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Analysing Law in Opera

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Abstract

In opera, the drama typically unfolds with transgressions against the law or social norms. Legal conflict and crime are important devices used to hold audience interest. Opera embodies a rich combination of acting and song, orchestral music, stage architecture, and a plethora of other dramaturgical devices. The emotional connotations of lawbreaking are laid bare like in no other form of art. The overwhelming effect on the audience may well balance out the pronounced artificiality of this form of art and leave a lasting message. Its content will depend on factors identified in the law and popular culture literature. Character development and legal-political message are key to what opera teaches an audience. Today, audio-visual recordings are the prevailing form of opera consumption. To do justice to the complexity of socio-legal aspects in opera, we suggest methods making use of recorded opera.

Keywords

Law in opera; crime in opera; popular legal culture; recorded opera; performance studies; law and film; crime in the media; media content analysis

Studying popular legal culture through opera

Understanding popular views on crime and law has become an increasingly important area within socio-legal studies. After all, these views may inform citizens' responses to the law, legal personnel, and legal institutions. This includes the degree to which citizens adhere to or circumvent the law, whether they avoid contact with officers of the law, or whether they trust

police and the courts. Although scholars occasionally focus on the reaction of legal professionals to media exposure,¹ they are most interested in lay people. The study of popular legal culture includes ‘ideas, opinions, values, and attitudes about law, that people carry about with them in their heads’.² Views can be gleaned from a wide range of sources. Some are based on direct experience, for example as plaintiff in court, as juror, or as client of a lawyer. Yet, lay peoples’ indirect experiences, where individuals learn from others or from media, are bound to be more numerous. Indeed, with the birth of social media such experiences have multiplied exponentially. Similarly, art, in various forms has historically been similarly shaped by and helped to shape cultures, not least in mediating right and wrong, good and evil and showing how citizens should act in society and the repercussions for not doing so. Arguably this is nowhere more true than in

¹ E.g. Pedro Rubim Borges Fortes, ‘Lights, Camera, Affirmative Action: Does Hollywood Protect Minorities?’ (2017) 2 *Journal of the Oxford Centre for Socio-Legal Studies* 62, 64. Examples of how internet campaigns and films influenced the outcome of legal cases can be found in e.g. Paul Bergman and Michael Asimow, *Reel Justice: The Courtroom Goes to the Movies* (Andrews and McMeel 1996) 50-51, and Michael Kuzina, *Der amerikanische Gerichtsfilm: Justiz, Ideologie, Dramatik* (Vandenhoeck and Ruprecht 2000) 287, 315; Mohamed Charif Manssouri, ‘Intercultural Continental Paradox: ELP Course Design in Algeria’ (2022) 11 *Ichkalat J* 758 shows that Algerian postgraduate law students with professional experience in law ‘tend’ to be not influenced by American law-related films and television.

² Lawrence Friedman, ‘Transformations in American Legal Culture 1800–1985’ (1985) 6 *ZfRSoz* 191.

the realm of opera, which has always been a socially-driven entertainment.

Opera, both the canonical tradition stretching back to its inception in the early seventeenth century and contemporary works, continues to reach a mass audience today in many countries. Until the COVID-19 pandemic, the number of live performances of opera had been increasing and, importantly, opera has become more and more accessible thanks to internet-based services.³ Opera can easily be considered as one of the most prestigious and most complex forms of art, in part due to its place within the cultural canon of western music. Even though today often represented as elitist or ‘high-brow’, the audience of opera can include a range of social classes (and did so historically), with part of opera’s appeal stemming from its engagement with universal truths of human nature / experience. While it is impossible to summarise the rich and long tradition of opera, especially in European culture, its longevity and development suggests its value to audiences. Indeed, in countries that have an established history of opera production, it tends to be adopted as part of the cultural ‘canon’. Opera is also a place of demonstrative consumption, adding to its profile.⁴ Even more important, the production of opera itself (in

³ Carolyn Abbate and Roger Parker, *A History of the Opera: The Last Four Hundred Years* (Penguin 2015) xiii, xv on audience development. The increased use of streaming by opera houses in response to closures caused by COVID is charted by Filippo Annunziata and Clarissa Annunziata, ‘Dove sono i bei momenti...? Opera Production and Aesthetics in the Age of Covid-19’ (2020) 2 *Rivista di diretto delle arti e dello spettacolo* 13.

⁴ David T. Evans, *Phantasmagoria: A Sociology of Opera* (Ashgate 1999) 420.

particular professional stagings) is impressive and ambitious,⁵ adding to the considerable prestige. Opera has been described as ‘the most multimedia of art forms’,⁶ and as ‘the most profoundly interdisciplinary art form that exists in the western world’.⁷ Opera combines music and literature, acting and singing, orchestral performance, (sometimes) spoken dialogue, stage and costume design, elaborate lighting, sometimes ballet, and for recorded opera: editing. Due to its complexity, opera can offer a highly immersive audience experience – or even an overwhelming one to the uninitiated. Taken together, these points suggest that the opera’s content may have an influence on the audience. As Abbate and Parker have put it, opera ‘can change us: physically, emotionally, intellectually’.⁸ Not in vain, music theatre has historically been used as a tool of political propaganda.⁹ Can opera then, not also carry messages on law? Annunziata and

⁵ Elena Khokhlova, ‘On Monotony of Opera Playbill and Underlying Economy’ (2018) 53 *Musicologica Brunensia*.

⁶ Daniel Snowman, *The Gilded Stage: A Social History of Opera* (Atlantic 2009) 425.

⁷ Holly Champion, ‘Dramaturgical Analysis of Opera Performance: Four Recent Productions of Dido and Aeneas’ (PhD thesis, University of New South Wales 2016) 31.

⁸ Abbate and Parker (n 3) 1; similar Stephen Meyer, ‘Terror and Transcendence in the Operatic Prison, 1790-1815’, (2002) 55 *Journal of the American Musicological Society* 517 speaking of a ‘vehicle for personal and social transformation’; Filippo Annunziata, *Contracts, Wills, Marriages and Rings. Opera and Private Law* (Silvana Editoriale 2017) 19.

⁹ E.g., to benefit French monarchs: Marcilio Toscano Franca Filho and Mariana Lima Maia, ‘Law, Opera, and the Baroque Mentality. Contradictions, Paradoxes, and Dialogues’ in Filippo Annunziata and Giorgio Fabio Colombo eds, *Law and Opera* (Springer 2018) 356; on

Colombo suggest so: Law-related messages form part of opera's general influence on social discourse.¹⁰ These messages were historically often subject to the demands of the censor and as such represented ideas about society as well as offering artists and audiences a means of challenging norms.¹¹

Law has 'a ubiquitous presence' in opera: The music theatre is 'often dense with legal issues'.¹²

A never-ending variety of law-related stories can be told, based on the rich catalogue of operas. It helped that, as Daniel F. Tritter observed, 'many opera composers had a legal background'.¹³

Operas refer to the law in force, or imagined to be in force, at the time the story plays, and it refers to 'legal mentality/sensibility'.¹⁴ Conflicts ensuing from law making and law breaking

its use in Soviet propaganda: Philip Ross Bullock, 'Staging Stalinism: The Search for Soviet Opera in the 1930s' (2006) 18 *Cambridge Opera J*; Ewa Łętowska and Krzysztof Pawlowski, 'What Is Allowed in the Opera: Law as the Borderline of Artistic Experiment' in Filippo Annunziata and Giorgio Fabio Colombo eds, *Law and Opera* (Springer 2018) 309–310.

¹⁰ Filippo Annunziata and Giorgio Fabio Colombo, 'Opera and Law: Critical Notes' (2021) 33 *Law and Literature* 149.

¹¹ See for example, Carlo Caruso, 'Three Cases of Censorship in Opera Theatre: Mozart, Rossini, Verdi' (2004) 24 *The Italianist* 208-223.

¹² Annunziata and Colombo, 'Critical Notes' (n 10) at 145.

¹³ Daniel F. Tritter, 'Opera and the Law: Damma Giocosa' (2004) 20 *The Opera Quarterly* 8.

¹⁴ Emilio Sala, 'Introduction. Opera as neuter plural' in Filippo Annunziata, *Contracts, Wills, Marriages and Rings. Opera and Private Law* (Silvana Editoriale 2017) 16.

create the dramatic tension, upon which opera depends. This is facilitated by one of opera's key features: the portrayal of emotion and the evocation of an emotional reaction in the audience. Traditionally, opera allows protagonists to express their emotions in solo performances – especially arias – lasting several minutes. Moments of despair, guilt, or rage in reaction to legal conflict are often highpoints of operatic drama. Their portrayal may remind audience members of experiences they had with law and crime – or right and wrong, on a fundamental level – and on the ensuing emotions. For example, an audience member may have been aggrieved by someone else's transgressions, and some may even have on occasion contemplated taking some illegal course of action. Today, audiences can also connect the conflict shown in the opera with law-related situations familiar from television, film or readings.

Law and crime themselves evoke strong feelings. Early law and society authors already made emotional responses to infringements of law a cornerstone of theory. According to Durkheim members of society share a principal interest in the upholding of society's fundamental norms and they react emotionally to crime. An action 'is a crime because we reprove it', he wrote.¹⁵ His contemporary Eugen Ehrlich even defined law by the magnitude of emotional responses to law-breaking: "Compare the feeling of revolt that follows a violation of law with the indignation at a violation of a law of morality, with the feeling of disgust occasioned by an indecency (...)"¹⁶

¹⁵ Emile Durkheim, *The Division of Labour in Society* (George Simpson tr, The Free Press 1965) 81.

¹⁶ Eugen Ehrlich, *Fundamental Principles of the Sociology of Law* (Walter L. Moll tr, Transaction Publishers 2002) 165. The definition is intended to cover law without recourse to the state. For state law, he had a specific definition: "The state brings law into existence by

Later authors likewise emphasized the emotional reaction to law-breaking.¹⁷ Confronted with transgressions, people tend to empathize with the victim and form an aggressive stance against the offender.¹⁸ As much as opera depends on the portrayal of law and crime for dramaturgical reasons it is also uniquely placed to convey an ‘understanding’ of law-related sentiment and behaviour by making its characters’ feelings audible and visible in a pronounced form.

As genre, opera suffers from a ‘central unrealism’ according to Abbate and Parker: ‘the fact of continual singing’ leads to ‘narrative extremes’. Opera’s stories are mostly out of the ordinary.¹⁹ But extreme behaviour, that is outlandish, heroic, or exceedingly sinister, is widespread in products of popular legal culture anyhow. These qualities cater to the demand of a broad

creating institutions through its power of compulsion (in the last analysis military) and provides them with a legal regulation”; Eugen Ehrlich, ‘The Sociology of Law’ (1922) 36 *Harvard L Rev* 137.

¹⁷ E.g., Robert Hogan and Nicholas, P. Emler, ‘Retributive Justice’ in Melvin J. Lerner and Sally C. Lerner eds, *The Justice Motive in Social Behavior* (Plenum Press 1981); Tom R. Tyler and others, *Social Justice in a Diverse Society* (Westview 1997).

¹⁸ E.g., Austin Sarat, ‘Violence, Representation, and Responsibility in Capital Trials: The View from the Jury’ (1995) 70 *Indiana L J*; Jasmine R. Silver, ‘Moral Foundation, Intuitions of Justice, and the Intricacies of Punitive Sentiment’ (2017) 51 *L&Soc’yRe.*. Of course, if it comes to taking initiative against a wrong-doer, complications like feeling powerless or the inability to coordinate with others come into play. See e.g.: Leon Shaskolsky, ‘The Innocent Bystander and Crime’ *Federal Probation* (1970) 34.

¹⁹ Abbate and Parker (n 3) 15.

audience. Similar law-related content as in opera can be found in film and television programmes.

So far, socio-legal research has concentrated on these other forms. Courtroom dramas have been studied,²⁰ crime films and crime-related TV series,²¹ law in animated television and films,²² or in

²⁰ E.g., Bergman and Michael Asimow (n 1); Kuzina (n 1); Stefan Machura and Peter Robson eds, *Law and Film* (Blackwell 2001); Stefan Machura and Stefan Ulbrich eds, *Recht im Film* (Nomos 2002); Steve Greenfield, Guy Osborn and Peter Robson. *Film and the Law* (2nd edn, Hart 2010); Franziska Stürmer and Patrick Meier eds, *Recht Populär* (Nomos 2016); Michael Asimow and Jessica Silbey, *Law and Popular Culture* (3rd edn, Vandeplass 2020).

²¹ E.g., Timothy O. Lenz, *Changing Images of Law in Film and Television Crime Stories* (Lang 2003); Elaine Rapping, *Law and Justice as Seen on TV* (New York University Press 2003); Austin Sarat, Lawrence Douglas and Martha Merrill Umphrey eds, *Law on the Screen* (Stanford University Press 2005); Nicole Rafter, *Shots in the Mirror: Crime Films and Society* (2nd edn, OUP 2006); Michael Asimow ed, *Lawyers in Your Living Room! Law on Television* (American Bar Association 2009); Nicole Hahn Rafter and Michelle Brown, *Criminology Goes to the Movies: Crime Theory and Popular Culture* (New York University Press 2011); Caroline Joan S. Picart, Michael Hviid Jacobsen and Cecil Greek eds, *Framing Law and Crime: An Interdisciplinary Anthology* (Fairleigh Dickinson University Press 2016); Peter Robson and Jennifer Schulz eds, *A Transnational Study of Law and Justice on TV* (Hart 2016), as well as works cited in the preceding footnote.

²² Kimberlianne Podlas, 'Homerus Lex: Investigating American Legal Culture Through the Lens of The Simpsons' (2007) 17 *Seton Hall University School of Law Journal of Sports and*

comedies.²³ Opera forms just one of the ‘creative sources’²⁴ to be employed by socio-legal scholars. Like most of the other media products, opera is a genre which is virtually incapable of a realistic portrayal of law, as it has a preference for the dramatic and extraordinary. As Longo writes, opera is ‘doubly artificial since it is a performance where the sequence of action and the structure of time are subverted by the necessities of music and singing.’²⁵ But then, music conveys meaning without words, replacing dialogue, appealing to emotion.²⁶ Music can also

Entertainment Law; Laura Beth Nielsen and others, “‘Ahead of the Lawmen’”: Law and Morality in Disney Animated Films 1960-1998’ (2017) 13 *Law, Culture and the Humanities*.

²³ Bergman and Asimow (n 1); Stefan Machura and Olga Litvinova, ‘Reflections of Legal Culture in Television Comedy: Social Critique and Schadenfreude in the US Series “Frasier”’ (2021) 34 *IJSL*.

²⁴ Mariano Longo, ‘Mozart and the Concept of Equality’ in Filippo Annunziata and Giorgio Fabio Colombo eds, *Law and Opera* (Springer 2018) 195.

²⁵ *ibid* at 196-97.

²⁶ Anthony Arblaster, *Viva la Libertà! Politics in Opera* (Verso 1992) 6-7; Alessandro Accini and Paolo di Felice, ‘Crime, Prosecution and Justice in Giuseppe Verdi’s *Otello*’ in Filippo Annunziata and Giorgio Fabio Colombo eds, *Law and Opera* (Springer 2018) 80; Przemyslaw Krzywoszyński and Jan Woleński, ‘Law and Fate in *Norma*, *I Puritani*, *Aida* and *Tosca*’ in Filippo Annunziata and Giorgio Fabio Colombo eds, *Law and Opera* (Springer 2018) 182; on ballet and dance: Sean Mulcahy, ‘Dances with Laws: From Metaphor to Methodology’ (2021) 15 *L&H*.

deepen and add to the meaning of, in this case, legal, language.²⁷ In any case, the resulting portrayal of law does not conform to the lawyer's ideal of a legal proposition that instructs clearly what action is to be taken. Composers are uninterested in legal detail or legal veracity.²⁸ After all, opera is entertainment. But it can also be didactic and morally edifying in a wider sense. Opera is often about character development, and about shaking or reinforcing world views. We will return to this aspect throughout this article.

Of course, much of the opera repertoire performed and recorded today was written in the eighteenth and nineteenth centuries. These works were conceived for audiences of their time. For modern audiences not only is the cultural relationship with the work different, so too are views of the law.²⁹ Especially through staging, modern producers make opera relevant to 21st-century audiences, creating another layer of interpretation. As a result, there is a plethora of ways in which essential aspects of the story, such as law and crime, are represented. The widespread availability of commercial audio-visual recordings of opera from the last quarter or so of the twentieth century has created an additional layer of interpretation, and challenge, for audiences, who may have to not only navigate cultural symbology of their own time (and of the director's

²⁷ Sean Mulcahy, 'Staging the Law: The Musicality of Legal Performance' (2020) 24 *Law Text Culture*.

²⁸ Silvia Ferreri, 'Legal Issues in Italian Opera' in Filippo Annunziata and Giorgio Fabio Colombo eds, *Law and Opera* (Cham: Springer 2018) 107.

²⁹ Filippo Annunziata and Giorgio Fabio Colombo, 'Law in the Opera, Law on the Opera, Law Around the Opera: A Multidisciplinary Approach' in Filippo Annunziata and Giorgio Fabio Colombo eds, *Law and Opera* (Springer 2018) 1–2.

imagination) but also of the recent past. The *afficionado*, and the uninitiated, may well draw on video recordings from the 1980s and 90s (or earlier); this is especially true today given the number of productions that are available on platforms such as YouTube. The experience of opera therefore varies. Despite, or perhaps exactly because of the endless variations of narratives, the audience may take lessons on law from opera. It can do so from watching law-related film and television, where rejuvenating elements and the screening of historic products also draws in audiences.³⁰ Opera does more than just fascinate the audience. As Annunziata and Colombo noted, there can be a ‘proactive effect’ of opera, an effect ‘being capable of igniting reflections

³⁰ As examples of quantitative studies e.g.: Kimberlianne Podlas, ‘Please Adjust Your Signal: How Television’s Syndicated Courtrooms Bias Our Juror Citizenry’ (2001) 39 *Am Bus L J*; Michael Asimow and others, ‘Perceptions of Lawyers – A Transnational Study of Student Views on the Image of Law and Lawyers’ (2005) 12 *IJLP*; Stefan Machura and Annette Kammertöns, ‘Deterred From Going to Court? A Survey at German Schools on Media Influences’ (2010) 8 *ESLJ* <<https://www.entsportslawjournal.com/article/id/798/>> accessed 18 June 2022; Stefan Machura, ‘Media Influence on the Perception of the Legal System’ in Knut Papendorf, Stefan Machura and Kristian Andenæs eds, *Understanding Law in Society: Developments in Socio-legal Studies* (Lit 2011); Manssouri (n 1); Stefan Machura and others, ‘Welsh Nationalism, Language and Students’ Trust in the UK Police’ (2022) 35 *International Journal of Politics, Culture and Society*. For an example when television shows fail to exert an influence: Astrid Dirikx, Dave Gelders and Jan Van den Bulck, ‘Adolescent Perceptions of the Performance and Fairness of the Police: Examining the Impact of Television Exposure’ (2013) 16 *Mass Communication and Society*.

and movement changing society'.³¹

Despite the prevalence of legal themes in opera,³² law in the opera has attracted only limited scholarly attention.³³ Even within what little of it there is some of which has been tongue in cheek.³⁴ Regarding crime, Lodewijk Brunt wrote: 'Opera is an encyclopaedia of perversities, packaged in music'.³⁵ However, he argues, it remains a resource largely untapped by the social sciences.³⁶ Similarly, for 'operas with prison settings', Denk and Fludernik noted a gap of 'literary studies'.³⁷ The following sections will look at law beyond the legal code, private law and matters related to criminal law in opera. It will be argued that methods developed to analyse

³¹ Annunziata and Colombo, 'Law in the Opera' (n 29) 8. Also: Martin Nedbal, *Morality and Viennese Opera in the Age of Mozart and Beethoven* (Routledge, 2017).

³² Tritter (n 13) 12.

³³ Annunziata and Colombo, 'Critical Notes' (n 10) 149.

³⁴ Peter Lewisch 'Der Ring des Nibelungen: From a Criminal Law Perspective' in Filippo Annunziata and Giorgio Fabio Colombo eds, *Law and Opera* (Springer 2018) 333; also Caspar Behme "'Ein furchtbares Verbrechen ward begangen". Schuld und Sühne in der Tannhäuser-Legende' (2013) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2380879> accessed 11 April 2022 1.

³⁵ Lodewijk Brunt, 'Wie ik liefheb, moet ik doden. Misdaad in het muziektheater' (2013) 3 *Tijdschrift over Cultuur en Criminaliteit* 78 (author's translation).

³⁶ *ibid.*

³⁷ Rudolf Denk and Monika Fludernik, 'Operatic Prisons: Carcerality on the Stage and in Music' (2020) 47 *Canadian Review of Comparative Literature* 271.

the depiction of law in TV series and films can be adapted to the study of opera. This can be particularly achieved by analysing character development and the messages suggested to audiences, demonstrating the potential of this mode of opera analysis.

‘Social law’ in opera

We are here employing a wider concept of ‘law’. It encompasses not only provisions found in state legal codes, but also Eugen Ehrlich’s ‘social law’: the rules by which social associations organise their affairs, which may not be part of and sometimes even contradict state law, and the violation of which meets very strong disapproval.³⁸ For Ehrlich, “law is the social institutions and measures that are perceived by the influential circles in society as the basis of the state, social and economic order”.³⁹ Associations include according to Ehrlich a huge variety of social bodies from the state to clans or the family.⁴⁰ They all can have their different legal rules. The inclusion of ‘soft law’ makes sense as in opera, where not even law and morals are strictly distinguished.⁴¹ The consequences of breaking this kind of law can be no less devastating than offences against codified, official law.

³⁸ Ehrlich, *Fundamental Principles of the Sociology of Law* (n 16).

³⁹ Eugen Ehrlich, ‘Die Tatsachen des Gewohnheitsrechts’ in Eugen Ehrlich, *Gesetz und Lebendes Recht* (Manfred Rehbinder ed, Duncker and Humblot 1986) 107 (my translation).

⁴⁰ Eugen Ehrlich, ‘Der Staat, die Gesellschaft und ihre Ordnung’ (1992) 13 *ZfRSoz* 3-4; Ehrlich, *Fundamental Principles of the Sociology of Law* (n 16) 20.

⁴¹ Ferreri (n 28) 116 on the missing distinction between the two.

Many libretti are even set in times before the modern state, or where the state has not displaced other law. Also, many operas of the baroque were based on mythological characters.

Nevertheless, some kind of ‘law’ is still often a central device. For example, the earliest operas were on the Orpheus myth, in which the ‘laws of the nature’, not man-made law, are transgressed. In Monteverdi’s *L’Orfeo* (1607) the titular character seeks to overcome the death of his beloved Euridice by rescuing her from the Underworld. No mortal is allowed to enter Hades but Orfeo challenges and overcomes this by serenading Charon, sending him to sleep (‘Possente spirito, e formidabil nume’), thus allowing Orfeo to steal his boat and cross the River Styx into the Underworld. Ultimately death is not overcome, though, as Orfeo breaks his contract with Pluto: as he leads Euridice from the Underworld Orfeo looks back and she is lost to him forever.

In an example of law beyond the state, in Pietro Mascagni’s ‘Cavalleria Rusticana’ (1890), Sicilian folk law demands that revenge is taken.⁴² The opera is based on a short story by Giovanni Verga, set in late nineteenth century, on an Easter Sunday. Turiddu, returning from the army, has restarted an affair with Lola, who had married the carter Alfio in the meantime. The betrayed Alfio knows the cultural script very well. Challenged to a duel by Alfio, Turiddu accepts in the traditional way, biting the husband’s ear in full view of the villagers. A drunk and remorseful Turiddu, doubting the outcome of the fight, is killed by the husband, who remains calm. The psychology of the protagonists and general situation may be hard to fathom for contemporary international audiences. Franco Zeffirelli directed an opera film in 1982, entitled

⁴² Giuseppe Lorini and Olimpia Giuliana Loddo, ‘Revenge Between Legal and Social Norms in *Cavalleria Rusticana*’ in Filippo Annunziata and Giorgio Fabio Colombo eds, *Law and Opera* (Springer 2018) 209.

of course 'Cavalleria Rusticana'. Here, he helps the audience better understand the constellation by filming part of the scenes in the appropriate setting: the very Sicilian village and sunburned landscape, which was home to novelist Giovanni Verga, with locals in period costumes.⁴³ The atmosphere of emotion and passion is underlined by extensive footage of an Easter procession and mass following rich Italian Catholic rituals. Throughout in Zeffirelli's 'Cavalleria Rusticana' there is little presence of the state; police officers rush to the scene of the killing only after the event. In this case, customary law contradicts state authority, Alfio's actions fall foul of the penal code.

'Cavalleria Rusticana' has as third main character entangled with customary law: Santuzza, a girl Turiddu started a relation with initially after returning from the army. He had dropped her for the married Lola, leaving Santuzza 'dishonoured'. As Sicilian folk law demands betrayed women to forgive, Santuzza tries to follow this path, but is brutally rejected by Turiddu.⁴⁴ She now takes revenge using the male honour code as an instrument: telling Alfio about his wife's affair, will trigger Turiddu's death and 'redeem her humiliating condition'.⁴⁵ The opera's musical arrangement fully explains and exploits her inner turmoil between rage and persisting love for Turiddu. She pities his fate but perseveres with her plan regardless.

As these examples have shown, 'social law' can direct the actions of characters in opera as much

⁴³ Kenneth Chalmers, 'From Stage to Screen: Zeffirelli's "CAV & PAG"', in Eva Reisinger, *Mascagni Cavalleria Rusticana, Leoncavallo Pagliacci*, booklet in DVD 004400734033 (Deutsche Grammophon GmbH 2005), 6.

⁴⁴ Lorini and Loddo (n 42) 214.

⁴⁵ Ibid 215.

as it has influenced life historically and in many respects is still important today. ‘Social law’ can be in conflict with state law, or in other cases, contain rules for constellations for which state law is silent or simply seen as not practical. In a legal theoretical view, most ‘social law’ can be accommodated as part of private law, as the state allows citizens to create legal rules among themselves – within the limits of public order, of course. Accordingly, private law features in opera.

Private law in opera

Private law is the law regulating relations of citizens or legal entities conceived as equals, in contrast to public law where mainly the state as superior power encounters private subjects. It follows from the definition of public law that criminal law is just a special part of it: principally, where the state sets out rules and threatens sanctions for transgressions defined in the criminal code. There is not much literature on private law in the opera with the notable exception of works authored and co-edited by the Italian legal scholar Filippo Annunziata.⁴⁶ He traces private law in a range of operas, particularly illustrative is the book title ‘Contracts, Wills, Marriages and Rings’.⁴⁷

Publications on private law in opera often have a legal history focus. They discuss how operatic portrayals compare to the law, sometimes modern, 21st-century law, but mainly the law of the

⁴⁶ E.g. Annunziata *Contracts, Wills, Marriages and Rings* (n 8); Filippo Annunziata and Giorgio Fabio Colombo eds, *Law and Opera* (Springer 2018).

⁴⁷ Annunziata, *Contracts, Wills, Marriages and Rings* (n 8).

time and place in which an opera was written or the time and place of the story in the opera.⁴⁸ For example, at the heart of Giacomo Puccini's 1918 comic opera 'Giovanni Schicchi' is an elaborate inheritance fraud. Yet, medieval Florence had set out draconian punishment for testament forgery. Filippo Annunziata explains the historic legal background of the case, including the nature of a testament and the role of the notary.⁴⁹ If the audience takes any legal lessons from this opera, it must be a cautionary tale about the greediness of relatives, seeing themselves disadvantaged by the deceased, and their readiness to invent a scheme, but equally that those who take the path of illegality make themselves potentially vulnerable to being defrauded. The plan for Giovanni Schicchi to impersonate the deceased, dictating a false testament to the notary, backfires when the title figure starts to distribute the wealth to his own advantage. The relatives' anger is silenced by Schicchi reminding them of the punishment that awaits them if they speak out. In this way, the opera straddles the areas of private and criminal law and cannot be understood without recourse to old Florentine law. But even without understanding the law audiences can take a moral lesson from these situations.

In discussions of private law in opera, there is not much reference to socio-legal thought as it has developed over now more than 120 years, in some countries under the labels 'sociology of law' and 'law and society'. A notable exception is an article by the Italian sociologist Mariano Longo.

⁴⁸ E.g. *ibid*; Giovanni Iudica, 'Presentation' in Filippo Annunziata, *Contracts, Wills, Marriages and Rings. Opera and Private Law* (Silvana Editoriale 2017); Elena Falletti, 'The Marriage of Figaro and the Sunset of Ancien Régime Legacy on Modern Legal Culture' in Filippo Annunziata and Giorgio Fabio Colombo eds, *Law and Opera* (Springer 2018).

⁴⁹ Annunziata, *Contracts, Wills, Marriages and Rings* (n 8) 199-219.

Drawing on ideas of Durkheim and Luhmann, he uses the librettos of two Mozart operas to show how a less strict social structure allows more individualisation to take place.⁵⁰ While the *opera seria* ‘Idomeneo Re di Creta’ (1781) followed the conventions of an aristocratic age, albeit humanising the classical themes, the story in the opera buffa (or comic opera) ‘Le nozze de Figaro’ (1786) contains much more variation. Part of this shift is bound up with the differences between the conventions of serious and comic opera. While *opera seria* depicted the values of the nobility, the development of comic opera was a direct consequence of the rise of the bourgeoisie and the shift of wealth being tied to land to being something (also) independent from it. By Mozart’s time, comedy was seen and understood as having the potential for profundity. Longo explains that late 18th-century comedic opera comes with more realistic representation, gives agency to characters from different social strata, ‘even the lowest’, and ‘presents a variety of languages, from the dignified to the everyday speech’.⁵¹ In Mozart’s ‘Figaro’, a change in law, the fabled ‘jus primae noctis’⁵² has fallen away, bringing more equality between the characters occupying different social positions.⁵³ It enables the servant to resist his master’s attempt on his bride and turns what would have been a situation with only one outcome and not much of a story to tell, into one with surprise events.⁵⁴ ‘By formally making social relations symmetrical, law guarantees an increased possibility for social action, which entails a non-trivial connection

⁵⁰ Longo (n 24).

⁵¹ *ibid* 198.

⁵² Falletti (n 48) 94.

⁵³ Longo (n 24) 202-03.

⁵⁴ *ibid*.

between equality and complexity', Longo writes.⁵⁵

Annunziata and Colombo observe that opera's interest in law-related issues changes.⁵⁶ We can find this in the rise of comic opera, which saw a shifting away from the mythological and historical characters of *opera seria* towards representations of the bourgeoisie and their concerns. It is also visible later with the realism ('verismo') of Italian opera in the late nineteenth century.

While in the late eighteenth century the themes that emerge are those most relevant to the profiles – in general – of family law (weddings, betrothals, marriage settlements, etc.), in the nineteenth the themes that emerge reflect the progressive transformation of the social fabric, the secularization of relationships, the emergence of the element of negotiation, and money.⁵⁷

An example for the latter is principle-agent problems in Verdi's 'La Traviata' (1853), when Annina sells property to her lady's disadvantage.⁵⁸ In Sullivan and Gilbert's 'The Gondoliers'

⁵⁵ *ibid* 203.

⁵⁶ Annunziata and Colombo, 'Law in the Opera' (n 29) 8.

⁵⁷ *ibid* 5.

⁵⁸ Ferreri (n 28) 112-13.

(1889), the royal household starts to malfunction, when aristocratic privilege is abolished.⁵⁹

While conflicts around private law can raise emotions by, for example, demonstrating profound inequalities and their devastating effect, having crime in an opera also attracts audiences. The following turns to a criminological analysis of opera content.

Criminological analysis of opera

While many operas – especially those regularly performed today – include crime in some form or other, it has largely been ignored by criminologists. Indeed, there appears to be only one more systematic criminological attempt at dealing with opera. Lodewijk Brunt saw in opera ‘an endless source of inspiration for a criminologist’.⁶⁰ He was inspired by Peter Conrad who described opera as ‘an art devoted to love and death (and especially to the cryptic alliance between them). (...) The characters of the opera obey neither moral nor social law’.⁶¹ They are

⁵⁹ William Schwenck Gilbert and Arthur Sullivan, ‘The Gondoliers’, directed by Stuart Maunder, Scottish Opera (BBC Four 17 April 2022) <<https://www.bbc.co.uk/programmes/m0016l0h>> accessed 16 August 2022.

⁶⁰ Lodewijk Brunt, ‘Crime at the Opera House’ in Dina Siegel and Frank Bovenkerk eds, *Crime and Music* (Springer 2021) 76.

⁶¹ Peter Conrad, *A Song of Love and Death: The Meaning of Opera* (Chatton and Windus 1987)

‘justified malefactors’ whose ‘idealism’ is expressed in music.⁶²

In opera, heroes are always faced by danger for dramaturgical reason.⁶³ Brunt notices that crime is related to emotions and obsessions.⁶⁴ Indeed, key figures are, variously, consumed by jealousy, filled with greed, longing for revenge, or otherwise driven characters whose obsession often gets the better of themselves. In opera, ‘crime clings to certain characters’, it is ‘personalized’, Brunt rightfully notes.⁶⁵ The art form presents the thoughts and deeds of its protagonists, it depicts how the unfolding story line affects and changes a character, and it shows them as – if sometimes unwitting – agents of their (mis)fortune. Opera audiences encounter ‘people who are part of violent situations’ and are shaped by them.⁶⁶ Summarising decades of criminological theory development, Per-Olof Wikström’s situational action theory highlights that ‘acts of crime (...) are ultimately an outcome of how individuals perceive their action alternatives and, on this basis, make their choices when confronted with the particulars of a social setting in which they are taking part’.⁶⁷ Committing crime or not is fundamentally a moral decision.⁶⁸ Thus, crime lends

⁶² *ibid* 13.

⁶³ Brunt, ‘Crime at the Opera House’ (n 60) 72.

⁶⁴ *ibid* 82.

⁶⁵ *ibid* 82, 85.

⁶⁶ *ibid* 86.

⁶⁷ Per-Olof H. Wikström and Robert Svensson, ‘When Does Self-control Matter? The Interaction Between Morality and Self-control in Crime Causation’ (2010) 7 *EJC* 396.

⁶⁸ Per-Olof H. Wikström, ‘Explaining Crime as Moral Actions’ in Steven Hitlin and Stephen Vaysey eds, *Handbook of the Sociology of Morality* (Springer 2010).

itself to dramatic portrayal, including in opera. Furthermore, according to Brunt, opera ‘approaches the true emotional connotations of death, terror, and debauchery. (...) opera reveals something about crime that cannot be found anywhere else in such a concentrated form’.⁶⁹ One need only think of arias, highlights of any opera, in which the singer skilfully opens up the innermost feelings of a character, supported by elaborate orchestral music which expresses inner turmoil, conflicting thoughts, or the depth of emotions. In these moments acting, singing and orchestral music are combined to the highest effect.

Crimes of the powerful, abusing their status and engaging in corrupt behaviour are particularly prominent in opera. Wagner expert and political scientist Udo Bermbach’s 1997 book title, which translates as ‘Where power is completely based on crime: Politics and society in the opera’,⁷⁰ shows the essence of some operas. Examples for crimes of the powerful include Mussorgsky’s ‘Khovanshchina’ (1886), in which the Russian monarch is replaced through a conspiracy in a deeply divided country approaching chaos, and the similarly themed ‘Boris Godunov’ (1874), also by Mussorgsky. Both are discussed in detail below. In opera audiences are invited to reflect on ideas of justice through the depiction of corrupt officers of the law. Mathieu Touzeil-Divina observed that lawyers are not shown as ‘incarnations of justice’ in opera, but to ‘denounce

⁶⁹ Brunt, ‘Crime at the Opera House’ (n 60) 86.

⁷⁰ Udo Bermbach, *Wo Macht ganz auf Verbrechen beruht: Politik und Gesellschaft in der Oper* (Europäische Verlagsanstalt 1997).

transgressions and corruption'. They appear as greedy, egomaniac and 'heartless technicians'.⁷¹ This portrayal affects other officers of the law too. For example, in 'Khovanshchina', the title figure Khovansky commits all sort of atrocities, despite heading the Russian 'guards', a force with police functions in the 17th century. Tellingly, a 2007 staging in Munich by Dmitri Cherniakov opens with a scene of tired guards stapling body sacks of tortured victims while Mussorgsky's lyrical melody 'Dawn Over the River Moskva' is played.⁷² Not all law-related operas are as gruesome. Gilbert and Sullivan's one-act comic opera 'Trial by Jury' (1875) paints the judge as obsessed with life's pleasures and having established his career through an advantageous marriage. Before his entering of the courtroom, the usher has already biased the jury against the defendant.

Apart from the courthouse, prisons are one of the most iconic sites for stories on crime: Beethoven's *Fidelio* (1805) is one of the most obvious. "In the operatic prison (...) the hero or heroine's deepest fears and desires were most fully explored. (...) our attention is directed away from external action toward the internal drama within the prisoner's soul", describes Meyer the prison drama during the period 1790 to 1815 which focused on "personal transformation".⁷³ Prison operas come in a great variety. Denk and Fludernik distinguished baroque exemplars in which divine justice prevails, and those of the Romantic period, where the audience is led to

⁷¹ Mathieu Touzeil-Divina, 'Entre interprétation(s) et passion(s) du Juste' in Mathieu Touzeil-Divina, Bernard Stirn and Christophe Rousset eds, *Entre opéra et droit* (LexisNexis 2020) XII.

⁷² EuroArts Music, *Mussorgsky. Khovanshchina* (2009) DVD 2072428.

⁷³ Meyer (n 8) 478.

particularly emphasize with suffering captives and a divine rescue is not provided. As an outlier, they discuss the polemic parody of Italian *opera seria*, John Gay's 'Beggar's Opera' (1728), a ballad opera⁷⁴ (in English) in which characters and society are fundamentally corrupted.⁷⁵ It was hugely successful and remained popular in London into the nineteenth century. Later music theatre by Wagner, Verdi and Puccini has 'a more realistic and pessimistic attitude towards political injustice and its pervasive powers'.⁷⁶ For Bertold Brecht's 'Dreigroschenoper' (1928), an adaptation of Gay's 'Beggar's Opera', Denk and Fludernik note that the 'truly disquieting quality of the parodic mode lies in the inversion of the victim and perpetrator roles and in their levelling.'⁷⁷ For example, Brecht's arch crook Mackie Messer (Macheath in Gay's opera) becomes the victim of the police chief's corruption. The pattern proved elastic enough to be adapted by a South African theatre company to express criticism of the rising class in the post-Apartheid state.⁷⁸

⁷⁴ All of the songs in the opera were arranged (by Johann Christoph Pepusch) from popular tunes, including arias from Italian operas. Unlike Italian opera it included spoken dialogue instead of recitative.

⁷⁵ Denk and Fludernik (n 37) 272-80.

⁷⁶ *ibid* 285.

⁷⁷ *ibid* 295.

⁷⁸ Florian Nikolas Becker, 'Capitalism and Crime: Brechtian Economics in The Threepenny Opera and Love, Crime and Johannesburg' (2010) 53 *Modern Drama*.

As shown above, law and crime are prominently represented in opera. It is likely that they are key for the audience's fascination with the opera and that they may influence people's views. All the more so, as they can typically be reduced to straightforward questions of good and bad. After all, they relate to societal expectations, which may be 'top down' as for 18th century opera, or reflecting general social values and norms, as in more modern times. The artifice of the form engages the audience in terms of right and wrong. How then, can crime and law in the opera be studied?

Methods to study law and crime in opera

Increasingly the wide availability of audio-visual opera recordings means that opera is being also consumed away from the opera house, or in addition to the live experience.⁷⁹ Advances in technology allow access to recordings of not only sound but also moving pictures where and whenever a viewer wants it. After opera houses were closed due to COVID-19 and accompanying regulations, leading opera houses excelled in offering new ways to experience opera, employing streaming technologies and sometimes even facilitating digital audience interaction with the institution.⁸⁰ Internationally renowned houses such as the Met also produced live broadcasts. Those offerings may continue to serve the opera industry.

⁷⁹ Already: Emanuele Senici, 'Porn Style? Space and Time in Live Opera Videos' (2010) 26 *The Opera Quarterly* 63. Apart from audio-visual recordings, there is, of course, the much larger catalogue of audio recordings.

⁸⁰ Annunziata and Annunziata (n 3).

A wide variety of opera performances is available on DVD, on Blue-ray and now increasingly from streaming services. Streamed opera and opera on DVD/Blue-ray are edited versions of music theatre, like a film or a television show. Reginald Rose, script writer of '12 Angry Men' (1957), the seminal jury film, described the difference between following a theatre play and a filmed performance poignantly:

Film is one art; the stage is another. When we sit before the proscenium we see an ensemble performance. We see all of the actors all of the time, and we make our own selection of which one deserves our concentration at any given moment. We are not bound by the choice a film editor makes for us in the cutting room.

Theatre is not meant for the 'sweaty close-up' but rather the experience of being moved by a group of living, breathing actors in what is hoped to be a living, breathing play.

The film camera projects the actor but in the theatre the actor projects himself.⁸¹

The live experience of a singer, an orchestra, the stage etc. is special. Yet, recorded opera offers advantages of its own, including the possibility to watch scenes repeatedly,⁸² to benefit from subtitles,⁸³ translations in those subtitles, as well as any DVD booklets, cover designs or bonus

⁸¹ Reginald Rose, private correspondence, cited in Phil Rosenzweig, *Reginald Rose and the Journey of 12 Angry Men* (Fordham University Press 2021) 202.

⁸² James Treadwell, 'Reading and Staging Again' (1998) 10 *Cambridge Opera J* 205.

⁸³ Senici (n 78) 80.

material,⁸⁴ even removing the physical and monetary barriers of going to the opera. Like the opera fan, a researcher can conveniently compare parts of an opera, or different stagings. Although there are special methods for the study of opera in general, methods of film and tv analysis developed by law in popular culture scholars can be usefully applied to studying opera. The content analysis of law in opera is hitherto mainly – and often exclusively – based on readings of the libretto. Annunziata and Colombo suggest that following a ‘law and literature’ approach, the study of law in opera should ‘basically start from the work’s libretto’, ‘analysed in combination with its musical setting and its staging’, to show how legal issues are ‘funnelled through the medium of opera’.⁸⁵ Their work and that of other authors shows how fruitful this method is. Yet, fundamental as it is, the libretto is only one part of the opera.⁸⁶ The opera audience will often be unable to understand the text, given the way it is sung, even sometimes if it is in a familiar language,⁸⁷ if not supported by theatre captions or subtitles. Using musical scores for research on audience experience encounters two issues, which Abbate and Parker mention, albeit in the different context of book readership: scores are familiar to musicologists

⁸⁴ Carlo Cenciarelli, ‘At the Margins of the Televisual: Picture Frames, Loops and ”Cinematics” in the Paratexts of Opera Videos’ (2013) 25 *Cambridge Opera J.*

⁸⁵ Annunziata and Colombo, ‘Critical Notes’ (n 10) 144 (emphasis omitted).

⁸⁶ Opera is a *Gesamtkunstwerk*: Svenja Ingensand, ‘Russische Opern nach Vorlagen von A. S. Puškin’ (Mag. Phil. thesis, Universität Wien 2010), utilising a ‘Wagnerian concept’: Snowman (n 6) 404.

⁸⁷ Ingensand (n 85) 62.

and less likely to aid others to understand opera.⁸⁸ What is more important, Abbate and Parker insist that opera is more an ‘event’ than a text, after all, don’t we remember a performance, ‘something heard out loud, possibly also seen on stage’?⁸⁹ ‘Audience members make analogies between the performance and their general conception of the work, but this conception is enmeshed in other performances, even of other works’, as James Treadwell noted.⁹⁰ The prominence of the singer’s voice in opera adds a quality ‘not reproducible in symbols’.⁹¹ Therefore, one strand within opera studies prefers to see music theatre as a performance, comparing the meaning created in different stagings of an opera.⁹² Opera fans are particularly drawn to the differences in performances of an opera they already know.⁹³ This is similar to how fans of law-related film and television find an intelligent variation of narratives and scenes entertaining.⁹⁴ Even more, given that opera is often accessed by contemporary audiences through audio-visual recordings, it may be considered to start an analysis not only with a text, but with a

⁸⁸ Abbate and Parker, (n 3) xvii.

⁸⁹ *ibid.*

⁹⁰ Treadwell (n 81) 216.

⁹¹ Abbate and Parker (n 3) 8.

⁹² Champion (n 7) 10; Clemens Risi, *Opera in Performance: Analyzing the Performative Dimension of Opera Productions* (Anthony A. Mahler tr, Routledge 2022).

⁹³ Risi (n 91) 163.

⁹⁴ Stefan Machura, ‘Representations of Law, Rights and Criminal Justice’ in Nicole Rafter and Michelle Brown eds, *Oxford Encyclopedia of Crime, Media, and Popular Culture* (OUP 2018).

comparison of recordings, taking cues from differences and similarities. Of course, the libretto and musical score can still be consulted, for example to compare staging and original. Our methodological argument can be expressed in a single sentence: The analysis of law in audio-visually recorded opera may largely follow the analysis of law developed for law-related fictional films or television.

Employing methods developed for the study of law and crime in film and television is – among other things, such as the audience’s training of the spectator role in front of the small screen – promising because the way operas are performed has changed. According to common stereotype, opera singers concentrate on the perfection of their vocal performance, and on stage, they move little. They also do not look like the characters. Observes noted a ‘grotesque mismatch between the singer and the physical image intended dramatically’.⁹⁵ Opera produced more recently has turned to more acting and action on stage. Singers are selected for their quality as actors,⁹⁶ perhaps even required to jump, dance, ride a motorcycle, or fight on stage. While some still are seasoned performers, by age and physical appearance, singers are now closer to rather youthful opera characters. In addition, stage design has also become more important in recent opera and how it comes across.⁹⁷ In a word, opera has become more of a ‘music theatre’, with consequences for how the audience experiences it.

The more dynamic and theatrical performance patterns encourage different and new

⁹⁵ Abbate and Parker (n 3) 11.

⁹⁶ Snowman (n 6) 404.

⁹⁷ Łętowska and Pawlowski (n 9) 300.

interpretations of opera. A comparison of several stagings of Mussorgsky's 'Khovanshchina' may serve as an example how the theatrical element can be varied to create an understanding of the opera and even change its perception. For example, at the end of the second scene of the fourth act, in his private quarters, Prince Khovansky gets bored of his female Slavic serfs and demands 'Now send my Persians here! (enter Persian Slaves of Prince Ivan Khovansky)'.⁹⁸ The simple instruction that Mussorgsky then left for the third scene reads (from Rosa Newmarch's early twentieth-century translation): 'The same, with Khovansky's Persian Slaves. Persian Dance.'⁹⁹ In what follows next, Khovansky is called to attend the Grand Council, but is himself assassinated.

Three directors have interpreted the scenes in different ways, to suggest an understanding of Count Khovansky's personae and the story. Contemporary audiences outside Russia may not know that at the time in which 'Khovanshchina' is set, Russian noblemen possessed serfs. Back then, their inferior legal status allowed serfs to be exploited in any way, including by demanding sexual services. Today, such sexual exploitation constitutes a crime, and will meet widely shared moral disapproval. In audio-visual recordings of the opera, different ways can be found to present the constellation. Three stagings of 'Khovanshina' illustrate the point. In Pawel Sorokin's version of the opera at the Rostov State Music Theatre (Russia) in 2021, we see Khovansky sitting in a huge bathtub, served by young, beautiful women clearly not enjoying the situation.

⁹⁸ Modest Moussorgsky, *Khovanchtchina (The Khovanskys): A National Drama in Five Acts* (Rosa Newmarch tr, Ricordi 1913) 40. The spelling of the author name is different in this edition from the usual 'Mussorgsky'.

⁹⁹ *ibid* 41.

When he calls for the Persian women, the same Slavic females cover themselves in an oriental way and dance. The Count then starts to select a woman for himself, by tearing away their clothes. The terrified women are screaming and shaking.¹⁰⁰ In Dmitri Cherniakov's 2007 Munich version, Khovansky, wielding a vodka bottle, makes his servants, mainly females, dance in a circle around him, forcing them to humiliate themselves and abusing them. In drunken stupor, he fires his pistol and leaves three females dead. As Khovansky is readying himself to meet the Tsarina, one of the older women, who had been particularly mistreated by Khovansky, kills him. Mortally wounded, Khovansky throws a hand grenade, laughing manically.¹⁰¹ For the 1989 adaptation at the Wiener Staatsoper,¹⁰² director Alfred Kircher devised a dark-lit stage. As the Persian melody is sounding, the Persian slaves are delivered to Khovansky's table as if they were a desert. When they start to dance, their chains and black burkas slide away, the scene now reminiscent of a striptease. Khovansky stops eating and becomes excited. The three dancers then form a figure, holding and caressing another, as if to offer consolation for their horrible plight. The dance sets in again, they move and roll over lasciviously around the table where Khovansky is sitting. Finally, one of them is offering herself on the table in front of the Count. Suddenly, Khovansky is interrupted by the aristocrat Shaklovity, demanding him to attend the Great Council. Shortly after, an assassin, dressed in black, appears out of the dark and stabs Khovansky. In any example, the exploitative nature of the man's relation with his women serfs,

¹⁰⁰ Rostov State Music Theatre, *Khovanshchina* (2021)

<www.culture.ru/movies/12599/khovanshina> accessed 22 August 2021.

¹⁰¹ EuroArts Music (n 72).

¹⁰² Arthaus Musik GmbH, *Modest Mussorgsky. Khovanshchina* (2015), DVD 109159.

or slaves, is made obvious. Only, that the directors thought of different ways to express it and gave different meaning to the Prince's death. Dmitri Cherniakov in particular changes the content in an important way. Where Mussorgsky (via Newmarch) only left a vague instruction: 'is suddenly stabbed on the threshold. He falls with a terrible cry. The maids disperse in terror',¹⁰³ Cherniakov grants agency to one of the females, committing an act of resistance. In contrast, other portrayals would suggest to the audience that the Prince was killed by political enemies, a state crime, potentially. But the Munich staging suggests that he lost his life as a punishment for deep personal flaws. Without reference to audio-visual recordings capturing the stagings, the analysis would not have been possible.

Moreover, audio-visual recordings of opera also allow to use a quasi-experimental research design, by screening stagings to, for example, groups of students repeatedly, and noting their reaction. Aspects can be varied to look for shifts in meaning. In teaching 'Don Giovanni' (1787) to a group of first-year university students, we looked at the 'crimes' of Mozart's opera, moral and legal. It was interesting to consider how different productions highlighted the criminality of his sexual assaults (e.g. the televised production directed by Peter Sellars, 1990¹⁰⁴) while most productions (recorded and live) tend to brush over them in the staging.¹⁰⁵ This meant that often

¹⁰³ Moussorgsky (n 97) 42.

¹⁰⁴ Decca, *Don Giovanni* (2005), DVD 0714119.

¹⁰⁵ This to some extent mirrors the arguments made by Liane Curtis, 'The Sexual Politics of Teaching Mozart's "Don Giovanni"' (2000) 12 *National Women's Studies Association J*, regarding the way that textbooks often portray the work without problematizing sexual violence.

some of the more overtly criminal acts had to be pointed out to the students, through a closer reading of the libretto. The latter also depended in part on the translation used. For example, after Giovanni has killed the Commendatore, Leporello exclaims ‘Sforzar la figlia, ed ammazzar il padre!’, commonly available translations of which include ‘Seduce the daughter, and then dispatch the father!’¹⁰⁶ and ‘First you raped the daughter then murdered the father!’.¹⁰⁷

It is possible to analyse, how even seemingly small changes alter the perception of audiences. For example, in captions, labelling an action as ‘assault’ rather than ‘rape’, especially when it takes place off stage. While the former still suggests a crime, the latter will be understood as more severe and more morally reprehensible. A famous example of ambiguity can be found in the Soviet composer Shostakovitch’s opera ‘Lady Macbeth of Mtsensk’ (1934). In 1936 the composer was severely criticised by the ‘Pravda’ after Stalin attended a performance of the opera. The party newspaper described the accompaniment to the central bed scene at the end of the first act as ‘The music wheezes, groans, pants and gasps for breath in order to present the love scenes as naturalistically as possible.’¹⁰⁸ While Slavoj Žižek notes that the music adds a

¹⁰⁶ Wolfgang Amadeus Mozart, *Libretto Don Giovanni* <<http://opera-guide.ch/operas/don+giovanni/libretto/en/>> accessed 9 June 2022.

¹⁰⁷ Wolfgang Amadeus Mozart, *Libretto Don Giovanni* <www.murashev.com/opera/Don_Giovanni_libretto_Italian_English> accessed 9 June 2022.

¹⁰⁸ *Pravda*, “‘This Is Chaos, Not Music’ [aka “Muddle Instead of Music”] – On the Opera Lady Macbeth of the Mtsensk District’ (Moscow, 28 January 1936) in Marina Frolova-Walker, *Shostakovich’s Lady Macbeth of Mtsensk* (Jonathan Walker and Marina Frolova-Walker tr,

‘comical twist’ to the scene,¹⁰⁹ Marina Frolova-Walker writes: ‘Sergei is indicted by this music regardless of the fact that Katerina eventually falls for him and becomes a willing participant.’¹¹⁰ She comments how the opera can be seen differently ‘in light of the #MeToo twitter campaign, which is likely to affect future productions, and has already had an impact on the presentation of the opera in university lectures.’¹¹¹ The changed perception of sexual violence, of course, goes beyond ‘Lady Macbeth of Mtsensk’ and will affect the staging of opera more widely.

These powerful examples aptly illustrate the potential for using audio-visual recordings of opera as a research tool allows to understand shifting meanings of opera. Opera fascinates audiences by presenting characters in extraordinary situations, exposing them to profound moral dilemmas. In this way, they tell a story and suggest a take-home message to the audience. Applying analytical

Gresham College 2019) <www.gresham.ac.uk/watch-now/shostakovich-lady-macbeth-mtsensk> accessed 21 August 2021, 4–6.

¹⁰⁹ Slavoj Žižek, ‘I do not order my dreams’ in Slavoj Žižek and Mladen Dolar, *Opera’s Second Death* (Routledge 2002) 212.

¹¹⁰ Marina Frolova-Walker, *Shostakovich’s Lady Macbeth of Mtsensk* (Gresham College 2019) <www.gresham.ac.uk/watch-now/shostakovich-lady-macbeth-mtsensk> accessed 21 August 2021, 3.

¹¹¹ *ibid.* The twitter campaign gained momentum in 2017 when prominent actresses made sexual assaults and rape in the film and television industry public. It soon raised awareness of sexual violence against women. Marina Fischer, ‘Körper, Grenzen, Abhängigkeiten: Machtmissbrauch und sexualisierte Gewalt in der Kulturbranche’ (2022) 176 *WZB Mitteilungen* 32.

methodologies for studying the law in film provides tools to further our understanding of the complexities involved.

Character development and message

Opera as well as films made for cinema and television often deal with law, legal personnel and legal institutions. This suggests that forms of analysis used for the latter can be used for opera too. Machura has devised an analysis scheme for law-related films, which emphasizes story, character development and message for the audience.¹¹² The story in an opera can be characterised by the figures' choices to uphold or break the law, how they use law and how they react to transgressions. The description feeds into the character development. But there is also the historic, social, or institutional background of a conflict.

The legal themes in opera are often taken from issues discussed at the time they were created,¹¹³ which is similar to many films and television programmes related to law and crime.¹¹⁴ The

¹¹² Stefan Machura, 'An Analysis Scheme for Law Films' (2007) 36 *U Balt L Rev*. For the scheme's applications in class and an example of an analysis, see: Stefan Machura, 'Recht im Film – Themen und Formen des Unterrichts' (2016) 3 *Zeitschrift für Didaktik der Rechtswissenschaft*; Stefan Machura, and Llewelyn Davies, "'Law is an Odd Thing" – Liberalism and Law in the TV-series "The Good Wife"' (2013) 45 *KrimJ*.

¹¹³ Annunziata, *Contracts, Wills, Marriages and Rings* (n 8) 22.

¹¹⁴ Bergman and Asimow, *Reel Justice* (n 1); Kuzina, *amerikanische Gerichtsfilm* (n 1); Machura, *Representations of Law* (n 93); Stefan Machura, 'Television Judges in Germany' in Peter Robson and Jessica Silbey (eds), *Law and Justice on the Small Screen* (Hart 2012).

Russian opera 'Boris Godunov', for example, deals with a history of illegitimate succession on the tsar's throne, achieved by extreme violence and creating a dangerous state of internal division in the country. The story had appeal for a Russian audience when it was first performed in the late nineteenth-century, and still has as it continues to be staged internationally, widely considered to be a masterwork of the genre.

'Boris Godunov' also serves as an example for character development. After the young tsar has been assassinated, Godunov who was not a party to the murder, is elected as his successor. Only, feelings of guilt, aided by his rejection on the part of the populace, start to destroy the politician from within. A young rogue monk becomes his adversary, and the opera traces his development from an unwilling novice fleeing his monastery to someone declaring himself to be the legitimate ruler of Russia and even leading an army. In a different way, crime destroys the title figure in Giuseppe Verdi's 'Rigoletto' (1851). Upon hearing about the Duke abusing his daughter, Rigoletto hires a killer. But it ends with her death and the father's absolute devastation. In some operas though, characters are unchanged. Giovanni Schicchi, for example, just displays his true colours when defrauding the fraudsters.

The operatic portrayal of legal figures often follows general patterns in popular culture. In American public opinion and fiction, according to Pfau et al., lawyers appear positively for their front-stage behaviour, their ability to win cases in legal spaces such as courts and law firm offices but are seen negatively for their back-stage behaviour, that is, their private flaws and

life.¹¹⁵ In popular culture, front- and back-stage behaviour of lawyers are explored in many ways. A particularly poignant example is the opera film ‘Trial by Jury’ directed by Derek Bailey (1982). Here, scenes of the morning before the trial are added as ‘ballet’ to the otherwise very short opera of Gilbert and Sullivan (a typical performance of the single act lasts around 35 minutes). The audience witnesses the protagonists and their morning routines of waking up, breakfast, dressing and kissing good-bye to their spouses. The viewer is encouraged to start guessing who will be a juror, lawyer, judge, defendant, or plaintiff. Foreshadowing the events to unfold in the courtroom, the most hilarious, self-centred figure is cut by a grey-haired wealthy gentleman who is pampered and dressed by his man servants. He is the judge.

The messages in film, television and opera vary. But in the latter, law breaking tends to end particularly badly, given the genre’s penchant for the dramatic and tragic. Count Khovansky dies at the hands of his enemies, of which he had produced too many through his ruthless behaviour. *Rigoletto* equally shows that law-breaking can have disastrous results. In contrast, some operas show successful deviation from the norms. This may be more frequent in comic operas. With comedies, the audience often experiences an ultimately harmless, maybe even cathartic, delight in the transgression of others. Commenting on sitcoms, Bryant describes part of their appeal as “the journey away from stability, the glimpsing of forbidden worlds of freedom”.¹¹⁶ In

¹¹⁵ Michael Pfau and others, ‘Television Viewing and Public Perceptions of Attorneys’ (1995) 21

Human Communications Research 26.

¹¹⁶ John Bryant, ‘Situation Comedy of the Sixties: The Evolution of a Popular Genre’ *Studies in American Humour* New Series 2(7) (1989) 123.

Tchaikovsky's fairy-tail opera 'The Slippers' (1887), the witch offends against morals by subsequently charming, teacher, village chief and devil. She is not punished for it, moreover, viewers may enjoy her trickery. In another example, Puccini's titular character Gianni Schicchi (1918) gets away with his ruse and the relatives of the diseased must bear the costs. Schicchi even gets the audience's tacit sympathy for also securing a future for a young couple whose liaison would have been ended otherwise.

Entertainment genres need to draw on what the audience can understand, what legal structures and behaviours they recognise, and to which they are expected to adhere.¹¹⁷ The requirement influences the content of operas too. That the law is in the hands of a self-serving elite, consisting of those of inherited status and social climbers who with luck and cunning defend a place in the higher echelons – this is the ultimate law-related message of Gilbert and Sullivan's satirical opera 'The Mikado' (1885). Superficially, the story is about love entanglements and harsh rule under the Japanese emperor. But below the 'exotic' veneer, a late 19th-century British as well as a modern audience is bound to identify an all too familiar, hideous class structure. Already, the first scene opens in a palace courtyard with a chorus of

Japanese nobles (...) congregating amid bustling passers-by:

¹¹⁷ Machura and Litvinova (n 23).

If you want to know who we are, / We are gentlemen of Japan: / (...) / Our attitude's
queer and quaint, / You're wrong if you think it ain't, oh. / If you think we are worked by
strings, / Like a Japanese marionette, / You don't understand these things. (...).¹¹⁸

The opening does not bode well for a fair application of the law and promises the display of self-serving attitudes and ruthless tactics. In the ensuing story, ancient Japanese laws are depicted as ridiculously severe and leaving ample of room for arbitrary application. For example, flirting is punished by death, and the widow of an executed man must be buried alive with him. Such laws will not be taken literally by the audience. Rather, the social critique suggested by the opera aims at the holders of public offices and their corruption.

Conclusion

Nothing stops researchers to draw on personal memory of visiting the opera house, to use the libretto, or read the score. But audio-visual recordings allow to compare performances more systematically, how they responded to challenges of making opera matter for contemporary audiences, or how productions change the meaning of stories. Opera is one of the most prominent cultural forms in western countries. It draws heavily on legal topics: conflict over possessions, the infringement of rights, as well as committing crime and responding to crime. Opera's perspective includes aggrieved persons as well as perpetrators. But far from showing the

¹¹⁸ William Schwenck Gilbert, 'Production Libretto for The Mikado', booklet in Universal Studios, *The Mikado. An Opera by W.S. Gilbert & Arthur Sullivan* (2004), DVD 8228706-112.

every-day operation of law and more common varieties of crime, opera draws on enormous transgressions. Consequentially, with law in the opera, the appeal to emotions is very strong. It comes with the genre, an artistic medium that is geared towards evoking emotions through singing, acting, and accompanying music. Breaking the law and committing crime are intended to elicit emotive responses from the audiences (then and now), helping them to choose sides – or in the case of Don Giovanni, for example, to create a lingering moral ambiguity. More than other media, perhaps, thanks to the addition of music and singing, opera is able to make complex motivations and emotions abundantly clear. In addition, opera can be a highly immersive experience, with the potential for having lasting effects on the audience.

Socio-legal scholars can learn from opera about the public understanding of situations involving extreme stress and emotional upheaval. After all, producers of opera need to appeal to responses that are wide-spread, or they will not have the desired successes in art and business.

Consequently, studying the staging of opera is then one way in which researchers can find out about what concerns and moves society.

Musicology and performance studies offer a range of ways to analyse opera. Given that acting and staging – in short: performance – has become more central for current opera, and that audiences consume predominantly recorded opera, its analysis becomes the key method for socio-legal inquiry. And there are also more practical and technical advantages. In the end, as opera becomes more like film (and is even increasingly made for the screen), methods developed for the analysis of the latter can be used for the former.

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