

THE CASTAWAY

BACKGROUND

This session is about an issue that comes up in the philosophy of law. One problem for philosophers of law is why some bad things are against the law and some are not. So it is bad to invite someone out for a date and then stand them up. But no-one thinks it should be against the law. But if someone invited me out for a date and didn't turn up, and while I was waiting I dropped a chewing gum wrapper on the ground, that would break the law.

Not many people would say that dropping the wrapper is worse than standing someone up. In the same way there are various kinds of deception and betrayal that can't be prosecuted however nasty and life-shattering they may be to the victim.

One suggested reason for this is that the law works around the idea of 'harm'. So where we see that someone in the community has suffered harm we like to set this right. The law is an organised code for what to do in these situations and a way of settling disputes.

People who believe (or believed, in the past) that adultery should be punishable by law usually claim that adultery is harmful to all society - to marriage and morality itself. For them, it is not a matter of live and let live, because families need to be protected from the spread of marriage-ruining behaviour. This would suggest that they - consciously not - agree that it is harm that makes something against the law.

Does the person who has been stood up suffer harm? In one sense, yes. But it is very difficult to know what harm, and how much they have suffered. Is it actually a problem of being able to measure harm?

So what about things that are wrong, yet not legal? Do they actually involve harm, after all? But are just too hard to make laws apart.

Philosophers often try to solve problems like this with thought experiments: imaginary scenarios, usually very unrealistic ones, that try to consider one thing by itself without any of the distracting context of real life. This is just like a science experiment in a laboratory. Laboratory experiments are as far removed from 'real life' as possible so that we can isolate the true effects of one thing on another without the distractions and mess of real contexts.

The thought experiment in this story is: what if you were completely alone? If there was no-one to harm could you ever do anything bad? The main character in this story does lots of other things before getting into the island. These are included for comparison with the time on the island, but you could miss them all out in your telling.

STIMULUS

Two hundred years ago, there was a woman whose name was Sarah. She had a husband, although he wasn't much of a husband. He was a layabout, a gambler, and a drunk. He never worked to make money, but he just spent hers. She decided to leave him and start a new life somewhere else. She had no money of her own, so one night when her husband was sleeping, Sarah stole his watch. The next morning she sold it and bought a ticket to sail to a new land. Sarah had heard that there was a lot of money to be made in America for anyone who was willing to work hard - and she was a hard worker.

The voyage by ship took 3 weeks and it was dangerous. Captains, sailors, and other passengers could not always be trusted, and neither could the weather. Ferocious storms, or even hurricanes could blow the waves up as high as houses. Every year there were boats that sank in the middle of the ocean or got smashed against rocks close to land.

And that's what happened to Sarah's ship. The wind blew it too close to an island on a stormy night and it hit rocks. The rocks broke a hole in the ship's hull and seawater rushed in. The ship tipped up like a see-saw. Sarah ran onto the deck but the deck started to disappear into the waves underneath her, leaving her floating in the water. Her dress and boots were heavy and dragging her down, so she started to unfasten them.

Nearby in the water was another woman who was having the same problem. She was a weak swimmer and the waves were soon washing over her head, leaving her panicking and gasping for air. She called out for help. But Sarah was having trouble loosening her own clothes and knew she would just sink if she tried to help. She'd also heard that people who panic in the water drown the people that try to help them. So she pulled off her heavy boots and let them sink into the deep. Then unbuttoned her dress. The very next wave lifted it away for ever.

Sarah looked around to see if the other woman was still calling. It was dark, and the storm was loud. Sarah could see no sign of anyone else or hear any voice.

She managed to stay afloat in the water until the storm started to die down and the sky started to grow light. The shore of the island was only a short distance away. She was not a good swimmer and she was tired, but she made it to the beach. She was completely alone.

Two year later she was still on the island. She had worked out how to find food and build a little shelter. She had worked hard to survive. But she hadn't seen a single human being. One day, she was out looking for food, and wandered further than she'd ever gone before - almost to the other side of the island. She found an orange tree. Straight away she picked an orange and started to peel it. She'd only eaten a couple of segments when a group of people came rushing out of the woods and grabbed her.

'Thief!' they shouted, and dragged her back to their village.

It was a village of about a hundred people. They had tools, horses and everything else they needed to farm the land. Sarah explained that she had had no idea there were other people on the island. She didn't know the orange tree belonged to them. She said she was sorry. Then she offered to pay for the orange with coconuts. Then asked if she could join their village and stay.

Their leaders were not sure. This is what they said:

'We left our home country because life was dangerous and unfair. There were so many evil and dishonest people. Even the ones who wanted to be good could not resist temptation. So there was crime and injustice. We came to this island to get away from all that. Everyone here follows the rules. Anyone who lies, steals or hurts another person gets a few warnings but if they don't stop they are made to leave forever.'

They asked Sarah if she was a good person. She said Yes. Then they asked if she could be good all the time.

Sarah said: 'For the last two years, I haven't done a single bad thing.'

One of the women in the group said that Sarah's time alone on the island didn't count.

'It's impossible to do something bad if no-one else is there,' the woman pointed out.

Task Question

- ✓ Is it impossible to do anything bad if you are alone?

Possible extension:

The old woman continues: 'What about your life before you were shipwrecked on the island?'

Sarah replied: 'Everything I have done in my life I believed was right.'

Task Questions

- ✓ Should you always do what you believe is right?
- ✓ If you do, can you ever do anything bad? How?
- ✓ Do you think that any of the things Sarah does in the story are bad?