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978-0-521-51669-3 - The Sins of the Nation and the Ritual of Apologies

Danielle Celermajer

Excerpt

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Introduction

The Apology and Political Theory

Picture an image. The lawn of Parliament House, the seat of government and the symbol of the state, is planted thick with thousands of green, red, blue, yellow, black, and white hands, rooted in the earth and reaching up to the sky. Each has been placed there by a citizen to mark his or her apology for the theft of Indigenous land and Indigenous children. In the following five years, tens of thousands more added their ‘hands’ to a growing ‘Sea of Hands’ which, like the apology movement, swept across the country, a national ritual saluting the children who had been shoved into institutions and foster homes and the broken families and communities left behind in their tracks.¹ A land marked with a history of violence against its Indigenous peoples was now being reinscribed with a collective apology.

If the scene strikes us as an odd description of contemporary politics, this is hardly surprising, given its dissonance with the fundamental principles and standard institutions of modern secular liberalism. One might well expect to see a ritual of repentance in the church, but not in the world of secular politics. We deal with wrongs of the past through the institutions of justice, by either punishing individual wrongdoers or compensating victims. And if pre-moderns believed that the sins of the fathers were brought down upon the heads of the sons, we secular moderns distinguish ourselves by insisting that our institutions of justice hold responsible only those who personally committed wrongful acts. Besides, we know that a collective is not the type of entity that can apologize; only individuals with an inner life, consciousness,

¹ At the time of writing, 250,000 people had sponsored a hand. The Sea of Hands has been planted in different forms in a range of iconic public spaces across Australia, including Bondi Beach, Sydney Harbour Bridge, and Uluru (Ayers Rock).

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conscience, and internationality can do that. Yet in late-twentieth-century liberal secular Australia (the site of the coloured hands), the collective apology became the most significant social movement since the Vietnam War.

Apology did not always strike citizens as such an interloper on the political stage; indeed at one time, this type of public repentance in the political realm was not an anomaly at all. President Abraham Lincoln, and before him President John Adams, had declared days of “National fasting, humiliation and prayer” (in 1863 and 1798, respectively), on which the nation as a whole would repent its national sins and recognise its disconnection from the source of its blessings by remembering the God who had created it. The hoped-for outcome of national repentance would be, in Lincoln’s words, “no less than the pardon of our national sins, and the restoration of our now divided and suffering country, to its former happy condition of unity and peace.”²

Today Lincoln’s call to repentance strikes us as completely out of place in the political realm, at least in the one we moderns believe we have established. Yet the apology is very much alive in contemporary politics. Far from being an aberrant antipodean moment, the Australian apology was indicative of an astonishing trend that emerged in the last fifteen years of the twentieth century. Whereas only twenty-five years ago the political apology had not even been on the menu of options political leaders considered for dealing with large-scale historical wrongs, from around the mid-1980s, we have seen a spate of apologies across the globe. They began with apologies from European countries for violations against the Jews during the Holocaust and then spread to apologies in a range of other contexts, from colonial and post-colonial nations for violations against Indigenous peoples, from nations for systematic abuses against part of their populations, from nations for their neglect or abuse of other nations and peoples. Some concerned atrocities in the remote or more distant past, others violations in the immediate past. Yet all defied the logic of liberalism’s justice. Political realities, and the normative political principles that we have taken for granted, had, it seemed, parted company. By the turn of the century the aberrant apology had taken its place alongside trials, compensation, and truth commissions as one of the basic strategies in the toolkit of ‘dealing with the past’.

This sudden and striking shift in modalities raises some fascinating puzzles. What is repentance doing in politics? How did it get there? What does it mean when we, as a collective, apologize for something that happened, often before

² The context of Lincoln’s declaration was the Civil War. He suggests in this declaration that the “awful calamity of civil war, which now desolates the land, may be but a punishment inflicted upon us for our presumptuous sins, to the needful end of our national reformation as a whole People.” Abraham Lincoln, “Proclamation Appointing a Fast Day,” in Don E. Fehrenbacher, ed., *Lincoln: Speeches and Writings: 1859–1865* ([New York]: Library of America, 1989), 264–265.

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many of us were alive? Strangely, these questions have received only scant conceptual analysis.³ This is odd, given that contemporary social, legal, and political theorists have taken avidly to the study of other institutions for dealing with the past and transitional justice (trials, truth commissions, public memorials, and reparation schemes). Perhaps it is that we theorists too easily fall in with the populist verdict that apologies are nothing but ‘mere words’ (and probably ingenuous ones at that), and so we relegate them to the ‘light’ end of the spectrum of strategies for dealing with the past. Or perhaps it is our dogmatically held assumptions about the appropriate modes of modern liberal politics, on the one hand, and our assumptions about the type of act apology is, on the other, that force us to conclude that apology has no place in *our* public, secular political life. To the strict eyes of secular political theory, apology represents an aberrant contamination, one of those unfortunate moments when we lapsed back into primitive ritual, rather than reaching forward to more rational mechanisms of justice. If we theorize apology at all, we approach it as a reminder that the modernist project of rationalizing politics remains unfinished.

What if we are wrong, and in fact apology is a sign of late modern malaise, of our disappointment with the promises of a rationalized politics and indeed the inadequacy of our strongly held model of justice and politics itself? Looking up from the books and around the world, it is clearly premature to dismiss the political apology as a ‘mere’ or ‘mistaken’ apology. Indeed, I argue in this book that if we look beyond the confines of our preconceptions of the proper delimitations of modern liberal politics, we are likely to see a world far more enchanted by ritual and story telling and embedded with narratives of sin and redemption than our disciplines counsel us to believe. It is to this gap between our theoretical frameworks and what is actually happening in the world that this book invites us to train our eyes.

Starting here, then, what makes apology so tantalizing and puzzling is precisely that it represents such an unusual approach to ‘doing politics’. First, rather than focusing on the individual wrongdoer, its currency is the responsible community; and second, in lieu of justice through individualized punishment or compensation, it suggests the path of repentance.

The first of these turns, from the responsible individual to the responsible community, points to a perennial tension in political theory, but in

³ Nicholas Tavuchis’ sociological study on apology remains the key text to which other writers refer when they wish to allude to a study of apology, despite the fact that Tavuchis’ concern is almost exclusively the person-to-person apology. Nicholas Tavuchis, *Mea Culpa: A Sociology of Apology and Reconciliation* (Stanford: Stanford University Press, 1991). A notable exception, but approaching the issue in terms of forgiveness, not apology, is Donald Shriver Jr., *An Ethic for Enemies: Forgiveness in Politics* (New York: Oxford University Press, 1995).

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contemporary international politics one with a very pressing relevance. In an era where nation after nation is facing its history of systematic, state-sponsored violations, and after the failure of one 'never again' after another, people are becoming increasingly dubious about the efficacy of our conceptions and institutions of justice. Indeed, when we face the systematic nature of the great atrocities of the last century, it is simply no longer viable to argue that responsibility falls entirely on the singular individuals who wielded the machetes or drove the children away. Saying this does not of course imply that we should do away with the institutions of individual justice. Punishing individual perpetrators remains a necessary condition for fully addressing systematic violations, and the expansion of the institutions for doing so at an international level was one of the great (though unfinished) achievements of the twentieth century. The point is rather that even after we have done with *this* justice, we are still left with the sense that the massive body of the society that condoned the violations (albeit perhaps silently) is there in the shadows.

Yet our institutions of justice and the principles they embody, and this intuition that a full justice must reach out to the broader collective, remain in tension. To put that more technically, modern liberal polities and theorists have still not found a way of institutionalizing or conceptualizing collective responsibility in a manner consistent with fundamental principles and institutions of individual liberty. Because contemporary political apologies mark a nod of acknowledgement towards collective responsibility, part of what this book does is theorize from the phenomenon out to suggest an alternative schema we might adopt to make sense of collective responsibility, while remaining faithful to our important commitments to moral individualism, commitments that liberal conceptions and institutions of responsibility are themselves designed to protect. Beyond this, we may need to revise the map we use to plot historical progress from collectivism to increasing individualism. At the turn of the millennium, we seem to be struggling towards a new way of conceptualizing and experiencing the relationship between the individual and the collective, one characterized by neither the gross collectivism we associate with pre-modernity nor the atomized individualism of modernity.

The second turn, from traditional liberal institutions and conceptions of justice to the dynamic of repentance, is more novel to political theory, but equally pressing, given the failure of existing modalities to make good on the promise that ending impunity would curtail crimes against humanity. Admittedly, a good part of the reason why criminal prosecution of individual perpetrators has failed to prevent repetition of crimes against humanity is that perpetrators are tried too rarely and too many still enjoy impunity, thus undermining the objective of general deterrence. But this is only part of the problem.

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Even if comprehensively applied, trials would not deal with the whole pallet of responsibility, especially when what we are talking about are systematic, identity-based violations. By focusing on punishing individuals, these institutions of responsibility and justice leave relatively untouched the entrenched patterns of disrespect and misrecognition that underpin the violations that wrack societies and relations between nations.

The problem is, how do we address this level of responsibility? Clearly, punishing ‘society’ is both absurd and ethically prohibited. Rituals of repentance may strike us as an odd supplement to fill this gap, but if we cast a glance beyond the standard political modalities of the modern secular state to other types of collectives, what we will see is that rituals of collective repentance represent a well-worn strategy for addressing systematic wrongdoing and the normative orientations that underpin it. To be less circumspect, if one looks to the sphere of religion, and in particular the public, regulatory dimension of Judaism and Christianity, one finds that amongst the principal means for addressing systematic wrongdoing in the past was public, ritualized repentance.

This side-step to religious practices will no doubt raise eyebrows in many disciplines as well as important objections about the proper distinction between the appropriate modalities of liberal secular polities and those of religious communities. This book responds to these objections on several methodological and conceptual levels. This begins with a request that the reader suspend his or her preconceptions about ‘how we do politics’ (and where those rules place religion) so that we might analyze how we are actually doing politics with fresh eyes. And it ends with an invitation to reconceptualize contemporary politics in the light of the evidence. In between, I hope to convince the reader that religious conceptions and institutions of repentance are not adequately captured by caricatured perspectives that reduce them to the ridiculous artefacts of a pre-modern, primitive world, where people were ignorant of the mechanics of causality and insensitive to the moral imperatives of individual responsibility. Though no doubt tainted by religion’s institutional abuses, these institutions of repentance speak to important truths about systematic wrongdoing, and we would do well to leave an ear open to them. Correlatively, I hope to show that our own institutions of political justice are harking towards those approaches that we banished into the realm of pre-modern religion.

Indeed, in her bird’s-eye analysis of the human condition and the modalities of human sociality, Hannah Arendt characterized forgiveness, a form of action, the invention of which she (mis)attributed to Jesus Christ, as the sole human reaction that makes freedom from the past, and thus politics itself, possible.⁴

⁴ Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958), 236.

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While her direct reference was to forgiveness and not apology, Arendt's thesis suggests that this 'repentant mode' of action, apparently so anomalous in politics, might represent the desperately sought-after resource for getting beyond pasts filled with compulsive and entrenched cycles of horrific political and social abuse. Just as Aeschylus dramatized Athena's curtailing the endless cycles of revenge by assimilating the vengeful Furies into the civil institutions of justice, so too civic rituals of apology might put a break on the perpetual insults and injuries that drive collective violations.⁵ For apology and forgiveness represent genuinely *new* action, the insertion of something that was neither previously present nor even derived from past action, but actually created, and thus uniquely potent. Of course, whether the appeal to this type of redemptive narrative is ultimately little more than a vain hope that flies in the face of our chronic propensity to abuse and exclude other human beings is another question.

Nevertheless, effective or not, sourcing our political institutions in the Bible is not quite so straightforward a move as sourcing them in Greek tragedy. Unlike the transition from vengeance to justice (which is in keeping with our view of political progress), the suggestion that repentance might constitute a unique and vital *political* strategy challenges the very definition of modern politics. It implies that political action is moving (and perhaps even should move) beyond the standard repertoire of legal and institutional interventions, into the realm of the repentant and the performative.

This suggestion provokes significant resistance on a number of fronts. First, because our imaginary landscape of repentance is dominated by a template of apology in its individual form (the apologizing friend or lover, the confession), we generally assume that apology requires a repenting subject with all the qualities of the reflective individual – a particular identity, a soul, an inner life. With this template implicitly in mind, collective political apologies cannot but strike us as aberrations. They treat the polity as an individual, and an individual

⁵ The reference is to Aeschylus' third play in the Orestes cycle, *The Eumenides*, where he dramatizes Athena's intervention in the trial of Orestes, casting her deciding vote:

And nevermore these walls within
 Shall echo fierce sedition's din
 Unslaked with blood and crime;
 The thirsty dust shall nevermore
 Suck up the darkly streaming gore,
 For civic broils, shed out in wrath
 And vengeance, crying death for death!

The Eumenides, trans. E.D.A. Morshead in *The Complete Greek Drama: All the Extant Tragedies of Aeschylus, Sophocles and Euripides, and the Comedies of Aristophanes and Menander, in a Variety of Translations*, vol. 1, ed. W. Oates and E. O'Neill Jr. (New York: Random House, 1938), 305.

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in his or her most personal sense: one with an inner emotional dimension that might be transformed through reflection. The inevitable conclusion is that collective apologies are a type of category mistake – trying to match the wrong type of subject and predicate, failing to recognize the ontological difference between a collective and an individual, and failing to distinguish politics from personal relations. Indeed, if we continue to follow Arendt, we would have to say that the repentant mode not only rightly belongs with the individual, but in fact draws on that aspect of the individual's being that is the most 'anti-political' of all, the emotion of love.⁶ Things get still worse when the image in the background is the penitent, alone and whispering into the darkened space of the confessional. One would be hard pressed to find a metaphor more remote from the ideal type of modern, rational, secular political behaviour.

Even more damning is the suggestion that our political apologies might be residues of religious collective repentance. Given that we moderns define our politics in self-conscious distinction from the pre-modern, undifferentiated theo-politics that modern liberal secularism displaced, in resuming the discourse of collective apology, it looks worryingly as if we are venturing into the most forbidden zone of all, the zone of pre-modern religion. Here, we imagine that the collective apology turns our entire political community into a mega-subject, within whose undifferentiated body the taint of sin spreads across our darkened bodies like the leprosy of biblical stories. If transposing an individual process onto a collective was a category mistake, the threat here is the far more dangerous one of reifying the collective and losing sight of one of the core principles of modernity, moral individualism.

Approached from either of these habitual frames of reference, the political apology must surely be a faux pas of contemporary politics, indicating either that people fail to understand that political communities cannot operate like individuals or, more dangerously, that they assume that they can, and then seek to regulate them through primitive collectivist rituals. And yet, here it is, in the sphere of contemporary liberal politics, and with a vengeance. This book proposes that we treat this disjuncture with neither consternation nor disapproval, but as a fascinating puzzle, an *aporia*, and an invitation to reconsider the categories that would lead us to predict that it should not be so.

For analytic purposes, we can think of this puzzle as having two parts. On one side lies the empirical data: contemporary politics are apologizing. On the

⁶ "[O]nly love has the power to forgive. . . . [And] love, by its very nature is unworldly and it is for this reason, rather than its rarity that it is not only apolitical, but anti-political, perhaps the most powerful of all anti-political forces." Arendt, *The Human Condition*, 242. Arendt's analysis here follows from her particular understanding of religion as entailing fundamentally otherworldly commitments, the result of her reading religion through Augustine.

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other side lie our standard characterizations of justice and politics in late liberal modernity. As we currently see things, the two cannot be pieced together. End of story. I suggest that we approach this failed equation by turning that argument on its head. Rather than assume the validity of the dichotomies that divide our conceptual map into distinct and completely bounded worlds of action and meaning (e.g., religion vs. politics, ritual performance vs. administrative law, crude collectivism vs. moral individualism) and then reject the apology as an inappropriate mode of modern politics, why not look at the practices themselves, as free as possible of presumed classification? No doubt, this poses a challenge to the secular and bureaucratic self-image and trappings of modern politics and to the dichotomies noted above. But why should the modalities of politics be immune to historical transformation now, as they have been in the past? Contemporary political theory would do well to allow that these ‘alien’ processes can and do partner with modern liberal political institutions and to expand our conception of ‘the political’ accordingly.

To get to these larger reflections of the character of contemporary politics, however, we need to start with a thorough understanding of what the apology is actually doing. The first and major question this book poses is, then, What is it that we are doing when we apologize collectively?

Methodologically, I pursue this question through a combination of lenses. First, and most traditionally, I consider apologies as speech acts, and use the verbal formulations of contemporary apologies to explore what we are doing *in* and *by* apologizing. Second, and more heretically, I look for the understandings and institutions of collective repentance in Judaism and early Christianity. Third, I analyze the dynamics of contemporary political apologies themselves, focusing in detail on the apology for the forced removal of Indigenous children in Australia.

My using religious practices and understandings to derive the interpretive tropes of contemporary apologies is likely to strike many readers as contentious, not only because methodologically it veers beyond the realm of disciplinary theorizing, but because I might seem to be begging the very questions that are at issue here – the relationship between the spheres of religion and politics, and the problem of a religious practice ‘migrating’ into secular liberal politics. Certainly, this part of the argument involves a bold assertion. Nevertheless, if we look within the sphere of secular politics itself, we simply will not find the historical roots or the background grammar for apology. By contrast, in the sphere of religion we find those missing tropes and the grammars we need to decode the contemporary practice.

At the same time, I would throw a question back to those who object *prima facie* to practices moving between the spheres of religion and politics. What is it

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precisely to which they object? The point of this question is not to suggest that the differences are irrelevant or that we might simply go back to theo-politics with no cost. It is rather to insist that we pinpoint the problematic dimensions of religious practices. With these in hand, we can assess with greater accuracy whether what is coming across with the apology are dynamics or commitments we should be worrying about. To my mind, two obvious features of religious practice stand out as antithetical to liberal democratic politics: religions' commitment to the Absolute, or a set of transcendent principles beyond the reach of actual living and changing people, and the thick, unchanging, and particularistic character of the norms that lie at the heart of many religions.⁷ By our lights, both of these are completely incompatible with both the democratic idea that political communities must be the source of their own norms and must be permitted to change those norms, and the liberal idea that those norms should be as thin and as inclusive as possible.

Coming back to the religious apology, the question then becomes, Does importing the apologetic form entail importing the substantive moral commitments that traditionally defined sin and the orientation of repentance for religious communities? In other words, is it possible to abstract the *form* of religious apology (understood as a means of addressing what is wrong with our normative commitments) from the *substance* of those commitments? I argue here that it is, and indeed that this formal work of normative reconstitution speaks powerfully to the concerns of contemporary politics. At the same time, religious apologies' orientation around the absolute has not fallen away entirely in the contemporary practice. Now, however, we do not call it God, but rather international law, or peremptory norms, or even the constitution.

In this sense, my return to religious contexts is in the manner of Walter Benjamin's model of the collector, who picks up the fragments of the past that lie broken around his feet to make sense of the present.⁸ Though connected with their past, in their present incarnation, these fragments of apology would no longer be thoroughly embedded in the meta-narratives of their original location. They have undergone a sea-change, to become something rich and strange.⁹

⁷ Whether thick norms lie at the heart of certain religions or whether the regulative dimension of religions is a superstructure subsequent to the initial revelation is itself a contestable point and will be taken up in Chapter Three.

⁸ Walter Benjamin, *The Arcades Project*, trans. H. Eiland and K. McLaughlin, prepared on the basis of the German volume edited by Rolf Tiedemann (Cambridge, Mass.: Belknap Press, 1999).

⁹ In her introduction to Benjamin's *Illuminations*, Arendt quotes from Shakespeare's *The Tempest* (2,1) to convey Benjamin's notion of the relationship between modernity and tradition. See Hannah Arendt, introduction to *Illuminations*, by Walter Benjamin (New York: Schocken Books, 1969), 38.

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That said, it would be naïve to suggest that apology, now transposed onto the political stage, has simply taken on the clothes of thin proceduralism and shed the clothes of redemption. People who believe in a redemptive narrative (dare I say ‘have faith’ in it) are likely to see our turn to a politics of repentance as the sign of an authentic recognition that we cannot get beyond our pasts of entrenched abuse unless we acknowledge the deep roots of abuse in our collective moral orientations and commit with our hearts as well as our minds to a constitutional reorientation. But if one stands outside it, with a more than justified cynicism, this looks like just another attempt to convince ourselves that we really might be good after all. Indeed, perhaps we are not turning to repentance because we rightly recognize it as the missing link in our transformation, but because we still ache to see ourselves as redeemable at the end of a century where the evidence of atrocity so damns us. Perhaps what provoked this aporaic emergence of repentance is our need to affirm that there is indeed a seed of goodness at the core of our moral constitution, or at least a sheltering oak of goodness at the end of our moral progress. And then again, perhaps it is the hope that this is possible that would make it so.

In the face of these two interpretations, I confess to my own deep ambivalence. In presenting the story to the reader, I would rather leave the decision about which is correct up to you.

CHAPTER PLAN

The book is arranged into four parts, each comprising two chapters. The first three parts (Chapters One to Six) constitute the three lenses for decoding the apology. Thus Chapters One and Two focus on the actual forms of speech of apology, Chapters Three and Four on apologies in the context of religious practice, and Chapters Five and Six on the case of the Australian apology. The final part, Chapters Seven and Eight, then draws on the understanding of the political apology derived from these foundational chapters to pursue the questions about the nature of wrongdoing, responsibility, justice, and politics that apology’s political appearance raises.

Chapter One provides the primary data for the whole study, surveying a range of contemporary political apologies, but focusing in particular on the forms of words. It takes the reader through the different types of apologies, including historical and transitional apologies. Chapter Two then considers apologies as speech acts, tracking the linguistic forms set out in Chapter One to derive an Austinian understanding of what we might be doing when we apologize. Using Austin somewhat against himself, I argue that apologies do not (or do not only) express emotion (as ‘behabitives’) but rather commit the