Who's to blame?

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**Age Range:** KS3

**Timing:** The time the activity takes will depend on the depth of discussions but we would recommend a minimum of 30 minutes. A number of extension activities have been included to be used if time permits.

**Curriculum references:**

**Citizenship KS3:** The precious liberties enjoyed by the citizens of the United Kingdom. The nature of rules and laws and the justice system, including the role of the police and the operation of courts and tribunals.

**Cross Curricular Links:**

**SMSC:** Ability to recognise the difference between right and wrong and to readily apply this understanding in their own lives, recognise legal boundaries and, in so doing, respect the civil and criminal law of England.

**English:** Speak confidently and effectively including through using standard English confidently in a range of formal and informal contexts, including class discussion.

**Literacy and Literacy:** This lesson supports aims relating to spoken language, reading and writing and vocabulary development.

**Related lessons plans:**

- Mock Trial Pack

**Context:**

This activity is based on the case of R v. Dudley and Stephens (1884) – two sailors accused of murdering cabin boy Richard Parker, after being cast adrift on the high seas. The activity is used primarily to explore the question of whether we retain personal responsibility for our actions, even in the most acute circumstances.

**Lesson Objectives**

By the end of the lesson students will...

- Distinguish between legal and moral arguments.
- Evaluate the evidence in a case.
- Understand that laws and morals can sometimes come into conflict.

**Worksheets and Resources:**

- Worksheet 1 - Shipwreck!
- Worksheet 2 - The Trial
- Worksheet 3 - A modern day example (optional)
Main Activity: (30 mins)
This activity asks students to distinguish between moral and legal rules, and to decide if it can ever be morally right for a person to break the law.

The activity asks students to examine a true story about the wreck of a ship called the Mignonette. It can be completed as a whole class discussion, using slides 3 - 12.

Alternatively the class can be split into smaller groups. First give the groups a copy of worksheet 1 - Shipwreck! Ask them to discuss the questions on the worksheet.

Once each group has had enough time to discuss the questions in full hand out a copy of worksheet 2 - The Trial and again ask them to discuss the questions.

Background notes:
In order to answer some of these questions students will need to have a general understanding of the law relating to murder and cannibalism.

Murder:
The act of taking the life of another deliberately (with intent) or in circumstances where the accused person exhibits reckless disregard for the life of their victim. The person responsible may be found not guilty if it can be shown that they acted in self-defence, were mentally unstable, or were forced to do the killing.

Cannibalism:
The eating of dead human flesh, it is not against the law.

The Law:
Anyone who helps someone commit a crime is normally guilty of the same crime themselves. For example, the person who acts as a look-out or drives the getaway car in a robbery would be charged with the same offence as the man or woman who held the bank cashier at gunpoint.

In their defence, the sailors stated that they had killed Richard Parker, after 18 days without food and water, to feed upon his blood and organs in order to save their own lives. At the time he was killed, Richard Parker was seriously ill and very weak and – it is generally accepted – would not have survived for many more days.

Cannibalism amongst sailors was not unusual during the nineteenth century. Despite the extreme and difficult circumstances, the two accused were still found guilty of murder. The case remains important today in highlighting that there is, in law, no general defence of necessity – except in cases of self-defence or the prevention of crime.
Extension Activity 1: Newspaper Editorial

Ask students to write a newspaper editorial that may have appeared at the time of the trial, explaining the main details of the case and commenting on the decision reached by the court.

Extension Activity 2: A Modern Day Example

Read through the story on worksheet 3 with the class. Either in small groups, or as a whole class, ask students to discuss the following question:

Q: Alexi claims that he was not involved in killing Andrei, the man died from the freezing temperatures. He did admit, that in his desperation to avoid starvation, he was forced to eat parts of the body. If this is true is Alexi guilty of breaking any laws?

Notes: Under UK jurisdiction there is no offence of cannibalism. If Alexi is telling the truth and Andrei died of natural causes and he was then forced to eat his remains to survive then he had not broken any laws. However, if he played a part in the death of Andrei then he could be charged with murder or grievous bodily harm depending on the circumstances.

Extension Activity 3: Can it Ever Be Right?

Using the list of crimes below ask students to imagine some circumstances in which they believe someone might be justified in breaking the law.

Q: A man steals a drug from a pharmacy
Q: Someone trespasses on another person’s land in order to remove some animals
Q: Someone hits another person on the back of the head
Q: Someone breaks into a home and steals some documents
Q: Someone lies down in the road to stop the traffic
Shipwreck!

On 19th May 1884, four men set sail to Australia from Southampton in a yacht called the Mignonette.

On 5th July, in the middle of the south Atlantic Ocean, a storm arose and the boat was hit by a huge wave. It quickly started to sink. The men had time to grab only two tins of turnips before they climbed into a small open boat.

Soon afterwards, the Mignonette sunk. After three days, the men managed to catch a small turtle but nine days later, this and the few turnips had all gone. They were 1,000 miles from land, with no food and just the occasional drop of water to drink.

Q: What do you think the men should do?

There was, however, one chance of survival - at least for three of the crew. The Captain, Thomas Dudley, suggested that one of them could be sacrificed to feed the others. The men objected. 'If we are to die,' they said, 'we should all die together.'

Two days later they were still without food and water and the youngest member of the crew, Richard Parker, lay almost unconscious at the bottom of the boat. In an effort to quench his thirst he had begun to drink sea water.

The Captain again suggested that one of them should be sacrificed.

Q: What should the men decide? How should they reach a decision?

Q: What should they do if they cannot agree?

As they talked over the problem it seemed that killing Richard was the obvious choice. He was 17 years old, he had no wife or family and he was already on the edge of death. The three men agreed that if no help came by the next day, Richard Parker would have to die. What they couldn't agree, however, was who would do the deed.

The next day arrived and no help had come. And so, with his knife, the Captain slit the throat of the unconscious boy. In case there was a struggle, first mate Edwin Stephens stood ready to hold down Richard’s feet.

Over the next three days, all three men drank the blood and ate the heart and liver of the unfortunate boy. On the fourth day, they were spotted by a ship that stopped to pick them up.

The journey back to England took about six weeks. As soon as they reached Falmouth in Cornwall, the Captain went straight to the police to explain what had happened.

Q: What should the Captain say to the police? Do you think that a crime has been committed? If so, by who?
The Trial

The Captain told the police that Richard Parker had died and explained how it had happened. Shortly afterwards he and Edwin Stephens were charged with murder. No charges were brought against Seaman Brooks.

Q: Do you think the Captain and Stephens should be found guilty of murder? What points would you put forward for your case?

Q: How much responsibility did Seaman Brooks have for what happened? Was he equally to blame?

There was a great deal of interest in the story and it was reported on in detail by local newspapers. Money was collected to pay for lawyers to defend the men in court, and when they were let out on bail, the crowd in the court room applauded.

The trial took place in Exeter nearly two months later. Everyone agreed about the facts of the case and the jury were faced with a difficult task. They sympathised with the men and many wanted to agree that it was not wrong to kill another to save your own life. However, they also recognised that to kill someone intentionally who was not threatening your own life must be murder.

Q: What verdict do you think you would have reached if you had been a member of the jury?

The judge offered the jury a way out of this problem by allowing them to take the unusual step of a ‘special verdict.’ In this, the jury stated the facts of the case, but left a panel of five judges to decide whether the men were guilty of murder.

A month after the jury gave their special verdict, five judges convicted Dudley and Stephens of murder. The judges did not accept the argument that the two men acted in self-defence in order to save their own lives, and felt that Richard Parker’s death was no more necessary than the death of one of the others would have been.

Q: Do you agree with this verdict?

At that time, anyone found guilty of murder would normally have been executed. However, because of the unusual circumstances it was stated that Queen Victoria would be advised to save the two men from the gallows. Five days later the two men were instead sentenced to six months in prison.
A modern day example

In 2012 Alexander Abdullaev, Alexei Gradulenko, Viktor Komarov, and Andrei Kurochkin set out on a three week fishing trip in Eastern Russia.

Three months later Alexander and Alexei were picked up by a rescue helicopter, both were suffering from extreme exhaustion, near starvation and frostbite having been trapped by flood water and forced to survive in temperatures as low as minus 30°C. The other two men were not with them.

Whilst investigating what happened police found the bloody remains of Andrei Kurochkin. The body of Viktor Komarov was never found, he is now presumed dead.

Soon after their rescue a murder investigation was launched as suspicions arose that Alexander and Alexei had killed and eaten their friend, something the two strongly denied stating they had left Andrei and Viktor in an abandoned house whilst they looked for help.

The two men later admitted to eating the body. They claimed that they had not killed Andrei, he had frozen to death. In their desperation to survive they had been forced to eat his remains.

A Russian court threw out the murder charges and Alexei was convicted of causing bodily harm for which he was given a suspended three-and-a-half year jail sentence. No charges were bought against Alexander.