

Carnivorosity or Necro-Cannibalism: Corpse Cases in Early Japanese Colonial Taiwan

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ABSTRACT

Through the review of three criminal cases of 1911 that involved eating of dead bodies, this article analyzes the then circumstance of Japanese colonial rule with westernization and modernization of its legal system, and explores how the Japanese judicial circle constructed the identity of the legal profession in early colonial Taiwan.

The Kavalan case highlighted the legal debate on Article 190 of the Penal Code of Japan. To the Japanese judicial circle in Taiwan, the debate regarding the eating of dead tissue/ flesh centered around the controversy on whether the dead body was defined as person or non-person. Despite of diverse views on such held by the Japanese administrative authority and the Taiwanese folk society, the Japanese judges adhered to the 'more advanced' legal practice in line with the 'more civilized' western jurisprudence, thus rendering the indigenous or Taiwanese traditions and customs as 'backward' or 'savage'.

However, the cognition of Japanese judges and lawyers on the western legal system was far from thorough during early colonial rule. Hence, their practice of 'rule by law' was through trial and error. While the same Penal Code was applied in both Japan Mainland and colonial Taiwan, there were different legal interpretations regarding these corpse cases. Not only did the Japanese judicial circle in Taiwan show digression and independence from Japan Mainland, there was direct adoption of legal practice from the European jurisprudence.

Keywords: Corpse (/Dead Body), Stillbirth, Japanese Judicial Circle in Taiwan, Colonial Legal Practice, Penal Code of Japan