

A question of ethics: the common law tradition

[Law](#), [Justice](#)



When Dudley proposed that one of the four lives on the boat should sacrifice to save others on the life boat, Stephens agreed but Brooks refused. Even though the boy was not asked for his opinion; Dudley killed him. A day after, these men were saved by a passing vessel. Afterwards, they were taken tried for the murder of the boy.

The answer is simple: the only justifiable taking of another's life is in self-defense. Since the young boy did not threaten to Dudley, Stephens, and Brooks, self-defense is not a viable defense. If the men were excused from punishment for murder however necessary to survive, it would condone other takings for self-benefit. In the end, the men should have been punished under the law for the crimes that they committed.

One can easily judge that the man who ate up the boy should be hanged as murder can never be justified. One cannot claim the minimal punishment just because they were hungry and required sustenance for survival. No human has the right to judge the survival capability of other and this was an act of rarest cruelty and should be punished sternly.

The first ethical decision is whether one man's life ever trumps another's life. Other issues include whether a man ever has a right to take another's life regardless of the circumstances, whether all three men should have consented; whether boy should have been given an option; If Brooks is as guilty as the other men by eating the boy's body even though he did not actually kill the boy; and if the men have just waited for the boy to die rather than killing him. The act of killing boy could have been necessary to preserve the men's lives, although there is no way to actually determine that fact.

However, it could still be unethical to take another's life under the presupposition that no man should take another's life.

When deciding cases, the court has the obligation to perform within the letter of the law. Judges know that the spirit of the law is also very important. The judges have the obligations to look beyond the words to the intent of the law as it impacts the issues of the case they are judging.

The judge should follow the law as the law is always correct. The law has been created after careful and long study under several situations and hence this should not be ignored under any circumstances. The judges should not ignore the rule of the land and upheld the punishment for violating the human life.

Judges do have flexibility in applying statutes and precedents. A court can look at a number of factors in making a decision including legal principles, fairness, social values, and customs. This is because no statute or common law can take into account every single circumstance occurring in a case. Furthermore, judges vary in personalities, value systems, and intellects; thus they each bring something different to the interpretation of the "letter of the law."