

The queen vs dudley
and stephens
analysis philosophy
essay



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In this report, I will analyse what are the possible options we would choose when we are in the same situation as Dudley – The Queen v. Dudley and Stephens (1884) with reference to the relevant moral philosophies.

2 Utilitarianism and Categorical Imperative

According to Jeremy Bentham (1748 – 1832), the utilitarian philosophy states that the right thing to do is whatever will maximize utility. He meant utility as whatever produces pleasure or happiness and whatever prevents pain or sufferings. He said that human are governed by the feelings of pain and pleasure and that human like pleasure and dislike pain. This doctrine said that the right thing to do is whatever produces “ the greatest good for the greatest number”.

Immanuel Kant (1724 – 1804) provides us with another alternative philosophy – Categorical Imperative. He said that categorical locates morality in certain duties and right regardless of the consequences. He regards morality not as to maximize happiness but rather regard people as an end, and never as a means to an end. We should treat people with respect and not use them as mere instruments.

3 Moral and Ethical Issues Raised

Some moral issues raised from this case would be that ‘ Would it be morally justified to kill an innocent person out of necessity in order to prevent many innocent persons from dying?’; ‘ Would it makes a difference if Parker gave consent to be the one being killed?’ and ‘ Will it be morally justified to feed on Parker, assuming he died naturally?’

4 Viewpoints of Captain Thomas Dudley and Edwin Stephen

Both Dudley and Stephen claimed that they killed and ate Parker. Under the extreme situation, they had no choice but to kill someone out of necessity.

Why is necessity so important to the extent that someone will kill another person in order to save others? According to Oxford dictionary, necessity is defined as a thing that you must have and cannot manage without. Maslow's hierarchy of needs states that you have to fulfill the basic physiological needs before other needs. Physiological needs refer to food, air, water, etc. Dudley and Stephen were faced with the situation without food and water.

I believe that the fear of dying (without food and water for several days) makes them do anything in order to survive for a short while longer to sustain hope of rescue. Their own lives and families motivated them to kill Parker. The decision made might be unacceptable by others. Majority in the same situation as them would have probably done the same thing.

For instance, during the famine period (1609 - 1610) in colonial Jamestown, colonists turned to cannibalism. One man was confessed to have killed and eaten his pregnant wife out of necessity (Colonial Williamsburg, 2007).

They think that the best decision that will benefit most of the people would be to kill Parker, the weakened and ill, since he is the most likely to die before them. They had families to support unlike Parker who had no dependents (Michael Sandel, 2009). Therefore, the death of Parker will not only benefit Dudley and Stephen, but also their families in terms of financial support.

They do not regard this as morally incorrect as the decision made was for “the greatest good for the greatest number”. Professor Michael Sandel’s example – The Runway Trolley shows that most of the people would turn the trolley car onto the side track, killing one person instead of five persons for the first scenario. This is similar to the case of Dudley and Stephen where they will kill one person in order to save more people. They have made the same decision as what the majority will do.

5 Viewpoints of Dudley and Stephen’s Families

Their interests would be that Dudley and Stephen are morally justified to kill Parker out of necessity and they should not be sentenced. I supposed their families supported utilitarianism as they considered their welfare as a whole would be more beneficial than having all four sailors to die, leaving their families with no support.

6 Viewpoints of Richard Parker

I think that Parker would favour impartiality, where he gets the right to choose. Impartiality would mean that each person’s interests are equally important; from the moral point of view, there are no privileged persons. We must recognise other people’s welfare as important as their own.

Dudley and Stephens disrespected Parker’s individual rights. Everyone has the right to live, however, they only concerned about the sum of satisfactions. All men are endowed with certain inalienable rights and that “among these are life, liberty, and the pursuit of happiness” (The United States Declaration of Independence, 1766). I think that Parker preferred categorical imperative where we treat people as end instead of treating

person as a tool to achieve something else. It would be morally wrong, to use Parker as a tool for their own survival.

7 Viewpoints of General Public

General public would be interested to know how this verdict would impact future similar cases. Precedent becomes binding and must be followed by courts of same rank. If judge allows the use of necessity as a defence, then there will be a higher risk of more atrocious crime and worry about who should decide what is considered as necessity.

8 My Stand as Captain Thomas Dudley

Parker Died Naturally

If Parker died naturally before the rescue came, I would consider feeding on Parker as morally justifiable. I assumed that Parker allows them to feed on him since he would save them if he had died first. This is similar to organs donation when you are dead. This could save someone's life who may be suffering and maximises utility.

Killing a person and letting a person die is different. One who kills result in death, whereas one who let a person die merely allows nature to take its course. If killing and letting die were equally morally wrong, then we are responsible for the deaths of those whom we are unable to save as well as deaths of those whom we kill. This implies that failing to assist the famished Africans would be moral wrong. However, I think that we have different responsibilities towards these two situations. To kill a person is worse than allowing a person to die.

Murder is Inherently Wrong

I think that murder is considered as fundamentally wrong, no matter under what situation; murder is still not morally permissible. No doubt that sometimes murder is used as self-defense. If they were to do so, then what is the difference between them and the person who is causing danger to them? I agree to Kant's idea that it is unfair to use people as instruments to achieve their own goals.

Individual Rights

I believe that humans have certain fundamental rights. However, utilitarianism said that it produces greater unhappiness over happiness by only taking account of individual needs. To promote the general welfare will result in no priority given to our own interests. It stated that every person's life and interest rank equally with everyone else's.

I do not think that majority can represent the wish of the group. The priorities expressed by the group might be different from the priorities of each individual member. Having voting procedure as a choice is an important issue; however issues concerning the principles on which priorities should be compared, and who should decide takes precedence.

For instance, if a parent thinks that by sacrificing his child to be burned in a building, thinking that someone else in the building should be saved as his future contribution to the general welfare seems greater than the child's.

(Cyndi Banks, 2004) I regarded the parent's act as immoral. Family and friends are not just members of humanity; they are special to us and if we

were unable to show more concern for their welfare than others, then it would not be even possible to care for the general public who are not special to us.

Common Currency of Value

It would be inappropriate to put a common currency of value to human life. The value of life is unlike the value of other commodities for which cost-benefit analysis can be used. Human life is beyond calculations and assigning monetary terms to it does not suffice. This is because we do not have a measure of health (life), only measures of illness.

Consent

Would consent given by Parker be morally justified for Dudley to kill Parker? I think that the consent given by Parker would be justified but not necessary morally justified for Dudley to kill him. This merely lessens Dudley's guilt, but still morally incorrect.

Necessity

I understand that under extreme situation, the fear of dying and Dudley and Stephen's families would make them do something that they would not have done previously. Parker was an orphan and had no dependents further motivates them to kill Parker. However, I think that under no circumstances that someone has the power to voluntary take another person's life.

Lord Denning laid down the general approach from the case of Southwark London Borough Council v Williams (1971) that necessity should be denied

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as a defence otherwise disorder would follow. He added that if hunger was allowed to become the basis of necessity, any poor person might seek to justify burglary to steal food by saying that he or she had reasonable believed that this was a response to the threat of malnutrition.

I believe that general public would not want this to happen. Even in Bentham's point of view, to measure the overall happiness, I think it would be more appropriate to include the general public's interests instead of just Dudley, Stephen and their families.

My Decision as Dudley

Reviewing all the reasons, if I were Dudley, I would not kill Parker and rather wait for rescue or wait for Parker to die naturally and consume him to survive longer to sustain hope of rescue. I supported categorical imperative as I felt that murder is still considered inherently and morally wrong, even out of necessity.

There might be a possibility that Dudley's family would be grieving if he dies from starving by not killing Parker to consume. I feel that Dudley as a captain has the responsibility to take care of his crews.

9 Conclusion

People determine the right thing to do base on different philosophies for different situations. They tend not to follow one particular philosophy at all times. I think that there are no such things as moral philosophies, as what one believes to be moral might differ from another person.

For example, the case of ticking time bomb, where torturing of terrorist is required to reveal the bomb's location (Michael Sandel, 2009). Majority would agree to torture the terrorist to save thousands of lives even we are uncertain of whether he knows about the location or if he is innocent. Even though it violates individual rights but I think that it is not about morally right or wrong (although I would consider this as morally wrong) but rather you must do it even though you knew it was wrong.

The difference between this case and Dudley's case would be the impact. In the terrorist's case, not only thousands of lives are involved, the impact is greater where other countries might also be affected as well (financial and tourism).

Secondly, I think not guilty does not equate to morally correct and vice versa. Similarly, law and morality are not the same, and many things may be immoral which are not necessarily illegal.

Lastly, I think that it would be a wise decision for not allowing necessity to be used as defence. Lord Denning had said that by allowing necessity as a defence, disorder would follow. Then what is the purpose for having law and justice? Law is to uphold the justice in society, if necessity can be used as defence, and then there would be plenty of excuses for the wrongdoer.