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THE DRAMA OF LAW IN THE NEBRASKA STATE CAPITOL SCULPTURE AND INSCRIPTIONS

ROBERT HALLER

Drama is the quality that Hartley Burr Alexander, the “thematic consultant” for the Nebraska State Capitol, admired in the sculpture of his time. In his role as consultant, Alexander fused the ideas of the building’s architect, Bertram Goodhue, and its sculptor, Lee Lawrie, into a sustained programmatic interpretation of society and law. This paper discusses the significance and the development of the twenty-one Lawrie sculptural panels around the cornices of the Capitol that illustrate the “Development of Law.”¹

Robert Haller, professor of English at the University of Nebraska-Lincoln, has published widely in the fields of medieval and renaissance studies and linguistics. This essay represents a part of his continuing research on the Nebraska capitol.

COLLABORATION: ALEXANDER, GOODHUE,
AND LAWRIE

Starting in 1898 Lawrie had supplied the sculpture for Goodhue’s buildings. Some of their most successful collaborations are the Pawtucket Public Library, the Cathedral of St. John the Divine and St. Bartholomew’s Church in New York City, the National Academy of Sciences, and, after the Nebraska State Capitol, the Los Angeles Public Library. The self-taught Goodhue and the Yale-trained Lawrie had made themselves familiar with the traditions of public art, especially the Gothic, and had expanded the iconography then prevailing in church architecture and decoration in the United States. Their stylistic compatibility complemented their shared sense of cultural values. Both were dedicated to drawing the public into pondering the meaning of a building by supplying viewers with images that they could identify within configurations of meaning that challenged the conventional wisdom on the subjects and invited viewers to transcend usual interpretations. Although Goodhue had rather whimsically written to Lawrie when he received the commission for the Nebraska State Capitol, saying that Lawrie could not be the sculptor on the project

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because the building was classical and Lawrie was Gothic, he was nonetheless determined to work with Lawrie, whom he believed was the premier sculptor of the time.²

Lawrie and Goodhue knew their medieval and renaissance iconography and went well beyond nineteenth-century precedents in decorating their cathedrals and Gothic churches. For the history of the law, however, they had no good early examples of thematic programs and fell back on popular surveys of the history of civilization such as James Henry Breasted's *Ancient Times: A History of the Early World*.³ The original program for the exterior panels of the Nebraska Capitol featured deliberative bodies, constitutions, proclamations, and law codes. There is no indication that the deliberative bodies would be shown doing anything other than deliberating. Of the original subjects, only "Burke Defending Americans," the "Trial of Orestes," and the "Secession of the Plebs" suggest dramatic scenes. The rest of the subjects would be period tableaux, differentiated by costume and architectural milieu, and presenting the variety of codes and constitutions of the Western world (Ten Commandments, Magna Charta, Petition of Rights) and of the United States (Mayflower Compact, Connecticut Constitution, Declaration of Independence, Constitution, Emancipation Proclamation). Viewers would be invited to call upon their own historical knowledge to identify the figures and to determine why a particular deliberative body or legislator should be accepted as a precedent for American and Nebraskan legal processes. While this might lead a viewer to a certain appreciation for history, it would not express "The Drama of Law."

One suspects that Goodhue initially intended to restrict Alexander, the local Nebraska historian and philosopher, to supplying a few inscriptions that would bring out the latent content of the existing program. Alexander, however, soon showed the architect and sculptor that he had a vital role to play in the collaboration. He convinced them that their design for a winged buffalo was inappropriate for the building and his explanation of the intellectual and artistic

principles that served a "rejuvenated provincialism" gave Goodhue and Lawrie faith in his ability to focus their program on the state of Nebraska.⁴ They must have been convinced, too, that he understood the close integration of architecture and sculpture that the two had achieved.

Alexander supplied Lawrie with several new subjects, including Nebraska statehood, and commented on each panel before it took its final form. (See Table 1.) He interpreted and built on the dramatic touch that Lawrie gave to all his work, focusing on the drama of the law's development as he understood it. Without directly refuting the idea of Law as detached, objective, and external to human action and passion, Alexander gave Law the dynamic quality found at the focal points of great conflicts in American life and history. According to an article he wrote in 1931, Alexander believed that a sculpture should be not merely a period tableau but a work of plastic art, framed as "a sequence of sought moments, each the thrilling pause in which the action is stayed, as by a gesture of command, for but so long as will suffice for the one unforgettable pose, breath-taking, before its dramatic resolution."⁵

Alexander recognized that the conception of Law contained in the Goodhue/Lawrie program was additive, not dramatic. They understood American democracy as taking bits and pieces from the institutions and documents that preceded it. In contrast, Alexander sought to get his own dramatic conception into the program and to show each element of the good society emerging from confrontation and taking its place in the consciousness of those who carry on the work of the Law in the present. Only with some degree of strife and internal conflict can democracies progress toward justice and reason.

COLLABORATION ON THE SOUTH ELEVATION

The spirit of the original program is still manifest on the south elevation. The two panels at the corners depict codifiers of law. The three on the balcony depict the signing or

TABLE 1

Position	Goodhue/Lawrie Original	Alexander Revision
Entrance Arch	1. (a) Wisdom (b) Force (c) Equity (d) Mercy	1. (a) Wisdom (b) Justice (c) Power (d) Mercy Constant Guardians of the Law
Entrance Door	2. Migration of the Pioneers	2. Migration of the Pioneers
South Balcony	3. (a) Declaration of Independence (b) Magna Charta (c) Constitution	3. (a) Declaration of Independence (b) Magna Charta (c) Constitution
Tower	4. Eight engaged figures, Explorers (a) Norse: Leif Ericson (b) Italian: Columbus (c) Portuguese: Magellan (d) English: (Port) Cabot (e) Spain: Coronado (f) France: Cartier (g) Dutch: Hudson (h) English: Drake	4. Eight engaged figures, Geniuses (a) History: Pentaour (b) Cosmic: Ezekiel (c) Reason: Socrates (d) Law: Marcus Aurelius (e) Faith: Apostle John (f) Chivalry: St. Louis IX (g) Nature: Newton (h) Liberation: Lincoln
Corners	5. (a) Trial of Orestes* (b) Athenian Ecclesia (c) Roman Senate: Pyrrhic War [West elevation comes here] (d) Doge and Council of Venice (e) French Etats general (f) French Convention [South balcony comes here] (g) Witenagemot (h) Model Parliament 1295 (i) Burke Defending Americans* [East elevation comes here] (j) Mayflower Compact* (k) Connecticut Constitution (l) William Penn	5. (a) Moses and Tables of Law* (b) Deborah Judges Israel* (c) Judgment of Solomon* [West elevation comes here] (d) Plato Writes Republic (e) Trial of Orestes* (f) Justinian's Code [South balcony comes here] (g) Ethelbert's Code (h) Milton and Areopagitica (i) Burke Defending Americans* [East elevation comes here] (j) Louisiana Purchase (k) Kansas-Nebraska Bill (l) Nebraska Statehood
East Elevation	6. (a) Emancipation Proclamation* (b) Moses with tables of Law* (c) Deborah judges over Israel*	6. (a) Las Casas and Indians (b) Mayflower Compact* (c) Emancipation Proclamation*
West Elevation	7. (a) Judgment of Solomon* (b) Secession of the Plebs to Mons Sacer* (c) Charles Q and Petition of Rights	7. (a) Solon gives laws to Athens (b) The Twelve Tables (c) Secession of the Plebs to Mons Sacer*
South Elevation	8. Ten half-length figures around stack room (a) Akhnaton (b) Hammurabi (c) Minos (d) Moses (e) Caesar (f) Justinian (g) Napoleon (h) Solon (i) Solomon (j) Charlemagne	8. Ten half-length figures around stack room (a) Akhnaton (b) Hammurabi (c) Minos (d) Moses (e) Caesar (f) Justinian (g) Napoleon (h) Solon (i) Solomon (j) Charlemagne

Table 1. *Comparison of Goodhue/Lawrie program with Alexander's revisions.* Asterisks indicate elements common to both schemes. The scheme for the Goodhue/Lawrie original is on an unmarked and undated sheet in the Denison Library File, Nebraska State Capitol, near the original correspondence concerning the subjects for the capitol. Alexander's revisions are excerpted from the final Thematic Synopsis produced by Alexander in 1926. Copies are in the Capitol Archives. (See also McReady, note 1 below.)



FIG. 1. *Justinian codifying Roman Law, west corner, south face.* Photograph courtesy of Nebraska State Historical Society.



FIG. 2. *Ethelbert, King of Kent, codifying English Law, east corner, south face.* Photograph courtesy of Nebraska State Historical Society.

promulgation of significant political documents. The chronology is not clear. The southwest corner shows Justinian's codification of Roman law (c. 529-34 CE) (Fig. 1) while the southeast shows his near contemporary Ethelbert codifying Anglo Saxon law (c. 600-616 CE) (Fig. 2). Above are three pierced stone carvings showing the signing of the Declaration of Independence (1776) on the west, the signing of the Magna Charta (1215) in the center, and the writing of the Constitution of the United States (1787) on the east (Fig. 3).

Justinian and Ethelbert are calm and untroubled—no crisis compelled them to codify their laws. King John is sullen and his Barons to the left intense in their insistence on being conceded their rights, but this is the only one of the panels that even hints at conflict. The panels for the Declaration of Independence and the Constitution are realistic in their attempts to be faithful to the styles of the period and even to create recognizable portraits of individuals shown, but nothing suggests the crises that led to the promulgation of these documents. The signers are all serene. None of the Declaration signers appears to have pledged his life and sacred honor nor to face death if their enterprise fails.

The ten half-length figures of Lawgivers that surround the tower stack above the five panels are not dramatic in themselves nor do they reflect or act on the history presented in the panels. Justinian is represented again, with Moses, Solon, and Solomon, but they are in the company of three others—Akhnaton, Hammurabi, and Minos—from cultures unrepresented in the historical sequence. The last three figures, Julius Caesar, Charlemagne, and Napoleon, particularly the last two, represent a Gallic alternative to the Roman and Anglo-Saxon development of law in the panels. In sheer size and in their monumental styles, imitative of Middle Eastern temples, the half-figures convey the idea that Law is the product of the wills of heroic leaders rather than the outcome of conflict and crisis in societies as wholes. Goodhue and Lawrie had originally intended to place the great explorers on the shaft behind the half-figures, representing a kind of individual heroism, but these were replaced after Goodhue's death, in accord with Alexander's suggestion and with his concurrence, by figures representing great explorers of the Spirit. On the south elevation these are Marcus Aurelius and the Gospel writer St. John (Fig. 4).⁶

Alexander sought to get his own dramatic conception into the program and to show each element of the good society emerging from confrontation and taking its place in the consciousness of those who carry on the work of the

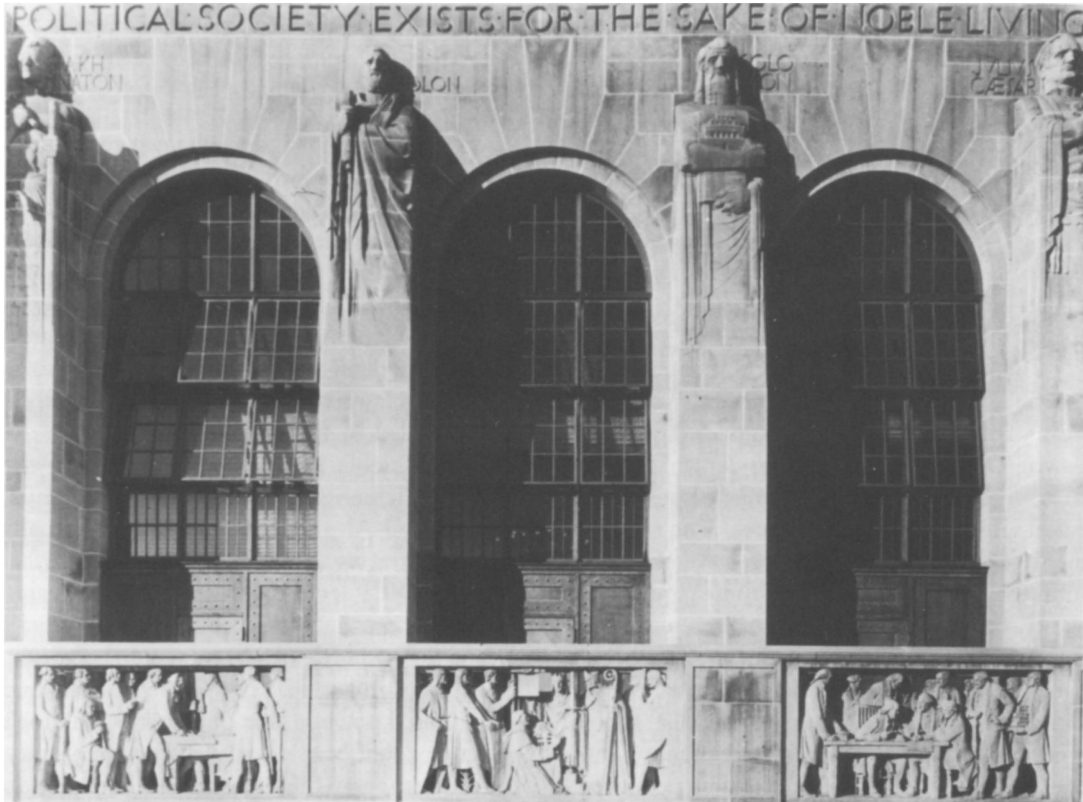


FIG. 3. South entrance with inscription, four stack figures, and three balcony scenes, *Declaration of Independence* (left,) *Magna Charta* (center), and *Constitution* (right). Photograph courtesy of Nebraska State Historical Society.

Law in the present. Even before Goodhue's design had been chosen for the capitol in 1920, Alexander had begun to develop his own ideas for the building's program. In a 1919 lecture Alexander described three scenes that under his direction would become sculpted panels on the capitol exterior: the Louisiana Purchase, the Kansas-Nebraska Bill, and the admission of Nebraska to the Union. His essays collected in the 1919 volume *Liberty and Democracy* include discussions of the Lex XII Tabularum, of Plato's Republic, and of Las Casas' articulation of the idea of human rights, all scenes that would



FIG. 4 *Marcus Aurelius and the Apostle John*, tower buttress, south face. Photograph courtesy of Nebraska State Historical Society.

eventually grace the capitol. The book's dedication provides the inscription for the north entrance (See Fig. 17. The Salvation of the State is Watchfulness in the Citizen) and its introduction explains the importance of the Aristotelian quotation on the south elevation (Political Society Exists for the Sake of Noble Living). The book acknowledges the genius of Socrates and Lincoln, who are honored as raised figures on the west and north faces of the tower shaft.⁷

When Alexander's ideas met Goodhue's and Lawrie's, there was sympathy rather than collision. To illustrate what Alexander did to the Lawrie/Goodhue program, consider what he did to the south elevation without altering the panel subjects or the stack figures. The replacement of the explorers by Marcus Aurelius and John the Gospel writer allows these geniuses to stand over the lawgiving tyrants represented on the stacks. These two, as creators of transcendent consciousness, dominate the tyrants and change the emphasis from the individual to the Law and the Word. Marcus Aurelius represents the "Reign of Law," an emperor who perceived that the law and "wise administration" provided a better "fortress" and "empire" than did the imperial army and who recognized that rulers must be servants. St. John, who represents "The Glorification of the Faith" gazes within himself in search of a pure spirit of man.⁸ The Meditations of Marcus Aurelius and the Gospel of John are part of the same western tradition as the Codes and Decrees represented by the other figures, but their placement at the top of the facade transforms the rather mechanical representations of the codes and codifiers. Alexander means viewers to see that laws need reflective emperors for their administration and spiritual seekers for their interpretation or they are simply the instruments of tyranny and materialistic interests.

The addition of the inscription "Political Society Exists for the Sake of Noble Living" (see Fig. 3) similarly modifies the panels and figures of the Lawgivers. Alexander attributes it to Aristotle, but he does not translate Aristotle's words literally. Rather he presents an inference

from the principle that he quotes in *Liberty and Democracy* as "He who would duly enquire about the best form of the state ought first to determine which is the most eligible life."⁹ The quotation is intended to teach lawgivers how to proceed. First the lawmaker must define noble living and then make laws that allow the citizen to choose such a life—"eligible" in this context meaning "available for choice." Thus the south elevation of the capitol becomes not just a series of tableaux and figures illustrating the progress of the American tradition of law but a message that these lawgivers and codifiers were necessarily guided by the intention to promote the choice of noble living. The interplay of the various elements contributed by Goodhue, Lawrie, and Alexander is a drama of mutually interpenetrating ideas.

In his 1919 lecture, Alexander had situated his panels on the History of the Law as murals inside the building, where they could be seen by lawmakers engaged in their task. Lawrie and Goodhue, knowing how dramatic a building's exterior could become, placed the panels outside. Although they are not so immediately available to legislators as murals would be, what they lose in accessibility they gain in dramatic setting. Embedded in the cornices of the substantial square base, they draw eyes upward and carry them on to the aspiring tower rising at the center of the capitol. They become elements of the structure and their meaning comes out of the building as an interpretation of its form. The exemplary lawgivers on the south elevation surround the literal shrine to law in the building—they are situated on the exterior wall of the Supreme Court chamber and the stacks of the law library. The "House of State" is constructed by the Guardians of the Law on the temple-front of the building and by the Geniuses of the human spirit on the tower.

THE DRAMA OF THE HISTORY OF LAW

Alexander's intervention gave the program its focus on Nebraska, its dramatic spirit, and its inner significance. Alexander made no attempt to recast the program entirely, accepting with-

out modification the stack statues of Lawgivers and the ideas for the north entrance and the south balcony and preserving many items from the original program, including those on which Lawrie had already begun work.¹⁰ Indeed Justinian and Ethelbert are not the only panels that remain simply period tableaux, opportunities for Lawrie to invest the panels with the costume and sculptural style of the appropriate ages. But even these, not dramatic in themselves, become so because of the contexts of figurative legal development and literal inscriptions and sculptures in which they are embedded.

The history of the law as finally depicted is dramatic because its stages of development were responses to crises or challenges to justice. The important events in the history of law, in Alexander's view, had permanent effects because they resulted in changes that made the legal process more open or more humane, more available or accessible to those affected by Law or more encouraging of human development. Alexander's understanding of the history of Law is evolutionary. For Alexander, Law was not "an expression of belief in the uniformity of human nature, . . . [nor] an analysis of structure, [but] rather an expression of faith in the indefinite melioration of man's nature." He saw "law and right and justice" as receiving their "fundamental sanction" in "the assumption of human progress." Thus to view the history of the Law is to review those human stories in which the participants' emerging understanding of justice conflicts with the existing legal structures, forcing an outcome that revises the law or the legal system to bring it in accord with a new requirement of justice. The Capitol panels represent either the promulgation of new laws that lead to new human ventures or events challenging existing laws and leading to new legal structures. Dramatizing the points of crisis invites viewers not just to recognize the scenes themselves but to discern "the desires which underlie the laws of the past" in order to form "contemporary hypotheses of right in the light of past desire and attainable good."¹¹

For Alexander the whole drama of the Law formed a kind of secular stations of the cross. He conceived of the ideal lawmaker and the ideal citizen both as pilgrims, seeking to follow the history, recalling the stories, and reflecting on the personal applications of the scenes.¹² There is a certain symmetry in the panels, imperfect because Alexander had accepted enough of Lawrie's program and placement to break both chronology and perfect symmetry but nonetheless dramatic for that. The twenty-one panels divide themselves into three Biblical subjects, three Greek, three Roman, four British, and eight American. Indeed if the three central panels on the south elevation are eliminated as totally Goodhue and Lawrie's, there are three each of Biblical, Greek, Roman, British, New World, and Nebraska subjects.¹³

In some degree the order of the panels reflects what were to be the four bases of law in the systems Alexander later developed: theocratic law (*Fas*), law based on rights (*Jus*), law derived from custom (*Mos*), and law constituted in written codes (*Lex*). The idea of *Fas*, which Alexander attributed to Oriental societies including that of the Hebrew Bible, is reflected in the first three panels, starting on the north and moving to the west facade. *Jus* was the contribution of the Greeks and Romans, whose codes and structures primarily aimed at defining the rights and duties of different classes of citizens. *Jus* lies behind the next six panels, five on the west and one on the south facade. *Mos* was the contribution of the Germanic societies, reflected in the British idea of a Constitution developed through progressive interpretation and through recognition of the inner genius of the culture by such great Englishmen as John Milton and Edmund Burke. It includes the Ethelbert and Magna Charta panels on the south and the Milton and Burke panels on the east. *Lex* was the contribution of America, the first society to formulate a social order in which all laws are authorized by a written constitution and all conditions of economic and political life specifically formulated through legislation.¹⁴ *Lex* is also split between the south and east faces of the capitol.

UNFOLDING THE EPIC

The epic of the program is depicted in the twenty-one scenes. The Hebrews contributed divinely oriented law, demonstrated by Moses Bringing the Law from Mount Sinai (Fig. 5), and the institutions of judgment through which the wise judges—Deborah (Fig. 6)—and wise kings—Solomon (Fig. 7)—could secure peace within the realm.

Solon first promulgated a written code of law, assuring consistency in administration. This and the following panel reinforce the idea that the publication of laws is itself a great sustainer of justice, giving persons access to the wording of the laws and thus protecting them from arbitrary decisions based on secret principles. Published laws are equally open to appeal and interpretation by prosecutor, defendant, complainant and plaintiff, and judge. The Romans first published the law—The Twelve Tables (Fig. 8 center)—and first created protectors of the interests of the people as against those naturally in authority—Secession of the Plebs or Establishment of the Tribune of the People (Fig. 8 right). Then follow two panels that are out of the ideal sequence, Plato Writing his Dialog on the Ideal Republic (Fig. 9) and Orestes Before Areopagites, (Fig. 10) and finally Justinian's codification (Fig. 11).

The Orestes panel would make more sense coming before Solon, since in that panel the Areopagites are judging not by any written law but according to a sacred understanding of the obligation of revenge, enforced by the Eumenides. They must first create an institution to stop the continuous chain of revenges before it makes any sense to promulgate laws as Solon does. Similarly Plato's systematic definition of the nature of the Republic as a reflection of the human psyche ought to come before the publication of the Twelve Tables. The Greek panels are out of chronological order because of the accidents of the process of production, in particular the fact that Orestes before the Areopagus was done in a size fitting only a corner before the whole program had been outlined. The parallel between the Greek Solon



FIG. 5. *Moses and the Tables of the Law, west corner, north face.* Photograph courtesy of the Nebraska State Historical Society.



FIG. 6. *Deborah judging Israel, north corner, west face.* Photograph courtesy of the Nebraska State Historical Society.



FIG. 7. *The judgment of Solomon, left of west entrance.* Photograph courtesy of the Nebraska State Historical Society.



FIG. 8. *West entrance, Solon gives laws to Athens (left), the Twelve Tables (center), and the secession of the Plebs or the Establishment of the Tribune of the People (right).* Photograph courtesy of the Nebraska State Historical Society.



FIG. 9. *Plato Writing his Dialog on the Republic, right of west entrance.* Photograph courtesy of the Nebraska State Historical Society.



FIG. 10. *Orestes before the Areopagites, south corner, west face.* Photograph courtesy of the Nebraska State Historical Society.

and the Roman Twelve Tables is, however, enhanced by their juxtaposition, regardless of chronology.

After Justinian appear the British and New World panels, also somewhat out of chronological order. The British first collected custom into formal code, shown in the Ethelbert panel (See Fig. 2), and, with the Magna Charta (See Fig. 3 center), first set the rights of the governed in relation to the rights of the ruler. In his descriptions of the Magna Charta panel, Alexander was more concerned with its dramatic properties. Although the Magna Charta is always cited as the basis for Anglo-Saxon law, the panel puts a spirit into the document itself. According to Alexander, "The power and determination which underlie the event is shown in the attitudes of the figures."¹⁵ The two later panels, on the east facade, celebrate the individual Englishmen who conceived the idea of freedom of the press—Milton (Fig. 11)—and who gave status to dissent as a service to the Commonwealth—Burke (Fig. 12).

Since Burke is portrayed pleading the cause of America in the British Parliament, this panel also serves to introduce the New World. The existence of this New World and its peoples led to the need to include them under a universal law, which is proclaimed by Las Casas, the only Spaniard portrayed in the march of Law (Fig. 13).

Las Casas never argued in person in the setting depicted, but the drama is the same. For Alexander, Las Casas was of crucial importance in the establishment of the idea of universal human rights. He asserted that "all men are by nature free" and derived from this principle the implication that all power exercised by kings and princes is with the reservation that every citizen preserves intact both the independence of person and a similar independence for goods and possessions that creates the free will of a nation to empower its magistrates.¹⁶

The Las Casas panel is followed by the new structures of covenant embodied in the Mayflower Compact. (See Fig. 18 center.) The resolve of the settlers to covenant themselves to enact "just and equal laws" is dramatized by the human context, in particular a restless and uncomprehending young child held by its mother and looking out of the porthole in hopes of landing.¹⁷ The Declaration of Independence and the Constitution would follow next chronologically, but they are shown on the south face of the building, in conjunction with the Magna Charta. Instead, the Mayflower Compact is followed by Lincoln's Emancipation Proclamation. (See Fig. 18 right.) The three panels thus grouped over the east door of the capitol, Las Casas, the Mayflower, and Lincoln, represent what Alexander saw as charters of freedom for the three races identified on the capitol, the red, the white, and the black.

The focus of the last set of panels, also on the east side of the building, is on Nebraska Territory and the state itself. The Louisiana Purchase (Fig. 14) enabled the eventual creation of the territory and state. The Kansas-Nebraska Bill (Fig. 15) is presented as an ambivalent measure that allowed citizen choice with regard to slavery but also was a pro-slavery measure that made the conflict between the states inevitable.¹⁸ The panel shows the principals in a dramatic debate in Congress. The final panel shows the admission of Nebraska to the union (Fig. 16). The allegorical figures of Nebraska and Columbia achieve the liberation of the settlers by a mutual exchange of the principles of the Declaration of Independence, the Con-



FIG. 11. *Milton defending free speech*, south corner, east face. Photograph courtesy of Nebraska State Historical Society.



FIG. 12. *Burke defending America in Parliament*, left of east entrance. Photograph courtesy of Nebraska State Historical Society.

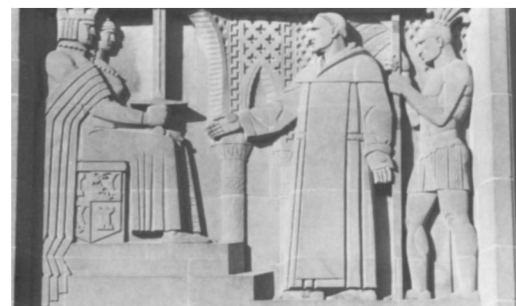


FIG. 13. *Las Casas pleading the cause of the Indians*, left over east entrance. Photograph courtesy Nebraska State Historical Society.



FIG. 14. *Louisiana Purchase, right of east entrance.* Photograph courtesy of Nebraska State Historical Society.



FIG. 15. *Kansas-Nebraska Bill, north corner, east face.* Photograph courtesy of Nebraska State Historical Society.

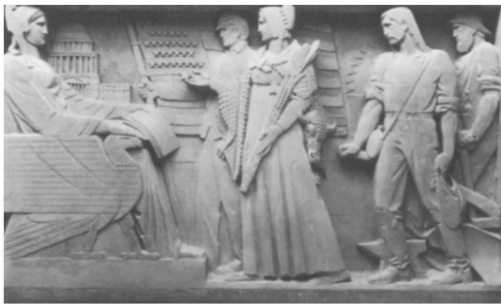


FIG. 16. *Admission of Nebraska to statehood, east corner, north face.* Photograph courtesy of Nebraska State Historical Society.

stitution, and the Emancipation Proclamation for Nebraska's agricultural bounty and the industry of its settlers.

FORMS AND THEMES OF SCULPTURE

Although some of the groupings of sculpture are out of chronological order because of accidents of the construction of the building, Alexander insisted that the program was exactly as it should be, and some of the groupings clearly violate chronology in order to emphasize common themes. This is particularly true of those elements of the program directly above the four entrances of the building, which were put together so as to have a dramatic impact independent of the whole program.

The north pediment figures of Wisdom and Justice, Power and Mercy (Fig. 17) are set in dramatic interplay. The female Wisdom assures that the male Justice will see events in the context of a larger order; the female Mercy restrains the sword of a male Power. They allude in their styles to their origins in the Western political consciousness. A Greek philosopher represents Justice against an Oriental Wisdom. A Roman Power, enforcing his male partner, Justice, is softened by a Christian Mercy.¹⁹ Under them is a large gilded panel representing the pioneers, who carry with them the spirit of western law (Fig. 17).²⁰ This meaning is reinforced if the pioneer panel on the north is seen as a recapitulation of the final panel on the east side, which shows the pioneers being taken into the nation as the state of Nebraska.

On the west, south, and east entrances, the panels above the doorways form coherent units expressing one theme in the history of Law. The west panels include the issuance of two codes of law and the institution of the tribunate of the people. For historians of the rise of civilization, the turning points, were those in which the laws were written down so that the classes of citizens would have their rights clearly defined and so that all citizens would be protected from the arbitrariness of judges by their having recourse to the actual words of the law. Solon's codification settled the dispute between landowners



FIG. 17. *Portals of the north face, showing Wisdom, Justice, Power, and Mercy and the migration of the pioneers.* Photograph courtesy of the Nebraska State Historical Society.

and debtors, and he is shown ordering the debtors unchained.²¹ (See Fig. 8.)

The publication of the law of the Twelve Tables brought about the reconciliation of patrician with plebeian, and it is shown as a cause of excitement to working citizens with tools in hand who call for their fellows to see the new revelation. The Establishment of the Tribune of the People shows not the establishment itself but rather the incident that brought it on, the false judgment of a patrician judge who has

plotted to steal the daughter of a rich plebeian. (See Fig. 19.) The father kills his daughter rather than give her up to lust, and the tragedy arouses the plebeians to secede from the republic until tribunes are appointed to protect them against such arbitrary patrician judgments.²² All three panels celebrate the right of the ordinary citizen to Law.

The three documents celebrated in the panels over the south entrance are the foundation of the American system of law and government.



FIG. 18. East entrance, *Las Casas pleading the cause of the Indian* (left), *the Mayflower Compact* (center), *the Emancipation Proclamation* (right). Photograph courtesy of Nebraska State Historical Society.



FIG. 19. *Secession of the Plebs or the establishment of the Tribune of the People*, right over west entrance. Photograph courtesy of Nebraska State Historical Society.

(See Fig. 3.) The Declaration of Independence and the Constitution are the ultimate outgrowths of the widening of rule brought about by the promulgation of the Magna Charta. In that central panel, King John strains to dominate the barons. At right, the prelate, Archbishop Stephen, who is referred to in the document itself, “typifies the passing of the mediaeval regime.”²³ The signing of the American documents is, in contrast, communal. The signers are represented realistically and can all be recognized. The most famous—Jefferson, Franklin,

Washington, and John and Samuel Adams—are in the center, but no figure is dominant. The documents therefore rise out of the collectivity and retain the humanity given them by the quality of the minds of the writers.

The three panels to the east represent the emancipation of the Red, White, and Black races (Fig. 18). The Las Casas panel (see Fig. 13) was especially close to Alexander’s heart because of his long interest in and careful study of the Native peoples of the Americas. Alexander had been so impressed by Las Casas’ writings that he referred to him as the first articulator of the principles of human rights, all the more remarkable, according to Alexander, because Las Casas had phrased these rights in the language of scholasticism. The panel shows Las Casas’ own rational powers exercised on behalf of the dignified and independent Native of the New World behind him, capable himself of exercising the same rational capacity.²⁴

The Mayflower Compact had been part of Goodhue and Lawrie’s original program, but it is given a different thematic significance in context. The Emancipation Proclamation panel presents Lincoln as the Liberator of the assembled and grateful slaves. The symbolic function of the Proclamation—“that on the 1st day of January A.D. 1863, all persons held as slaves within any State or designated part of a

State the people whereof shall then be in rebellion against the United States shall be then, thenceforward, and forever free . . ."²⁵—is transposed into Lincoln in front of the Capitol in Washington publically granting freedom to an eager set of suppliant former slaves. For Alexander "the enfranchisement of the American blacks is the most heroic act of political faith in history," the "supreme attestation" of "the faith in the civic nobility . . . of all nature" upon which the country was founded.²⁶ There is something condescending in the drama of the depiction, since the Emancipation Proclamation did not actually free the slaves of Washington, D.C., or any other territory under Union control, and enfranchisement of American blacks did not come until the passage of the 15th Amendment in 1870, long after Lincoln's assassination, but the panel does not compromise the principle that Alexander expresses. The three east panels are successive in time and distinguish three modes of securing rights: advocacy before sovereigns, compact among equals, and promulgation from an elected leader.

THE DRAMA OF FORM

The drama of the exterior sculpture on the Nebraska capitol results not only from the stories themselves and the careful juxtapositions that develop their inherent themes but also from the formal presentation of the stories given in the panels. Many of the panels are variations on a single formal theme. To the viewer's left is an authority figure or figures sitting in judgment or promulgating laws. In the center, the position of dramatic interest for the viewer, is the person or persons whose life is at stake in the judgment or whose fate is determined by the law. To the right are the chorus figures, those who are in the drama as observers. The scene is set so as to allude both to the conditions of uncertainty that preceded the moment depicted and to the resolution that concludes the story.

Alexander and Lawrie have made the scenes even more dramatic and meaningful than their narrative sources by elaborating the theme implicit on the north elevation, where a feminine

Wisdom stands behind a masculine Justice while a feminine Mercy directs the sword of a masculine Power. (See Fig. 17.) Abstractions are feminine in the grammar of Hebrew, Greek, and Latin, but English has no grammatical gender and thus Justice and Power as male figures can interact with Wisdom and Mercy as females and create a precedent for the panels.

In the first panel Moses is depicted as carrying the tables of the Law down from Mt. Sinai, catching his brother Aaron, with his back to Moses, in his idolatrous worship of the Golden Calf he has had constructed during his brother's absence. (See Fig. 5.) We are thus to understand that Moses is caught at the point of his discovery that he has brought a gift from God to a people who have turned away in apostasy. In the implied next scene he will throw down and break the tablets. At the right side of the panel, Miriam, sister of Moses and Aaron, faces Moses with a stringed instrument in hand. With her tambourine she had joined Moses in exultation at the defeat of the Egyptians, but she had also joined Aaron in his objection to the sole rule of Moses. Does she here play for the worshipers of the Golden Calf as they "eat and drink and rise to play"?²⁷ Her headdress identifies her as a sacred devotee, and Moses' attempt to introduce the monotheistic law is thus set against arts of sculpture and music in the service of alien gods. The female figure seems here to have made the wrong choice. Moses is a masculine Wisdom, balanced against his sister choosing between her brothers.

The second panel, the first on the west side of the building, establishes the formula of superiority of the female figure. This panel alludes to the reference in Judges 4:5, in which Israel "came for justice" to Deborah's palm tree. (See Fig. 6.) Because Scripture presents no narrative of her hearing cases as a judge, the paradigmatic form of the panels determines the viewer's reading of the scene. Deborah sits in a judgment seat to the left where her gesture stays the hand of the soldier threatening the woman suppliant kneeling before her. An even older mourning woman to the right has not yet received the consolation of Deborah's judgment. The woman

suppliant here stands for those victims of anarchy whose fates are presented elsewhere in the Book of Judges: Jephtha's daughter, killed as a sacrifice to her father's oath, and the Levite's concubine, divided into twelve pieces and sent to the tribes of Israel in a call for vengeance on the Benjaminites who violated her. Deborah's intervention on behalf of the helpless female suppliant is thus an intervention on the side of the weak against the men who create the conditions of violent anarchy that undermine the order of faith. Deborah is Mercy mitigating Power but is also herself a feminine Justice reflecting Wisdom.

The third panel is the familiar story of the Judgment of Solomon and takes the standard form. (See Fig. 7.) Solomon is in the judgment seat at the left. The true mother is in the center, suppliant at the knees of the soldier just ordered to divide the disputed baby. To the right the false mother turns away in shame, and two men, representing the people of Israel, stand on the far right, about to receive confirmation of Solomon's wisdom as he stays the hand of the soldier and rewards the real mother. Solomon is a masculine Wisdom exposing genuine feminine truth and condemning feminine deceit with an appeal to the natural affections of a mother. The three Old Testament panels together illustrate the Prophet/Lawgiver, Judge, and King in dramatic action, manifesting according to their calling the striking intervention of the divine in the punishment of apostasy, the protection of the weak, and the discernment of truth in human conflict.

This balancing of gender continues in the classical panels. In panel four, Athena—Wisdom and the spirit of the city—backs up Solon from the position of judgment and he in turn releases a male and a female debtor from bonds. (See Fig. 8 left.) The trumpeters in panel five stand in the place of judgment, surrogates for the writers of the Tables, while working men admire the Tables and a working woman, recognizing the wisdom of the laws, summons others to view them. (See Fig. 8 center.) Panel six (Fig. 19) places a male and patrician Injustice in the seat of judgment, attempting to exploit a

female and plebeian suppliant, but thwarted by her father, who would rather kill her than abandon her to the judge's lust. Either way, the female suppliant is unjustly punished. This panel is the only one where the person sitting in the judgment seat at the left of the panel is himself the corrupter, the only one in which the suppliant receives no mercy or vindication.

Panel seven interrupts this gender-based set of judgments and lawgivings with a classroom scene. (See Fig. 9.) Plato the teacher sits in the judgment seat, a philosopher paralleling a judge or a lawgiver, and the panel acknowledges that the Republic was constructed in Socrates' conversations before it was given written form. The gender theme and the drama return in panel eight, where Athena stands behind the suppliant Orestes and one masculine hand of sympathy reaches toward him from the Areopagus.²⁸ (See Fig. 10.) The Empress Theodora joins her husband Justinian in panel nine as he issues the civil code and digest.

The south panels are exceptions to both the gender and the judgment forms. All the figures are masculine and the centers of the panels represent consensus, not apparent conflict. Panel thirteen, Ethelbert, mirrors Justinian's panel nine, but it is the Archbishop Augustine who stands behind the king as he issues the English code.

The east panels also hold the gender conflict in abeyance until the very last panel, Nebraska entering the Union. The Burke and Milton panels echo Plato. In the Milton panel soldiers stand on the judgment side and parliamentary censors to the right, while Milton as suppliant enters into the task of persuading the parliament that it should call off the soldiers and allow even possibly dangerous ideas into print. (See Fig. 11.) Burke, with his sound civic principles, is advocate for the actual but unseen suppliants, the colonists, attempting to bring around his fellow members of parliament and to change the laws of the authorities standing in the judgment position. (See Fig. 12.)

The American panels, with their realistic portrayal of the real, male participants, must forgo the gender concerns of the Biblical and

classical panels. The American diplomats Livingston and Monroe receive the new territory of Louisiana from their French counterparts. (See Fig. 14.) The Kansas-Nebraska Act shows President Pierce and the principal senate disputants of the Act. (See Fig. 15.) Conflict is implied, but it is not conveyed in the lives of the citizens and others concerned.

In the final panel Columbia sits in the judgment seat, and a similarly allegorical feminine Nebraska is the suppliant figure. (See Fig. 16.) Both then take their place with Athena, Deborah, and Miriam as female figures of Wisdom and Mercy. The drama of admission is constructed by the drama in the panel, which shows the way in which Nation and State, Columbia and Nebraska, come together for their mutual advantage. Next to the figure of Nebraska stands a Union soldier in his campaign cap, the American flag, to which Nebraska is adding the thirty-seventh star, flying from his vertically held rifle. Behind Columbia is the United States Capitol, also pictured in the panel of the Emancipation Proclamation. In this final panel all the themes come together—the Justice and Power of the Union soldier joins the Wisdom and Mercy of the female figures. The freedom in law of all peoples demonstrated in the three panels over the east entrance is suggested by the Capitol. The two men to the right of the panel represent the settlers, the citizens of Nebraska, who are the ultimate heirs of the tradition of the history of law displayed on the building as a whole. The viewer who completes the circuit of the building with the admission of Nebraska to the Union—and continues around the corner to the large panel of pioneers above the north entrance (see Fig. 17)—should have learned from the panels that Law is not simply a collection of statutes and precedents or a process standing outside of human enterprise and civic life. It is rather found in the consciousness of those who must find a new justice to facilitate human progress or invent and imagine new forms of law to set the conditions of civic life. It results from the passionate resentment of injustice and the magnanimous promulgation of judgments and codes

that succor the oppressed and contain the oppressors. The history of Law is a story of courage and compassion, of imagination and resolution, made up of human events that can still call up the admiration and emulation of lawmakers and citizens in our own time.

NOTES

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1. This paper owes a great deal to four previous works: Eric Scott McCreedy, "The Nebraska State Capitol: Its Design, Background and Influence," *Nebraska History* 55 (Fall 1974): 324-461; Orville H. Zabel, "History in Stone: The Story in Sculpture on the Exterior of the Nebraska Capitol," *Nebraska History* 62 (Fall 1981): 285-372; Timothy J. Garvey, "Strength and Stability on the Middle Border: Lee Lawrie's Sculpture for the Nebraska State Capitol," *Nebraska History* 65 (Summer 1984) 157-78; and David Murphy, "Symbolism and Inscriptions: The Contribution of Hartley Burr Alexander," and Dale Gibbs, "Art, Architecture and Humanism: The Sculpture of Lee Lawrie," in Frederick C. Luebke, ed., *A Harmony of the Arts. The Nebraska State Capitol* (Lincoln: University of Nebraska Press, 1990) pp. 33-47 and 49-66. The approach of this paper stems from Michael Baxandall, *Patterns of Intention: On the Historical Explanation of Pictures* (New Haven: Yale University Press, 1985). I assume with him that an explanation appealing to intention is a construct of the critic and not a reproduction of the thought processes of the artist. In the case of the state capitol, of course, the critic has access to a great deal of material expressing the intentions of at least the thematic consultant, but also of the architect and artist. I have used this evidence with caution but also with some confidence in describing the final intention of the panels.

2. Richard Oliver, *Bertram Grosvenor Goodhue*, (published for the Architectural History Foundation by Cambridge: MIT Press, 1983). See the article Goodhue wrote in appreciation of Lawrie in the *Yale Alumni Weekly* 29 September 1922, for his

profound appreciation of Lawrie's work. Also see Lawrie's comments on the influence of Goodhue in his autobiographical manuscript, "Boy Wanted" (Library of Congress, Box 46 (3)). "He was not a painter nor a sculptor. One day when it was necessary to set me right, he said, 'you work too hard and think too lightly. Design more and model less.' He demanded skilled craftsmanship, but along with it, design, fitness and character. . . . He knew no degree in art. To slight an obscure bit was an offence to beauty--a discord in his theme. All art should be instantly understandable, even so quickly grasped that a child can see beauty, or history, or the intended meaning in it."

3. James Henry Breasted, *Ancient Times: A History of the Early World* (Boston: Ginn and Company, 1916.) Breasted was Director of the Oriental Institute, housed in a Goodhue building; Lawrie, Goodhue, and Alexander engaged in a "triangular correspondence" on the spelling of Ikh/Ahknaton in which Goodhue, having decided in favor of Ahk-, prays, "Please goodness, Dr. Breasted never sees the building itself!" (BGG to HBA, 11 August 1923; Scripps, Nebraska State Capitol).

4. See, "Symbolism and Inscriptions," *American Architect* 145 (October 1934): 24-28, where Alexander tells the story of the way in which their working relationship developed.

5. Hartley Burr Alexander, "Sculpture as Drama," *Theatre Arts Magazine* 15 (1931): 916. In this same article where he defines sculptural drama, he pictures three Lawrie panels, Moses, Orestes, and Nebraska Statehood (p. 918) and discusses their dramatic qualities (922-23). In a concurrent essay, "The Sculpture of Lee Lawrie," (*Architectural Forum* 54 [1931]: 587-600) he focuses on Lawrie's ability to integrate sculpture into an architectural setting. Alexander's description of how the Law develops out of national crises is in *Liberty and Democracy and other Essays in War Time* (Boston: Marshall Jones and Company, 1918) p. 24.

6. See Alexander to Francis L. S. Mayers of the Goodhue Associates, 16 October 1927 (Capitol Archives): "although with some regret from the point of view of symbolism, I concur heartily [sic] that the omission of the engaged figures of the Pioneers and Discoverers, on the flanks of the turrets, is also a gain. This also I had suggested in my letter. All of these elements were on the plans when they were first submitted to me by Mr. Goodhue, and I did not presume to question their propriety."

7. "Nebraska as a Theme for the Artist," *Lincoln State Journal*, 28 December 1919, part of a series, "Studies preliminary to the building of a new State Capitol, conducted by the Lincoln Women's Club." Alexander would then have placed the "History of the Law" inside the building. In *Liberty and Democ-*

racy (note 5 above) the dedication reads, "To the Memory of George Sherman Alexander who taught his sons that the watchfulness of the citizen is the salvation of the state." That same book contains discussions of Plato and his Republic (pp. 59-62), the Lex XII Tabularum and Justinian (p. 63) and Las Casas (pp. 64-67), and there are relevant allusions to Lincoln (pp. 128-30), Socrates (p. 1) and Aristotle's ideas of the rationale for political society (p. vii, the epigraph facing p. 1, and p. 54).

8. Zabel, "History in Stone" (note 1 above), pp. 359-60, quotes the unused inscriptions Alexander had written for Marcus Aurelius and St. John.

9. Alexander, *Liberty and Democracy* (note 5 above), p. vii. The quotation from Socrates is from *Politics* II, a.

10. Alexander to Bertram Goodhue, 30 October 1923 [Scripps, Nebraska State Capitol] notes that the "Areopagus" panel should be #5 "from the point of view of history and idea but because of its size, must be placed at the corner" (making it #8). Goodhue in reply (8 November 1923) concedes: "The Areopagus model is good, and is finished, and will have to be paid for even if thrown away—something that would grieve the State of Nebraska even more than it would any of us." Alexander in fact admired the panel enormously, and claimed that it by itself would lead to a revival of Aeschylus.

11. Alexander, *Liberty and Democracy* (note 5 above), pp. 118-19.

12. Alexander to Bertram Goodhue, 30 October 1923:

you would give to the building something of the character of a temple of human political idealism. Each panel would follow as an historical sequent; but far more, as a sequent in the enlargement of man's intellectual horizon, socially and morally. I suppose you would never dream of altering the position of the sacred stations in a church; they give a story, a drama, in images. Buddhism has the same sort of a sequence, I believe. . . . Now if it were possible on our Capitol to have the series of panels, duly grouped, or at least in order, there would be a sort of pious pilgrimage in the round of the terrace,—as I have said, a book or an epic, complete in itself.

13. For a discussion of this symmetry, see Zabel, "History in Stone," (note 1 above), p. 300.

14. For this four-way division of human societies and of the history of the law, see George Gurney, *Sculpture and the Federal Triangle*, (Washington, D.C.: Smithsonian Institution Press, 1985), p. 189. Alexander's ideas are set out more fully in his letter to Carl Paul Jennewein 31 January 1933 (Reel 3332 Jennewein Papers, Archive of American Art) in

which he not only assigns the four underlying justifications to different political societies, but also suggests that each had a place in the development of the American idea of law. For the Cornell Law School use of the four, see Alexander to F. Ellis Jackson, 30 October 1930 (Scripps, Myron Taylor Hall) in which he suggests (with the Capitol program in mind) a "series symbolizing the greater foundations of law as they have shaped the history of the Western World." The series would have four distinct stages: Theocratic (Biblical), Classical, Feudal and Canon, National and International."

15. *Lincoln Sunday Star*, 22 April 1923, quoted in Zabel, "History in Stone" (note 1 above) p. 330.

16. Alexander, *Liberty and Democracy*, (note 5 above) pp. 64-67.

17. William Bradford, *Of Plymouth Plantation*, Book 2, Chapter 11. "The Remainder of Anno 1620," quoted from Nina Baym et al.; ed., *The Norton Anthology of American Literature*, 2nd ed. (New York: W.W. Norton & Company, 1979) vol. 1:77.

18. See James A. Rawley, *Race and Politics: "Bleeding Kansas" and the Coming of the Civil War* (Philadelphia: J. B. Lippincott, 1969), pp. 27-38. In Alexander's letter to Lawrie 14 January 1927 (Scripps: Lawrie Correspondence) Alexander suggests that the panel should show "that the spirit of Abolition and the spirit of Colonial Pride were the fundamental issue," and that Lawrie could "treat the Northern and the Southern groups so that the tense situation and ominous hostility could be shown, while Douglas would represent the temporizing (but not unheroic) peace-maker."

19. Alexander noted these differences in style in "Prairie, Pioneer, and State; Their Psychological Interpretation": "while as a whole the groups are classic, there is the suggestion of Asia in the mural crown of Wisdom, elaborated into lamps; Justice is the bearded Greek philosopher, not some blinded Fortuna; Power is sternly Roman, and Mercy is

Christian: the sources as well as the virtues of our law are suggested." Charles Harris Whitaker and Hartley Burr Alexander, eds. *The Architectural Sculpture of the State Capitol at Lincoln, Nebraska*, (New York: Press of the American Institute of Architects, 1926) n.p.

20. See Garvey, "Lee Lawrie's Sculpture," (note 1 above) p. 172.

21. Plutarch "Parallel Lives," as quoted in Albert Kocourek and John H. Wigmore, *Evolution of Law: Selected Readings on the Origin and Development of Legal Institutions, Volume 1, Sources of Ancient and Primitive Law* (Boston: Little Brown & Co., 1915), pp. 79-87.

22. Livy, *Ab Urbe condita* 3:34 describes the framing of the Twelve Tables. Book 3:44-53 describes the outrage of Appius and death of Verginia, followed by the plebeian withdrawal to the Mons Sacer. Livy, B. O. Foster, trans. (New York: G.P. Putman's Sons, 1922), 13 volumes; v. 2: 110-113, 142-177.

23. See *Lincoln Sunday Star* (note 15 above).

24. Alexander, *Liberty and Democracy* (note 5 above) pp. 64-67.

25. Abraham Lincoln, *Emancipation Proclamation* 1 January 1863, *Abraham Lincoln: Selected Speeches, Messages, and Letters*, T. Harry Williams, ed. (New York: Holt, Rinehart and Winston, 1957), p. 213.

26. Alexander, *Liberty and Democracy* (note 5 above), pp. 128-30.

27. *Exodus*, 32:6.

28. In Aeschylus's *Eumenides*, Athena finally bases her support of Orestes on the supposed fact that he is not related by blood to his mother, using her own birth out of the head of Zeus to prove that women are not necessary to the process of birth. See *The Eumenides*, Robert Fagles, trans., in Maynard Mack, ed., *The Norton Anthology of World Masterpieces* 5th ed. (New York: W.W. Norton, 1985), Vol. 1:637.