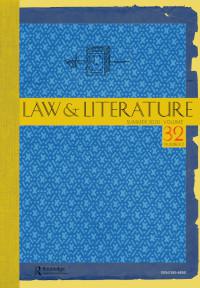
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**Actor, Orator, Person: The Representation of**

**Passion and the Passion of Representation in**

**Hobbes’ *Leviathan***

**Rüdiger Campe**

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Actor, Orator, Person: The Representation of Passion and the Passion of Representation in Hobbes’ Leviathan

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| Rudiger€ | Campe |  |
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| Abstract, The essay discusses personhood from the point of view of a | | Keywords, person, agency, |
| critical history | of representation and advocacy, focusing on Hobbes’s | rhetoric, theatre, Hobbes |



Leviathan, ch. I, XVI. Before introducing the constitutive concept of agency as based on the possession of one’s own words and deeds, Hobbes refers in the pre-conceptual genealogy of personhood to representation in theatrical and legal contexts. By discussing Hobbes’s chapter as well as representation in poetry (Horace) and rhetoric (Quintilian), the essay suggests reconceptualizing agency by taking such pre-conceptual practices into account.

1

What the words ‘person’ and ‘freedom’ mean for us socially, epistemologically, and politically, seems to be unmistakable in Western thought since Kant. Something more fundamental stands out with these notions than what the ques-tion of free will entailed in the older tradition. No longer are only individual choices and their larger or narrower scope in nature and society assessed; it is a question of the presupposition for conceiving at all of action in a sense oriented towards the human (but not necessarily limited to the human). “Agency” – with its legal, political, and theoretical implications from the Anglo-Saxon world – is the word of our times for this premise of thinking.1

In juxtaposing causality out of freedom with the sphere of nature, Kant stood in the tradition of Roman law (the Institutes of Gaius, ca. AD 161) and its differ-entiation between persons and things.2 For Kant, being labeled a person depends on this difference as well.3 But further political and theoretical conditions were

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necessary in order to make the distinction, beyond the sphere of the law proper, the basic condition of our view of the world and how we live in it. This enriching and expansion of what personhood can mean was carried out in the time of the first execution of a king – Charles I of England – ordered by a judicial and parlia-mentary trial – and in the time of the administrative consolidation of territorial states – after the Thirty Years’ War, now even in the Holy Roman Empire of German Nation. Reflections of this development can be found in the approxi-mately two decades during which Hobbes’ Leviathan (1651) and Pufendorf’s per-tinent works appeared (Elements of Universal Jurisprudence, 1660, The Law of Nature and Nations, 1672, and On the Duty of Man and Citizen, 1673).4 Hobbes and, following him, Pufendorf, relate person and sociality to one another in a fun-damental way. Pufendorf (the first professor of Natural Law and the Law of Nations in the Empire) already presupposes the mutual determination of person and society to be irreducible. He does so in the name of the freedom of the person and of their recognition by society, and, as a consequence, he must then confront the ways in which freedom and norm (“imposition”) infringe upon each other.5 Hobbes (the observer of the English civil war in exile) had, in Leviathan, first established the connection between person and norm. He developed his argument on the basis of inherited modes of speaking and acting for others and then trans-formed such practices into the authority over one’s own words and acts, con-structed according to the model of possession. The difference between Pufendorf’s and Hobbes’ theories of the person mirrors the difference between their philo-sophical undertakings in general: Pufendorf begins his work with the division between the knowledge of nature and the moral reflection of action. The world as nature – the world of things, which we can discern – has been created by God; the world of actions – which is the world of moral persons – proceeds from the imposition with which first God, then social institutions, let humans hold each other accountable for their actions supposed to be acts of freedom. Hobbes, in contrast, develops not only the Leviathan, but rather his entire philosophy, out of the single, mechanical model of impact and movement, the model which for him represents the physical as well as the moral worlds according to one and the same, continuous, concept.

Hobbes and Pufendorf thus offer first manuals for constructing Kant’s div-ision and conjunction of theoretical and practical reason. With respect to the rela-tion between nature and morality, Pufendorf already comes close to Kant. If in what follows, the focus will not be on Pufendorf but on Hobbes, this is so because rather than the solution of the two kingdoms of nature and morality, which remains so self-evident for us today, what is of interest here is the ensemble of practices and assumptions that precede it.

As stated above, Hobbes does not begin with the assumption that there is, in addition to the world of things, the utterly differently disposed “imposition” of

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norms. Hobbes begins, instead, with the presupposition that in our cultural experience, some always already speak and act in the name of others. They are the actors, from whose mouths characters speak, whom they represent on the stage and before an audience. And the orators are the ones who speak for others, who are their clients and whom they represent before the law. Person and social-ity are here not in need of being related to each other in a constitutive manner; rather, various forms of entanglement are already in existence. The present forms of entanglement come, respectively, from particular traditions and prob-lems, and must first be brought to – one might also say, purified into – a theory of the person. Those prior practices and assumptions can be summarized under the title of speaking-for-others-before-others.

With the extant cultural traditions of the actor and the orator, old areas of ancient and early-modern humanistic civilization are clearly invoked: the rhetoric of the courts and the poetics of the theater. The thesis in what follows is: Persons ‘themselves’, whose formal concept Roman law had made available with its distinction between person and thing, indeed crystallize in their substantive, living, forms out of forensic rhetoric and theatrical poetics, and their relation to one another.

Orators and actors pursue distinct ways of linking affectivity and representa-tion. With Hobbes, the outline of the person as the representative of others or of himself steps, at the virtual point of coincidence between the representation of the passions in the theater and the rhetorical-legal passion of representation, into the light of social contract theory. Hobbes’ chapter on the person is therefore regarded in what follows not only as a point of departure for the modern theory of the person, but rather, also, as the moment of condensation – and, in a certain sense, the moment of the end – of the ancient division between rhetoric and poetics.

2

In the chapter “Of Persons, Authors, and Things Personated” in Leviathan, Hobbes develops the concept of “agency” in the framework of political and consti-tutional theory. But it cannot be doubted that “agency” as such is envisioned. After all, the chapter concludes the first part of Leviathan with the title, “On Man”.6

Under the heading, “person,” Hobbes provides, first of all, a clear distinction. Thus begins, as is often the case in Leviathan, the chapter with a definition (“A person what”: the topos a re).7 Either, we learn, words and deeds are those of the person himself: then it is a matter of a natural person. Or, the words and deeds in question represent those of another: then it is a matter of an artificial person.

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This distinction will be the terminological measure of the theory developed in what follows.

After the definition, however, follows, first of all, in a humanistic vein, the etymological and cultural-historical explanation (“The word Person, whence”: the topos a nomine).8 The role of the preceding differentiation for the historical explanation is, at first, unclear. It is not mentioned explicitly in this long para-graph. In the history of the word, Hobbes begins with the Greek “prosopon” and the Latin “persona,” and paraphrases both words in the following way:

“ … Persona in latine signifies the disguise, or outward appearance of a man, counterfeited on the Stage … ”9 The mask, which in general is taken to be the basic meaning of “prosopon” and “persona,” is, for Hobbes, their special case. In the mask is condensed, for him, what it means ‘to counterfeit a man on the stage.’ How does the mask bring this about? The mask “disguiseth the face.” ‘To disguise’ was also Hobbes’ point of departure. But whereas at the beginning ‘disguise’ had the positive meaning of bringing forth the outer appearance of a human being, here the negative side – the concealment of one’s own face – is decisive. To allow a human being to become visible for others on the stage pre-supposes the concealment of that which makes visible what is one’s own (and according to a long tradition: one’s own interior): the face. The moment in the process allowing a feigned other human to appear externally, the moment that is the concealment of what is one’s own, then orients theatrical ‘counterfeiting’ towards its essential task. A ‘translation’ takes place (“ … has been translated”) of the “persona” and their role on the stage (‘to disguise’ and ‘to counterfeit’) to “any Representer of speech and action, as well in Tribunals, as Theaters.” This translation broadens theatrical “disguising” to a more general or more fundamen-tal presentation, which unites presentation on the stage with the rhetoric of the court. With this translation and broadening first emerge, in the place of ‘to dis-guise’ and ‘to counterfeit,’ those predicates which ultimately are at issue for Hobbes in Leviathan: ‘to represent’ and ‘to act.’ In the etymological process of translation, the first, pictorial and concrete meaning of ‘persona’ moves towards a theory of the person. The implicit person becomes explicit.

The history of the word does not discuss a ‘natural’ as opposed to an ‘artificial’ person, provided that one does not see an indirect reference in the fact that the presentation of another person (disguising oneself) presupposes the concealment of what is one’s own (of the face). In any case, in his history of the word ‘person,’ only those two instances occur to Hobbes which one would indeed have to count as ‘artificial’: orator and actor (and only both taken together stand for the general meaning of ‘to represent’ and ‘to act’). If one takes the distinction from the defin-ition also in the etymological topos a nomine into consideration, one may still dis-cover yet another kind of return of the ‘natural person.’ In the above-cited sentences about orators-and-actors, Hobbes unexpectedly brings into play the

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entrance of the person in ‘common conversation’: “So that a Person, is the same that an Actor is, both on the Stage and in common Conversation … .” In ‘common conversation,’ so it seems at first glance, natural persons appear. However, to represent and to act can, following what was said above, be nothing other than what they were with actors-and-orators – and these clearly belong to the category of the ‘artificial’ person.

Now, in the age of manuals of courtly conversation,10 one will anyway not assume that ‘conversation’ would mean speaking or acting authentically, or what-ever comes naturally to someone. But it is not necessary that so much be meant in order to name words and acts ‘natural’11 or – as Hobbes also has it – ‘my own.’12 For this, it is enough that ‘my’ arms, legs, tongue, and voice yield their respective effect. So much can also be said of actors and orators. The acts they perform while presenting, and the words they speak while representing, were not previously the words of the figure whom they represent, or those of the client for whom they advocate. (One could argue they are the words of the author. But that does not seem to interest Hobbes at this point.) There is, however, no point in becoming immersed in an opposition between a primary artificiality of the per-son and what comes naturally. It does not help, either, to speculate that speaking and acting always already mean presenting and representing, or, on the other hand, that one’s own speaking and acting comes purely and immaculately before any existence as a ‘representer.’ ‘Personate’ (a word that Hobbes uses for the unity of ‘to represent’ and ‘to act’)13 begins after naturalness, but its proto-artifici-ality does not destroy the possibility that it is physically in any case and in a cer-tain sense also intentionally one’s own words, which advocates speak before the court, and one’s own gestures and actions, which actors carry out on the stage.

This point of view is confirmed in the chapter on the person. After the defin-ition, which introduces the distinction between ‘natural’ and ‘artificial,’ and after the history of the word, according to which the person was never entirely nat-ural, without their artificiality excluding words and acts of their own, the rest of the chapter presents the political and legal theory, and with this the exposition of the person with regard to the theme of the Leviathan as a whole.14 The term ‘artificial’ person comes back, but without there being any explicit discussion of its opposite – the ‘natural person.’ One may speak instead of the implication of the natural in the artificial person and recognize in this implication the logic of the person as a legal, political person, and ultimately as a person of sovereign decision. The first sentence of this third and main section of the chapter reads: “Of Persons Artificiall, some have their words and actions Owned by those whom they represent. And then the Person is the Actor; and he that owneth his words and actions, is the author … ” If authorization by the author characterizes ‘some’ artificial persons, then there obviously must also be other artificial persons. But they are discussed just as little as the ‘natural’ persons. Hobbes is interested

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exclusively in the case of the “author” who authorizes an “actor,” and not in any other cases.

Implicative identification and rigorous exemplification are the two sides of the theory of the person. They do not exclude one another. What Hobbes locates in his etymological history under ‘to personate,’ had on the one hand already included many shares of ‘acting’ and ‘representing.’ Being a person led, in this respect, on its own initiative, to speaking-and-acting-for-others. ‘Agency’ of the person exists in a strong, theoretical sense only as ‘ownership.’ The ownership of ‘agency’ is determined according to the model of possession in property law: “For that which in speaking of goods and possessions, is called an Owner, and in Latin Dominus, in Greeke kyrios; speaking of Actions, is called Author.” The lan-guage of possession – which according to Roman law is proper to the thing and not the person – is a completely new element in the text. In the court, property law, among other things, is in question, but the client is not automatically the owner of the words spoken by the advocate. That may hold true for the legal rep-resentative, the iurisconsultus, in Rome; but not for the orator, the patronal advocate, whom Hobbes knows from Cicero and Quintilian. In the theater, in our view of things, actors and actresses speak words that belong to Sophocles or to Shakespeare. But nothing indicates that Hobbes has that in mind here when he pursues the relation of the ‘actor’ to his role. The ‘agency’ of the ‘author’ models, on the contrary, the control over words and actions after what it means to be an ‘owner’ of goods. With this, the logic of the person is defined in the main section of the chapter: the person, who, as ‘actor,’ is always an artificial person, presup-poses the ‘author,’ who is derived from the ‘owner’ of things).

The analogy of the “Author” with the “Owner” invites, first of all, the differen-tiation of the ‘artificial’ from the ‘natural’ person, and then the deconstruction of this difference. The owning of the owner had appeared in the form of an adjec-tive, indeed, at the very beginning with the definition of the natural person: “A Person, is he, whose words and actions are considered, either as his own (emphasis RC), or as representing the words and actions of another man … ” This formulation might be seen as solving the conundrum why we cannot simply sep-arate the natural from the artificial person: natural persons exist only insofar as they are represented by artificial persons. In this, personhood structurally resem-bles ‘ownership’ which in Leviathan is first activated in the case of a translation

– the change of possession thus being the condition for understanding possession in the first place.15 But the paradoxes in both cases do not constitute moments of uncertainty. Hobbes has ensured himself, following the definition’s logic of differ-entiation in the history of the word ‘person,’ of the extant alliances of natural and artificial persons on the stage, before the court, and in conversation. There exist webs of ‘acting’ and ‘representing,’ hybrid mixtures, in which the alternative of ‘own’ and ‘other’ does not even pose itself. This remains valid in the chapter’s

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main section on the political and juridical theory of the person, even if now, with recourse to the logic of differentiation, the problem of hybridity is resolved by presupposing the natural in the artificial. The logic according to which the nat-ural person only exists as the client for the service of the artificial person’s repre-sentation, describes the state of things in the state and society of the leviathan. The difference of the artificial from the natural, which didn’t exist at all or only in mixed forms in the etymology and cultural history of the person, thus returns and confronts the hybrid, which manifested itself in the etymology and cultural history. But the history we are dealing with now is the history of the transition from the state of nature to the state of civilization, and no longer the genealogy of the word, that is to say, of meanings and practices. The history of the social contract overwrites the genealogy.

A reconstruction of Hobbes’ text, today, cannot try to undo the incursion of the leviathan into the genealogy. The incursion of the leviathan makes genealogy into history in a modern sense in the first place. But today we can retrieve the mixed and relational forms of being a person in rhetoric and in theatrical poetics from the prehistory of the leviathan and unfold them into a critique of the per-son. This kind of attention for the historicity of ‘agency’ under the sign of sover-eignty and of the leviathan is the interest that we can have, today, in the forms of speaking-and-acting-for-others-before-others. Our interest today is geared towards those relational aspects of the person and its various forms of interdependency.

3

With this in mind, attention ought to be paid to ‘acting’ and ‘representing’ in their connection to actors and orators. We turn thus to the palimpsest-layers of Leviathan.

As is well known, Quentin Skinner has seen in Hobbes’ Leviathan, which for us has become one of the most important texts in political and constitutional the-ory, the modern continuation of Quintilian’s Institutio Oratoria, a continuation undertaken for the ends of scientia civilis in the early modern period.16 For Skinner, reading the Leviathan this way was part of the discourse history which reconstructed social and political theory in 17th century England as based on the language of humanism and Roman rhetoric. Such a far-ranging discourse-histor-ical project is not at issue here. Here it is a matter of asking which conceptual horizon Hobbes takes up when in Leviathan ‘personating,’ the theory of the per-son, is tied to the actor from Horace’s Ars Poetica, on the one hand, and to Cicero and Quintilian’s orator, on the other. It is in fact Rome we have to think of when Hobbes speaks of actors and orators. In Rome, the theater had definitively emerged, from ritual festival, to become stage spectacle and drama. And in

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Roman courts, rhetorical specialists no longer wrote speeches that their clients would then recite in their own names, as was the case in classical Athens; rather, orators in Rome acted as patrons, who, in their own name, represent him for whom they speak. It is within this institutional and intellectual horizon that Horace, Cicero, and Quintilian are here consulted as the sources of the key words in Hobbes’ chapter on the person.

Regarding ‘personating’ in Hobbes’ theory of the person, two complementary modes of representation can be distinguished, as has been indicated above. They are the traditions of poetics and rhetoric, and can be characterized by the following formulations: the representation of passion (on the stage) and the passion of repre-sentation (before the court). In order to elucidate the relation of theatricality to forensic rhetoric in Hobbes in greater detail, we must observe the old artes for a moment from their own perspectives and from the perspectives of their own histor-ies. Poetics and rhetoric do not answer the questions we have raised directly. That is why they are called arts and not theories, since what justifies them does not appear in itself but is rather allowed on the surface-level of the rules. The ground of representation that creates characters on the stage and that provides agency before the court inheres in the gestures that the actors carry out, and in the fig-ures that the orators employ. The arts do not speak explicitly of a ‘person’ who represents an ‘author.’ In the arts of rhetoric and dramatic poetry, theory is not separated from practice. This is what we call a rule: ‘Do something which, by doing it, you learn to understand what it means and what it presupposes.’ The sentence about the ‘Actor’ who implies a represented ‘Author’ constitutes the intervention of theory in poetics and rhetoric. At the moment when Hobbes makes explicit the analogy of ‘author’ and ‘owner,’ the theory disentangles itself from the mere rules of rhetoric and poetics – that is to say, in Hobbes’ eyes, from the interdependencies of mixed forms – and enters into the State of the leviathan.

If we observe rhetoric and poetics here from the perspective of passion and representation, we proceed, by doing so, in the vein of the rules. Nowhere in the long epoch of Hellenistic-Roman representation have poetics and rhetoric approached each other so closely, and nowhere do they diverge so sharply as in the two rules on auto-affection: “If you would have me weep, you must first feel grief yourself” (“si vis me flere, dolendum est/primum ipsi tibi”). (Horace, The Art of Poetry, l. 102f.)17 And: ,, … that we should ourselves be moved before we try to move others (adficiamurque antequam adficere conemur).” (Quintilian, Insitutio oratoria, VI.2.28)18 In both cases, we can speak of a basic rule or meta-rule: the rules on auto-affection determine how, in poetics and rhetoric, rules in general can be formulated and followed.

First, on “acting” in poetics and on the theater: the I who speaks in Horace’s The Art of Poetry (its actual name is that of an epistle, to the consul Lucius Calpurnius Piso and his sons) addresses the demand for auto-affection not to the

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poet of the tragedy – the author – but rather to the actor or the character, or both at once. … then (i.e. when and if you obeyed to the rule of auto-affection), O Telephus, or Peleus will your misfortunes hurt me “(The Art of Poetry, l. 103f.; Horace is alluding to Euripides’ dramas Telephus and Andromache), Horace says in explanation. With this, he does not call for the identification of the actor with the character first, and an act of identification of the actor with the spectator second. Instead, he speaks of an at first impersonally-conceived unity of affective movement, which entails the coherence and adequacy of emotion, gesture, and word: “Sad tones befit the face of sorrow; blustering accents that of anger; jests become the merry, solemn words the graves (tristia maestum/voltum verba decent, iratum plena minarum,/ludentem lasciva, severum seria dictu).” (The Art of Poetry, l. 105-107) There follow a few more oppositional pairs of passion and its expression – since Aristotle’s Rhetoric (book II) passions have always been ordered in oppositional pairs of passion and its expression – until Horace finally gets to the subsequent movements of physiological expression: “For Nature first shapes us from within to meet every change of fortune: she brings joy or impels to anger, or bows us to the ground and tortures us under a load of grief; then, with the tongue for interpreter, she proclaims the emotions of the soul (format enim Natura prius nos intus ad omnem/fortunarum habitum; iuvat aut impellit ad iram,/aut ad humum maerore gravi deducit et angit;/post effert animi motus interprete lingua).” (The Art of Poetry, l. 108-111) According to this stoic materi-alism of the spirit - to which Hobbes subscribes -, the “fortunis absona dicta” (l.

1. are to be avoided: words that do not correspond to the luck or misfortune that we variously experience. The conclusion at this point is the following: importantly, Horace speaks in this context at first not about the poet or the drama, and not even the character, actor, or spectator. Instead, he draws atten-tion to the affective movement and its related sequence of expressions. This movement begins on the stage, continues with the effects on the spectator, and then returns to the stage in the audience’s shared experience and understanding of the action. Only when this circle is closed – when these affective situations are synchronized on the stage and with the spectators, like the mirror neurons in contemporary neurology – do persons (personae dramatis) step out onto the stage as it were and make themselves visible for the spectator.19 Only as the result of the affective movement does the spectator experience Telephus and Peleus on the stage, and only then do the actors represent Telephus and Peleus for him. This sequence is decisive for Horace’s rule: the process of ‘acting’ does not begin with the characters in the drama, empathizing actors, and spectators who are pre-pared for identification. Instead, it begins with passion, which must be under-stood as an ongoing and developing movement in the theatrical space. Passion is thus here passion for representation; a passion oriented to representation and that also means to differentiating the theatrical occurrences in the actor and

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character, drama and spectator. As in the above-cited verse in Horace, charac-ters, actors and spectators, poets and readers, separate themselves from one another only in a deferred manner, and they then, retrospectively, confirm each other. It was Telephus whose wound, as we have experienced, would not heal; we have seen an actor who plays Peleus in Euripides’ Andromache. The representa-tion in the dramatic character and by the actor develops out of passion into repre-sentation and, as a result of its doing so, character and actor add themselves to the acts of representation like its retroactive definition. With Horace and in the trad-ition that follows him, poetological form is not form in the sense of the presentation of something or of the imitation of things in the world. In traditional poetics, form means the appropriateness of elements (the adequateness) in a homogenous field of movements and events. This diagnosis can be further nuanced: Before Horace speaks of the required crying-with in the rule of auto-affection, his subject had been laughing-with. Crying and laughing are not passions in the sense of anger and mourning, fear and joy, which had been discussed before. The two basic genres of poetics – tragedy and comedy – take up the dual pair of crying and laughing. Horace touches on them at the end of his consideration of metrics and their appro-priateness for the poetic genres, immediately before he speaks about the passions. Crying and laughing – the transition to the theme of the passions and their effects

– are at the same time the last words on the genres and poetic form. The criteria of ‘effect’ and ‘form’ are not foreign to each other. In this European poetical tradition, form has been first and foremost defined as the effect-inducing internal appropri-ateness of correlated affective movements, and that means that no thought on form leads back behind the first set of alternatives – behind tragedy or comedy, crying or laughing. Catharsis begins with their immemorial constellation and not with the individual passions. In the last century, incidentally, the philosopher Helmuth Plessner rediscovered this constellation: by crying and laughing and the way in which both come over us, we become aware how our bodily physis gets in the way every time we find ourselves in particular situations and moods, among other humans and things.20 This argument has become the basic insight of 20th century philosophical anthropology.

Histories of poetics indeed tell us that Horace’s Art of Poetry was a step towards the rhetorization of poetics.21 Yet for all its proximity to Horace’s rule about crying (and laughing), Quintilian’s rule of affection out of auto-affection is a reversal of The Art of Poetry. Firstly, that is so because Quintilian’s rule, ‘we should move ourselves before we try to move others’ is a rule for production and not reception. With him, affection is not the point of departure for the effects of representation, but rather what is to be elicited through representation (that is also why later, more extensive versions of rhetorizing poetics could then translate this rule of rhetoric, without difficulty, into the aesthetics of genius). But in rhetoric, another shift is bound up with this reversal of poetics. This is the

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second point about affection in rhetoric.22 After having formulated the rules of auto-affection for the first time, Quintilian continues: “The mere imitation of grief or anger or indignation may in fact sometimes be ridiculous, if we fail to adapt our feelings to emotion as well as our words and our face. (Nam et luctus et irae et indignationis aliquando etiam ridicula fuerit imitatio, si verba vultumque tantum, non etiam animum accommodarimus).” (Quintilian, Institutio Oratoria, VI.2.26).” Here what is discussed is not crying and laughing, nor their formal basis in the opposition of tragedy and comedy, but rather the respective passions, which are unthinkable without individual bearers. In accord with the entire rhetorical trad-ition, Quintilian famously forbids the orator from presenting affects in direct, the-atrical, imitation.23 If one, rightly, sees this as an act of delineating rhetoric from poetics, Quintilian misgauges poetics’ actual intention in this matter. As shown above, poetics teaches an imitation of individual affects only in a derivative sense. But the opposition nevertheless aims at the fundamental difference of rhetoric from poetics. The actor lets himself be determined by the subjectless, proto-affective crying and laughing as a representation that, in the course of theatrical acting, then becomes the imitation of a particular passion and of a particular character. For the orator, by contrast, it is a matter, from the very beginning, of particular persons and affects attributed to them. But in performing this with respect to individual per-sons, the orator steps in as a patron for clients – he does not imitate them.

How can one then kindle the passions of others without imitating them? Representation, so the answer goes, comes first in this case. With the orator, rep-resentation is not what is aimed for with auto-affection. On the contrary, represen-tation is the presupposition of passion, which one awakens in oneself; representation gives structure to auto-affection. A kind of experiment on the self is suggested to the orator, who subjects himself to it in order to bring about the pas-sion that he wants to arouse. “Suppose I am complaining that someone has been murdered. Am I not to have before my eyes all the circumstances which one can believe to have happened during the event? Will not the assassin burst out on a sudden, and the victim tremble, cry for help? And either plead for mercy or try to escape? Shall I not see one man striking the blow and the other man falling? (Institutio oratoria, VI.2.31.) Quintilian comes no closer than this, neither earlier or later, to revealing the :secret of producing affection through auto-affection, the technique of art: to be a ‘representer’ means speaking for the other (the client) because he does not speak himself and lives his life in the mute but eventful and perilous exterior of the court room. That is the experiment through which affection takes place as auto-affection in the only relevant and possible relation of speech, the channel of communication between orator and judge. That, in the single rele-vant relation of speech, someone speaks for the one who does not have a chance to speak and therefore simply, only lives: this speaking-for-others (-and-oneself) is the basis of affection through auto-affection in rhetoric.

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We may attempt, in this context, to go back behind the institutional barriers of the Roman court, and to discern a comparable influence on pathe or emotions by rhetorical technique already in the Greek trial procedures, in this case in the process of accusation. In Aristotle’s Rhetoric, there is a striking correspondence between the passions, on which the one speaking before the court works, and the motives underlying the accusation and thereby also the procedure as a whole. Pathos, or emotion, follows the same grammar as the “kategoria” (in Greek: the accusation). In order to understand what anger is, one must, according to Aristotle, ask: Who is angry at whom, for the sake of what? In order to identify what an impeachable action can be, the question reads: Who has damaged whom for the sake of what?24 The passions, which those speaking before the court stir up on the spot, receive their structure according to how, in the accusation, actions are interrogated regarding their motives. The process of accusation – and here, in the Greek court, not the representation of a client by a patron – precedes the pathe or emotions of the trial, and thereby imparts their grammar to them.

In the Hellenistic-Roman epoch of representation, and up to and even beyond Hobbes, actors and orators are mirror figures. One is the representation that comes out of the passions: the model of catharsis and of the actors’ ‘acting.’ The other is the arousal of passion, which originates in the establishment and proced-ural mode of representation before the court, in the advocate’s being a ‘representer’ for the client. That actors and orators are mirror figures also, how-ever, means that they remain distinct from one another. In rhetoric and poetics, passion and representation, representation and passion remain bound to each other and to the artistic practices in which they play their role. They do not acquire the status of theory, the theory of the person. A person that would be the subject, in both forms of connection between passion and representation, would lie precisely at the - virtual - point of intersection between rhetoric and poetic.

Hobbes – such has been the argument – occupies this point of intersection with the theorem of agency and representation through substitution, that is to say, with the introduction of an ‘author’ presupposed in the ‘actor.’ One could call Hobbes’ the-ory of the person the explication of what is implied in the relation between rhetoric and poetics. The point of intersection between the passion of representation and the representation of passion becomes explicit with Hobbes; it becomes, in other words, the object of a theory. Still, this theory says that the person is an ‘actor,’ who pre-supposes an ‘author.’ As a theory, it is still formulated through implication.

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In the second and third sections of this paper, we have set our sights on a unified theory of the person, in which “Agency” could coalesce, in the pertinent chapter in Hobbes’ Leviathan. The attempt was undertaken with two distinct methods.

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The second section offered an internal reading of Hobbes’ text, according to which actor and orator appear as distinct models of the person and of ‘personating.’ The third section offered a brief overview of the history of actors and orators in poetics and rhetoric with respect to the meta-rule of auto-affection, in which they meet without coinciding.

The result is – as far as the argumentation can be developed in this paper – nei-ther a unified theory of the person who would simultaneously be the author of their actions, nor their dismissal or deconstruction. In a world that has adopted Pufendorf and Kant’s ideas on rights and duties, one cannot think and cannot live without the hypothetical unity of the person. But the closer reading of the text of the Leviathan and the brief summary of the histories of passion and representation involved in it do not yield a simple version of the theory, either. Hobbes designates ‘me’ as the author of ‘my’ words and actions, but only for the purpose and in the case of ‘my’ own repre-sentation of ‘myself.’ In their traditional form, rhetoric as well as poetics formulated rules of auto-affection, but not the same ones. The first step towards a present-day theory of the person and their ‘agency’ would be to take these findings into account and to allow for mixed forms of agency while maintaining the unitary theory of the person as a point of reference. In a further step, the results of our reading of Hobbes could then be reinterpreted through more recent discussions of ‘agency,’ Donald Davidson’s, for example. In this way, one could learn to orient oneself according to the bundling of responsibilities and competencies in the person, without denying the diversity of mixed relations and while leaving room for the regional and historical dif-ferences in their integration.25

DISCLOSURE STATEMENT

No potential conflict of interest was reported by the author(s).



1. Deborah A. DeMott, “The Contours and Composition of Agency Doctrine: Perspectives on History and Theory of Inherent Agency Power,” University of Illinois Law Revue, (2014): 1813–34. “ … agency relationships … are best understood to enable one person (the “principal”) through an independent actor (the “agent”) to take legally salient actions in relationship to third parties and facts in the world.” (p. 1816).
2. George Mousourakis, “Chap. 1, The Law of Persons,”in Fundamentals of Roman Private Law (Berlin, Heidelberg: Springer, 2012), 85–118. For Gaius’s Institutes and the division into persons, things, and actions see Will Deming, “Paul,



Gaius and the ‘Law of Persons’: The Conceptualization of Roman Law in the Early Classical Period,” The Classical Quarterely 51 (2001): 2018–230; for a critical, Foucauldian, perspective see Roberto Esposito, Persons and Things. From the Body’s Point of View, trans. Zakija Hanafi (Cambridge: Polity Press, 2015).



1. See Immanuel Kant, Grounding for the Metaphysics of Morals, trans. James W. Ellington (Indianapolis: Hackett Publ. Co, 1993), Sect. 2, pp. 19-48 (4:406-445).
2. Samuel Pufendorf, Two Books of the Elements of Universal Jurisprudence, trans. William A. Oldfather, ed. with revisions by Thomas Behne (Indianapolis: Liberty Fund, 2009); Pufendorf, De

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jure naturae et gentium libri octo. Vol. 2. Transl. of the ed. of 1688, trans. Charles H. Oldfather and William A. Oldfather (Oxford and London:



Clarendon Press, Humphrey Milford, 1934); and Pufendorf, On the Duty of Man and Citizen According to Natural Law, trans. Michael Silverthorne, ed. James Tully (Cambridge: Cambridge University Press, 1991).

1. Pufendorf, De jure naturae and gentium, book I. ch. 1, sections 3 and 4, 38-65; cf. Duty of Man and Citizen, Book I. ch. 2, pp. 27–32. For Pufendorf’s concept of autonomy and liberty see Jerome B. Schneewind, The Invention of Autonomy (Cambridge: Cambridge University Press, 1998), 118–40; for the concept of imposition and its intrinsic problems Stephen Darwall, “Pufendorf on Morality, Sociability, and Moral Powers,” Journal of the History of Philosophy 50

(2012): 213–38.

1. On the construction of the person as individual substance in Leviathan see Marco Simendic, “Thomas Hobbes’s Person as Persona and ‘Intelligent Substance’,” Intellectual History Review 22 (2012): 147–62; on the political context Quentin Skinner, “Hobbes on Persons, Authors and Representatives,” in The Cambridge Companion to Hobbes’s Leviathan, ed. Patricia Springborg (Cambridge: Cambridge University Press, 2007), 157–80.
2. Thomas Hobbes, Leviathan, ed. Richard E. Flathman and David Johnston (New York: Norton & Co., 1997), 88.
3. Ibid.
4. The quotations here and in the following paragraphs ibid., p. 88f.
5. Christoph Strosetzki, Konversation und Literatur. Zu Regeln der Rhetorik und Rezeption in Spanien und Frankreich (Frankfurt: Lang, 1988).
6. Secondary naturalness – doing what comes naturally as practice in given frames – resembles the anti-foundational notion of rhetoric as developed in Stanley Fish, “Chap. 20, Rhetoric,” in Doing What Comes Naturally. Change, Rhetoric, and the Practice of Theory in Literary and Legal Studies (Durham, NC: Duke University Press, 1989), 471–502.
7. “A PERSON, is he, whose words or actions are considered, either as his own, or as representing the words or actions of an other man … ” (Hobbes, Leviathan., p. 88).
8. “ … Personate, is to Act, or Represent himselfe, or an other … (Hobbes, ibid., p. 88).
9. Cf. Quentin Skinner, “Hobbes and the Purely Artificial Person of the State,” The Journal of Political Philosophy 7 (1999): 1–29.
10. Cf. Hobbes, Leviathan, book I, ch. 14, Of the first and second NATURALL LAWES, and of CONTRACTS, pp. 72–9. With the first law of nature being a pure commandment (“That every man, ought to endeavour Peace,” p. 72), the second law, beginning again as a commandment, first introduces the idea of a right (“That a man willing, when others are so too, as farre-forth, as for Peace, and defence of himselfe he shall think it necessary, to lay down this right to all things,” p

.72f.). The right that enters the law in the moment of laying it down, if necessary, then further introduces transference and, with it, the social contract (“Right is layd aside, either by simply Renouncing it; or by Transferring it to another,” p. 73).

1. Quentin Skinner, Reason and Rhetoric in Hobbes (Cambridge: Cambridge University Press, 1996).
2. Horace, “The Art of Poetry, or Epistle to the Pisos,” in: Horace, Satires, Epistles and Ars Poetica, trans. H. Rushton Fairlough (London: Heinemann, reprint 1936). Page numbers in the following paragraphs refer to this edition and translation.
3. Quintilian, The Orator’s Education (Institutio Oratoria), trans. Donald A. Russell (London: Harvard University Press, 2001). Page numbers in the following paragraphs refer to this edition and translation.
4. In her reading of Horace’s Art of Poetics Jennifer Ferris-Hill highlights the social context of this poetics in terms of family and friendship (according to the character of the Art of Poetry as a letter to the Pisos). Even if the approach here emphasizes, in contrast, affect and affection on anthropological rather than social levels it follows Ferris-Hill in stressing the intersubjective underpinnings of The Art of Poetics. See Jennifer Ferris-Hill, Horace’s Ars Poetica: Family, Friendship, and the Art of Living (Princeton, NJ: Princeton University Press, 2019), in particular ch. 3, Risum, pp. 153–99.
5. Helmuth Plessner, Laughing and Crying. A Study of the Limits of Human Behaviour, trans. James S. Churchill, Marjorie Grene (Evanston:

Northwestern University Press, 1970).

1. Manfred Fuhrmann, Dichtungstheorie der Antike: Aristoteles, Horaz, ,,Longin.“Eine Einf€uhrung (Darmstadt: Wissenschaftliche Buchgesellschaft, 1992).



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1. The argument as summarized here is developed

in Rudiger€ Campe, An Outline for a Critical

History of Fursprache:€ Synegoria und Advocacy, Deutsche Vierteljahreschaft (DVjS) 82 (2008):

355–81; cf. also Campe, Affizieren und Selbstaffizieren. Rhetorisch-anthropologische N€aherung ausgehend von Quintilian, Institutio oratoria VI, 1-2, in Rhetorische Anthropologie. Studien zum Homo rhetoricus, ed. Josef

Kopperschmidt (Munchen:€ Fink, 2000), 135–52.

1. See Francesca Romana Nocchi, Techniche teatrali e formazione dell’oratore in Quintiliano (Berlin: DeGruyter, 2013).
2. Aristotle, Art of Rhetoric, trans. John H. Freese (Cambridge, MA: Harvard University Press, reprint 1994), on accusation and motives see I. 10.5, 1868b; for the emotions see II. 1.3, 1377b.
3. Davidson opens his essay, Agency, from 1971, with an everyday story of awakening (Donald Davidson, Essays on Actions and Events (Oxford: Clarendon, 2001), 43–62. The awakening first person feels himself to have been awakened because someone is playing violin nearby; he stands up, washes himself and shaves, gets dressed, and goes downstairs. He turns on the light in passing, trips on the edge of the rug, and spills coffee as he reaches for his mug while reading the newspaper. The reader is often uncertain whether these are events that happen to someone, or actions that have their cause in a self. Waking up is probably not an action, but shaving certainly is. Is snoozing after waking up an action? Is turning a switch one action and the bending of fingers another? Is waking up an action? The story from everyday life consistently



avoids giving any decisive answers. If we want an answer – and we want it, because we need orientation for actions in everyday life – we make up a re-description: Can one conceive of a particular process as the effect of an intention (understood as cause)? Simple cases of doubt are those which we can see one way or another. I can have stepped on the edge of the dining room rug intentionally or not. More intricate are the cases in which the intention is clear, but related to something other than that of which it has ultimately become the effect. I wanted to reach for the newspaper, but I didn’t want to spill the coffee; but my intention to do the one thing has brought about the other. And so on.



Such considerations allow the above insights to be understood in a new way. If in Horace the spectator adds to his comprehension of the pain taking place on the stage that it concerns Telephus in a drama, which has such and such events as its theme, then that has the manner of a deferred re-description. And in his presupposed engagement to speak for the one who cannot speak, Quintilian’s orator assumes an understanding of the action to which he, out of this engagement, brings forth the appropriate stories, which then always already are the actions and sufferings of the one for whom he speaks. Doubtlessly, Hobbes’ efforts go towards theoretically resolving such complications in the figure of authority as the possession of agency. But as the preface to Leviathan shows, the sovereign or leviathan is a person and the owner of agency precisely because he finds the passions of all citizens within himself.

Rudiger€ Campe is Alfred C. and Martha F. Mohr Professor of German and Professor of Comparative Literature at Yale University. His research focuses on literature and knowledge, German, English and French, 17th century to the present, and on reception studies in rhetoric and aesthetics. He is author of The Game of Probability. Literature and Calculation from Pascal to Kleist, Stanford 2012, and he has published in particular on baroque theatre and the modern novel. Most recent publications: “Schutz und Schirm.” Screening in early modern German, in Screen Genealogies, Amsterdam 2019, ed. Buckley, Campe, Casetti; Die Institution im Roman. Von Musils T€orless zum Mann ohne

Eigenschaften, Wurzburg€ 2019.

Translated by Jason Kavett

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