

Is Law Straightforward?

In the case of the Speluncean Explorers, it is evident that there are many reasons why the judges, in this case, came to different conclusions. For this response, I will look at the case through both positive law and natural law lense in an attempt to find a balance between both theories that are applicable to this case. It is of the public's understanding that a judge's job is to interpret and uphold the law. With this being the job it is important to understand that each judge has their own background that could hinder their view of the law ranging from previous cases they have worked on to their childhood. For this specific case, the only law to uphold and interpret in the society states that "whoever shall willfully take the life of another shall be punished by death". This law can be interpreted in various ways based on the biases of each judge. A judge that leaned more towards positive law theory could say that under no circumstances can someone kill. If that were the case that takes away the right of self-defense and defense of your nation through militaristic use. On the other hand, a positive theorist could say that "willingly" excludes self-defense and the option to plead not guilty by reason of insanity. Natural law judges could argue who is to say that one life is more important than another as in the rescue team versus the amateur hikers that got themselves into this situation. Either way, the judge first has to interpret what the law is saying thus making the law not straightforward.

After reviewing the case the pressing legal issue is who should be held accountable for the casualty of Roger Whetmore. The issue of accountability can be debated far beyond those that were in the cave with Whetmore. Before Whetmore passed he made a call to the outside world that had the chairman, physicians, and a secretary of the society who was a justice of the peace. Every person listed previously could be held responsible for not speaking up to stop the death of one of the hikers when asked about killing someone. Were they "willing" to let someone die by remaining silent instead of advising alternative decisions? Instead of responding to Whetmore over the device, they took risks they would not have under other circumstances to speed up the rescue, resulting in even more casualties. In addition, accountability can arguably be put onto Whetmore himself. Whetmore is the one that came up with the idea and stated that he had no objections to the fairness of the throw when another hiker offered to throw for him. Some could say that Whetmore essentially gave up his natural rights when he allowed another hiker to throw for them. There is also an argument that could be made that all of the amateur hikers risked their natural rights when they decided to hike unprepared with the notion that a rescue team would be sent out for them if anything were to happen.

Beyond those that could be held accountable for Whetmore's death, the other four hikers in the cave should not be charged guilty of murder. The judge that I found most persuasive is the one that made me finally decide on the verdict of not guilty. The judge being Handy. Handy states that the plaintiff mainly brought this upon himself. Although I ultimately agree with his decision, he had many flaws. His argument goes into outside sources that played a hand in how he came up with his decision. He admits that those in the judicial system are most likely to lose touch with common civilians and that the opinions of those civilians matter. This also persuaded his decision because the general public agreed with him. All of this leads back to the law being an interpretation that is

impacted by outside experience. Law is not meant to be straightforward it is meant to create room for each person to be able to state their side of the case.