

# Love and Violence

*Insights From Shakespeare on Psychology,  
Ethics, Theater, and Law*

By

David A.J. Richards

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Theater, and Law**

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*For Donald Levy*

*In Love*

Be not too tame nether, but let your own discretion be your tutor. Suit the action to the word, the word to the action, with this special observance—that you o’erstep not the modesty of nature. For anything so o’erdone is from the purpose of playing whose end, both at the first and now, was and is to hold as ‘twere the mirror up to Nature to show Virtue her feature, Scorn her own image, and the very age and body of the time his form and pressure.

—William Shakespeare, *Hamlet*, 3.2.16-24

For now we see in a mirror, dimly, but then we will see face to face,

—St. Paul, 1 *Corinthians* 14:12,  
*New Oxford Annotated Bible*, p. 2054

The doctor should be opaque to his patients and, like a mirror, should show them nothing but what is shown to him.

—Sigmund Freud, *SE*, vol. 12, p. 118.

Here my powers rest from their high fantasy,  
but already I could feel my being turned —  
Instinct and intellect balanced equally

As in a wheel whose motion nothing jars —  
By the Love that moves the Sun and the other stars.

—Dante Alighieri, *The Divine Comedy*  
(John Ciardi translation) *Paradiso*, Canto XXXIII, 145-146

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James Gilligan and I have cotaught a seminar at the New York University School of Law for several years on retributivism, and we recently coauthored a book on Shakespeare's insights into personal and political violence, based on Jim's pathbreaking psychological insights into the causes and prevention of both personal and political violence.<sup>3</sup> This book is a further exploration of that earlier co-authored book, and I am indebted to Jim for our continuing collaborative work and conversations which inspired this work.

Carol Gilligan and I have cotaught a seminar, "Resisting Injustice," at the New York University School of Law for the past 20 years, leading to our coauthoring two books on patriarchy's continuing threat to democracy at home and abroad. Her insights into the developmental psychology of girls into women, and boys into men, have illuminated my understanding of the role of the initiation into patriarchy in the development of both women and men, and the crucial importance of resistance to patriarchy both to human happiness and to justice, central themes explored in this work.

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<sup>1</sup> James Gilligan and David A.J. Richards, *Holding a Mirror Up to Nature: Shame, Guilt, and Violence in Shakespeare* (Cambridge: Cambridge University Press, 2022).

<sup>2</sup> Carol Gilligan and David A.J. Richards, *The Deepening Darkness: Patriarchy, Resistance, and Democracy's Future* (Cambridge: Cambridge University Press, 2009); Carol Gilligan and David A.J. Richards, *Darkness Now Visible: Patriarchy's Resurgence and Feminist Resistance* (Cambridge: Cambridge University Press, 2018).

<sup>3</sup> See Gilligan and Richards, *Holding a Mirror Up to Nature*.

Conversations with Phillip Blumberg have also guided and illuminated all my work on this book, as they have all my creative work. Phil guided me, in particular, into psychoanalytic thought and practice on the role of love in psychoanalysis, a prominent theme (love's mirror) at the heart of this book's argument in all the domains I study, including ethics, psychology, theater, religion, and law.

This book was researched and written during summers supported by research grants from the New York University School of Law Filomen D'Agostino and Max E. Greenberg Faculty Research Fund, and I am grateful to the research committee for its support, as well as the support of Dean Trevor Morrison and his successor, Dean Troy McKenzie.

A work of this sort, so rooted in my personal life, arose in loving relationship to the person closest to me, Donald Levy, to whom I have dedicated this book.

New York, N.Y., September 2023

# Introduction

This book was conceived as a further exploration of a work I co-authored with Dr. James Gilligan, *Holding a Mirror up to Nature, Shame, Guilt, and Violence in Shakespeare* (Cambridge University Press, 2022). That work arose from the discovery of Dr. Gilligan, arising from his therapeutic work with violent criminals, that Shakespeare's plays afforded the best understanding of the violent men he had studied over a life time, diagnostically superior to more contemporary psychological and other works. The book shows how Shakespeare's plays offer such insights, develops a theory of violence based on the moral emotions of shame and guilt and a cultural psychology of the transition from shame to guilt cultures (reflected in Shakespeare's tragedies), and argues for alternatives to the highly retributive American criminal justice and prison system, alternatives that have been empirically shown to be more effective in lowering violence both in prisons and in society. The work argues that violence has been misconceived by Freud (among others) as an instinct, but arises rather from patriarchally inflicted cultural injuries to love, central to the human psyche, and only a therapy based on love can address such injuries, replacing retributive with restorative justice. Freud's tragic view of human civilization is psychologically unsound, resting, as he supposes, on an ineradicable instinct for violence which expresses itself in irrational violence and war.<sup>1</sup> The whole question must be reconceived in terms of a linked patriarchal culture and psychology which we can question and change.

In this book, I offer both a philosophical and psychological theory of an aspect of human love, first noted by Plato and used by Freud in developing psychoanalysis, namely, lovers as mirrors for one

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<sup>1</sup> See Sigmund Freud, *Civilization and its Discontents* SE, vol. XXI, pp. 59-145.

another (love's mirror), enabling them thus better to see and understand themselves and others. Freud described the relationship of the analyst to analysand as such a mirror and described analysis as a therapy based on love, only humanly possible because love has this feature and love is central to the human psyche. The pathbreaking significance of Jim Gilligan's work is that, like Leonardo, it bridges the supposed chasm between science and the arts, showing that, in fact, the arts (in particular, Shakespeare's plays) offer the most scientific insights into violence. Shakespeare's art, in Hamlet's famous instruction to the players, makes the same appeal, theater as communal mirror, that expresses, so I argue, the artist holding up a loving mirror for his culture at a point of transitional crisis between a shame and guilt culture. The book shows how Shakespeare's plays offer better insights into the behavior of violent men than Freud's, because based not on mythology (Freud's Thanatos), but on close empirical study of violent criminals; develops a theory of violence rooted in the moral emotions of shame and guilt; and a cultural psychology of the transition from shame to guilt cultures (reflected in Shakespeare's tragedies). The work argues that violence is, contra Freud, not an ineliminable instinct in the nature of things, requiring autocracy, but arises from patriarchally inflicted cultural injuries to the love of equals that undermine democracy, and that only a therapy and discourse based on love can address such injuries, replacing retributive with restorative justice, and populist fascist autocracy with constitutional democracy.

Inspired by and developing this insight, the book argues that love, thus understood, underlies a range of disparate phenomena: not only the appeal of Shakespeare's theater as a communal art, but the role of love in psychoanalysis; in Augustine's quasi-psychoanalytic conception of love in religion (disfigured by his patriarchal assumptions); in Kant's anti-utilitarian ethics of dignity; in a naturalistic ethics that, unlike Kant, roots ethics in facts of human

psychology and thus answers Kant's empirically minded critics (Hegel, Marx, and Nietzsche, among others); the role of law in democratic cultures (both developing and developed) as both a mirror and critique of such cultures; and, finally, the basis of an egalitarian theory of universal human rights (inspired by Kant and developed, more recently, by John Rawls). In all these domains, the book argues it is uncritically accepted forms of culture (the initiation of men and women into patriarchy), which traumatize the love of equals, and thus disfigure and distort our personal and political lives.

The book first develops the general outlines of the theory drawing on the role love plays both in Freud's discovery of psychoanalysis and later developments in relational psychoanalysis that, unlike Freud, increasingly integrate cultural developments to psychology, making possible Dr. Gilligan's cultural psychology of violence. In place of Freud's pseudoscience of violence as an instinct (Thanatos, the death instinct), Gilligan develops a cultural psychology of the transition from shame to guilt cultures, and argues that Shakespeare's tragedies, like the ancient Athenian tragedies, offer a mirror to a culture in transition from a shame to a guilt culture.

I then show that the power of theater arises from the way in which artists, drawing on their own experience, exercise human capacities of mimesis and mirroring communally to show the tensions arising in the transition from a shame to guilt culture, and then argue that Shakespeare's plays can be plausibly understood as themselves expressions of the love he may have felt for the violent Elizabethan men (for example, Essex and Southampton) he knew intimately, showing them and Elizabethan and Jacobean culture how such brilliant promise at the transition from a shame to guilt culture ended so tragically, as they violently challenged the authority of Elizabeth herself, ending in the execution of Essex.

I examine several of the great tragedies from this perspective (Hamlet, Macbeth, Othello, and King Lear), and then, in several following chapters, discuss plays that are particularly close to the argument I want to make in this book, namely, why strong retributivism remains so unjustly powerful in American criminal justice (Measure for Measure), its psychological connections to the role fathers and mother play in the initiation of their children into patriarchy (King Lear and Coriolanus), how important and yet difficult the love of equals, as a way of resisting patriarchy, is under patriarchy (Anthony and Cleopatra), and how the transition from a shame to guilt culture can and sometimes does lead to moral nihilism arising from doubt about both shame and guilt cultures (Timon of Athens).

Even Kant illustrates, so I argue, some of these difficulties in giving expression to an ethical theory of human rights still hostage to patriarchal assumptions (his theory of strong retributivism and his moralistic condemnation of sexuality outside marriage). And Nietzsche, seeing some of these problems in Kant, embraces a reactionary return to the shame ethics of the ancient Greeks. It is such a reactionary psychology that explains the political religions (fascism and communism) that had such a catastrophic impact on the politics of the 20<sup>th</sup> century, and, today in the form of religious fundamentalisms at home and abroad.

My argument concludes with a discussion of two of Shakespeare's comedies (As You Like It and Twelfth Night) and his greatest tragedy (King Lear) that suggest that an egalitarian love, overcoming the gender binary and hierarchy, may be the answer. Jim Gilligan's argument for the abolition of prisons shows the explanatory and normative power of his own development of a therapy based on a love across the boundaries. Inspired by and developing this insight, the book argues that love, thus understood, underlies a range of disparate phenomena: not only

the appeal of Shakespeare's theater as a communal art and the role of love in psychoanalysis; but Augustine's quasi-psychoanalytic conception of love in religion (disfigured by his patriarchal assumptions); in Kant's anti-utilitarian ethics of dignity; offers a naturalistic ethics that, unlike Kant, roots ethics in facts of human psychology and thus answers Kant's empirically minded critics (Hegel, Marx, and Nietzsche, among others); clarifies the role of law in democratic cultures (both developing and developed) as both a mirror and critique of such cultures; and, finally, offers the basis of an egalitarian theory of universal human rights (inspired by Kant and developed, more recently, by John Rawls). In all these domains, the book argues it is uncritically accepted forms of culture (the initiation of men and women into patriarchy), which traumatize the love of equals, and thus disfigure and distort our personal and political lives.

Finally, my argument concludes that even arguments for a guilt culture, like those of St. Augustine of Hippo and Kant, are flawed because they uncritically accept patriarchal institutions and practices that war on the love of equals both politically and personally. Love's mirror, inspired by Plato, plays, I argue, a central role in Augustine's proto-psychoanalytic conception of God's love, but it is conception so disfigured by a patriarchal conception of sex and gender that it compromises the value of treating persons as equals, indeed is condemned by this value because it dehumanizes anyone who resists patriarchy, including women and LGBTQ persons. My alternative proposal is an interpretation of John Rawls's attempt to reconstruct Kantian ethics on constructivist grounds which places love's mirror at the center

of an egalitarian argument for universal human rights as the condition for the legitimacy of constitutional democracy.<sup>2</sup>

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<sup>2</sup> All quotations to the plays of Shakespeare in this book, unless otherwise indicated, are based on the volumes of the Arden Shakespeare.

# Chapter 1

## Why Shakespeare and Why Now?

In his pathbreaking book, *Shakespeare Our Contemporary*, the Polish playwright and essayist Jan Kott argued that the history plays and tragedies of William Shakespeare spoke directly about and to the experience he and others had had of the 20<sup>th</sup> century irrational political violence of Communist totalitarian rule in Poland.<sup>1</sup> His argument not only transformed the way in which Shakespeare's plays were played (influencing the great theater director Peter Brook) but showed how contemporary their depictions were of the violence that erupted in the fascist and Stalinist totalitarianisms of the 20<sup>th</sup> century, the latter of which Kott experienced at first hand in Poland. What Kott saw about the contemporary relevance of Shakespeare's depiction of violence remains all too alive today.

Kott organizes his argument in terms of what he calls "the Grand Mechanism as Shakespeare shows it in his theatre."<sup>2</sup> He exemplifies "the Grand Mechanism" in the abdication of Richard II in favor of Henry Bolingbroke (the future Henry IV) in *Richard II* in the following terms:

But what is the Grand Mechanism which starts operating at the foot of the throne and to which the whole kingdom is subjected? A mechanism whose cogs are both great lords and hired assassins; a mechanism which forces people to violence, cruelty, and treason; which constantly claims new

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<sup>1</sup> See Jan Kott, *Shakespeare Our Contemporary* translated by Boleslaw Taborski (New York: W.W. Norton, 1974).

<sup>2</sup> Jan Kott, *id.*, p. 11.

victims? A mechanism according to whose laws the road to power is at the same time the way to death?<sup>3</sup>

“The Grand Mechanism” expresses itself in a cycle of violence the greatest tragedians from Aeschylus to Shakespeare have placed at stage center in understanding their societies at crucial moments of transition. It is because the problem they saw so clearly persists that the psychiatrist James Gilligan and I—Jim a psychiatrist and leading authority on the causes and prevention of violence, and myself a constitutional lawyer and moral philosopher and longstanding advocate of gay rights and feminism—joined to write the book, *Holding a Mirror up the Nature: Shame, Guilt, and Violence in Shakespeare*<sup>4</sup>. Our collaboration began by our teaching together a course on retributive vs. restorative justice at the New York University School of Law, a course which over time has led us to include the reading and discussion of Shakespeare’s plays. But why Shakespeare, and why now?

We came to Shakespeare not only through our longstanding shared passion for his plays but also through a common skepticism about the role that a form of strong retributivism has played in American criminal justice. Our skepticism extends further to encompass the underlying rationale of strong retributivism: namely, that culpable moral wrongdoing is not only a necessary but a sufficient condition of just punishment (irrespective of argument of deterrence, protection, or reform), and that punishments may themselves be understood in terms of the *lex talionis*, death as the penalty for murder, for example. There is a more defensible interpretation of retributive argument, advocated quite powerfully by the British

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<sup>3</sup> *Id.*, p. 38.

<sup>4</sup> James Gilligan and David A.J. Richards, *Holding a Mirror up the Nature: Shame, Guilt, and Violence in Shakespeare* (Cambridge: Cambridge University Press, 2022).

legal philosopher, H.L.A. Hart,<sup>5</sup> that calls only for culpable moral wrongdoing as the necessary requirement for just punishment, and that defends a proportionality principle that requires only that more morally culpable forms of wrongdoing be regarded as graver than less culpable forms. Hart's view does not require punishment, but allows it if there are forward-looking aims of deterrence, protection, and reform that might justify it. His view also eschews the *lex talionis* as a guide to punishment. In addition, Hart accepts the harm principle of John Stuart Mill's *On Liberty*, and, on this ground, was a leading advocate in Britain of the decriminalization of contraception, abortion, and gay lesbian sex; he opposed the death penalty both because he rejected strong retributivism and argued that forward looking aims (like deterrence) did not support it.

Though we believe Hart's form of limited retributivism is much preferable to strong retributivism, our interest in one another's work arose from my longstanding *moral* skepticism, as a moral philosopher and constitutional lawyer, about strong retributivism in general and its perversely powerful role in American criminal justice, and Jim's complementary critical *psychological* analysis of how and why strong retributivism remains so powerful in the United States. We also shared a common interest in psychoanalysis not only as a therapy for individuals, but as a framework for cultural, including political and legal, analysis. I had written two books with Carol Gilligan, Jim's wife, in which psychoanalysis came into play both as a liberatory force in exposing and resisting patriarchal structures and as compromising its liberatory potential by assuming a hierarchical and more particularly patriarchal structure, where the analyst becomes the *hieros*, the priest, with privileged access to the unconscious, and the father's voice

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<sup>5</sup> H.L.A. Hart, *Punishment and Responsibility* Second Edition (Oxford: Oxford University Press, 2008).

becomes the voice of morality and law.<sup>6</sup> Jim's work with violent criminals had shown the fruitfulness of a psychodynamic, psychoanalytic approach in coming to understand and to explicate the psychology of shame and guilt and its central role in men's violence. Writing gave us the opportunity to draw together and deepen these common interests in ways neither of us could have done alone. The book shows how and why the close examination of Shakespeare's plays offers an accurate and quite contemporary diagnosis of violence, comparable to and indeed superior to more recent psychological accounts.

Our complementary interests led us in turn, to focus our skepticism increasingly on the American prison system, which one of us (Jim Gilligan) had argued should be radically transformed.<sup>7</sup> Gilligan's arguments about prisons are grounded empirically in his pioneering work on the causes and prevention of violence—his 20 years of psychiatric work with violent criminals and the criminally insane in Massachusetts and his subsequent work on violence prevention in the San Francisco jails.<sup>8</sup> Both John Stuart Mill and H.L.A. Hart would argue that interpersonal violence—in which there are clear harms to others—should be a matter of societal concern and Gilligan would agree. But his work on the psychology of violence shows that the prison system, as currently designed and implemented, not only does not prevent violence, but stimulates it, and, on this ground, must be fundamentally reconsidered.

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<sup>6</sup> See Carol Gilligan and David A.J. Richards, *The Deepening Darkness: Patriarchy, Resistance, and Democracy's Future* (Cambridge: Cambridge University Press, 2009); Carol Gilligan and David A.J. Richards, *Darkness Now Visible: Patriarchy's Resurgence and Feminist Resistance* (Cambridge: Cambridge University Press, 2018).

<sup>7</sup> See James Gilligan and Bandy Lee, "Beyond the Prison Paradigm: From Provoking Violence to Preventing It by Creating 'Anti-Prisons' (Residential Colleges and Therapeutic Communities)," *Ann. N.Y. Acad. Sci.* 1036 (2004): 300-24.

<sup>8</sup> James Gilligan, *Violence: Reflections on a National Epidemic* (New York: Vintage Books, Random House, 1997); James Gilligan, *Preventing Violence* (New York: Thames & Hudson, 2001); James Gilligan, *Why Some Politicians Are More Dangerous Than Others* (Cambridge, U.K.: Polity, 2011).

Building on the work of other psychiatrists and psychoanalysts, Gilligan distinguishes the two powerful moral emotions of shame and guilt.<sup>9</sup> Shame is the more primitive and developmentally earlier emotion, arising from the desire for competence or autonomy (for example, a child learning to walk) and the experience of failing to be competent, especially in the eyes of others (for example, falling). Guilt is the emotion that arises from a sensitivity to others' feelings or situation and from a feeling of culpability in failing to treat others as one would want to be treated by them (e.g. the golden rule). In his work with violent men, Gilligan found that their violence was a response to an experience of insult or humiliation, most particularly an insult to their manhood when manhood was defined as being superior or in control. He also found, however, that violence also served as a substitute for voice among men who for various reasons had little or no voice, or no experience of having an effective voice, one others would listen to, or listen to with respect and take seriously. Thus violence became their voice. In coming to know these men's histories, Gilligan found that as children, they had typically endured extreme forms of trauma, including beating and sexual abuse, and a degree of lovelessness and neglect that took one's breath away. Gilligan's therapeutic achievement in treating these men (talking with them and listening to them) led not only to their finding a voice (for some it was the first time anyone had listened to them) but to develop over time a capacity for feelings of guilt. But Gilligan also found that the development of guilt could in itself be perilous, leading to extreme forms of self-punishment including suicide. Many in the course of these efforts at violence prevention had to be placed on suicide watch.

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<sup>9</sup> Gerhart Piers and Milton B. Singer, *Shame and Guilt: A Psychoanalytic and Cultural Study* (New York: W.W. Norton, 1971);—James Gilligan, "Shame, Guilt, and Violence," *Social Research* Vol. 70 No. 4, 2003, pp. 1149-1180.

As Michel Foucault shows in his pathbreaking study,<sup>10</sup> the prison system was designed in the Enlightenment by Quakers among others as a way of replacing the sanguinary in kind punishments common under absolutisms with the penitentiary, in which isolation in separate cells would lead men to repent and to develop a sense of personal guilt and responsibility for their crimes. Gilligan's findings on the psychology of violence, however, showed that because violence arises from the shaming of manhood, the American prison system rested on an unsound view. Rather than the penitentiary leading men to develop a sense of guilt, its hierarchical and rigid structure served to further humiliate the men imprisoned. So shamed, they often emerged from prison more prone to committing acts of violence than when they had entered. Gilligan's empirical experiments, including the Resolve to Stop the Violence Project in the San Francisco jails, showed in contrast that forms of therapy that addressed the shaming of manhood and that included theater work led to a remarkable and statistically significant decrease both in violence in the jails and in the recidivism of violent behavior when prisoners were released.<sup>11</sup>

An important feature of Gilligan's psychology of male violence lies in recognition that the concept of manhood at its center was framed by the culture we call patriarchy. Thus his work elucidated both a personal and a cultural psychology. In my first book with Carol Gilligan, we define patriarchy as "an anthropological term denoting families or societies ruled by fathers. It sets up a hierarchy—a rule of priests—in which the priest, the *hieros*, is a father, *pater*. As an order of living, it elevates some men over other men and all men over women: within the family it separates fathers from sons (the men from the boys) and places both women

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<sup>10</sup> Michel Foucault, *Discipline and Punish* Alan Sheridan translation (New York: Vintage, 1995).

<sup>11</sup> See Sunny Schwartz with David Boodell, *Dreams from the Monster Factory* (New York: Scribner, 2009).

and children under a father's authority."<sup>12</sup> We know we are within patriarchy when there is a rigid gender binary (separating the masculine from the feminine, with—contrary to fact—no permissible overlap), and the masculine is always hierarchically above the feminine (irrespective and again contrary to fact, of any overlap in competences or propensities). Both men and women under patriarchy are held to rigid honor codes that justify men's violence against any threat by men or women to their authority (sexual and otherwise) and silence any voice (women's or men's) that question such hierarchy as in the nature of things. The violent men Gilligan studied came from subcultures often still highly patriarchal, and their propensity to violence arose from insults to their sense of manhood. So, we could not take seriously the American problem of violence (including the highest rates of violence of any comparable advanced democracy) until we took seriously the role that patriarchy has played and continues to play in American culture.

Ironically, although seemingly serving the interests of white, privileged men such as myself, patriarchy exacts a huge cost on men, not only gay men, like myself, but straight men as well—a cost often hidden by men themselves. Among other harms, most lethal violence is directed by men against men; successful suicides are most often men; the life-span of men is shorter than that of women, due largely to the degree that men disproportionately suffer violence from other men; that men are more often than women in high risk professions and occupations; that almost all wars are fought by men against men; that disproportionate number of men in prisons are men; and that capital punishment is inflicted largely on men. Why are these harms among others to men not

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<sup>12</sup> Carol Gilligan and David A.J Richards, *The Deepening Darkness: Patriarchy, Resistance, and Democracy's Future* (Cambridge: Cambridge University Press, 2009), p. 22.

seen for what they are: costs men suffer within a patriarchal order of things?

It was Jim Gilligan, as he worked with and closely studied violent men in our prisons, who found that the plays of Shakespeare showed quite precisely the dynamic of shame and guilt he had observed in these men, as it were holding a mirror up to nature.

We came to believe and explain in this book why Shakespeare was the greatest psychologist in human history, since he exposes with astonishing clarity the roots of male violence in a psychology framed by the culture of patriarchy. Patriarchy is precisely, Kott's "Grand Mechanism." And we argue in our book more particularly that in his tragedies Shakespeare reveals how the humanity of men and women is destroyed by the demands of patriarchy, most notably in the transition from a shame to a guilt culture.

We framed our analysis in an understanding that human culture evolves through stages: from the mythological to the religious, from the philosophical, to the scientific. We think of these stages as cultural ways that our species has struggled with the explanatory and normative dimensions of making sense of the meaning of human lives. All of them involve narratives—whether mythologies of origin, or religious narratives of suffering and redemption, or philosophies of knowledge and ethics, or scientific narratives of empirical doubt and testing. The four stages are not sharply divided, but merge into one another with elements of an earlier stage being taken up again at another stage. Secular philosophy, for example, emerges with the Greeks of Asia Minor and the Greek mainland and Southern Italy and is critical of the earlier mythological culture, but becomes culturally dominant only later; and secular history and secular social science is invented by Thucydides, an invention anticipating our own argument about the roots of violence. The second stage of religion importantly

integrates religious narratives with philosophical insights—the role of Plato and Neo-Platonism in the works of Augustine of Hippo and of Aristotle in Thomas Aquinas. And this long basically religious period includes what it took to be the best science (largely Aristotelian). It is the Renaissance and Reformation that cast in doubt the earlier religious-philosophical consensus, a period of doubt very much in evidence in Shakespeare's plays. The philosophical period is initiated by Descartes's philosophy of doubt (prefigured in Montaigne's skeptical doubt) but takes its most important and influential form in Kant who offered a philosophy of science as the exclusive access to empirical truth, denied the validity of earlier proofs for God's existence, and offered a secular moral philosophy of dignity and human rights independent of religion. Kant, however, sharply separated the empirical from the moral world in ways unacceptable to increasingly empirically minded philosophers, some of whom tried to fill the gap with reductive forms of historical inevitability (Hegel and Marx) that were themselves question-begging and sometimes rationalized violence and repression (in Hegel, Western nationalism and colonialism were rationalized by racism; in Marxism, the historical inevitability of revolutionary violence rationalized totalitarianism). It was the sense of crisis that expressed itself in Nietzsche's moral nihilism that called for a return to patriarchy, rationalizing fascism. The fourth period, so to speak, witnessed a form of science that extends the scientific method of doubt, so successful in the physical sciences, to the human sciences. It is this method that we pursued and developed in our book, and that I further elaborate and explore here.

We recognized much more remains to be said about these stages of human cultural development, and returned to the examination of their significance later in our book. Our central claims has to do with the place of tragic theater in showing the psychological impact of the transition from shame to guilt cultures. What makes

the close study of Shakespeare's tragedies so powerfully explanatory, in particular, is its preoccupation with what we called moral nihilism. From our standpoint, moral nihilism is a humanly untenable sense of life's meaninglessness when culturally available values are seen to have lost any explanatory and normative meaning, indeed to be destructive of such meaning. Such moral nihilism recurs throughout human history, perhaps never to more catastrophic effect than in the 20<sup>th</sup> century, with two world wars culminating in the genocidal totalitarianisms of Hitler and Stalin, and in the recurrent forms of terrorism in the 21<sup>st</sup> century. If we are right, our book is of importance not only to the understanding of Shakespeare but to the study of violence as a continuing threat to our lives today. It also offers a scientific method for bridging the gap Kant bequeathed to us between science and ethics.

In this book, I develop and explore a perspective, drawing both on Plato's and Freud's psychology of love (the lovers as the mirrors for one another) and more recent developments in relational psychoanalysis, to explain the psychology of theater and, in artists like Shakespeare, its astonishing depth and truth. I return to the discussion of several plays of Shakespeare (the subject of my earlier book with Jim Gilligan) from this perspective.

In discussing *Measure for Measure*, performed in the inns of court, I argue that the play's remarkable critique of strong retributivism mirrors the development of the more rights respecting and democratic common law in the Elizabethan period,<sup>13</sup> anticipating the distinctive development of legal language and argument in the constitutional democracy into which England was to develop by the end of the 17<sup>th</sup> century. The very legitimacy of constitutional democracy both in Britain and the United States and elsewhere calls for a mode of egalitarian justification of law, which *Measure for*

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<sup>13</sup> See Sir John Baker, *English Law Under Two Elizabeths: The Late Tudor Legal World and the Present* (Cambridge: Cambridge University Press, 2021).

*Measure* reflects. Such a required mode of democratic justification is made possible, I argue, by the distinctive relationships among equal citizens under the rule of law democracy requires, developing and expressing an attitude to one another in which they mirror one another as democratic equals, thus exposing officials, like Angelo, who betray the rule of law to scrutiny and censure.

It has been a central feature of my arguments for some time that the democratic and egalitarian justification required by the rule of law in democracies has, since the ancient Athenian democracy, been in tension with the patriarchal institutions and assumptions (based on the DNA of patriarchy, the gender binary and hierarchy), which sometimes undermine and even destroy democracies (as in the Athenian democracy's imperialism leading to its disastrous war with Sparta).<sup>14</sup> It is therefore of some importance, if one seeks to understand and resolve this tension in favor of democracy, that the initiation of boys into men and girls into women under patriarchy must be closely studied to take seriously a developmental psychology that undermines democracy. My interest in both *King Lear* and *Coriolanus* is their remarkable insights into such patriarchal initiations and the tragedies to which they lead.

The tension between democracy and patriarchy has both a political and a personal dimension. How can democracy prevail at the political level if, at the personal level, patriarchy frustrates and indeed wars on the love of equals? Shakespeare's *Antony and Cleopatra* poses this question and mirrors how patriarchy destroys the love of equals, which is why I discuss it here.

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<sup>14</sup> See, on this point, Carol Gilligan and David A.J. Richards, *The Deepening Darkness: Patriarchy, Resistance, and Democracy's Future* (Cambridge: Cambridge University Press, 2009), pp. 12-15;—Carol Gilligan and David A.J. Richards, *Darkness Now Visible* (Cambridge: Cambridge University Press, 2018), pp. 10-11.

Shakespeare's tragedies show, again and again, how a patriarchal shame culture is at the root of the problem of violence both in political and personal life. The interest for me of *Timon of Athens* is its mirror for how the shaming of such a patriarchal man destroys any possibility of a guilt-based sensitivity to the interests of others, unleashing genocidal violence, familiar in both the 20<sup>th</sup> centuries totalitarianisms—fascism and communism and in the political religions of the terroristic fundamentalisms at home and abroad.

*Timon of Athens* illustrates moral nihilism, a problem Shakespeare studies in a number of his other plays, notably, *Hamlet* and *Troilus and Cressida*. Moral nihilism arises when neither a morality of shame or of guilt is any longer free from doubt, leading sometimes to Hamlet's paralysis or, alternatively, to regression to the illimitable violence of Timon or political religions. I discuss both Kant and Nietzsche from this perspective, as well as the political religions that act out this regression.

My concluding argument turn to two of Shakespeare's gender bending comedies and his greatest tragedy that suggest that suspending the DNA of patriarchy, the gender binary and hierarchy, may free love, politically and personally, to resist the patriarchal demands that frustrate and destroy it. Jim Gilligan's arguments for the abolition of prisons arise from the therapy of love across the boundaries he developed in his work with violent prisoners. If shame cultures are at the root of the problem of violence, guilt cultures, which arise from the psychology of love, frustrate the aims of love when, as in the case of St. Augustine of Hippo and Kant, they fail to see or take seriously how much their uncritical patriarchal assumptions distort and destroy love. I offer, as an alternative, an interpretation of Rawls's constructivist Kantian ethics that places love's mirror at the center of an ethics of universal human rights.

## Chapter 2

# Love and the Human Psyche

My perspective in this book starts with and then explores what most researchers in the human sciences now take to be central to the human psyche and its development: namely, love. Then based on Jim Gilligan's work on shame and guilt, I show how violence arises from trauma, that is from injuries to love fostered and justified by the shame culture of patriarchy. I then turn to how the psychology of theatre, based on distinctive human capacities of mimesis, holds up a mirror to love, showing us what we need to know and to understand about shame and guilt, love and violence.

My understanding of the human psyche derives in part from an interpretation of Freud's discoveries, drawing on Plato, with respect to what the philosopher and psychoanalyst Jonathan Lear has called, "love and its place in nature."<sup>1</sup> Following very much along the lines of Erich Fromm's earlier interpretation and critique of Freud's discoveries,<sup>2</sup> Lear shows how Freud's theory of Eros arises from Plato's psychology of sexual love in the *Symposium* and *Phaedrus*. Plato's earlier theory of love in the *Symposium* aimed to show, contrary to the earlier speakers in the dialogue before Socrates, that not all forms of sexual love were valuable, nor were

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<sup>1</sup> See Jonathan Lear, *Love and Its Place in Nature: A Philosophical Interpretation of Freudian Psychoanalysis* (New Haven: Yale University Press, 1990, 1998).—See also Jonathan Lear, *Open Minded: Working Out the Logic of the Soul* (Cambridge, Mass.: Harvard University Press, 1998); Jonathan Lear, *Freud* second edition (London: Routledge, 2005); Jonathan Lear, *Happiness, Death, and the Remainder of Life* (Cambridge, Mass.: Harvard University Press, 2000); Jonathan Lear, *Radical Hope: Ethics in the Face of Cultural Devastation* (Cambridge, Mass.: Harvard University Press, 2006).

<sup>2</sup> See Erich H. Fromm, *Escape from Freedom* (New York: Henry Holt and Company, 1965; first published, 1941); *Man for Himself: An Inquiry into the Psychology of Ethics* (New York: Henry Holt and Company, 1990; first published, 1947); *The Sane Society* (New York: Henry Holt and Company, 1990; first published, 1955); *The Art of Loving* (New York: Harperperennial, 2006; first published, 1956).

all forms necessarily egoistic.<sup>3</sup> In the *Phaedrus*, Plato offers an astonishing *psychological* portrait of human love. Both Phaedrus, quoting the rhetorician Lysis, and Socrates himself had stated what may have been a conventional Athenian view of the love of men for boys, namely, that it was better if the lover did not love the boy. Socrates, however, abruptly abandons his earlier view, and offers in its place the tripartite theory of the soul later developed at length in *The Republic* (intellect, spirit, and appetite) stated in the *Phaedrus* in terms of the charioteer (the intellect) trying to control two horses (one courage or spirit), the other (appetite, or lust). The moral power of love in the dialogue is precisely that the lover loves, indeed is devoted to the welfare of the boy, and both the psychological and normative force of such love is that such love elicits love in the boy that takes the form of self-knowledge:

Then the boy is in love, but has no idea what he loves. He does not understand, and cannot explain, what has happened to him. It is as if he had caught an eye disease from someone else, but could not identify the cause; he does not realize that he is seeing himself in the lover as in a mirror. So when the lover is near, the boy's pain is relieved just as the lover's is, and when they are apart he yearns as much as he is yearned for, because he has a mirror image of love in him—'backlove'—though he neither speaks nor thinks of it as love, but as friendship. Still his desire is nearly the same as the lover's, though weaker: he wants to see, touch, kiss, and lie down with him; and of course, as you might expect, he acts on these desires soon after they occur.<sup>4</sup>

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<sup>3</sup> On these points, see Donald Levy, "The Definition of Love in Plato's Symposium," *Journal of the History of Ideas*, vol. 40, no. 2 (April-June, 1979), pp. 285-291.

<sup>4</sup> Plato, *Phaedrus* (translated by Alexander Nehamas and Paul Woodruff), in John M. Cooper, ed., *Plato: Complete Works* (Indianapolis: Hackett Publishing Company, 1997), pp. 506-556, at p. 532.

Freud rediscovered in transference love what Plato had earlier seen in the psychology of human erotic love through what he discovered in the psychoanalysis of the dreams and free associations of a certain group of neurotics, namely, analysands whose neuroses could be reenacted and explored in their relationship to the analyst, as they saw in their “transference love for the analyst” a mirror of the archaic roots of their own problems in relationships and in life.<sup>5</sup> Freud follows Plato in regarding transference love using Plato’s mirroring imagery: “The doctor should be opaque to his patients and, like a mirror, should show them nothing but what is shown to him.”<sup>6</sup>

Jonathan Lear comments on Freud’s discovery as a discovery about human love:

Psychoanalysis, Freud once said, is a cure through love. On the manifest level, Freud meant that psychoanalytic therapy requires the analysand’s emotional engagement with the analyst and the analyst’s empathic understanding of his patient. But the latent content of this remark, which Freud only gradually discovered, and then through a glass darkly, is that psychoanalysis in its essence promotes individuation. In that sense, psychoanalysis is itself a manifestation of love. And the emergence of psychoanalysis onto the human scene must, from this perspective, be part of love’s developmental history.<sup>7</sup>

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<sup>5</sup> See Sigmund Freud, for example, “The Dynamics of Transference,” *Standard Edition* 12: pp. 99-108; “Remembering, Repeating and Working-through,” *Standard Edition*: pp. 147-156; and “Observations on Transference-Love,” *Standard Edition* 12: pp. 159-171.

<sup>6</sup> See Sigmund Freud, “Recommendations to Physicians Practising Psycho-Analysis,” *Standard Edition*: pp. 111-120, at p. 118.

<sup>7</sup> Jonathan Lear, *Love and Its Place in Nature*, pp. 27-28.

Plato had made the same point in the *Phaedrus* when Socrates observes the way different individuals experience and make sense of love in their lives, some to their great good, others less so.<sup>8</sup>

Freud's discovery is twofold: the first rooted in Plato, the second beyond Plato. The first is that human erotic love unlike the periodicity of animal reproductive sexuality is not tied to reproduction but is factually and imaginatively quite independent of it (as Freud observed in the deep imaginative and sometimes creative lives of homosexuals such as Leonardo). The second is that human love, as manifest in transference love, has not only an instrumental value in leading to abstract goodness, as Plato believed,<sup>9</sup> but the human value of self-knowledge as lovers see themselves, their development and lives, more clearly through the eyes or mirrors of their lovers. And transference love, as a form of love, leads or can lead to such self-knowledge. Thus, for Freud, transference love is when the patient transfers onto the analyst or therapist, feelings the patient has for significant people in their life (often a parent), ascribing to the analyst the behavior patterns or character of the parent or other emotionally central person from their past. Transference love thus can reveal the confusion between past and present which is the essence of neurosis, where the patient goes through life confusing and responding to people in the present (in this case the analyst) with important figures from their past. Thus examining or analyzing or interpreting transference love is a way of getting at the core of neurosis understood as the inhibition (in the present) of the capacity to love. For example, a form of this process may lead to the recognition, like that of Jim Gilligan, that shame and guilt ironically inhibit what they presumably are designed to sustain: namely our desire and capacity to love. Hence the inefficacy of both shame and guilt in

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<sup>8</sup> See Plato, *Phaedrus*, pp. 532-533.

<sup>9</sup> On this point, see Donald Levy, "The Definition of Love in Plato's Symposium."