



Madama Butterfly: Law in Opera

Freedman Eric

Pour citer cet article

Freedman Eric, « Madama Butterfly: Law in Opera », *Cycnos*, vol. 19.2 (Droit & littérature), 2002, mis en ligne en 2021.

<http://epi-revel.univ-cotedazur.fr/publication/item/857>

Lien vers la notice <http://epi-revel.univ-cotedazur.fr/publication/item/857>

Lien du document <http://epi-revel.univ-cotedazur.fr/cycnos/857.pdf>

Cycnos, études anglophones

revue électronique éditée sur épi-Revel à Nice

ISSN 1765-3118 ISSN papier 0992-1893

AVERTISSEMENT

Les publications déposées sur la plate-forme épi-revel sont protégées par les dispositions générales du Code de la propriété intellectuelle. Conditions d'utilisation : respect du droit d'auteur et de la propriété intellectuelle.

L'accès aux références bibliographiques, au texte intégral, aux outils de recherche, au feuilletage de l'ensemble des revues est libre, cependant article, recension et autre contribution sont couvertes par le droit d'auteur et sont la propriété de leurs auteurs. Les utilisateurs doivent toujours associer à toute unité documentaire les éléments bibliographiques permettant de l'identifier correctement, notamment toujours faire mention du nom de l'auteur, du titre de l'article, de la revue et du site épi-revel. Ces mentions apparaissent sur la page de garde des documents sauvegardés ou imprimés par les utilisateurs. L'université Côte d'Azur est l'éditeur du portail épi-revel et à ce titre détient la propriété intellectuelle et les droits d'exploitation du site. L'exploitation du site à des fins commerciales ou publicitaires est interdite ainsi que toute diffusion massive du contenu ou modification des données sans l'accord des auteurs et de l'équipe d'épi-revel.

Le présent document a été numérisé à partir de la revue papier. Nous avons procédé à une reconnaissance automatique du texte sans correction manuelle ultérieure, ce qui peut générer des erreurs de transcription, de recherche ou de copie du texte associé au document.

EPI-REVEL

Revue électronique de l'Université Côte d'Azur

Madama Butterfly: Law in Opera

Éric Freedman *

Opera libretti may also be texts of law and literature. Seeing *Madama Butterfly*¹ and reading the libretto² the opera appears to be about one quarter love and three-quarters law. We shall look at the case of *Madama Butterfly*, originally a brief news item, then a magazine story (written moreover by an American lawyer, John Luther Long), a stage play and finally an opera. It is a story of love and abandonment. An analytic grid could see in it colonialism and imperialism, sexism and cynicism, child prostitution and paedophilia, child abandonment, bigamy and recurring suicide.

It is a story of transgression and trust. A 15-year-old former geisha is considered to have transgressed by “marrying” outside her own people and culture, by “marrying” U.S. Navy Lieutenant Pinkerton. She trusted in Pinkerton, and in what she perceived as a marriage with an American citizen, albeit arranged, but opening the doors for emigration to the U.S.A. Pinkerton may be said to have transgressed marital morality in marrying a second time in America, thus bigamously, by denying the perennality of Japanese marriage laws. He trusted in the understanding of *Madama Butterfly*, a rented child bride, as to this behavior.

* Université d'Orléans et Institut Français de Gestion, France.
E-mail: <e.freedman@voila.fr>

- 1 The idea first came to me of writing a paper on *Madama Butterfly* during my brief visit to New York for Richard Weisberg's Law and Theater colloquium at Cardozo Law School in April 1999. One evening, I saw a performance of Giacomo Puccini's *Madama Butterfly* at the New York City Opera at the Lincoln Center (see the programme in *Stagebill* (New York City Opera), April 1999. Notes by Mary Lou Humphrey, pp. 20 and 37).
- 2 The English language libretto referred to here is the bilingual Italian/English version: *Madama Butterfly*, libretto by L. Illica and G. Giacosa. English version by John Gutman (New York: G. Schirmer, 1963). French language libretto: *Madame Butterfly*, traduction française de Paul Ferrier (Paris: G. Ricordi, 1906). A more recent French translation is the bilingual Italian/French version: *Madame Butterfly*, livret traduit par Yvelaine Duault (Paris: L'Avant-Scène Opéra, 1983, 1997 and L'Avant-Scène Opéra, Editions Premières Loges, 1995, based on the Italian version, G. Ricordi, 1907).

Our contention is quite simply that there is law in this opera, and that it is *Madama Butterfly's* misunderstanding of both Japanese and American laws, or rather her understanding that a form of Japanese legal marriage, albeit purchased, has the same validity as a U.S. legal marriage, which leads to tragedy. We shall outline the elements that make up this case and touch briefly upon the following points: a summary of the libretto; reference to the source material which already contains many of the legal aspects; the late nineteenth-century Japanese historical context; references to the law sung by the characters.

The libretto was written and rewritten by 43-year-old Luigi Illica (9 May 1857–16 Dec. 1919) who established the general broad structure, and 53-year-old Giuseppe Giacosa (1847–1906) who wrote the poetic text. Puccini (1858–1924) finally completed the opera by the end of December 1903. The original opera (in two long acts of one and one and a half hours each) was a shouted out failure on its opening night at La Scala, Milan on 17 February 1904, but was successful in Brescia on 28 May 1904, in its shorter version (by around 30 orchestral score pages or 300 measures: a reduced wedding scene, the second act divided into two, centering more on a tragic *Butterfly*, with added music for a shortened *Pinkerton's* text, his American wife *Kate's* text being reduced to a minimum). The usually accepted text is that of the Paris *première* at the Opéra Comique on 28 December 1906.

Act one: U.S. Navy Lieutenant Benjamin Franklin *Pinkerton*, through the intermediary of a broker *Goro*, takes a 999 years lease, apparently revocable on a month's notice, both on a home overlooking *Nagasaki* harbor, and on a 15-year-old Japanese girl, forced by family circumstances to become a geisha, *Cio-cio-san* (*Madama Butterfly*) whom he marries, in a ceremony performed by an Imperial Commissioner, witnessed by *Sharpless*, the American consul, but cursed by *Butterfly's* uncle, a Buddhist priest. However, *Butterfly* is comforted and love is proclaimed.

Act two: *Butterfly* awaits *Pinkerton*, gone for three years, and, known to the consul, married to *Kate*, an American. The consul's attempt to impart this information is interrupted by the visit of a potential and rejected suitor, *Yamadori*. *Butterfly* only realizes her abandonment gradually, but is sure *Pinkerton* will return on learning they have a son called "*Dolore*" (called *Sorrow* or *Trouble* in the original short story) and admits she would rather die than return to her geisha status. When *Pinkerton's* ship does arrive, she and her maid *Suzuki* await his return.

Act three: *Pinkerton*, his wife *Kate* and *Sharpless* ask *Suzuki* for the boy. *Butterfly* agrees to surrender her child if *Pinkerton* comes for him, and then kills herself with the dagger her own father had committed suicide with, before *Pinkerton's* arrival.

Although this is not a comparative study of the sources, it is interesting to see what essential elements were or were not retained, especially the understanding of the temporary or permanent “marriage” arrangement, with its tragic consequences.

Seeking a subject, and in London in the summer of 1900 for the English premiere of *Tosca*, Puccini saw at the Duke of York Theatre, the American playwright David Belasco’s one-act play *Madame Butterfly*,³ itself based on a serialized magazine story in 15 chapters by an American lawyer from Pennsylvania, John Luther Long (*Century Magazine*, 1898). This story was derived in part from an incident told by Long’s sister, Mrs Correll, the wife of a missionary stationed in Nagasaki, and from Pierre Loti’s novel *Madame Chrysanthème* (1887). In what we might call full “Japonaiserie”, American and European impressions of Japan being in fashion, Puccini immersed himself in Japanese culture and music, and so *Madama Butterfly* is an integral part of this *fin-de-siècle* movement,⁴ which reached its height between 1880 and 1914.

Between 1867 and 1914, more than 150 writers and travellers published memoirs on their Japanese stay⁵, including Lafcadio Hearn (who married a Japanese bride, changed his name to Koizumi Yakumo and became a Japanese citizen), *Glimpses of Unfamiliar Japan* (London, Kegan Paul, 1894) and *Japan: an attempt at interpretation* (New York, Macmillan, 1904), where he speaks of girl-children sold into brothels, classified into 5 classes, with Americans becoming acquainted with them. Guidebook writers of the Meiji period are said to describe this, although my own original Japanese Chamber of Commerce guide of 1907 for Americans does not mention this, but does insist on the help given by schoolgirl interpreters and guides. It is generally considered today that in the case of Japan, the male-oriented West played a role in assigning the “oriental” role to Japanese women, with the objectification of Japanese women as symbols of “Japaneseness.”⁶

3 The play had premiered in New York at the Herald Square Theater on 5 March 1900.

4 In 1867, the Paris Universal Exhibition welcomed a much visited Japanese pavillion. *Fin-de-siècle* Japanese inspired musical compositions included those by Messager (*Madame Chrysanthème*, 1893), Mascagni and Saint-Saëns.

5 According to Alain Quella-Villager in his postface to Pierre Loti, *Madame Chrysanthème* (Paris: Kailash Editions, 1996), pp. 273-287.

6 See the key article by Peter Kwan, “Invention, inversion and intervention: the oriental woman in *The World of Suzie Wong*, *M. Butterfly*, and *The Adventures of Priscilla, Queen of the Desert*,” *Asian Law Journal*, 5, 99 (1998). He considers Pinkerton to be an abuser of the Oriental Woman.

The play by David Belasco (25 July 1853–1931) is basically the third act of the opera,⁷ and renames Pinkerton's wife Kate (she was called Adelaide in Long's story).

John Luther Long (1 Jan. 1861–1927) has Pinkerton, with the aid of a marriage broker, finding both a wife and a house to lease for 999 years, denouncable at the end of every month, by neglect to pay the rent. "He explained to his wife later that he could not make other legal terms, being a mere 'barbarian'" (chapter II). The story is full of comparisons between American and Japanese women, Pinkerton calling her an "American refinement-of a Japanese product" (chapter IV), with moments of musical comedy, Pinkerton singing "Rockabye baby, off in Japan / You just a picture off of a fan." His "wife" is a joking, laughing, good humoured light hearted geisha called Cho-cho-san intent on Americanisation ("No one shall speak anything but United States languages in this house" (chapter IV)), and holding forth on American marriage and divorce laws necessitating court appearances. ("You got know at his United States America, if one is marry one got stay marry [...]. Nobody cannot git himself divorce, except in a large courthouse and jail" (chapter V); "Everybody got stay marry at United States America. No one can git divorce, except he stay in a large court-house, all full judges with long faces [...] mebbly two-four-seven year!" (chapter VII)).

In the story, the dismissed suitor Yamadori is a lawyer who is supposedly knowledgeable about the difference between Japanese and U.S. laws pertaining to marriage and adoption, "Yamadori," says the broker, who was bred to the law, tells me that our law prevails in such a matter, the marriage having taken place here. She gave a gasp, and cried like a savage, wounded animal: "Yamadori lies!" (chapter VII). The broker further informs her that "if Pinkerton returns he will probably take the child away — that is his right" (chapter VII). She has a further discussion with the American consul on U.S. divorce law necessitating court appearance (chapter IX). The geisha's "return to dance or die" statement is however said laughingly here (chapter X), her father had been killed in the Satsuma rebellion of 1891, and poverty obliged her to become a geisha ("I go and dance Diddle, so we don't starve", chapter X), although she is aware that temporary marriage arrangements do exist ("Also I thing if somebody wish me I git married for a while, account that grandmother got have food and clothings", chapter X).

When Pinkerton does return for imminent war with China, and she realises the truth from overhearing Kate, she kills herself, "to die with

⁷ David Belasco, *Six Plays* [includes *Madame Butterfly*] (Boston: Little, Brown, 1928). See website <www.angelfire.com/ny/davidbelasco> for full information on his career.

Honor / When one can no longer live with Honor.” In a 27 August 1903 introduction to a republication of the story, lawyer Long wrote, “Publishers say tell the plain people plainly how the story was born, how it went out into the world and touched the great universal heart [...] how it became a play and grand opera, the very first American story any European composer has set to music, according to those who are wise in such matters, though I don’t believe it [...].”

In Pierre Loti’s novel, *Madame Chrysanthème*, 1887, said to have been instrumental in launching Japanese subjects in western Literature, the non-permanent nature of the arranged marriage is perfectly understood by an affectionate, gentle geisha and her temporary “husband”⁸ This thinly disguised autobiographical novel tells the story of Julien Viaud (1850–1923), a young French naval lieutenant using an intermediary, M. Kangarou, in order to marry an 18-year-old geisha O-kiku-san “à la mode japonaise” (in other words, temporarily), in effect the hire purchase of a short-term mistress, considered as a “doll”, “plaything” or “entertainment”, sold by her parents for 20 *piastres* per month, with a bureaucratic signing ceremony, and an authorisation by the civil authorities to cohabit with the girl (in what is a paper-walled house), this authorisation being valid during the Lieutenant’s stay in Japan. Loti writes “Je l’ai prise pour me distraire” (p. 60). “Quatre officiers, mariés comme moi. C’est même une aventure très commune. Cela s’est fait sans dangers, sans difficultés, sans mystères, par l’entremise du même Kangarou” (p. 75). “Je l’avais prise pour m’amuser” (p. 246). Pierre Loti visited Japan twice, in 1885 and in 1900.

In addition to the above literary sources, we shall briefly look at the Japanese historical and legal context around 1880–1900. After having had a closed-door period for two centuries, Japan opened up in the mid-nineteenth century, Commander Perry’s U.S. Naval visit dating from 1853, and a U.S.-Japan agreement signed in 1854, Nagasaki port was opened to foreign trade and visits to geishas and courtesans. Woodcut prints were already showing bearded American sailors consorting with Yoshiwara prostitutes. In 1854 Townsend Harris, an American Consul, lived with a geisha Okichi, who was then abandoned and killed herself.

It was during the third decade of the Meiji dynasty (1868–1912) that there were several developments, including legislation in 1870 giving concubines the same rights as legal wives, and a proclamation to free prostitutes by cancelling their contracts and debts in 1872, but other laws limited women’s rights in 1887 (no right to divorce, but subject to easy divorce), the establishment of the conservative Constitution of 1889, with

8 Pierre Loti (1850–1923), *Madame Chrysanthème*, (1887, reedited, Paris : Kailash Editions, 1996).

a new Civil Code of limited subjects' rights, originally enacted in 1896 and 1898, of 5 chapters: General provisions, Property rights, Contracts and torts, Family relations (sections 725–881) and Succession. Only men are legally recognised, men control wives' property, only women can be punished for adultery, concubines are allowed again, wives are to be "good wives, wise mothers" (ryoso kenbo code). According to Norio Higuchi, "there has been little change since 1898."⁹ 1898 was also the year of the first American film to show a dancing Geisha, and 1899 the year of the first Japanese film. During this period, there was the war against China (Aug. 1894–April 1895, to which Pinkerton supposedly owes his return to Nagasaki). Nationalist feeling included hostility to Christianity (as we see in the case of Butterfly's uncle, although his is for presumably religious reasons).

Poor families sent their young girls to work essentially in the textile industry (90 % of the workforce, between 14 and 20 years old, producing 40 % of the G.N.P.¹⁰ (and 60 % of the foreign exchange),¹¹ (250,000 workers by 1900) where they underwent as much sexual abuse as we may surmise the young girls sold to be trained as geishas did. They had few rights and freedoms, sometimes taken by wealthy men as concubines to live with their wives, but their freedom from their owner and thus from bondage could be bought (for around 40,000 yen, in a 1902 case, where a 22-year-old geisha Oyuki (geisha since the age of 14) and an American, Mr George Morgan, were married by the American Consulate in Kobe and went to New York (Longstreet, p. 127). According to Longstreet,¹² the geisha's craft had degraded into prostitution by 1872, so laws were made to keep for true artists the right to the name "geisha." Concerning fashioning women's culture, it was during the Meiji period

9 Norio Higuchi, "Parenthood under Japanese Law", in *Frontiers of Family Law*, ed. by Andrew Bainham *et al.* (Chichester: John Wiley, 1995), pp. 95–106. On the Japanese Civil Code of 1898 see also: Sachiko Kaneko, "Struggle for legal rights and reforms: a historical overview", in *Japanese Women: New feminist perspectives on the past, present and future*, ed. by Kumiko Fukjimura-Fanselow and Kameda Atsuko (New York: Feminist Press, 1995). For a recent work on Japanese Law see Curtis J. Milhaupt (ed.), *Japanese law in context* (Harvard University Press, July 2001).

10 Gross national product (editor's note).

11 Sharon H. Bolte and Sally Ann Hastings, "The Meiji State's policy toward women, 1890-1910," in *Recreating Japanese Women, 1600–1945*, ed. by Gail Bernstein (Berkeley: University of California Press, 1991), pp. 151–174.

12 Stephen and Ethel Longstreet, *Yoshiwara. The pleasure quarters of old Tokyo* (Rutland, Vermont: Yenbooks, 1989), p. 57. See also: Robert Guillain, *Les Geishas ou le monde des fleurs et des saules* (Paris: Arléa, 1988); Lesley Downer, *Women of the pleasure gardens. The secret history of the Geisha* (New York: Broadway, 2001): 15 was the age of adulthood. She interviews 15-year-old Harumi "as perfect as a china doll."

that kimonos were invented primarily for women, and a law banning short hair for women had also been issued in 1872.

From those sources and within such a context, we can note the following legal aspects which have been brought over to the libretto:

1. *House visiting and rental agreements.* The opera begins with the future tenant Pinkerton asking questions about the rented house, whose "walls and ceilings can be easily shifted" according to the broker Goro, symbolic, of course, of the temporary relationship to come (p. 1)
2. *The legal procedure for temporary marriage.* "First the Registrar [...] your Consul General, and then your promised. You will sign a paper, and that's all there's to it" (p. 2). The family for the ceremony is rented: "These in-laws [...] are hired on a monthly basis" (p. 5).
3. *The house rental contract.* "House purchased for 999 long years, but I can cancel the contract any month. It's fantastic! It appears in this country both houses and agreements are elastic" (p. 2).
4. *The marriage contract.* "And now, according to local custom, I shall be married for 999 years. But it is agreed that I may cancel!" (p. 3). Under Japanese Law of the time, Butterfly was considered married, but her husband could legally divorce her by not paying for her upkeep.
5. *Child purchase.* "She is [...] inexpensive: one hundred yen" (p. 3). (Madama Butterfly is 15 years old (p. 5) and the salary at the time for a textile factory girl of the same age was 25 sen per day, and the average daily salary for a poor family was 20 sen in 1890 and 40 sen in 1900).¹³
6. (*Request for information on U.S. citizenship*) Consul: "Your little girl appeared at my office not long ago" (p. 3). The first Japanese had been admitted to North America in 1843, a shipwrecked sailor called Manjuro Hakiyama, rescued by a U.S. naval vessel and taken first to Hawaii. Immigration from Japan began in 1885 with 944 migrants aboard the "City of Tokyo" to be employed as labourers on sugar plantations. (Chinese immigrants were excluded due to the 1882 Chinese Exclusion Act). Japan's Immigrant Protection Law of 1896 required each immigrant to insure sponsorship for their financial support in the country of destination, so the U.S.A. implemented a policy directly with companies in Japan to guarantee financial

13 Michel Vié, *Le Japon contemporain* (Paris: Presses Universitaires de France, 1971), pp. 60-61.

- assistance and employment in the U.S.A. This first generation of Japanese immigrants is called "Issei." However new laws in 1907 banned Japanese immigration.
7. *U.S. marriage considered sole valid.* "To the happy day when I shall marry one of the pretty girls of the good old U.S.A." (p. 4). (Thus considering this Japanese "marriage" arrangement not to be an authentic marriage).
 8. *Geisha status.* "We had to work as geishas to keep the wolf away." (p. 5). Geishas as entertainers and musicians were not necessarily prostitutes, (the "gei" in geisha means entertainment or art, "sha" meaning person) but some were, and we can presuppose that Madama Butterfly was also a child prostitute, as we know that she detested this status, and said she preferred death to what she calls "dancing" again (p. 17). She calls the geisha status "that hateful trade [which] shall not again disgrace me. I will not dance. If that's my only choice, I'd rather die" (p. 18). The Japanese word for prostitute was "oiran" who wore their obi waist sash at the front, and not at the back.¹⁴
 9. *Religion as a condition of citizenship.* "I feel I should adopt a new religion [...]. I'll bow to Mister Pinkerton's Almighty [...] your Lord shall then be my Lord. And to show how I love you, I would even abandon my own people" (p. 7). Shades of the Biblical Book of Ruth!
 10. *The marriage ceremony and contract.* The Commissary reads the wedding contract between Benjamin Franklin Pinkerton and Miss Butterfly "to enter holy wedlock. The first named by his wish and own free will, the second by consent of all her kinsmen" (p. 7). The current Japanese Shinto ceremony, not popular until after World War II, was not introduced into the wedding ceremony until the late Meiji period, after it was used in the Imperial wedding of 1900, and bridal wear of white kimono and wig covered by white cloth dates only from the late Meiji period, so contemporary to *Madama Butterfly*. If the bridegroom was Japanese, on the other hand, he wore black morning dress until the 1970's.¹⁵ (In Pierre Loti's novel, it was the geisha's mother who signed away her daughter).
 11. *Married name.* Butterfly insists on being called Madame B. F. Pinkerton (p. 8).

14 See Julian Ryall, "A life in the day of Norie", *Sunday Times Magazine* (London, 3 June 2001).

15 See Ofra Goldstein-Gidon, *Packaged Japaneseness. Weddings, Business and Brides* (Richmond, Surrey: Curzon Press, 1997), p. 136.

12. *Religious disapproval of a "mixed" marriage.* "Abomination" according to Buddhist Uncle Bonzo (p. 8): "You have disowned your people, we disown you."
13. *Trespass on private property.* Pinkerton opposes trespass to outcasting, and private property to prophecy: "Go away! This house is mine [...]. I'll have no one's Bonzo here!" (p. 9).
14. *Cultural self depreciation.* For Butterfly "We Japanese are used to the things that are child-like" (p. 11).
15. *Payment of monthly rent as proof of return, if not residence.* "Why should he bother to have the Consul pay our monthly rent [...] if he did not intend to come back here?" (p. 12).
16. *U.S. and Japanese divorce laws.* Goro: "The law says once a wife has been abandoned, that amounts to a divorce." Butterfly: "That may be Japanese law but not the law of my country. The U.S.A. law [...]. In America things are different [...]. There they have judges to deal with such scoundrels [...]. Two years in prison!" (p. 15). This discourse, borrowed in part from Long's story, of course sidetracks the intended temporary nature of the purchased marriage, and the non extra-territorial application of contracts concluded in Japan, hence the tragic "misunderstanding."
17. *Child illegitimacy in the U.S. and in Japan.* For Goro, "[...] in America a child like this one, a child born out of wedlock will always be an outcast among the decent people!" (p. 19), although the marriage ceremony included the words "in holy wedlock"! According to the Japanese Law of the period (1896 and 1898: Civil Code, chapter IV, sections 725–881), the status of parenthood depended upon whether the parents were married or not, and the process of establishing parenthood differed according to the gender of the parent. Paternity under statutory law: if married, presumed to be legal parent (section 5772); if not married, a voluntary acknowledgment may be made to become the legal parent by registration (section 5779). We may imagine that this was what Pinkerton would do (see Higuchi, *op. cit.*). Furthermore, "a father may establish a legal relationship through an ex parte registration of his acknowledgment and does not need the mother's consent before the registration" (Higuchi, p. 98).
18. *Child adoption.* For Sharpless, "the child awaits a tomorrow, and we must improve his station! [...] this woman [Kate] [will] give her motherly care to him" (p. 23). Kate says "I should be like a mother" (p. 24), as in many current cases of couples seeking adoptable children abroad.

19. (*Moral*) *guilt*. Pinkerton admits "I know that I am guilty [...]. I see how I have wronged her. [...]. I am guilty." (pp. 23-24).
20. *Child abandonment linked to emigration and U.S. Citizenship*. "I must bow to his wish!" (p. 25). "Butterfly dies so you may live your life beyond the ocean, and never remember that your mother abandoned you" (p. 26). Butterfly places an American flag and doll in the child's hands and blindfolds him (p. 26).
21. *Suicide*. For Honor, with her father's knife (p. 26).

Let us conclude with John Luther Long's words in the introduction to his story: "Where has she gone? I do not know. I lost sight of her, as you did, that dark night she fled with Trouble and Suzuki from the little, empty, happy house on Higashi Hill, where she was to have had a honeymoon of nine hundred and ninety-nine years! And is she a fancy, or does she live? Both."

