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Making Faces, Performing Persons

Wooing poor craftsmen with the craft of smiles.

William Shakespeare, *Richard II* (1.4.28)

Smiles were in short supply in the darkest days of the Covid-19 pandemic, in large part because so many were concealed beneath masks. In societies that have no modern tradition of wearing masks or veils, the unfamiliar sight of concealed faces can be disconcerting. This is not because we are unable to see the flesh of the face – a lifeless face can be quite as disconcerting as any mask – but rather because artificial face coverings conceal our arts of face-making. The face is, after all, the only part of the body that we commonly talk of in terms of 'making' and of being 'made up'. The very word 'face' derives from the Latin *facere* – to make or to do. In this chapter, we examine the psychological power of face-making and the exploitation of that power in political performance. We also consider how physical face-making parallels the rhetorical crafting of persona in politics, law, and society at large.

We have a psychological need and desire to see faces being made. A great many of the five billion videos that are watched on YouTube every day demonstrate processes of making, including cooking, gardening, and crafting of every sort. Of these, one of the most popular genres is 'makeup tutorials uploaded by beauty creators'.[1] In 2018, these accounted for around a million views each day.[2] Jiyoung Chae notes that '[f]amous beauty creators have millions of subscribers. For example, Yuya, a Mexican beauty creator, has 21 million subscribers, and UK-based Zoella has 12 million.'[3] Yuya's sensory arts and commercial skills extend to scent, which she markets as a perfume called #True. The name tellingly pretends to the very attribute that cosmetic arts, and all other rhetorical and performative arts, aspire to present. Scent should not be underestimated. For example, in one study it was ranked ahead of any single aspect of facial make-up when it comes to making fourteen- to eighteen-year-old girls attractive to their peers. Perfume was followed by mascara, eyeshadow, eyeliner, nail varnish, and lipstick.[4] That said, the combined effect of facial cosmetics outperforms scent and every other cosmetic attribute in terms of producing attractiveness; all the more so if the look of hair and teeth and the presence or absence of spectacles is taken into account. Incidentally, psychologists sometimes classify spectacles and jewellery as 'artifactual clues' to the wearer's communication, a term that confirms the role played by made things in a person's performative make-up. Anybody who is adept at meeting our psychological need to see faces being made has the potential to exert significant social influence. This is true of social media 'influencers' but also, as we will see later, of actors on the highest political stages. When John Gauden called the female face 'the chief Theatre, Throne and Centre of Beauty', 'the Queen and soveraign of humane and visible Beauty', and 'the Regent and directrix of the whole bodies culture, motion, and welfare', his language is a clue to the fact that the face also stands centre stage in the theatrical performance of law and government.[5]

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[1] Jiyoung Chae, 'YouTube Makeup Tutorials Reinforce Postfeminist Beliefs through Social Comparison' (2021) 24(2) *Media Psychology* 167–189, 167.

[2] Lora Jones and Hannah Gelbart, 'Make-up: Have YouTube Stars Boosted Beauty Sales?', *BBC News*, 7 June 2018.

[3] Jiyoung Chae, 'YouTube Makeup Tutorials Reinforce Postfeminist Beliefs through Social Comparison' (2021) 24(2) *Media Psychology* 167–189, 167.

The Psychology of Making Faces

The face is a fashioned thing, and yet for all its potential for artifice, the face is also the thing to which we are most naturally, in the sense of innately, attuned. Scientists have suggested that the face may be 'the seat of the greatest amount of information that is conveyed nonverbally. That's why we have "face-to-face" interactions. Sometimes we need to get "in people's faces." When we have meetings with others this is "face time," and sometimes we need to "face off"'.[6] Psychologists confirm our common sense that '[f]aces are among the most important visual stimuli we perceive, informing us not only about a person's identity, but also about their mood, sex, age and direction of gaze'.[7] Those authors add that:

> [F]ace perception … is implemented in its own specialized cortical network that is not shared with many if any other cognitive functions [and that] Considerable evidence from behavioural, neuropsychological and

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[4] J. A. Graham and A. F. Furnham, 'Sexual Differences in Attractiveness Ratings of Day/Night Cosmetic Use' (1981) 3 *Cosmetic Technology* 36–42.

[5] John Gauden, *A discourse of artificial beauty, in point of conscience between two ladies with some satyrical censures on the vulgar errors of these times* (1656) (London: Printed for R. Royston at the Angel in Ivy-lane, 1662) 31.

[6] David Matsumoto and Hyi Sung Hwang, 'Facial Expressions', in David Matsumoto et al. (eds) *Nonverbal Communication: Science and Applications* (Thousand Oaks, CA: Sage, 2012) 15–52, 15.

[7] Nancy Kanwisher and Galit Yovel, 'The Fusiform Face Area: A Cortical Region Specialized for the Perception of Faces' (2006) 361 *Philosophical Transactions of the Royal Society of London* (Series B, Biological Sciences) 2109–2128, 2109.

> neurophysiological investigations supports the hypothesis that humans have specialized cognitive and neural mechanisms dedicated to the perception of faces (the face-specificity hypothesis).[8]

The theory that there is a part of the brain dedicated to face recognition has been established experimentally in people who, having suffered localized brain damage, have lost the ability to recognize faces but retained the ability to recognize other things. Brain imaging shows that even people born profoundly blind who have never received visual stimuli still process the sounds of face-situated activity (such as laughing, kissing, and lip smacking) in the 'face' subregion of the visual region of the brain (the ventral-temporal cortex) just as fully sighted people do when they see those activities performed.[9] Experiments have also shown that faces are hardwired holistically as whole things – as the entire face form – rather than as separate facial features. There is a face-recognizing part of the brain, but no region with equivalent predisposition to recognize discrete facial elements such as eyes, ears, lips, and nose.[10]

The predisposition to recognize faces is hardwired in our brain and this can sometimes prejudice us to see faces in surprising places. We might look at the front of a house with its windows and door, or a car with headlamps and radiator grille, and see something face-like in the lay-out of its 'eyes' and 'mouth'. A famous photoblog is dedicated to these 'faces in places'.[11] The 'man in the moon' – a myth based on the face-like arrangement of crater shadows on the lunar surface – is surely the oldest shared human experience of the phenomenon. Faces are seen subliminally in a passing glance out of the corner of an eye. We might fancy that we have seen face-like patterns in a pile of clothes, or (with apologies to Giuseppe Arcimboldo) in a bowl of fruit.[12] As the general category 'face' is hardwired in the brain, so too particular faces of individual people become deeply imprinted in our brains with surprising speed and permanence. The boast 'I never forget a face' is not as impressive as it sounds. Few of us forget faces once they have made an impression. According to one small-scale study, we are all on a spectrum of aptitude in face recognition, ranging from those who severely struggle to recognize faces at all and are said to suffer 'face blindness' (prosopagnosia) to so-called super-recognizers who struggle to forget even the most irrelevant passing sighting from the sometimes distant past.[13] The fact that most of us are rather good at remembering faces is presumably an evolutionary incident of the advantage of being able to recognize family, friends, and foes.

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[8] Ibid., 2110, 2112.

[9] Job van den Hurk et al., 'Development of Visual Category Selectivity in Ventral Visual Cortex Does Not Require Visual Experience' (2017) *Proceedings of the National Academy of Sciences* (open access, https://doi.org/10.1073/pnas.1612862114).

[10] James W. Tanaka and Iris Gordon, 'Features, Configuration, and Holistic Face Processing', in A. J. Calder et al. (eds) *Oxford Handbook of Face Perception* (Oxford: Oxford University Press) 77–91.

[11] http://facesinplaces.blogspot.com.

[12] Rick Peters, 'The Face of Food', *The Guardian*, 'Word of Mouth' feature, 14 September 2009.

The well-known phenomenon of seeing the stereotypical face of Jesus or the Virgin Mary in markings on a piece of toast or in the random vapours of a cloud is not a spiritual revelation but a resolutely psychological one. The name given to the psychological phenomenon of seeing meaningful shapes in nebulous forms is ‘pareidolia’, and within this phenomenon the tendency to see faces is stronger than any other and is presumed to be seated in an evolutionarily primitive part of the brain.[14] It might be said that our eyes are deceiving us, but in psychological terms we see a face because a face really is there to be seen. It does not diminish the reality of the face that it appeared on the surface of a piece of toast, or in the form of a cloud, or (to cite one celebrated photograph) in the foam of waves crashing against the shore.[15] As the title of one scientific paper tells us, ‘The Potato Chip Really Does Look like Elvis!’.[16] Whether a face happens to be situated on a human head or not, it is a face properly so-called if it accords with the psychological archetype of ‘face’ hardwired in our brains. Since a face is a thing we make – a finding that we impose upon the matrix of our visual stimuli – a face on the surface of a house or a car is no less a face than a human face.

There is only fine shading between face and fake. Both words describe things made up, and both words derive from the Latin verb *facere*, ‘to make’. We make faces in general, and we also make faces in particular, and this is all before we even think about what it means to make our own face. How often have we glanced fleetingly at a crowd and somehow isolated the familiar face of a friend or a famous person? With the merest glimpse we instinctively know ‘I’ve seen that face somewhere’. This phenomenon of attributing individual identity to a particular face is also expressed using the language of making. We will be familiar with movies about incognito characters such as undercover detectives, spies, and people in witness protection, who say ‘I’ve been made’ when what they mean is that someone has recognized them. The language is revealing, because it gets straight to the reality of the psychological dynamic at work when our brains see a strange face in a pile of clothes or a familiar face in a crowd. We don’t just make our own faces; we make every face that we recognize as a face. When another person’s face is familiar to us, the making of their face is a type of Artefaction in which their face, as a thing made by us, makes us respond in certain ways. The ability to recognize particular faces is no doubt useful in identifying undercover cops, but more importantly it is crucial to forming our most significant social bonds. Aesthetics is closely bound up in this, for just as beauty is in the eye of the beholder, so the quality of the face resides not in the fleshy form itself but in the mind of the one regarding it. It is because the face is a thing made by human perception that the art of facial cosmetics is such a fundamental feature of human social performance and has been since prehistoric times. When we make up our faces it is in part to present our faces as an artefact to meet the gaze of others, but there is also a sense in which making our face is bound up in making us recognizable to ourselves. By simply regarding our image in a mirror, we make our face before even a single stroke of make-up has been applied. We make it in the sense that we recognize the image as ‘face’, and we make it in the sense that we recognize it as our own face and not someone else’s.

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[13] Richard Russell, Brad Duchaine, and Ken Nakayama, ‘Super-recognizers: People with Extraordinary Face Recognition Ability’ (2009) 16(2) *Psychonomic Bulletin & Review* 252–257.

[14] Nouchine Hadjikhani et al., ‘Early (M170) Activation of Face-Specific Cortex by Face-Like Objects’ (2009) 20(4) *NeuroReport* 403–407.

[15] *BBC News*, 8 July 2021, www.bbc.co.uk/news/uk-england-sussex-57770547.

[16] Joel Voss, Kara Federmeier, and Ken Paller, ‘The Potato Chip Really Does Look Like Elvis! Neural Hallmarks of Conceptual Processing Associated with Finding Novel Shapes Subjectively Meaningful’ (2012) 22(10) *Cerebral Cortex* 2354–2364.

Face as Theatrical Stage

Faces can be considered the stage spaces of our social performances. Like a theatrical stage, the face is at once instantly recognized as a place where we expect a performance to occur and the place where the social performer displays the finest attributes of their performative art. The face is the site where the strongest natural compulsions of our cognition meet the most powerful artificial performances of our persona. That word ‘persona’ provides a clue to the role of the face in social performance, for what began as the Latin word for an actor’s mask migrated to become one of the principal terms by which we describe the Production of an individual’s social character. When we say that someone has a pleasant personality, we are referring to their persona – their social performance or ‘front’ (to use Goffman’s term)[17] – as if it were a thing representative of, or true to, their character.

We consider, next, two senses in which we make our own social face. The first is through facial expression, the second is through cosmetics. However, before we turn from considering the ways in which we make the faces of others to the ways we make our own faces, it is useful to remind ourselves that these two sides of our subject are to a large degree co-dependent. What we make of another’s face will depend to a great extent upon what they have made of their own face, and what we make of our own face will depend to a great extent upon what others make of it. When considering this co-Productive aspect of making faces, the theatrical analogy is again useful, especially insofar as theatre scholarship has stressed the importance of stage actors and audience members being able to see each other’s faces. Penelope Woods echoes Erving Goffman’s idea that an individual’s public persona is the ‘stage front’ of their social performance when she writes of 'the social and performative function of the early modern face . . . as a kind of frons scenae of the soul'.[18] Emphasizing the audience's role in the co-Productive activity of making the performer's face, Woods argues that the early modern theatrical scene was to some extent made up of the faces of playgoers as seen from the stage, and that the audience ceased to play its collaborative part when artificial stage lighting in the early nineteenth century highlighted the on-stage performers and plunged the auditorium into darkness, thereby effacing the audience.[19] Woods alerts us to the possibility that our very notions of 'self and subjectivity' might be 'produced by the reaction and response of surrounding people' so that 'face exchange is on some level constitutive of character and of selves in the theatre'.[20] Thus, Woods' idea of social face-making in theatre can be read as the complimentary counterpart to Erving Goffman's idea that everyone performs theatrical face-making in society.[21] Susan Bennett, in her book *Theatre Audiences*, places the start of the 'separation of fictional stage world and audience' at an even earlier date than Woods, with the seventeenth century move to indoor private theatres.[22] To counter this separation, Jerzy Grotowski's experiments in 'Poor Theatre' involved stripping away spectator-secluding lighting effects. He observed that 'once a spectator is placed in an illuminated zone, or in other words becomes visible, he too begins to play a part in the performance'.[23]

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[17] Erving Goffman, *The Presentation of Self in Everyday Life* (London: Penguin Books, 1959).

Of Countenance and Coins

Conscious performance is one thing, but can we be said to make a face when our facial expressions are involuntary? Some facial expressions are hard to replicate through deliberate art. Examples include a blush, the dilation of the pupils of the eyes, and a sincere full smile. It is nevertheless the case that most expressions that occur involuntarily can be replicated or restrained voluntarily. The restraint dimension, which is sometimes expressed as our ability to 'contain' ourselves, is the etymological source of the word 'countenance' as a description of facial appearance. To *con-ten* is to withhold or to get a grip on. We are all social actors with varying degrees of control over our facial display of emotions. While the best professional actors – theatrical, legal, political – are especially adept in the skill of replication and restraining emotional expression, excellence in the art of facial expression is not the exclusive preserve of professionals.

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[18] Penelope Woods, 'The Play of Looks: Audience and the Force of the Early Modern Face', in James A. Knapp (ed.) *Shakespeare and the Power of the Face* (Abingdon: Ashgate, 2015), 127–150, 129.

[19] Ibid., 131. [20] Ibid., 146.

[21] Erving Goffman, *The Presentation of Self in Everyday Life* (London: Penguin Books, 1959).

[22] Susan Bennett, *Theatre Audiences: A Theory of Production and Reception*, 2nd ed. (London: Routledge, 1997) 3.

[23] Jerzy Grotowski, *Towards a Poor Theatre* (1968) (New York: Routledge, 2002) 20. For an application Grotowski's theory to law and justice, see Marret Leiboff, *Towards a Theatrical Jurisprudence* (Abingdon: Routledge, 2020).

Neither do professionals always have the knack of interpreting faces even when their professional role would seem to depend upon it. One American trial judge, who scrutinizes a great many different faces every week in the course of his judicial work, laments that '[u]nfortunately, we judges are as accurate at reading the emotions on the face of another as we are at predicting a coin toss'.[24] That judge was speaking of his inability to establish the faces of others, but the flip side of the coin is a judicial inability to maintain the respectable face of the law. This anxiety was once voiced by the senior English judge, Lord Neuberger of Abbotsbury, who – also using the metaphor of coinage – cautioned against the judiciary's growing habit of giving interviews outside of court when he said, 'I wonder whether we are not devaluing the coinage, or letting the judicial mask slip'.[25] Lord Neuberger served as president of the Supreme Court of the United Kingdom, and two of the worst offenders against his lordship's cautionary note have been his immediate predecessor Lord Phillips and his immediate successor Lady Hale. In an effort to make the highest court less daunting and more popular, Lord Phillips once stripped down to his swimming shorts for a television documentary on the Supreme Court.[26] While Lady Hale enjoys the celebrity status of being the first female member of the UK's Supreme Court and of leading the Supreme Court when it intervened in Brexit politics by annulling the government's attempt to prorogue (suspend) Parliament from 9 September until 14 October 2019. The year after retiring as a judge, Lady Hale was a guest on the BBC's popular *Desert Island Discs* programme where her excellent musical choices were a good deal less controversial than her Brexit intervention.[27] Was Francis Bacon right when he protested in the early seventeenth century that '[a] popular judge is a deformed thing; and *plaudites* are fitter for players than for magistrates',[28] or does a modern celebrity-obsessed culture demand that our judges should perform their public-facing role to a wide public audience and not just for those few who attend, or tune into, live court proceedings? On that question, the jury is out.

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[24] Scott Brownell (Judge of the 12th Judicial Circuit, State of Florida), in 'Nonverbal Behavior in the Courtroom', in David Matsumoto, Mark G. Frank, and Hyi Sung Hwang (eds), *Nonverbal Communication: Science and Applications* (Thousand Oaks, CA: Sage, 2013) 183–190, 183.

[25] Lord Neuberger of Abbotsbury MR, 'Where Angels Fear to Tread', Holdsworth Club, 2012 Presidential Address (2 March 2012) para. [53].

[26] *True Stories: Britain's Supreme Court* (Karen Hamilton for More4), 8 February 2011.

[27] *Desert Island Discs* (BBC Radio 4), 24 September 2021.

[28] Sir Francis Bacon, '*The Duties of Judges of Assize*', in Henry Craik (ed.), *English Prose: Sixteenth Century to the Restoration*, Vol. 2 (London: Macmillan and Co, 1894) 30.

Of Construction and Clowns

The American trial judge mentioned earlier is not alone in lamenting the inscrutability of facial expression. Recall Duncan in Shakespeare's *Macbeth*, who said, 'There's no art / To find the mind's construction in the face' (1.4.12–13). Inscrutability may be down to the fact that the viewer's art of making out the meaning of another's face will frequently be inadequate to overcome the other's art of making up their face to disguise their intentions. This is a context in which scientific experiment might have an advantage over common sense and experience. Psychology researchers, working with the benefit of modern photographic and video technology, have to some extent achieved what Duncan's art could not. One nineteenth-century scientific pioneer was Guillaume Duchenne, who established experimentally that an insincere smile employs the voluntary muscles of the mouth but not the involuntary muscles of the eyes.[29] A genuinely joyful smile is called a Duchenne smile in his honour. In the twentieth century, the work of Paul Ekman and Wallace Friesen led to the discovery of facial 'microexpressions' and 'leakage' that betray a liar's dishonesty in such clues as discrepancy between emotions expressed facially and words expressed vocally.[30] Very few of us are as expert as Ekman, who has been called the 'Human Lie Detector', and in most of our daily face-to-face encounters Duncan's lament still rings true.

It is also true, as Duncan (and by implication Shakespeare) said, that the face is a site of 'construction'. The craft of making faces permeates a great many of our social encounters, not least when deception is involved.[31] Psychologists David Matsumoto and Hyi Sung Hwang list an impressively wide range of types of facial gesture.[32] These include speech illustrators (e.g. lowering eyebrows when lowering tone of voice); emblematic gestures (e.g. raising one eyebrow to express scepticism); cues to regulate turn-taking in conversation (e.g. eye gaze indicating intention to take, hold, or yield a turn to speak);[33] clues to physical exertion (e.g. furrowing brows when concentrating);

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[29] Guillaume Duchenne, *The Mechanism of Human Facial Expression* (1862) (New York: Cambridge University Press, 1990).

[30] Paul Ekman and Wallace Friese, 'Nonverbal Leakage and Clues to Deception' (1969) 32 *Psychiatry* 88–106; Paul Ekman and Wallace Friese, *The Facial Action Coding System* (Palo Alto, CA: Consulting Psychologists Press, 1978); Paul Ekman, *Telling Lies* (New York: Norton, 1985).

[31] See Carolyn M. Hurley and Mark G. Frank, 'Executing Facial Control during Deception Situations' (2011) 35 *Journal of Nonverbal Behavior* 119–131; Mark G. Frank, 'Smiles, Lies, and Emotion', in Millicent H. Abel (ed.), *An Empirical Reflection on the Smile* (New York: The Edwin Mellen Press, 2003) 15–43.

[32] David Matsumoto and Hyi Sung Hwang, 'Facial Expressions', in David Matsumoto et al. (eds) *Nonverbal Communication: Science and Applications* (Thousand Oaks, CA: Sage, 2012) 15–52, 39.

[33] See further Kristiina Jokinen et al., 'On Eye-Gaze and Turn-Taking', *Proceedings of the International Conference on Intelligent User Interfaces* (New York: Association for Computing Machinery, 2010) 118–123.

and clues to cognitive activity (e.g. puffing cheeks to show physical exertion).[34] One of the insults that has frequently been levelled at Donald Trump is that he is a 'clown'. That is an inadequate and dangerous dismissal because it fails to appreciate the primal appeal of the art of clowning. Trump makes faces and he makes them well. His masks are often grotesque, but so too have been the masks of professional actors and clowns down through history and across the globe. In an engaging newspaper article, the psychologist Peter Collett has described 'The Seven Faces of Donald Trump'. The article begins with the following observation:

> A great deal of Donald Trump's political success can be put down to his body language and the unusual ways he uses his face. The first thing we notice about Trump's facial expressions is the sheer variety. The second is their dramatic, often over-stated character.[35]

Shakespeare's King Richard II might have been speaking for modern-day Trump-watchers when, commenting on public performances by his rival Henry Bolingbroke, the king:

> Observed his courtship to the common people;
> How he did seem to dive into their hearts
> With humble and familiar courtesy,
> What reverence he did throw away on slaves,
> Wooing poor craftsmen with the craft of smiles
> (*Richard II* 1.4.24–28)

The seven faces of Trump that Peter Collett identifies include 'the Big Smile'. This is used relatively infrequently and tends to be reserved for 'when he doesn't feel the need to look like a leader, or when he is with people whose company he enjoys'.[36] When performing publicly, he tends to adopt the 'Alpha Face', which eschews smiling,[37] or even the 'Angry Face' and the 'Chin-jut', all of which are straight out of the alpha male playbook that applies to humans and chimpanzees alike. To look dominant, you should look as if you are preparing for a fight. Jutting the chin gives the impression that you have a strong jaw and 'strong jaws may indicate a heavily built skeleton, and therefore superior physical strength'.[38] Trump's distinctive wide mouth, lips closed 'Zipped Smile' might serve the same purpose, for as Collett notes:

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[34] See further Mark L. Knapp and Judith A. Hall, *Nonverbal Communication in Human Interaction*, 6th ed. (New York: Harcourt Brace, 2006); Peter A. Andersen, *Nonverbal Communication: Forms and Functions* (Mountain View, CA: Mayfield, 1999).

[35] Peter Collett, 'The Seven Faces of Donald Trump: A Psychologist's View', *The Guardian*, 15 January 2017.

[36] Ibid.

[37] Jessica Tracy and Alec Beall, 'Happy Guys Finish Last: The Impact of Emotion Expressions on Sexual Attraction' (2011) 11(6) *Emotion* 1379–1387.

[38] Ulrich Mueller and Allan Mazur, 'Facial Dominance of West Point Cadets as a Predictor of Later Military Rank' 74(3) *Social Forces* 823–850, 843.

> There is evidence, both from animals and humans, that mouth width is linked to readiness to engage in physical combat, and it has also been found that men with wider mouths are more likely to attain leadership positions.[39]

Trump's 'Puckered Chin' might be a defensive gesture indicating, in its evolutionary antecedents, a readiness to take a punch to the face. Most telling of all, and most alike to the painted mask of a clown, is the seventh of Trump's faces which Collett calls the 'Exaggerated Mouth'. On this he writes:

> You can't help notice the way Trump protrudes and contorts his mouth. In fact, his lips appear to have an almost prehensile quality, as if they were an extra pair of hands, reaching out from his face to manipulate the world around him.[40]

A clown with such craft is one to be reckoned with. Like so many highly demonstrative demagogues, Trump makes faces that make things happen.

Cosmetics

To achieve striking facial effects, it is common for people, including professional clowns, to enlist the assistance of cosmetics. In 1656, John Gauden wrote *A Discourse of Artificial Beauty*.[41] It was quite a departure for the royalist cleric who is reputed to have written *Eikon Basilike*,[42] an important royalist tract published just a few days before the execution of King Charles I and attributed to the authorship of the king himself. Gauden's *Discourse* depicts cosmetic art as a God-given skill to enhance God-given natural beauty. Gauden writes, for example, that the addition of a little whitening tincture or rouge 'makes no more a new face or person, (so as to run any hazard of confusion or mistake) then usually befals women in their sicknesses and ordinary distempers . . . so that this artificial change is but a fixation of natures inconstancy'.[43]

Art and Nature

Gauden objected to the fact that 'some men seek to confine all women to their pure and simple naturals: as if Art and Nature were not sisters, but jealous rivals'.[44] Gauden's argument is that the natural canvas of the face is a product of Divine art so there is no offence when a human artist reveals or stabilizes human beauty by means of cosmetic craft. A similar attitude runs deep in the thinking of early modern poets and artists for whom the co-Productive activity of art and nature was the renaissance of a classical theme. One classical precedent for the theme is Cicero's essay *de Oratore*, which 'constructs ideal *eloquentia* as a hybrid of *ars* and *natura*'.[45] The argument that art and nature are a hybrid (or to use Gauden's term, 'sisters') defended early modern artists against the Puritans' assertion that beautifying arts are sinful modes of artifice. Jonson developed this defence in his essay 'On Picture' (*De pictura*), which we considered in Chapter 4.[46] The defensive tone is also apparent in Sir Philip Sidney's *The Defence of Poesie*, where he writes:

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[39] See, for example, Daniel E. Re and Nicholas Rule, 'Distinctive Facial Cues Predict Leadership Rank and Selection' (2017) 43(9) *Personality and Social Psychology Bulletin* 1311–1322.

[40] Peter Collett, 'The Seven Faces of Donald Trump: A Psychologist's View', *The Guardian*, 15 January 2017.

[41] John Gauden, *A discourse of artificial beauty, in point of conscience between two ladies with some satyrical censures on the vulgar errors of these times* (1656) (London: Printed for R. Royston at the Angel in Ivy-lane, 1662).

[42] [John Gauden?], *Eikon Basilike, The Pourtraicture of his sacred Majestie in his Solitudes and Sufferings* (9 February 1649, New Style).

[43] John Gauden, *A discourse of artificial beauty, in point of conscience between two ladies with some satyrical censures on the vulgar errors of these times* (1656) (London: Printed for R. Royston at the Angel in Ivy-lane, 1662) 57.

> The Greeks called him a 'poet', which name hath, as the most excellent, gone through other languages. It cometh of this word ποιεῖν [poiein], which is, to make: wherein, I know not whether by luck or wisdom, we Englishmen have met with the Greeks in calling him a maker … There is no art delivered to mankind that hath not the works of nature for his principal object, without which they could not consist, and on which they so depend, as they become actors and players, as it were, of what nature will have set forth.[47]

In his satirical poem 'Of a Painted Lady', Sir John Harrington notes how near to nature a painting can come:

> I Saw dame Leda's picture lately drawne,
> With haire about her eares, transparent Lawne,
> Her Ivory paps, and every other part,
> So limd unto the life by Painters Art,
> That I that had been long with her acquainted,
> Did think that both were quick, or both were painted[48]

Shakespeare explores the same early modern theme of the confusion of natural life with art in the final scene of *The Winter's Tale* in which the 'statue' of Hermione comes to life.

Her husband, Leontes, admires the exemplary sculptural work, noting that 'The fixture of her eye has motion in't, / As we are mock'd with art' (5.3.79–80). When Leontes asks, 'What was he that did make it?', the answer is clear. The artisan behind the work is God, for, though Leontes does not see it yet, this is not a statue of Hermione but she herself – a work not of art but of nature, or rather of nature enhanced by human cosmetic art.

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[44] Ibid., 89.

[45] Joy Connolly, *The State of Speech: Rhetoric and Political Thought in Ancient Rome* (Princeton: Princeton University Press, 2007) 19.

[46] Ben Jonson, *Timber or Discoveries*, in C. H. Herford et al. (eds) *Ben Jonson*, Vol. 8, *The Poems; The Prose Works* (Oxford: Oxford University Press, 1947) 1522–1523.

[47] Sir Philip Sidney, *The Defence of Poesie*, in Katherine Duncan-Jones and Jan van Dorsten (eds), *Miscellaneous Prose of Sir Philip Sidney* (Oxford: Oxford University Press, 1973) 59–121, 77–78.

[48] John Harrington, *Epigrams*, Book IV, epigram 58. Discussed in Farah Karim-Cooper, *Cosmetics in Shakespearean and Renaissance Drama* (Edinburgh: Edinburgh University Press, 2006) 94.

Shakespeare's contemporary, the French philosopher Michel de Montaigne (1533–1592), acknowledged that science, and even law, makes up its ideas of truth cosmetically using the legitimate falsehood of poetic fiction:

> Just as women use ivory teeth where their own are lacking, and, instead of their true complexion, create one from some foreign matter; . . . and in plain sight of everyone embellish themselves with a false and borrowed beauty: so does science (and even our law, they say, has legitimate fictions on which it founds the truth of its justice).[49]

This brings us to the issue of performed truth in the art of rhetoric and the place of the face in political and legal performance.

Prosopopoeia: The Rhetorical Art of Face-Making

Making up the human face by means of cosmetics parallels the making of the social persona by means of rhetorical arts. As noted earlier, the Latin word 'persona', from which our idea of social personality derives, was originally a term denoting an actor's mask. The Greek equivalent, also denoting both face and mask, was *prósopon*. That word describes something that is 'towards the eye' (*pro-ops*). The same visive sense of the face as a seen thing survives strongly in the modern French and German words for face – *visage* and *Angesicht*, respectively. The language stresses how central to the idea of 'making my face' is the co-Productive Participation of 'your point of view'. My face is a social construct that you and I make together.

The rhetorical device of prosopopoeia (*προσωποποιία*) indicates the making of a face or mask (from the Greek *prósopon* 'face, mask', and *poiéin* 'to make, to do'). In rhetorical theory it is understood to encompass two distinct techniques: 'impersonation' and 'personification'. The first technique, 'impersonation', is a species of prosopopoeia by which a performer imitates or assumes a different persona. A classical example is Cicero's device in his oration *Pro Caelio* of speaking as Appius Claudius Caecus, the great statesman of Republican Rome who was patron of the road and aqueduct (named *Via Appia* and *Aqua Appia* in his honour) that were the archetypes of Roman engineering excellence.[50] Personification of this sort is quintessentially theatrical.[51] As Eric Bentley writes in his book *The Life of the Drama*: '[t]he theatrical situation, reduced to a minimum, is that A impersonates B while

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[49] Michel De Montaigne, *Apology for Raymond Sebond* (1576), Roger Ariew and Marjorie Grene (eds) (Indianapolis: Hackett Publishing Company, 2003) 98.

[50] Cicero, *Pro Caelio*, 33–35, R. Gardner (ed. and trans.), *Cicero*, Vol. 13, Loeb Classical Library 447 (Cambridge, MA: Harvard University Press, 2001) 447–450.

[51] James Paxson notes that rhetorical 'prosopopeia as a method of character invention has an allied source in Greek drama and the philosophical dialogue': *The Poetics of Personification* (Cambridge: Cambridge University Press, 1994) 13.

C looks on'.[52] Gavin Alexander acknowledges similarly that 'the power to conjure up human presences and endow them with speaking voices is not just a momentary trick of the orator but is the basis of the making of fictions'.[53] The second technique, 'personification', is a species of prosopopoeia by which a performer attributes a human persona to a non-human entity. A classical instance is Quintilian's assertion that oratory can 'give voices to cities and states'.[54] Examples of personification in Shakespeare's works are too many to list. One example which illustrates Quintilian's claim is Shakespeare's description of the nation state of England as a pale-faced maid or woman. This example is particularly striking because it not only attributes human character to England, which is a standard mode of personification, but does so through the specific device of attributing a human face to the abstract idea of nation. Thus, in *Richard II*, the King fears the effect of bloodshed on 'the flower of England's face' and 'the complexion of her maid-pale peace' (3.3.97–98).[55] In Shakespeare's *King John*, England is again personified as a pale-faced female when he describes the nation's coastal front as 'that pale, that white-faced shore, / Whose foot spurns back the ocean's roaring tides / And coops from other lands her islanders?' (2.1.23–25).[56] As with so much of Shakespeare's imagery, these references are multivalent. They can be read as being simultaneously a literal description of a nation whose people are pallid with fear in time of war, a geophysical reference to the chalk cliff facade of the English south coast, and an oblique allusion to the cosmetically whitened face of England's chief 'maid' – Elizabeth I, the 'Virgin Queen'. Furthermore, the use of 'pale' in the *King John* quotation is a pun referring both to pallid skin and to a defensive bulwark (from *palus*, the Latin word for fence post).

Shakespeare's contemporary, Abraham Fraunce, described the impersonation species of prosopopoeia as 'a fayning of any person, when in our speech we represent the person of anie, and make it speake as though he were there present'.[57] Having quoted Fraunce, Walter Jost and Wendy Olmsted, writing on 'Rhetorical *Technē* and Poetics', note the theatrical nature (specifically, the imaginative acting) inherent in the rhetorical practice of prosopopoeia. Referring to the *Suasoriae* of Seneca the Elder,[58] they write:

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[52] Eric Bentley, *The Life of the Drama* (New York: Atheneum, 1964) 150.

[53] Gavin Alexander, 'Prosopopoeia: The Speaking Figure', in S. Adamson et al. (eds), *Renaissance Figures of Speech* (Cambridge: Cambridge University Press, 2007) 97–112, 108.

[54] Quintilian, *The Orator's Education* (*Institutio Oratoria*), Donald A. Russell (ed. and trans.), Loeb Classical Library 124 (Cambridge, MA: Harvard University Press, 2001) 9.2.31.

[55] *Richard II* supplies another example when it refers to England's 'pale-faced villages' (2.3.94).

[56] Caroline Spurgeon notes Shakespeare's fondness for personification as a poetic device and its remarkable prevalence in *King John*. Caroline Spurgeon, *Shakespeare's Imagery* (Cambridge: Cambridge University Press, 1966) chart VI.

[57] Abraham Fraunce, *The Arcadian Rhetorike* (London: Printed by Thomas Orwin, 1588) cap. 31.

[58] Seneca the Elder, *Suasoriae*, Michael Winterbottom (ed. and trans.), Loeb Classical Library 464 (Cambridge, MA: Harvard UP, 1974) Book 1.

> Alexander debates whether to sail the ocean and the speaker must imagine himself one of the sailors, or else imagine himself Alexander wishing to go on the voyage, or else imagine himself Alexander's mother wishing to prevent his departure.[59]

This example shows that one way to make a persuasive argument is to make a face. By masking oneself as another it is possible to animate a different point of view. At the very least, this should make the oration livelier, which is one of Thomas Wilson's main reasons for recommending personification in his treatise *The Arte of Rhetoric*: 'Such varietie doth much good to avoyde tediousnesse, for he that speaketh all in one sort, though he speake thinges never so wittely, shall sone wearie his hearers.'[60]

Rhetorical and poetic prosopopoeia is frequently as much concerned with making a sound or producing a voice as with purely visible aspects of making a face. Indeed, one speculative etymology for the Latin 'persona' suggests that it is derived from the sonic attributes of the classical actor's mask – the idea being that the wide mouth aperture amplified the voice as the sound passed through (*per-sona*). Appealing as that etymology is, a more plausible or immediate account links the word *persona* to the language of the people who occupied the Latin lands before the Romans. The Etruscan word for mask, or a masked role, was *phersu*.[61]

Sound is undoubtedly significant in those modes of impersonation that closely resemble theatrical acting. In the example of Cicero impersonating Appius we can see the potential for an impersonator to assume not only the facial and manual gestures, posture, gait, and other visible mannerisms of the impersonated individual but also their voice. Expert mimics, whom we still call 'impersonators', are generally adept at performing all these aspects of the individual impersonated, and very often cap off their performance by adopting the dress and props of their target. It is easy enough to impersonate the distinctive look of Charlie Chaplin's Tramp character without making a sound, or to impersonate President John F. Kennedy through the sound of his voice alone, but a character who combines a distinctive look with a distinctive voice is an impersonator's dream. Winston Churchill is one such. No doubt it was the strikingly distinctive performance of Churchill's public persona in all its aspects that enabled him to make such an impression on people during World War II. As Churchill made an impression on the wartime public, so his distinctiveness enables modern actors to perform persuasive impressions of him now. Churchill's signature hand gesture (the V-sign), his distinctive voice, his classic English bowler hat, his squat and portly physique, and his bulldog jowls all combine to make a vivid impression. In cinematic renditions, Churchill's physical and gestural performance has convincingly concealed actors who in the absence of make-up, prosthetics, and vocal mimicry are as physically and sonically different as John Lithgow and Gary Oldman. The impersonation is especially helped by Churchill's association with a distinctive prop. The cigar was to Churchill what the walking stick was to Chaplin's Tramp. Some British prime ministers since Churchill have also come to be associated with the attribute of personal props, most notably Harold Wilson and his pipe and Margaret Thatcher and her handbag.[62]

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[59] Walter Jost and Wendy Olmsted (eds), *A Companion to Rhetoric and Rhetorical Criticism* (Oxford: Blackwell, 2004) 91.

[60] Thomas Wilson, *The Arte of Rhetorique* (1553), 1560 edition, G. H. Mair (ed.) (Oxford: Clarendon Press, 1909) 182.

[61] Robert K. Barnhart, *Barnhart Dictionary of Etymology* (New York: H.W. Wilson Co., 1988); Ernest Klein, *A Comprehensive Etymological Dictionary of the English Language* (Amsterdam: Elsevier Scientific Publishing Co., 1971).

Making a Fool of Oneself

Since classical times, the connection between oratory and acting has been exploited by practitioners of both those arts, albeit the classical rhetoricians pretended to decry the thespian arts and to claim a higher dignity for their own profession.[63] The challenge for the rhetorical performer is always to judge how far to go in adopting an artificial persona and to know which types of persona it is safe to adopt. One argument in favour of adopting a new voice, facial expression, gestural manner, posture, and gait is that it will make the mask more completely artificial and distinct from the orator's own character – shielding the performer even as it enables them more blatantly to 'show off'. A counterargument, standing against the use of thespian techniques, is that the audience might attribute undesirable aspects of the performed persona to the private character of the orator. Morwenna Ludlow observes that 'the technique of prosōpopoeia is inherently risky speech: on the one hand, it heightens emotion and strengthens the speaker's or author's appeal to his audience; on the other hand, the impersonation of another speaker carries with it the risk of undermining the speaker's own authority.'[64] To make a face through impersonation is to risk making a fool of oneself. It is perhaps for this reason that Henry Peacham, author of the sixteenth-century rhetorical treatise *The Garden of Eloquence*, cautioned that '[i]t is not convenient that the Orator should use the helpe of fained persons without some urgent cause compelling him thereunto'.[65] A sensible way to manage the risk that prosopopoeia might backfire is to commit to thespian representation only where the individual impersonated is one with whom the orator would wish to be associated (Cicero's impersonation of the respected statesman Appius Claudius Caecus was of that sort), and to avoid adopting the voice and manners of a rogue or a fool. There is otherwise the risk that a vivid image of the rhetorician impersonating a villain may remain in the memory of the audience even when they have forgotten that it was only an act.

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[62] See the 2016 BBC Radio 4 series *Prime Ministers' Props*, www.bbc.co.uk/programmes/b0bdnp19/episodes/player.

[63] See the chapter 'Theatre, Theatrocracy, and the Politics of Pathos in the Athenian Lawcourt', in Julie Stone Peters, *Law as Performance: Theatricality, Spectatorship, and the Making of Law in Ancient, Medieval, and Early Modern Europe* (Oxford: Oxford University Press, 2022).

[64] Morwenna Ludlow, 'Role-Playing: Prosopopoeia and Embodied Performance', in Morwenna Ludlow, *Art, Craft, and Theology in Fourth-Century Christian Authors* (Oxford: Oxford University Press, 2020) 119–143, 119–120.

One technique that is useful in distinguishing the orator's own character from the character personated is, in the words of Thomas Wilson, to 'frame the oration'.[66] This can be done by means of a clear introduction and conclusion. Hence the advice of Abraham Fraunce, that the speaker should 'make a fit and orderly accesse too, and regresse from the same *Prosopopoeia*'.[67] Theatrical actors performing on stage have some very specific techniques for framing their performances, and, in particular, a standard way of emerging from their persona at the point that Fraunce calls the 'egress'. Chief of these is the 'curtain call' at the end of the show. One actor explains that when he performs a comedy, he marks the end of the theatrical ritual by removing his adopted persona while still on stage: 'once I reach the center stage and take my bow, I shed my character and become myself. Generally, audiences appreciate getting a glimpse of the artist behind the character.'[68] Framing of this sort, which shows the maker behind the make-believe, doesn't kill off the illusion so much as seal it to live on forever within the confines of the fictional domain of the show.

Show of Truth

Impersonation raises concerns of sincerity and truth. Recall psychologist Paul Ekman's observations, alluded to earlier, regarding the ability and inability of the face to hide emotions. He writes that:

> The face appears to be the most skilled nonverbal communicator and perhaps for that reason the best 'nonverbal liar,' capable not only of withholding information but of simulating the facial behavior associated with a feeling which the person is in no way experiencing.[69]

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[65] Henry Peacham, *The Garden of Eloquence* (1577) (1593 edition facsimile) (Delmar, NY: Scholars' Facsimiles, 1977). Peacham lists prosopopoeia as an example of rhetorical amplification within the third order of his 'Schemates Rhetorical'.

[66] Thomas Wilson, *The Arte of Rhetorique* (1553), 1560 edition, G. H. Mair (ed.) (Oxford: Clarendon Press, 1909) 179.

[67] Abraham Fraunce, *The Arcadian Rhetorike* (London: Printed by Thomas Orwin, 1588) cap. 31.

[68] Wade Bradford, 'Curtain Call: Dos and Don'ts', Liveabout.com, 30 April 2017, www.liveabout.com/curtain-call-dos-and-donts-2713056.

[69] Paul Ekman et al., *Emotion in the Human Face* (New York: Pergamon Press, 1972) 23.

Citing that quotation, performance scholar Richard Schechner connects the dissembling capacity of the face to that of the thespian arts when he writes in his book *Performance Theory* that 'lying, as much as truth-telling, is the stock in trade of theatre',[70] adding:

> Here the Ekman of 1972 does not yet know what the Ekman of 1983 found out: that the 'mechanical' construction of a face in the configuration of a 'target emotion' elicits an ANS [autonomic nervous system] response, i.e. an 'experience.' Thus lying is a very complicated business in which the skilled liar – a person who can make a convincing face – *knows* he is lying but *feels* he is telling the truth (see Ekman 1985).[[71]]
>
> . . . the doing of the action of a feeling is enough to arouse the feeling both in the doer and in the receiver. The so-called surface of emotion – the look on the face, the tone of the skin, the tilt of the body, the placement and moves of muscles – is also the emotion's 'depth.'[72]

In 2016, US presidential candidate Hillary Clinton gave an interview for the photoblog *Humans of New York* in which she offered a fascinating insight into the hard work that goes into making a public persona seem natural. What she had to say about the orator's art of performing a natural persona corresponds to John Gauden's idea that facial cosmetics present nature at its best:

> I'm not Barack Obama. I'm not Bill Clinton. Both of them carry themselves with a naturalness that is very appealing to audiences. But I'm married to one and I've worked for the other, so I know how hard they work at being natural. It's not something they just dial in. They work and they practice what they're going to say. It's not that they're trying to be somebody else. But it's hard work to present yourself in the best possible way.[73]

Split Personality

The tension that exists between a persona that is professionally crafted for public consumption and the 'natural' character of the individual performing that persona is one that has erupted in fascinating ways in relation to celebrity 'personalities' in the world of television and politics. Someone who fits into both those categories is Donald Trump. On one infamous occasion he exploited the tension between his private character and his public persona as a cover for insulting a political rival's facial appearance. His target, Carly Fiorina, is a successful business executive who as CEO of Hewlett-Packard became the first woman to lead a Fortune Top-20 company. When she ran against Trump for the Republican nomination in the 2016 presidential election, he was determined that her substance should not distract voters from surface considerations. As a showbiz celebrity, his strategy was to make a strong surface impression and to encourage superficial scrutiny of the candidates. Accordingly, he gave an interview in which, referring to Fiorina, he said: 'Look at that face! Would anyone vote for that?'[74] When subsequently taken to task for what was apparently intended to be an insult to Fiorina's facial attractiveness, Trump said: 'some comments are made as an entertainer. And, as everybody said, as an entertainer [it] is a much different ballgame.'[75]

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[70] Richard Schechner, *Performance Theory*, revised ed. (1977) (New York: Routledge, 2003) 315.

[71] Ibid., 316. Referring to Paul Ekman, *Telling Lies* (New York: Norton, 1985).

[72] Richard Schechner, *Performance Theory*, revised ed. (1977) (New York: Routledge, 2003) 322.

[73] Hillary Clinton, interview, Humansofnewyork.com, 8 September 2016.

Trump claimed that he wasn't talking about Fiorina's physical face at all, but 'talking about her persona . . . She failed miserably at Hewlett-Packard and ran for the Senate and lost in a landslide and now running for president. I'm talking about her persona.'[76] We might dismiss that excuse as a brazen evasion, but in the showbiz world of Donald Trump it's quite easy to believe that a disparaging comment on someone's facial attractiveness is genuinely inseparable in his mind from his attitude to their attractiveness as a public figure. He wasn't lying when he said that he was talking about Fiorina's persona, it's just that his own critical gaze does not pierce deeper than the superfice of someone's public performance. For Trump, physical face *is* persona. Face is everything. If Ms Fiorina were minded to take the insult personally, it might be some comfort to know that the standards by which Trump judged her to be unattractive are the same by which he judges himself to be beautiful.

We consider, next, two examples from the UK in which the tension between a celebrity's private character and public persona has erupted to the extent of litigation. In the first case, a popular daytime television presenter successfully claimed a tax exemption for expenses incurred during the theatrical performance of her public persona. In the second case, the then UK prime minister, Boris Johnson, brought a successful action for judicial review against a magistrates' court which had issued a criminal summons against him in a private prosecution alleging that he had committed the common law offence of misconduct in public office.

The first case concerned daytime television presenter Lorraine Kelly. The Inland Revenue tax authorities had claimed that Ms Kelly appeared as herself when presenting television programmes and therefore should not receive tax exemptions available to a performer. The authorities' assumption that *any* of us appear as ourselves in public is an extremely questionable one. It seems to assume, first, that there is an essential 'self' of such stability that it can be identified; second, that there is an element of 'our' by which we identify (in the sense of feel at one with) that stable sense of self; and third, that when we appear in public, we not only choose to represent our stable self in our social performance, but that we do so accurately. If such doubtful assumptions arise in the case of everyone who presents themselves to public perusal, how much more problematic are the issues arising in the case of a person who is a professional presenter?

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[74] Paul Solotaroff, 'Trump Seriously: On the Trail with the GOP's Tough Guy', *Rolling Stone*, 9 September 2015.

[75] 'Trump on Fiorina Flap', *Fox News*, 10 September 2015.

[76] Ibid.

Rejecting the Inland Revenue's claim, the tax tribunal found in favour of Ms Kelly:

> We did not accept that Ms Kelly simply appeared as herself; we were satisfied that Ms Kelly presents a persona of herself; she presents herself as a brand . . . All parts of the show are a performance, the act being to perform the role of a friendly, chatty and fun personality . . . for the time Ms Kelly is contracted to perform live on air she is public 'Lorraine Kelly'; she may not like the guest she interviews, she may not like the food she eats, she may not like the film she viewed but that is where the performance lies.[77]

Those last three words – 'the performance lies' – produce a telling pun. If the performance of the public personality 'Lorraine Kelly' is not a sincere representation of the private person, can the performance be regarded as true? The answer to that question depends upon the purpose of public performance in the context of daytime television. It is certainly arguable that the purpose is not to lay bare the private character of Lorraine Kelly, but to produce a persona that will please the public. Far from being called upon to present Ms Kelly's quotidian private life, the programmes in which she appears are designed to distract the public from everyday mundanity. Ms Kelly is true to that purpose when she presents a pleasing and diverting persona. Seen in this way, the performance of a popular show business personality resembles the way in which law courts, instead of simply presenting the unedited, messy, and contested circumstances of human lives, seek to present instead a polished matter that will satisfy the public.

Every actor in her litigation – Ms Kelly, the tax authorities, and even the court – was in a different way performing a role which did not depend upon substantial integrity between private performer and public persona. The private Ms Kelly might have an individual character at odds with her television persona, and the tax officials and their legal advisors bringing the action against her might not, in private, have believed in the merits of their case. A seventeenth-century preacher once complained that lawyers 'put the *fairest faces* on the *foulest actions*',[78] but often this is precisely what professional performance – from that of soldiers to social workers – demands from a role. Even the judge applying the law in Ms Kelly's case might not, as a private person, have believed in the correctness of the law. Jacques' sketch of a judge ('the justice') in his famous 'All the World's a Stage' speech in Shakespeare's *As You Like It* concludes with the words 'he plays his part' (2.7.157). It is the conclusion we might reach when considering all sorts of professional performance in which the actor is duty bound to represent others and their interests rather than present their own private character and their own private interests.

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[77] *Albatel Ltd* v *HMRC* [2019] UKFTT 195 (TC) [First-Tier Tribunal (Tax Chamber)] (16 March 2019), para. [193].

[78] John Rogers, *Sagrir, or, Doomes-Day Drawing Nigh, with Thunder and Lightening to Lawyers etc.* (published posthumously) (London: Printed for Tho. Hucklescot, 1654) 24.

In the second case, the then UK prime minister, Boris Johnson, brought a successful action against a magistrates' court that had issued a summons against him in a private prosecution alleging the common law offence of misconduct in public office. The summons was chiefly based on statements made by Johnson while campaigning for Brexit when he was Mayor of London and a Member of Parliament, including 'we send the EU £350 million a week, let's fund our NHS instead'. The High Court quashed the decision of the magistrates' court because there was no evidence of the offence, and because the judge in the magistrates' court had without good reason dismissed the possibility that the action had been brought against the prime minister for political and vexatious motives.[79] The substantial question in this case came down to a similar issue to that which arose in the case of television personality Lorraine Kelly. The question was whether the disputed statements made by Boris Johnson in relation to the Brexit campaign were made by him 'in his public role' or 'in a different role'. In the technical language of the Johnson case, those issues were distilled down to this question: was Boris Johnson, who was then a public officer, 'acting as such' when he made the statements he made in relation to Brexit? The common law offence of misconduct in public office has four elements: (1) that it concerns a public officer acting as such; who (2) wilfully neglects to perform his duty and/or wilfully misconducts himself; (3) to such a degree as to amount to an abuse of the public's trust in the office holder; (4) without reasonable excuse or justification.[80] The Law Commission Report on the topic explains that the 'acting as such' ingredient was 'designed to distinguish between circumstances where the public office holder is misconducting themselves while performing their function or role, and where they are misconducting themselves in non-public contexts. This includes, but is not necessarily limited to, conduct in their personal life.'[81] The High Court held in the Johnson case that holding an influential public role is not enough for liability. There must also be a causal connection between the role and statements made, such that in making the statements Boris Johnson could be said to have been performing his public role. 'If, as here, he simply held the office and whilst holding it expressed a view contentious and widely challenged, the ingredient of 'acting as such' is not made out.'[82] In politics, it apparently helps to be two-faced in the sense of having more than one mask to wear. In Donald Trump's case, he attempted to deflect criticism directed at him personally by claiming that he was acting as an entertainer. In Boris

[79] *Johnson* v *Westminster Magistrates' Court* [2019] EWHC 1709 (Admin); [2019] 1 WLR 6238.

[80] *Attorney General's Reference (No 3 of 2003)* [2005] QB 73, the Court of Appeal.

[81] *Misconduct in Public Office*, Law Commission Report LC 397 (4 December 2020) para. [2.51].

[82] *Johnson* v *Westminster Magistrates' Court*, para. [29].

Johnson's case, he successfully deflected criticism directed at him as a public official by claiming that he was acting in a non-official capacity. The challenge, as in the case of Lorraine Kelly, is to know 'where the performance lies'.

Facebook and Social Media Persona

Nowadays, social interaction through online media is an important context in which we make our public face and in which members of the public confirm our face through what they make of it. No major online social media platform has had the longevity of Facebook. The platform's name, which was originally an allusion to the use of a profile image to display the user's face, is now a fitting label for the platform's role in producing a user's social persona. In addition to the user's own design in presenting a version of their self through the platform, interactions such as 'tagging', 'liking', 'sharing', and 'commenting' enable a 'friend' of the page owner to participate in the co-Productive activity of making up the page owner's social face even as the friend simultaneously performs their own public persona. Another leading platform, just two years younger than Facebook, is Twitter. Whereas Facebook users have 'friends', Twitter users have 'followers'. That fact illustrates a distinction of tone between the two platforms. Facebook is more private and personal; Twitter more public and impersonal. It might for this reason be somewhat easier on Twitter than on Facebook to fake a persona that will fool the public. An instance that attracted press coverage is the case of British teenager Sam Gardiner who passed himself off as older men by means of pseudonyms. His aim was to gain respect for his opinions on football (the soccer variety), and it worked. He attracted more than 20,000 followers. The face was fake, and the pseudonyms were a fabrication; but the question still presents itself – was his performance fundamentally false? This wasn't criminal identity theft; it was identity *Production*. He was publishing and performing the substantial truth of his soccer expertise by means of fictional personas. Commenting on this case, Patrick Lonergan observes that '[t]he construction of his online persona was an act of creativity, but it was also an act of self-expression, a revelation of something authentic about the real person'.[83] This is reminiscent of Esther Newton's 1972 study of gender performance by drag artists ('female impersonators' as Newton's title styles them),[84] and specifically of Judith Butler's reflections on that study which conclude that drag performances, like other gender performances, 'are *fabrications* manufactured and sustained through corporeal signs and other discursive means'[85] and that 'gender attributes . . .

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[83] Patrick Lonergan, *Theatre and Social Media* (London: Palgrave Macmillan, 2015) 2.

[84] Esther Newton, *Mother Camp: Female Impersonators in America* (Englewood Cliffs, NJ: Prentice-Hall, 1972).

[85] Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity*, 2nd ed. (1990) (New York: Routledge, 2006) 185 (emphasis in original).

effectively constitute the identity they are said to express or reveal'.[86] In other words, that a male impersonating a 'female' is constructing the reality of the 'female' gender, because 'female' is itself a social construction and 'the inner truth of gender is a fabrication'.[87] The initiator of a five-day course on drag art as part of a summer school for Scottish teenagers seems to have Butler's theory in mind when she asserts confidently that 'gender is a performance'. According to a report in *The Guardian*, the course includes a session on 'creating a persona'.[88]

Lonergan's small but significant book is called *Theatre and Social Media*. In it he argues that the space produced by '[s]ocial media is not just a performance space, it is also a *theatrical* space';[89] and that social media and traditional theatre both provide 'a space in which fictions can reveal truths, a space in which individuals can find their 'real self' by pretending to be someone they're not'.[90] 'Pretending' is the right word, for although we often associate the word with deceit, its etymological meaning carries a morally neutral sense of putting something forward. Thus 'pretenders' to the royal crown were so called because they put forward a claim, not because their claim was necessarily false. When Richard Schechner writes that a 'great difference between human and non-human performance is the ability of humans to lie and pretend', and that people can choose 'to wear masks, or to go bare-faced', the running together of pretending and lying is unfortunate.[91] In our social interactions, as in theatrical action, pretending is the action of putting the mask forward for the audience to see. In doing so, the 'pretender' might be saying sincerely that the projected mask or performance presents the *real* me.

Bram Stoker – most famous as the author of *Dracula* – noticed something like this process at work in the thespian craft of Henry Irving, the celebrated nineteenth-century actor for whom Stoker worked as manager. Irving's process of refining a stage role was summarized by Stoker as one that involved 'passing a character through one's own mind' so as to produce a new theatrical artefact:

> When it has gone through this process it takes a place as an actual thing – a sort of clothing of the player's own identity with the attributes of another . . . The individuality within, being of plastic nature, adapts itself by degrees to its surroundings.[92]

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[86] Ibid., 192. [87] Ibid., 186.

[88] Libby Brooks, '"Gender Is a Performance": Scotland's First "Drag School" Sells Out', *The Guardian*, 16 July 2021.

[89] Patrick Lonergan, *Theatre and Social Media* (London: Palgrave Macmillan, 2015) 16.

[90] Ibid., 4.

[91] Richard Schechner, *Performance Theory*, revised ed. (1977) (New York: Routledge, 2003) 257.

[92] Bram Stoker, *Personal Reminiscences of Henry Irving*, Vol. 2 (1906) (Cambridge: Cambridge University Press, 2013) 9–10.

We are all of us forever refining and reworking our public persona by 'passing a character through one's own mind', and the plastic self 'within' becomes in time of one substance with the mask we make to fit our social space.

Of 'Blackface' and 'Black Fishing'

The tension between nature and art produces fascinating and difficult questions in the contemporary realm of identity politics. One of the most interesting and controversial contexts is the phenomenon by which people represent themselves with the physical face or social persona of a racial ethnicity with which they have no background connection in terms either of biology or upbringing. Theatrical and recreational use of 'blackface' (whereby a non-Black person blacks up their face with make-up) was once quite commonplace, but nowadays elicits a strongly negative social response. The strength of modern reactions to this cosmetic activity is a testament to the preeminent place of the face in social life. Blackface is akin to stealing another person's social persona. It steals the show in a fundamental sense because the face is the stage front of an individual's social performance, and the face, as we have seen, has great depth despite its seeming superficiality. As with the mask that represents a deeper truth, skin colour as the superfice of race is never superficial. Skin is deep.

The theatrical or costumed performance of blackface is usually crudely obvious. A more subtle and insidious iteration of the phenomenon of cultural appropriation occurs when non-Black individuals pretend to be Black. An opinion piece in the *Los Angeles Times* discusses the phenomenon under the headline 'What's Going on with All the White Scholars Who Try to Pass as Black?'.[93] The phenomenon isn't restricted to scholars, but the university setting is a uniquely intense cauldron of identity politics in which, in the USA especially, some employment opportunities are strongly correlated to race. It is also the case that many university scholars have a set of skills ideally suited to crafting and performing a new social mask, while also having the power to influence the shape of the academic culture that determines the terms on which such masks are read and received. Erin Aubry Kaplan, the author of the *Los Angeles Times* opinion piece, calls the phenomenon 'passe noir' (others have called it 'blackfishing').[94] She cites a number of instances, including the case of Jessica Krug, a white woman from suburban Kansas City, who was appointed to a tenured post in Black studies at George Washington University under an assumed Black identity, and Rachel Dolezal, a white woman who passed herself off as Black and taught for a number of years in the Africana Education programme at Eastern Washington University. Dolezal was also for a brief period the president of a local chapter of the National Association for the Advancement of Colored People.

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[93] Erin Aubry Kaplan, 'Opinion: What's Going on with All the White Scholars Who Try to Pass as Black?', *Los Angeles Times*, 8 October 2020.

[94] Kameron Virk and Nesta McGregor, 'Blackfishing: the Women Accused of Pretending to Be Black' *BBC News*, 5 December 2018, www.bbc.co.uk/news/newsbeat-46427180.

Dolezal and Krug, like many of the most infamous pretenders, held posts which would otherwise almost certainly have gone to a person of colour. That factor makes their behaviour deeply hypocritical and unfair. In cases lacking such factors, the tangible harm caused to others might not be so great, but there would still be at least two problems. The first is the pretender's lack of candour. Dolezal and Krug were decades into their deception before their cover was blown; neither was upfront about being a white person identifying as Black. The second is the problem of cultural appropriation. The first factor feeds into the second, for without candour, appropriation cannot be licenced by the group whose identity is being appropriated; and dishonest, unlicenced appropriation is akin to theft. Kaplan summarizes these concerns by means of a theatrical analogy:

> The most charitable reading of their passe noir is still a troubling irony: sincerely intentioned, empathetic white people felt they could only serve Black consciousness by going undercover, slipping on a Black identity like a costume rather than treating it like a set of distinct, and distinctly American, life experiences that need to be probed, not performed.[95]

If we were to extend the charitable reading further, we might perhaps acknowledge that pretenders of this sort may be trapped in their own make-believe like undercover cops or method actors who can no longer discern where their 'true' character ends and their performed persona begins. (The quotation marks indicate that we cannot talk of 'true' character as a concept unaffected by social influence.) Whether the psychological effect of being trapped in their own performance was present in the cases of Dolezal and Krug and, if it was, whether it ought to mitigate their offences, I cannot say. Using language that expressly acknowledged the fabricating nature of impersonation, Krug issued an online confessional in which she presented herself as someone whose 'false identity was crafted entirely from the fabric of Black lives'.[96] She attributed this behaviour to a longstanding psychological habit of seeking security in new identities, saying that '[w]hen I was a teenager fleeing trauma, I could just run away to a new place and become a new person', but that she now finds 'I have no identity outside of this. I have never developed one . . . I have built only this life.'[97]

The cautionary tale here is that our crafted mask can become a true performance of who we are, but that social spectators – who are indispensable co-Producers of any mask deserving the description ‘social’ – are entitled to reject the product if they were never in on the act. Related to this is another note of caution, which is that we can slip over from the willing performance of a social mask into a situation in which our agency is overborne to such an extent that the mask performs us. This is another example of the phenomenon of Artefaction – the made thing as making thing – as explained in Part I. The ‘mask that becomes fixed’ is a long-running cautionary tale in cultures the world over, including cinematic depictions from Japanese horror (*Onibaba*, dir. Kaneto Shindô, 1964) to the Hollywood comic book genre (*The Mask*, dir. Charles Russell, 1994). A recent film in the latter category is Todd Phillips’ *Joker* (2019). Following the success of that film, and adopting one of its taglines, a 2020 documentary focusing on the eponymous comic book anti-hero was fittingly titled *Joker: Put on a Happy Face*. The main cinematic trailer for the 2019 film presented a short study of several modes of face-making, including the application of a clown’s ‘greasepaint’ and wearing a plastic clown mask. There is even a brief scene in which the protagonist performs a face-changing mime to amuse a child. This may have been a nod to ‘The Mask Maker’ sequence by celebrated mime artist Marcel Marceau in which he repeatedly removes his hands from in front of his face to reveal a series of contrasting facial contortions. Marceau’s masker makes masks to please and amuse his social audience until, ultimately, he is left with a fixed mask that he can no longer alter or remove. The lesson is clear – through social processes of mask-making we make up our faces to make friends, but, as Dolezal and Krug found to their cost, it is sometimes when we make it that we lose sight of who we should be.

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[95] Erin Aubry Kaplan, 'Opinion: What's Going on with All the White Scholars Who Try to Pass as Black?', *Los Angeles Times*, 8 October 2020.

[96] Jessica Krug, 'The Truth, and the Anti-Black Violence of My Lies', Medium.com, 3 September 2020, https://medium.com/@jessakrug/the-truth-and-the-anti-black-violence-of-my-lies-9a9621401f85.

[97] Ibid.