

# Rechtskulturen

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Recht / im Kontext



## Rechts- kulturen Lecture

Wed 25 Apr 2012

19:00—21:00

Humboldt-Universität zu Berlin,  
Juristische Fakultät,  
Room 213,  
Unter den Linden 9,  
10099 Berlin

RECHTSKULTUREN —  
Confrontations Beyond Comparison  
[www.rechtskulturen.de](http://www.rechtskulturen.de)

## Anne Orford: Concluding the Reformation?

On peace, protection and political theology

In his classic treatise *Leviathan*, published in 1651, Thomas Hobbes sought to show that in a world fractured by religious warfare, where tradition, revelation, and shared values no longer guaranteed meaning, the lawfulness of authority could only be grounded upon the capacity to protect. In making that argument, Hobbes was part of a broader struggle between church and state, or spiritual and temporal authority. Central to that struggle was the question of whether the Pope had jurisdiction to declare that a ruler was unlawful and should be deposed or resisted. In addressing the question of what lies within the absolute authority of the state and what lies outside, Hobbes provided an account of the state as a clear alternative to the church's monopoly on decision-making. According to Carl Schmitt in *Political Theology II*, Hobbes thus 'brought the Reformation to a conclusion'. Today, the question of who decides whether a ruler is legitimate and on what grounds has not disappeared, but it has changed form. This lecture will explore the persistence of this question in debates about the responsibility to protect concept and its utilisation to justify international action in response to the Arab Spring.

Anne Orford is the Michael D Kirby Professor of International Law at Melbourne Law School. Her publications include *International Authority and the Responsibility to Protect* (Cambridge University Press, 2011), *International Law and its Others* (Cambridge University Press, 2006), and *Reading Humanitarian Intervention: Human Rights and the Use of Force in International Law* (Cambridge University Press, 2003).