

Regina v. Dudley and Stephens (1884)

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On 5 May 1884, the English yacht *Mignonette* started its voyage to Sydney, Australia from the village of Tollesbury in Essex. There was a crew of four on board: Tom Dudley, the captain; Edwin Stephens, the mate; Edmund Brooks, a crewman; and Richard Parker, the ship's boy. The voyage was uneventful until 5 July when, having deviated from the main trade route in search of fair weather, 1,600 miles off the Cape of Good Hope, the yacht was hit by a massive wave and sank within minutes, forcing the crew to put to sea in their lifeboat, a 13-foot open dinghy. For the first ten days, the crew survived on two tins of turnips, whatever rainwater they succeeded in collecting, and the innards and skin of a turtle, hauled aboard on the fourth day. The boat was drifting on the ocean, probably more than a thousand miles away from land.

On the eighteenth day, after seven days without food and five without water, Dudley proposed that lots should be drawn so that one of them could be sacrificed to feed the others. Brooks rejected the proposal and Richard Parker, to whom they were understood to refer, was not consulted. Stephens, although sceptical at first, was eventually persuaded that their only hope of survival lay in killing and eating the boy, by then drifting in and out of consciousness and by far the weakest of the four. On the day of the act in question, Dudley and Stephens spoke of their having families, and suggested that it would be better to kill the boy in order to save their lives, and Dudley proposed, that if there was no vessel in sight by the following morning the boy should be killed. The next day, no vessel appearing, Dudley suggested to Stephen and Brooks that the boy had better be killed. Stephens agreed to the act, Brooks dissented. The boy was lying at the bottom of the boat helpless and extremely weakened by famine and drinking seawater, unable to make any resistance. Dudley then approached the boy with the words, "Richard, your hour has come" and, receiving faint reply, "What? Me, sir?" answered "Yes, my boy" and stabbed him in the neck.

For the next four days all three men, including Brooks, fed on the boy's body and drank his blood. On the fourth day after the act was committed [July 29], the three men were sighted by a German bark, the Montezuma and picked up by it, in the lowest state of prostration. They were carried to the port of Falmouth, where they faithfully recounted the details of the shipwreck and Richard Parker's death to the authorities. They were then charged with murder and tried at Exeter.

discussion questions

1. In what sense is killing in self-defense “necessary”? Was killing Parker “necessary” in the same sense?
2. Was killing Parker morally similar to (or perhaps the same as) killing in cases of self-defense? Why or why not?
3. Was killing Parker morally justified?
4. The law said that killing is justified in cases of necessity, although this defense had only ever been used in cases of self-defense. As you understand the laws from this discussion, do you think killing Parker was legally justified? Why or why not?