1 Time and History

When reviewing the remarkable progress of their field, scholars of Ancient Near Eastern Studies in the late nineteenth century were justifiably proud of their achievements. Ancient civilisations such as that of Babylonia and Assyria, once lost and forgotten, seemed to come alive again through the discoveries made by modern archaeology and philology. Even colleagues from neighbouring fields, such as the Heidelberg historian Wilhelm Wattenbach (1819–1897), were deeply impressed:

> So viel aber war sicher, daß Ninive von der Erde verschwunden war; man kannte seine Stätte nicht mehr. Von den Einzelheiten der assyrischen Geschichte, von den Zuständen und Einrichtungen des Reiches, von den Sitten, der Cultur, der ganzen Art und Weise des Volkes wußte man gar nichts. Wie anders ist das alles jetzt![34]
>
> [But one thing was certain: Nineveh had disappeared from the face of the earth; its location was no longer known. Nothing was known about the details of Assyrian history, the conditions and institutions of the empire, the customs, culture, or the entire way of life of the people. How different everything is now!]

However, the excitement surrounding these developments can only be understood in the context of the significant role that the ancient Near East has always occupied in European cultural memory. In fact, the Babylonians and Assyrians have never been forgotten, and the Middle East has never been a blank spot on European maps or a chapter missing from European history books. Nevertheless, both maps and history books had to undergo major revisions in the nineteenth century. While colonial expansion led to a more detailed understanding of geography, archaeological discoveries unearthed valuable material and textual evidence which revealed previously unknown historical actors.

The archaeological exploration of the Middle East by Europeans varied across different regions. Already in the eighteenth century, scholars embarked on expeditions to Egypt, Palestine, and Persia to uncover the rich ancient histories of these regions.[35] Since the turn of the nineteenth century, the combination of imperial and scholarly influence that emerged with Napoleon's expedition into Egypt altered the circumstances for European scholars. In Egypt particularly, archaeological exploration often devolved into exploitation.[36] The situation in Mesopotamia was different, as the entire region remained under the control of the

34 Wattenbach 1868, 3.

35 See the overview by Harbsmeier 2002.

36 See among many others Jasanoff 2006, 211–306.

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Ottoman Empire until the First World War. It was not until the mid-nineteenth century that systematic exploration of this latter area began. The most significant contributions were made by two diplomats, Paul-Emile Botta (1802–1870) and Austin Henry Layard (1817–1894), who excavated ancient Assyrian sites in the 1840s in what is now northern Iraq on behalf of the French and British Empires, respectively. The late nineteenth century witnessed further significant excavations at major archaeological sites spanning from the Levantine coast to northern Syria and from Turkey to southern Iraq.[37]

German scholars, fascinated by these developments but for a long time confined to their armchairs, could only enter this race later, after the establishment of the new German Empire in 1871.[38] The first German excavations at the site of Zincirli, in what is now southern Turkey, attracted relatively little public attention.[39] However, the situation changed suddenly with the great Babylon excavation, which was crucial to understanding the German fascination with all things Babylonian at the turn of the twentieth century. Commencing in 1899, a team of German excavators led by the architect Robert Koldewey (1855–1925) unearthed the vibrant remains of the capital of the Neo-Babylonian king Nebuchadnezzar (reigned 605–562 BC), well-known from the Bible and ancient Greek writers. Of particular note was the discovery of the Ishtar Gate, which was subsequently reconstructed in the Berlin Pergamon Museum.[40] Despite the fact that Hammurapi's reign predates that of Nebuchadnezzar by over a millennium, the public's fascination with the Old Babylonian and the Neo-Babylonian periods amalgamated, so that colourful objects from the first millennium BC increased general interest in a law code from the second millennium BC, and vice versa. In reality, the historical distance is akin to conflating Imperial Rome and Renaissance Rome.[41]

These "blessings of the spade," as the Assyriologist Carl Bezold (1859–1922) called them, included not only buildings and works of art but also the most valuable treasures for reassembling the history of the ancient Near East: objects containing texts.[42] The archaeological exploration of ancient Near Eastern sites was only the initial phase in studying the civilisations of the ancient Near East. The second phase involved deciphering writing systems. Only through the interplay

37 On the history of these discoveries, see among others Larsen 1996; Bohrer 2003; McGeough 2015.

38 On German Orientalism in this period, see Marchand 2009; additionally Mangold 2004; Wokoeck 2009.

39 See Dörner and Dörner 1989, 293–301; Wartke 2005.

40 On the palace and its reconstruction, see Fügert and Gries 2020.

41 See among others Fischer 1985, 154–300; Crüsemann 2001; Seymour 2014, 185–216.

42 Bezold 1903, 3.

of material and textual sources was it possible to adopt a historiographical approach that, in principle, was no different from that used in studying classical antiquity. Of course, even before the rise of Ancient Near Eastern Studies, it was widely recognized that Babylonia, Assyria, and Egypt were scriptural cultures. However, these scripts were neither understandable to Europeans nor to the people of the modern Middle East. While hieroglyphics were not the first ancient writing system to be decoded, their decipherment by Jean-François Champollion (1790–1832), the French founder of modern Egyptology, was the most sensational event of its kind.[43] The decipherment of cuneiform script, which had been used in the ancient Near East from the fourth to first millenniums BC, proved to be a more complex task. One of the main challenges was the fact that cuneiform was used for various languages including Sumerian, Akkadian (Babylonian and Assyrian), Hittite, and Persian, some of which were previously totally unknown. In fact, it was not until the second half of the nineteenth century that texts from the Old Babylonian period could be read by modern scholars, including the Code of Hammurapi.[44] As with archaeological exploration, philological exploration was predominantly led by the British and French in the first half of the nineteenth century. This was mainly due to the fact that accessing new materials and textual discoveries was much more convenient in London and Paris, the metropolises of the two leading colonial powers, compared to other European countries. This situation began to change during the second half of the nineteenth century, and by around 1900, German Orientalists had taken the lead in this field. There were two reasons for this shift. Firstly, the longstanding tradition and prominent status of philological, historical, and theological disciplines at German universities had led to an early and comprehensive institutionalisation of Ancient Near Eastern Studies.[45] Secondly, Germany itself had become an imperial power capable of conducting expeditions and excavations by the end of the nineteenth century, which freed scholars from relying solely on French and British materials.[46]

These archaeological and philological discoveries significantly reshaped the European understanding of the history of the ancient Near East. It is important to note however, that ancient Near Eastern history did not need to be newly written but rather *rewritten.* As the Near East had long occupied a prominent place in European conceptions of history, scholars attempted to reconcile the new findings with traditional historical narratives, but this was only possible to a certain extent. On the one hand, the discovery of Hammurapi and the Old Babylonian peri-

43 On Champollion, see among others Robinson 2012; Messling 2012.
44 See among others Pallis 1956, 132–87; Daniels 1995; Doblhofer 2008, 144–83.
45 See Mangold 2004.
46 See Marchand 2009.

od, dating more than a thousand years before biblical and Greek sources, appeared to confirm the traditional narrative of *ex oriente lux*, which posits that the ancient Near East was the cradle of civilisation. However, these discoveries also challenged the biblical and Greek narratives by revealing the existence of historical periods not mentioned in these sources. Furthermore, they called into question conventional chronologies and assumptions about historical continuity, progress, and evolution, including the theory of *ex oriente lux*. As we will see, the discovery of the Code of Hammurapi coincided with the 'crisis of historicism' at the turn of the twentieth century, leading to new conceptions of history. One of these was the idea of 'great men' as the central actors of history, not arranged in a temporal order but presented as contemporaries. As a result, it became possible to extract not only these heroic individuals but entire historical epochs from the course of history and arrange them in parallel. Against this background, Hammurapi's Babylonia appeared as an 'archaic modernity', so to speak, with the Kaiser's empire as its revenant.

1.1 *Ex oriente lux* in the Age of Historicism

Following Reinhart Koselleck, the idea of a homogeneous and linear human history – history in the singular, in contrast to manifold histories in the plural – only emerged in the eighteenth century and served as both a conceptual and narrative framework to make sense of the past.[47] This new idea raised the question of the specific position of different historical phenomena and entities, such as epochs, regions, peoples, empires, and nations on the timeline, as well as their relation to one another. It is not a coincidence that European universal historiography emerged in the mid-eighteenth century with a specific dedication to addressing these questions.[48] For historians of the Enlightenment, it was highly important to synchronise various data from different periods and cultural traditions in order to create a comprehensive narrative of historical events and the course of history.[49] The history of the ancient civilisations of Asia; including China, Japan, and India, with their own chronological systems and historiographical traditions

47 See Koselleck 1975a; Koselleck 1975b; Koselleck 2018 [1959]. Recent scholarship has rightly questioned this general claim, placing greater emphasis on the ambivalences and coexistence of contradictory temporal conceptions in the eighteenth and nineteenth centuries. See among others Seifert 1983; Sawilla 2004; Sawilla 2011; Stockhorst 2011; Jordan 2012; Décultot and Fulda 2016.
48 On the genesis of this historiographical genre, see Muhlack 1991, 97–143; for a short review see Osterhammel 1994.
49 See Jordheim 2017.

played a crucial role in this endeavour.[50] During the nineteenth century however, European historiography became increasingly exclusionary. Although Enlightenment scholars had developed comprehensive narratives that at least theoretically encompassed the history of the entire human race, the turn of the nineteenth century saw the concept of history become more limited in both space and time: *Geschichtlichkeit* was tied to certain conditions that not every actor in the past and not everywhere seemed to have fulfilled. Entire continents such as (sub-Saharan) Africa or pre-Columbian America were excluded because they were considered unhistorical, as Hegel infamously wrote: "What we properly understand by Africa, is the Unhistorical, Undeveloped Spirit, still involved in the conditions of mere nature, and which had to be presented here only as on the threshold of the World's History."[51] Although less harsh than the philosopher, Leopold von Ranke (1795–1886), the so-called founding father of modern historiography as an academic discipline, also excluded from the scope of historiographical interest all "peoples who are still in a kind of natural state."[52]

However, this exclusionary practice was not applied the Orient, a concept with no clear boundaries that encompassed Japan, China and India as well as the Middle East and North Africa, becoming restricted to the area of the modern Middle East only in the late nineteenth century.[53] The Orient was never considered *geschichtslos* (ahistorical) by German writers, which means that it was not seen as lacking in history at all. According to Andrea Polaschegg's meaningful distinction, the Orient was always seen as "another culture," but not as "the *Other* of culture".[54] The same applies to the inhabitants of the region who did not assume the same position in the writings of the nineteenth and early twentieth centuries as other non-European peoples. Instead, 'the Orientals' were assigned to a specific order, which was evident both conceptually and disciplinarily. While most non-European peoples were classified as *Naturvölker* (natural peoples) and studied within the field of ethnology, those from the Orient were categorized as *Kul-*

50 On the position of Asia and the Middle East in eighteenth century historiography, see Osterhammel 2018.

51 Hegel 1914, 103 (capitalisation in the original); German original Hegel 1970, 129. On the exclusion of Africa from nineteenth century historiography see among others Marx 1988. Hegel's racism and eurocentrism have been widely discussed in recent research. See among others Bernasconi 2000; Purtschert 2010; Tibebu 2011.

52 Ranke 1975b [1831/32], 85.

53 On the concept of the Orient in nineteenth century German geography, see among others Wardenga 1992; Nissel 2006; Bauriedl 2007; Escher 2011.

54 Polaschegg 2005, 135–42. For this reason alone, the concept of Orientalism, as developed by Edward Said, is not very appropriate as a general term to describe European representations of the non-European (and colonized) world. See Said 2003 [1978].

turvölker (cultural peoples) and studied by philologists and historians.[55] In fact, the concept of *Kulturvölker* was specifically aimed at placing both Orientals and Europeans within the same conceptual framework, and it is no coincidence that it emerged in the mid-nineteenth century, around the same time as the decipherment of ancient Near Eastern languages and scripts. It was the ability to write that posed as entry ticket into the realm of culture and history. Thus, for Ranke, the existence of written documents were the decisive criteria for distinguishing between natural and cultural peoples, between prehistory and history: "History only begins when the monuments are understandable and credible written records are available."[56]

To understand the unique position of the ancient Near East in European conceptions of history, it is necessary to acknowledge the enduring influence of and reliance on the traditional narratives that had circulated long before the emergence of modern archaeology and historiography. By far the most influential source in this respect was the Old Testament, a text (or a collection of texts) that derived itself from the ancient Near East. The biblical books cover two areas of history that have become relevant to the historiography of the ancient Near East; the very early history of humankind, which the Bible says began in the Near East, and the history of ancient Israel and its interactions with Egypt, Babylonia, Assyria and Persia in the first millennium BC. The Book of Genesis deals with the early history of humankind, including the stories of the Flood, the Sons of Noah, and the dispersion of peoples after the destruction of the Tower of Babel. These narratives remained important in debates about the origin and diversity of humans until the early twentieth century and continue to shape popular conceptions today.[57] Compared to the stories found in Genesis, the biblical accounts of Israel's interactions with the surrounding great powers in the later books of the Old Testament, especially the Prophets and the Writings, seemed more historically accurate and thus more promising as sources for writing the history of the ancient Near East. However, the Bible has almost nothing to say about earlier periods of Babylonian history and so makes no mention of Hammurapi.[58]

The second most important set of sources that greatly influenced European perspectives on the history of the ancient Near East were the writings of Greek

55 On the history of these concepts see Grotsch 1984.

56 Ranke 1881, 6.

57 See Wiedemann 2014; Wiedemann 2020, 437–50.

58 See among others Kratz 1999; Frahm 2007; Seymour 2014, 36–51. Some biblical scholars have, however, attempted to identify Hammurapi with figures mentioned in the Bible. See chapter 1.2 below.

and Roman historians and ethnographers.[59] Among these, the most influential was undoubtedly Herodotus, who wrote during the late fifth century BC. Herodotus' focus was primarily on the history of the Persian wars, but he also provided brief accounts of the various peoples involved in these conflicts, both historically and ethnographically.[60] However, like the Bible, Herodotus only covered the Neo-Babylonian period and thus also omits Hammurapi. The Bible and Greek historiography influenced European ideas about the ancient Near East in ways that went beyond factual history but strongly shaped European conceptions of history. According to both sources, there was no question that Egypt and Babylonia were very old and that modern societies owed a great deal to them. The two origins of mankind mentioned in the Bible, the Garden of Eden (Gen 2–3) and Mt. Ararat, where Noah's Ark rested (Gen 8:4), were located in the Middle East and Mesopotamia clearly appears as the cradle of human civilisation, symbolized by the Tower of Babel and the dispersion of humanity (Gen 11:1–9). The Bible also presents a fundamental narrative of history that has significantly influenced the European exegetical tradition since the Middle Ages: the concept of four consecutive kingdoms or world empires, as outlined in the Book of Daniel, which also indicates a geographical shift of history from east to west.[61]

It seemed clear, then, that the first chapters of human history were written in this area, and that any book on the history of humanity must begin with the history of the ancient Near East. With reference to the classical Latin phrase *ex oriente lux*, philosophers and historians at the turn of the nineteenth centuries condensed these ideas into a geo-historical narrative, claiming that not only did all cultural achievements originate in the ancient Near East, but that history itself followed the course of the sun from its eastern origins westwards. Highly influential in this respect was the essay *Auch eine Philosophie der Geschichte zur Bildung der Menschheit* ("This Too a Philosophy of History for the Formation of Humanity", 1774) by Johann Gottfried Herder (1744–1803). The philosopher, theologian and writer described the course of history by using an "analogy taken from human

59 On the perspective of the classical writers on the ancient Near East, see among others Kuhrt 1995; Rollinger 2008; Seymour 2014, 51–78.

60 However, the credibility of his work has been a subject of much debate. While Herodotus claimed to have personally travelled to Babylonia and Egypt, the question of whether or not he actually did so has been fiercely disputed since the nineteenth century. Despite this ongoing debate, it is undeniable that his work had a profound impact on the writing of ancient Near Eastern history. See Henkelmann et al. 2011; on the general importance of Herodotus in the historiographical discourse of the nineteenth century, see Marchand 2020.

61 On the reception of the Book of Daniel, see among others Delgado, Koch and Marsch 2003; on the idea of the successive empires and the concept of *translation imperii*, see the classic study by Goez 1958; on the origins of this topos, see Oellig 2023.

ages in life", which had been introduced into the historiographical discourse by the Italian philosopher Giambattista Vico (1668–1744).[62] In Herder's view, the Orient symbolized "the Golden Age of humanity in its childhood," which he romantically portrayed as a positive alternative to his own ossified European present:[63]

> *Morgenland*, du hiezu recht auserwählter Boden Gottes! Die *zarte Empfindlichkeit* dieser Gegenden, mit der raschen, fliegenden Einbildung, die so gern alles in göttlichen Glanz kleidet: *Ehrfurcht* vor allem, was Macht, Ansehn, Weisheit, Kraft, Fußstapfe Gottes ist, und sodann gleich kindliche Ergebung, die sich ihnen natürlich, uns Europäern unbegreiflich, mit dem Gefühl von Ehrfurcht mischet. […]. Anfangs unter der *milden Vaterregierung* war nicht eben der Morgenländer mit seinem *Zarten Kindessinne* der *glücklichste und folgsamste Lehrling?* Alles ward als Muttermilch und väterlicher Wein gekostet! Alles in Kindesherzen aufbewahrt und da mit dem Siegel *göttlicher Autorität* versiegelt! der menschliche Geist bekam die erste Formen von Weisheit und Tugend mit einer *Einfalt*, *Stärke* und *Hoheit*, die nun – gerade herausgesagt in unsrer philosophischen, kalten europäischen Welt wohl nichts, gar nichts ihresgleichen hat.[64]
>
> [*Orient*, you land of God truly chosen for this! The *delicate sensitivity* of these regions, with the quick, flying imagination that so likes to clothe everything in a divine radiance; *reverence* for everything that is might, respect, wisdom, force, footstep of God, and hence immediately childlike *submission*, which for them naturally, for us Europeans incomprehensibly, mixes with the feeling of reverence. […]. [A]t the beginning, under gentle *paternal government*, was not precisely the Oriental with his *sensitive child's sense* the *happiest* and *most obedient student?* Everything was tasted as mother's milk and father's wine! Everything preserved in children's hearts and sealed there with the seal of *divine authority!* The human spirit received the first forms of wisdom and virtue with a *simplicity*, *strength*, and *loftiness* that now – speaking frankly – in our philosophical, cold, European world surely has nothing, nothing at all, like it.[65]]

It was Hegel who articulated the narrative scheme of *ex oriente lux* in its most complex form. Although he rejected the romantic search for origins, the Orient played an essential role in his reflections on the history of the world, appearing as the space where the history of human civilisation (not necessarily the history of humanity) began: "Asia is, characteristically, the Orient quarter of the globe, – the region of origination. […]. In Asia arose the Light of Spirit, and therefore the history of the World."[66] Drawing upon Herder's analogy between history and the

62 Herder 2002 [1774], 281 (German original Herder 1994 [1774], 20). See also Vico 1744.
63 Herder 2002 [1774], 276 (German original Herder 1994 [1774], 15).
64 Herder 1994 [1774], 16–17 (emphasis in the original).
65 Herder 2002 [1774], 277–78 (emphasis in the original). On Herder's concept of the Orient, see among others Marchand 2014; Münster 2021.
66 Hegel 1914, 104 (Original German Hegel 1970, 130). On Hegel's perspective on Oriental history, see the still ground-breaking work of Ernst Schulin 1958, 13–125.

stages of human life, he presents the Orient as the "childhood of history," followed by the adolescent and adult stages represented by Greek and Roman antiquity.[67] Hegel's perspective was distinctly teleological: He viewed history as a dialectical process in which the *Weltgeist* (world spirit) unfolds, driving societal progress and shaping historical development. Furthermore, he expanded this teleological narrative to include a geographical dimension. According to this perspective, human civilisation emerged in the ancient Near East and gradually moved westward over time, ultimately reaching modern Europe:

> In der geographischen Übersicht ist im allgemeinen der Zug der Weltgeschichte angegeben worden. Die Sonne, das Licht geht im Morgenlande auf. […] Die Weltgeschichte geht von Osten nach Westen, denn Europa ist schlechthin das Ende der Weltgeschichte, Asien der Anfang.[68]
>
> [In the geographical survey, the course of the World's History has been marked out in its general features. The Sun – the Light – rises in the East. […] The history of the world travels from East to West, for Europe is absolutely the end of History, Asia the beginning.[69]]

Thus, in his highly influential lectures on the history of religion, philosophy, art and above all, world history, the first sections were devoted to Asia, making it clear that history began in the East.[70] Consequently, all of Hegel's lectures began by discussing China and India, followed by Persia and Egypt and largely overlooked Assyria and Babylonia. This is not only due to the fact that he wrote before the important archaeological and philological discoveries of the mid-nineteenth century, but also because Egypt and Persia played crucial roles in his geo-historical narrative that neither Assyria nor Babylon could assume.[71]

However, while the teleological view of world history continued to be influential throughout the nineteenth century, it was never an uncontroversial one. Already by the late eighteenth century, the concept of historical progress was causing contradictions. In fact, Herder's main goal in his 1774 essay was to critique the belief in progress (this was also the reason why he titled it "This *Too* a Philosophy

67 Hegel 1914, 111–13 (original German Hegel 1970, 135–38).

68 Hegel 1970, 133–34.

69 Hegel 1914, 109. The literature on Hegel's philosophy of history is unmanageable, but see with further references Rojek 2017.

70 The controversial editorial history of Hegel's lectures should be briefly addressed here. Although there are significant doubts regarding their authenticity, their considerable importance for the history of historical and philosophical thought in the nineteenth century is evident in the form in which they were edited. See Rojek 2017, 10–43.

71 See on Egypt Hegel 2018, 100–124 (German original). On Hegel's perspective on ancient Egypt, see Eschweiler 2022; on Persia Hegel 1914 [1831], 180–232 (original German Hegel 1970, 215–74).

of History"). Herder was not the first to be troubled by the reduction of the past to its presumed contribution to the present, which he saw as a central ethical dilemma, but he expressed his objection with the greatest verve and emotion.[72] He opposed turning ancestors into mere precursors, which he believed was the logical outcome of the concept of progress. Instead, each historical "individuality" (e.g., a people or a civilisation) should be evaluated based on its own standards: "Each nation has its center of happiness in itself, like every sphere its center of gravity!"[73] This idea, later called the 'principle of individuality' *(Individualitätsprinzip)*, became the founding concept of German historicism as it emerged in the early nineteenth century. It was most notably articulated by Ranke in his critique of Hegel's philosophy of history: "[E]very epoch is immediate to God, and its worth is not at all based on what derives from it but rests in its own existence, in its own self."[74]

Historicism certainly contributed a great deal to general German reservations about the ideas of evolution and progress and to the initially hesitant reception of Darwinism in German science.[75] However, the ethical demand of historicism to treat different cultures, epochs or nations equally did not lead to the dissolution of the concept of a singular and linear history into a plurality of unconnected histories. Like Herder, Hegel, and the historians of the Enlightenment, Ranke held to the idea of a homogeneous, linear and continuous world history. Furthermore, he was one of the last academic scholars who alone wrote a world history that claims to cover the subject in its entirety. Following the concept of *ex oriente lux*, Ranke also agreed with his predecessors that true history had begun in the East. But while eighteenth century universal historians like August Ludwig von Schlözer (1735–1809) and Johann Christoph Gatterer (1727–1799) attributed a significant role to China, India, and Persia (as did Hegel), Ranke focused on the ancient Near East as the initial area of historical origin: "The Near East, from the Euphrates to the Nile, is the cradle of civilisation."[76] Although he did not complete the first volume of his *History of the World* until 1881, the chapters on the ancient Near East were based mainly on the Bible and Greek historians, despite the fact

72 See for instance, Kant's remarks: Kant 1912 [1784], 20 (German original).

73 Herder 2002 [1774], 297 (German original Herder 1994 [1774], 39).

74 Ranke 2011 [1854], 21 (German original Ranke 1971 [1854], 59–60). On the principles and the critique of German historicism, see the classical study by Georg Iggers 1983. On the influence and the philosophical problems of historicism, see among others Schnädelbach 1974.

75 See among others Engels 2009.

76 Ranke 1975a [1833], 99. On the exclusion of Eastern Asia from history in nineteenth-century historiography, see Osterhammel 2018, 480–517.

that original written sources had become available[77] As a consequence, Ranke's account focuses on Egypt, ancient Israel, Assyria, and Persia, whereas Babylonia (even the neo-Babylonian period) is essentially absent.

The practice of omitting Babylonian history only changed after numerous clay tablets had revealed more ancient periods of Mesopotamian history, including the era of Hammurapi, whose name had been recognized on various artefacts unearthed from the mid-nineteenth century onward. The most important source for Hammurapi before the discovery of his large stele was the correspondence between this ruler and his local administration, edited in 1898 by the British Assyriologist Leonard William King (1869–1919).[78] Naturally, it took some years for new information regarding the Old Babylonian period to be synthesized and inserted before what was known about Assyria in the first millennium BC. While British and French historiographical writings from the second half of the nineteenth century tended to focus on periods that readers were already familiar with from the Bible, German scholars took the initiative to include second and even third millennium BC history into their historiographical accounts.[79]

One of the first to write a comprehensive chapter on Old Babylonian history, including a discussion of Hammurapi's role, was not an academic historian or an Assyriologist but rather a Swabian teacher, Friedrich Mürdter. His popular *Kurzgefasste Geschichte Babyloniens und Assyriens* (1882) received input and corrections from no other than Friedrich Delitzsch, who would later become the most prominent German Assyriologist.[80] Four years later, further information about the Old Babylonian period was available as the *Babylonisch-Assyrische Geschichte* (1886) by the Dutch Theologian Cornelis Petrus Tiele (1830–1902) demonstrates.[81] However, the most important historiographical account of the history of the ancient Near East to be published during this period was undoubtedly Fritz Hommel's (1854–1936) *Geschichte Babyloniens und Assyriens*, released in 1885. The Munich Assyriologist stressed the extraordinary importance of Old Babylonia, believing that the entire culture of the Ancient Near East was founded during

77 Ranke 1881, 3–154. This led Eduard Meyer (1855–1930), probably the most renowned scholar of ancient history at the turn of the twentieth century, to comment that the pioneer of German historiography obviously "felt entitled to disregard the valuable insights gained from fifty years of scholarly research" (Meyer 1910, 250–51). On Ranke's concept of Near Eastern history, see Schulin 1958, 147–288.

78 King 1898; King 1900a; King 1900b.

79 See Wiedemann 2020, 76–78.

80 Mürdter 1882 (on Hammurapi pp. 66–67). The second edition of this small book, published after Mürdter's death in 1891, was completely revised and partly rewritten by Delitzsch. See Delitzsch and Mürdter 1891.

81 Tiele 1886, 124–27.

this period.[82] Hammurapi plays a special role in Hommel's account because he believed that the "culmination point" of Babylonian culture occurred during his reign in the early second millennium BC.[83] Given the competition between the various fields of ancient studies, it was particularly important for Hommel to emphasize the idea that Babylonia was older than Egypt, thus highlighting the importance of the Old Babylonian period as the cradle of human civilisation:

> Die Weltgeschichte, soweit wir sie zurückverfolgen können, beginnt in Babylonien. […] So bestätigen also Kultur-, Religions- und Kunstgeschichte in gleicher Weise, dass Babylonien und nicht Ägypten die meisten Steine zu jenem gewaltigen Bau, den wir Zivilisation nennen, beigetragen, und dass von Babylonien aus der Strom der Kultur theils zur See durch Vermittlung der Phöniker, theils auf dem Landweg über Kleinasien zu Griechen und Römern und damit später auch ins romanisch-germanische Europa gegangen ist.[84]
>
> [World history, as far back as we can trace it, begins in Babylonia. […] Cultural, religious and art history thus confirm in the same way that Babylonia, and not Egypt, contributed most of the stones to that mighty construction which we call civilisation, and that from Babylonia the stream of culture went partly by sea through the mediation of the Phoenicians, partly by land via Asia Minor to the Greeks and Romans and thus later also to Romano-Germanic Europe.]

A few years later, Hugo Winckler, another protagonist of German Assyriology at the turn of the twentieth century, contributed a monograph to the historiography of ancient Mesopotamia, one with a differing political agenda to that of Hommel. While Hommel was a highly conservative Lutheran Protestant and Winckler a devoted atheist, they were both committed to a particularly radical version of *ex oriente lux*, which came to be called Pan-Babylonism. Scholars adhering to this school of thought claimed that ancient Babylonia was the homeland of nearly all of the cultural, religious, and technical achievements of human civilisation and emphasised the alleged ongoing influence from Babylonia, through Assyria, Palestine, Greece, and Rome, to contemporary European civilisation.[85] Suzanne Marchand rightly coined the term *furor orientalis* for the movement within German Orientalism that challenged the long-standing tradition of philhellenism and sought to break free from the "tyranny of Greece over Germany" as the British philologist Eliza May Butler (1885–1959) later famously wrote.[86] The subsequent fever of Orientalism, as exemplified by Pan-Babylonism, clearly indicates that

82 Hommel 1885, V. On Hommel, see Wiedemann 2023.
83 Hommel 1885, 380.
84 Hommel 1885, 3–5.
85 See Weichenhan 2016.
86 Marchand 2004; Butler 1935.

the narrative of *ex oriente lux* experienced a revival in the late nineteenth and early twentieth centuries. However, this particular narrative was distinct from that initiated by Herder, Hegel, and Ranke, and had to compete with various versions of world history. For example, nationalist and *völkisch* writers challenged the notion of *ex oriente lux* and attempted to replace it with the opposing narrative of *ex septentrione lux* ("light comes from the north") which asserts that the origin of all culture was to be found in northern Europe.[87]

These shifts can largely be attributed to the waning influence of the historical approaches that had dominated the humanities throughout the nineteenth century – a process that the theologian Ernst Troeltsch (1865–1923) later termed the "crisis of historicism."[88] In this context, Nietzsche's famous polemic against history in his second *Unzeitgemäße Betrachtungen* ("Untimely Meditations") published in 1874, was particularly influential for its description of the consequences of an all-encompassing historicisation of culture: "When the historical sense reigns without restraint, and all its consequences are realised, it uproots the future because it destroys illusions and robs existing things of the atmosphere in which alone they can survive."[89] As we will see later, this critique appeared particularly relevant to theology and legal theory, where the historical sense seemed to lead to relativism and the dissolution of traditional dogmas and norms, ultimately provoking an "anti-historicist revolution" in these fields during the 1920s.[90] By the turn of the twentieth century, the crisis of historicism, accompanied by a general decline in beliefs of continuity, progress, and development, had permeated all areas of cultural and political life, provoking various narratives of cultural despair or redemption.[91] However, it also spurred a search for new ways to connect the past with the present. One of these new approaches was the concept of 'world-historical individuals' – almost exclusively male – who kept the wheel of history turning.

87 See on these ideas Wiwjorra 2002.

88 Troeltsch 2002. There is a huge body of literature on the crisis of historicism at the turn of the twentieth century and its consequences. See among others Wittkau 1992; Rüsen 1993; Heinßen 2003; Oexle 2007a.

89 Nietzsche 1991 [1874], 95 (German original Nietzsche 1988 [1884], 295).

90 Nowak 1987. See also Graf 1997.

91 See the classical study by Stern 1974.

1.2 The Great Men of History

Extraordinary individuals and their deeds have always played a crucial role in the writing of history. In pre-modern historiography, there was a tendency to focus on a few influential and powerful individuals as the main protagonists, creating the illusion that a particular course of events had been shaped by their deliberate actions. This does not mean that these individuals appeared as autonomous subjects in the modern sense of the term, rather, the actions of great men were often viewed as being influenced by fate or the will of the gods. It was the larger historical narrative that conferred significance upon them and their actions.

This is also true of the modern philosophy of history as exemplified by Hegel, for whom these "world-historical individuals" were crucial: "At the forefront of all actions, including world-historical actions, are individuals as the subjectivities by which the substantial is actualized." As he went on to clarify, these individuals were merely "expressions of the substantial deed of the world spirit and therefore immediately identical with it," – a fact of which they themselves were unaware.[92] As "executors" of the world spirit *(Geschäftsführer des Weltgeistes)* the world historical individuals represented for him not only themselves but something general and universal: "The great individuals of world history, therefore, are those who seize upon this higher universal and make it their own end. It is they who realise the end appropriate to the higher concept of the spirit."[93] Although they faced different challenges in different eras, Hegel referred to these individuals as "heroes", who usually experienced a tragic fate, drawing upon the traditional metaphor of world history as a grand drama.[94]

Without making it explicit, it is clear that for Hegel, all heroic individuals were all male. Female heroism and a leading role for women were not envisioned in his philosophy of world history. The culture and politics of the nineteenth century were dominated by an extreme gender separation that excluded women from public affairs and from the writing of history. Given the masculine character of nineteenth-century historiography, it is not surprising that the concept of world-historical men remained stable even after Hegelian philosophy had lost its persuasive power.[95] In fact, without the overarching narrative that places individual lives as subordinate to a more or less teleological course of history, the significance of great men in the shaping of history becomes even more pronounced.

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92 Hegel 1991 [1820], § 348 German original: Hegel 1986 [1820], 506.

93 Hegel 1975, 82–83. German original: Hegel 1970, 45–46.

94 Hegel 1975, 83–85. German original: Hegel 1970, 45–47.

95 On the masculine character of nineteenth-century German historiography, see Schnicke 2014.

Popular books that achieved international bestseller status, such as *On Heroes* (1841) by Scottish writer and historian Thomas Carlyle (1875–1881) and *Representative Men* (1850) by American essayist Ralph Waldo Emerson (1803–1882) demonstrate that the concept of great men was far from being a solely German obsession.[96]

When historians today wish to discuss the problematic reduction of history to the actions of certain heroic individuals during the age of historicism, and often when highlighting the gendered aspect of German historiography, they usually refer to the phrase "men make history," commonly associated with the nationalist and antisemitic historian Heinrich von Treitschke (1834–1896).[97] However, Treitschke never delved further into this topic. The historian who provided the most detailed insights on the role of great men in history after Hegel was the much less controversial Swiss historian Jacob Burckhardt (1818–1897).[98] Burckhardt's famous work, *Weltgeschichtliche Betrachtungen* ("Reflections on History"), based on lectures given at the University of Basel between 1868 to 1872, includes a chapter on "historical greatness," by which he meant the uniqueness and irreplaceability of certain great men: "The great man is a man [...] without the world would seem to us incomplete because certain great achievements only became possible through him in his time and place and are otherwise unimaginable."[99] Although Burkhardt still followed Hegel in insisting on the over-individualised and generalised character of the great men, he did so without any overarching idea of historical continuity and progression, let alone a systematic philosophy of history, writing: "These great individuals represent the coincidence of the general and the particular, of the static and the dynamic, in one personality."[100] It could be argued therefore, that the decline of the world spirit during the nineteenth century led to the emergence of the great man as the solitary protagonist of history, shouldering the weight of innovation and historical

96 Carlyle 1897 [1841]; Emerson 1850.

97 Treitschke 1879, 28. See the biography by Langer 1998; on his antisemitism and nationalism, see among others Holz 2001, 165–247; Kohler 2010. Treischke triggered the Berlin 'antisemitism dispute,' a key moment in the history of German antisemitism. See among others Stoetzler 2008; Berg 2023.

98 See on Burckhardt among others Gossman 2000.

99 Burckhardt 1943 [1905], 305. German original: Burckhardt 1978 [1905], 211. The complete title of the chapter used by the German editors is *Das Individuum und das Allgemeine (die historische Größe)* (Burckhardt 1978 [1905], 207–48). However, the English translation 'The Great Men of History' seems to be more accurate.

100 Burckhardt 1943 [1905], 325 (German original: Burckhardt 1978 [1905], 229). On his critique of the Hegelian philosophy of history, see Burckhardt 1943, 77–90. On Burckhardt's own philosophical approach to history, see the excellent analysis by Schnädelbach 1974, 48–75.

transformation alone. He was considered the only one capable of breaking the chains of the present with his visions and deeds and thereby paving the way for the future. As Burckhardt wrote: "For great men are necessary to our life in order that the movement of history may periodically wrest itself free from antiquated forms of life and empty argument."[101] The dominance of this idea, which is difficult for us to comprehend today, helps to explain the significant concern among many European intellectuals about the decline and cultural despair resulting from the lack of individuality in modern civilisation.

The concept of 'personality' *(Persönlichkeit),* which Burckhardt attributed to all great men, became central and partially replaced the idea of 'individuality' at the turn of the twentieth century. It gained importance due to its psychological dimension, which allowed it to be connected to contemporary discourse across various fields regarding the inner lives of certain extraordinary individuals. There was a surge of literature discussing individuals referred to as geniuses, that explored their mental abilities, psychological traits, the purported reliance of genius on heredity, as well as their supposed racial background. In contrast to the idealistic and romantic notions of genius that prevailed in the late eighteenth and early nineteenth centuries, this renewed interest was characterised by a more scientific approach.[102] The discursive shift was primarily driven by psychological, medical, and biological studies, which aimed to unravel the mysteries of genius while still preserving its aura of mystique and integrity.[103] Usually, these works focused on poets, artists, philosophers, scientists, or other so-called *Geisteshelden* (intellectual heroes) as exemplary geniuses. However, they sometimes focused on particular kings, statesmen, or conquerors. As a result, the discussion of geniuses and world-historical individuals became intertwined. Although Burckhardt prioritised the "representatives of the mind," he discussed them together with "the great men of [...] world movement."[104] Of course, the psychology of rulers appeared to differ from that of poets: while poets were characterised by sensitivity and creativity, rulers possessed ruthlessness, decisiveness, and strength. Other mental traits, including megalomania, were found to be common to both groups, implying that the line between genius and insanity, as famously described by the Italian anthropologist Cesare Lombroso (1935–1909), was always a narrow

101 Burckhardt 1943 [1905], 345 (German original: Burckhardt 1978 [1905], 248).

102 See Köhne 2014. For a comprehensive exploration of the romantic and idealistic conceptions of genius, see Schmidt 1985a, 1985b.

103 See among others Galton 1875. On these approaches in general, see Hagner 2004.

104 Burckhardt 1943, 308, 324 (German original: Burckhardt 1978 [1905], 213, 229).

one.[105] Another idea shared by both types of great men was the concept of the charismatic leader *(Führer)*, prominently articulated by the sociologist Max Weber (1864–1920). However, Weber had merely adopted and transformed an idea that was already circulating among German writers of various political backgrounds in the early twentieth century.[106]

When it comes to the great men of political history – typically rulers, conquerors, and others regarded as *Tatmenschen* (men of deed)[107] – it is quite revealing to see which historical figures were deemed worthy of inclusion in this illustrious circle and which were not. There were, of course, national differences: almost all German writers put the Prussian king Frederick II, who established Prussia as one of Europe's leading powers in the eighteenth century (or was thought to have done so), at the top of their lists of great men, while abroad he was generally not considered extraordinary. Beyond certain national biases however, there was a surprising degree of consensus regarding great historical rulers. Notably, not only French but also British and German writers included Napoleon Bonaparte in their lists, even though their nations had been at war with him. Deeply impressed by a fleeting sight of the French emperor on horseback in Jena, Hegel famously regarded Napoleon as the "soul of the world" *(Weltseele)* and so included him within his list of "world-historical individuals".[108] The other two figures he mentioned in this context were Alexander the Great and Julius Caesar, who, like Napoleon, were included on almost every list of great men in the nineteenth and early twentieth centuries. Charlemagne, Genghis Khan, and Tsar Peter I of Russia were also considered prominent figures, though not all writers rated them highly. What all these rulers seemed to have in common was their ability to bring about lasting transformations in their societies and alter the power relations between their states and others. They achieved this by establishing institutions and ultimately guiding their people "from a more primitive condi-

105 Lombroso 1872. The overlap between genius, insanity and degeneration fascinated various writers of the time. See among others Hirsch 1894.

106 Weber 2019, 338–447. There is a vast literature on Weber's concept and its background. See among others Mommsen 1974 [1963]; Käsler 1990. On conceptions of charismatic leadership, see Schmidt 1985b, 194–212; Breuer 2001, 105–46.

107 Kretschmer 1929, 158.

108 In a letter to his friend Friedrich Niethammer in October 1806, Hegel recounted his brief encounter with Napoleon as follows: "[D]en Kaiser – diese Weltseele – sah ich durch die Stadt zum Rekognoszieren hinausreiten; es ist in der Tat eine wunderbare Empfindung, ein solches Individuum zu sehen, das hier auf einen Punkt konzentriert, auf einem Pferde sitzend, über die Welt übergreift und sie beherrscht" (Hoffmeister 1970, 120). This passage was later unjustly derided as Hegel's vision of the 'world-soul on horseback', *(Weltgeist zu Pferde)*. On the importance of Napoleon for Hegel's conception of world-historical individuals, see Schild 2018.

tion to a more advanced one" as Burckhardt wrote.[109] Most important in this context was the supposed power of the great men to create new political entities, especially states and empires, what Hegel already described in his Philosophy of Right as "the right of heroes to establish states."[110]

Although a newcomer to this gallery, Hammurapi seemed to perfectly fit the profile of history's great men. Credited with revolutionising the ancient Babylonian state and transforming it into an empire, he deserved to be mentioned in the same breath as Alexander and Napoleon, according to the Assyriologist Hugo Winckler: "What Hammurapi places alongside the great personalities of world history is what he did for his country, for Babylonia."[111] Not only did colleagues such as Bruno Meissner (1868–1947) agree, ranking Hammurapi among the "greatest historical figures" but scholars from other fields also praised the Babylonian king. The theologian and essayist Paul Rohrbach (1869–1956) referred to him as the "first clearly outlined person" in history.[112] In a similar vein, the Orientalist Hubert Grimme (1864–1942) proudly asserted just one year after the discovery of the stele that the "Hammurapi of Assyriology" had become the "Hammurapi of general world history" and had entered into "the pantheon of the leading spirits' of humanity."[113] Delitzsch went even further when he claimed that the establishment of the Babylonian state was "the personal and exclusive work" of Hammurapi. His entire conception of its development deserves our attention:

> Was aber unsere höchste Bewunderung erweckt, ist nicht sowohl, daß Hammurabi den Norden und den Süden des Landes unter seinem Zepter vereinte, sondern vielmehr, daß es ihm gelang, das neue Reich auf so fester Grundlage aufzuführen [sic], daß es bald zwei Jahrtausende unerschütterlichen Bestand hatte, daß er das ganze politische wie religiöse Leben durch Erhöhung Babylons zur Metropole des Landes in neue Bahnen lenkte und daß keine einzige der in alter Zeit hochberühmten und mächtigen Städte des Landes jemals den Versuch machte, an Hammurabis Werk zu rütteln. Das altbabylonische wie das neubabylonische Reich mit der Hauptstadt Babylons ist das persönliche und ausschließliche Werk Hammurabis, welchem eben dadurch der Ruhm eines der größten und edelsten Herrscher des alten Vorderasiens für alle Zeiten gewahrt bleibt.[114]
>
> [But what arouses our greatest admiration is not that Hammurapi united the north and the south of the country under his sceptre, but rather that he succeeded in establishing the new empire on such a firm foundation that it lasted unshakeably for two millennia, that he

109 Burckhardt 1943 [1905], 325 (German original Burckhardt 1978 [1905], 229.
110 Hegel 1991 [1820], § 350.
111 Winckler 1913, 14.
112 Rohrbach 1914, 37; Meissner 1926, 53.
113 Grimme 1903, 6.
114 Delitzsch and Mürdter 1891, 86.

> steered the whole of political and religious life in new directions by raising Babylon to the status of the country's metropolis and that not a single one of the country's highly famous and powerful cities in ancient times ever attempted to shake Hammurapi's work. The Old Babylonian as well as the Neo-Babylonian empire with the capital of Babylon is the personal and exclusive work of Hammurapi, for whom the fame of one of the greatest and noblest rulers of the ancient Near East is preserved for all time.]

Given this admiration, it was not surprising that Hammurapi featured prominently in Delitzsch's first lecture on *Babel und Bibel*, delivered concurrently with the excavation of the Hammurapi stele. He portrayed the Babylonian king as a contemporary of Abraham, adopting a theory developed by French Assyriologists in the late nineteenth century. According to these scholars, Hammurapi was identical to the biblical king Amraphael, who, as stated in the Book of Genesis, was involved in a war against the city of Sodom during Abraham's time (Gen 14).[115] In his second lecture, delivered exactly one year later when the code had already become the talk of the Reich, Hammurapi assumed an even more central role, serving as the main historical figure in Babylonian history.[116] The German Kaiser, in attendance at Delitzsch's lecture, appeared to be very impressed by these remarks and afterward sent a letter to Admiral Friedrich Hollmann (1842–1913), the vice-president of the *Deutsche Orient-Gesellschaft* (German Oriental Society), that declared not only his position on the controversy but also his personal religious beliefs.[117] In the so-called Hollmann letter, written in February 1903 and published a few weeks later in a popular journal with his approval, the emperor outlined his idea of a twofold revelation: the first religious, centred on the appearance of Jesus as the Messiah, and the second historical, strongly influenced by the concept of a sequence of great men, as was discussed above:

> Es ist für mich keinem, auch nicht dem leisesten Zweifel unterworfen, daß Gott sich immerdar in Seinem von Ihm geschaffenen Menschengeschlecht andauernd offenbart. Er hat dem Menschen "Seinen Odem eingeblasen", d. h. ein Stück von sich selbst, eine Seele gegeben. Mit Vaterliebe und Interesse verfolgt er die Entwickelung des Menschengeschlechts; um es weiter zu führen und zu fördern, "offenbart" er sich bald in diesem oder jenem großen Weisen oder Priester oder König, sei es bei den Heiden, Juden oder Christen.[118]
>
> [It is not subject to the slightest doubt in my mind that God continually reveals Himself in the human race He has created. He has "breathed His breath" into man, that is, He has given him a piece of Himself, a soul. With fatherly love and interest, He follows the development

115 Delitzsch 1902, 8.

116 Delitzsch 1903, 21–25.

117 On the Hollmann letter, see with further references Markschies 2021; on Hollmann, see Matthes 1999.

118 Wilhelm II 1903, 495.

of the human race; in order to guide and promote it, He soon "reveals" Himself in this or that great sage, priest or king, whether among the pagans, Jews or Christians.]

Wilhelm's list of great men comprised a mixture of heroes from various fields, including the usual characters such as Moses, Abraham, Charlemagne, Luther, Goethe, Kant, and his own grandfather Wilhelm I. The first name he mentioned was that of Hammurapi however, thus ennobling the Old Babylonian king as the first world-historical figure in whom God had revealed Himself.[119] In his letters to Houston Stewart Chamberlain, written around the same time, the Kaiser justified this choice by referring to the supposedly close connection between Hammurapi and Abraham, even claiming, at one point, that they had been friends, and enthusiastically explained Babylonian Law to the apparently sceptical Anglo-German ideologue.[120] Due to the admirable work of Assyriologists, Wilhelm continued, a legendary figure had been transformed" into a bold man of flesh and blood" who now "stands before us in the brightest light of his achievements as the founder of an empire, as a man to whom God also revealed himself historically."[121]

In summary, Hammurapi's placement as the first in the series of great historical figures resulted in his removal from his own historical context, his parallelisation with other extraordinary rulers, and his transformation into a timeless figure. Furthermore, Hammurapi came to be depicted as an almost modern ruler and his kingdom as an almost modern state.

1.3 Babylonian Modernity

According to the Bible, the central source of the *ex-oriente-lux* narrative, Babylon did not represent the primitive origins of human civilisation but rather its first historical peak. For this reason, the ancient Mesopotamian metropolis became a quasi-transhistorical symbol of the condition of civilisation. This symbolic imprint had a lasting effect and continued to shape the public's perception of the information disseminated regarding ancient Babylonia by archaeologists and Assyriologists during the nineteenth and twentieth centuries. Against this backdrop, the past and the present became increasingly intertwined, with 'modernity' emerging

119 Wilhelm II 1903, 495. On this idea, see also Cancik-Kirschbaum 2007, 181–83; Cancik-Kirschbaum 2008.

120 Chamberlain 1928, 189–90 (letter from Wilhelm II to Chamberlain, 16 February 1903).

121 Chamberlain 1928, 190 (letter from Wilhelm II to Chamberlain, 16 February 1903).

as the dominant trope in German writings on ancient Babylonia. Everything considered Babylonian began to be viewed as a symbol of modernity, and references to ancient Mesopotamia within the context of modern culture, art, and architecture became abundant.[122] An example of German Babelomania from this time is Berlin's Klosterstrasse underground station which opened in 1913 and is still in use today. Its walls are decorated with stylised palm trees, a motif borrowed from the façade of the throne room in King Nebuchadnezzar's palace, excavated by Robert Koldewey just a few years earlier.[123]

While artists and architects drew inspiration from Babylonian material remains to create a distinctly modern form of art and architecture, others were particularly fascinated by the character of the Babylonian state which seemed to embody the 'archaic modernity' that Babylonia represented to many. This fascination with the Babylonian state was particularly central to Wilhelm II. In his defence of the Babylonians written to Chamberlain, the Kaiser emphasised what were in his view the genuinely modern character of Babylonian political institutions:

> Die Babylonier waren unzweifelhaft ein so fabelhaft hochentwickeltes Volk und mit so vollkommen modernen Staatseinrichtungen und Anschauungen auf dem Gebiet der Politik, Kriegsführung usw., wie wir es uns gar nicht haben träumen lassen; das tritt alle Tage klarer hervor. Sie waren die Franzosen der damaligen Zeit, denn ihre Sprache war die Verkehrssprache aller damaligen zivilisierten Völker, die zu der Zeit das Mittelmeer befuhren.[124]
>
> [The Babylonians were undoubtedly a fabulously advanced people with such perfectly modern state institutions and views in the fields of politics, warfare, etc., as we could never have imagined; this becomes clearer every day. They were the French of that time, because their language was the lingua franca of all civilised peoples who then sailed the Mediterranean.]

The Code of Hammurapi seemed to provide the best evidence of the modernity of Babylonian society. Although most scholars did not forget to mention its "strange archaic features"[125] present in certain areas, such as criminal law, they generally agreed on the astonishingly advanced society the code seemed to reflect. In particular, scholars emphasised the supposedly progressive and modern character of Babylonian law in comparison with other ancient legal traditions, especially biblical law. As an example, many pointed to Hammurapi's abolishment of blood vengeance, commonly regarded as a major problem of oriental and especially so-called Semitic societies in the nineteenth and early twentieth cen-

122 For examples, see Polaschegg and Weichenhan 2017.

123 See Scheel 2023. On Babylonian glazed brick decoration and its modern reconstructions see Fügert and Gries 2020.

124 Chamberlain 1928, 191–92 (letter from Wilhelm II to Chamberlain, 16 February 1903).

125 Kohler 1904b [1903], 59.

turies.[126] Unfavourable comparisons with biblical law, with its laxer regulation of blood vengeance began to be made, with the legal historian Kohler writing: "In this respect, Babylonian civilisation is superior to Israelite civilisation."[127] Summarising penal law in the Code of Hammurapi, Kohler explicitly emphasised its modernity, – not only relative to biblical law but also in comparison to any of the legal traditions that superseded it in the Middle East, especially Islamic law.[128] In addition, he claimed that Babylonian judicial and political life as a whole was also modern in many respects, concluding that "Babylonia developed a legal culture" that had much more in common "with our culture than with the biblical traditions."[129] When reviewing the historical significance of the Code of Hammurapi the historian Lehmann-Haupt came to a similar conclusion:

> In der sittlichen Höhe des Rechtsbewusstseins, die sich in vielen Bestimmungen ausspricht, der hohen und damals schon alten Entwickelung des Geschäftsverkehrs, die sie voraussetzen, der zum Teil äußerst feinen Kasuistik übertreffen diese Gesetze weitaus alles, was uns von antiken Gesetzsammlungen aus den Anfängen der jedesmaligen Geschichte eines Volkes erhalten ist.[130]
>
> [In the high ethical consciousness of what is right expressed in many provisions, the high and then already long-established level of commerce and business that they imply; the, at times, extremely fine casuistry, these laws far surpass anything that we can find in ancient collections of statutes from the beginnings of the history of any people.]

What fascinated scholars at the beginning of the twentieth century most was the detailed regulation of the economic sphere in the Code of Hammurapi. This is why the focus of Koschaker's work was on private sector arrangements such as the rules regarding debt and property or buying and selling.[131] The way the Babylonians managed trade and commerce was studied intensively and seemed to testify to a "high level of commercial development" in that early period.[132] As these rules had no parallels in biblical law they were believed to be evidence that Babylonia had reached a level of civilisation much higher than that of ancient Israel, and much earlier. It is clear that, from this point onward, German scholars began to merge their own experiences of economic transformation with the newly available information regarding the ancient Near East. At the turn of the twentieth

126 See for instance the references to Semitic peoples in Post 1894, 226–61.
127 Kohler 1904b [1903], 59. See also Kohler and Peiser 1904, 126, 139; Kohler 1914, 57, 62.
128 Kohler and Peiser 1904, 139.
129 Kohler and Peiser 1904, 142–43.
130 Lehmann-Haupt 1905, 6.
131 Koschaker 1917, 7–110.
132 Lehmann-Haupt 1905, 6.

century, Germany had experienced economic growth that overtook that of the United Kingdom, the birthplace of industrialisation, and so became Europe's largest industrial nation. Describing the Babylonian economy using the same language usually reserved for the contemporary German economy resulted in Babylonia appearing as an almost modern capitalist society. This is particularly evident in the works of Kohler:

> Ein blühender Landbau, ein ziemlich ungebundenes Privateigentum an Grund und Boden ist bereits zu erkennen: die Bevölkerung kauft und verkauft, mietet und vermietet frei; auf dem Euphrat wird ein eifriger Stromhandel betrieben, Compagniegeschäfte werden gemacht, Darlehen und andere Geldgeschäfte sind an der Tagesordnung, und so bereitet sich schon der ungeheure Geldverkehr vor, der das spätere babylonische Leben kennzeichnete.[133]
>
> [Flourishing agriculture, fairly unrestrained private ownership of land and soil can already be seen: the population buys and sells, rents and lets freely; there is a bustling river trade on the Euphrates, business is done between companies, loans and other monetary transactions are the order of the day; and so the enormous monetary transactions that characterised later Babylonian life began to take shape.]

Kohler was particularly interested in the Babylonian financial system, which he believed to be a fully developed banking system in the modern sense.[134] His fascination with ancient economics clearly corresponded to his fascination with modern economics, as evidenced by the striking parallels between his descriptions of ancient Babylonia and the modern economy that appeared to epitomize of the future, that of the United States of America. In 1904 while working on his research involving the Code of Hammurapi, Kohler embarked on a trip to the USA in order to receive an honorary doctorate from the University of Chicago; during a stopover in Washington D.C., he even had a private audience with President Theodore Roosevelt.[135] The German legal historian experienced the USA as a country of "exuberant vitality"[136] and was deeply fascinated by the emerging economic power of this former European colony. In his later writings, Kohler returned again and again to his memories of America, describing it as a land of an eternal future:

> Nie in meinem Leben sind so mächtige und tiefgehende Eindrücke auf mich eingestürmt wie in den 3 ½ Wochen, in denen mir ein Blick in die neue Welt vergönnt war. Und nun stand diese neue Welt vor uns, in wunderbarer Größe und Kraft und Herrlichkeit, daß wir, wie

133 Kohler and Ungnad 1909b, 1.
134 Kohler and Wenger 1914, 57.
135 On Kohler's trip to the USA, see Spendel 1983, 36–37.
136 Kohler 1906, XI.

> ergriffen von einem neuen Zeichen, gleich jenen Conquistadoren, den Boden küssen mochten – das Land der kurzen Vergangenheit und der ewigen Zukunft![137]
>
> [Never in my life have I been so overwhelmed by powerful and profound impressions as in the three and a half weeks during which I was granted a glimpse of the New World. And now this New World stood before us, in wonderful grandeur and power and glory, so that, as if seized by a new sign, we wanted to kiss the ground like those conquistadors – the land of the short past and eternal future!]

There are striking similarities between Kohler's visions of Babylonia and America, which become evident when considering the role each plays in his historical imagination. Contrary to the notion of *ex oriente lux*, Hammurapi's Babylonia did not represent for him the dawn or primitive origin of civilisation as a historical process culminating in the Americas. Instead, both areas are portrayed as lands without a past, focused solely on the future, and thus removed from the course of history: Babylonia symbolised past modernity, while the USA embodied future modernity.

Such historical decontextualisation, even to the point of extraction from the chronological timeline, was a common feature of German representations of Hammurapi's Babylonia in the early twentieth century and aligned well with the search for anti-historicist narratives for presentation of the past. This phenomenon is also evident in the popular conceptions of the great men of history previously described. While Hegel's world-historical individuals each occupied a specific place in history, the great men of later writers appeared to transcend time, existing outside of their temporal setting. As 'super-historical' actors, they were not compared with their contemporaries, but only with the great men of other great eras. This tendency was illustrated by the cartoon discussed in the introduction of the present work, which mockingly addresses the idea (fig. 1). Although the order of the stelae in that depiction, beginning with that of Hammurapi, implies a certain chronological sequence, there is no clear hierarchy among the great men: none of them stand upon the shoulders of another and no man represents the primitive beginnings upon which the others built. Rather, the placement of the stelae along an imagined great avenue in Berlin suggests that these persons coexisted. In this way, history was compressed into a non-temporal juxtaposition of exceptional eras, linked together in a chain.

Though it was not always made explicit, it is important to recognize the significant shift in the general understanding of history that occurred at the turn of the twentieth century during the 'crisis of historicism'. The idea of continuous history gradually gave way to the belief in certain exceptional periods such as Old

137 Kohler 1908, 100–101.

Babylonia and Classical Greece or Rome, each of which were supposedly shaped and led by heroic individuals. In comparison to these great epochs, other periods came to be seen as insignificant. In this context, the tables of geniuses and great men that listed Hammurapi alongside Alexander, Napoleon, or Frederick II were not as out of place as they may initially seem. They were simply based on different, non-chronological, and non-linear conceptions of history that had gained popularity long before the emergence of *Posthistoire* in the late twentieth century. As we will now see however, these conceptions were not developed in a vacuum, but rather corresponded with certain developments in the political and juridical sphere.