–240). Oxford University Press.
- Mufson, B. (2018, June 22). We asked an expert why you think cannibalism is gross. *Vice*. Available online: [link to the article](#) (accessed on 9 October 2025).
- Murphy, R., & Brennan, I. (Executive Producers). (2022). *Dahmer – Monster: The Jeffrey Dahmer story* [TV Series]. Netflix.
- Noble, L. (2011). *Medicinal cannibalism in early modern English literature and culture*. Palgrave Macmillan.
- Nwabueze, R. N. (2019). Regulation of bodily parts: Understanding bodily parts as a duplex. *International Journal of Law in Context*, 15(4), 515–535. [CrossRef]
- Oldak, S. E., Maristany, A. J., & Sa, B. C. (2023). Wendigo psychosis and psychiatric perspectives of cannibalism: A complex interplay of culture, psychology, and history. *Cureus*, 15(10), e47962. [CrossRef] [PubMed]
- Oxford English Dictionary. (2018). Oxford University Press. Available online: [link to the article](#) (accessed on 9 October 2025).
- Partridge, E. (1981). Posthumous interests and posthumous respect. *Ethics*, 91(2), 243–264. [CrossRef]
- Quong, J. (2010). *Liberalism without perfection*. Oxford University Press.
- Rawls, J. (1993). *Political liberalism*. Columbia University Press.
- Raymond, S., Léger, A., & Gasman, I. (2019). The psychopathological profile of cannibalism: A review of five cases. *Journal of Forensic Sciences*, 64(5), 1568–1573. [CrossRef] [PubMed]
- Raz, J. (1986). Value incommensurability: Some preliminaries. *Proceedings of the Aristotelian Society*, 86, 117–134. [CrossRef]
- Schafer, K. (2024). Kant on method. In A. Gomes, & A. Stephenson (Eds.), *The Oxford handbook of Kant* (pp. 1–24). Oxford University Press.
- Schutt, B. (2017). *Eat me: A natural and unnatural history of cannibalism*. Profile Books.
- Sensen, O. (2009). Dignity and the formula of humanity. In J. Timmerman (Ed.), *Kant's groundwork of the metaphysics of morals: A critical guide* (pp. 102–118). Cambridge University Press.
- Sickmueller, M. (2022, March 6). An analysis of Michel de Montaigne's "On the Cannibals". *Retrospect Journal*. Available online: [link to the article](#) (accessed on 9 October 2025).
- Timmons, M. (2017a). Kant's grounding project in the doctrine of virtue. In M. Timmons (Ed.), *Significance and system: Essays on Kant's ethics* (pp. 175–218). Oxford University Press.
- Timmons, M. (2017b). Perfect duties to oneself as an animal being. In M. Timmons (Ed.), *Significance and system: Essays on Kant's ethics* (pp. 219–240). Oxford University Press.
- Timmons, M. (2021). *Kant's doctrine of virtue: A guide*. Oxford University Press.
- Twilley, N., Graber, C., & Gastropod. (2017, October 31). How cannibalism became taboo: A brief history of a surprisingly common tendency among animals, humans included. *The Atlantic*. Available online: [link to the article](#) (accessed on 9 October 2025).
- UK Government and Parliament Petitions. (2024, May 3). *Prohibit cannibalism in the UK*. Available online: [link to the article](#) (accessed on 9 October 2025).
- Varden, H. (2020). Kant and moral responsibility for animals. In J. J. Callanan, & L. Allais (Eds.), *Kant and animals* (pp. 157–175). Oxford University Press.
- Warren, M. A. (2000). *Moral status: Obligations to persons and other living things*. Oxford University Press.
- Weinrib, E. J. (2022). *Reciprocal freedom: From private law to public right*. Oxford University Press.
- Werth, N. (2007). *Cannibal Island: Death in a Siberian gulag*. Princeton University Press.

- Wisnewski, J. J. (2004). A defense of cannibalism. *Public Affairs Quarterly*, 18(3), 265–272.
- Wisnewski, J. J. (2024). *Living with the dead: On death, the dead, and immortality*. Routledge.