

THE LAW AND THE ARTIST IN THE AGE OF EXTREMES
ON THOMAS MANN'S *DAS GESETZ*¹

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In 2007, at the end of the trial of the Holocaust denier Ernst Zündel, the judge, Ulrich Meinerzhagen, read out a passage from a novel.² It was Thomas Mann's *The Tables of the Law* (*Das Gesetz*). The judge quoted from the last paragraph of Mann's short novel—the great curse with which Mann concludes his story. There, Moses addresses the people with these words:

In the stone of mountain carved the ABC of human behavior, but it shall be carved into your flesh and blood, Israel, so that anyone who breaks one word of the Ten Commandments shall secretly shrink back from himself and from God, and his heart shall turn cold, because he has stepped outside the limits set by God. I know well and God knows beforehand that His commandments will not be kept and that there will be transgressions against His words always and everywhere. But if any man breaks one of them, his heart shall turn ice-cold, because they are written into his flesh and blood, and he knows well that the words are binding.³

It is obvious how much the judge believed in the Decalogue as a moral charter, even for modern modes of social existence. To go on lying and to

1. Many thanks to my colleague Ian Cooper, University of Kent, whose sense of language transformed my words into readable English. All errors are, however, mine.

2. Cf. *Süddeutsche Zeitung* 63 (16 February 2007), p. 7.

3. Thomas Mann, *The Tables of the Law* (trans. Marion Faber and Stephen Lehman; Philadelphia: Paul Dry Books, 2010), pp. 110-11. Original: 'In den Stein des Berges metzte ich das ABC des Menschenbenedemmens, aber auch in dein Fleisch und Blut soll es gemetzt sein, Israel, so daß jeder, der ein Wort bricht von den zehn Geboten, heimlich erschrecken soll vor sich selbst und vor Gott, und soll ihm kalt werden um's Herz, weil er aus Gottes Schranken trat. Ich weiß wohl, und Gott weiß es im Voraus, daß seine Gebote nicht werden gehalten werden; und wird verstoßen werden gegen die Worte immer und überall. Doch eiskalt um's Herz soll es wenigstens jedem werden, der eines bricht, weil sie doch auch in sein Fleisch und Blut geschrieben sind und er wohl weiß, die Worte gelten' (Thomas Mann, 'Das Gesetz', in *Gesammelte Werke in Einzelbänden*, VI [ed. P. de Mendelssohn; Frankfurt: Fischer, 2nd edn, 1996], pp. 339-408 [407]).

deny the suffering of others is not only an offence committed out of an idiosyncratic and retrograde *Weltanschauung*. It violates the very fundamentals of morality. This was the conviction shared by the judge and many in the world who followed the trial. Nevertheless, Judge Meinerzhagen quoted the Ten Commandments, not directly from the Bible but from a novel, a fictional text which seems to have only weak ties to reality. He might have had good reasons for his choice: the accused would never listen to a 'Jewish book' such as the book of Exodus or the book of Deuteronomy. But, even then, a novella does not seem to be the best means of delivering a fundamental truth, and of saying unambiguously that to deny the Holocaust is to step outside the limits set by God. However, I would like to show why the alliance of the Decalogue and this novella is a good one: why the judge made a wise choice in reading the Ten Commandments through a story, written by Thomas Mann in the age of extremes.⁴

1

The background story to the novella *Das Gesetz* is quickly told. In the summer of 1942, the Austrian-American publisher and Hollywood producer Armin L. Robinson sought out Thomas Mann, in his new home in Pacific Palisades near Los Angeles, to win him over to write a film script about the Ten Commandments. According to Robinson, not only Mann but also a couple of other well-known authors were going to join his initiative. Robinson had been familiar with the film industry since his script *Zwei glückliche Herzen* ('Two Lucky Hearts') was filmed in 1931–32 under the title *Ein bißchen Liebe für Dich* ('A Bit of Love for You'). He brought Thomas Mann along to a meeting in September 1942 with the Hollywood studio head Louis B. Mayer. However, the negotiations with Metro-Goldwyn-Mayer came to nothing, and the group around Robinson decided to publish a book. Thomas Mann was to write the opening part of this proposed book.

Robinson felt directly obliged to pursue his project after hearing about Hitler's fanatical notes on the Decalogue. On the basis of a common pseudo-Nietzschean *Weltanschauung*, Hitler and Goebbels attacked Christianity and Judaism as Asiatic slave moralities. Hitler declared that the Nazi movement would fight against God and his commandments: 'The day will come when I shall hold up against these commandments the tables of a new law. And history will recognize our movement as the great battle for humanity's liberation, a liberation from the curse of Mount Sinai.'⁵ Robinson heard about

4. Eric J. Hobsbawm, *The Age of Extremes. The Short Twentieth Century* (London: Michael Joseph, 1994).

5. Quoted in Hermann Rauschning, 'Preface', in A.L. Robinson (ed.), *The Ten Commandments: Ten Short Novels of Hitler's War against the Moral Code* (New York: Simon and Schuster, 1943), p. xiii.

this attack by reading Hermann Rauschning's *Gespräche mit Hitler* ('Hitler Speaks'), a record of Rauschning's supposed conversations with Hitler, which appeared in the US in 1940 under the title *The Voice of Destruction*. At the time Rauschning's conversations were thought to be genuine, although it is now known that he invented the dialogues. Under these circumstances the novel was written as a direct answer to Hitler's fanatical repudiation of the Decalogue, or, as Robinson wrote later, in his preface to the published book: 'to open the eyes of those who still do not recognize what Nazism really is'.⁶ Like Robinson, Thomas Mann must have believed that his novel was not an aesthetic end in itself but a public defence of the Ten Commandments in the age of extremes.

Because Thomas Mann had given more than one radio speech since 1940—including his famous BBC broadcasts—and because his condemnation of anti-Semitism in 1942 had made his name highly visible throughout the world, he was the best choice Robinson could make for his project. At this time Mann was primarily a political writer, not an artist. He accepted the invitation, not because of the \$1,000 fee, although later he made fun of this fee and spoke of *Das Gesetz* as his '\$1,000 novel'.⁷ Rather, what drove him was the prospect of counterattacking on the same footing as his enemies and doing so in a way that would be highly visible throughout the world. For the first and only time in his career, with *Das Gesetz* Thomas Mann wrote a commissioned work. Thus his novella was born.

Robinson admired Thomas Mann's novella at first reading and published it under the rather misleading title *Thou Shalt Have No Other God before Me*, as the opening work in the volume *The Ten Commandments: Ten Short Novels of Hitler's War against the Moral Code*, translated by Helen T. Lowe-Porter.⁸ The volume came out in 1943, just in time for the Christmas market. Hermann Rauschning himself wrote the preface; the other authors each contributed a short novel on one of the Ten Commandments: *Thou Shalt Not Make Any Graven Image*, by Rebecca West; *Thou Shalt Not Take the Name of the Lord thy God in Vain*, by Franz Werfel; *Remember the Sabbath Day, to Keep It Holy*, by John Erskine; *Honor thy Father and thy Mother*, by Bruno Frank; *Thou Shalt Not Kill*, by Jules Romains; *Thou Shalt Not Commit Adultery*, by André Maurois; *Thou Shalt Not Steal*, by Sigrid Undset; *Thou Shalt Not Bear False Witness against thy Neighbor*, by Hendrik Van Loon; and *Thou Shalt Not Covet*, by Louis Broomfield. After the volume was published, Thomas Mann was not amused to find his novella

6. Hans R. Vaget, *Thomas Mann. Kommentar zu sämtlichen Erzählungen* (Munich: Winkler, 1984), p. 275.

7. Hans Wysling (ed.), *Dichter über ihre Dichtungen*, XIV.2 (Munich: Heimeran; Frankfurt: Fischer, 1975), p. 644.

8. Rauschning, 'Preface', in Robinson (ed.), *The Ten Commandments*.

situated by a more or less crude direct defence of religion and tried, successfully, to place his story on its own. Today only Mann's contribution can be seen as a work of art rather than simply a text written for propaganda purposes, and is now known under its correct title, *The Tables of the Law*.

In contrast to his usual approach, Thomas Mann wrote the novel after only a week of study. This was untypical for a writer who normally took years of careful preparation before writing the first page. But this time Mann wrote his hundred-page novel in nearly eight weeks in 1943 and called it afterwards 'a quick improvisation', the process of writing which had been 'fast, easy, and airy but not carefree'.⁹ This was possible because he could make heavy use of his extended studies for the Joseph tetralogy, on which he had worked since 1926 and which he finished in the same year, 1943. In a letter he characterizes the aim of his quick improvisation: 'It was my artistic intention in the Joseph books as well as in the Moses story, to bring these far and legendary figures close to the modern reader in an intimate, natural and convincing manner. This required much phantasy and a certain affectionate brand of humor.'¹⁰ And that is exactly what he did in his novella: he entangled fantasy with historical legends, severe commandments with light speculations, critical explanations with categorical verdicts, anachronistic projections with historical events, all with the unambiguous goal of convincing his readers.

But of what was he trying to convince them: that Moses was a killer, that the Ten Commandments were written somehow by cheating the people of Israel? Thomas Mann's story isn't as simple as Armin L. Robinson thought, and his intention is not as clear as the text's place of first publication suggests. Therefore, today literary critics think that the novella was simply published in the wrong place. They also conclude that Thomas Mann's 'Moses fantasy'—as he called his novel—seriously impeaches the credibility of what he is trying to defend, the Decalogue. The moral outrage of the great curse does not suit his disorderly narrative story, Mann tells us.¹¹ The curse seems just to be a compromise concocted by Mann for Robinson. There is, critics argue, too much propaganda for us to call it a work of art.¹² Moreover, they add, law and narrative do not fit together as well as Mann himself seems to have declared. Laws should not be too ambiguous, nor can

9. Original: 'rasch, leicht und sorgenlos, wenn auch nicht sorglos' (Wysling [ed.], *Dichter über ihre Dichtungen*, XIV.2, p. 644).

10. Quoted by Michael Wood, 'Afterword', Mann, *The Tables of the Law*, pp. vii-viii.

11. Helmut Koopmann (ed.), *Thomas Mann Handbuch* (Stuttgart: Kröner, 3rd edn, 2001), p. 606.

12. Cf. Wolfgang Frühwald, 'Thomas Manns "Moses-Phantasie". Zu der Erzählung *Das Gesetz*', in W. Frühwald, *Das Talent, Deutsch zu schreiben. Goethe—Schiller—Thomas Mann* (Cologne: DuMont, 2005), pp. 315-33 (318).

law be described in aesthetic categories. And problematic characters are not the best figures to use for the purposes of giving force to law. In short, law and narrative are not elective affinities. How could they become so for the greater good?

2

Whoever tells a story needs a minimum of two components: characters and events. The author must find an interesting way of relating them. As E.M. Forster puts it: “‘The king died and the queen died’ is a story. ‘The king died, and then the queen died of grief’ is a plot,”¹³ which is to say a good story. It is obvious that, in this sense, characters and events mean different things in literature and in law. In law characters are abstract entities, without a face, with just a pure individual psychology and very general characteristics, too few for a good story. And in legal texts events are cases, and could only seldom be integrated into a plot or a storyline. As Tolstoy writes so well in the opening lines of *Anna Karenina*: ‘All happy families are alike; each unhappy family is unhappy in its own way’. A good story spins out hundreds of pages around the unhappy disorder into which individual characters each enter in their own way. While law is based on general cases, literature deals with singular moments, each in its peculiar way, and tells their stories. And so does Thomas Mann.

His novella begins with a very special disorder, the disorder of Moses: ‘His birth was irregular, and so he passionately loved regularity, the inviolable, commandment and taboo’.¹⁴ This is the particular unhappiness of Mann’s main character; with it everything begins. And to emphasize this simplistic psychological deduction, the novel continues by making a very direct connection, when the narrator tells us that the fundamental commandments and taboos are nothing other than an immediate consequence of Moses’ irregularities: ‘As a young man, he had killed in a fiery outburst, and so he knew better than those with no experience that to kill may be sweet, but to have killed is ghastly in the extreme, and that you should not kill.’¹⁵ The purity of the commandments is, according to Mann’s novella, nothing but the reverse side of his ambiguous irregularities. Mann, and with him

13. E.M. Forster, *Aspects of the Novel* (London: Edward Arnold, 1927), chapter 5, p. 82.

14. Mann, *The Tables of the Law*, p. 3. ‘Seine Geburt war unordentlich, darum liebte er leidenschaftlich Ordnung, das Unverbrüchliche, Gebot und Verbot’: Mann, ‘Das Gesetz’, in *Gesammelte Werke in Einzelbänden*, VI, p. 339.

15. Mann, *The Tables of the Law*, p. 3. ‘Er töte früh im Auflodern, darum wußte er besser, als jeder Unerfahrene, daß Töten zwar köstlich, aber getötet zu haben höchst gräßlich ist, und daß du nicht töten sollst’: Mann, ‘Das Gesetz’, in *Gesammelte Werke in Einzelbänden*, VI, p. 339.

Robinson's collection, opts for this provocative exposition. At first glance the Decalogue is the outcome of a very special experience and could hardly claim any universal significance.

The novel plays with the books of Exodus and Deuteronomy, and gives the order of events and the evaluation of the characters and their deeds a good shaking. We mention here only the most prominent modifications, if not anomalies, that Mann's Moses fantasy has introduced into the biblical order. There is, first, the parentage of Moses. Instead of being the son of Amram and Jochebed, Moses is portrayed as the result of a dalliance between Pharaoh Ramesses' second daughter and a passing Hebrew slave. This is important for the internal structure of the story in so far as the exodus from Egypt only becomes possible because the pharaoh knows too well the truth of Moses' parentage. And not only the pharaoh: God elects Moses because of his half-Egyptian, half-Hebrew origins. Moreover these origins are relevant for the meaning of the novella as a whole. From its very beginning the author repeatedly underscores the 'racial' impurity of Moses, a direct challenge to the racial fanaticism and belief in purity prevalent in Nazi Germany. Here in Thomas Mann's short novel, the purest and most holy things emerge out of impurity and sin.

A second modification relative to the book of Exodus is Moses' relationship with language and writing. '[Moses] wasn't really at home in any language', the novel tells us, 'and when speaking would cast about in three: Aramaic Syro-Chaldean, which his father's blood kin spoke and which he had learned from his parents, had been overlaid by Egyptian, which he had had to acquire at school, and in addition Midianite Arabic, which he had spoken for many years in the desert'.¹⁶ Not only is Moses' lack of speaking ability portrayed as deriving from his nomadic wandering, but his choice of a new and holy alphabet is directly linked with his 'impure' language and inability to speak persuasively. In Mann's novel Moses invents a new system of writing, and again Mann does not even mention the Hebrew alphabet by name. Instead he re-emphasizes universality:

To write the words of every language of every people, and since Yahweh was the God of the whole world, then the pithy code that Moses intended to write down was the sort that could serve as a basic directive and a rock of human decency among all the peoples of the earth—across the whole world.¹⁷

16. Mann, *The Tables of the Law*, p. 18. Original: 'war aber außerdem in keiner Sprache zu Hause und suchte in dreien herum beim Reden: Das aramäisch Syro-Chaldäisch, das sein Vaterblut sprach, und das er von seinen Eltern gelernt, war überdeckt worden vom Ägyptischen, das er sich in dem Schulhause hatte aneignen müssen, und dazu kam das midianitische Arabisch, das er solange in der Wüste gesprochen' (Mann, 'Das Gesetz', in *Gesammelte Werke in Einzelbänden*, VI, p. 348).

17. Mann, *The Tables of the Law*, p. 96. Original: 'wie aber mit der Handvoll

Again an irregularity leads directly to the universal clarity of the Commandments, and long before the end of the novel every reader understands this recurring pattern of impurity leading to purity, particularity to universality. The story of the Ten Commandments is a universal one, and the people of Israel, Moses and Moses' writings all carry universal significance. Nevertheless, here everything seems to be just the outcome of a highly individual case. In Mann's novella, particularity and universality are closely interlinked.

This is most obvious in a third modification Mann has made. The tablets containing the Ten Commandments are not given by God directly. God speaks to Moses and tells him the laws. But it is Moses who inscribes them in stone, not God, as the Bible tells us. Moreover, the novel doesn't distinguish explicitly between God and Moses, and so Mann's readers never get a clear cue as to whether there is a holy authority speaking to Moses behind the commandments. Maybe everything is, in the end, just Moses' imagination. Once again, impurity could be at the origin of the universal commandments. They might all be 'from within Moses' breast',¹⁸ as the novel stresses. This secular and persistent subtext is present throughout the novel, as when, for example, Aaron wants to impress the pharaoh with a miraculous rod that turns into a snake. Even the Egyptian priests could easily perform similar magic, we are told. And it is Joshua who comes at night to visit and to provide for Moses when he is on Mount Sinai. Even there, Moses is not the holy man of the Bible but a very mundane character who argues with God. At no point in the novel is the existence of any supernatural power explicitly affirmed. Everything stays in the realm of secular explanation and often impure motivations. The reader has to understand that the establishment of the Ten Commandments could be explained in terms of very earthly and profane reasons. And the novella is more than explicit in constantly emphasizing this interpretation.

Fourthly, Mann creates profane and unheroic characters. His Moses killed another man by indulging his 'sweet anger', and more than once flies into a rage over the narrow-mindedness of his people. Aaron and Mirjam are not much better. Joshua, in Mann's novella Moses' most loyal follower, is the mundane explanation for the angel of death who does Moses' bloody work more than once, especially when the story describes Israel's conquest of the

Zeichen notfalls die Worte aller Sprachen der Völker geschrieben werden konnten, und wie Jahwe der Gott der Welt war allenthalben, so war auch, was Mose zu schreiben gedachte, das Kurzgefaßte, von solcher Art, daß es als Grundweisung und Fels des Menschenanstandes dienen mochte unter den Völkern der Erde—allenthalben' (Mann, 'Das Gesetz', in *Gesammelte Werke in Einzelbänden*, VI, pp. 397-98).

18. Mann, *The Tables of the Law*, p. 92. 'Gott befahl ihm laut aus seiner Brust': Mann, 'Das Gesetz', in *Gesammelte Werke in Einzelbänden*, VI, p. 395.

oasis of Kadesh. Mann also makes use of the episode concerning Moses' Kushite wife and his depiction of her is exaggerated in more than one way to play up Moses' worldly need for 'recreational pleasure'.¹⁹ Doubtless much exaggerated typification, not to say stereotyping, is involved.

In sum, the difference between Thomas Mann's novel and Exod. 1–20, 32–34, Deut. 5 and some passage out of the book of Numbers couldn't be more obvious. Mann's novella is a Moses fantasy that retells the founding history as a profane story and nods to the reader as well as to the holy books. Mundane explanations that derive the universality of the Ten Commandments from unholy causes are central to the novella. Although Thomas Mann had to use some biblical events, he could have transformed any of them into a story; and picking up any biblical name he could have unfolded it into a fully realized character. The way he did this changes a holy tradition into a profane one. The history of the Ten Commandments that Mann has written is obviously dominated by a simplistic, if not grotesque, psychological mechanism that jumps from irregularity and impurity directly to order and purity. For a founding history of the Decalogue this is not enough: too much propaganda rather than art. One might conclude that Judge Meinerzhagen did not, perhaps, make the best choice.

Literary critics explain Mann's lack of purity with reference to the sources that he more or less openly quotes.²⁰ When he calls Moses, more than once, 'Mann Moses', this is an undisguised citation of Sigmund Freud's last book, *Moses and Monotheism (Der Mann Moses und die monotheistische Religion)*, of 1939, published three years before Thomas Mann's own Moses fantasy. Furthermore, Freud invented the Moses-the-Egyptian thesis, and Mann partly follows him here. Mann's Moses is half Egyptian but, much more than that, he is a mixture of Hebrew and Egyptian. Above all Mann is not only committed to Freud but also to the nineteenth-century critique of religion. As Ludwig Feuerbach puts it briefly in *The Essence of Christianity (Das Wesen des Christentums)* of 1841, 'the secret of theology is anthropology'²¹—this could serve as a rule for the way Thomas Mann chooses to tell the founding history of the Ten Commandments. Certainly Mann has written an ironic anthropology of the Decalogue, but it is anthropology and not theology. The history of human behaviour explains everything.

19. Mann, *The Tables of the Law*, pp. 80–81. 'Mose hing gewaltig an ihr um seiner Entspannung willen': Mann, 'Das Gesetz', in *Gesammelte Werke in Einzelbänden*, VI, p. 388.

20. Cf. Klaus Makoschey, *Quellenkritische Untersuchungen zum Spätwerk Thomas Manns*. Joseph, der Ernährer, Das Gesetz, Der Erwählte (Frankfurt: Fischer, 1998).

21. 'Das Geheimnis der Theologie ist die Anthropologie': Ludwig Feuerbach, *Gesammelte Werke*, V. *Das Wesen des Christentums* (ed. W. Harich and W. Schuffenhauer; Munich: Oldenbourg, 2006), p. 13.

To foster his anthropological view of the origins of the Ten Commandments, Mann also read exegetical literature.²² Above all he adopted the thesis of Elias Auerbach, an early Zionist and physician, founder of the first modern hospital in Haifa, who argues that Moses formed the people into his people of Israel at the oasis of Kadesh. In his book *Wilderness and Promised Land (Wüste und Gelobtes Land)*, printed by the avant-garde publishing house of Kurt Wolff in 1932 and 1936, Auerbach claims that it took Moses a whole generation to transform a slavish crowd into the people of God. Auerbach did not invent this assumption, but rather promoted the ideas of the highly influential historian Eduard Meyer and the prominent Old Testament scholar Hugo Gressmann. From Auerbach, Thomas Mann also borrowed the bold thesis that Moses was the inventor of script. This tells us a lot about Thomas Mann's way of writing and his particular preference for adopting such audacious propositions. Mann drew on yet another authority, the pan-Babylonist Alfred Jeremias,²³ an orthodox Lutheran pastor from Leipzig and the first German translator of the *Epic of Gilgamesh*. In his book *Das alte Testament im Lichte des alten Orients* ('The Old Testament in the Light of the Ancient Orient') from 1906 he expresses similar views to those of Elias Auerbach. The title of his book already emphasizes Jeremias's pan-Babylonist thesis, which explains the origins of the Bible in terms of Babylonian mythology. Neither Auerbach nor Jeremias was an established scholar. Both were amateurs, in the best sense of the word, and Mann admired their views because of this. He makes use of theories that offer storylines; this was also the significance for him of the assumptions that Moses was the inventor of script, and that it was not until the years at the oasis in Kadesh that the crowd of slaves became the people of God. To summarize, the novel makes use of any source that offers a good secular story, and from these stories a mundane explanation emerges of how the Ten Commandments came from Mount Sinai to the world. The narrative overcomes the law.

In addition to criticism of religion and biblical scholarship, a last influence that should be mentioned is the airy and light style of the writing of Voltaire. The severity of law is counterbalanced by an easiness in writing about it that is exemplified by Voltaire in his *Essai sur les mœurs* (1756), *Candide* (1759) and other writings. This style was also adopted by Goethe in pieces such as *Israel in der Wüste* ('Israel in the Desert'). Voltaire is not an

22. Cf. Friedeman W. Golka, *Mose—Biblische Gestalt und literarische Figur: Thomas Manns Novelle Das Gesetz und die biblische Überlieferung* (Stuttgart: Calwer, 2007).

23. Käte Hamburger, *Thomas Mann: Das Gesetz* (Frankfurt: Fischer, 1964); Rudolf Smend, 'Thomas Mann: *Das Gesetz*', in W. Barner (ed.), *Querlektüren. Weltliteratur zwischen den Disziplinen* (Göttingen: Wallstein, 1997).

unproblematic influence, owing to the historical misuse of this way of writing on Moses by anti-Semites such as Adolf Bartels and others.²⁴ And the irony of Voltaire's biblical writings does not seem helpful in defending the universal claims of the Decalogue. But there is no doubt about how much Thomas Mann owes to Voltaire's treatment of the biblical books. Again the pivotal question arises as to whether such a text as Thomas Mann's Moses fantasy is appropriate to confront Nazism. Is it an adequate way of presenting the 'edict' (*Erlassung*)²⁵ of the Ten Commandments, as Thomas Mann puts it? These are legitimate doubts.

3

Given the way in which Thomas Mann retells the founding history of the Decalogue, the question is inevitable as to whether a novel whose writing was 'fast, easy, and airy but not carefree'²⁶ makes any sense in the age of extremes. Part of the answer is given in the distinction just quoted: 'airy but not carefree'. The novel is written very carefully, even if it is nothing more than a fantasy. As Käte Hamburger notes in her ingenious early interpretation of Thomas Mann's biblical work, at the heart of the novel there is a grave topic: the ethical constitution of Israel as the people of God. This is at the same time the constitution of the human moral law.²⁷ The allusions in Mann's narrative may not be suitable to such a topic: the obvious ones being to Freud, the less obvious to Richard Wagner, Friedrich Nietzsche, Goethe and Voltaire, with academic references to Old Testament scholars and so on. But the joy of these variations and the airiness of the style are not an end in itself. They are part of the implicit anthropology of telling. And that is my thesis.

To get this point it is once more necessary to return to the novella. The Decalogue is given to the people twice—so say the books of Exodus and of Deuteronomy, and so says Thomas Mann. When Moses comes down from Mount Sinai the first time and finds the crowd jumping around the golden calf he smashes the two tablets against the stone pedestal. 'You rabble, you godforsaken people!', he shouts, 'Here lies what I brought down to you from God and what He wrote for you with His own finger, to be your talisman against the misery of ignorance! Here it lies in pieces by the wreckage

24. Jacques Darmaun, *Thomas Mann, Deutschland und die Juden* (Tübingen: Niemeyer, 2003), pp. 212-26.

25. Thomas Mann, 'Reden und Aufsätze 3', in Thomas Mann, *Gesammelte Werke in dreizehn Bänden*, XI, (Frankfurt: Fischer, 1974), p. 154.

26. Cf. n. 8.

27. Käte Hamburger, *Thomas Manns biblisches Werk. Der Josephs-Roman/Die Moses-Erzählung Das Gesetz* (Munich: Nymphenburger, 1981), p. 181.

of your idol. What can I tell the Lord about you now, to keep Him from consuming you?’²⁸ At that point the reader knows very well that it was Moses who wrote the two tablets with his own finger (and not God, as in the book of Exodus). The question is therefore: what does this idolatry mean for Moses? First it leads him to violence: Moses condemns the sinners to death and Joshua takes care of the execution of Moses’ orders. Meanwhile Moses is to ‘go up again to God’s mountain and’—as he says—‘see what I can still manage to do for you’,²⁹ that is, for the people, since they are still superstitious. Moses does not write the Ten Commandments again in the original version, as it says in the biblical text (Deut. 10.4). He renews the tablets ‘even better than the first time’:³⁰ and the narrator, with Moses, proudly underlines the fact. Moses rewrites the Ten Commandments following Deuteronomy very closely in the revised Lutheran Bible of 1912, but shortening it to very clear sentences, which are more law-like than they are in the biblical text, and more Luther-like than the text of Luther itself: ‘Du sollst deinem Nächsten nicht Unglimpf tun als ein Lügenzeuge’ (‘You shall not bear false witness against your neighbour’); ‘Du sollst kein begehrlisches Auge werfen auf deines Nächsten Habe’ (‘You shall not covet your neighbour’s house’).³¹

This overemphatic, if concise, rewriting of the Ten Commandments is important: Moses makes the Commandments better than before—which is indicated here by the more biblical and more Lutheran style—although he accepts that this second time is only the beginning of an endless retelling of the Ten Commandments. There is no such thing, then, as a mythical first version. This is much more than the Decalogue retold by Moses with significant changes to the wording in the wilderness of Moab given by Deut. 5.6-21. The novel first discusses, in an imaginary dialogue between Moses and God, the possibility of not rewriting the Decalogue at all. Moses would live as the only survivor in the covenant with the Lord. But Thomas Mann’s novel rejects exactly this kind of purity, and tells the story of how, out of sin,

28. Mann, *The Tables of the Law*, p. 103. ‘Du Pöbelvolk, du gottverlassenes! Da liegt, was ich dir herniedergetragen von Gott, und was Er für dich geschrieben mit eigenem Finger, daß es dir ein Talisman sei gegen die Misere der Unbildung! Da liegt’s in Scherben bei deines Abgottes Trümmern! Was fang’ ich nun an mit dir vor dem Herrn, daß er dich nicht fresse?’ (Mann, ‘Das Gesetz’, in *Gesammelte Werke in Einzelbänden*, VI, p. 402).

29. Mann, *The Tables of the Law*, p. 106. Original: ‘denn ich will wieder hinaufgehen auf Gottes Berg und sehen, was ich allenfalls noch für dich ausrichten kann, halsstarrig Volk!’ (Mann, ‘Das Gesetz’, in *Gesammelte Werke in Einzelbänden*, VI, p. 404).

30. Mann, *The Tables of the Law*, p. 109. Original: ‘die wurden besser sogar, als das erste Mal’ (Mann, ‘Das Gesetz’, in *Gesammelte Werke in Einzelbänden*, VI, p. 406).

31. Mann, ‘Das Gesetz’, in *Gesammelte Werke in Einzelbänden*, p. 399.

the Decalogue was written again. Because the reader already knows that Moses is the author of the Ten Commandments, the second writing is only part of a series of retellings of the truth, each one a bit different. And the novella itself is only part of this series. In this perspective the Decalogue is no longer a myth. What we can say about it is a genealogy of morals.³² As a genealogy it is just a narrative; it is unmythical and impure; but it has to be retold again and again to be meaningful for us. This is the duty of culture.

Moses argues with God and pushes God to forgive his people: not till God has done so can the Ten Commandments be rewritten. The acceptance of human impurity and of the retelling are once again two sides of the same coin:

And Moses appealed to God's honor and spoke: 'Just imagine, Holy One: if You now kill these people as You would a man, then the heathen, on hearing their cry, would say: "Bah! There was no way the Lord could bring these people into the land promised to them; He wasn't up to it. That's why He slaughtered them in the desert." Is that what You want the peoples of the world to say about You? Therefore let the strength of the Lord grow great and by Your grace show mercy for the people's transgression!' And it was this argument in particular that prevailed with God and persuaded Him to forgive them.³³

The retelling is the first step in God's forgiveness, and therefore the Decalogue tells not only the story of the Commandments but also the true story of God's mercy. The starting point for this story is the rewriting of the Decalogue. And that is what Moses does after his arguments with the Lord. The novel explicitly emphasizes how much this retelling will be necessary again and again. 'I know well and God knows beforehand that His commandments will not be kept that there will be transgressions against His words always and

32. Brunhild Neuland, 'Das Gesetz. Zu Thomas Manns poetischer Fassung der Mose-Mythe', in H. Brand and H. Kaufmann (eds.), *Werk und Wirkung Thomas Manns in unserer Epoche. Ein internationaler Dialog* (Berlin: Aufbau, 1978), pp. 249-72; Peter J. Brenner, 'Die Befreiung vom Mythos. Recht und Ordnung in Thomas Manns *Das Gesetz*', in M. Braun and B. Lermen (eds.), *Man erzählt Geschichten, formt die Wahrheit. Thomas Mann: Deutscher, Europäer, Weltbürger* (Frankfurt: Peter Lang 2003), pp. 187-201.

33. Mann, *The Tables of the Law*, pp. 108-109. 'Und er nahm Gott bei der Ehre und sprach: "Stelle dir, Heiliger, das doch vor: Wenn du dies Volk nun tötest wie einen Mann, so würden die Heiden sagen, die das Geschrei vernähmen: 'Pah! Der Herr konnte mitnichten dies Volk ins Land bringen, das er ihnen geschworen hatte, er war's nicht imstande; darum hat er sie geschlachtet in der Wüste.' Willst du dir das nachsagen lassen von den Völkern der Welt? Darum laß nun die Kraft des Herrn groß werden und sei gnädig der Missetat dieses Volkes nach deiner Barmherzigkeit!" Namentlich dies Argument war es, womit er Gott überwand und ihn zur Vergebung bestimmte', (Mann, 'Das Gesetz', in *Gesammelte Werke in Einzelbänden*, VI, pp. 405-406).

everywhere'.³⁴ It is not enough to know the Ten Commandments, it is more important to rewrite them, maybe rewrite them better.³⁵ And that is exactly what Judge Meinerzhagen did, when he quoted from Mann's story: he told the story again. Through such retelling the Decalogue stays alive.

The novella steadily and emphatically suggests that Thomas Mann's worldly story is itself a retelling, a better retelling for today's people. 'Better' means that the old story has been adapted for those who worship the golden calf in the twentieth century. For Thomas Mann the golden calf was the idol of Nazism. If one takes a closer look at Mann's diaries for the year 1943 it is intriguing how strongly Mann believed not only in the coming end of Nazism after the battle of Stalingrad but also, even more, in the need to re-educate the German people.³⁶ More than once the novella talks about Moses' 'Bildungswerk' (educational work), which is to be done in the next years, and more than once it speaks of Moses' 'Gotteslust' (lust for God),³⁷ which is necessary to do this work. To be a teacher of his felonious and foul people becomes a major, but nevertheless doubtful, task for Thomas Mann, as it was for Moses thousands of years before. His *Gotteslust* is also the lust of the artist to rebuild his people. *The Tables of the Law* is part of this artistic re-education, but Mann more than once doubted the possibility of wholly achieving it. Mann first flirted with the idea of assuming a leading position in the new Germany, as Wolfgang Frühwald has shown. But as Mann's diaries confirm, this idea soon lost its power for him, and melancholy thoughts about Germany dominated his entries.³⁸

For Mann his task as an artist in the age of extremes is to retell the Decalogue. It is not by accident that his main character, Moses, is depicted in the last chapter of the novella as an artist—not as a writer, an orator or a composer. The artist with whom Mann compares him in his work of re-education is Michelangelo.³⁹

34. Mann, *The Tables of the Law*, p. 110. 'Ich weiß wohl, und Gott weiß es im Voraus, daß seine Gebote nicht werden gehalten werden; und wird verstoßen werden gegen die Worte immer und überall': Mann, 'Das Gesetz', in *Gesammelte Werke in Einzelbänden*, VI, p. 407.

35. Cf. Peter Mennicken, *Für ein ABC des Menschenbehagens. Menschenbild und Universalthos bei Thomas Mann* (Ostfildern: Matthias Grünewald, 2002).

36. Thomas Mann, *Tagebücher 1940–1943* (ed. P. de Mendelsohn; Frankfurt: Fischer, 1982), pp. 505ff.

37. Mann, 'Das Gesetz', in *Gesammelte Werke in Einzelbänden*, VI, pp. 351, 355.

38. Cf. Frühwald, 'Thomas Manns "Moses-Phantasie"', in Frühwald, *Das Talent, Deutsch zu schreiben*, pp. 328–29.

39. Claus-Michael Ort, 'Körper, Stimme Schrift. Semiotischer Betrug und "heilige" Wahrheit in der literarischen Selbstreflexion Thomas Manns', in M. Ansel, H.-E. Friedrich and G. Lauer, *Die Erfindung des Schriftstellers Thomas Mann* (Berlin: W. de Gruyter, 2009), pp. 237–71 (256–61).

One has to imagine how he sat up there, with a bare torso, his chest covered with hair and with very strong arms that he probably got from his ill-used father—with his wide-set eyes, his flattened nose, the parted, graying beard, chewing on a piece of flatbread, also coughing occasionally from the metallic fumes of the mountain; how he hewed the tablets by the sweat of his brow, chiseled them, planed them; how he crouched before them as they leaned against the rocky wall and, toiling painstakingly over each detail, notched into their surfaces his chicken scratches, these runes that could do everything, after first sketching them in with his graver.⁴⁰

This description is based on Michelangelo's monumental *Moses* of San Pietro in Vincoli, but is at the same time a portrait of Michelangelo and a self-portrait of Thomas Mann.⁴¹ The task for the artist is huge, and one might expect that Mann would have envisioned an outstanding artist with no human impurity. But as his novella points out, Moses is a problematic character until the end, until he rewrites the Decalogue a second time. And so Mann chooses, not the pure Raphael but the untamed and impure (homosexual) Michelangelo. Thomas Mann's Moses is not an *Übermensch*. There had been too many of those in the dark years, and too many vain artists. Not moral severity, but a humanization which reckons with human evil, is the way to re-educate the crowd. This is the reason why the novella is so airily written and deals so lightly with its serious topic, and is so simplistic in its psychological genealogy of morals. Thomas Mann believes not in prophets but in the problematic characters produced by artists. And maybe the most problematic part of this kind of belief is the self-styling of the writer Thomas Mann.

Only then, only if one accepts and believes in this understanding of art and artist, and only if one thinks that retelling is better than the purity of the first text, is the decision of the judge in the trial a wise decision—or, more precisely, another retelling of the Ten Commandments. As in Thomas

40. Mann, *The Tables of the Law*, p. 97. 'Man muß ihn sich vorstellen, wie er dort oben saß, mit bloßem Oberleib, die Brust mit Haaren bewachsen und von sehr starken Armen, die er wohl von seinem missbrauchten Vater hatte,—mit seinen weit stehenden Augen, der eingeschlagenen Nase, dem geteilten, ergrauten Bart, und, an einem Fladen kauend, zuweilen auch hustend von Metaldämpfen des Berges, im Schweiß seines Angesichts die Tafeln behaute, abmeißelte, glatt scheuerte, wie er vor den an die Felswand gelehnten kauerte und sorglich im Kleinen schuftend seine Krähenfüße, diese alles vermögenden Runen in die Flächen einsenkte, nachdem er sie mit dem Stichel vorgezeichnet': Mann, 'Das Gesetz', in *Gesammelte Werke in Einzelbänden*, VI, p. 398.

41. The parallel between Moses and Michelangelo is introduced by Mann himself: see Thomas Mann, *Die Entstehung des Doktor Faustus, Roman eines Romans*, in Thomas Mann, *Gesammelte Werke in Einzelbänden*, XVI (ed. P. de Mendelssohn; Frankfurt: Fischer, 2nd edn, 1984), pp. 130-288 (139-40); cf. also Golka, *Mose—Biblische Gestalt und literarische Figur*.

Mann's novella it is not enough to know the Decalogue. It is important to make the Ten Commandments public and to say the words, not only as they appear on the page but in our own voice, so that the Decalogue is still a guide, but a guide with a story which has to be retold again and again: "Thus the earth shall be the earth once more, a vale of misery, but not a field of depravity. Everyone say Amen to that!" And they all said Amen'.⁴²

42. Mann, *The Tables of the Law*, p. 112. "Dass die Erde wieder die Erde sei, ein Tal der Notdurft, aber keine Luderwiese. Sagt alle Amen dazu!" Und alles Volk sagte Amen': Mann, 'Das Gesetz', in *Gesammelte Werke in Einzelbänden*, VI, p. 408.