

Moral Dilemma- A Case for Cannibalism

The Queen v. Dudley and Stephens (1884)



Brief Fact Summary. The Defendants, Thomas Dudley (Mr. Dudley) and Edwin Stephens (Mr. Stephens) and two other gentlemen (Mr. Brooks and the victim, Richard Parker) were stranded on a boat for several days. When it appeared that the whole party would likely die of thirst and starvation, the Defendants decided to sacrifice Mr. Parker for the good of the rest.

Facts. The defendants, Mr. Brooks and the victim, Mr. Parker, were English seamen. Mr. Parker, the cabin boy, was 17 years old, an orphan without family and an inexperienced seaman. They were sailing from England to Sydney, Australia, to deliver the yacht (the Mignonette) to the owner. On July 5th, an accident at sea occurred. A wave struck the yacht and washed away the lee bulwark. They had no choice but to abandon ship and get into a flimsy lifeboat. The yacht sunk within five minutes of being hit by the wave, and so the crew managed only to salvage vital navigational instruments along with two tins of turnips and no fresh water.

Over the first night, the crew had to fight off a shark with their oars. They were around 700 miles from the nearest land. Dudley kept the first tin of turnips until July 7th when its five pieces were shared among the men to last two days. The crew consistently failed to catch any rainwater and by July 13th, with no other source of fluid, they began to drink their own urine. After the group had been

without food for seven days and without water for five days, the Defendants spoke to Mr. Brooks about sacrificing the victim Mr. Parker to save the rest. Mr. Brooks dissented and the victim was not consulted. Mr. Dudley suggested that if no vessel was in sight the next morning, they would kill the victim. The following day, with no prospect of rescue in sight, Dudley and Stephens silently signalled to each other that Parker would be killed. Killing Parker before his natural death would better preserve his blood to drink. Dudley said a prayer and, with Stephens standing by to hold the youth's legs if he struggled, pushed his penknife into Parker's jugular vein, killing him. The three remaining castaways fed upon the victim for four days at which time a passing vessel rescued them. Dudley describes their rescue in his journal:

“On the 24th day, as we were having our breakfast, a ship appeared at last”. The three survivors were taken back to England where they were arrested and tried. They claimed they had acted out of necessity and the prosecutor argued back that murder is murder so the case went to trial.

Decision-Time: Imagine you are the jury. Put aside the issue of law. Rather, you are charged with deciding whether or not what they did was morally permissible.

Further Consideration: If Richard Parker HAD consented, would it make it morally permissible?

Summary of the types of moral reasoning

Defense:

1. Necessity, dire circumstances makes the actions of the defendants morally permissible
2. #s matter: Killing one to save three, especially when we take the wider effects of this action into account. Namely, the three defendants had family back home, children, dependents, while Parker was an orphan and no one would miss him. So, if you add up the balance of lives saved and the relative happiness caused by saving those lives, then you could justify their actions to kill Parker.

Prosecution:

1. Murder is *categorically* wrong even if it increases the overall happiness of society. But WHY is murder categorically wrong? Is it because even cabin boys have certain fundamental rights, and if so, where do those rights come from?
2. Maybe a lottery would have made a difference- that is not a categorical objection, it's saying that everyone must be counted as an equal, even if at the

end of the day one can be sacrificed for the general welfare. This raises another question though: WHY does agreement to a certain procedure justify whatever result flows from the operation of that procedure?

3. Consent: If the cabin boy had agreed himself then it would be alright to take his life to save the rest, because then at least we are acknowledging his rights. However, this raises a further question: Why does an act of consent make such a moral difference that an act that would be wrong would be made right with consent?

To investigate these three ideas, we have to read three different moral philosophies.