

Lawyers in Opera: The Transformation of the Legal Profession

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Abstract

For centuries lawyers, broadly understood as judges, notaries, legal officials and private practicing lawyers, have played important roles in society and been members of a strong profession possessing privileges. Also in operas, from the Italian Commedia dell'arte, 'Il dottore', to recent lawyer figures, judges, notaries, lawyers, courtrooms, prisons and legal cultures are exposed. These conditions have influenced the reputation of lawyers. This article contributes with reflections about lawyers' identity through a fruitful inspiring collaboration between an opera singer and a legal scholar. At three levels of analysis, this explorative study searches for connections between societal requirements (what to do), professional requirements (how to act) and legal and ethical expectations of specific lawyer-like behaviour, morality and good citizenship (who to be). The article brings into a dialogue the world of law and the world of opera and compares the construction of lawyer identities in society with different lawyer roles in opera.

Why law and opera?

How does opera interact with legal cultures, and how do operatic works influence and create a formal and informal picture of lawyers? It is certainly not the first time that this subject matter has been analysed by scholars and practitioners to explore the interrelation

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between law, lawyers and opera. However, it is probably the first time the following research question is formulated: Who are the lawyers and is it possible to depict lawyer identities in operas in a sociological setting based on Anthony Giddens's perception of identity? The aim of this article is to stimulate the conduct of an interdisciplinary study with a theoretical basis in sociology, legal studies and expert knowledge about opera music and librettos in relation to lawyers' identities.

Law and literature has during some years been a recognized discipline with close relations but there are even closer relations between law and performing arts such as music and drama, and to the collectivities and institutions that are charged with the responsibilities and duties of public performance. The actual president of the European Court of Human Rights, Dean Spielmann, 'confesses' to have been intrigued for long time by what he calls "the unusual, or original, relationship between music and law". In his contribution in the book "*Freedom of Expression. Essays in Honour of Nicolas Bratza, President of the European Court of Human Rights*" (Spielmann, 2012) he begins however by observing that only "little has been published" on the relationship between music and law, apart from the obvious copyrights aspect. Spielmann argues that music is not only a human right (Article 27 UDHR), but that music can also become noise pollution that may constitute a violation of Article 8 ECHR (right to privacy). Playing loud music incessantly for prisoners or detainees, consisting a form of torture or inhuman treatment, also violates international human rights treaties. Spielmann gives multiple examples how "music can amount to torture, and lyrics can be the vehicle of human rights abuses", such as racially offensive lyrics or "hate speech". Music has also been used as a political tool, sometimes to support ideas of democracy, solidarity and freedom, sometimes it has been put to the service of authoritarian regimes. Spielmann focuses on human rights as a source of musical inspiration (such as Beethoven's *Ode to Joy*, Benjamin Britten's *War Requiem*, Dmitri Shostakovich's *Thirteenth Symphony* and the entire oeuvre of Mikis Theodorakis) and music as a vehicle to promote human rights. In a letter to his sister, after the première of his *War Requiem*, Benjamin Britten wrote: "I hope it'll make people think a bit", expressing a hope for a better world to live in.

In this article we focus on other aspects of the relationship between music and law, analyzing opera as another form of representation of the legal world, and more specifically the legal profession. Therefore it is relevant to replace or supplement the study of law as literature with the more general study of law as a performing art. Law, like music or drama, can be understood as performance: The acting out of texts rather than the texts themselves. Balkin and Levinson (1999, p. 6) explain that the American Legal Realists distinguished 'law on the books' from 'law in action'. They extend this distinction one

step further and state: ‘Laws on the books’— that is, legal texts—by themselves do not constitute the social practice of law, just as music on a page does not constitute the social practice of music.

Like music and drama, law takes place before an audience to whom the interpreter owes special responsibilities. Legal, musical and dramatic interpreters must persuade others that the conception of the work put before them is, in some sense, authoritative. And whether or not their performances do persuade, they have effects on the audience. The voices lawyers are given in many operas are far from flattering. How are lawyers pictured in operas? Do they work under the rule of law and with a consciousness of their societal responsibility in mind? In this article a number of lawyer figures in operas have been depicted and many will be included to support the analysis of the societal obligations of *what to do*, the ethical and professional frame of *how to act* and the individual and personal choice of *who to be*. Three opera figures are especially interesting to analyse: Dr. Blind from *The Bat*, Mr. Swallow from *Peter Grimes* and Jane Utterson from *Dr. Jekyll's advokat*. A list of all operas occurring in this article or used as background is included in the list of references.

The American Bar Association, ABA (2012), has asked: If the two disciplines are related, how is their relationship to be understood and what might be learned by examining opera and law in relation to one another? ABA has long been committed to the rule of law and the role that it plays in both opera and legal practice. As many legal and political theorists have pointed out, the rule of law is a multifaceted concept and cannot easily be reduced to a single definition. The rule of law also requires, or is intimately connected to a range of other important ideals and principles, such as: equality and impartiality, freedom of expression and other fundamental rights, judicial independency, fair trial, public accountability and transparency, commitment to democratic deliberation. In operas these principles can be challenged often in combination with morals, ethics and duties, like in Bizet's *Carmen*, 1875, when Officer Zuniga commands the soldier Don Jose to escort Carmen to prison due to a criminal offence, and Carmen charms Don Jose into letting her escape.

A musical language carries the dramatic situation, while the music also contributes to the creation of a special character of a lawyer, a notary or a judge. Sometimes the music in itself will be the determining factor for the understanding of a certain role.

Identity - choice or assignment?

To identify and analyse the development and perception of the identity of lawyers in society as well as in operas, it is important to consider the distinction between choice and assignment. One can ask: who chooses a given identity, and to whom is it assigned? This dichotomy plays an important role when investigating the actual identity perceptions of lawyers. Individual lawyers choose a lifestyle and form a practice related to professional organisations. These organisations impose a set of national and international regulations that have a major impact on individual lawyers (Høedt-Rasmussen 2014, Chapter 4). Apart from this construction, groups or individuals far away from the legal context create pictures of the reputation and standardized perception of lawyers. These reputations are expressed through performing art, like theatre, film, multimedia, ballet and opera. There will be a constant interaction between the identity and the reputation, a reflection and adaptation between an internal perspective and an external perspective. In reality as well as in operas one is not born a lawyer, but will become a lawyer.

The opera lawyer must fulfil some expectations of the public to be recognized as a lawyer, which in itself reveals that the identity of a lawyer is a mere construction. In the operatic work the lawyer is shaped by a team and based on many sources. The *composer* interprets the text for the singer and for the musician. This interpretation is supported by the music in creating pictures. *Music* can create all feelings through the voice, dynamic, rhythm, speed, fermatas, pulse, pauses, gesture and posture. Furthermore the choice of instruments and choice of solo song, duets, trios, quartets or choirs plays a role. The *director* takes part in the casting. If a lawyer is needed it is important to find out how this lawyer must look and sound, e.g. high or low voice, tenor or bass. The *conductor* has great influence on the actual performance. The *design team*, *stage director*, *set designer* and *costume designer* agree on a visual concept for the opera. *Other experts* may influence how the lawyer is perceived like the *choreographer* and the *make-up and hair dresser department*. Where actors chose their own 'music', find their own rhythms, speed, and can decide when to pause or stop, the opera singer cannot chose, but must follow what the composer has written. When the *singer* is familiar with the score and has learned the role by heart, then the singer is ready to join the group and can hope to get some influence on his or her own character working with the director, conductor and the rest of the singers. The psychological and dramatic work starts. The tools of the opera houses used for creating an identity can be found in law firms where individualisation has led to a diversity of identities, which are supported by choices of lifestyle, performance, voices, hairdressing, clothes and accessories (Høedt-Rasmussen, 2014, Chapter 5).

The role of lawyers in reality and in operas

Lawyers and judges are well-known figures in society and possess some common characteristics. Within the European Union it is possible to depict the ideal lawyer from legal sources; the question is whether this ideal is reflected in operas. Today it is an illusion to talk about one lawyer identity. Still lawyer roles are constructed to provoke or entertain, and hereby operas performed today inspire for further development of lawyers' identity, broadly understood as lawyers, judges, notaries etc. It has been said that lawyers are like opera singers, because they love the sound of their own voices.

Lawyers can be seen as warriors combatting for social justice or independent trusted advisers fighting for their clients within the law and with a consciousness of their societal responsibilities. Are lawyers members of a strong profession, with a collective vocation committed to ethical behaviour and access to justice for everyone? Is the ideal lawyer's professional identity built on the common values of the profession, reflecting charismatic, authentic and incorruptible characteristics of individual lawyers who maintain high ethical standards in courtrooms, in business and in public and private life?

The legal profession, broadly understood as lawyers with a diversity of societal and private functions, is under pressure from various potential and sometimes contradictory developments. Some parts of the profession tend to build fences around traditions and privileges, while others are willing to see new content and new models for lawyering. Lawyers, either losing their way or changing their identity, have been some of the more recent topics in legal sociology (Macfarlane, 2008). There have been some studies on the roles and identity of judges, combining law and sociology (Hammerslev, 2003) and other studies of identity development amongst lawyers. Identity changes can be found in operas concerning the role of lawyers as a reflection of identity developments in reality and vice versa.

Lawyers and judges are generally rather badly depicted in operatic works. Often they are ridiculous, despotic, dishonest and pedantic. They are normally dressed in black. The characteristics are supported or even installed by the composer in the choice of voices, instruments and interpretations. Before or along with the composing work, a librettist has adapted a story into poetic words. The music can reveal inner feelings and conflicts, often more nuanced than could be done by words (Claesson, 2014).

People in the legal world live in hierarchies. A hierarchy socialises and makes that lawyers adapt and adjust to a system and a certain role. Power and hierarchy may create inequality, while the ambition of law often is to prevent inequality, which is a major paradox. In

literature, this paradox is seen in Orwell's *Animal Farm*: 'All animals are equal, but some animals are more equal than others' (Orwell, 1945, p. 203).

When lawyers are organized in systems and hierarchies it appears that they fundamentally accept law and order, but once they are a part of the normative systems, once they are absorbed, one may wonder whether they still have an interest in questioning the system and its efficiency. Literature and music dare to raise the question and therefore literature is often subversive and confronting, likewise operatic works. Often this may be irritating for those who are in power. However, opera and other arts have also been used as tools for those in power, but there has always been literature and opera opposing and challenging power. When the agent-structure relation among lawyers in relation to society has stiffened, artistic powers can question what was not supposed to be questioned (Voorhoof & Høedt-Rasmussen, 2007).

What to do at the societal level

The legal profession is one of the classic liberal professions, which were called 'status professions'. Only since the 18th century lawyers started to build up their professional identity by establishing professional organisations (Brante, 1988, pp. 119-142).

When looking at the interaction between lawyers and opera it is inevitable tempting to look for real court cases. One opera has attracted special attention from the European Court of Justice (ECJ), namely in *Land Hessen v. Ricordi*, 2002. The preliminary ruling by the ECJ concerned the right to have the opera *La Bohème*, by the Italian composer Giacomo Puccini, performed in the 1993/1994 and 1994/1995 seasons in the *Staatstheater* (State theatre) in Wiesbaden in the Land Hessen (Germany). A question on this matter was raised in proceedings between the Land Hessen and G. Ricordi & Co. Bühnen- und Musikverlag GmbH (hereinafter Ricordi), a firm publishing musical and dramatic works. The case concerned more precisely the discussion, at that time, whether the work of Puccini, who died in 1924, was protected in Germany for a period of 56 years after the author's dead (the Italian term of protection, at the time) or whether the protection term of 70 years needed to be applied (the German term of protection). During the 1993/1994 and 1994/1995 seasons, the Staatstheater in Wiesbaden staged a number of performances of that opera without Ricordi's consent.

Ricordi argued before a *Landgericht* (Regional Court, Germany) that, in the light of the prohibition of discrimination on grounds of nationality in the EC Treaty, Puccini's works were necessarily protected in Germany until the expiry of the 70-year term prescribed by

German law, that is, until 31 December 1994. The ECJ confirmed this interpretation. In this case lawyers and judges decided under which conditions an opera could be performed.

The legal profession's monopolies and its common code of conducts are under pressure. Lawyers work together with experts in other domains, such as ICT engineers, economists, financial advisers, insurance experts, psychologists, consumer advocates, labour representatives and environmental experts. Not only practising lawyers are under attack. This development puts further pressure on court systems and judges. Scandinavian socio-legal studies which focus on developments in the judiciary system, such as the research carried out by the Norwegian professor Vilhelm Aubert (1976) have shown that also judges are losing their central position to other professions. This is due to emergence of ADR, arbitration and mediation, and because administrative councils and regulatory bodies or agencies have the competence to make final rulings. Margareta Bertilsson has examined similar developments in the legal system in Sweden, and has found striking similarities with the developments described by Aubert. In Denmark, Dalberg-Larsen has studied the influential role of lawyers in society and has also come to the conclusion that judges in particular have lost influence in society. He observes, however, that they are finding new roles, especially in the context of internationalisation (Dahlberg-Larsen, 2005).

Turning towards the opera to investigate the societal tasks of opera lawyers and hereby answer the question 'what to do', it seems that themes concerning the maintenance of law and order, and upholding institutions in the judiciary and penal system such as courts and prisons have priority. Courts are found as a setting in many operas: Gilbert & Sullivan wrote in 1875, in *Trial by Jury*, which has a satirical approach to the legal system and to the judges and lawyers in the play, like it is seen and heard in the Judge's Song. Judges and courts also appear in operas like Benjamin Britten's *Peter Grimes* (1945), and *The Adventures of Pinocchio* (2007) by Jonathan Dove. Prisons are seen in classical operas such as *Faust* (1859) by Charles Gounod and in Puccini's *Tosca* (1900). Also in Bizet's *Carmen* (1875), the prison plays an important role as an institution. In more recent work like Brecht's *The Threepenny Opera* (1928), Scene Six (Act Two) takes place in a prison, the Old Bailey. Operas will certainly be connected to the time where they were composed, but all operas in this article are performed today and often in new settings and interpretations. These interpretations might give opera lawyers new societal functions.

How to act within common norms of a legal practice

Having discussed the societal tasks, both for lawyers in reality and opera lawyers, the next step is to look at a few organizational and behavioural characteristics of lawyers. Organising a professional community, like the legal profession, is a constitutive act, which establishes common norms, a common professional language and an agreed 'truth' about what is right and wrong in a variety of questions about the nature of justice and which conduct is to be sanctioned within the profession. The legal profession has the characteristics of a 'constellation' or societal installation, which include: sharing historical roots, having related professional activities and serving a cause or belonging to an institution (Wenger, 1998, pp. 127-129). The individual lawyer can be squeezed between the professional norms, personal beliefs and attitudes, while they are contributing to the practices of their communities. 'Practice' is a term which can have different meanings in different fields. In relation to lawyers and the development of identity, 'practice' refers to the social structure that reflects shared learning and common norms. These predictable attitudes make lawyers recognisable. According to Wenger (1998, p. 47) it includes: 'the language, tools, documents, images, symbols, specified criteria, codified procedures, regulations, and contracts that various practices made explicit for various purposes'. It also includes all implicit relations, tacit conventions, subtle cues, on tool rules of thumb, recognizable intuitions, specific perceptions, well-tuned sensitivities, embodied understandings, underlying assumptions and shared world views. This gives the word 'lawyer' some immediate associations. Different lawyers are often interrelated, for example the judge is dependant from lawyers representing the parties in court, as the court case only can be completed when all are playing their proper roles.

Today's lawyers have common ethical rules and in their self-understanding most act with honour and dignity and with severe societal obligations. The artefact of the European lawyer is characterized by Ramon Mullerat, former President of the Council of the Bars and Law Societies of the EU (CCBE), who made important contributions to portraying the European lawyer as a 'good lawyer' committed to a global responsibility (2013, pp.1-8). He encouraged lawyers to contribute to the betterment of the world and emphasised the important role of lawyers in the modern globalised society. Mullerat saw lawyers' tasks as smoothing out difficulties, relieving stress, correcting mistakes, taking up others' burdens and contribute to peaceful life in a peaceful state. Mullerat disagreed with presenting lawyers as 'sharks', 'hired guns' or 'gladiators' fighting to annihilate their adversary, prepared to defend any cause depending on the fee. He argued in support of the model of a lawyer as a solution-finder or peacemaker. Being aware of the differences between lawyers in the different European States, Mullerat stated: 'In spite that the fundamental mission of all lawyers in the world is the defence of the rights and liberties

of the citizens and that their fundamental functions are legal representation in court and legal advice, the reality is that the identity, training, ethics, organization and methods of practice vary significantly from one country to another' (2013, p. 5).

The picture of lawyers representing honour and dignity is not found in general in classic operas. Nevertheless, opera can support the international development of new lawyer identities, as many operas are well-known if not worldwide, then in the western world.

According to the European artefact, practicing lawyers must act as the client's man who acts with honour and dignity following a strict set of ethical rules (CCBE, 2008). This professional commitment to honour and dignity is not recognized in opera. Rather the opposite. An example of the lawyer-client relation is found in *The Bat* (*Die Fledermaus*, 1874) where the lawyer with the significant name Dr. Blind assists his client Eisenstein in the most ineffective way, which results in his client being detained a few extra days in jail.

'How to act' also includes the practice of asking a fair fee. In Gershwin's *Porgy and Bess* (1935), the lawyer offers Bess a divorce for a dollar, but when Bess tells him she was never truly married the price rises to \$1.50.

It must be assumed that the legal profession and all its members cannot be satisfied with this interpretation of the lawyer-client relation.

Who to be as a human being

Lawyers often express firmly what they find right and wrong. A global frame makes it more difficult to define what is right. Considerations about the ideal of justice, which in its essence is based on law and order, ask for questions about which law and which order. The legal profession individualizes and in relation to the identity of lawyers, it is relevant to analyse and consider 'Who am I?', 'Who are we?' and 'Who do they think we are?'. Developing a professional identity is an ongoing process in the relations between the self, the group of lawyers and the surrounding society including all kinds of art that functions as a kind of sounding board for the individual (Alexander 2011, pp. 1-20). In this interaction norms develop and reflect roles and tasks. The relations between lawyers at stage in an opera and lawyers in another reality, like court rooms, influence each other. This dialogue supports the development of new competences of individuals or of the profession, and affects the identities both of individuals who are aligned with the group and individuals who distance themselves from it. In the imagination of societal and individual developments opera can either support or contradict existing powerful groups

and point towards a more respectful society based on other fundamental principles for human beings, animals and nature.

People of the law exercise power and influence. It is a profession wanting to use power. It is a profession where a number of members often are keen on exercising their power. However, according to Giddens, the self is perceived as internally referential, where personal integrity is seen as the achievement of an authentic self. Lawyers might be seen as the embodied mediation between societal tasks and subjective orientation. On this basis, Giddens talks about 'lifestyle', which can be defined as a more or less integrated set of practices which an individual embraces. In this context, lifestyles are to be understood as: 'routinised practices, the routines incorporated into habits of dress, eating, modes of acting and favoured millieux or encountering others' (Giddens, 1991, p. 81).

In operatic work the men in power with a legal background are often portrayed as curtailed, one-dimensional, convinced of their own legitimacy as community support and pedantic, petty and crafty. With these pictures operas make it possible to question the power. The stronger the power is, the more dangerous it becomes to question its legitimacy. The more power one has, the bigger the resistance will be to act in a way where there is a risk to lose the power; but what will one lose if power is never under debate? Below a few important lawyers in operas are analysed.

Identity of a lawyer or a judge in an opera

In the following analysis, after a short introduction, an attempt is made to identify the role and identity of a few specific figures in operas, related to their role in society, their relation to the legal profession and their characteristics as human beings. The first lawyer figures appeared in *Commedia dell'arte* from 1518, where '*Il dottore*' had a dominant position. '*Il dottore*' was sometimes a lawyer, sometimes a doctor. At the societal level he (it was always a male) gave body to satiric attitudes and fun making with the people in power. Freedom of expression, the right to criticise and make parodies of the authority, was allowed in this theatre setting. The legal profession as such did not exist at that time and at the personal level. *Il dottore* was a locally well-known person, a disruptive chatterer who does not listen to anyone else from any of the fields that he claims to know about, which is many (medicine, law etc.). He is traditionally portrayed as having been educated either in Bologna or Padua, which since the Renaissance have two of the most prestigious universities of Europe. He is often rich. He is extremely pompous, and loves the sound of his own voice and he pretends to speak Latin and Greek. In the period from 1500 to 1600 '*Il dottore*' was a *Commedia dell'arte* figure with a particular mask. It was the only

Commedia dell'arte mask, which only covered a quarter and where the nose was often pressed to give the impression of a pig. It was important that the mouth was free from the mask, as a significant characteristic of '*Il dottore*' was his talkative appearance.

The baroque opera (late 1500s-early 1700s) had dancers and opera singers unfolding the mythology and beauty to please the dukes of the time, who wanted to be reaffirmed in their positions. The performances resembled classical Greek dramas with heroes, gods and goddesses and no place for lawyers.

The 18th and 19th century operas introduced a tremendous number of notaries or similar legal figures. Their societal tasks were most often to administer the signing of marriage contracts or a will. The early opera lawyer, notaries or judges often play inferior roles. Regularly, they had only few notes to sing, a recital or a mute presentation. They are now presented as member of a profession given some common characteristics. At the personal level they are often without a name but just 'a notary', 'a lawyer' or 'a judge' fulfilling some technical tasks on behalf of society. Nevertheless, some operas were considered dangerous or offending to such a degree that they were censored and could not be shown. That happened in 1792, when Antonio Salieri wrote the opera '*Catilina*', in which Cicero and Cato both are pictured as caricatures in a satirical frame. It can be discussed whether Cicero is more a politician than a lawyer in this opera. *Catilina* was censored until 1994, when it was performed in Germany (Schneider, 2014).

The 20th century introduced some lawyers with more considerations about justice and individualized personalities, more as human beings than just being 'a lawyer' or 'a judge', as seen later in the analysis of Britten's *Peter Grimes*. In Germany Brecht's lyrics, set to music by Kurt Weill, have made *The Threepenny Opera* (*Die Dreigroschenoper*, 1928), which underscored the hypocrisy of conventional morality imposed by the Church, working in conjunction with the established order, in the face of working-class hunger and deprivation. Brecht and Weill gave dramaturgical focus to social realism and social criticism and added new dimensions to the interaction between opera and society.

Dr. Blind

Dr. Blind is a lawyer in the opera from 1874, *The Bat* (*Die Fledermaus*) by Johann Strauss (Paulik, 1976). Dr. Blind is the lawyer of the Eisenstein family. He is a tenor characterized through the music. The music supports the characteristics of the individual lawyer, who is often ridiculous with a nasal voice, thin and sharp, nearly pedantic and his text is a monotonous. He is repeating all words pretending to have a substantial legal knowledge

presented in an artificial legal language with a touch of Latin. Words like ‘*rekurrieren*’, ‘*appellieren*’, ‘*reklamieren*’, ‘*revidieren*’, ‘*rezipieren*’, ‘*subvertieren*’, ‘*devolvieren*’, ‘*involvieren*’, ‘*protestieren*’, ‘*liquidieren*’, ‘*exzerpieren*’, ‘*extorquieren*’, ‘*arbitrieren*’, ‘*resumieren*’, ‘*exkulpieren*’, ‘*inkulpieren*’, ‘*kalkulieren*’, ‘*konzipieren*’, dominate the original text and support the creation of a lawyer. As mentioned above, Dr. Blind’s stupidity and malpractice lead to longer imprisonment for his client. This compromises the lawyer’s role as an agent of justice at the societal level, and it creates mistrust in relation to the legal profession. It also portrays a human being with a big ego and a ridiculous arrogance, a cliché or a caricature.

Mr. Swallow from Peter Grimes

Mr. Swallow is the lawyer in the opera *Peter Grimes* by Benjamin Britten (Stein, 1945). Peter Grimes, a fisherman, is questioned at an inquest over the death of his apprentice. The townsfolk, all present, make it clear that they think Grimes is guilty and deserves a punishment. Although Mr. Swallow determines the boy’s death to be accidental and clears Grimes without a proper trial, he advises Grimes not to get another apprentice. Peter Grimes has neither been prosecuted, nor acquitted, because the community including Mr. Swallow has already judged him. He has the societal authority to act. Grimes, however, engages a new apprentice and the talk of a bruise on the boy’s neck makes the townsfolk evolve into a mob to investigate Grimes’s hut. When the mob reaches the hut, Grimes is gone, and they find nothing out of order, so they disperse.

During the opera Mr. Swallow is presented as the efficient administrator of justice, as partying drunk at night hunting girls, with an authentic authority when his sense of fairness is threatened. A slight touch of fair trial is found as Mr. Swallow’s music suddenly changes when he realises that he cannot find anything out of order in the hut of Peter Grimes. The music turns into a friendly, kind and pleasant melody accompanied by a bassoon and a tuba. But it only lasts for seven bars, very short (Christiansen, 2014).

Benjamin Britten uses the music as a fast drawing of all persons, present in the court room, where the opening scene takes place (Padmore, 1993, p. 16; The Royal Danish Theatre 1993). Concerning Mr. Swallow this is done through aggressive, jumping intervals, energetic and factual without exposing too many feelings. During the interrogation Mr. Swallow is often accompanied by instruments like woodwinds and brass with staccato, which create detached and separated words leading towards a verdict. By contrast, the accused Peter Grimes is accompanied by strings playing legato, smoothly and connected expressions. Mr. Swallow has an omnipotent role at the societal level, and represents a mixed character in the relation between his professionalism and his personal weaknesses.

Jane Utterson from *Dr. Jekylls advokat*

The last example originates from a world premiere in Denmark in March 2014 at *Den Fynske Opera*, of a new written opera, in Danish, '*Dr. Jekylls advokat*'. The music is composed by Niels Marthinsen and the libretto is written by Eva Littauer. Jane Utterson, a female lawyer, plays the main character. She represents a disruption with the classical male lawyer. Her legal work requires strong involvement, not only in terms of expertise and content, but also with regard to interpersonal relations in the sphere of legal practice. A lifestyle perspective, like that of Giddens, connects the subjective dynamics of the professional with the human being's practical reality from experience and lifestyle choice. The more individualized character of a lawyer which is found among real lawyers is presented in the role of Jane Utterson. Her personal life dominates her professional life; she starts an educational journey including her development as a human being, as a lawyer and as a woman. She appears vulnerable and is one, who has not yet experienced lust or love. Her private matters are revealed and the main impression is that her professional life and private life, the conscious rationality and her emotions and lust must merge in a holistic meeting. She is the lawyer of Dr. Jekyll and represents a totally new lawyer identity (Littauer, 2012). This reflects the diversity of identities, which has developed in postmodern times. The societal role becomes blurred and the norms of the profession are heavily influenced by personal and even intimate considerations.

The relation between opera and lawyers goes further, as seen in the next part, where judges from the U.S. Supreme Court play the main roles in a recent opera. This can be considered as an advanced dialogue between law and opera in which the personalities of the judges form the dramatical framework.

Real judges in real opera

Two well-known and influential associate justices of the Supreme Court of the United States have lend names and personal characteristics to a very special new comic opera titled *Scalia Ginsburg* by the multitalented composer Derrick Wang, who graduated from the University of Maryland Law School (ABA, 2013).

Ruth Joan Bader Ginsburg (born 1933) is an Associate Justice. She is the second female justice and first Jewish female justice of the U.S. Supreme Court. She is generally viewed as belonging to the liberal wing of the Court. Before becoming a judge, she had a legal career as an advocate for the advancement of women's rights as a constitutional principle. She advocated as a volunteer lawyer for the American Civil Liberties Union. Antonin Gregory Scalia (born 1936) has been described as the intellectual anchor of the Court's

conservative wing. He has served on the Court since 1986, during which time he has established a solidly conservative voting record and ideology, advocating textualism in statutory interpretation and originalism in constitutional interpretation.

Many of the lyrics come from opinions and speeches of the judges. From Justice Scalia's rage aria, it sounds:

*The Justices are blind
How can they spout this
The Constitution says
Absolutely nothing about this!*

While the opening aria of Justice Ginsburg is:

*Dear Mr. Justice Scalia
You are searching in vain for a bright line solution
To a problem that isn't so easy to solve
But the beautiful thing about our Constitution
Is that, like our society, it can evolve.*

The theme is, in Justice Ginsberg's understanding, how two people with notably different views on constitutional interpretation can nonetheless respect and genuinely appreciate each other. This mutual respect can be seen as a precondition for having an open dialogue.

Transitions - law and opera can evolve society

The importance of the traditionally strong professions, such as priests, doctors and lawyers, is diminishing. If the general trend is that lawyers are under pressure from other professions or experts, while their exclusive rights, monopolies and privileges are diminishing, one can ask if that will lead to less lawyers in opera. When looking at the various opera lawyers above it seems that the individualisation and more multifaceted lawyer has appeared in recent operatic works. It must be kept in mind that an opera lawyer is a construction made for a specific performance. Even though the music and the libretto is the same, an analysis of an opera lawyer is connected to the creation shaped by the composer, the instrumentation, the conductor, the design team including sets and costumes and the personal expression of the actual singer.

To conclude: The legal profession is old and well-established and actually under transition; opera is an expressional art also under constant development. In a globalized society ideological differences of operatic calibre can be seen, like in the *Ginsberg/Scalia* opera. In the interaction between law and opera, which definitely exists, the opera lawyers reflect real lawyers but will often create a counter-image that many will distance themselves from, and hopefully use to reflect on their task in society, their commitment to a profession and responsibility for who they are and which criteria they have chosen for exercising legal power. The representation of other types of lawyers in opera can through exaggeration create new images of lawyer and the structure of what to do, how to act and who to be is found both at the opera stage and in real life, where lawyers in both settings are struggling with the latter question: who to be? The answer cannot be found solely in a professional legal setting.

A plea for more poetry, literature and music will help to make the people of the law dream and raise questions both to society and to themselves with more hesitation and more nuances; with more doubt and more compassion; more uncertainty and therefore more need for sense of purpose and meaningfulness in a process of reflection. In the latest operas lawyers and judges are less stereotyped and in search of a personal identity.

Judges, lawyers and lawmakers have sometimes succeeded to extend the borders of reality. They might realize at a societal level, what once was a fiction, in the understanding of Giddens, that they are actors changing reality. Legal work can open new doors and help lawyers to grasp their professional dreams or the dreams of others. Also theatre and opera might bring to life what people were only seeking in their dreams. In this ongoing process law and opera are closely connected.

Annex:

Titel	Composer	Libretto	First Performance	Role and voice type	Time and Place
The Bat/ Die Fledermaus	Strauss, Johann	Carl Haffner, Richard Genée, after the Vaudeville "Le réveillon" by Henri Meilhac, Ludovic Halévy	1874 Vienna	Dr. Blind A lawyer (tenor)	1875 In a spa near a large city
Peter Grimes	Britten, Benjamin	Montagu Slater	1945 London	Swallow A lawyer (bass)	Around 1830 England
Dr. Jekylls Advokat	Marthinsen, Niels	Eva Littauer	2014 Odense, Denmark	Jane Uttersson Lawyer (dramatic mezzo-soprano)	1950s London
Carmen	Bizet, Georges	Henri Meilhac, Ludovic Halévy Based on the novella by Prosper Mérimée	1875 Paris		Around 1820
La Bohème	Puccini, Giacomo	Giuseppe Giacosa, Luigi Illica. Based on "Scènes de la vie de Bohème" by H. Murger, Th. Barrière	1896 Turin		1830 Paris
Trial by Jury	Sullivan, Arthur	W.S. Gilbert	1875 London	The Learned Judge (comic bariton) Barristers, Attorneys	1875 Court of Exchequer
The Adventures of Pinocchio	Dove, Jonathan	Alasdair Middleton Based on novel by Carlo Collodi	2007 Leeds	Judge (bass)	Toscany
Faust	Gounod, Charles	Jules Barbier, Michel Carré Based on Carré and Goethe	1859		16th century
Tosca	Puccini, Giacomo	Giuseppe Giacosa, Luigi Illica, based on the play "La Tosca" by Victorien Sardou	1900 Rome		1800 Rome
Threepenny Opera	Weill, Kurt	Bertolt Brecht	1928 Berlin		Victorian London
Porgy and Bess	Gershwin, George	DuBose Heyward Ira Gershwin	1935 New York City	Simon Frazier (bariton)	1930 S.Carolina
Catilina	Salieri, Antonio	Giovanni Battista Casti Composed 1792	1994 Darmstadt first time on stage		Around 100 B.C. Italy

Scalia/Ginsburg	Wang, Derrick	Derrick Wang	2013 U.S. Supreme Court	Justice Ginsb. (Soprano) Justice Scalia (tenor)	Our time
La Fille du Régiment	Donizetti, Gaetano	Jules Henri Vernoy de Saint-Georges, Jean-Francois Bayard	1840 Paris	Notary (spoken role)	1805 Tyrol
Don Pasquale	Donizetti, Gaetano	Giovanni Ruffini Michele Accursi/ AngeloAnelli	1843 Paris	Notary (bass)	Around 1750 Rome
Martha	Flotow, Friedrich Freiherr von	Wilhelm Friedrich (pseudonym for Friedrich Wilhelm Riese)	1847 Vienna	The Judge of Richmond (bass)	England During the reign of Queen Ann 1702-1714
The Makropulos Case/Affair	Janáček, Leos	Leos Janáček after Karel Capek	1926 Brno	Dr. Kolenaty, a lawyer (bass-bariton) Vitek, clerk (tenor)	1922 Prague
The Marriage of Figaro	Mozart, W.A	Lorenzo da Ponte Based on the play "Le Mariage de Figaro " by Pierre-Augustin Caron de Beaumarchais	1786 Vienna	Don Curzio, notary (tenor)	1778 Spain
Così fan tutte	Mozart, W.A.	Lorenzo da Ponte	1790 Vienna	Notary The maid Despina disguised (soprano changing her voice)	Middle of 18th century Naples
Gianni Schicchi	Puccini, Giacomo	Gioacchino Forzano, after Dante	1918 New York	Ser Amantio di Nicolao Notary (bariton)	1299, Florence
The Barber of Seville	Rossini, Gioacchino	Cesare Sterbini Based on the play "Le Barbier de Séville" by Pierre-Augustin Caron de Beaumarchais	1816 Rome	Notary (silent)	Middle of 18th century Seville, Spain
Proces Kafka/ Kafka's Trial	Ruders, Poul	Poul Bentley, original English libretto. Adapted from Franz Kafka's original German text	2005 Copenhagen	Judge city court (tenor). Advokat Huld, lawyer, (bass) Examining Judge (bariton)	1912-1914 Prag
Der Rosenkavalier	Strauss, Richard	Hugo von Hofmannsthal	1911 Dresden	Notary (bass)	Around 1740 Vienna

Un Ballo in Machera	Verdi, Giuseppe	Antonio Somma, after dramma "Gustave III" by Eug. Scribe	1859 Rome	Judge (tenor)	End of the 17th century Boston
The Beggar's Opera	Pepusch, J.C.	John Gay	1728 London		1728 London

The following list shows in which order the operas appear in the article:

1. The Bat, 2. Peter Grimes, 3. Dr. Jekylls advokat, 4. Carmen, 5. La Bohème, 6. Trial by Jury, 7. The Adventures of Pinocchio, 8. Faust, 9. Tosca, 10. Threepenny Opera, 11. Porgy and Bess, 12. Catilina, 13. Scalia/Ginsburg.

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Online inspiration

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- <http://operabase.com/index.cgi?lang=en>
- <http://www.arkivmusic.com/classical/main.jsp>
- The drawings by Daumier have been a source of inspiration.