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## Case Study #2: *R vs. Dudley and Stephens*

### *Introduction*

Cannibalism is one of the most fascinating historical aspects we can investigate when discussing life on the high seas. Today, we would never consider cannibalism a viable option in nearly every circumstance, at least in most developed countries. However, in the early 1880s, life on the high seas was much different, and, as you may have guessed, societal views and outlooks in general were slightly more skewed during that time. *R vs. Dudley and Stephens* is one of the most fascinating court cases in European maritime history, as it brought the idea of cannibalism and when the act should be considered humane to the forefront of public discussion. For many, this case was quite a touchy subject, as much of the general public at the time had varying opinions surrounding the subject. Because of all the media attention and public outrage at the time regarding this case and its ruling, I think *R vs. Dudley and Stephens* exists as a high-profile, significant case in both British law and maritime history.

As far as why I chose this case, well, it just jumped out to me as a very complex, controversial case. I think it's interesting to explore ideas and concepts we would never consider possible in today's society and investigate what kind of impact they had on people of that time period. *R vs. Dudley and Stephens* is a case that I'm not sure many are familiar with, as it occurred such a long time ago, but I do think it's still an interesting example of the European judicial system in the early 1880s.

### *Summary*

The story of *R vs. Dudley and Stephens* begins in a large courtroom in London, England in 1884, with two veteran sailors standing trial before a supreme judge, their lives hanging in the balance. The two men were part of a small crew who had previously manned a vessel known as the "*Mignonette*". The boat, a small yacht owned by Australian lawyer Jack Want, was never intended for long sailing missions and was largely considered an inland vessel. However, during a recent inspection of his craft, the ship's owner had requested that his captain complete an offshore shipping trip, which would require a much longer, more complex route than normal. Once he had gathered a desirable crew and loaded their cargo, Captain Tom Dudley and his three fellow sailors departed from port. Not long after leaving port, the *Mignonette* dropped anchor for the night. Shortly after, a rogue wave reportedly sent the ship flailing around, eventually capsizing and forcing the four survivors to escape to their lone emergency raft. The survivors remained on this raft for the next 24 days, running through their short supply of water and rations in the first few hours, eventually resorting to drinking turtle blood and salty seawater. At some point during their time on the raft, one of the sailors at the time known as "Parker" became quite ill and showed many signs of weakness. As customary during this time period on the high seas, the four crewmen began drawing "plots" as it's known to decide who would be eaten by the others first when they perished. According to one of the sailors, known as "Brooks", Captain Dudley and crewmate Stephens began plotting to kill Parker that night, fearing certain death from starvation and dehydration. Once night fell on the raft, Brooks recounted that the two stronger sailors overpowered Parker, who put up little to no fight, shoving a penknife through into his jugular, instantly killing him. After slaying their crewmate, the three men then ate and drank from the Parker's remains, gathering the nourishment and hydration necessary to keep them alive for the time being. Sometime later, a research vessel rescued the three men and brought them to safety, with Dudley and Stephens being captured and charged with murder upon landing in London.

In the courtroom, the state argued that even though the circumstances were bleak and the chances of survival seemed slim at the time, the surviving sailors still were not justified in killing their crewmate. The third crewman, Brooks, was considered a witness in the case, testifying against the other two sailors, explaining how he witnessed them plotting and executing the murder of

crewmate. The third crewman, Brooks, was considered a witness in the case, testifying against the other two sailors, explaining how he witnessed them plotting and executing the murder of Parker. The defense's argument that the situation was dire and bleak was found to be weak, as Parker happened to be the smallest, youngest, and all-around weakest member of the crew, making him the lightest target for the two veteran sailors. In the end, the sailors were found guilty, as the court deemed that the need for food and water in such a dire situation did not justify the killing of another human, no matter what the cost. This case would set an important precedent and ingrain this idea within English common law.

#### *Analysis*

Prior to me selecting this case as my desired topic for my second case study, I really had never heard of *R vs. Dudley and Stephens* and was very unfamiliar with the sector of maritime law. Additionally, my only real encounter with the idea of cannibalism came in the form of video games or TV shows, where it was portrayed as some crazy, outlandish act. During my research for a case that was both significant in the history of law as well as notable in an ethical sense, I came across *R vs. Dudley and Stephens*. After discovering this case, I spent some time just reading over the available transcripts and summaries of the courtroom proceedings, looking to get a better grasp on what exactly the arguments between the sailor's defense team and the state looked like. I found it quite interesting that the sailor's defense team attempted to use the public angle of the case to sway the judge and jury within the courtroom. According to available transcripts, the defense lawyers cited how it was customary for stranded sailors to "plot" up their deaths and "space" them out to help the remaining crew members survive on their remains. They also cited how much of the general public at the time sided with the sailors, with many citizens of the crown feeling like they'd make the same decision when faced with a particularly bleak outlook. However, the state did not see this as a viable defense and looked to pick the sailor's team of lawyers apart piece by piece in the courtroom. They argued that while it is, in fact, customary for sailors to "plot" out their deaths and "consume" one another when deemed necessary, the process is almost always done once a sailor has perished, with the crew of said raft waiting until the person succumbed to death first. In this case, the court noted that Stephens and Dudley admitted to killing Parker while he was still alive, though in a very weak, frail state. I found it interesting how the court felt the need to present this