Measure for Measure, Double-Effect, and Cooperation with Evil

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Introduction

This ethics paper is structured around William Shakespeare's *Measure for Measure* in the context of cooperation with evil and the principle of double-effect as a way of understanding both the principles and the play's ethical circumstances. The first example of the principal of double-effect was given by St. Thomas Aquinas in his 1485 *Summa Theologica*. He writes about the lawfulness of killing in self-defense, "Nothing hinders one act from having two effects, only one of which is intended, while the other is beside the intention."[1] Wellesley College Professor of Philosophy, Alison McIntyre summarizes current understanding of double-effect as, "the distinction between causing a morally grave harm as a side effect of pursuing a good end and causing a morally grave harm as a means of pursuing a good end."[2] I will analyze five instances of double-effect, considering whether harm is a side effect or a means to the end.

Recently, while reading the part of Angelo in *Measure for Measure* with my Shakespeare group, I noticed instances of the double-effect morality. I was intrigued that Shakespeare's last comedy, *Measure for Measure*, was written in 1603, just 115 years after St. Thomas describes double-effect (although I found no indication that Shakespeare read St. Thomas). The moral principles of cooperation with evil and double-effect do not seem to have been extensively examined in analyses of *Measure for Measure*. In addition to considering morality, this paper asserts that great storytelling can more effectively support ethical understanding and teaching.

Principle of Double-Effect

Where is double-effect found in *Measure for Measure*? The most famous instance is when Angelo, acting as the Deputy in the supposed absence of Vienna's Duke Vincentio,

[1] Thomas Aquinas, *Summa Theologica* (II-II, Question 64, Article 7, Answer), accessed 1 May 2022, https://www.newadvent.org/summa/3064.htm.
[2] Alison McIntyre, "Doctrine of Double Effect," *Stanford Encyclopedia of Philosophy*, accessed 23 May 2022. https://plato.stanford.edu/entries/double-effect/.

propositions the nun postulant Isabella to have sex with him in exchange for saving her brother Claudio's life. Claudio has gotten his betrothed Juliet pregnant and has been condemned to death by Angelo for the crime of fornication. The Angelo-Isabella interaction covers several scenes and includes two instances of double-effect. In the first instance (II.ii.25-163), Isabella is urged by her brother's friend Lucio to plead with Angelo, arguing for mercy toward Claudio.[3] We know from her first lines (I.iv.3-5) that Isabella is in favor of strict behavioral and moral control. In her subsequent meeting with Angelo, she expresses conflicting wishes that fornication be punished but her brother spared, "There is a vice that most I do abhor, And most desire should meet the blow of justice; For which I would not plead, but that I must; For which I must not plead, but that I am At war 'twixt will and will not." (II.ii.29-33). Throughout this scene where the pure Isabella pleads for leniency toward vice, she is urged on by Lucio. In a symbolic interpretation of *Measure for Measure*, Lucio represents Satan (that is, Lucio is Lucifer) tempting her.[4] Isabella not only pleads for mercy, but she downplays fornication as when she says, "Good, good my lord, bethink you; Who is it that hath died for this offence? There's many have committed it" (II.ii.86-89).

Let's break down this first instance by considering four classical elements that make up an act with a double-effect, using the structure provided by the venerable Beauchamp and Childress in their chapter on Nonmaleficence.[5] They write of the elements, "Each is a necessary condition, and together they form sufficient conditions of morally permissible action."[6] Here is my ethical analysis of Angelo and Isabella in II.ii.25-163, *1. The nature of the act*, Isabella's

[3] William Shakespeare, *Measure for Measure*, in *The Complete Signet Classic Shakespeare*. Editor, Sylvan Barnet (New York: Harcourt, Brace, Jovanovich, 1972), 1143-1173.
[4] Michael Sugrue, "The Bible and Western Culture – Part III – Lecture 18 – Shakespeare: Measure for Measure," *Michael Sugrue*, 2021, video 12:26. https://youtu.be/NLkENzh_ma8.
[5] Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 2019), 167.
[6] Ibid.

action of pleading for mercy for her brother is morally good, even though it violates her values (#1: *pass*). *2. The agent's intention*, Using the understanding of intention presented by T.A. Cavanaugh, "Intention incorporates a volitional commitment to achieving what the agent grasps as good and realizable by his action,"[7] Isabella's intention is to save her brother Claudio. The bad effect of Isabella violating her own values (by downplaying the vice of fornication) can be tolerated and is not intended, a side effect (#2: *pass*). *3. The distinction between means and effects,* The good effect of (potentially) saving Claudio is not caused by her values violation but by her begging Angelo for pity (#3: *pass*). *4. Proportionality between the good effect and the bad effect,* The good effect of (potentially) sparing her brother's life is proportionately larger and thus outweighs the bad effect on Isabella's values (#4: *pass*). Having passed all four conditions, Isabella's pleading in II.ii.25-163 is both morally permissible and sympathetic to the audience. *Measure for Measure*'s second example of double-effect will not meet these conditions.

After this first meeting in which Isabella has pleaded with passion and eloquence, Angelo becomes obsessed with Isabella. In his soliloquy, we learn that Angelo is aware of his bad motives and intentions, "What dost thou, or what art thou, Angelo? Dost thou desire her foully for those things That make her good?" (II.ii.173-175). Angelo has been previously described by Lucio as being proof against temptation, "a man whose blood Is very snow-broth; one who never feels The wanton stings and motions of the sense, But doth rebate and blunt his natural edge With profits of the mind, study and fast." (I.iv.58). His name means *angel* and he sees himself as a saint, as when he says, "What, do I love her, That I desire to hear her speak again, And feast upon her eyes? What is't I dream on? O cunning enemy, that, to catch a saint, With saints dost bait thy hook!" (II.ii.177-181). As S. Nagarajan writes, "There is a curious resemblance between

[7] T.A. Cavanaugh, *Double-effect Reasoning: Doing Good and Avoiding Evil* (Oxford: Clarendon Press / Oxford University Press, 2006), 111.

Isabella and Angelo."[8] Yet in *Measure for Measure,* it is the *angel* who falls and Isabella who remains a virgin.

Harvard Professor of English and of Visual and Environmental Studies, Marjorie Garber talks about how Shakespeare's original audience would have understood *Measure for Measure*. She writes, "the name Isabella is the Spanish equivalent of Elizabeth… this Jacobean account of a virgin's choices and suasive power has a certain double edged resonance."[9] This reference to the Virgin Queen, Elizabeth I (1533-1603), who had died the year before *Measure for Measure* was first performed, would have been understood by Shakespeare's original audience. Depending on their understanding of the play's symbolism, that audience might also have considered Isabella as representing the Christian Church, and the Duke as symbolic either of God (in a Christian allegorical interpretation),[10] or the newly-crowned King James I (1566-1625), in what we would now call a historicist interpretation.[11]

In soliciting Isabella for sex in exchange for her brother's life, Angelo does not deceive himself that he is asking her to engage in the same vice for which Claudio was condemned. Angelo says, "Which had you rather, that the most just law Now took your brother's life; or, to redeem him, Give up your body to such sweet uncleanness As she that he hath stain'd?" (II.iv.51-54). When she says that she will not give up her soul, he replies that since he is compelling her, the sin will not count (II.iv.54-57). Angelo even tries to seduce Isabella by proposing that she do evil that good may come, "Might there not be a charity in sin To save this brother's life?" (II.iv.54-57). Isabella does not understand him at first, so Angelo gets more and more explicit in

[8] S. Nagarajan, "Measure for Measure – Introduction," in *The Complete Signet Classic Shakespeare*. Editor, Sylvan Barnet (New York: Harcourt, Brace, Jovanovich, 1972), 1139.
[9] Marjorie Garber, *Shakespeare After All* (New York: Anchor Books, 2005), 938.
[10] Sugrue, video 12.15, 13.40, 26.26.
[11] Garber, video 16.50.

his demands, even telling her that by having sex with him, she is fulfilling her destiny as a woman (II.iv.133-137). Isabella continues to refuse and argues against Angelo until he gives her an ultimatum that unless she will have sex with him, he will not only kill her brother but torture him as well. He says, "redeem thy brother By yielding up thy body to my will; Or else he must not only die the death, But thy unkindness shall his death draw out To lingering sufferance" (II:.v.162-166). Angelo has devolved from a saint to an evil character.

Let's break down the second double-effect instance by again considering the four classical elements as presented by Beauchamp and Childress. *1. The nature of the act*, Angelo is morally bad when he demands that Isabella commit the sin of fornication to save her brother from torture and death (#1: *fail*). *2. The agent's intention*, Angelo bad action is premeditated and intentional in doing evil and in demanding that Isabella also sin. It is not a side effect (#2: *fail*). *3. The distinction between means and effects,* By means of having sex with him, Angelo says that Isabella can (potentially) save Claudio. That is, the bad effect is the means to the good effect (#3: *fail*). *4. Proportionality between the good effect and the bad effect,* Isabella is clear that her brother's life is not worth her eternal damnation. She says, "Better it were a brother died at once, Than that a sister, by redeeming him, Should die for ever" (II.iv.105-107). Satisfying Angelo's lust and saving Claudio is not worth Isabella going to Hell (#4: *fail*). Not having met any of the four elements, this act of double-effect is not permissible.

Angelo's attempted seduction of Isabella is the most famous example of double-effect in *Measure for Measure* but there are at least two others later in the play. There is a "bed trick" and a "head trick."[12] In the bed trick, Mariana who is the rejected betrothed of Angelo, deceives him into having sex with her (pretending to be Isabella), thus both saving Isabella's virginity and

[12] Garber, 918-919.

consummating her marriage. Marjorie Garber writes, “Claudio's situation with regard to Juliet is very similar to the situation of Angelo and Mariana. Both couples have been engaged but not married, bound by a precontract, lacking only the payment of a dowry.”[13] Even though the same act had been considered unlawful fornication between between Claudio and Juliet, the Duke in his disguise as a friar sets up the bed trick (III.i.249-255), and absolves Mariana in advance, “He is your husband on a pre-contract: To bring you thus together, 'tis no sin, Sith that the justice of your title to him Doth flourish the deceit” (IV.i.72-75).

Let’s once more consider the four classical elements for double-effect. *1. The nature of the act*, Mariana impersonates Isabella to have sex with Angelo. The deception is bad, but the act is good (or at least morally neutral) in that it legally fulfills (consummates) a contracted marriage (#1: *pass*). *2. The agent’s intention*, Mariana loves Angelo and wants to be married to him despite his cruelty to her. Angelo rejected the marriage because Mariana’s dowry sank with her brother’s ship. She, Isabella, and the Duke see this marriage as a good effect. The Duke explicitly supports the deception when he says to Isabella, “we shall advise this wronged maid to stead up your appointment, go in your place; if the encounter acknowledge itself hereafter, it may compel him to her recompense: and here, by this, is your brother saved, your honour untainted, the poor Mariana advantaged, and the corrupt deputy scaled” (III.i.249-255). We know from the start of *Measure for Measure* that the Duke represents the law. He has the power of “mortality and mercy in Vienna” (I.i.44). His endorsement of this deceptive act makes it legal (#2: *pass*). *3. The distinction between means and effects,* The bad effect of Angelo’s deception by Mariana is the means to the good effect, consummating the marriage and saving Isabella’s virginity from the corrupt Angelo (#3: *fail*). *4. Proportionality between the good effect and the*

[13] Garber, 915.

bad effect, Because Angelo is a corrupt would-be-rapist, deceiving him into consummating his contracted marriage seems to be proportionate reason, one that compensates for permitting the foreseen bad effect of his deception by Mariana, Isabella, and the Duke (#4: *pass*). While the bed trick fails to meet condition #3 for a morally permissible action, the action would nonetheless be sympathetic to the audience, and the specific endorsement of the Duke makes it legal.

The final *Measure for Measure* example of double-effect I will present in detail is the head trick where the Duke substitutes the head of the already-dead pirate Ragozine for Claudio's to convince Angelo and Isabella that Claudio has been executed. Here are the four elements of the moral equation. *1. The nature of the act*, Angelo has spitefully ordered Claudio to be beheaded but the Duke asks that Ragozine's head be substituted as proof that the act is done (IV.iii.70-79). The Duke keeps knowledge of the switch not only from Angelo but also from Isabella. The Duke intentionally allows Isabella to believe her brother is dead with the weak justification, "I will keep her ignorant of her good, To make her heavenly comforts of despair, When it is least expected" (IV.iii.110-112). Saving Claudio's life is a good act even if the deception is bad (#1: *pass*). *2. The agent's intention*, The Duke intends to save Claudio. The deception of Angelo can be foreseen, tolerated, and permitted. The deception of Isabella seems capricious and cruel, but it makes good theater (#2 *pass*). *3. The distinction between means and effects,* The bad effect of deception is an intentional means to the good effect of saving Claudio (#3: *fail*). *4. Proportionality between the good effect and the bad effect,* In the case of deceiving Angelo and Isabella, the good effect outweighs the bad effect. The head trick fails to meet condition #3 for a morally permissible action, but the Duke's endorsement makes it legal, and it is good theater.

In 1977, when I studied Shakespeare at the University of California at Santa Barbara with English Professor Homer Swander,[14] he said that we should imagine, along with Shakespeare's original audience, a vast noble tapestry of classical Greece as the backdrop to the plays. Some of Shakespeare's audience may have thought of Aristotle as part of that imagined tapestry while watching the play. Complex questions of what is moral versus legal versus just versus proportionate were addressed by Aristotle, who writes that Book V of *Nicomachean Ethics* can be taken as his account of justice and the other moral virtues.[15] His view is that what is just must be lawful, fair, and proportionate. Unlike the corrupt Angelo in *Measure for Measure*, to Aristotle, a judge is "a sort of animate justice,"[16] or justice ensouled. Other presumed resonances in the minds of Shakespeare's original audience could be the Biblical passages Matthew 7:1-2 and Mark 4:24 to which the play's title refers. While few in Shakespeare's audience can be assumed to be considering the distinctions between intended and foreseen effects in the principle of double-effect, some might perhaps remember St. Thomas's assertion that law is the rule and measure of human acts.[17]

With today's ready availability of Shakespeare's texts online, analysis of word frequency and usage have become common.[18] Consider how word frequency can give us a sense of what is important in *Measure for Measure*. In this play, *just* and *justice* are used forty-six times, *law* and its derivatives are used thirty-six times, *mercy* is used seventeen times, *right* is used fourteen times, and *wrong* nineteen times. Compare that to *The Merchant of Venice* written just a few

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[14] Patrick Stewart, "Homer Swander Obituary," *The Guardian*, 6 March 2018, https://www.theguardian.com/culture/2018/mar/06/homer-swander-obituary.
[15] Aristotle, *Nicomachean Ethics* Book V.4, trans. W.D. Ross. *Classics.MIT.Edu*, 2009. http://classics.mit.edu/Aristotle/nicomachaen.5.v.html.
[16] Ibid.
[17] Thomas Aquinas, *Treatise on Law,* ST I-11, Q90.2.A, trans. Richard J. Regan (Indianapolis, IN: Hacket Publishing, 2000), 3.
[18] *"*OpenSource*Shakespeare:* An Experiment in Literary Technology *(home page)."* OpenSource*Shakespeare*. Accessed 24 May 2022. George Mason University. https://www.opensourceshakespeare.org.

years earlier, which includes *just* and *justice* eighteen times and *mercy* fourteen times, even though that play presents a courtroom scene with mercy as the subject of its most famous speech.

In Measure for Measure, the interplay of law, justice, and morality are important. However, morality, especially sexual morality, is complex in its relationship to law. As detailed in the double-effect analyses above, the Duke in *Measure for Measure* legalizes and absolves some actions that are dubiously moral. As the Duke's deputy, Angelo asserts that compelled sins are not blameworthy (II.iv.54-57). Claudio offers this bad moral argument to Isabella, "What sin you do to save a brother's life, Nature dispenses with the deed so far That it becomes a virtue" (III.i.132-135). In *Measure for Measure*, it is only Isabella who advocates for virtuous action in a way that St. Thomas might recognize.

In concluding this section on double-effect in *Measure for Measure*, I address the moral value of women. In her 2015 lecture, Marjorie Garber presented five ways to interpret this play, theatrical, historicist, feminist, Christian, and psychoanalytic. This is not to rehearse Garber's excellent feminist analysis with a theme of "money for love,"[19] but to draw a connection with Aristotle's assumptions. In considering the principle of double-effect in *Measure for Measure*, I identify a strong pattern of treating women as things, as lesser-than men, especially in the context of morality. This is despite Isabella being a powerful character who is potentially symbolic of both Queen Elizabeth and the Christian Church. In *Measure for Measure*, bad effects seem more *tolerable* (the word used by Beauchamp and Childress) when they happen to women. Three *Measure for Measure* examples include, Angelo telling Isabella that no matter what her objections may be, she must have sex with him to fulfill her destiny as a woman (II.iv.133-137), Claudio telling his sister that fornication is the least of deadly sins, a

[19] Garber, video 22.16 - 44.40.

"momentary trick" (III.i.109-112), and Lucio telling the Duke that premarital fornication (which he calls "rebellion of a codpiece") should not be punished (III.ii.115-117).

These examples resonate with what Aristotle wrote about adulterers in Book V.6, "a man might even lie with a woman knowing who she was, but the origin of his might be not deliberate choice but passion. He acts unjustly, then, but is not unjust."[20] That is, Aristotle seems to assert that a man's passion excuses his immorality or unjust behavior in some circumstances. This cultural and moral devaluation of women bears further consideration in another paper.

Cooperation with Evil

Where is cooperation with evil found in *Measure for Measure*? To deepen my understanding of ethics in *Measure for Measure*, in addition to considering double-effect, I engaged two notable instances of cooperation with evil. Those were, Isabella cooperating with her brother's libertine friend Lucio, and Escalus cooperating with Angelo. As mentioned above, Lucio has been associated symbolically with Lucifer, the Devil. As Princeton Professor Michael Sugrue says, in a Christian allegorical reading of *Measure for Measure*, the comic character Lucio is a hellion and blasphemer who represents sin and temptation.[21] In this interpretation, Lucio's bad behavior is only to be expected. However, Escalus as the second in command to Angelo is supposed to provide temperate wisdom associated with age and experience.[22] While Marjorie Garber considers Escalus "the play's representative of disinterested justice,"[23] he seems at best ineffective in this role.

Theologian and Boston College Law Professor, Cathleen Kaveny writes that as a technical term of moral theology, *cooperation* refers to a situation where there are two agents

[20] Aristotle, Book V.6.
[21] Sugrue, video 12:20-13:01.
[22] Garber, 912.
[23] Garber, 920.

who are not equal in participation, "one agent (the 'cooperator') faces a situation in which his or her act will somehow contribute, in a subordinate way, to a morally unacceptable action plan designed and controlled by someone else (the 'principal agent')."[24] In *Measure for Measure*, Escalus is the *cooperator* to Angelo as the *principal agent*.

Kaveny goes on to label as *material cooperation* those situations where the cooperator does not intend the bad action of the principal agent.[25] This is the case with Escalus. It is clear from his own words that Angelo is intentionally doing evil. He labels his own actions evil in II.ii.172 and again in II.iv.6. Even without knowing of Angelo's evil plans toward Isabella, Escalus advises Angelo to be lenient and says he would prefer to save Claudio (II.i.4-16). When Angelo insists on taking a hard line, Escalus capitulates saying, "Be it as your wisdom will" (II.i.32). Later, Escalus returns to his theme of powerless regret for Angelo's actions,

> *Escalus*. It grieves me for the death of Claudio;
> But there's no remedy.
> *Justice*. Lord Angelo is severe.
> *Escalus*. It is but needful:
> Mercy is not itself, that oft looks so;
> Pardon is still the nurse of second woe:
> But yet,—poor Claudio! There is no remedy. (II.i.277-282)

Until the final act, for all his purported wisdom and experience, the impotent Escalus seems never to have discovered how bad Angelo is. At the end, Escalus says to the Duke, "My lord, I am more amazed at his dishonour Than at the strangeness of it" (V.i.82-83). His final words are, "I am sorry, one so learned and so wise As you, Lord Angelo, have still appear'd, Should slip so grossly, both in the heat of blood. And lack of temper'd judgment afterward" (V.i.472-475). There is no indication that Escalus is a willing collaborator or a principal agent of evil, but he

[24] M. Cathleen Kaveny, "Appropriation of Evil: Cooperation's Mirror Image," *Theological Studies* 61 (2000): 282.
[25] Kaveny, 284.

does contribute to the morally unacceptable and merciless actions of Angelo by supporting Claudio's being condemned to death.

Ethics Analogies and Examples

In reading for "Biomedical Ethics" this term, I noticed many of the publications used convoluted, unlikely examples such as being kidnapped to be plugged into an unconscious violinist (Judith Jarvis Thompson's example),[26] or blowing up a fat man to exit a cave during a rising flood (Philippa Foot's example).[27] I think literature and great storytelling like *Measure for Measure* can be a more engaging cohesive way to present complex concepts than skipping from example to example. In addition to Shakespeare, more modern stories like *Star Trek: The Next Generation*'s episode "The Measure of a Man" is similarly compelling and a more comprehensible way to address the principle of double-effect.[28]

In one of his chapters on double-effect reasoning, T.A. Cavanaugh uses three major contrasting example pairs, euthanasia vs. terminal sedation, craniotomy vs. hysterectomy, and terror bombing vs. tactical bombing.[29] In addition to these major examples, Cavanaugh also illustrates ideas by describing whistling vs. a street violinist, a leaf in a stream, a flooding submarine, Foot's cave adventurers, a prison break and guard, getting out of bed, travel to Venice and Tokyo, heart heath and diet, driving a car, billiards, opening a window, running a marathon, grocery shopping, and eye blinking. Some of Cavanaugh's examples are common but others seem unnecessarily complex and bloody, and there are so very many of them.

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[26] Judith Jarvis Thompson, "A Defense of Abortion," *Philosophy & Public Affairs* 1, no. 1 (Fall 1971), https://spot.colorado.edu/~heathwoo/Phil160,Fall02/thomson.htm.
[27] Philippa Foot, "The Problem of Abortion and the Doctrine of the Double Effect," *Oxford Review* 5 (1967), https://philpapers.org/archive/FOOTPO-2.pdf.
[28] *Star Trek: the Next Generation*, season 2, episode 9, "The Measure of a Man," directed by Robert Scheerer, written by Melinda M. Snodgrass, aired 11 February 1989 in broadcast syndication, https://www.imdb.com/title/tt0708807/.
[29] Cavanaugh, 91-144.

While Shakespeare often offers convoluted plots (as well as including an unreasonable number of twins), his plays offer the benefits of continuity, memorable entertainment, life-mimetic characterization, and superb composition. Alexander Pope wrote, "His Characters are so much Nature her self, that 'tis a sort of injury to call them by so distant a name as Copies of her."[30] Shakespeare presents written creations rather than real people, however compelling. Yet, noted historian Diarmaid MacCulloch wrote, "Is Shakespeare's *Hamlet* 'true'? It never happened, but it seems to me to be much more 'true', full of meaning and significance for human beings, than the reality of the breakfast I ate this morning, which was certainly 'true' in a banal sense."[31]

Peter Holbrook considers, "the long-standing assumption and justification of literary culture is that major authors offer readers ethical or political counsel: practical wisdom about fundamental dilemmas of human life." He continues, "There is, however, something not a little curious, perhaps even paradoxical, about this view that exposure to Shakespeare, or other great authors, can train our hearts and minds, shape our conduct, in morally desirable ways."[32] That is, Shakespeare's characters can both represent and influence our behavior. Although Samuel Taylor Coleridge called Isabella unamiable for preferring her own chastity to her brother's life,[33] Shakespeare's story about a powerful man asking an attractive woman for sex is still common in real life as well as in the Bible (Genesis 12:14-15, 2 Samuel 11:2-4), as are corrupt judges (Micah 7:3, Proverbs 17:23, Ecclesiastes 3:16, Isaiah 10:1-4, and Luke 18:1-5). *Measure for Measure* is a story with literary, historical, and contemporary resonance.

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[30] Alexander Pope, "Preface to the Works of Shakespear," *Poetry and Prose of Alexander Pope*, editor, Aubrey Williams. (Boston: Houghton Mifflin, 1969, Originally published 1725).
[31] Diarmaid MacCulloch, *Christianity: The First Three Thousand Years*, (New York: Penguin Books, 2009, 11.
[32] Peter Holbrook, "Shakespeare, Montaigne, and Classical Reason," in *Shakespeare and Renaissance Ethics*, Editors, Patrick Gray and John D. Cox (Cambridge: Cambridge University Press, 2014), 261-262.
[33] Samuel Taylor Coleridge, *Specimens of the Table Talk of the Late Samuel Taylor Coleridge*, ed. H.N. Coleridge (New York: Harper & Brothers, 1836), 85.

Despite its long history, *Measure for Measure* is not approachable by everyone. *Star Trek: The Next Generation*'s episode "The Measure of a Man" may be a more accessible form of storytelling for some. In this story, 24th century robotics researcher Dr. Bruce Maddox seeks to dismantle (and presumably kill) the android Lieutenant Commander Data to study his positronic brain. Maddox wants to reproduce the android for use on many United Federation of Planets – Starfleet ships. Maddox says that Data must submit as the property of Star Fleet. Captain Picard, Data's commanding officer, objects. A court trial is held to determine if Data is property or a person. That is, does Data have autonomy as a sentient life form with rights and status?

"The Measure of a Man" stands up well to an analysis using the classical double-effect elements as presented by Beauchamp and Childress. *1. The nature of the act*, Maddox seeks to dismantle (and presumably kill) android Data to further his research. Maddox has devoted his life to the study Data's brain at a distance and wants to progress to what he sees as the next step of taking Data apart (#1: *fail*). *2. The agent's intention*, Maddox intends the good effect of research and replication, he says "the horizons of human achievement become boundless." He sees the grave harm to Data as a side effect (#2: *pass*). *3. The distinction between means and effects,* In The Measure of a Man," the bad effect is clearly the means to the good effect. Until the trial, Maddox had apparently not considered the ethics of this step (#3: *fail*). *4. Proportionality between the good effect and the bad effect,* While Maddox advocates for the useful benefit (good effect) of creating thousands of android copies of Data, Captain Picard asserts that killing a sentient life form to create a slave race is a disproportionately bad effect (#4: *fail*). Not having met all the four elements, this act of double-effect is not permissible.

At the end of the *Star Trek: The Next Generation* episode, the judge decides that Data has the right to choose, and Data refuses to participate with Maddox's plan to disassemble him. This

episode is memorably engaging, well told, and continues to create discussion. For example, two years ago, the YouTube channel *LegalEagle* aired a long legal analysis of "The Measure of a Man" which has so far gained 1,753,677 views and 13,840 comments.[34] *LegalEagle*'s video does not use the term double-effect but calls it "a classic ends justify the means argument." Nonetheless, cohesive and compelling storytelling either in the theater or on television can be an excellent way to teach and engage the ethical principle of double-effect.

Conclusion

Usage of the principal of double-effect seems to be limited. St. Thomas presented it as a general case ethical principal, but nowadays, it most often seems to be used in a Roman Catholic context, frequently addressing ethical questions around abortion. Examples include, Beauchamp and Childress writing, "Roman Catholic teaching, where RDE [Rule of Double Effect] has been prominent…"[35] The *Catholic Dictionary* writing, "the classic example of the principal of double effect" is about abortion.[36] Philippa Foot writing, "one particular theory, known as the 'doctrine of the double effect' which is invoked by Catholics in support of their views on abortion but supposed by them to apply elsewhere."[37]

This limited usage pattern appears unwarranted. The principal of double-effect seems more subtle than a *classic ends justify the means argument*. I developing this paper, I found that considering each double-effect element built my in-depth understanding of McIntyre's distinction between causing harm as a side effect versus as a means of pursuing a good end. I regret that this ethical principal is not more widely engaged. I also found that using William

[34] *LegalEagle*, "Real Lawyer Reacts to Star Trek TNG Measure of a Man (Picard Defends Data's Humanity) // LegalEagle," *LegalEagle*, accessed 23 May 2022, https://youtu.be/XVjeYW6S8Mo.
[35] Beauchamp, 168.
[36] John A. Hardon, *Catholic Dictionary* (New York: Image, 2013), 141-142.
[37] Foot, 1.

Shakespeare's *Measure for Measure* (and *Star Trek: The Next Generation*) as a context for understanding both cooperation with evil and the principle of double-effect gave me a deeper understanding of both the ethical principles and of the works themselves, as well as an awareness of how great storytelling supports better understanding of ethics.

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