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# International Rules and Modern Tyranny

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In a 1950 essay, Heinz Politzer provided an on-the-spot evaluation of Menotti's opera *The Consul*, which had debuted that year, first in Philadelphia and then in New York City. As a Kafka scholar, and a Jewish refugee from Vienna who naturalized as a US citizen, Politzer possessed strong credentials for assessing the opera's portrayal of the tyranny of modern border control. His essay affirmed one of the central claims of David Armitage's final Niemeyer lecture, "Refugee Songs," that *The Consul* acutely illuminates the plight of the modern refugee, and thus provides a striking example of opera's long-standing preoccupation with individuals caught up in international rules. According to Politzer, Menotti "has an authentic modern subject … worthy of serious treatment, and capable of evoking authentic emotion … the action is contemporary: we have lived through it … the struggle for a visa to the land of freedom, good life, redemption."[1]

Indeed, Magda's aria, "Papers, Papers, Papers," powerfully expresses—through the libretto and the increasingly frenzied and enraged performance of the words—the desperation experienced by millions of people in the period of the two world wars whose lives depended on the inscrutable will of consular officials who could decide whether to grant a life-saving visa.

Letters from the period sent to officials by ordinary people in search of a passport or other identifying documents often expressed the insight that in an increasingly interconnected world, bound together by common regimes of border control, there was nowhere for a person without the right papers to run to, nowhere even to exist. Without a claim to any territory or political community the only logical thing to cease to live on the earth altogether.[2] The aria echoes and amplifies this characterization of the international world:

[1]Heinz Politzer, "On the Horizon: Menotti's The Consul," *Commentary Magazine* (May 1950) https://www.commentary.org/articles/heinz-politzer/on-the-horizon-menottis-the-consul/.

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



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> To this we've come: that men should withhold the world from men. No ship nor shore for him who drowns at sea. No home nor grave for him who dies on land. To this we've come: that man be born a stranger upon God's earth, that he be chosen without a chance for choice, that he be hunted without the hope of refuge.

Yet, strikingly, Politzer mainly sought to challenge the idea that the opera ultimately succeeded in capturing the modern reality of mass displacement or the terror of modern bureaucracy. For Politzer, *The Consul* remained trapped by its form—"firmly rooted in the feudal order that collapsed in the year 1789." Though Menotti had tried to create a new "American opera," defined by its vivid contemporary realism, opera could only be a backward-looking musical form of expression limited by "traditional operatic dramaturgy." The subject matter may have been all too contemporary, but *The Consul* could not escape the early modern world from which opera originated. The shadowy and all-powerful figure of the consul, who never appears in the opera, does not rise beyond the stock characterization of villainy derived from a time of aristocratic privilege and arbitrary power. In Politizer's estimation, Menotti had produced a "dazzling misfire."[3]

Politzer's critical take on *The Consul*, which is one of the main subjects of Armitage's third lecture, invites deeper reflection on Armitage's larger project to elucidate opera as a unique medium of international thought. To what extent does opera reflect on, and track, the history of international order? What if anything is modern about the twentieth-century operas—Menotti's *The Consul* and Jonathan Dove's *Flight*—discussed in the final lecture on representations of exile? And how has opera's form contributed, *pace* Politzer, to its capacity to represent the complexities of the increasingly rule-bound international world?

Politzer failed to appreciate the extent to which *The Consul* captured the nuances of a particular moment in the history of international legal order. As Armitage notes, when the opera debuted, diplomats, international lawyers, and international civil servants were gathered at the United Nations to work out the details of the legal frameworks that ultimately came to define what it means to be a refugee or a stateless person. They worked to forge international legal guarantees to mitigate the condition poignantly expressed in Magda's aria. Their deliberations led to the creation of two international conventions to legalize the condition of those who, in the words of the aria, are rendered strangers upon God's earth—a convention from 1951 on the legal rights of refugees, and the other, codified in 1954, that defines what it means to be a stateless person. The conventions created two distinct categories of exile, each with their own regimes of governance—each with their own systems of rule.

*The Consul* strikingly articulates the contrasting arguments entertained in the debates over the legal elaboration of these categories about how to conceptualize the modern condition of forced exile. Magda's aria expresses

[3]Politzer, "On the Horizon."

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the idea that it is the structure of international order itself—defined by policed borders and regimes of paper identification—that renders anyone subject to this form of power existentially vulnerable. This fact about international order led Hannah Arendt to famously call for a "right to have rights"—one fundamental guarantee that anyone could claim a place upon the earth— rather than a more expansive declaration of international human rights that had little to offer a person without the security of citizenship. Yet it is equally significant that Menotti chose to transform the original story that the opera is based on in a way that highlighted the opera's Cold War political context. As Armitage details, the story was inspired by the fate of a woman named Sofia Feldy who found herself caught in Ellis Island in 1947, unable to enter the United States. Rather than dramatizing her exact story however, Menotti set the opera in an unnamed foreign dictatorship. This plot transformation points to how refugee status became tightly bound up in these years with the idea that the primary object of the international community's attention should be those fleeing communism, rather than those whose vulnerability derived from the mere fact that they do not belong to any of the countries of the world.

As some of the representatives who were part of the debates about the framing of the international conventions posed the issue, is it necessarily a deprivation to be a person without a national status or does it depend on the circumstance of one's life? To put it in the terms set out by *The Consul*: is everyone bound by rules, and alienated in some way, by the structure of international order, or is the situation of those compelled to leave authoritarian dictatorships a more specific, and foreign, political phenomenon that the international community needed to address? The fact that the opera sets out for public contemplation the universal, inescapable condition of a world unified by a system of consulates and bureaucracy alongside the newly relevant divisions of the Cold War adds strength to the argument that opera has continually documented the complexities of international legal reality.

Armitage's method of bringing together operas not often read together allows us to see a history of modern international order revealed through the subjects who have been generally invisible in the formal study of international politics—such as pirates, exiles, ship captains, individuals petitioning for a visa. As opposed to understanding opera, as Politzer suggested, as an archaic medium that cannot speak to contemporary forms of power, opera, in turns out, has provided systematic intellectual reflection on non-state forms of political order and showcased how individual lives are determined and constrained by the rules that govern such regimes. Throughout Armitage's lectures we discover that opera has been continually concerned with claustrophobic, non-national spaces whose workings reveal a world of international legal rules—on board ships, in the cramped waiting rooms of consulates, and in airport terminals—spaces that the international legal literature of the late nineteenth century tended to describe as "anomalous"

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since they did not conform to the ideal-typical model of sovereign territorial power.

Personal relationships are equally shown to be an essential dimension of international politics. *The Consul*, like some of the other operas Armitage discusses, centers on a marriage and therefore on the relationship between "domestic" and "international" relations—a theme that also plays across Armitage's own oeuvre. In the actual case that inspired Menotti, Sofia Feldy did not know that she had been divorced and was refused entry to the United States because she was no longer married to a legal resident. Her case indicates how the relationship between an individual and a state often depends on private and domestic matters. Though Menotti transformed this story, Magda's personal plight as a daughter, mother, wife, is likewise bound up with the inner workings of the system of rules that network the world. The border between domestic relations and the rules that set the terms of international order are more porous and mutually constitutive than one might have thought. In Armitage's reading, Menotti pinpoints how the seemingly non-political subjects of drama and opera such as love, and marriage depend on invisible legal frameworks. The representation of exile in twentieth-century opera continues a tradition of opera's presentation of a more expansive vision of modern politics, and of the workings of power and authority since the eighteenth century, than that found in classical sources of international theory.

Yet the final lecture on representations of exile invites us to consider how international order and sovereignty did decisively transform in the twentieth century. Armitage distinguishes between the world before the apex of territorial statehood, a world of empires and of lumpy and gossamer webs of unevenly distributed sovereignty, and a global regime of hard-edged statehood that covers most of the earth's surface. How, then, should we think generally about the chronology outlined in these lectures, and how it might speak to the Politzer's distinction between "feudal" and "modern" forms of power? Do the later operas of the twentieth century reflect on the consequences of the emergence of a more Weberian world, where territory and supreme authority coincide? In his discussion of *Le nozze di Figaro*, Armitage states that the audience is immediately thrown into the clashing normative worlds of aristocratic feudal law and the diplomatic law of nations. Does a similar concern with clashing normative orders, if not legal pluralism *per se*, persist late into the twentieth century? What happens to "liquid modernity," the term that appears in the second of Armitage's lectures, over the course of the twentieth century?

Certainly, in the emphasis of the series on rules, the argument recalls Max Weber's claims about modern statehood and modern bureaucracy. As Armitage demonstrates, opera has been particularly good at dramatizing how rules perpetuate wrongdoing—not due to feudal privilege or arbitrary power, but through the proliferation of norms of international law and the underlying structure of international order. Occasionally, as in *The Marriage of*

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*Figaro*, rules lead to a just outcome, but more often the rules contravene alternative, non-legal, normative orders—the rule of mercy, humanity, compassion. Legal rules operate like fate—inscrutably and inescapably, and rarely redemptively—a tendency that only becomes more pervasive as the world becomes more democratic and as the modern state form proliferates. This point is acutely communicated through the discussion of Jonathan Dove's *Flight*, the other opera analyzed in Armitage's final lecture, about Mehran Karimi Nasseri, a stateless person trapped in an airport terminal. The elaboration of two separate conventions defining the legal status of refugees and the legal status of stateless persons at the post-Second World War United Nations is often portrayed as legalizing the rights of humanity in international law. However, Armitage's reading of the opera suggests that the production of more codified rules encase and enchain rather than liberate.

Yet in "Refugee Songs," one also begins to appreciate how the complexity of opera's form has made it a powerful medium for showcasing lives lived amid clashing normative regimes and jurisdictions even into the twentieth and twenty-first centuries. *The Consul* and *Flight* affirm the Weberian point about modernity and rules but they also indicate the layers of normativity that persist despite the increasing rigidity of modern international order. Opera continues to be more acutely attuned to the different forms of rule that govern even as the foundations of international legal order transformed so pivotally. In *Flight*, "the refugee" exemplifies how modern sovereignty produces states of exception. Yet through the performance of different voices and experiences, the opera also displays the many orders of reality and experience that coexist simultaneously within the space of the airport, itself a microcosm of the globe. Opera's baroque plots and plurality of voices represent the many actors, places, institutions, that make up nonstate political orders. Rather than failing to break through to capture modern international politics, as Politzer suggests, opera in Armitage's reconstruction is an art form that can account for the inevitable pluralism of human experience and the conflicting normative regimes that continue to claim loyalty.

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