

Medieval Legacies of Human Rights in Australasia, Europe, and Muslim Societies

A workshop convened by Professor Sahar Amer (SLC),
Dr Marco Duranti (SOPHI), and Dr H el ene Sirantoine (SOPHI)

Under the auspices of the [Nation Empire Globe Research Cluster](#),
[Global Middle Ages Faculty Research Group](#),
and the [Department of Arabic Language and Cultures](#)

20 June 2016

The University of Sydney
Kevin Lee Room
6th Floor, Quadrangle A14

For catering purposes, please RSVP
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| 9.00-9.30am | Morning coffee & tea |
| 9.30-10.00am | Introduction by workshop conveners |
| 10.00-11.15am | Chris Jones (Canterbury), 'Mana & Magna Carta: The New Zealand Experience of a Medieval Legacy.' Chair: H el ene Sirantoine (Sydney). |
| 11.15-11.45am | Coffee break |
| 11.45-1.00pm | Clare Monagle (Macquarie), 'The Christian Problem: Scholastic Theology and the New Histories of Human Rights.' Chair: Marco Duranti (Sydney). |
| 1.00-2.00pm | Lunch |
| 2.00-3.15pm | Lisa Worthington (Western Sydney), 'Human Rights in Islam: Examining Progressive Muslim Thought and Practice.' Chair: Sahar Amer (Sydney). |
| 3.15-4.00pm | Closing discussion. Chair: Francesco Borghesi (Sydney). |

Workshop Objectives

In 2015, the entire world commemorated the 800th anniversary of the Magna Carta. But how can a medieval English charter embody fundamental rights in a globalized world? This workshop aims to reconsider the history of human rights from their medieval origins to the later mobilisation and reinterpretation of foundational texts in the fashioning of new imagined communities – local, national, imperial, international and transnational. It will bring together medievalists with two other groups of scholars: those working on later visions of the legal and socio-political order inspired by medieval times; and those working on the genesis of rights discourses and international law across the early and late modern eras.

Conventional wisdom suggests that human rights were forged during the Reformation and Enlightenment periods. The nineteenth century, in this view, marked the eclipse of early modern natural rights theories along with the birth of internationalist visions premised on the positive rights and duties of nations rather than those of individuals or corporate groups. This workshop challenges this mainstream narrative by exploring the possibility of an alternate historical trajectory. Contemporary notions of human rights as supranational and inclusive of social rights, like pluralistic notions of democracy, also had their origins in medievalist discourses that spanned Australasia, Europe, and the Muslim World.

Our three speakers will discuss the relevance of the Magna Carta to standards of justice in the post-colonial Pacific (Chris Jones), the place of medieval scholastics in modern Catholic political thought (Clare Monagle), and the human rights dimension of progressive Muslim jurisprudence (Lisa Worthington).

Paper Abstracts

Chris JONES – University of Canterbury (New Zealand) **‘Mana & Magna Carta: The New Zealand Experience of a Medieval Legacy’**

On 22 October 2015, Judge Carrie Wainwright introduced the Waitangi Tribunal’s Whanganui Land report by noting that in its dealing with Māori in this case, ‘... the Crown also fell short of the standards of justice and fair dealing that flowed from the Magna Carta’. The Waitangi Tribunal was established in 1975 to address injustices based on breaches of the 1840 Treaty of Waitangi that established New Zealand as a colony. Judge Wainwright goes on to argue that if the Crown had paid closer attention to the principles of Magna Carta, claims before the Tribunal would have been far fewer. The Treaty itself is often described as the ‘Māori Magna Carta’. In the course of the 800th anniversary year, New Zealand politicians of all parties echoed Judge Wainwright in arguing for the continued importance of the Charter’s principles. It is a document imbued with ‘mana’, or ‘spiritual authority’. But is a medieval English charter really relevant in a post-colonial antipodean society? This paper seeks to explore the nature of the principles the Magna Carta is perceived to represent in New Zealand. It will also suggest that some of the swiftly annulled clauses of the original 1215 charter might retain greater relevance for relations between Māori and the New Zealand government today than the seventeenth-century legacy created by Sir Edward Coke’s influential ‘re-imagining’ of the Charter as a document that embodies the Rule of Law.

Biography: Chris Jones is a Senior Lecturer in Medieval History at the University of Canterbury, New Zealand. His research explores the history of political thought and concepts of identity, with a particular focus upon France in the thirteenth and fourteenth centuries. In addition to a wide range of articles that explore the perspectives of French chroniclers on political ideas, his publications include *Eclipse of Empire? Perceptions of the Western Empire and Its Rulers in Late-Medieval France* (Brepols, 2007) and the edited collection *John of Paris: Beyond Royal & Papal Power* (Brepols, 2015). He is a member of the *Magna Carta 800 New Zealand* committee, and in December 2015 curated the exhibition *The Mana of the Magna Carta*. He was elected President of ANZAMEMS in 2015 and sits on the editorial board of *Viator*.

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Clare MONAGLE – Macquarie University
‘The Christian Problem: Scholastic Theology and the New Histories of Human Rights’

This paper will consider the idea of ‘Christianity’ as an agent in human history, as articulated in Sam Moyn's *Christian Human Rights*. Moyn accords Christian theology/ideology with a form of transhistorical agency, suggesting that constitutes an intellectual system that has achieved volition in the world. In so doing, he moves a long way away from the contextualist protocols that have governed the practice of intellectual history, producing instead what he describes as ‘ideological history’. This paper will perform a historiographical reading of Moyn's book, wary of the totalising gestures being made within the text, both methodologically and definitionally.

Moyn's provocation offers an opportunity to consider what Gil Anidjar has recently called ‘The Christian Problem’. If, as Moyn suggests, ‘The trouble, after all, is not so much that Christianity accounts for nothing, as that it accounts for everything’, then this paper will attempt to read what is meant by ‘Christianity’ in his account. How can we disaggregate Christianity from the other frames within which human rights were articulated in 1948, such as internationalism or capitalism? And what are the stakes in doing so?

In order to deal with the Christian problem, I will suggest, we need a much more nuanced and historically minded understanding of the myriad christianities that went into the making of human rights theory. In particular, I will explore Jacques Maritain's foundations in, and advocacy for, scholastic theology of the Middle Ages. Maritain's neo-thomism places him in a very particular Christian location in 1948, one that must be understood in order to make sense of his ideological commitments to human rights, and their particular formulation in his hands. This goes much further than isolating his ‘personalism’, but also necessitates locating neo-thomism in its sociological and ontological frames, deeply grounded in Christian history.

Biography: Clare Monagle is a Senior Lecturer in Modern History at Macquarie University, and an Australian Research Council Early Career Fellow. Her primary expertise is in the history of scholastic theology. In 2013 she published *Orthodoxy and Controversy in Twelfth-Century Religious Discourse: Peter Lombard's Sentences and the development of Theology*, with Brepols. She is currently working on a short guide to scholastic theology, titled *The Scholastic Project*, to be published by Medieval Institute Publications in 2016. She is also broadly interested in political medievalism in the contemporary era. She has published articles on the medievalism of both Carl Schmitt and Hedley Bull. She published, in 2015, with Louise D'Arcens, an article in *Meanjin* concerned with Tony Abbott and medievalism, titled ‘Mad Monks and the order of the Tin Ear’.

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**Lisa WORTHINGTON – University of Western Sydney
'Human Rights in Islam: Examining Progressive Muslim Thought and Practice'**

There exists a belief that the notion of human rights is fundamentally secular and adverse to religion. In some Muslim countries and communities there is a perception that it is not useful to speak about human rights in Islam because Islam supports values and structures that conflict with the core ideas of the Universal Declaration of Human Rights. Contrary to this, progressive Muslims seek interpretations of Islam that address discourses of human rights, pluralism and democracy and employ interpretations routed in themes of egalitarianism and social justice. Omid Safi describes the process of critically engaging with Islamic texts as, “The relentless pursuit of social justice, an emphasis on gender equality as a foundation of human rights, a vision of religious and ethnic pluralism, and a methodology of nonviolent resistance” (Safi 2003:1). Adis Duderija defines those who critically engage with Islam’s primary texts as “scholar-activists” who seek to engage in a double critique of both fundamentalist Muslim discourses on human rights, gender justice, democracy and modernity and also of mainstream Western ‘socio-political’ theories and the suppositions that underpin them (Duderija 2013). To many Muslims the central concern of the Qur’an is to release individuals from any factor that inhibits the freedom of human beings including racism, sexism, tribalism, traditionalism and authoritarianism (religious, political, and economic). Drawing on data gathered for my PhD thesis in 2013 this paper will argue that progressive Muslim thought and practice seeks and locates ideas regarding human rights in primary religious texts. Conversely “scholar-activists” also apply discourses of pluralism, equality, and human rights to their interpretations of The Qur’an and the Tradition.

Biography: Lisa Worthington is a researcher at the Religion and Society Research Centre at the University of Western Sydney. Her research interests include gender practices in Muslim societies and communities, Islam in a minority context, and progressive Muslim movements. She has published, ‘Muslim Women at Work: The Connection Between Familial Support and the Level of Public Sphere Activity of Muslim Women in Sydney,’ *SeaChanges*, Vol. 6 (May 2013).