

February 2, 2006  
Legal Studies 250

speaking hence Spelunker Explorers. :)

1. Five explorers were hiking when they were trapped in a cave by a landslide. They chose to kill and eat one of their own in order to survive until rescue was possible. Initially, the four men were convicted of murder under the statute that says: "Whoever shall willfully take the life of another shall be punished by death." The judges in the case are ruling on whether or not the men trapped in the cave committed murder and should be executed.
2. I believe the main reason for the different rulings is the ambiguity and interpretations that are built into any statute written down. The makers of the law could not have possibly foreseen all possible cases where one human kills another and included them in the written statute. *Is this law ambiguous?*
3. One example where the law has classically been reinterpreted is the word "willfully." The judges have different opinions on whether or not the four men acted willfully as well as how strictly to interpret the actual written law. A more important issue was the judges' own feelings and opinions on the case as human beings. They all agreed that they believed the men did not deserve to be executed. In addition, they had to consider the ten workers who were killed in the rescue effort and the overwhelming public opinion that supported the explorers. *good*
4. I found judge Handy's opinion to be the most persuasive. I feel he adroitly described the purpose of government with his statement: "Government is a human affair, and that men are ruled, not by words on paper or by abstract theories, but by other men." The judges who voted to uphold the sentence did not personally believe that the men should actually be executed. I feel Handy effectively confronted their comments: "The Chief Justice, on the other hand, wants the application of common sense postponed to the very end..." and "[Judge Tatting] is quite content to have the fate of these men decided out of court by the Prosecutor on the basis of common sense." He explains how the legal system inherently relies on common sense when juries are selected to decide the fate of defendants. Jurors are men and women selected from the general public. They probably do not have an extensive knowledge of law, as do the lawyers and judges, yet they are given the power to decide the fate of their peers. *very good use of quotes!*
5. I believe that Judge Keen's argument to uphold the sentence was the most convincing argument supporting that decision. He acknowledged that as a private citizen he would want to see the men go free. However, Keen made it clear that he would separate his own feelings from what he believed to be his purpose as a judge. With the distinction between the moral and legal scope of the written statute, he presented a strong case to convict the four explorers within the legal scope. They willfully took the life of their companion, as he did not present any immediate threat to any of the four other explorers. I can respect and agree with Keen's position that his job is to defend the statute as it is written to maintain legal standards in the future.
6. This case makes it apparent that the law is definitely anything but straightforward. I was not surprised, because I have heard other real cases that posed the basic

problems of interpreting the law that were seen here. We are not perfectly logical and allow our feelings to enter the decisions we make; it is part of being human. As long as people are the heart of the law (creating, enforcing, and interpreting it) then it will never be straightforward.