

Hasso Hofmann and the Polysemy of Representation

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Abstract

Undoubtedly, representation is one of the most elusive notions that we can find in political theory and includes several different and often incompatible meanings. Most of these meanings have their origins in the history of the word. In recent years, the field of political theory has witnessed a renewed attention to political representation. Yet, there has been almost no scholarly literature on the specific problem of the relationship between the polysemy of representation and the definition of political representation. This article aims to fill this void calling for a renewed attention to the conceptual history of representation as a necessary preliminary step to investigate the politicization of the semantics of representation. The purpose of this contribution is to provide an outline of the different meanings of the Latin term *repraesentatio* as the German legal philosopher, Hasso Hofmann presents them in *Repräsentation: Studien zur Wort- und Begriffsgeschichte von der Antike bis ins 19. Jahrhundert*, a book published in 1974. Hofmann's work helps make the case for the importance of conceptual history in the theoretical reflection on representation.

Keywords: representation, Begriffsgeschichte, repraesentatio, Hasso Hofmann, Hanna Pitkin

Introduction

In a recent collection of essays on representation, David Runciman assesses why so little literature has been devoted to the concept of representation vis-à-vis that of democracy, particularly in the Anglophone world (Runciman 2006). In Runciman's view, one major reason for this is the uncertainty of the meaning of representation and its lack of semantic clarity. Whereas a broad definition of the concept of democracy as "rule of the people" could work for the study of the conceptual and linguistic aspects of this notion, things are not so easy for the concept of representation. As Runciman remarks, "it is not possible to say exactly what representation means, either in a political or non-political setting. Various attempts have been made to define representation in comparably straightforward terms, through its etymology, as 're-presentation', or the making present of something again [...] But unlike democracy, the concept of representation has not remained true to its etymology" (Runciman 2006, 165). In other words, Runciman reminds us that the semantic and linguistic aspects of representation are far more ambiguous than that of democracy and this is why many theorists have preferred to focus on the second while neglecting the first or ascribing to it a mere "instrumental" role vis-à-vis democracy.

Undoubtedly, representation is one of the most elusive notions that we can find in political theory and includes several different and often incompatible meanings. The lack of a univocal meaning of the English word *representation* can be inferred from the fact that the word can be alternatively used to refer to the representation of a drama play or a movie, the representation of economic interests or the political role of an elected representative. In these three examples, it is hard to see a single semantic thread that explains the linguistic differences of the usages of the word. Most of these meanings have their origins in the history of the word. The variety of their semantic differences is perhaps easier to articulate in those languages in which the different meanings of representation correspond to different words. The Latin word *repraesentatio*, which is the stem of all words related to "representation" in the various European languages, already entailed several meanings that were often incompatible with each other. English and French have maintained one single word for the different meanings connected to representation, *representation* and its French ancestor, *représentation*. However, each European language has developed its own way of dealing with the semantic richness of the Latin word *repraesentatio*. For example, in German and in Italian different words have been developed to refer to the set of meanings related to the English word representation. In German, the words *Darstellung* and *Stellvertretung/Vertretung* refer respectively to representation as a symbolic act and a form of substitution by which someone replaces someone else in a legal or political environment (Hofmann

1974; Pitkin 1989; Sintomer 2013). The German language also has the variant *Repräsentation* (the verb is *repräsentieren*), which somehow also means “substitution”, but refers only to the representation of the common good in the public sphere, while *Vertretung* or *Stellvertretung* usually correspond to mandate or refer to the representation of private interests (Pitkin 1989; Sintomer 2013). In Italian, there are also different words that are used for different meanings of the English notion of *representation*. They are *rappresentanza*, which refers mostly to representation as a juridical and political form of substitution (hence similar to *Vertretung/Stellvertretung* or *Repräsentation* in German), and *rappresentazione* which mostly means representation in its aesthetic meanings (hence similar to the German notion of *Darstellung* or to the German word for epistemological representation *Vorstellung*)¹.

In recent years, the field of political theory has witnessed a renewed attention to political representation (Disch 2008; Näsström 2014; Urbinati and Warren 2008; Castiglione and Warren 2006). Some theorists underline the necessity to go beyond “standard” understandings of political representation and look for new theoretical models to deal with the emerging rise of transnational and non-governmental avenues of politics (Castiglione and Warren 2006; Urbinati and Warren 2006). Others suggest that “we need to invent different forms of representation or perhaps new forms of democracy that go beyond representation” (Hardt and Negri 2005, 255). Several scholars have stressed the importance of aesthetic and symbolic meanings of representation in the redefinition of political and democratic representation (Ankersmit 2002; Lefort 1994; Näsström 2006). However, in this literature, it is not always clear which role the different meanings of representation can play in configuring alternative concepts of political representation. A few people would deny that clarity on the semantic choices that are part of any attempt to pin down a specific definition of political representation is crucial, if we want to explain what is the relevance of representation in the political world. Yet, there has been almost no scholarly literature on the specific problem of the relationship between the polysemy of representation and the definition of political representation.

This article aims partly to fill this void calling for a renewed attention to the conceptual history of representation as a necessary preliminary step to investigate the politicization of the semantics of representation. The purpose of this contribution is to provide the first general outline in English of the different meanings of the Latin term *repraesentatio* as they are presented in *Repräsentation: Studien zur Wort- und Begriffsgeschichte von der Antike bis ins 19. Jahrhundert*, a book published in 1974 by the German legal philosopher, Hasso Hofmann. In this book, Hofmann has tried to make justice of the elusiveness of representation proposing an impressive reconstruction of the history of representation from the Roman era to the 19th century. The presentation of Hofmann’s work helps make the case for the importance of conceptual history in

the theoretical reflection on representation. Hofmann shows that the issue of representation is first of all a linguistic and historical semantic problem. Hence, a conceptual and normative theory is impossible if it is not based on a detailed semantic and linguistic analysis targeted to specific authors or traditions that have dealt with representation. Indeed, Hofmann distinguishes three basic meanings of *repraesentatio*: the *Urbild-Abbild Dialektik* (the dialectical relationship between an image and its copy), *Stellvertretung* (representation as substitution), *Repraesentatio identitatis* (the representation of identity). I will first present the methodological assumptions of Hofmann's work in opposition to Hanna Pitkin's theory of representation. Then, I will focus on each of the three meanings of *repraesentatio* that are explained in Hofmann's 1974 book.

Hofmann's Methodological Assumptions

The starting point of Hofmann's analysis of representation lies in the assumption that, when talking about representation (and by this, he means the Latin word *repraesentatio* and its derivative meanings in English, French, German, Italian and Spanish), we have to keep in mind that "in the beginning was the word, not the concept" (Hofmann 1974, 35)². In Hofmann's opinion, representation "is not a concept fixed by its always identical object, nor is it the name of a thing but it is rather a syn-semantic and syn-categorical expression that we can handle in different ways, according to the sense that it can take within a determined context"³ (Hofmann 1974, 35). Examining the history of representation through this interpretive lens will help us see that the problem of understanding representation was semantic and linguistic before it became conceptual. This issue often seems to be forgotten in the contemporary debate on the subject. However a distinction between conceptual and semantic meanings is crucial if we want to study representation.

Drawing on Wittgenstein and Austin's theory of language as speech-act, another important theorist of representation, Hanna Pitkin, equates "conceptual analysis" with what she calls an "exercise in language philosophy" (Pitkin 1967, 7). In so doing, she treats concepts as functions of speech-acts that belong to ordinary life. This is also the way that she approaches the study of representation, namely, as a notion whose conceptual boundaries are defined in the ordinary usage of the English word *representation*. On the contrary, Hofmann's work on representation goes back to the tradition of Reinhard Koselleck's *Begriffsgeschichte* (Koselleck 1979) in which concepts are considered "denaturalized entities", the definitions of which depends on specific historical, social and political contexts rooted in different linguistic experiences. In this tradition, the meaning of certain words and terms are embedded in specific cultural

contexts and subject to continuous change. This means that the first effort that we should pursue in analysing these concepts is to look at how a given word has been associated with different meanings. It is this approach that guides Hofmann in his analysis of the history of the concept of representation⁴. For him, representation is first and foremost a problem of language. The title of the great German political philosopher's first chapter is meaningfully entitled *Representation, a German problem?* This title hints at the fact that the German language (almost uniquely among other European languages) uses a variety of words and different semantic dimensions for the concept of representation.

Hofmann contends that the semantic meanings attached to the notion of representation both in different languages and across different traditions are so divergent that an a-historical normative approach risks undermining this variety⁵. In Pitkin's approach, history is only relevant insofar that it can help support or reject different meanings of representation as they have been filtered through ordinary language. At the same time, however, Pitkin's conceptual map of representation divided into substantive ("standing for" and "acting for") and formalistic representation presupposes a certain a-historicity of these categories. When describing the relevance of representation as "standing for" and "acting for", Pitkin does not hesitate to go from one epoch to the other, while taking for granted that the same category retains the same meaning across different historical and cultural contexts. For instance, describing representation as "standing for", Pitkin explains that one example of symbolic representation, a subgroup that sees the representative as a symbol that "stands for" something, is that of the pre-Christian use of the image of a fish in order to symbolically represent God. However, the same type of symbolic representation can be seen in the relationship between the leader and the nation in fascism or in the way that Cicero describes the function of the orator on a stage, namely by representing his clients in person as an actor on stage. Likewise, the concept of representation as "acting for" can refer either to the function of the lawyer in a Roman court or to the function of the first parliamentary assemblies of early modern Europe. This a-historical conceptual focus of Pitkin's work is the target of Hofmann's critique in his investigation of representation⁷. Against this idea, Hofmann would argue that the presupposition of this cross-historical usage of symbolic representation does not hold because the characterisation of representation as a symbolic activity (the ideas themselves of "representation" and "symbol") varies so much between the first centuries AD and the fascist regimes of the 20th century that using the same notion to understand representation as a symbolic activity or "acting for" in both contexts is misplaced. For Hofmann, Pitkin's usage of symbolic representation or as "acting for" in such different epochs would amount to detecting "a meaning, presumably authentic or original, which should belong to the word 'representation'", a strategy, this, based on the idea that there is a fundamental uniformity of the linguistic

symbolism". Against this strategy, Hofmann's intention is to prove "the existence of dependencies and historical transformations" (Hofmann 1974, 32) of the concept in its use in different fields, traditions and authors.

As a result, Hofmann shifts the investigation of representation from what Pitkin thought to be a common basic meaning of this word ("making present again") into the idea that there is no single concept of representation that extends from its original to its contemporary usage. According to Hofmann, the secondary literature on representation, of which Pitkin is a part, generally shares the idea that from Cicero onwards, the word representation refers to making something that is absent present, actual and effective⁸. This approach would situate representation under the general category of *Stellvertretung*, a form of substitution that implies a constant directedness of the representative toward the represented. After all, when Pitkin explains which aspect of representation should be considered its semantic basis, she says that representation literally means "making present again". Following from this definition, her goal is to investigate the different ways and forms through which this activity can take place. For Hofmann, this is simply the wrong way of approaching the problem of representation. One negative consequence of this approach, he contends, is seeing a false continuity between the concept of representation as substitution (he uses the word *Stellvertretung*, the sense of which we will have to explain more in depth below in this paper) in the Roman world and "making present again". Hofmann argues that from the Roman world to the Middle Ages, *repraesentatio* was a technical term that referred to two different forms of juridical activity: one is the borrowing of money, anticipated or in the form of payment, and the second is the production of witnesses in court or during a trial. Hofmann explains that the two juridical meanings of *repraesentatio* described above had nothing to do with a form of "acting for" or with representation as *Stellvertretung*.

For Hofmann, then, the question is as follows: how can we explain the rise of representation as *Stellvertretung*, its gradual development into the idea of elective representation, and the eventual culmination of elective representation in democratic representation? Assuming that there is a rupture between the ancient and medieval uses of representation and the modern one, Hofmann tries to investigate what will bring about the development of the second. To do this, he discusses three different linguistic usages of the word representation. The first originates in theology, has aesthetic and symbolic meanings and had a huge influence in philosophy. According to this first meaning, representation has to do with the dialectical relationship between the original image (*Urbild*) and its copy (*Abbild*). It is defined by Hofmann as a *Urbild-Abbild-Dialektik*. The second meaning comes entirely from the world of liturgy and means representation as the typical juridical category of "acting for" or *Stellvertretung*. This is the noun that Hofmann uses to identify the meaning of representation

as “substitution”. The third meaning of representation has to do with corporate action and is concerned with the self-articulation of collective groups. The latter, which is probably Hofmann’s most original contribution to the conceptual map of political representation, is called *repraesentatio identitatis*. In the next pages, I will present Hofmann’s account of the three meanings of *repraesentatio* presented above.

Repraesentatio as Urbild-Abbild Dialektik and its Developments into Darstellung

Hofmann’s first form of *repraesentatio* as *Urbild-Abbild Dialektik* retains this label because it “gets caught in a purely ideal dialectic between the two poles of the original image (*Urbild*) and its copy (*Abbild*)”⁹ (Hofmann 1974, 24). Hofmann explains that the first use of *repraesentatio* in the meaning of *Urbild-Abbild Dialektik* can be found in the debate on the Eucharist in the 11th century. This debate concerned two opposing views of how Christ’s sacrifice on the crucifix, symbolized by the act of the Incarnation, could be recalled in the Eucharist ritual. More specifically, the question was how Christ’s body was made present in the Host. One side, which included Berengar of Tours, claimed that the Eucharist ritual is symbolic and that the bread and wine are simply symbols or signs of Christ’s sacrifice. This doctrine was considered heretical by the advocates of the Orthodoxy, such as Popes Gregorius VII and Niccolò II, who claimed that the priest actually transforms the bread and wine into the “real” blood and body of Christ.

Hofmann points out, of course, that there were a number of further complex problems that surrounded this debate, namely, the relationship between species, *figura*, *imago* (*Bild*, as Hofmann calls it in German), the image or appearance of something, and *veritas* or *res*, the real essence of something. Within this context, the meaning of *repraesentatio* came to coincide with that of making present, meaning: “to appear”, “to assimilate”, “to look like”¹⁰, all expressions that help us narrow down the meaning of *repraesentatio* as *Urbild-Abbild Dialektik*. As a result, *repraesentatio* gradually became nearly identical with *similitudo*, which itself could be considered a more sophisticated reinstatement of the notion of “making present”. For Hofmann, St. Thomas Aquinas in fact provides a theory of the representative character of the Eucharist that is essential to understanding this meaning of *repraesentatio*. In St. Thomas’ opinion, the “making present” that takes place in the sacrament can only be understood through words such as *imago*, *exemplum* and *figura*. The sacrament of the Eucharist is an image (*imago*) that makes Christ’s suffering on the Cross present again. Of course, Christ is not sacrificed or crucified again in the act

of the *sacramentum*. Saint Thomas uses the expression *veniente veritate, cessat figura* to indicate a distinction, namely, that the sacrifice made in the Mass is an image and not the *res*, or *veritas* of Christ's actual sacrifice. Hofmann points out that behind the *imago* of the Eucharist celebration vis-à-vis the *veritas* of the real crucifixion and Christ's Gospel, there is a special relationship that goes beyond a simple relation between image (*figura*) and original object (*res* or *veritas*). Since the *res* and the *veritas* are concerned with a divine act, the sacrifice of the Mass is meant as a Divine communication, through copy-image (*Abbild*), of Christ, who reveals himself in it (Hofmann 1974, 77).

Now, it is one of the many merits of Hofmann's account to link this meaning of the word to the Eucharist specifically with its philosophical applications in the theory of scholastic and late scholastic knowledge. In Hofmann's view, the problems that we saw in the relationship between the image (*Abbild* – *figura* or *imago*) and its object (*Urbild* or *res-veritas*) in the Eucharist were directly transposed to the world of epistemology. In the late 16th century, Cardinal Bellarmino reads the semantic ambiguity of *repraesentatio* in the following way: "indeed representation means making something present, either by itself, by another sign or by image"¹¹ (Hofmann 1974, 80). The word *repraesentatio* meaning "making present something that is absent" comes to refer to the common scholastic doctrine of the perception of the external things. Perceptions take place when the *intellectus* abstracts *similitudines* or species from the ephemeral qualities of the objects that are impressed on the faculty of knowledge as in a wax tablet. In epistemology, the relation between the image (*Urbild*) and its copy (*Abbild*) becomes the relation between the object in itself (as an ontological reality) and the *species* or representative forms impressed on the faculty of knowledge that allow the subject to know the object. This scholastic doctrine will lead to, what Hofmann calls, the subjectification of the theory of knowledge that emerges in the modern age with Descartes and other authors¹². This explains a further development of the meaning of *Urbild-Abbild Dialektik*. Indeed, for Hofmann, the meaning of *Urbild-Abbild Dialektik* gradually separated from the word *repraesentatio* in the modern era, and this is crucial for understanding the emergence of another meaning of representation: *Darstellung*. The last part of Hofmann's chapter 2 is particularly useful for understanding this particular shift of the meaning of representation from *Urbild-Abbild Dialektik* to *Darstellung*. Hofmann argues that the transition of *Urbild-Abbild Dialektik* in theology and ontology to epistemology had important consequences for the modern concept of representation (*Repräsentation*). Indeed, modern epistemology rejected representation as *Urbild-Abbild Dialektik* when it gradually rejected theology and ontology as its proper foundations. Hofmann thinks that this is why, from the 19th century onwards, German epistemologists began to use the word *Vorstellung*, rather than representation, to refer to representation as *Urbild-Abbild Dialektik*. In contrast, from that moment onwards, representation

(*Repräsentation*) stopped meaning *Urbild-Abbild Dialektik* and took the meaning of a symbolic relationship. As he explains:

[a]n important feature of this step in the semantic development of the word and concept of representation (*Repräsentation*) is that it no longer refers either to a relation of resemblance or to a causal relation between representative and represented. It is replaced by the idea of a purely symbolic relationship. (Hofmann 1974, 99)¹³.

For Hofmann, this shift in the meaning of representation in the 19th century gradually resulted in the notion of representation as *Darstellung*, namely “the illustration of something that always remains external to this illustration but that neither exists in general nor can be understood mentally if not by the mediation of this illustration” (Hofmann 1974, 101).¹⁴ Hofmann elucidates this in the very final part of the chapter in which he mentions Ernst Cassirer’s work *The Philosophy of Symbolic Forms* as the final point of this transformation of the meaning of representation. For Hofmann, when Cassirer uses the word *representation*, he does so by exclusively identifying it with a symbolic notion through which something is made present and not present at the same time without any reference to an ontological foundation. The time in which the meaning of representation in epistemology was understood in terms of *Urbild* and *Abbild* had by then definitively passed.

Repraesentatio as Stellvertretung

Hofmann’s second meaning of *repraesentatio* as *Stellvertretung* is found back in the juridical and legal language of the late imperial (but not the classical) Roman period and its complex development during the Middle Ages, an age in which the law was structured according to the late imperial Roman law¹⁵. Indeed, and this is a difference from *repraesentatio* as *Urbild-Abbild-Dialektik*, Hofmann argues that the language of *repraesentatio* as *Stellvertretung* develops entirely out of the legal domain. Hofmann goes in depth into the history of the word *repraesentatio* in the juridical context, starting with a more detailed definition. In his words, the concept of *Stellvertretung* “[l]ies in the fact that we are not dealing with a simple semantic relationship between two variables but with a person that replaces another one (because *Stellvertretung* in its first and broadest meaning refers to the idea of substitution)” (Hofmann 1974, 118)¹⁶.

For Hofmann, *repraesentatio* as *Stellvertretung* does not originate in the classical Roman law but in the Middle Ages. As he states, “in the language of Roman law (private law and law of obligation) the verb *repraesentare* or one of its derivatives never appears” (Hofmann 1974, 177). Rather, it was during the

Middle Ages, which saw the rise and development of a society in which commerce and trade began to play a key role, that a new sense of *repraesentatio* was necessary; specifically, one that could account for stipulations or substitutions for certain specific economic activities. For instance, one reason why glossators and commentators gradually created the doctrine of *Stellvertretung* was to find a juridical way to name contractual relationships among individuals (Hofmann 1974, 177). At the beginning of the 14th century, we see Bartolus already talking about marriage by procuration. Likewise, it is Bartolus again who began using the expression *personam alicuius raepraesentare* (“take the person of someone”) in a way that is different from the use of *repraesentatio* based upon *Urbild-Abbild-Dialektik*. For Bartolus, when someone’s personal rights are attributed to a *procurator*, these rights are conferred to this person immediately and the juridical action has an immediate effect through a third person (Hofmann 1974, 160–161). This is a form of *repraesentatio* as *Stellvertretung*.

All in all, Hofmann’s goal is to show that the word *repraesentatio* starts to mean *Stellvertretung* when it takes on a particular association with the notion of *persona*, a word that belonged both to the world of theatre and to that of law in the Roman world. This is why Bartolus’ expression *personam alicuius raepraesentare* is so important in this context. For Hofmann, it marks the beginning of a new notion of *repraesentatio* as a specific form of *Stellvertretung*, which does not simply authorize someone, but structures a type of relationship with someone that is objective insofar as it can be legally regulated. Hofmann points out that the type of *Stellvertretung* that *repraesentatio* indicates is not the result of an agreement or consensus among different wills that delegate a person as their representative and, in so doing, constitute a juridical group. Rather, it is a type of *Stellvertretung* that entails an almost perfect correspondence of wills between these two people. This is why it can be expressed through the idea of representation as substitution. This is also why this type of *Stellvertretung* can be thought of as a form of identity between the represented and the representative (Baldus calls it *personarum identitas*). However, contrary to the concept of *repraesentatio* in the doctrine of the *corporatio* as *corpus mysticum*, this form of identity is in no way mystical or based on *repraesentatio* as *Urbild-Abbild Dialektik*, but is rather juridical. This very technical definition of *Stellvertretung* is important to keep in mind if we want to understand the difference between the late ancient and early medieval concept of *repraesentatio* as *Urbild-Abbild-Dialektik* and that of *repraesentatio* as *Stellvertretung*. In Hofmann’s view, the meaning of *repraesentatio* as *Stellvertretung* is opposed to two different notions that are similar, but related to *repraesentatio* as *Urbild-Abbild Dialektik*: the doctrine of the *corpus mysticum* and that of *persona raepraesentata*. The idea of the *corpus mysticum* comes from the letters of Paul, who uses this to refer to the community of the believers as the “body of Christ”. In the Middle

Ages, this expression gradually entered the realm of canon and, after losing its sacramental determinations, started to be used in the debate on the juridical concept of the Church in the notion of *corporatio*.

According to Hofmann, the notion of *persona repraesentata* (*persona ficta sive repraesentativa*), also differs from the notion of *repraesentatio* as *Stellvertretung*, and is a crucial aspect of the development of the concept of the juridical person in the history of legal thought. Hofmann thinks that we should be careful in distinguishing the doctrines of the *persona repraesentata* and that of *Stellvertretung* because all of them have to do with the medieval doctrine of the *corporatio* in a completely different way. Innocent IV is probably the first to put forward the so-called theory of the *persona repraesentata*, or the idea that all the rights and the natural juridical capacities of a legal *persona* can be considered subjective by fiction. Innocent IV's doctrine of the *persona repraesentata* is closely related to the notion of *corporatio*. According to Innocent IV, the *corporationes* are “*nomina iuris et non personarum*”, *nomina intellectualia* and *res incorporales*. In this way, they are juridical persons who represent a community or a group of people by *fictio iuris*. Thus, legal *personae* are *personae repraesentatae* because, once they become representatives of a group of people, they also become totally identified with this group. Hofmann then goes on to discuss Gierke's¹⁷ interpretation of *persona repraesentata*. According to Gierke, the *persona repraesentata* is a nominalistic *fictio* that does not necessarily imply the concrete existence of the *universitas* (the totality of the members that compose the *corporatio* and that the *persona repraesentata* is supposed to represent) and should be explained through the notion of *Stellvertretung*. In contrast, Hofmann thinks that the *corporatio* as a *persona repraesentata* is a form of representation based on such concepts as similarity, *imago* and so on. In some respects, the meaning of *repraesentatio* in relation to *corporatio* is quite similar to a relationship of similitude between the *veritas* and the representation, that of *Urbild-Abbild Dialektik (figura veritatis)* (Hofmann 1974, 160)¹⁸. This aspect of Hofmann's argument should be emphasized: the doctrine of the *persona repraesentata* makes use of *repraesentatio* as similarity, as an image-copy relationship, thereby making it a form of *Urbild-Abbild Dialektik* and not *Stellvertretung*. Consequently, the notion of *repraesentatio* involved in the theory of the *corporatio* is very similar to that of *Urbild-Abbild-Dialektik*, making it of little use in understanding *repraesentatio* as *Stellvertretung*.

As time went by, however, the notion of *repraesentatio* as *Stellvertretung* became even more complex. For example, in the expression *personam Christi repraesentare*, we notice that *repraesentatio* was no longer limited to the form of a juridical identity as described in Bartolus. Rather, it came to entail a reference to a hierarchical and hierocratic specific context, i.e. that of the Church as a hierarchy that emanates from Christ. This alone is already enough to understand that *repraesentatio* as *Stellvertretung* would develop into far more complex

meanings beyond identity or substitution. Indeed, Hofmann argues that two different meanings of representation originated from *Stellvertretung*.

The first meaning was concerned with the right of inheritance, which in the Middle Ages came to be known as *ius representationis*. While the simplest interpretation of this expression treats it as a mechanism for stipulating the terms of inheritance from one member of the family to those that are closest as relatives, *repraesentatio* in this practice also refers to a problem of class identification. As Hofmann points out, the word *repraesentatio* was used to mean that someone can only claim an inheritance so long as he shared the same social standing as the deceased. The claimant of the inheritance, then, could make the claim because he represented a line of continuity from his ancestors until his direct parent¹⁹.

A second stream of interpretation from the notion of *personam alicuius repraesentare* extended to the notion of *repraesentatio* in international law. In this context, the notion of *repraesentatio* was used to refer to ambassadors and representatives of states. This meaning was already implied in the idea of *repraesentatio* in relation to *corporatio*. Here, the idea was that the procurator entrusted with the governance of the city would also be the city's representative abroad. It is probably by analogy that this function was extended to that of the *legati* or ambassadors (temporary or permanent) that represented the state in foreign states. Here, as well as in his application of the word *repraesentatio* to the *ius representationis* of inheritance, Hofmann emphasizes that the notion of *repraesentatio* is centre stage. As he explains, "the term 'diplomatic representation' indicates something ceremonial or theatrical that, from a juridical perspective, lies beyond mere substitution but does not contrast with it" (Hofmann 1974: 187)²⁰. This goes to show that the meaning of *repraesentatio* as *Stellvertretung* broadened considerably. Indeed, it was used to express official roles that were dignitary, significant and burdened by official tasks. This thereby adds even greater nuance to the term *repraesentatio* as *Stellvertretung*, a meaning that the term inherited during the Middle Ages.

Representation as *Repraesentatio Identitatis*

The third meaning of representation on which Hofmann focuses is probably the only explicit "political" notion of representation that he treats in his book. Hofmann provides us with what is most likely the best definition of political representation applied to the *corporatio* in the Middle Ages. Drawing on John of Segovia, Hofmann calls this model of representation *repraesentatio identitatis*. For Hofmann, this notion emerged in response to a specific social and political problem, namely that of the self-organisation and self-constitutions

of the *corporatio* or the *universitas*, a key social and political collective entity during the Middle Ages. In Hofmann's view, this expression refers to a specific function, which is that of identifying the *corporatio* as a collective group of people whose existence can be guaranteed over time. The idea of *repraesentio identitatis* can best be compared to the image of a body because it illustrates the concept of *corporatio* as an organic unity among its members. The idea of *repraesentatio identitatis* is thus associated with meanings like "visually reproduce", "pose in front of the eyes", "to reproduce" and so on. In this sense, it can be understood as something that is related to *Urbild-Abbild Dialektik* and anticipates the meaning of *Darstellung* because it constitutes a group of people as a political community that comes into legal existence through one or more representatives. The difference between this meaning and that of *Stellvertretung* is that the latter concept refers to the representative function of a delegate vis-à-vis a group of people that it represents while the first indicates the *corporatio* almost as a metaphysical entity that transcends time. The notion of *repraesentatio* contained in representation as *Stellvertretung* is based on a complete identification between the acting and authorizing subjects, at least at its inception. In the *repraesentatio identitatis*, the wills of both the representative and the represented coincide because there is a corporate unity between the two. Indeed, behind the latter, there is the issue of the continuity over time, which is essential for the medieval concept of representation. In Hofmann's words:

The "representatio identitatis" is a solution from the perspective of the problem of continuity, namely the most important of all juridical questions. Hence, to represent a corporation means in the first place to make it present and visible over time. (Hofmann 1974, 216)²¹.

There is another aspect that Hofmann considers essential when approaching the concept of *repraesentatio identitatis*. This is the fact that in the latter, the concept of *repraesentatio* is associated with *agere per se*. This idea is also treated differently in the notions of *repraesentatio* as *Stellvertretung* and *repraesentatio identitatis*. In the first case, individuals such as the head of a *universitas* or externally appointed people can act on behalf of the *corporatio* through a juridical act of delegation, which identifies them as the fictitious *personae* that corresponds to that *corporatio*. In the second case, namely of *repraesentatio identitatis*, the act of representation is complicated by the fact that, in order for the *corporatio* to be fully represented, the *agere per se* of the *corporatio* in the *representatio identitatis* must always be performed by a part of the *corporatio* and not by an external agent acting on its behalf. As Hofmann explains (1974, 216), "the performance of the corporational affairs, to which the *universitas* has to commit, always takes place through the work of one single part of it *quod toto populo congregatur* ('which is gathered by the whole people')."

This same idea – namely that qualified and prominent parts of a whole, such as the members of a corporation or the intrinsic members of a city, actually ‘stand for the whole’ – ends up representing the whole body of citizens (Hofmann 1974, 216).

Concluding Remarks

Hofmann presents an approach to the semantic and conceptual problems related to representation that can be contrasted to Pitkin’s methodology. Pitkin’s approach is characterized by a search for a unique, general definition of representation, which she presents as “making present again”. From this general definition, Pitkin claims that there are many ways to transpose this meaning onto reality. In order to do so, however, one must make a distinction between “standing for” and the very general category of “acting for”. Hofmann’s work on representation emphasizes “dependencies” and “historical transformations” in the notion of representation rather than a general definition of this concept. This perspective leads Hofmann to isolate differing and sometimes opposing meanings of the term. For him, different uses of representation can be found in different historical and cultural contexts, and he develops this position through an analysis of the birth and development of *repraesentatio* from Antiquity to the modern age. Hofmann’s conclusion seems to further show that representation was an elusive notion even in its earliest uses. The term applied to so many semantic meanings that it is literally impossible to circumscribe a single sense of the word. Of course, Hofmann’s analysis does allow us to narrow down a few different meanings. Since its inception in the world of Classical Latin (and up until the late Middle Ages), the concept of *repraesentatio* has been associated with three main different semantic fields, of course, among others. The first is the *Urbild-Abbild-Dialektik*, or a dialectical relation between an object and its copy-image. The second meaning of *repraesentatio* was *Stellvertretung*, which referred to the idea of substitution and was essential for the future developments of the concept of elective representation. The third meaning of *repraesentatio* was relevant in the pre-modern political world and was called *repraesentatio identitatis*.

All in all, my analyses of Pitkin’s and Hofmann’s respective approaches are meant to serve the larger theme of political representation. In her book, Pitkin explains that she wants to narrow down a general and unique meaning of representation in order to make a more practical analysis of political representation. The problem with Pitkin’s approach is that while she circumscribes certain meanings of representation (mostly “acting for”), she excludes other important senses of the term (representation as “standing for”). This inevitably

prevents her from seeing certain important uses of representation as politically relevant. On the contrary, Hofmann's approach leads us to think that, in order to answer the question of what makes representation political, we cannot avoid considering the various, rich and often incompatible meanings associated with *repraesentatio* and the words that it gave birth to in most European languages. Applying Hofmann's different meanings of representation to different models of political representation will make clear an important methodological claim that is at odds with Pitkin's interpretation of political representation: if there is one red thread that goes across all the models of political representation, it is that it is not possible to isolate a concept of political representation that does not also include what Pitkin calls "standing for". The challenge will then be to apply Hofmann's complex, polysemic approach from the study of representation to political representation because the recent representative turn has much to benefit from Hofmann's conceptual history of representation.

Endnotes

- 1 However, unlike the two nouns, the verb *rappresentare* keeps the original double Latin meaning of *repraesentatio* and can be used for both the meanings related to the German words *Darstellung* and *Stellvertretung*.
- 2 "In Anfang das Wort und nicht der Begriff war". All English quotations from Hofmann's text are mine as there is no English translation of the book.
- 3 "Repräsentation' ist nicht ein durch seinen identischen Gegenstand von jeher festsehenderer Begriff, 'Repräsentation' ist nicht der Name eines Dinges, sondern ein 'synsemantischer' oder 'syncategorematischer' Ausdruck, mit dem man in verschiedener Weise operieren kann, insofern er innerhalb eines je bestimmten Kontextes einen Sinn ergibt".
- 4 For another example of the *Begriffsgeschichte* approach to the study of representation see Podlech A. (2004).
- 5 Hofmann rejects the idea that there is an essence of representation and that we can find an authentic meaning of representation. As he explains in the Introduction, the main targets of Hofmann's critique of a-historical approaches to representation are mostly German and are Carl Schmitt and Gerhard Leibholz. Hofmann rejects Schmitt's idea that representation is an existential concept and entails the incarnation of a higher form of reality or political authority (As known, in his *Verfassungslehre* Schmitt defines representation an existential and not a normative concept, see Schmitt 2008, p. 243) but he also opposes Leibholz's search for the essence of representation (in Leibholz 1929, *Das Wesen der Repräsentation*).
- 6 When Pitkin talks about the importance of symbolic representation in the political context of fascist regimes, she uses the category "fascism" in a way that is not exactly specific. She does not distinguish fascism from totalitarianism nor does she explain what she has in mind when talking about either of the two.
- 7 To be precise, in the footnote 23, p. 35 of his *Introduction*, when Hofmann criti-

cizes the approaches to representation that tend to look for an original and authentic meaning of the concept, he mentions mostly German authors who have dealt with the concept of representation, such authors as Leibholz, Tuetsch and Herzog. Of course, Carl Schmitt's reflection on political representation in *Römischer Katholizismus und politische Form and Verfassungslehre* are the crucial starting points of Hofmann's approach, as he clearly states in the Introduction of his book. Hofmann had published a previous book that was a comprehensive study of Schmitt's thought (Hofmann, 1964), in which he also discussed Schmitt's theory of representation. This confirms that the context and the audience to which Hofmann's work is addressed is German and is situated within that academic tradition. However, he also mentions Pitkin's 1967 book as an example of such an approach. I think this is enough to show that Pitkin is one of the polemical targets of Hofmann's analysis even if Hofmann does not *de facto* engage with Pitkin's theory extensively. The relationship between Hofmann and Schmitt is quite complicated and should be the topic of a specific analysis.

- 8 I must specify that Pitkin does not talk directly about representation before the 17th century so her idea that representation coincides with "making present again" in theory only refers to this time span (As she puts it, representation is a "single, highly complex concept that has not changed much in its basic meaning since the seventeenth century" (Pitkin 1967, 8)). However in the *Appendix* of her book, she clearly shows that the conceptual map used in the book can also be used to approach representation in the pre-modern world. For example, she argues that the representation of the medieval king is a typical example of "standing for" symbolic representation.
- 9 "Verstrickt sich die Repräsentationslehre [...] in die rein ideelle Urbild-Abbild Dialektik".
- 10 In Hofmann's text, the German words are *Gegenwärtigmachen, sich Darbietenden, im Bilde Gegenwärtigen* (Hofmann 1974, 72).
- 11 "[r]epraesentatio significat enim praesentem rem aliquem facere, sive reipsa, sive in signo aliquo, vel imagine".
- 12 Hofmann's point is that any theory of knowledge, from the Augustinian to the scholastic-Aristotelian and later scholastic doctrines of epistemology, are based on the idea that the knowledge process starts from species or representative formae impressed upon on the faculty of knowledge.
- 13 "Das Charakteristische der damit erreichten Entwicklungsphase dieser begrifflichen Bedeutung des Wortes Repräsentation liegt darin, dass bei solcher Verwendung nicht nur kein Ähnlichkeitsverhältnis, sondern auch keinerlei kausale Beziehung zwischen Repräsentat und Repräsentant mehr mitgedacht wird. An deren Stelle tritt der Gedanke einer rein symbolischen Relation".
- 14 "Als notwendig mittelbare Darstellung von etwas in etwas anderem und durch etwas anderes, d.h. als Darstellung von etwas, das stets ausserhalb der Darstellung bleibt."
- 15 The two first historical contexts from which this meaning originates are the Constitutions of the Late Empire and the Germanic laws. In the Late Empire, Hofmann identifies the use of *repraesentatio* in a few crucial legal texts from the 4th century A.C. For example, in the *lex Constantianiana* of 321, we find the expression *vicem alicuius repraesentare*. This refers to the Emperor's endowing diocesan

vicars and *praefecti praetori* – those figures in charge of the local civil administration of the 4 prefectures and the 12 dioceses instituted by Diocletian in the Roman Empire – with a superior power of justice. A similar usage of the term can be found in a Latin version of Flavius Josephus' *The War of the Jews*, in which the author talks about the situation that follows Vespasianus' defeat of his opponent Vitellius. After defeating his adversary, Vespasianus, as an imperial *legatus* in charge of the war in Palestine, decides to get back to Rome to claim the office of Emperor. In order to do this, he leaves his son Titus in Palestine in order to carry on the war. Flavius Josephus says that Titus remained in Palestine as someone who represented Vespasianus (“Vespasianus, quem filius repraesentat”) (Hofmann 1974, 106). Another dimension to this second category of *repraesentatio* can be seen in a letter from Pope Gregorius I, reported in Gratianus' *Decretum*. Here, the word *repraesentatio* is found in combination with *auctoritas*. The Pope is talking about the full conferral of power to a delegate that should exercise the Pope's authority while the Pope himself is not physically present: “since we cannot be present, our authority can be represented by him that has been authorized” (Hofmann 1974, 106). *Repraesentatio* as the act of representing someone who is absent can be found in many different laws from the early Germanic kingdoms. In the *Liber iudiciorum*, written in 654 by the Visigothic King Recesvindus as well as in the Frank *Lex Ribuaria*, the word *repraesentatio* is used several times in place of such expressions as *aliquem praesentem facere* and *praesentare* with respect to judicial trials. Hofmann points out that there are several documents in which *repraesentare* and *praesentare* (to present) are used as perfect synonyms. The fortune of this meaning of *repraesentare* will still be active in England in the XI century where in a law published by the Anglosaxon king Athelstan the verb *repraesentare* is still used as referring to the presentation of someone in court. Hofmann explains that in all of these cases, the meaning of representation refers to the *repraesentator's* real presence in the actual representation, which is essential for defining *repraesentatio* as *Stellvertretung*. However, while these examples tend to identify *repraesentatio* with the concept of presentation or making something present, they still do not refer to the concept of *Stellvertretung* as a juridical concept.

- 16 “Geht es hier ja nicht bloss um irgendeine semantische Beziehung zwischen zwei Grossen, sondern darum, dass eine Person für eine andere steht im allgemeinen (insofern Stellvertretung im weitesten und ursprünglichen Verstande Ersetzung ist); [...]”.
- 17 Hofmann is referring to Otto von Gierke's 1868 work *Das deutsche Genossenschaftsrecht*.
- 18 To further support his idea that the concept of *persona repraesentata* has nothing to do with nominalism and with *Stellvertretung*, contrary to Gierke, Hofmann shows that Ockham, the father of medieval nominalist philosophy, was one of the main opponents of Innocent IV's argument that the Church was a *persona repraesentata*, a fictitious person. He argued, for instance, that the order of the Minorites was not only an abstractly thought *persona* but a real group of authentic individuals (Hofmann 1974, 166).
- 19 This meaning of representation is also in Kantorowicz (1957).
- 20 “Auch in den hier behandelten Zusammenhaengen meint Repraesentation im Sinne

- also des diplomatischen Repräsentativcharakters die Erfüllung bestimmten, in einem hoefischen Zeremoniell stabilisierter Verhaltenserwartungen, eine Rolle mithin”.
- 21 “Identitätsrepräsentation: das ist eine Antwort in der Perspektive des Kontinuitätsproblems, dieser Frage aller juristischen Fragen. Eine Korporation repräsentieren heist daher allererst, sie im Wechsel und Wandel der Zeit sichtbar gegenwärtig machen”.

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