

Name: _____

Block: _____

The Case of the Shipwrecked Sailors

Three sailors on an ocean-going freighter were cast adrift in a life raft after their ship sank during a storm in the Atlantic Ocean. The ship went down so suddenly that there was no time to send out an SOS. As far as the three sailors knew, they were the only survivors. In the raft, they had no food or water. They had no fishing gear or other equipment that might be used to get food from the ocean.

After recovering from the shock of the shipwreck, the three sailors began to discuss their situation. Dudley, the ship's navigator, figured that they were at least 1,000 miles from land and that the storm had blown them far from where any ships would normally pass. Stephens, the ship's doctor, indicated that without food they could not live longer than 30 days. The only nourishment they could expect was from any rain that might fall from time to time. He noted, however, that if one of the three died before the others, the other two could live awhile longer by eating the body of the third.

On the 27th day, the third sailor Brooks, who by this time was extremely weak, suggested that they all draw lots and that the loser be killed and eaten by the other two. Both Dudley and Stephens agreed. The next day, lots were drawn and Brooks lost. At this point, Brooks objected and refused to consent. However, Dudley and Stephens decided that Brooks would die soon anyways, so they might as well get it over with. After thus agreeing, they killed and ate Brooks.

Five days later, Dudley and Stephens were rescued by a passing ship and brought to port. They explained to authorities what had happened to Brooks. After recovering from their ordeal, they were placed on trial for murder.

The state in which they were tried had the following law: Any person who deliberately takes the life of another is guilty of murder.

Directions: Use the narrative about the sailors to answer the following questions to the best of your ability. Please explain, support, and defend all statements.

1) Should Dudley and Stephens be tried for murder? Why or why not?

2) As an attorney for Dudley and Stephens, what arguments would you make on their behalf?

3) As an attorney for the state, what arguments would you make on the state's behalf?

4) If they are convicted, what should their punishment be? Why?

5) What purpose would be served by convicting Dudley and Stephens?

6) What is the relationship between law and morality in this case? Was it morally wrong for the men to kill Brooks? Explain your answer.

7) Can an act be legal but immoral? Can an act be morally right but unlawful? Explain your answer.