

## **The Apology, the Secular and the Theologico–Political\***

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### **Re–imagining ‘the nation’s soul’**

**T**he Apology issued by the Commonwealth of Australia to its Indigenous peoples, on 13 February 2008, was a momentous event in the symbolic narrative of the nation. Without doubt it was the most significant event that sought to transform the ‘identity’ of Australia since the 1967 referendum. This is not to overstate its empirical effects, which are slight indeed, but to acknowledge that it is only on rare occasions that a nation-state, in this case the Parliament of Australia, exercises its sovereign power in order to re-imagine the basic character of the nation. The fact that parliament unanimously supported the Apology and the overwhelming endorsement that it received from Indigenous and non-Indigenous Australians suggests that the people at large accepted the re-imagined characterisation of the nation. Even if it turns out that the Apology testified to our facile hope and attenuated conscience more than to our concrete capacities for righting historical wrongs, it nevertheless accomplished an extraordinary suspension, if only for a moment, of the symbolic shape of the nation so as to re-imagine it anew. Moreover, the spectacle of the Apology in public squares, mass viewings and collective witnessing across the country bore an unusual but undeniable spiritual fervour.

How are we to understand this symbolic reshaping of the national character that reconciliation and apology sought to accomplish? And how are we to explain the public euphoria that accompanied it? Only by way of Christianity. This is not to say that non-Christians, among whom I count myself, atheists and even anti-Christians did not embrace the Apology, nor that such people lack historical, moral and political resources for doing so. And yet the language of reconciliation, the exercise of sovereignty in the mode of contrition, and the re-imagining of a new identity on the basis of a hope for unity for the people cannot be entirely severed from Christian moorings. On the one hand, then, the Apology was a re–visioning of the national imaginary and a reshaping of national identity – ‘a new beginning’, ‘a new partnership between Indigenous and non-Indigenous Australians’, as the Prime Minister put it.<sup>1</sup> On the other hand, it had a distinctly Christian tone, suitably and cleverly secularised but by no means detached from its religious element and inspiration. The Apology thus presents a watershed for understanding the role of religion in Australia’s political culture.

To be sure, neither God the Father nor His Son Jesus Christ was mentioned on that day in Parliament. The text of the Apology makes no reference to religion whatsoever. In his address to Parliament commending the motion, the Prime Minister referred to religion only twice, and both times elliptically, once to decry the churches’ involvement in facilitating the policy of assimilating Indigenous peoples into white Australia and once to honour ‘those who emerged from the Dreamtime a thousand generations ago’. The former reference to the churches’ complicity might even suggest that if reconciliation and apology manifested in a distinctly Christian way, so too the sin of rendering black into white, what Kevin Rudd called ‘the great stain’ on ‘the nation’s soul’, was derived from the Pauline proclamation of the *unity* of all people. Such a state, in which there is neither slave nor free, neither Indigenous nor non-Indigenous, does not presuppose or aim at a ‘neutral’ conception of unity but, on the contrary,

desires that there should be 'one new man in place of two' first and foremost because 'ye are all one in Christ Jesus'.<sup>2</sup> Of course the policy of brutal assimilation of Indigenous people into white Australia was not the fault of Christian missionaries alone. It was motivated by plain racism, just as it was derived from a colonial desire to 'civilise the barbarians'.<sup>3</sup> However both the racism and the colonialism of white, settler Australia, even when they did not seek to convert Aborigines to Christianity, which in fact they usually did, bore signs of a Christian provenance and its hope for a unity that overcomes all differences of law and custom and the recalcitrant particularities of ethnicity and flesh. It might therefore be said that the Apology, insofar as it denounced the policy of forced assimilation, came not to praise the role of Christianity in mediating the fraught relations between Indigenous and non-Indigenous Australians, but to bury it.

### **The Apology as a secular act?**

Increasingly, however, here as elsewhere, the idea of a thoroughly secularised polity severed from its religious origins has come to look like a sociological, political and philosophical fantasy entertained for a short while by a relatively small number of elites. Most of the numerous reconciliation movements that have emerged in recent post-colonial times derive from and are indebted to the Christian heritage of their respective nations.<sup>4</sup> That is certainly the case for Australia's reconciliation movement. If religious sentiment in the Australian public sphere has traditionally been consigned to 'a shy hope in the heart,' as Manning Clark called it, the reconciliation movement, culminating in the Apology, inscribed the spirit of the Christian heart of the nation onto the letter of its secular law. While I will be concerned mainly with the symbolic, theologico-political character of reconciliation and apology, it must be noted that the symbolic operation is grounded on an empirically Christian character. The latter has at least four major specifications. First, white Australia was led toward reconciliation and apology in large part by Christian activists, clerics and official churches. This is not to deny the immense contribution of non-Christian activists, historians, writers and politicians, only to highlight the prominent role of the churches in the reconciliation process. A pamphlet entitled 'Toward Reconciliation in Australia,' produced by fourteen Australian Christian Churches, was used almost verbatim by Prime Minister Hawke in 1988 in the first parliamentary motion on the issue, passed on 23 August 1988.<sup>5</sup> Second, as of 2001, 69 per cent of Aboriginal Australians identify one or another form of Christianity as their own religion, whereas only 1.2 per cent report holding to traditional religions.<sup>6</sup> Presumably the combination of these first two points facilitated a sufficiently common vision for negotiating the process of reconciliation. To these a third factor was introduced, namely, that the Prime Minister, who personally wrote and delivered the Apology, explicitly linked his perception of the wrongs suffered by Indigenous Australians and the need for the Apology to his personal Christian convictions. In the name of the remarkable Dietrich Bonhoeffer's 'theology of the oppressed' Rudd outlined his vision of a Christian politics intent on giving 'power to the powerless, voice to those who have none, and to point to the great silences in our national discourse' which this political theology ought to address, amongst which he specified issues concerning Indigenous Australians.<sup>7</sup> In fact the Apology was formulated on the preceding Sunday when the now Prime Minister 'went to church in the morning, came back sat down in the afternoon and wrote it'.<sup>8</sup> Finally, to state the obvious, while politics in Australia is generally regarded as taking place in a secular sphere, the polity itself, as of 2001, was composed of 68 per cent identifying Christians.<sup>9</sup> While I will return to some of these points, my concern here is primarily

with the character of the Apology as an act of political theology, for if the sociologically Christian nature of Australia can be taken for granted, it remains the case that politics is considered to operate in a space neutralised of religion. I will argue, however, that no less than the empirical, sociological facts just mentioned, the symbolism deployed by the Apology was a rendering into the secular of an essentially Christian political theology. I am preceded here by the excellent work of Michael Phillips, who discusses the reconciliation movement generally, and Danielle Celermajer, who attends to the apology in particular, with acute insight.<sup>10</sup> I therefore propose to build on their analyses by restricting it to subsequent developments, namely, the event of the Apology of 13 February and the role of political theology in the approach taken by Prime Minister Rudd. Moreover, there is an important tension between the theological symbolism of apology as compared with that of reconciliation, as we shall see.

Of course, relating the Apology to our Christian heritage is an affront to the idea that Australia's public sphere and political culture are essentially secular. However the latter view is flawed for at least two reasons. The first is generic to western secularism.<sup>11</sup> It contends that the so-called separation of public life from religious beliefs is in truth based on a decidedly Christian code of ethics. Historically, the notion of the secular (*saeculum*), goes back to the earliest years of Christendom and was deployed throughout the centuries to negotiate the borderlines between sacred time and political history. Theologically, it may also be that Christianity's emphasis on faith over works enables a separation between religion and politics that other religions do not.<sup>12</sup> Western secularism thus in some sense extends the historical and theological legacies of Christendom. But such a notion of the secular, even when modernised, does not so much clear the political ground of religion as it paves the way toward a common ground of Christian values shorn of contentious sectarian doctrine. The problem is that nowadays the actual pluralism of secular states includes many non-Christian citizens. As Charles Taylor has argued, this transforms the idea of a *common* ground of values into the hegemony of a Christian majority.<sup>13</sup> As I write, and with great respect to Pope Benedict, the streets of Sydney have become a spectacle of the Catholic faith embraced wholeheartedly by the media and the Prime Minister. Were it not Christian, this sort of religious spectacle on the stage of Australian life and landscape, even on a smaller scale, would be simply unimaginable and would probably generate considerable outcry. One is left with a strong sense, which one always had, that the Australian public sphere is vigorously Christian. When asked on national radio if Australia is a Christian country, the then Labor frontbencher Kevin Rudd called this 'the great question of our age'. He then referred, with evident sympathy, to a book by Cardinal Ratzinger, before the latter's elevation to the papacy, which argued that much of the richness of *modern* Western culture 'come[s] from a Judeo-Christian tradition and an Enlightenment tradition' which, in Rudd's view, 'represents a sensible compact for the future as well'.<sup>14</sup> Just over a year later, when the two men met for the first time, but by now the frontbencher was Prime Minister of Australia and the cardinal was Pope Benedict XVI, the latter candidly gave the Pope his own answer to 'the great question of our age': 'Australia is deeply shaped by and proud of this nation's Christian heritage *and future*'.<sup>15</sup> Like many western states, Australia is not born out of, nor even borne by, a separation of religion and politics but by founding the political on a common Christian heritage and horizon.

It is precisely because of this *implicit* Christian ethic which shapes Australian public life that politicians wishing to address the nation as a whole, including its non-

Christian citizens, must eschew any *explicit* appeal to a 'common ground' of Christian values, for that will only undermine the imagined unity and identity of the nation. When it came to addressing 'the nation's soul' in order to call for 'a new partnership' for *all* Australians, Indigenous and non-Indigenous but also Christian and non-Christian, the Prime Minister thus cleverly avoided explicitly invoking Christian values in favour of 'universal human decency' and 'our most basic instincts of what is right and what is wrong' in order to further the idea of reconciliation as 'a core value of our nation'.<sup>16</sup> Sheik Hilaly, for example, who would hardly be caught on the common ground of Christian values, therefore could and did applaud the Apology. Here too, however, the Prime Minister was deploying a second stratagem of western secularism, namely, appealing to an 'independent ethic' that claims to derive from no particular tradition. Was that really the case? Critics of the secular state often claim that what the state tries to pass off as a neutral and independent ethic is in truth a metaphysical doctrine of unbelief. This problem did not surface throughout the Apology, because no one was debating the philosophical *grounds* of 'basic instincts of what is right and what is wrong' and other allegedly independent moral values. Had those grounds been explored by the Prime Minister in Parliament there would not have been the sort of consensus that we saw. For while religionists and atheists of all persuasions might agree on 'core values' such as 'universal human decency' there is no way they would agree on the sources or foundations of these values. Some would call them 'independent' of religious traditions, based on human reason or sentiment alone, while others would source them in various religious beliefs and narratives, themselves incompatible with one another. In explicating the problematic status of the secular in this way Charles Taylor argues that John Rawls 'hit upon the best formulation for the modern secular state, which he called 'overlapping consensus'. Unlike the notion of an 'independent ethic,' which appears to some as but another metaphysical alternative to religious belief, the idea of an overlapping consensus aims to foster moral concord from *whatever perspective* and on the basis of *whatever grounds* its adherents entertain.<sup>17</sup> As the Apology stated, 'whatever their origins,' Australians have 'an equal stake in shaping' their country. I take it that it was some such notion of the secular, as an 'overlapping consensus' of common values derived from incompatible assumptions, that Rudd had in mind in his article in *The Monthly* when he defended 'a Christian perspective on contemporary policy debates' and then stressed that, 'once heard, it must be weighed, together with other arguments from different philosophical traditions, in a fully contestable secular polity'.<sup>18</sup> Here, at his most philosophical and theologico-political, Rudd was neither defending the idea of a secular Australia defined by common Christian values nor providing a model of secularism as an independent ethic derived from no tradition. Rather, secularism was conceived as an overlapping and dynamic consensus in which Christianity played but an important part.

Australian secularism is thus founded on shifting sands. At times it seems to be a foil for common Christian values, at other times it asserts the neutrality of ethical principles that are independent of tradition, and for the most part it is probably derived from an overlapping consensus based on incompatible assumptions. If the last is the most dominant, it is also the most fractious, the most fragile and the most subject to compromise and partialness. It is not surprising, then, that during the process of reconciliation, and especially in the Apology, it was the first two that came to the fore, for in both cases, and with justification, a naïve unity was required, supposed and

deployed. Perhaps this is why the spirit of Christianity featured so prominently throughout reconciliation and apology.

It is also worth recalling another, more simple but perhaps more weighty reason for not regarding Australia's public and political culture as essentially secular. It is that Australia does not enshrine the separation between Church and state in legislation. While section 116 of the Constitution requires that the Commonwealth be *impartial* in its relations to religious institutions, this impartiality does not prevent it from financially supporting religious institutions, as it of course does with schools, hospitals, welfare agencies and so forth.<sup>19</sup> Here too we find something close to the Rawlsian notion of the secular as an overlapping consensus which preserves religious interests without officially or legally privileging one over others. As Rudd said in a radio follow-up to his article in *The Monthly*, this allows Australia to be 'both secular and pluralist, but within that secular pluralist polity, you can't deny Christians having their voice, just as you can't deny anyone else having their voice'.<sup>20</sup>

Accordingly, however we define Australian secularism it ought not to be on the basis of the separation of church and state, much less by distinguishing the private realm of religion from the public realm of politics. Neither Australia's law nor its society establishes the secular in any firm way. The undeniable force of the secular in Australian public life might therefore be merely as deep as a view of modernity as 'disenchantment'. According to this view, citizens came to terms with the enlightened secular basis of life itself and thus religion went to sleep in public life though it was never actually laid to rest. Since religion is once again astir, the secular character of Australian public and political life is liable to be reshaped or even eroded.<sup>21</sup> However a negative thesis concerning the secularism of Australia is not enough to establish the religious, much less the distinctly Christian character of the Apology. Let us then specify these.

### **Sovereignty and shame**

There were two major obstacles to the Apology. One was the fact that the forced removal of Indigenous children was not a crime but was comprised of acts committed for the most part in ostensibly good conscience in accordance with government policy and sanctioned by law. The second was a narrow liberal and legal view which holds that responsibility for wrong actions can only apply to individuals (or corporations) for acts which they had themselves committed. As is well known, these were among the main reasons for some people, most notably former Prime Minister John Howard, rejecting the idea of a formal Apology by the Parliament of the nation, and indeed of regarding it as an injustice to those millions of Australians who either had no direct involvement with the afflictions suffered by the Stolen Generations or, if they had, did so within the bounds of the laws and values of former generations.<sup>22</sup> To overcome this obstacle a shift needed to be made in the very notion of responsibility. Celermajor has insightfully detailed this shift in terms of its two major aspects.

The first consisted of an acknowledgement that it was not only particular acts that bore the burden of responsibility for the wrongs suffered by Indigenous Australians but the political and cultural character of the nation as a whole and of the state in particular. The particular wrongs suffered by individual Aborigines were *made possible* by a pervasive cultural and political denigration of Aboriginality *as such* that served to define and legitimate the political character of the Commonwealth of Australia. Australia was constituted and defined by denying and assimilating

Aboriginal identity. The wrongs which individual Aborigines suffered therefore went beyond the enormous 'inventory of specific losses' to the 'moral grammar of the political community' which encoded 'the conditions of possibility for the specific acts'.<sup>23</sup> In order to right such a wrong it is not enough to modify existing laws internal to the political order, it is necessary to change the order itself. Within a positivistic and perhaps even a strictly liberal theory of state law it makes no sense to apologise for acts that were both legal and not obviously immoral at the time of their commission. The Apology was an act that reached beyond the limits of the entire field of legal and moral justifications of what had formerly defined Australia. This field is determined by the sovereign, which can be defined as that which is in need of no justification beyond itself. In reaching beyond the law the Apology simultaneously touched on the essence of political sovereignty to justify itself *and* on the ethical basis of political sovereignty, thus on something that is not justified by politics but justifies it. The Apology was thus a peculiar and quite remarkable act of the deployment of sovereignty against itself in the name of a good that goes beyond its own political legitimacy. But in whose name and on the basis of what authority could a sovereign power apologise? Only in the name of itself and on the basis of its own authority? But then there would be no need to apologise, for the very notions of what is right and wrong would simply be derived from sovereignty. It would only be within the law and by virtue of the law that one could determine that an act was wrong. The way forward required a moral point of view that was thus outside the law and could therefore call the sovereign to account without compromising on what is essential to sovereignty, which is to justify itself without appeal to external authority. Rudd's reference to 'basic instincts of right and wrong' was not enough, for the sovereignty of the state cannot be contested by objective morality but only by itself. The Apology thus pushed Australia beyond contemporary liberalism by appealing to a sense of moral transcendence that the positivism of law could not accommodate. It touched a moral point of view beyond the sovereign power of the state. On what basis, then, could it be justified? Such moments are generally *contained* by referenda. Or else they belong to the history of revolutions and the essential violence inherent in the establishment of a sovereign legal authority.<sup>24</sup> However the genius of the Apology and its status, I believe, as a *novum* in political history (along with similar sovereign acts by other modern states), is to conjure a metaphysics of society, or the transcendence of the people over and above the state, in a way that is *essentially* opposed to violence.

The breakthrough resulted from a shift in the grounds of responsibility from guilt to shame. There was no question of the sovereign having been guilty, for the idea makes no sense. If the sovereign breaks one of its own laws then it can be challenged in court. But this is always done in the name of the law and therefore affirms the absolute right of the sovereign to determine guilt. But can the sovereign be ashamed? Unlike guilt, shame is endured without any personal or intentional wrongdoing. Shame is a mode of moral identification that goes beyond the causal relations of actions to agents (and for this reason it is of course easily exploited). Shame is endured more than it is perpetrated, and even a shameful act only becomes shameful when one goes over what one has done and endures it from a new perspective. Shame emerges from a passive ethical bond between subjects that goes beyond the individualistic and intentional confines of moral and legal guilt. One can feel ashamed without being guilty, so long as one *identifies* with a wrong with which one has no causal or intentional relationship. Moreover, shame is inseparable from the experience of being seen, and especially from the experience of being seen in an

unanticipated light, such as arises when the point of view of someone else, previously unnoticed, obtrudes. Sometimes shame, like pride, stems from what one has not done at all, as when one feels ashamed on behalf of someone. Indeed shame is a moral affectation that is ultimately not caused by anything one has done but by the moral presence of the other. As the moral philosopher Emmanuel Levinas says, 'Shame is founded upon the solidarity of our *being*, which obliges us to claim responsibility for ourselves'.<sup>25</sup> Shame is a moral experience of *identification* with a wrong one may not have committed or intentionally committed involving an unforeseen recognition of the other. Unlike guilt, then, shame has less to do with what one intentionally does than *who one is* in relation to others; it results from identification, either with oneself, with someone else or with some group in a way that partakes of a moral burden for which one cannot be blamed. It also involves being seen from a new moral perspective or having a new moral perspective imposed on one by the other. For all these reasons, shame is a moral experience that goes beyond the confines of individual and legal guilt and thus stands beyond the law.

Shifting the terms of responsibility from guilt to shame was the single most important way of overcoming the moral, political and legal obstacles to the Apology.<sup>26</sup> We can apply the above analysis to the responsibility experienced by contemporary non-Indigenous Australians in relation to the Stolen Generations, the culmination of which was the Apology.<sup>27</sup> First, non-Indigenous Australians took responsibility for the political wrong inhering not only in the *acts* of their forebears, whose legality was never in question, but in identifying the wrong inherent in the political culture as such, thus in whatever it was that made one 'Australian'. The fact that Australians were not 'guilty,' legally speaking, of wronging the Stolen Generations made no difference to the shame of it. Indeed in an important sense it was shame that enabled contemporary Australians not merely to regard those acts as wrong but to identify the 'moral grammar of the political community' of former generations as their own burden and responsibility. Second, the shame arose from the new moral point of view that Indigenous Australians offered their fellow citizens (and, of course, this was only possible after 1967). This is a crucial point. The experience of shame was a new way of negotiating the relationship between Indigenous and non-Indigenous people, one not without its problems but nevertheless of formidable power. By way of shame, a relationship of recognition, moral respect and the preservation of the otherness or particularity of Indigenous Australians was forged. White shame was a way of recognising or ceding moral authority, a way of affirming the permanent value of the differences marked by Indigenous peoples in relation to settler society. While there is a theological dimension to this development, it is in direct opposition to the theology of ethnic assimilation through spiritual unification that has coloured much Christianity.

### **The theological provenance**

What is the theological dimension of this political process? I am convinced that an enormous amount of relevant commentary could be made about this and related phenomena, as is indeed being done by many scholars working on contemporary political theology in a post-secular world.<sup>28</sup> Here I will only offer a sketch along the lines of the two major phenomena leading from the Stolen Generations to the Apology that we have considered. One was the fact that the issue was not this state law or that individual case of the suffering of an Indigenous person but the entirety of the meaning of 'Australian,' including its political and spiritual legitimacy. This caused the problem of sovereignty to obtrude, for only a radical act of sovereignty, of the freedom

to act without interference and to justify one's own laws for oneself, can change the very identity of the state. The other was the collective experience of shame, which involved an identity based on responsibility that went beyond the legal limits of guilt. Collective shame enabled this quite *exceptional* act of assuming a responsibility for a sense of the political *as such* that transcended the law. It will be noticed that both shame and sovereignty are most clearly manifest in their transcendence with respect to the law, as somehow appealing to an ethics, in the case of shame, or a power, in the case of sovereignty, that cannot be based on a liberal notion of state law but claims to lie outside it and to found it.

Christianity reaches for each of these views in its own way, but also in a way that I think both significantly resembles the phenomena we have considered and is in some sense essential to its particular theological heritage. The relation of the Apology and reconciliation to Christianity is not accidental. Let us first consider the ethical point, separating it conceptually from what I have been calling the political. The ethical breakthrough of Christianity, as a religion, pre-eminently comes by understanding Christ as anterior to and outside the law. Especially for St Paul, it is the essence of Christ to have returned humanity to a true relation to God that is outside the law. Christ is likened typologically to Adam, who is marked not only as universal humanity but also as humanity's ethical or spiritual embodiment outside of law. Thus, when Paul moves from Adamic prehistory to the realm of history and particularity he invokes Abraham, the symbol of the particularism of a people determined by law, expressly in order to emphasise that Abraham was given God's word *before and independently* of the law and its particularism.<sup>29</sup> It is by conceiving of Abraham – the progenitor of biblical history and particularism – as the bearer of a promise that had nothing to do with the tribal particularism of the law that Paul broke with Judaism.<sup>30</sup> This was the great ethical breakthrough of Christianity, which was to proclaim a moral identification that transcends whatever righteousness or unrighteousness there is within the law because it issues from a common spiritual source prior to all law. Christian ethics demands a moral identification going back to the beginning of memory and beyond *the totality* of what is legally right and wrong. There are of course secular versions of radical solidarity. There are humanist intuitions as well as other ways, from other traditions, of arriving at such a position. What is essential to this aspect of Christian ethics, however, is that it involves a moral or spiritual passage beyond the law. Pauline ethics is not just universal, it is also always marked by a break with the law and the assertion of a surplus ethical spirit that the law never contains. In this respect, for example, a purely liberal conception of law might founder. If state law is to be challenged, the liberal will generally move to international law, or basic laws of human rights, or the like. But the Christian move is to break with the law as such in order to announce a new human solidarity.

Furthermore, following Augustine, Latin Christianity even understood this transcendent sense of an ethical humanity outside the law in terms of shame. The idea of original sin identifies the original ethical position of the Christian as a state of shame. Regardless of what the Christian has done or not done, irrespective of legal guilt or righteousness, he or she is *constituted* in a shameful state called sin. We know that there are terrible psychological affects of the application of this idea. However my point is only to highlight that the very phenomenon of shame we considered above has a quintessentially Christian patronage. It too asserted a continuity and therefore a moral burden between the present, which was not a state of guilt, and the past, which was essentially and in its very constitution 'sinful'. I am

therefore not making the obvious but important point that Australia, like other settler states, is founded on an original violence, exclusion or, if you like, sin. That is not what I mean by original sin. Rather, I am making the point that the very substance or identity of the state was identified by contemporary non-Indigenous Australians as shameful, irrespective of what any one of us did, once we acknowledged the moral or spiritual truth of what we had not seen. Here too, I think, the Christian paradigm established the peculiar and provocative, but in this case also redeeming, moral possibility of feeling ashamed for how we were created. Not for what we, as individuals, did to cause the Stolen Generations but what we were, as 'Australia,' which made for sin. I do not mean to associate what happened in Australia with some onerous doctrine of original sin which only faith in a particular sacrament could overcome. Rather, I mean to suggest that modern liberalism and secular individualism are not enough to explain what happened and that it is the horizon of a moral sentiment of religious proportions that enabled the experience of collective shame for who we were to take hold, over and above the legality or unrighteousness of what we did; and that this collective shame for who we were, before we saw what we now see, was at the very least facilitated through or even shaped by a Christian provenance.

The same applies, perhaps more obviously, to the notion of sovereignty that I suggested was deployed in the Apology. As we saw, the Apology involved a reckoning of the sovereign with its own moral grounds beyond the law. Carl Schmitt, following Thomas Hobbes, made the following observation: 'The exception in jurisprudence is analogous to the miracle in theology'.<sup>31</sup> As in a miracle, it is in the exceptional act beyond the law that the truth of the sovereign is revealed. A miracle is the revelation of the transcendence of God over the laws of nature. It is precisely the power of the *exception* to the law that provides proof, for those who need it, of true sovereignty. Now, the political act of the Apology was exceptional in just this sense. Here too it was a matter of the sovereign revealing itself by transcending the very laws that it had created. It proved, for those who need it, and I think we generally do, that there is something to 'Australia' that goes beyond the laws of the state. The symbolic power of the Apology lay precisely in revealing the essence of Australian sovereignty beyond the law by recognising the law itself as insufficient. As Celermajer says, the act of apology points to a radical freedom 'to express and reform a dimension of the nation that cannot be reduced to particular institutions, acts or individuals, but provides them all with the grammatical rules, the categories they assume, and their normative assumptions'.<sup>32</sup> The Apology thus displayed the exceptional power of the sovereignty of the nation with respect to its own legal order, just as a miracle displays the exceptional power of the Sovereign with respect to the natural order. This revelation of sovereignty is undoubtedly *secular*, since it reveals the transcendence of *the people* above and beyond the state, but it is theological in the sense that it imagines an identity outside the law, with sufficient unity of substance to designate a moral character and will, that justifies the law. It was Carl Schmitt who brought this theological dimension of political sovereignty back into view. In democrats such as de Tocqueville, for example, 'the people hover above the entire political life of the state, just as God does above the world, as the cause and the end of all things, as the point from which everything emanates and to which everything returns'.<sup>33</sup> The Apology gave voice to the metaphysics of society over and above the institutions of the state. This was not politics ceding to 'civil society,' for the Apology was precisely a *political* act that invoked and, as far as can be said, rallied the nation as a whole. Its spirituality

came from the momentary transcendence of politics through the revelation of the sovereignty of the people. Celermajer calls it a 're-covenanting of the nation' whereby the moral identity of the people takes a new shape that underlies but therefore exceeds the notion of the state as a social contract. Whereas the theological role of the sovereign was, formerly, to stand outside the law in order to relate its own unity and order to a higher purpose or Good embodied in the law, the secular transposition relates this imagined, metaphysical unity of the people to 'their' own idea or sense of the common good. But who are 'they' who hold the sovereign power to exceed the law? It is at least worth noting that recourse to sovereign power is impossible to dissociate from violence and exclusion. When the sovereign is revealed through an *exceptional* act that goes beyond the law it is usually in order to define itself against an enemy, because the revelation of sovereignty is always also an assertion of identity.<sup>34</sup> It is not by accident that the Prime Minister compared the bi-partisan approach adopted by parliament to 'a kind of war cabinet', for at issue is both the exercise of the sovereign's ultimate power and the ultimate terms of its identity.

Having sketched what I think are the theological dimensions to the Apology as an event that touched on something 'spiritual' beyond the law – the way it presupposed an ethical excess to the law and a collective form of identifying with the shame of the past, and its character as an act that manifested the essence of sovereignty outside the law – I want to conclude by noting what I think was its most novel quality, namely the way it transcended politics in a manner that was *essentially* non-violent. This is important because the perennial reference of secular law to an often implicit theological dimension also highlights the perennial risk it runs of reproducing the great violence of the theological legacy it has secularised.

#### **The Apology: from 'the ministry for reconciliation' to theology 'from a human point of view'**

The Apology was the culmination of the movement for Aboriginal reconciliation. By this I do not mean to suggest that compensation should not be paid (on the contrary), but that the Apology transcended the judicial limits that would have precluded legal action from succeeding in court. If some fund for compensating victims of the Stolen Generations is established it will not be on the basis of legal wrongdoing but by an *ex machina* act, with its evident theological underpinnings, whereby government seeks to satisfy obligations to justice that exceeds the law. Moreover both apology and reconciliation can and in some sense should be understood in relation to Christianity, both sociologically and symbolically. Indeed the phenomena we have considered, namely an experience of shame that goes beyond the law and an assertion of sovereignty that responds to it, is pretty much what the Christian doctrine of reconciliation addresses. To be reconciled through Christ is to have the spiritual and moral excess of the human, which no law can contain, gracefully affirmed by the only power that stands outside the law, the sovereignty of God himself. The sovereign alone can assuage the moral or spiritual excess which the law can merely ignore or contain by judicial punishment. The tension between shame and sovereignty is thus resolved by reconciliation. It is only grace that overcomes original sin.

And yet, as we saw at the outset, in some sense it was precisely the Christian doctrine of reconciliation that got us into this mess. The Christian proclamation of 'one new man in place of two' is precisely what is meant, amongst other things, by 'reconciliation'. For Paul, '*the ministry of reconciliation*' meant that '*we regard no one from a human point of view*' for 'the old has passed away, behold, the new has

come'.<sup>35</sup> 'For he is our peace, who has *made us both one*...that he might create in himself *one new man in place of the two*, so making peace, and might *reconcile* us both to God *in one body* through the cross, thereby bringing the hostility to an end... Christ Jesus himself being the cornerstone, in whom the whole structure is joined together'.<sup>36</sup> Is that what reconciliation implied? Is it meant to end hostility by joining together the whole structure of the nation, Indigenous and non-Indigenous alike, in one new covenant? Is this what the Prime Minister meant when he referred to the 'true spirit of reconciliation' which would 'remove a great stain in the nation's soul' by forging 'a new beginning, a new partnership'?

Many scholars writing about reconciliation movements have worried about the term insofar as it might mask a longing for one unified narrative of the various peoples of a particular historical injustice. The worry is that reconciliation might only be achieved by foregoing justice and the permanence of conflicting narratives.<sup>37</sup> In place of justice, compensation, punishment, etc there would be a symbolic assertion of a new identity which whitewashes moral and legal responsibility. I think there is warrant for this concern, but also that the Apology obviates some of the problems with 'reconciliation'. There is, after all, a great difference between an apology and reconciliation. It is by considering this difference, in its theological dimension, that I want to conclude.

The first point to emphasise is that unlike reconciliation, with its emphasis on unity, an apology necessarily implies difference and distance. While the Apology exercised a sovereign transcendence with respect to the former constitution of the state, this radical freedom was precisely not an act of self-affirmation and self-legitimation which united all Australians in one new partnership but a recognition of Indigenous people in their capacity as moral subjects to whom non-Indigenous Australians had to face up. To be sure, the parliamentary motion did not omit to 'request that this apology be received' and the Prime Minister went on to hope that 'the apology we extend today be accepted in the spirit of reconciliation'. But the whole point of an apology, including this Apology, is that it cannot presuppose reconciliation. If it did it would not be an apology but another form of imposition and another denial of the moral agency of the other to whom it is addressed. In a sense, it is only by withholding or deferring reconciliation that the apology could be delivered. This can be seen in two ways. One might say that in this respect the Apology highlights the limits of sovereignty, for the sovereign is precisely not free to determine whether or not the apology will be accepted and thus whether or not reconciliation will be achieved. However this view is based on a type of freedom 'that animates libertarian thinking,' as if true freedom lay merely in the absence of all constraints, as if the inability to ensure that the Apology would be accepted was a limit on freedom.<sup>38</sup> Much better, as Celermajer has shown, drawing on Emmanuel Levinas, is to suggest that the apology attests to 'a freedom informed by recognition', a freedom that presupposes the freedom of the other. The Apology, which was sovereign with respect to *its own* past and constitution, remains utterly dependent on the freedom of Indigenous people to receive, reject, ignore or defer. In facing up to the moral claim made by Indigenous peoples on the very constitution of what it meant to be Australian, which took the form of an experience of collective shame, the Apology involved a coming to terms with the arbitrary and violent nature of the assertion of sovereignty that gave rise to the state and with the *moral limits* of sovereignty.<sup>39</sup> Thus, whereas the assertion of the power of the sovereign is congenitally violent, the Apology was exceptional since it expressed the sovereign's capacity to go beyond the law *ethically*, by way of recognition and critique

of its own founding authority. Such a limitation of sovereignty is therefore not a weakness but an acknowledgement that the ethical basis and justification of sovereignty is 'essentially other-oriented' for the apology necessarily appeals to the freedom of the other to accept it, reject it, etc.<sup>40</sup> The Apology thus attested to the *interdependence of non-Indigenous and Indigenous freedom* and thereby to the dependence of the sovereignty of the Parliament of Australia. It thereby also kept reconciliation at bay.

Unlike reconciliation, the Apology sought not to rise above the particularity of Aboriginal experience but to address itself to the particular experiences of people like Nanna Nungala Fejo and others of the Stolen Generations. Unlike 'the ministry for reconciliation' in which the goal is the unity of all people, the Apology was an act of recognition, precisely from 'the human point of view' in which the difference and distance between Indigenous and non-Indigenous experience is preserved. I am not at all suggesting that behind the reconciliation movement there lies some pernicious proselytising which would again seek to assimilate Indigenous experience into a Christian Australian narrative, much less that such was the intention of its leading Christian advocates. Rather, I am suggesting that the idea of reconciliation cannot be entirely divorced from the narrative of ecclesiological or national unity and therefore that the Apology marked a particularly important event within the process which unsettled it and, as it were, kept it honest. It was by deferring and disrupting the notion of reconciliation that the Apology worked. Theologically, it was less a matter of overcoming the gulf between the sovereign and its subjects, or making friends out of enemies, as much as of maintaining their difference in order to effect *atonement* rather than reconciliation. This also explains a conspicuous feature of apology, which is that on the one hand it depends upon recognition of the moral agency and separateness of the other, and on the other hand it does not require the other to speak and does not involve dialogue. While the presence, moral agency and irreconcilable experience of Indigenous people were absolutely indispensable to the Apology, so too was their silence. The silence of the addressee is the condition for an apology and what makes atonement and apology possible. The way the silence of God makes atonement possible as a radical act of freedom and transcendence with respect to oneself and one's past. Only the provisional absence of forgiveness makes atonement possible. This deferral of reconciliation, where the separateness and the distance of the other are preserved in the silence of the freedom of the other is, perhaps, an index of the Judaic dimension of political theology. The Apology expressed atonement in the face of those it recognised as having wronged, not reconciliation. At the same time, for the Apology and the atonement to have been sincere it requires that the freedom and difference that they recognise in Indigenous people be allowed to speak. If there is to be reconciliation it will come after the Apology, which was an atonement, when the voices of Indigenous people are legitimised by the constitution.

The fact that the Apology presumed the freedom and the silence of Indigenous people was not a weakness. It was an act of atonement by non-Indigenous Australians in which reconciliation was still to come. Or if it was a weakness it was of the type that would lead the sovereign to *abase* itself by atoning for its own being. One of the most distinctive and revolutionary ideas of Christianity is to have conceived of the sovereign in terms of abasement, by way of 'kenosis'.<sup>41</sup> I think it is hard to understand the Apology as *an act of sovereignty*, whether this refers to the power of the state or that of the people, without reference to the notion of kenosis. Kenosis is a radical

reconception of the idea of the sovereignty as a mode of radical humility and even abasement, of Christ as 'the form of God' who 'emptied himself... humbled himself and became obedient unto death'. Usually it refers to the free act of assuming the position of the sacrificed on the cross. It is an exercise of sovereignty that *foregoes its own absolute power* by becoming sacrificed. In a sense, the Apology went further, for here the abasement of the sovereign went beyond the point of assuming the position of the victim in order to assume the more debased position of the perpetrator. The point, however, is that the humbling of sovereignty defines Christianity from the very outset. Indeed what makes the Apology of a sovereign nation, whether in Australia or elsewhere, so strikingly new in political history and political theology is that here, finally, sovereignty has deployed its transcendence with respect to the law in order to practice humility rather than violence. The Pope found it much harder to do than did the Prime Minister. Perhaps this is because kenosis, as Gianni Vattimo has argued, belongs not only to Christian theology but is carried beyond Christendom into the very process of secularisation itself.<sup>42</sup> In his view, the core message of Christianity is to have proclaimed that the sovereignty of God, once manifest through acts that transcend the law and are therefore inseparable from violence, has been *weakened* in the incarnation to the point of dissolving the violence inherent in a sovereign suspension of the law – 'a dissolution of the sacred as violence.'<sup>43</sup> In other words, Christianity provides us with the idea that the sovereign is revealed not merely by transcending the law, where its power becomes manifest, but by foregoing the very power that constitutes its sovereignty. At once a secular and profoundly Christian act, the Apology attested to an abasement of the power of the sovereign to transcend the law by an extraordinary act of recognition of the violence of its own sovereignty. By apologising for its own violence, the sovereign accomplished a kenosis of the very idea of sovereignty, which was precisely that which was thought not to be in need of justification because it was the ultimate basis of law. This was perhaps the most original contribution of the Apology to the history of political theology and what made its exceptional status, as an act that reached for a power beyond the law, essentially non-violence. The Apology was a sovereign assertion of power enacted in the mode of humility before Indigenous Australians. It thus revealed a kenotic overcoming of its own essential violence.

Finally, it must be recalled that the status of the Apology as an exceptional act of sovereignty is not only what gave it such a rich 'spiritual' meaning but also what made it so utterly evanescent and immaterial. Beside the repeatedly used term 'reconciliation,' the only other explicit allusion to Christian writings I can find in the *Hansard* came when the Prime Minister said that 'unless the great symbolism of reconciliation is accompanied by an even greater substance, it is little more than a clanging gong'. The allusion to 1 Corinthians 13 – 'If I speak in the tongues of men and of angels, but have not love, I am a noisy gong or a clanging cymbal' – is unmistakable. Its deployment, however, is unsettling. It was followed by these words: 'It is not sentiment that makes history, it is only actions that make history'. On the one hand, then, an allusion to Christian love, the sort of love in which friend and enemy are reconciled in faith. On the other hand, a less than oblique repudiation of the doctrine of Two Kingdoms, explicitly stated in the article on 'Faith in Politics,' in which the inner realm of faith and sentiment is prized over the outer realm of law and political action. The gong has rung. It remains to be seen whether the Apology can be

reconciled with the constitution and with claims of justice that exceed the sovereign's own laws but to which it surrendered itself for a moment on 13 February.

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<sup>1</sup> Rudd, Kevin (2008) cited in 'House of Representatives Official *Hansard*, 1, 2008, Wednesday, 13 February', <http://www.aph.gov.au/Hansard/reps/dailys/dr130208.pdf>. Unless otherwise stated, all citations of Kevin Rudd are from this *Hansard*.

<sup>2</sup> Respectively, Eph 2:15 and Gal 3:28, to cite but two of the most famous. I do not believe that St Paul himself intended to deny ethnic and juridical differences but that he is the most important source for various western endeavours to do so. Daniel Boyarin offered a sustained polemic against Paul on the basis of such an interpretation in (1994) *A Radical Jew: Paul and the Politics of Identity*, Berkeley: University of California Press.

<sup>3</sup> van Krieken, Robert (1999). 'The Barbarism of Civilisation: Cultural Genocide and the 'Stolen Generations'', *British Journal of Sociology* 2, 50: 297-315.

<sup>4</sup> For an overview, including notable exceptions, see Philpott, Daniel (ed) (2006). *The Politics of Past Evil: Religion, Reconciliation, and the Dilemmas of Transitional Justice*, Notre Dame, Ind: University of Notre Dame Press.

<sup>5</sup> This motion did not receive the support of the Opposition, under the leadership of John Howard. A useful overview of the historical process is documented in Research Paper 27 submitted to the Parliamentary Library on 29 June 1999 by John Gardiner-Garden, 'From Dispossession to Reconciliation', <http://www.aph.gov.au/library/Pubs/RP/rp98-99.htm>. See also Brennan, Frank (1989). 'Waiting for the Resolution,' *The Australian Quarterly*, Winter, 2, 69: 242-50 and Michael Phillips, cited in note 10 below, p 112.

<sup>6</sup> The 2001 census statistics, and much more, are usefully analysed by Bouma, Gary (2006). *Australian Soul: Religion and Spirituality in the Twenty-First Century*, Cambridge: Cambridge University Press; this figure is reported on p 31. John Warhurst documents the way the rise of religion in public life favoured the Coalition in (2007) 'Religion and Politics in the Howard Decade,' *Australian Journal of Political Science* 42.1, March: 19-32. According to the highly regarded demographer, John Black, it was a swing amongst Christian voters, especially Pentecostals and evangelicals, that was among the most important reasons for Labor's victory in 2007; see Pearson, Christopher (2008). 'On a swing and a prayer,' *The Australian* 8 March, <http://www.theaustralian.news.com.au/story/0,25197,23336628-7583,00.html> and the interview of John Black by Crittenden, Stephen (2008). 'The Christian vote in Federal Politics', 19 March, <http://www.abc.net.au/rn/religionreport/stories/2008/2194485.htm>.

- <sup>7</sup> Rudd, Kevin (2006). 'Faith in Politics,' *The Monthly*, October; cited from <http://www.themonthly.com.au/tm/?q=node/300>.
- <sup>8</sup> 'Tony Jones talks to Prime Minister Kevin Rudd,' Australian Broadcasting Corporation Broadcast: 14/02/2008, <http://www.abc.net.au/lateline/content/2007/s2163296.htm>.
- <sup>9</sup> Census figures cited by Bouma (2006) *op cit*: 53. This is down from the 1996 census, when Christians totalled 70.0%. As recently as 1971 the figure was 86.2% and in 1947 it was 88%.
- <sup>10</sup> Phillips, Michael (2005). 'Aboriginal Reconciliation as Religious Politics: Secularisation in Australia,' *Australian Journal of Political Science* 40.1, March: 111-124; Celermajer, Danielle (2006). 'The Apology in Australia: Re-covenanting the National Imaginary,' in Barkan, Elazar and Karn, Alexander (eds) *Taking Wrongs Seriously: Apologies and Reconciliation*, Stanford: Stanford University Press: 153-183; idem (2007). 'Apology and the Possibility of Ethical Politics,' *Journal of Cultural and Religious Theory*, Winter: 13-34.
- <sup>11</sup> Most of the following paragraph depends on Taylor, Charles (1988). 'Modes of Secularism', in Bhargava, Rajeev (ed) *Secularism and its Critics*, Delhi: Oxford University Press: 39-53.
- <sup>12</sup> This point is made by Michael Phillips, who also addresses some of the issues in this section, as well as referring to Taylor.
- <sup>13</sup> Taylor (1988) *op cit*: 35f.
- <sup>14</sup> 'Kevin Rudd: Bonhoeffer and 'the political orchestration of organised Christianity', radio interview with Stephen Crittenden, 3 January 2007, <http://www.abc.net.au/rn/religionreport/stories/2007/1810679.htm>.
- <sup>15</sup> My emphasis. Cited by Zwartz, Barney (2008). 'Huge mass launches World Youth Day,' *The Age* 16 July.
- <sup>16</sup> Prime Minister Rudd, *Hansard*.
- <sup>17</sup> Taylor (1988) *op cit*: 50.
- <sup>18</sup> Rudd (2006) *op cit*.
- <sup>19</sup> A brief but useful discussion is offered by Hogan, Michael (2001). 'Separation of Church and State,' *Australian Review of Public Affairs*, 16 May, <http://www.australianreview.net/digest/2001/05/hogan.html>.
- <sup>20</sup> 'Kevin Rudd: Bonhoeffer and 'the political orchestration of organised Christianity', radio interview with Stephen Crittenden, 3 January 2007, <http://www.abc.net.au/rn/religionreport/stories/2007/1810679.htm>.
- <sup>21</sup> For the sociology of religion in contemporary Australia, see Bouma (2006) *op cit*.
- <sup>22</sup> As Celermajer (2006) *op cit*: 159 says, 'By binding injustice tightly to the direct commission of particular acts, Howard moved the claim of violation away from Aboriginal people and delivered it to white Australians who, in being blamed for something they did not do, could now justifiably count themselves as victims of injustice'.
- <sup>23</sup> *Ibid*: 160 and 162 respectively.
- <sup>24</sup> On this, see Derrida, Jacques (2002). 'Force of Law,' in Anidjar, Gil (ed) *Acts of Religion*, New York: Routledge: 228-298, esp 264ff.
- <sup>25</sup> Levinas, Emmanuel (2003). *On Escape*, trans Bettina Bergo, Stanford: Stanford University Press: 63; see also idem (1969). *Totality and Infinity: An Essay on Exteriority*, trans Alphonso Lingis, Pittsburgh, Duquesne University Press: 84 and Williams, Bernard (1993). *Shame and Necessity*, Berkeley: University of California Press, 'Recognising Responsibility': 59-74. Celermajer's analysis of shame and collective guilt is indebted to Karl Jaspers' reflections on the responsibility of all Germans for the crimes of the Nazis. She also cites Robert Manne who, like Sir William Deane, urged the shift from guilt to shame in the Australian context in 1996. My brief remarks differ though they are not incompatible with Celermajer's. Another Australian scholar, Paul Muldoon, uses the moral resources of Greek tragedy to explore the excess of responsibility, over and above the limits of personal and legal agency, to which reconciliation attests. This is a valuable alternative to thinking about reconciliation as a secularised theological act, though it does not address the way in which reconciliation deploys the distinctly theological resources of sovereignty in order to re-imagine or, as Celermajer calls it, 're-covenant' the nation. See Muldoon, Paul (2005).

'Thinking Responsibility Differently: Reconciliation and the Tragedy of Colonisation,' *Journal of Intercultural Studies* 3, 26: 257-54.

- <sup>26</sup> While shifting the moral burden from guilt to blame may have enabled the Apology, it runs the risk of denying *direct responsibility* by way of the *complicity* of non-Indigenous Australians who have benefited from dispossession. In that case, perhaps, as important as the shame of the sovereign is the guilt, by way of complicity, of the collective of citizens. Conspicuous here is the fact that the Apology was issued on behalf of the Prime Minister, the government and the parliament of Australia – but specifically not on behalf of non-Indigenous people as a collective.
- <sup>27</sup> As I specify in the final section, I do not mean to say that compensation should not be provided but that a provision will not take the form of legal compensation but will be more like an *ex machina* act which will have been justified by the symbolism borne by the Apology. It is in that symbolic or theological sense that I mean that the Apology is the culmination of the saga.
- <sup>28</sup> See for example the recent, bulky and excellent collection edited by De Vries, Hent and Sullivan, Lawrence (2006). *Political Theologies: Public Religions in a Post-Secular World*, New York: Fordham University Press.
- <sup>29</sup> Esp Rom 4; 9:6-9 and Gal 3.
- <sup>30</sup> I do not mean to say that Judaism lacks the resources for thinking of the universality of ethics, which it does not, nor even that it does not also conceive humanity outside the law, which it does, but that Judaism is not *founded* on that conception, as Christianity is.
- <sup>31</sup> Schmitt, Carl (1985). *Political Theology: Four Chapters on the Concept of Sovereignty*, trans George Schwab, Chicago: The University of Chicago Press: 36. The Foreword by Tracy B Strong, 'The Sovereign and the Exception: Carl Schmitt, Politics, Theology, and Leadership,' is also very useful, esp xx and *passim*.
- <sup>32</sup> Celermajer (2006) *op cit*: 175 is referring to comments by Sir William Deane in 1996, who used the distinction between collective shame and personal guilt to make precisely the point – the secularised theological point – that 'our identity as a nation and the basic fact that national shame, as well as national pride, can and should exist in relation to past acts and omissions, at least when done or made in the name of the community or with the authority of government. Where there is no room for national pride or national shame about the past, there can be no national soul'. This comes from Deane, William, *Some Signposts from Dagarugu: The Inaugural Lingari Lecture*, Kingston, ACT: The Council for Aboriginal Reconciliation. Michael Phillips provides a nice epigraph from a 1999 speech delivered by Sir William Deane: 'the relationship between Australia's Indigenous peoples and the nation as a whole' is 'one of the most important theological issues confronting us as we approach the new millennium'.
- <sup>33</sup> Schmitt (1985) *op cit*: 49. Schmitt was himself a notorious defender of Nazism. From Schmitt I take the point that the true nature and manifestation of sovereignty lies in its capacity to act beyond the law. For his part, Schmitt thought that a truly sovereign act had to be attributable to *a person*, for it required the capacity to *decide* on the exception without answering to anyone else, and that parliamentary democracy had dissipated the theological ecclesia of the people to an endless conversation that in principle obviated the power of the sovereign to decide on the exception. The Apology strikes me as a rare case of the transcendence of *the people's sovereignty* over and above the state, though I recognise that we are here in a dangerous zone where the basic institutions of politics are suspended in order to assert a new *identity* that is at bottom groundless. Schmitt's insights have long attracted thinkers of both the left and the right.
- <sup>34</sup> Giorgio Agamben has taken up the haunting repetition of Schmitt's insight as it has again become apparent in the Bush administration's attempt to exercise its power beyond the law; see his (2005) *State of Exception*, trans Kevin Attell, Chicago: University of Chicago Press.
- <sup>35</sup> 2 Cor 5: 16-21.

- <sup>36</sup> Eph 2: 14-21. I have butchered this and the previous 'prooftext' only to highlight a danger inhering in them, though I think the danger of forced assimilation, which was of course actualised in history by Christian powers, was the last thing from Paul's mind.
- <sup>37</sup> The 'aporia' of justice and forgiveness was signalled by Derrida, Jacques (2001). *On Cosmopolitanism and Forgiveness*, London: Routledge, and has been taken up in interesting ways by Australian scholars such as Michael Phillips, cited above, and Janover, Michael (2006). 'The Limits of Forgiveness and the Ends of Politics,' *Journal of Intercultural Studies* 3, 26: 221-35. See also Moon, Claire (2004). 'Prelapsarian State: Forgiveness and Reconciliation in Transitional Justice,' *International Journal for the Semiotics of Law* 17: 185-97.
- <sup>38</sup> Celermajer (2007) *op cit.* 25.
- <sup>39</sup> As Levinas (1969) *op cit.* 84 says, 'To discover the unjustified facticity of power and freedom' one must *welcome* the perspective of the other, 'which calls in question my freedom'; 'this is accomplished as shame, where freedom discovers itself murderous in its very exercise'.
- <sup>40</sup> Celermajer (2007) *op cit.* 25.
- <sup>41</sup> The term appears only in Paul, Phil 2: 7, see *passim*.
- <sup>42</sup> According to Vattimo, 'secularization is the way in which kenosis, having begun with the incarnation of Christ...continues to realize itself more and more clearly by furthering the education of mankind concerning the overcoming of originary violence essential to the sacred and to social life itself'; Vattimo, Gianni (1999). *Belief*, trans Luca D'Isanto and David Webb, Stanford: Stanford University Press: 48.
- <sup>43</sup> *Ibid.*: 38. Here Vattimo is drawing on René Girard.

