

The filipino and the drunkard

Law



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I would take a stance that the Filipino is guilty for third-degree murder because there was no intent on his part to kill the drunkard but there was an intention to hurt him. It was clear that from the verbal abuse of the American, he was propelled towards a deep sense of rage. To address the threats of the drunkard he retaliated by threatening the man while he was inside a compartment of the lavatory. " Go away he said. I have a knife. I do not want any trouble" (Saroyan, p. 60). This shows that the Filipino was only trying to repel the man and to possibly intimidate him with the prospect of his weapon. This confirms his passive aggressiveness to actually inflict injury on another person. Though this may be considered as proof that there was conclusive intent on his part to kill the drunkard, the circumstance of his utterance evidence the contrary. There was unlawful aggression on the part of the drunkard but his actions of stabbing, although it is categorically harassment of a grave nature, does not equate to a real life threatening situation which would make self-defense appreciable. It is not a reasonable means in relation to the type of aggression. There was no overt act on the part of the American that manifests he is without a doubt going to hurt or kill the Filipino. He had no deadly weapon except the fact that he was significantly bigger than the boy. Furthermore, one must consider that he was in a state of drunkenness and this is an alternative circumstance since he does not have the full capacity to grasp his actions and the right state of mind. When the drunkard grabbed hold of the boy and was choking him, we must consider that there was also provocation on the part of the Filipino since he first stabbed the man. It was clear from the facts that the Filipino was already overcome with rage and had decided to hurt the drunkard but he did not want to kill him. On a sudden fit of rage, he stabbed

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the man once. If he was able to thrust his knife multiple times while was held compromisingly by the physically larger drunkard, then, on the first attack he would have already done so. This proves that his initial intention was to somehow physically hurt the man. But to reiterate, he was not completely without fault and to fully absolve him of his acts would be misplaced.