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Response

A Lecturer's Reply to Just Criticism

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The subject of opera and international law is *terra incognita* for political philosophy. In fact, it is almost entirely uncharted territory for scholarship *tout court.* When I first chanced upon the theme, I did what any responsible researcher should do and made a literature survey. The results were meagre. Students of opera turned out to have written almost as little on the topic as scholars of international law; from political philosophers and even historians of political thought, there was nothing. There seemed to be only two pertinent articles, in any language, both treating marriage and divorce in late nineteenth-century Japan and the United States, each relating to Giacomo Puccini's *Madama Butterfly* (1904).[1] Those are crucial matters for Puccini's opera but two essays hardly comprise a body of scholarship sufficient to ground study of what Seaver Holter calls "operatic political thought" on international matters.

There is a corpus of work on opera and law but it deals overwhelmingly with domestic or municipal law. What scholarship does exist focuses either on law *on* opera or law *in* opera: that is, how the law has shaped opera—for example, with regard to copyright law, performers' contracts, or how property law applies to opera houses—or on how operas have represented lawyers from, say, the various notaries in Mozart's Da Ponte operas via Dr Kolenatý in Leos Janáček's *Makropulos Case* (1926) and Mr Swallow in Benjamin Britten's *Peter Grimes* (1945) to *Scalia/Ginsburg* (2015), a short comic opera on the musical friendship between US Supreme Court justices Ruth Bader Ginsburg and Antonin Scalia.[2] Even this literature only glancingly

[1]Rebecca Bailey-Harris, "*Madame Butterfly* and the Conflict of Laws," *American Journal of Comparative Law* 39, no. 1 (1991): 157–77; Giorgio Fabio Colombo, Masabumi Suzuki, and Dai Yokomizo, "'That may be Japanese Law … But Not in my Country!': Marriage, Divorce, and Private International Law in Giacomo Puccini's *Madama Butterfly,*" in *Law and Opera*, ed. Filippo Annunziata and Giorgio Fabio Colombo (Cham: Springer, 2018), 65–78.

[2]E.g., Inger Høedt-Rasmussen and Lise-Lotte Nielsen, "Lawyers in Opera: The Transformation of the Legal Profession," *Nordic Journal of Law and Social Research* 5 (2014): 63–82; Derrick Wang, "*Scalia/Ginsburg*: A (Gentle) Parody of Operatic Proportions," *Columbia Journal of Law and the Arts* 38 (2015): 239–92; Filippo Annunziata, Contracts, Wills, *Marriages and Rings: Opera and Private Law* (Milan: Silvana

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treats private international law, as in the case of Puccini, but never public international law.

I had to borrow navigational aids from other disciplines. Among philosophers, I could take guidance from a grand tradition of operatically engaged colleagues, most prominent among them Theodor Adorno,[3] Bernard Williams,[4] and Martha C. Nussbaum.[5] There is also distinguished historical work on operatic reflection on empire and international relations.[6] And there is a small but distinguished historiography on opera and political thought beginning from the assumption classically stated by Mitchell Cohen that "[o]pera was born of the same era—its tail end—that gave birth to the notion of the 'modern' state; or, more expansively, modern politics."[7] The near-simultaneity of modern opera's origins in the princely courts of Northern Italy in the late sixteenth century with the alleged "foundations of modern political thought" around the same time has inspired stimulating connections between the operatic and political canons.[8] Yet absent from this work is any substantial treatment of opera and *international* thought: that is the terrain I began to map in my Niemeyer Lectures, with inspiration from the work I and

Editoriale, 2017); *Law and Opera*, ed. Annunziata and Colombo; Rebekah Ahrendt, "The Legal Spaces of Opera in The Hague," in *Operatic Geographies: The Place of Opera and the Opera House*, ed. Suzanne Aspden (Chicago: University of Chicago Press, 2019), 12–25; Filippo Annunziata and Giorgio Fabio Colombo, "Opera and Law: Critical Notes," *Law and Literature* 33 no. 1ß (2021): 141–57; Stefan Machura, Olga Litvinova, and John Cunningham, "Analysing Law in Opera," *Law and Humanities* 17, no. 1 (2023): 90–111.

[3]Theodor W. Adorno, *In Search of Wagner*, trans. Rodney Livingstone (London: Verso, 1981).

[4]Bernard Williams, *On Opera*, intro. Michael Tanner (New Haven: Yale University Press, 2006).

[5]Martha C. Nussbaum, *Political Emotions: Why Love Matters for Justice* (Cambridge, MA: Harvard University Press, 2013), 27–53; Nussbaum, *The Tenderness of Silent Minds: Benjamin Britten and his War Requiem* (Oxford: OUP, 2024).

[6]Larry Wolff, *The Singing Turk: Ottoman Power and Operatic Emotions on the European Stage from the Siege of Vienna to the Age of Napoleon* (Stanford, CA: Stanford University Press, 2016); Wolff, *The Shadow of the Empress: Fairy-Tale Opera and the End of the Habsburg Monarchy* (Stanford, CA: Stanford University Press, 2023).

[7]Mitchell Cohen, *The Politics of Opera: From Monteverdi to Mozart* (Princeton: Princeton University Press, 2017), p. xiii.

[8]Alongside Cohen, *Politics of Opera*, see Paul Robinson, *Opera and Ideas: From Mozart to Strauss* (Ithaca, NY: Cornell University Press, 1985); Anthony Arblaster, *Viva la Libertà! Politics in Opera* (London: Verso, 1992); John Bokina, *Opera and Politics: From Monteverdi to Henze* (New Haven: Yale University Press, 1997); Mladen Dolar, "If Music be the Food of Love," in Slavoj Žižek and Mladen Dolar, *Opera's Second Death* (New York: Routledge, 2002), 5–8; Marc A. Weiner, "Politics," in *The Oxford Handbook of Opera*, ed. Helen M. Greenwald (Oxford: OUP, 2014), 706–31.

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many others have undertaken to recover the history of international thought as a complement to traditional histories of political thought.[9]

Central to the history of modern international thought is the history of international law, or what contemporaries would have called the *jus gentium*, the law of nations, *le droit des gens*, or *das Völkerrecht*: the norms governing relations outside the state, among states, polities, and similar corporate bodies that historians have recently come to call "interpolity" law, to encompass the various state-like but non-state actors (such as corporations) that populated the political world deep into the nineteenth century and even beyond.[10] My goal was to find out, to paraphrase the musicologist Edward T. Cone, how international law got into opera and what happened when it got there.[11] A particularly intriguing example gave the lectures their title, "You Can't Fool Rules: Opera and International Thought." I drew those words from the libretto for a contemporary opera, the British composer Jonathan Dove's *Flight* (1998), where the character known only as the Immigration Officer uses them to rebuke the equally sparely named Refugee near the climax of the work:

> You can't fool rules. They're inexorable.
> They get you in the end.
> Like your hair going grey
> And love fading away.[12]

How was it, I wondered, that by the late twentieth century an opera could culminate not with a suicide or a marriage, a scene of reconciliation or a triumphant chorus, but with a meditation on the supremacy of law—and the law of passports and visas, refugees and states of exception, at that? How, in short, had opera as a genre developed from its origins portraying classical gods and ethical abstractions to more recently staging the standoff between a Refugee and an Immigration Officer?

Any answer to such questions would have to cover the whole of opera's history over more than four centuries.[13] This is exactly what I intend to do in the book derived from my Niemeyer Lectures but in these remarks I need to

[9]David Armitage, *Foundations of Modern International Thought* (Cambridge: CUP, 2013).

[10]Lauren Benton, "Interpolity Law," in *The Oxford Handbook of History and International Relations*, ed. Mlada Bukovansky, Edward Keene, Christian Reus-Smit, and Maja Spanu (Oxford: OUP, 2023), 320–33.

[11]Edward T. Cone, "The World of Opera and its Inhabitants," in Cone, *Music: A View from Delft*, ed. Robert P. Morgan (Chicago: University of Chicago Press, 1989), 125. Cone asks, "how is it that morals get into opera and what happens to them when they get there," himself paraphrasing the literary critic R. P. Blackmur.

[12]Jonathan Dove, *Flight: Opera in Three Acts. Libretto by April de Angelis* (London: Edition Peters, 1997), 44 (Act III).

[13]Carolyn Abbate and Roger Parker, *A History of Opera: The Last 400 Years*, rev. ed. (London: Allen Lane, 2015).

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be more selective. I am helped by the fact that opera as a form is distinctively conscious of its own history, stretching back to the turn of the seventeenth century. That has been especially the case since a continuous repertoire comprising both new and historic operas emerged in the late nineteenth century and it means that opera has a canonical coherence that permits illuminating connections and comparisons across time and space.[14] I pursued just such linkages in my lectures, moving from Mozart to John Adams in the first, from Wagner to Adams again in the second, and from Verdi to Jonathan Dove in the third. I am particularly gratified that my distinguished commentators found those long-range perspectives enlightening and stimulating. I hope all of them might agree with Jennifer Pitts's generous judgment that I "found a rich fabric of connections between opera and international law that had been almost completely overlooked by previous scholars."

Diplomatic Mozart

The first thread of that rich fabric I noticed is woven into Mozart's *Le nozze di Figaro* (*The Marriage of Figaro*) (1786). In Act I, scene i, we learn that the King of Spain has chosen the villain of the piece, the aristocratic seducer, Count Almaviva, to be his ambassador in London. I confess I had never noticed this detail—derived, I later found, from Beaumarchais's play, *Le mariage de Figaro* (1783) on which Mozart and his librettist, Lorenzo Da Ponte, based their opera—and I only did so after reading the magisterial study by leading historian of international law Martti Koskenniemi, *To the Uttermost Parts of the Earth: Legal Imagination and International Power, 1300–1870.*[15] In that magnum opus, Koskenniemi describes a world before the professionalization of international law in the late nineteenth century in which legally literate actors could manipulate the fluid norms of municipal and foreign, domestic and international law, to their own advantage. Almaviva struck me as exactly the kind of character, though fictional, Koskenniemi painted historically, as the Count repeatedly, albeit unsuccessfully, appeals to the language of the law as a tool of sexual abuse. I used the connection between Mozart and Koskenniemi to open a review-essay on the latter's book:[16] from that seed sprang my ongoing project on opera and international law.

My treatment of *Le nozze di Figaro* argued that a knowledge of the changing law of diplomatic immunity in the late eighteenth century could inform an audience's experience of the opera in performance. The comedy and the

[14]*The Oxford Handbook of the Operatic Canon*, ed. Cormac Newark and William Weber (Oxford: OUP, 2020).

[15]Martti Koskenniemi, *To the Uttermost Parts of the Earth: Legal Imagination and International Power, 1300–1870* (Cambridge: CUP, 2021).

[16]David Armitage, "Home and the World: The Legal Imagination of Martti Koskenniemi," *International Relations* 37, no. 4 (December 2023): 654–72.

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pathos of the work derive in large part from the constraints of the inherited dramatic unities of time, place, and action. The plot unfolds over a single day —Figaro and his fiancée Susanna's wedding day—in a tightly bounded space, Count Almaviva's castle. (Beaumarchais's source play carries the subtitle "La folle journée," the crazy day.) However, the lines conveying the Count's posting to London suggest there is a world elsewhere, well beyond the cramped confines of his feudal estate. This is the world governed by interpolity law in which an ambassador could act, critics charged, with impunity under the cloak of diplomatic immunity.[17] I speculated that Almaviva intended to abuse Susanna sexually by making her his *segreta ambasciatrice*—his "secret ambassadress"—a term that contemporaries might have been able to decode to mean a procuress or *ambasciadrice d'amore*, as the German–Italian dictionary Mozart owned defined it.[18] This nugget, taken together with Mozart's deep diplomatic relationships, the composition of *Figaro*'s original audience, and the light the play by former spy and envoy Beaumarchais shed on the opera, helped to make the case that *Le nozze di Figaro* took place in the legally pluralistic milieu where domestic and international law meet. That long-forgotten context for both play and opera in turn revealed that what I call vernacular knowledge of the law of nations was an essential frame of interpretation possessed by Mozart, his librettist, likely some of his performers, and certainly many of his educated audience members.

A common purpose lay behind much early modern political thought as well as handbooks of the law of nations and dramas like *Le mariage de Figaro* and *Le nozze di Figaro*: a pedagogical intention to form the self and direct individual action. As Figaro remarks in Beaumarchais's play, "A little day like this is good for training an ambassador!"[19] Pitts takes this and similar remarks from Beaumarchais to show how both play and opera, in their different ways, dramatize the link between ambassadorial ethics and gender politics, especially in the seventeenth- and eighteenth-century literature on the "perfect ambassador" by authors like Abraham de Wicquefort[20] and

[17]On the critique of aristocratic diplomacy see Linda S. Frey and Marsha L. Frey, "'The Reign of Charlatans is Over': The French Revolutionary Attack on Diplomatic Practice," *Journal of Modern History* 65, no. 4 (1993): 706–44.

[18]Nicoló di Castelli, *Nuovo dizionario Italiano-Tedesco, e Tedesco-Italiano* (Leipzig: M. G. Weidmann, 1782), col. 130, s.v., "Ambasciadríce"; Ulrich Konrad and Martin Staehelin, *Allzeit ein buch: Die Bibliothek Wolfgang Amadeus Mozarts* (Wolfenbüttel: Fisicalbook, 1991), 122–4 (item 82).

[19]"Une petite journée comme celle-ci, forme bien un ambassadeur!": Pierre-Augustin Caron de Beaumarchais, *Le Mariage de Figaro*, ed. Gérard Kahn (Oxford: Voltaire Foundation, 2002), 467 (Act V, scene xix); *The Marriage of Figaro*, in Beaumarchais, *The Figaro Trilogy*, trans. David Coward (Oxford: OUP, 2003), 212.

[20]Abraham de Wicquefort, *L'Ambassadeur et ses fonctions*, 2 vols (The Hague: T. Johnson, 1724).

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François de Callières.[21] She argues that the women in the opera better display the virtues of the perfect ambassador than the manifestly imperfect Almaviva. While the women deftly negotiate their differences dramatically and musically, the Count appears as a pathetic patriarch who has lost control of his household as well as himself and who lacks the finesse to pursue the forms of deception demanded of an ambassador. On this persuasive reading, *Le nozze di Figaro*, like Beaumarchais's *Le Mariage de Figaro* before it, presents an even more radical social vision than is usually assumed. The diplomatic dimensions of gender politics highlighted by Pitts extend my speculations that shifting diplomatic contexts are essential to understand the opera. Almaviva should appear as a powerful but flawed figure: respected enough by his King to earn a major diplomatic posting, yet so compromised by his appetites and so outshone by the women of his household that his ethical grounding for ambassadorship would have appeared inadequate and unsteady to contemporaries. In this way, attention to the historical dimensions of political philosophy might change stagings of the opera in future.

Eighteenth-century ethics, diplomatic and otherwise, rise again whenever *Le nozze di Figaro* is performed. Such alien elements in cultural productions from the past may pull contemporary audiences up short but they can also hold a mirror up to our own mores. Pierpaolo Polzonetti builds on his ground-breaking work placing Mozart's operas in the legal and political contexts of the Age of Revolutions[22] to argue that *Figaro* invites us to stretch our imagination and make expansive connections as we do so. Early commentators found a radical social and political vision in the Figaro fictions of Beaumarchais and Mozart: for example, both Danton and Napoleon found presentiments of the French Revolution in the triumph of wily servants over antiquated aristocrats.[23] Polzonetti goes further in linking the opera to an even more fundamental struggle for human rights from the revolutionary era around slavery and the slave trade.

The campaigns to abolish the transatlantic commerce in human beings and then the institution of slavery itself were arguably the most radically transformative movements of the late eighteenth century: Polzonetti urges us to bring them into dialogue with Mozart's opera. *Le nozze di Figaro* centrally concerns relations of servility and deference but it is not at once obvious that

[21]François de Callières, *De la manière de negocier avec les souverains* (Amsterdam: La Compagnie, 1716); Heidrun R. I. Kugeler, "'Le Parfait Ambassadeur': The Theory and Practice of Diplomacy in the Century Following the Peace of Westphalia" (DPhil thesis, University of Oxford, 2006).

[22]Pierpaolo Polzonetti, *Italian Opera in the Age of the American Revolution* (Cambridge: CUP, 2011); Polzonetti, "Mesmerizing Adultery: *Così fan tutte* and the Kornman Scandal," *Cambridge Opera Journal* 14, no. 3 (2002): 263–96.

[23]Danton and Napoleon quoted in David Coward, "Introduction," in Beaumarchais, *The Figaro Trilogy*, trans. Coward, p. viii; Bernard Williams, "Mozart's *Figaro*: A Question of Class?," in Williams, *On Opera*, 25–30.

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hereditary bondage, natal alienation, and social death are at stake as well. Polzonetti reveals how Mozart's use of dance—specifically, the African American fandango and the multi-ethnic contredanse—weave elements from slave societies into the fabric of the opera. Dance would have communicated social and economic hierarchies to Mozart's original audiences, who could have interpreted their meanings even as they felt their muscle memories. Norms of freedom and emancipation from communities beyond Europe would thereby wordlessly, but significantly, have entered the world shaped by European feudal and international law.[24] Such displays of political thinking through physical and musical enactment would have been as legible to contemporaries as they are obscure to us now: an important index of the need both for sensitive historical contextualization and for attention to the nonverbal evidence of political ideas in the musical repertoire. These movements, physical as much as political, could educate audiences about the spectrum of freedom and unfreedom. Polzonetti would not call them didactic but they were surely pedagogical and may become so again, now we are freshly sensitive to their meaning.

Death at Sea: From Wagner to *Klinghoffer*

Le nozze di Figaro was composed by an Austrian to an Italian libretto, based on a French play set in Spain, and originally performed in Vienna by a multinational cast of singers of four nationalities from six European countries. Its cosmopolitanism long preceded the state-based nationalism with which opera would become associated in the nineteenth century, when the works of Bellini and Verdi, among others, provided what Giuseppe Tomasi di Lampedusa grandiloquently called "perennial curative unctions for national wounds."[25] Opera was multinational before it became nationalist. In my second lecture, "Death at Sea," I argued that opera's supranationalism lent it an elective affinity with the sea and detailed the ways in which oceanic opera developed between Wagner's *Der fliegende Holländer* (1834) and the American composer John Adams's *The Death of Klinghoffer* (1991). At the core of nation-statehood lies territoriality, that claim to authority over a slice of the Earth's surface and the inhabitants thereof. Yet 70 percent of the earth's surface is water and opera has long registered the centrality of the sea to human experience, especially as a fluid space distinguished juridically from the fixedness of territory. By "oceanic opera," I meant those musical dramas

[24]The classic study of dance and its meanings in Mozart's Da Ponte operas, W. J. Allanwood, *Rhythmic Gesture in Mozart: "Le nozze di Figaro" and "Don Giovanni"* (Chicago: University of Chicago Press, 1983), overlooks the African roots of the fandango.

[25]Giuseppe Tomasi di Lampedusa, *The Leopard*, trans. Archibald Colquhoun (London: Harvill, 1961), 132.

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that take place at sea, on board ship, or on the shore where, for instance, much of *Der fliegende Holländer*'s action takes place, as it does in later operas like Ethel Smyth's *The Wreckers* (1906) and Britten's *Peter Grimes*. Oceanic and littoral spaces are arenas of legal pluralism as much as the juridical space between feudal law and the law of nations Mozart and Da Ponte navigated in *Le nozze di Figaro*: oceanic opera therefore seemed a logical complement to extend my argument about the reach of international law into the operatic canon.

Sea and shore proved to be particularly fertile settings for operatic encounters due to their liminality. Nelson and Chowrimootoo stress this in their remarks by adding further dimensions to the pluralism I had highlighted, Nelson by bringing the epic tradition to bear upon Wagner, while Chowrimootoo juxtaposes what he terms "oceanic romanticism" with the legal discourse on which I focused. Ships present a particular challenge to present on stage: as Wagner wrote in 1852 to Franz Liszt who was preparing a new production of *Der fliegende Holländer*, "the representation of the ship cannot be too naturalistic."[26] They often appear as castles of law floating within a legal vacuum. Some operas center on the ship itself as a vector of law; others, on the ship's role in exposing the ambient lawlessness of the environment it traverses. Taken in tandem, these distinct constructions of operatic vessels illustrate a burgeoning historiography of sovereignty seen from the sea rather than the land in which the ocean and its shores appear as porous and contested jurisdictional borderlands.[27] (In this regard, it was no accident that the original German version of Smyth's *The Wreckers* in 1906 bore the juridical title *Strandrecht*, meaning the law or custom of the shore.[28]) Nelson questions the centrality of this juridical frame, especially for *Der fliegende Holländer.* He correctly notes that the passages from that work I subjected to greatest scrutiny are those that take place in the Norwegian town of Sandvika, on land, specifically in the merchant Daland's house. However, by putting Wagner into dialogue with Ethel Smyth and Benjamin Britten, I hoped to show how coasts and beaches inspired discussions inflected by law that cannot readily be distinguished from similar conversations about ships, so prominent elsewhere in Wagner's oeuvre, such as Act I of *Tristan und Isolde*

[26]Richard Wagner, "Remarks on Performing the Opera *Der fliegende Holländer*" (1852), trans. Melanie Karpinski, in *Der Fliegende Holländer: Overture Opera Guide*, ed. Gary Kahn (Richmond, UK: Alma Books, 1982), 65.

[27]See, e.g., Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900* (Cambridge: CUP, 2010); Matthew Taylor Raffety, "'The Law is the Lord of the Sea': Maritime Law as Global Maritime History," in *A World at Sea: Maritime Practices and Global History,* ed. Lauren Benton and Nathan Perl-Rosenthal (Philadelphia: University of Pennsylvania Press, 2021), 53–71.

[28]Ethel Smyth, *Les naufrageurs / Strandrecht: Drame lyrique en trois actes* (Leipzig: Breitkopf & Härtel, 1906); q.v., "*Strandrecht*," in Jacob Grimm and Wilhelm Grimm, *Deutsches Wörterbuch*, vol. 10/3 (Leipzig: S. Hirzel, 1951), cols 850–1.

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(1865). *Der fliegende Holländer* begins and ends on the ocean, a realm of both dark Romanticism and transcendence, so that any distinction between land and sea would be artificial within Wagner's framing of his work. The composer might have intuited this when he later imagined staging his *Ring* cycle on barges floating in Lake Lucerne.[29]

More precise philological evidence underpins Nelson's doubts about my juridical interpretation of passages in *Der fliegende Holländer.* In particular, he argues that the language of *Gastrecht*, on which I laid much weight, should be understood within an epic context rather than a juridical one. Nelson suggests that we view that language not as evidence of Wagner's engagement with cosmopolitan conceptions of hospitality derived from Stoic natural law —the *jus perigrinationis* or *jus hospitii*—but rather of the strain of xenophilia conspicuous above all in Homer's *Odyssey.*[30] Nelson cites Johann Heinrich Voss's classic late eighteenth-century German translation of the *Odyssey*, where *Gastrecht* translates the Greek term for "guest-friendship," meaning not so much a "guest's right" but "what is right for guests." In defense of my own reading, I would note in response that when the brothers Grimm defined *Gastrecht* in their hegemonic German dictionary, the monumental *Deutsches Wörterbuch* (1852–1961), begun in 1838 just four years after the premiere of *Der fliegende Holländer*, the meanings they adduced were primarily juridical: for example, their longest entry on *Gastrecht* was as "*jus hospitii*," which they recorded with that meaning since the fourteenth century. Moreover, their key examples of *Gastrecht* in the senses of the mutual rights of host and guest and the duty owed by a host all came from Voss's translation of the *Odyssey.*[31] In his use of *Gastrecht*, Wagner surely elided the juridical and the epic, not least because any distance between those two modes was vanishingly narrow in the mid-nineteenth century. Accordingly, and with due deference to Nelson's erudition and deep-rooted attention to Wagner, I submit that a juridical framing remains indispensable to understanding these aspects of *Der fliegende Holländer.*

Yet Nelson's objection to my reading was not just philological: it was philosophical. He refers to Wagner's well-known turn toward Schopenhauer in the 1840s and 1850s which encouraged the composer to be skeptical toward

[29]Michael Downes, *Story of the Century: Wagner and the Creation of* The Ring (London: Faber & Faber, 2024), 83.

[30]Wagner later called the story of *Der fliegende Holländer*, "a remarkable mixture, a blend, effected by the spirit of the Folk, of the character of Ulysses with that of the Wandering Jew": Richard Wagner, "A Communication to my Friends" (1851), in *Richard Wagner's Prose Works*, ed. William Ashton Ellis, 8 vols (London, 1892–9), vol. 1, 307–08.

[31]"*Gastrecht*," in Grimm and Grimm, *Deutsches Wörterbuch*, vol. 4/1, cols 1484–5, citing Homer, *Odyssey,* trans. Johann Heinrich Voss (Hamburg: Auf Kosten des Verfassers, 1781), 5.9; 17.522.

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the category of the juridical as such. Less well-known, but brilliantly exposed by Nelson himself, is Wagner's debt to Marx's *On the Jewish Question* (1844), with its penetrating critique of the alienating, atomistic individualism of rights talk.[32] This certainly indicates Wagner's deepening hostility toward commodification—and may, as Nelson has argued, be directly related to his association of that commodification with Jewishness—but it would go too far to associate this with a wholesale rejection of contractual language itself. That hostility is palpable in Wagner's depiction of Daland's attempted mercantile exchange of his daughter Senta for the Dutchman's riches. Wagner presents it as an example of exchange gone wrong in the context of the hospitality due among men of the sea, just as Nelson argues. Contracts—their upholding and, more devastatingly, their breach—remained indispensable for Wagner: they are central to *Der Ring*, for without a conception of the sanctity of such agreements—denoted by the double-edged German word *Verträge*, meaning both contracts and treaties—pivotally engraved on Wotan's spear, there would be no plot to set in motion, no struggle between gods and humans, no *Götterdämmerung*, and no *Ring* cycle at all.[33]

I am unrepentant in believing that legal, especially international legal, determinants are among the conditions of possibility that generated *Der fliegende Holländer* as well as oceanic operas like Britten's *Peter Grimes* and *Billy Budd* (1951). This is obviously not to argue that other factors were not in play. Chowrimootoo assembles another set of determinants under the name of "oceanic romanticism," which represents the sea as a symbol of resistance to territorial sovereignty and to human pretensions of control more broadly. He places oceanic romanticism within the arc of *Der fliegende Holländer* as a whole, notably its encapsulation in Senta's captivating ballad, and its apotheosis in the transcendent ending Wagner planned for the work, with both Senta and the Dutchman transfigured at its conclusion. Chowrimootoo shows how this reveals Wagner's debt to the contemporary literary and musical genre of *Schauerromantik*, or "dark" Romanticism, and how it indicates Wagner's own growth toward the ultimate transcendence he represented at the climaxes of both *Tristan und Isolde* and *Götterdämmerung* (1876). Chowrimootoo suggests we can find a similar movement in Britten's *Peter Grimes*, from that opera's opening at the fisherman Grimes's trial to his Dutchman-like disappearance in its concluding scene when Grimes scuttles his boat far out at sea, away from the claustrophobic and conservative Borough community that has driven him out. With Grimes presumed dead, the Borough resumes its rounds besides the implacable

[32]Eric Nelson, "Wagner and the Antisemitism of 'The Ring,'" *Commentary* 153, no. 2 (February 2022): 38–44.

[33]From a vast literature see especially Mark Berry, *Treacherous Bonds and Laughing Fire: Politics and Religion in Wagner's* Ring (Abingdon: Routledge, 2016), his title alluding to Wotan's "trüber Verträge" (*Die Walküre*, Act II).

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ocean: "In ceaseless motion comes and goes the tide / Flowing it fills the channel vast and wide / Then back to sea with strong majestic sweep / It rolls in ebb yet terrible and deep."[34] The frequently performed orchestral suite from *Peter Grimes*, Britten's *Four Sea Interludes*, offers the quintessence of such oceanic romanticism but I would argue that, in their proper setting within the opera, these oceanic interludes are indissociable from the opera's legal determinants.

Chowrimootoo is surely correct that the inscrutable immensity of the ocean necessarily diminishes the significance of mere human laws and customs but, again, I hold to the view that Britten's oceanic operas present not a hierarchy of the sea over law but an entanglement of the sea *with* the law. *Billy Budd* exemplifies their mutual implication. That work is unique for many reasons, not least its all-male cast, but it is particularly striking for being set wholly aboard one ship, the British naval vessel the *Indomitable*, in 1797. In the opera, a crime at sea—the involuntary killing of the brutal master-at-arms John Claggart by the saintly but overwrought midshipman, William "Billy" Budd —culminates in a maritime court-martial conducted in the very words of the Articles of War in force during the French Revolutionary War.[35] Britten and his librettists, the novelist E. M. Forster and the poet Eric Crozier, were faithful to the story by Herman Melville they adapted but they also built into the piece an arc the exact reverse of that *Peter Grimes* traversed, as *Billy Budd* ends with a legal process while *Grimes* began with one. We might even say that *Billy Budd* represents the triumph of law over the lawlessness of the ocean itself. In this, I would argue it was typical of the whole genre of oceanic opera, from *Der fliegende Holländer* to *The Death of Klinghoffer.* It may also have shaped a much more recent opera that transcends the terrestrial, Jeanine Tesori's *Grounded* (2023), which begins with the central character Jess's transcendent vision of "the Blue"—the sky she flies in as a US Air Force fighter pilot—and ends with her imprisonment for failing to execute an order to kill a terrorist by drone. Her incarceration is preceded by a court-martial that, just as in *Billy Budd*, exactly reproduces the language of prevailing military law—in this case, the US Uniform Code of Military Justice—on the operatic stage.[36]

[34]Montagu Slater, *Peter Grimes and Other Poems* (London: John Lane The Bodley Head, 1946), 56.

[35]Robert Liddell, *The Seaman's New Vade Mecum*, 2nd ed. (London: G. G. and J. Robinson, 1794), 6, quoted in E. M. Forster and Eric Crozier, *Billy Budd*, revised version (London: Boosey & Hawkes, 1961), 61 (Act II, scene 4); Sir Reginald Acland, "The Naval Articles of War," *Journal of Comparative Legislation and International Law* 3, no. 4 (1921): 190–201.

[36]George Brant and Jeanine Tesori, *Grounded*, Met Opera Performance (September–October 2024), 65–66 (quoting US Uniform Code of Military Justice, Subchap. X, arts 92, 99, 108, 110). I am very grateful to George Brant for a copy of his libretto.

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Refugee Songs

The canon of oceanic opera could be extended much further to include works from Bizet's *Pearl Fishers* (1863) to *L'Amour de loin* (2000) by the recently deceased Finnish composer Kaija Sariaaho. If it were, they might speak in different ways to the central question Mira Siegelberg raises in her remarks on the third of my lectures, "Refugee Songs": how far opera has reflected on and also historically tracked the history of international order, whether on sea or land. International order generally means centrally the ordering of relations among nations or states; more sophisticated recent studies, including Siegelberg's,[37] have brought the lumpiness and porosity of international order into relief by stressing the anomalous spaces and liminal bodies that slip between, or entirely evade, the sharper edges of sovereignty nation-states prefer as the basis of order. I approached her question by examining the plight of refugees in post-war opera, both in the immediate aftermath of the Second World War, when the United Nations produced its 1951 Refugee and 1961 Statelessness Conventions, and later in the twentieth century, as liminal persons who fell between states proved to be particularly engaging subjects for operatic treatment. My main examples were Gian Carlo Menotti's *The Consul* (1950) and Dove's *Flight* (2004). Each is set in one of the defining spaces of modernity, *The Consul* in a bureaucratic waiting-room, *Flight* in an airport concourse. Both transmute historical individuals into semi-mythical figures —*The Consul* a tragic suicide at Ellis Island; *Flight* an Iranian refugee who lived in Paris's Charles de Gaulle airport for 20 years—and thereby dramatize the fluid and increasingly pitiless international order that emerged in the second half of last century.[38] *Pace* Heinz Politzer, the contemporary critic of *The Consul* Siegelberg quotes, modern opera was no outdated feudal vestige lingering into the early Cold War:[39] in fact, modern opera has proved to be as sensitive a barometer of changes in international norms as its antecedents from Mozart onwards.

An opera can be revealingly symptomatic without necessarily achieving the status of a classic: Nussbaum might agree with the great opera critic Joseph Kerman that Menotti is "an entirely trivial artist,"[40] but Siegelberg's sensitive reading of *The Consul* demonstrates that even what some might judge to be a terrible opera does not necessarily comprise terrible political

[37]Mira Siegelberg, *Statelessness: A Modern History* (Cambridge, MA: Harvard University Press, 2020).

[38]"Immigrant a Suicide. Woman, Denied Entry to U.S., Hangs Herself on Ellis Island," *New York Times*, 12 February 1947: 52; Alfred Mehran and Andrew Donkin, *The Terminal Man* (London: Corgi Books, 2004).

[39]Heinz Politzer, "Menotti's 'The Consul'," *Commentary* 9, no. 5 (May 1950): 472–74.

[40]Joseph Kerman, *Opera as Drama* (New York: A. A. Knopf, 1956), 264. This judgment does not appear in the 1988 edition of Kerman's book, which omits discussion of Menotti entirely.

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thought, if by that we mean a source of illumination on the contemporary understanding of political problems. Like Hannah Arendt, but with more immediate dramatic purchase, Menotti recognized that in the calcifying post-war international order suicide might be "the best and supreme guarantee of human freedom"[41] for a desperate stateless person like Magda Sorel, the central character in *The Consul.* Hindsight may have demoted that opera's aesthetic significance: its record-breaking Broadway run may not have been a sign of its absolute *musical* success but it was a success with audiences at just the moment delegates to the United Nations were drafting the Refugee Convention across New York City.[42] One opera alone, even one of greater musical merit, could not resolve such matters. However, by memorably and movingly staging emerging dilemmas of contemporary international order, *The Consul* may have reached more thoughtful citizens than any other medium of the time. As Siegelberg notes, the very multivocality of opera itself—literally, in duets and trios, quartets and quintets, as well as choruses; figuratively, in that the orchestra usually knows more than the characters on stage—can reveal what she calls "layers of normativity" that other art forms cannot expose so idiomatically. In this regard, even what some might deem to be a mediocre opera may have unusual revelatory force.

In conclusion, I turn to Nussbaum's challenging remarks about internal exiles. "Exile," wrote Edward Said, who knew whereof he spoke, "is strangely compelling to think about but terrible to experience."[43] By exiles, he meant those who had voluntarily or involuntarily expatriated, to become part of a diaspora perhaps longing for a homeland but with no guarantee of a return to it. Exiles in the twentieth century could be refugees or stateless persons, once those categories of political being had been defined and applied in law; they might also be legitimate bearers of passports or visas, in the manner of Menotti himself who smoothly crossed borders as an immigrant to the United States. Exiles in these varied senses usually have a clear legal, and more specifically *international* legal, personality.[44]

[41]Hannah Arendt, "We Refugees" (1943), in Arendt, *The Jewish Writings*, ed. Jerome Kohn and Ron H. Feldman (New York: Schocken Books, 2007), 268.

[42]Monica A. Hershberger, *Women in American Opera of the 1950s: Undoing Gendered Archetypes* (Rochester, NY: University of Rochester Press, 2023), 17.

[43]Edward W. Said, "Reflections on Exile," in Said, *Reflections on Exile and Other Essays* (Cambridge, MA: Harvard University Press, 2004), 173; see also Vilém Flusser, "Exile and Creativity," in Flusser, *The Freedom of the Migrant: Objections to Nationalism*, trans. Kenneth Kronenberg (Urbana: University of Illinois Press, 2003), 81–87.

[44]For instance, a refugee is someone who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of [their] nationality and is unable or, owing to such fear, is unwilling to avail [themself] of the protection of that country; or who, not having a nationality and being outside the country of [their] former habitual residence, is unable or, owing to such fear, is unwilling to return to it": Refugee Convention (1951), Article I.

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Nussbaum's categories of internal exiles—racial subgroups, women, gay men—are not always defined by international law though they had variable degrees of legal distinction under domestic law. Nussbaum powerfully points to operas outside my own immediate canon as sources for reflection on this other form of exile: Georges Bizet's *Carmen* (1875), Leos Janáček's *Jenůfa* (1904), and Britten's *Death in Venice* (1973). The presence of the Roma Carmen, the abused and disgraced Jenůfa, and the tragically unrequited Gustav von Aschenbach speaks to opera's affinity for characters who stand apart from society or threaten the moral mainstream, much like those in liminal or legally plural situations I examined. Nussbaum's roster of internal exiles could be greatly expanded—I would think not least of all the wracked innocents throughout Britten's oeuvre[45]—and already overlaps with many of the operas I treated. It might nonetheless be already too broad a category to be contained within the boundaries of international legal definition and thus beyond my scope. Nonetheless, it does point up features of opera that make it especially sensitive to the questions I tried to highlight.

The characters in operas from *Figaro* to *Flight* simply can't fool rules. The ethics of the perfect ambassador, displayed especially by the Countess in *Le nozze di Figaro*, subvert the malign designs of that ambassador-in-waiting, Count Almaviva. Tragically, Captain Vere in *Billy Budd* must follow the Articles of War to the letter, even to the destruction of the innocent Billy. In *The Consul*, what Arendt called the "bureaucracy that forbids and withholds"[46] drives Magda Sorel to suicide. And the Refugee in *Flight* may only continue his tenuous existence in the airport at the whim of the Immigration Officer. Within opera's spaces of exception or zones of overlapping legal pluralism, normativity generates vulnerability.

Opera can point symptomatically to knots and holes, zones of encounter and points of exchange, in conceptions of international and transnational order, for example on the oceans and their coasts and in the dilemmas faced by stateless persons and refugees. These observations may open up a dialogue between opera and international thought that is progressive and probing rather than conservative and cramping. I am deeply grateful to Chris Chowrimootoo, Eric Nelson, Martha Nussbaum, Jennifer Pitts, Pierpaolo Polzonetti, and Mira Siegelberg for taking that dialogue so seriously and for rising to the challenge of finding the political philosophy within opera and considering opera as a medium for international thinking. They did so with results that far exceeded even my high expectations of their insights. They have convinced me that opera and international thought is a subject worthy of scholarly investigation, just as they have sent me back to many of my

[45]Philip Brett, *Music and Sexuality in Britten* (Berkeley, CA: University of California Press, 2006).

[46]Hannah Arendt, "The Stateless People," *Contemporary Jewish Record* 8, no. 2 (1 April 1945): 139.

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favorite operas with new questions in mind and fresh ears to hear them. To them, I can only repeat the sentiments of the pastoral quartet in the opening scene of Igor Stravinsky's *The Rake's Progress* (1951): "Be thanked."[47]

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[47]W. H. Auden and Chester Kallman, *The Rake's Progress* (London: Boosey & Hawkes, 1951), 9–10 (Act I, scene i).

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