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CREATIVE LAW: SINGERS, ROLES, AND LEGAL DISPUTES AT THE PARIS OPÉRA DURING THE ANCIEN RÉGIME

Abstract

This article argues that the legal institutions governing the operation of the Paris Opéra since its establishment in 1669 were not merely applied hierarchically from above. To some extent, performers participated in defining the legal terms of the Opéra's business. Challenging the prevailing creative practice of the time, these performers deployed legal rhetoric particularly in resolving disputes relating to casting. Casting decisions proved particularly salient insofar as the combination of personal prestige and financial success at stake produced both professional competition and social conflict. After demonstrating the main principles at work behind performers' challenges to the administrative and legal conditions of the Paris Opéra, this article presents a series of case studies that illustrate the ways in which performers attempted to use legal strategies to alter the institutional setting as it related to casting.

KEYWORDS

European history, legal history, administrative law, opera, creativity, performance

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historia europejska, historia prawa, prawo administracyjne, opera, twórczość, występ

INTRODUCTION

Legal matters constitute a fundamental dimension of the art world, yet they are too often neglected and treated as taking place at the margins of the creative process. The tendency to overlook legal considerations neglects the degree to which the law shapes the contours of artistic institutions. The law partly drives inter-personal relationships between creators and members of the audience and provides a means of regulating the resulting conflicts. Understood properly, the legal infrastructure of artistic institutions do not merely set external constraints on the creative practice, as has been demonstrated by the extensive literature concerning the reconstruction of the spectacles of guilt and expiation in public executions or torture rituals.¹ Legal institutions help to shape and facilitate creativity and productivity, informing good practices and granting artists a common ground for fruitful business. Issues related to patronage and copyrights are excellent examples of the dialectical relationship between the law and the arts.

Despite the scholarly literature's increasing attention to artistic legal institutions and practices, some important artistic activities have not been thoroughly scrutinized from a legal angle. A particularly remarkable example is the relationship between law and early modern French opera, a subject that has been rarely treated by legal historians and musicologists.² The limited work on this subject has made it harder to understand the organizational developments and business operations of influential artistic institutions. The establishment of the Paris Académie Royale de Musique (commonly known as the Opéra) in 1669 was tied to a clear political vision that depended on specific legal arrangements. Among the main reasons for the launch of the Opéra was the demand of French elites to produce a "made in France" operatic repertoire. On a compositional level, it aimed to be different from the former *ballet de cour*, a courtly and grandiose form of entertainment in which the king himself would dance. On an institutional level, it tried to embrace commercialisation. This national musical project was a conscious

¹ See A. Cascetta, *Aspetti della teatralità a Milano nell'età barocca*, Milano 1994; *idem*, *La scena della gloria: drammaturgia e spettacolo a Milano in età spagnola*, Milano 1995; P. Friedland, *Political actors: representative bodies and theatricality in the age of the French revolution*, Ithaca 2003.

² Note that the recent *Law and Opera* (Springer, 2018), edited by Filippo Annunziata and Giorgio Fabio Colombo, entirely ignores the topic of French early modern opera.

response to the predominance of Italian artists – whom had been encouraged by Cardinal Mazarin to produce art at the court – over the French artistic scene. The project was both ambitious and consistent with the French monarchy's appetite for building strong and recognisable national institutions. To serve that political project, a specific legal setting was necessary. Thus, throughout the seventeenth and eighteenth centuries, the Opéra's functioning remained tethered to core legal questions: *which rights are granted to whom, by whom, and for what?*

The Paris Opéra emerged in a changing institutional and financial landscape. The recurring bankruptcies and dissolution of theatres and troupes during the period made an ambitious enterprise of this kind a risky bet. Private and ecclesial patronages were the default modes of artistic creation and, during the first half of the seventeenth century. For that reason, negotiations between entrepreneurs and royal authorities on the matter of opera performance were particularly delicate.³ Even when the Opéra was established as a privately owned business, its ownership was regulated by royal assent (through *lettres patentes*). This hybrid system was unique in Europe, and its originality was heightened further by the administrative structure and the organization of the troupe.

Drawing from the model of the King's music (*Musique du Roi*), the Opéra's successive owners and directors aimed for stability, marked by the establishment of a clear hierarchy and a repertoire with a stable core. The Opéra's legal institution was modelled in part on the organizational structure of the King's personal administration called the King's Household (*Maison du Roi*) and its Menus-Plaisirs department, which was tasked with managing the logistics of all manner of courtly festivities, both ordinary and extraordinary. The Menus-Plaisirs kept in check the administrative tasks and duties of the Opéra's owners by reviewing their *états* (i.e. a spreadsheet written on a folio that listed each employee and managed the finances). That type of register had been elaborated by the King's administration over the centuries.⁴ It is important to note, however, that the exchange of *états* between the Menus-Plaisirs and the Opéra was a relatively informal affair, meant primarily to keep the royal administration aware of ongoing developments. The audits led by the King's Household on the Opéra's operations were generally a formality, and approval of the owners' business was usually granted a *fait accompli*. If something needed to be investigated, the Intendant (a highly ranked civil servant) of the Menus-Plaisirs could write directly to the Opéra's directors

³ In his *Précis sur l'Opéra et son Administration et Réponses à différentes objections* (1789), the administrator (intendant) of the Menus-Plaisirs, Denis-Pierre-Jean Papillon de La Ferté describes several phases of negotiation between private businessmen and the Crown, before and after the settlement of the Paris Opéra. After several years of struggle, particularly during the 1660s, Papillon de La Ferté considers that Jean-Baptiste Lully perfected the mechanisms of legal protection and genre creation during his director-ownership (1672–1687).

⁴ See P. Lemaigre-Gaffier, *Administrer les Menus Plaisirs du roi. L'État, la cour et les spectacles dans la France des Lumières*, Ceyzérieu 2016.

and the dialogue between institutions was generally entertained at an interpersonal, almost intimate, level with a high levels of trust.

All these external forms of oversight and control blended with the Opéra's own human and financial resources. The latter were often deficient as the recurrent risks of bankruptcy throughout the seventeenth and eighteenth centuries showcase. Yet they could also be resourceful and transform legal issues into a creative tool for the development of French opera as a genre and an institution.

The streamlining of artistic and administrative practices at the Opéra was informed from different angles. These procedures were not merely imposed administratively from above. Indeed, individual agents entangled with the creative process of opera production could directly influence the ways in which the Opéra functioned and evolved. The impact of these individuals on the institution was sometimes achieved by challenging the rules, establishing a form of jurisprudence that was considered preferable for the smooth running of stage performance and institutional development. Singers in particular played an important role, and the recent burgeoning of academic studies showcases how much more work is still needed to brush a fuller and more accurate picture of the Paris Opéra's business.⁵

Crucially, the Académie Royale de Musique did not produce a formal set of rules until 1713 and seventeenth-century sources related to the matter are scarce compared to the more voluminous eighteenth-century records. This leaves just over forty years of relative uncertainty regarding the details of the administration and its legal system. Nevertheless, the relationships between Jean-Baptiste Lully (1632–1687), the Opéra's owner and director from 1672 until his death, and his singers were strong and unique enough to leave a variety of traces through letters, contracts, reports and other written pieces of documentation. Those historical bodies of evidence enable us to form a fragmented, albeit useful, understanding of the methods and practices at the Opéra during Lully's ownership and directorship, starting in 1672 until his death in 1687. Likewise, although we know even less about Pierre Perrin, Lully's unsuccessful predecessor (1669–1672) and his main composer, Robert Cambert (ca. 1628–1677),⁶ the strong dissension that took place amongst the troupe also left significant traces in the archival record.

Male and female singers alike could influence the state of affairs at the Opéra, and although the highest-ranked performers had naturally more influence over the decisions and practices of their institution, virtually any strong-headed figure

⁵ See B. Dratwicki, *Tenir la baguette à l'Académie royale de musique au temps de Rameau: étude d'une typologie vocale de l'opéra français du XVIIIe siècle*, "Analyse musicale" 2014, Vol. 73, pp. 14-26; A. Banducci, *Acteurs and Actrices as Muses: The Case for Jean-Baptiste Lully's Repertory Troupe (1672–86)*, "Journal of Seventeenth-Century Music" 2015, Vol. 21, No. 1; B. Nestola, *L'air italien sur la scène des théâtres parisiens (1687-1715)*, Brepols 2020.

⁶ The *Lettres patentes* (signed on 28 June 1669 at Saint-Germain-en-Laye) that described the Opéra's ownership were copied by L. Durey de Noinville and J.-N. Travenol (*Histoire des Théâtres sous l'Ancien Régime*, Paris 1757).

could find a way to challenge the status quo. One question in particular deserves a closer look, namely: the regulations related to the assignment of roles within the troupe. Although the hierarchy of the Opéra, pairing ranks with types of characters, aimed at creating stability, unsatisfied or ambitious singers often deliberately used their dissenting voices to disrupt order. Singers regularly deployed a quasi-legal language to assert their projected or *de facto* rights.

This tactic was visible since Perrin's troupe. The case of Catherine Suptille (b. 1651–a. 1671), one of the soloists hired by Perrin and Cambert, is enlightening. In 1669–70, Suptille performed the female leading role in the revival of *Ariane, ou le mariage de Bacchus*. Given that previous experience, she should have been assigned the role of Pomone, the goddess of fruits and leading character of the eponymous opera written later in 1671. That role, however, was given to Marie-Madeleine Jossier, known as Cartilly (ca. 1650–1717) while Suptille ended up with a secondary role, that of Béroé. In a rather clumsily written letter, Cartilly protested against that choice; she correctly identified that Béroé's type was that of the roles "usually executed in Italian operas by men disguised as nannies only" (commonly known as *vecchid*).⁷ That is to say comic roles of transvestite. The plot even mirrors the character with the role of Vertumne, sung by the *haute-contre* Bernard Clédière (b. 1640–ca. 1712), who transformed himself into the nanny Béroé in an attempt to seduce Pomone. The *mise en abyme* buttresses Béroé's grotesque atours and, although the role was challenging from a technical level, its poetic nature represented a clear downgrade when compared to that of Ariane and Pomone. Conscious of this, Suptille reclaimed for herself the "tender role" of Pomone, suggesting that it was identical in nature to that of Ariane. Her complaint demonstrates a sense of her own artistic value, a will to denunciate the perceived incoherence in the casting, and her capacity to perform the other role despite Cambert's criticisms.⁸

As the institution continued to develop during the late seventeenth and eighteenth centuries, the troupe's hierarchical structure became more complex. The succession of different singers' generations set standards and shaped the rules – whether written or not – of the institution. With regard to the issue of casting, this phenomenon created an inescapable glass ceiling for recruits. Playing the leading roles or even choosing to alter which roles could constitute a specific "stock of roles" (in French, an *emploi*) was a right related to the time served in a company – regardless of the age of the performers themselves – and designated as a "seniority right" (*droit d'ancienneté*). Even if more talented individuals could

⁷ The letter, taken from the Archives de la Comédie-Française was transcript by Ch. Nutter and E. Thoinan, *Les Origines de l'opéra français*, Paris 1886, pp. 134-136.

⁸ In her letter, Suptille asked for an opportunity to prove to Perrin and Cambert that she was able to perform more poetically significant roles than the one she was ultimately assigned. She rejected the composer's criticisms about her face ('deformed') and voice ('weak'), which he allegedly attributed as the result of her pregnancy.

fulfil some characters, senior performers were prioritised in the casting of leading roles that matched their rank. Likewise, the system applied to understudies who were also playing in priority the second-ranked roles depending on the length of their service at the Opéra. That rule was unofficial and did not appear in the 1713 Opéra's *Règlement*, but it generally helped to clarify the categories of roles, their hierarchy, assignments, and transfers amongst the members of the troupe. This regulation of the hierarchical structure of the troupe was visible in terms of salary and pensions.

"Seniority rights" were not a trait particular to the Opéra alone. It was usual to find them in French theatres during the early modern period. This "seniority" principle was instated to regulate individual privileges which in turn depended on individual relationships between actors, troupe directors, and/or authors. This primacy of individual relationships over a holistic system for a troupe and theatre is particularly visible in the case of Madeleine Béjart. The daughter of Molière, a connection which was bound to grant her an immense privilege within her father's troupe, Madeleine could "choose whichever role she like[d]", according to the founding document of the Illustre-Théâtre in 1643.⁹ The informal administrative procedures that governed the performing arts depended on these personal connections to establish economic stability and viability. However, as much as it could foster sound business relationships, this network-based system had clear potential for creating frustrations. In order to remedy feelings of injustice among the artists of one given troupe, the concept of "seniority rights" emerged as a source of regulation. Many performers applauded the concept. For example, in an open letter published in 1783, the female singer Buret the eldest mentioned the development of seniority rights at the Opera as "the results of enlightened experience".¹⁰

However, this rule was not written; rather, it was enacted on the basis of precedent and custom, as in common law. Thus, "seniority rights" were not infallible. Being well aware of this Achilles' heel, many singers did not hesitate to challenge

⁹ The Contract of creation of the Illustre-Théâtre's troupe, dated from the 30 June 1643, is reproduced by M. Jurgens and E. Maxfield-Miller in *Cent ans de recherches sur Molière* (pp. 224–226): "The new theatre plays that will be given to the troupe will be arranged without question by the authors, without anyone being able to complain about the role they would have been granted; the plays that will be printed, if the author agrees, will be submitted to the plurality of the voices within the troupe, although it will respect the arrangement made for Clérin, Poquelin and Joseph Béjart, who must choose alternately the Heros [the first male leading roles], without being bothered by the mentioned prerogative, as well as for Madeleine Béjart, who will choose whichever role she likes." ("*Item que les pièces nouvelles de théâtre qui viendront à la troupe seront disposées sans contredit par les auteurs, sans qu'aucun puisse se plaindre du rôle qui lui aura été donné ; que les pièces qui seront imprimées, si l'auteur n'en dispose, seront disposées par la troupe même à la pluralité des voix, si l'on ne s'arrête à l'accord qui en est pour ce fait envers lesdits Clérin, Poquelin et Joseph Béjart, qui doivent choisir alternativement les Héros, sans préjudice de la prérogative, que tous les susdits accordent à ladite Madeleine Béjart, de choisir le rôle qui lui plaira*").

¹⁰ *Journal de Paris*, 26 October 1783.

the Opéra's administration in the hope that they could trump the practice. Cases regarding legal precedents and inconsistencies in the application of "seniority rights" that took place throughout the eighteenth century exemplify how difficult it was for the Opéra's administration (and presumably any other artistic institution of that time) to coerce its actors to fall into line.

The rivalry between the singers Henriette Adélaïde de Villars, known as Miss Beaumesnil (30 August 1748 – 5 October 1813) and Rosalie Levasseur (8 October 1749 – 6 May 1826) in 1778–9 highlights this issue. The former debuted at the Opéra in 1766, originally working as a replacement for Sophie Arnould (13 February 1740 – 18 October 1802). It was not a small matter to be associated with Arnould, who had attempted to place herself in the genealogy of former legendary singers, such as Marie Fel (24 October 1713 – 2 February 1794), Jean-Philippe Rameau's favourite performer. Levasseur appeared on stage the same year, in one of the revivals of André Campra's *L'Europe galante* (a ballet first premiered in 1697, which enjoyed phenomenal success throughout the eighteenth century); yet she did not spark any real interest before the arrival of Christoph Willibald Gluck in Paris in 1774. The latter could not stand Sophie Arnould,¹¹ and thus favoured Levasseur over Arnould's successor, Beaumesnil. Remarkably, Gluck's favours also came with a good deal of patronising comments:

Please tell Mlle Rosalie to be sure to learn her role [from *Alceste*] in outline only, because she cannot possibly understand the nuances and the delivery, without me; otherwise the correction of bad habits acquired in my absence would be infinitely troublesome to both of us.¹²

Taking advantage of this turnaround, Levasseur tried to trump Beaumesnil's "seniority rights" by requesting to play some of the leading pathetic roles (i.e. princesses). This came in addition to the light and tender shepherdesses from the stock of roles she had already inherited from her predecessor Marie-Jeanne Lemièrre (married to the *basse-taille* Henri Larrivée, also an Opéra singer), another great singer from the last years of Rameau's career at the Opéra and a direct rival to Sophie Arnould.¹³ In the *Journal de Paris* (27 December 1778), Beaumesnil protested publicly in an open letter, writing that she had suffered an act of injustice:

¹¹ Patricia Howard writes that Gluck would have reportedly said to the singer who complained that her role title in *Iphigénie en Aulide* had only recitative instead of great arias, that "to sing great arias, you have to know how to sing" (*Gluck: An eighteenth-century portrait in letters and documents*, Oxford 1995, pp. 111–112).

¹² P. Howard, *op. cit.*, p. 115.

¹³ L.-P. de Bachaumont, *Mémoires Secrets*, Paris, 4 January 1779, Vol. XI, p. 241: "La première a écrit une lettre où elle se plaint que la seconde, faisant valoir son antériorité au théâtre de deux mois, accapare tous les rôles des opéras, tant anciens que modernes, quoique sa destination ne dût être à sa réception que de doubler Mme Larrivée, tandis que la sienne était de remplacer Mlle Arnould".

I was received that the Opera in 1766 for the stock of roles [“emploi”] of the first roles for which I was already the understudy [“double”] of Miss Arnould, who enjoyed a reputation well acquired and deservedly merited; my first role was that of Silvie and, by way of continuity, I sang the roles of princesses, such as those of Églée in *Thésée*, Iphise in *Dardanus*, Adèle of Ponthier, Télétaire in *Castor*, Ariane in *Amadis*, and so on. Miss Rosalie known as Le Vasseur [*sic*], whose debuts [at the Opéra] had preceded mine by two months, was the understudy of Mrs Larrivée [born Marie-Jeanne Lemièrre] in the roles of Love [Amour] and Shepherdesses and in these was content for seven years. It was at this time that, profiting by a trip that I took and threatening the Directors with her retirement, she managed to sing in my place, the role of Télétaire, which I had played two or three previously: six months later, we played this same opera and Mr. The Directors gave me back my role and my rights. We know that since the chevalier Gluck paid her homage with the roles of Alceste and Armide and adopted her as his heroine [in his operas]. [...] Humiliated by Miss Le Vasseur’s pretensions and without, today, a single role for me, I forbade myself from calling her out as a *thief*, and abandoned the fight at a moment when, after working for twelve consecutive years, I should have expected to the place left for me by Miss Arnould’s retirement.¹⁴

Beaumesnil managed to get some compensation by being entrusted the female lead in Gluck’s last (but unsuccessful) opera, *Echo et Narcisse*, in September 1779. A second protest on Beaumesnil’s part, during which she threatened to leave the Opéra, led to her effective resignation in 1781.

Another similar case at the Opéra, explicitly based on the same question of “seniority rights”, took place between Miss Buret the eldest (active at the Opéra between 1781 and 1791) and Marie-Thérèse Davoux known as Maillard (who entered the Opéra right after Buret, in 1782). In another open letter, Buret articulated the exact same arguments as Beaumesnil:

¹⁴ Letter from the 27 December 1778 published in the “Journal de Paris” and reproduced in the “Abrégé du Journal de Paris” (Paris 1789, part II, pp. 1777–1781): “J’ai été reçue à l’Opéra en 1766 pour l’emploi des premiers rôles dans lesquels je doublais Mlle Arnould qui jouissait d’une réputation si bien acquise et encore mieux méritée ; mon premier rôle fut celui de Silvie et par continuité j’ai chanté après elle les rôles des princesses, tels que ceux d’Églé dans *Thésée*, d’Iphise dans *Dardanus*, Adèle de Ponthieu, Télétaire dans *Castor*, Ariane dans *Amadis*, etc., etc. Mlle Rosalie dite Le Vasseur, dont le début avait précédé le mien de deux mois, doublait Mme Larrivée dans les rôles d’amour et de Bergères et s’en est contenté l’espace de sept ans. C’est à cette époque que profitant d’un voyage que je fis et menaçant MM. Les Directeurs de sa retraite, elle obtint de chanter à ma place le rôle de Télétaire que j’avais joué deux ou trois années auparavant : six mois après on redonna ce même opéra et MM. Les Directeurs me rendirent et mon rôle et mes droits. On sait que depuis, M. Le chevalier Gluck lui a fait hommage des rôles d’Alceste et d’Armide et qu’il l’a adoptée pour son héroïne. [...] Humiliée des prétentions de Mlle Le Vasseur et n’ayant pas aujourd’hui un seul rôle à moi, je me restreins à crier *au voleur*, et j’abandonne la partie au moment où par un travail de douze années consécutives je devais m’attendre à occuper la place que me donnait la retraite de Mlle Arnould”.

I am, by seniority rights, the first understudy [“double”] of Mrs Saint-Huberti [*sic*], and following the Opera’s statutes, to which we are all equally submitted, I have to sing three consecutive times the role when it is relinquished by the first actress. Likewise, this same role then belongs by right, on three occasions, to the second understudy who is Miss Maillard, and so on until the first actress takes it back again. These rules are the results of an enlightened experience.¹⁵

The case suggests a degree of competition between the understudies, as if the role might eventually pass permanently to one of them in light of superior performance.

Financial and legal issues were made particularly salient by the frenetic succession of directors and even models of directorship that took place during the eighteenth century. If enough performers found that the administration was not serving their interests sufficiently, or was misrepresenting their interests, singers could be emboldened to attack the Opéra’s directorship. The most famous example is the crisis between the Opéra’s troupe and the director Jacques de Vismes du Valgay (1745–1819) in 1778–1780.¹⁶

When Anne-Pierre-Jacques Vismes du Valgay was appointed director in 1778, a few projects for enforcing administrative reforms were submitted to him. Amongst them, a long dissertation – presented in 1778 alongside other documents – engaged with the issue of the salary system.¹⁷ After a review of all the possible causes and effects of the Opéra’s bankruptcy prior to Vismes’s direction, the anonymous authors of the dissertation invoked the former existence of a system of salaries explicitly based on “seniority rights”. The authors affirmed that “it would be necessary to re-establish this ancient law” which, in effect, granted progressive augmentations of the salary to the performers according to their “rank of seniori-

¹⁵ “Je suis, par droit d’ancienneté, le premier double de Mme Saint-Huberti [*sic*], et suivant les status de l’Opéra, auxquels nous sommes toutes également soumises, je dois chanter pendant trois fois consécutives le rôle que quitte cette première actrice. Ce même rôle appartient ensuite de droit, pour trois fois également, au second double qui est Mlle Maillard, et ainsi tour à tour jusqu’à ce que la première actrice le reprenne de nouveau. Ces règlements sont les résultats d’une expérience éclairée.”

¹⁶ This affair constitutes the subject matter of various historical bodies of evidence, the most relevant of all are legal documents (e.g. testimonies for the instruction of the trial, judgement of the King’s Council State). See F-Pan, O¹ 613, *Arrêt du Conseil d’État du roi contenant règlement pour l’Académie royale de musique* (27 February 1778); Ch. Duval, *Instruction du procès, entre les premiers sujets de l’Académie royale de musique et de danse, et le Sieur de Vismes, Entrepreneur, jadis public, aujourd’hui clandestin, et Directeur de ce Spectacle, par devant la Tournelle du Public, Extraits de quelques papiers qui n’ont pas cours en France* (Paris, 1779); and BL, R 397 (17), P.-L. Ginguené (ed.), *Instruction du procès, entre les premiers Sujets de l’Académie Royale de Musique & de Danse, et le Sr de Vismes, Entrepreneur, jadis public, aujourd’hui clandestin, & Directeur de ce Spectacle, Pardevant la Tournelle du Public. Extrait de quelques papiers qui n’ont pas cours en France*, s. d.

¹⁷ F-Po, Pièce 18, *Dissertation très abrégée des différentes sessions qui ont été faites à l’Opéra depuis l’année 1753 jusqu’à ce jour* (1777).

ty”.¹⁸ This proposition of reform followed directly a rant against the multiplication of the performers in the troupe, leading to the stagnation of many untalented artists and internal quarrels (which both cases quoted above demonstrate). Thus the authors of the dissertation aimed at denouncing the perpetuation of a vicious circle in which, “in order to make up for the mood or neglect of the first [singers]”, it was necessary to add “third and fourth understudies (*doubles*)”.¹⁹ The former system is described in the dissertation as follows:

Although the salaries were weak, they were distributed amongst the principal artists [*premiers sujets*] in proportion to their talent and their stock of role [*emploi*]. In the secondary ranks [the *doubles*; understudies], salaries were given following the right of seniority. The order of justice and equity, which reigned then in this distribution, satisfied [all of] the artists and seemed to be somehow a substitute for not being granted greater salaries, since each of [the performers] would contribute equally to the quality of the show.²⁰

This issue regarding salaries and their impact on the troupe’s organisation played an important role in the struggle that opposed Vismes du Valgay with the Opéra’s main soloists, ultimately leading to his forced departure from the institution. The weakening of the Opéra’s financial and managerial ecosystem favoured a rupture in the way performers organised themselves and virulently engaged with the management. The singer Jean d’Auberval, for example, who was put in prison for a short period following the arrival of Vismes, tried to make a case against the ambitious new director by attacking his undemocratic management style:

¹⁸ F-Po, Pièce 18, *Dissertation*, p. 2: “Mais puisqu’enfin il faut se conformer à ce luxe si l’on ne veut s’exposer à culbuter ce Spectacle (déjà prêt à s’anéantir de son propre poids occasionné en partie par l’indiscipline et les dépenses extrêmes que font les inutiles) et qu’il est prouvé par des exemples, que plusieurs chefs se nuisent entre eux, que d’ailleurs un seul homme ne peut suffir actuellement pour diriger cette grande machine, je crois (et l’expérience le prouve) qu’il serait nécessaire de rétablir cette ancienne loi qui augmentant les appointements par rang d’ancienneté était de toutes distributions la plus juste, et la plus équitable, elle n’est pas à la vérité sans abus, mais on peut les corriger aisément”.

¹⁹ F-Po, Pièce 18, *Dissertation*, p. 2: “Jalousie ont eu le Dessus ; les passes-droits, les gens inutiles, les protections et leurs protégés ont absorbé les Revenus, ce qui sema le dégoût et la négligence parmi les Sujets vraiment utiles. D’après cela, il a fallu payer au poids de l’or les personnes nécessaires ou s’exposer à fermer la porte par le manque de Sujets, ou l’oubli de chercher promptement tous les Moyens de s’en procurer de nouveaux; toutes ces causes ont rendus les Différents Chefs des Suppliants au lieu de Maîtres, et pour attirer le public déjà blasé sur les beautés, il fallut multiplier l’infini toutes les parties qui composent le Spectacle, acteurs, actrices dont la plupart ne seront jamais bon à rien et qui n’ont été reçus que dans l’espoir qu’ils seront utiles un jour”.

²⁰ F-Po, Pièce 18, *Dissertation*, p. 1: “Les appointements, quoique faibles, étaient distribués parmi les premiers Sujets au prorata de leurs talents, et de leur emploi. Dans les rangs secondaires, il leur était donné par le droit d’Ancienneté. L’ordre de justice et d’équité qui régnait alors dans cette distribution, satisfaisait les Sujets, et semblait leur tenir lieu en quelque façon de plus grands appointements, puisque chacun d’eux concourrait à l’envie au bien du Spectacle”.

Is an Académie deprived from the right to govern itself [...]? [...] Are its Subjects merely passive instruments that [Vismes] can keep, reject, or break as he pleases? [...] As soon as [Vismes] was at the head of the Académie, he deployed his true character: he announced, in the most contemptuous terms, his dispositions for the current Subjects, saying that *they were old horses in his stable that he will reform at once*.²¹

Following Vismes du Valgay's resignation, a collegial system inspired by dramatic theatre troupes such as the Comédie-Française was instituted.

Nevertheless, the virulence demonstrated by opera singers with regard to administrative norms did not disappear. In 1789, the director Giovanni Battista Viotti highlighted in a letter the difficulties and paradoxes of the new system. Although performers had appealed to a decision of the Council of State from 1780 which "grant[ed] to the First Subjects all the financial benefits of the Opéra", Viotti pointed out that they failed to take responsibility for the net losses of the business:

You also conjure, Sirs, the content of a decision from the Council [of State] from 1780, which ensures every benefits of the Opéra to its first subjects; but you neglected to observe that this theatre, because it has only produced losses, as stated in the very account that you are publishing, it is therefore necessary that the advantages that were promised to the first subjects, as in the ruling that you mentioned, is absolutely unrealistic.²²

Throughout its existence during the seventeenth and eighteenth centuries, the Parisian Opéra adapted its legal system according to past and contemporary practices, first drawn from the royal administration, and later inspired from rival theatres. The intense rivalries surrounding the issue of roles and casting, as exemplified here by a few case studies, demonstrate the plasticity of the legal framework. Administrators who hoped to streamline and stabilise the creative process of opera production were confronted with the (sometimes stubborn) resilience of individual artists who aimed to bend the rules to serve their advantage, and used quasi-legal language to reclaim their "rights", whether real or projected.

²¹ BL, R 397 (17), P.-L. Ginguené (ed.), *op. cit.*, p. 13 and 15.

²² BL, R 397-1 (3), *Il est tems de parler, et il est tems de se taire, précédés de la lettre au public, Sur l'Etablissement d'une Ecole Dramatique, protégée par les Comédiens Français* (Paris, Ruault 1789): "Vous évoquez également, Messieurs, le contenu d'un Arrêt du Conseil de 1780, qui assure aux premiers sujets tous les bénéfices de l'Opéra ; mais vous négligez d'observer que ce spectacle n'ayant produit que des pertes, d'après le compte même que vous publiez, il s'ensuit nécessairement que l'avantage promis aux premiers sujets, par l'Arrêt que vous invoquez, est complètement illusoire".

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