

**Title:** Settler state apologies and the elusiveness of forgiveness: The purification ritual that does not purify

**Abstract:** Focusing on Australian Prime Minister Kevin Rudd's 2008 apology to the Stolen Generations, this article asks: can colonial-settler states obtain forgiveness through political apologies? The article first defends Jacques Derrida's observation that political apologies resemble the Christian practice of confession. In doing so, it subsequently draws on Michel Foucault's (1979) detailed treatise on the confession to assess the potential for absolution. For Foucault, the process of engaging in exhaustive truth-telling of sin before a demarcated authority provides a route to such atonement. By contrast, any potential unburdening of sin is lost when there is either no adequate authority to coax the confession or if the confession is less than full. The problem for the settler-state is that it is predisposed to re-evoking the imaginary of the settler-nation and Westphalian sovereignty in the very process of apologising. Consequently, there is no scope to submit before a higher sovereign body and any truth-telling is necessarily partial. As such, the central argument is that forgiveness for the settler-state must remain elusive. The political opportunities arising from this for Indigenous peoples are discussed in the final section.

**Keywords:** confession, political apology, forgiveness, Australia, Settler colonialism, Stolen Generations

## Introduction

Focussing on Australian Prime Minister Kevin Rudd's 2008 apology to the Stolen Generations, this article asks: can settler-states gain forgiveness through offering political apologies? It is argued that forgiveness in such cases must remain elusive. For one, forgiveness is notoriously philosophically difficult in apologies from the state to a multitude of people for wrongs initially committed by previous generations. This is not least because there cannot be a singular definitive response from victims; some may forgive, some will not, others are dead and cannot be consulted on the matter.

But perhaps political apologies have never been principally about victims and their responses. This article follows Jacques Derrida's (2001) convincing position that political apology contains peculiarly Christian characteristics, particularly in resembling the Christian practice of confession.<sup>1</sup> To this extent, the emancipatory power of the Christian confession may in recounting wrongdoing, but, in this framework, no victim is required to grant absolution. Turning to Michel Foucault's detailed treatise on confession, it is suggested that forgiveness may be gleaned when one submits before a higher authority and details their wrongs before a confessor. In other words, admitting sin, as in Australia's 2008 governmental apology, is not enough to achieve absolution. It is only an authority that, through painstakingly extracting sin, can grant the wrongdoer absolution. The obstacle here is that the settler-state apology ritual does not – and, I argue, cannot – allow for a higher authority to provide such absolution.

Leaning on Kampf and Löwenheim's (2012) model of the 'purification ritual', it is posited that settler-state apologies are predisposed to reproducing notions of settler nationhood and Westphalian sovereignty. Within the ritualised parameters of the settler-state apology,

there can be neither submission before an Indigenous sovereign (or any other sovereign) nor disavowal of the fundamental ideological tenets of colonial settlement. In such a way, the settler apology may plausibly be deemed to have advantages: it could be welcomed by some recipients, momentarily give voice to the colonised, and enhance settler understanding of Indigenous people's experiences. From an instrumental (but normatively problematic) perspective, the apology may strengthen the settler imagery of 'one nation', renew national pride, and reinforce hegemonic state narratives. The ritual cannot, however, provide forgiveness.

The article proceeds as follows: it first establishes context by underscoring Australian state apologies, highlighting extant literature on political apology, and outlining core conundrums in relation to state forgiveness. Second, drawing on Derrida (2001), it explores the strong overlaps between political apologies and Christian confession. The third section outlines Foucault's (1979) detailed conceptualisation of confession, absolution and the entailing power relations. Entering into empirical analysis of Rudd's apology, the fourth section dissects the structure of settler apologies and unravels why the framework necessarily produces a type of settler hegemonic discourse. It is this hegemonic apology, or 'purification ritual' (Kampf and Löwenheim, 2012), that does not lend itself to providing such authoritative absolution as depicted by Foucault. The political implications of the absence of forgiveness are deliberated in the final section.

## **Contextualising Australia's sorrow**

Various sociological and philosophical works explore the form, function and meanings of apology (for example Gill, 2000; Goffman, 1971; Lazare, 2004; Smith, 2008, 2014a; Tavuchis, 1971). At a basic level, apologies are 'admissions of blameworthiness and regret for an

undesirable event' (Schlenker and Darby, 1981, p. 271). Nevertheless, it is surprisingly difficult to identify exactly what does and does not qualify as apology, especially because there is no single format by which to apologise. In this sense, I concur with Smith (2008, p. 12) that eagerly defining some expressions as apology and others as not can be counter-productive. Notwithstanding this, some works helpfully provide details of what constitutes apology 'in its fullest form' (Goffman, 1971, p. 113), a 'full blown' apology (Schlenker and Darby, 1981, p. 272), a 'fullest version' of apology (Gill, 2000, p. 12) or a 'categorical apology' (Smith, 2005, 2008). And many of the characteristics recurrently noted in these works – expressing remorse, castigating oneself, detailing each wrongdoing, serving penance, reforming oneself – chime with key features of the Christian confession (as shall be demonstrated).<sup>2</sup> And crucially, as Tavuchis (1991, p. 17) writes, 'one who apologizes seeks forgiveness and redemption for what is unreasonable, unjustified, underserving and inequitable'.

Apologies, of course, are not only about forgiveness and in many cases they may not even be primarily about forgiveness. Drawing on participant interviews, Mellor et al. (2007) suggest that forgiveness is not the most salient issue for Aboriginal people in relation to apology. Forgiveness may also not be top on the agenda for the transgressor and apology can be a 'defence strategy of the rich and powerful' (Smith, 2014b), frequently 'weaponized' (Smith, 2014a, p. 9) to entail power plays, deception, and political opportunism. That ulterior motives can lie behind colonial apologies is not up for dispute and these dimensions have been unpicked elsewhere (Bentley, 2016). While agreeing that other factors are important, this is not what this research question is asking. The animating question of this work is whether settler apologies can elicit forgiveness, a commodity which is also desirable for the wrongdoer, especially when many citizens are afflicted by 'postcolonial 'bad

conscience” (Gooder and Jacobs, 2000, p. 229). As such, even if other objectives are at play, apologies are in some part about pursuing forgiveness through recounting wrongdoing. It is the pursuit of forgiveness that this article explores.

Indeed, on entering office as Australian Prime Minister in 2008, Kevin Rudd’s first act was to offer a parliamentary apology for the ‘laws and policies of successive Parliaments and governments that have inflicted profound grief, suffering and loss’ on Indigenous peoples. He emphasised that ‘we apologise especially for the removal of Aboriginal and Torres Strait Islander children from their families, their communities and their country’ (Rudd, 2008). This apology followed ten years of regional states, police departments, church organisations and the public at large offering apologies after the 1997 *Bringing them Home Report* following the state inquiry into ‘the separation of Aboriginal and Torres Strait Islander children from their families’ (Human Rights and Equal Opportunity Commission, 1997).<sup>3</sup> As Celermajer and Moses (2010) detail, the apology was largely, though not universally, greeted with acclaim in the media and by Aboriginal and settler communities.

Rudd’s apology can be contextualised within an international trend of states and public bodies offering contrition for the past.<sup>4</sup> Paralleling this, a growing literature on political apologies has emerged over the past decade or so (prominent works include Celermajer, 2009; Daase et al., 2016; Gibney et al., 2008; Lind, 2008; Mihai and Thaler, 2014; Nobles, 2008). There is also a large body of research on Australia and other settler societies’ apologies. Such work can crudely be divided into two categories: that which is largely optimistic about the societal and reconciliatory benefits of contrition (Celermajer and Moses, 2010; Mellor et al., 2007; Edwards, 2010; Nobles, 2008) and that which is more critical (Barta, 2008; Gooder and Jacobs, 2000; Muldoon, 2017; Muldoon and Schaap, 2012;

Short, 2012). Whether optimistic or critical, the question that permeates most of this literature is regarding the capacity for apology to facilitate reconciliation.<sup>5</sup> The issue of reconciliation, if this is the appropriate word,<sup>6</sup> is important. But though overlapping, reconciliation, I suggest, is not identical to forgiveness. As others have explored (for instance, Derrida, 2001; La Caze, 2006b), reconciliation intimates a pragmatic willingness to live amongst one-another and maintain a cordial relationship despite the transgression. It is a ‘willingness to work together without a presumption of having overcome the past’ (La Caze, 2006b, p. 447). From this perspective, though endorsing civility, reconciliation does not necessarily preclude a continuing begrudging disposition.

Forgiveness is trickier to define. There are those, especially in the political realm, who advocate a pragmatic version of forgiveness that is closer to the concept of reconciliation. Digeser (2001, p. 10), for instance, considers ‘political forgiveness’ as akin to releasing a wrongdoer from debt, writing that it ‘provides a way to publically acknowledge what had happened, [and] establish a state of reconciliation’. For Kevichusa (2017, p. 267), ‘forgiveness is an appropriate shorthand for the whole process of “bringing together,” “coming together,” and “reasoning together” that politics itself is’. Taking an Arendtian approach, Schaap (2003) makes the case for a ‘political grounds for forgiveness’. For him, a ‘willingness to forgive invites the other to politics’ by providing space for different narratives of past violence to be voiced and contested (Schaap, 2003, p. 84). Amstutz (2005, p. 226) offers a ‘theory of political forgiveness’ where the key challenges are ‘not conceptual or philosophical’, but ‘practical and moral’. This involves state representatives taking ‘responsibility for collective wrongdoing, acknowledging and apologising for individual and collective offences’ (Amstutz, 2005, p. 227). Mellor et al. (2007) defend a ‘negotiated

forgiveness' between settlers and Aboriginal people whereby apology advances accountability and lays the groundwork for inter-communal dialogue.

Such understandings of forgiveness correspond to what Derrida (2001, p. 51) termed 'the pragmatic processes of reconciliation', which are 'indissociable', but different from his notion of 'hyperbolic' or 'pure forgiveness'. To be clear: the pragmatic vision of forgiveness is not the definition with which this article works. In framing political apology as akin to confession (via Derrida) and in capturing the total unburdening of sin that is sought through confession (via Foucault), it is these two thinkers' radical conceptions of forgiveness that are employed here. In other words, in identifying political apology as resembling the confession, it is on such terms that forgiveness is appraised. Indeed, it is common for religious traditions to 'judge repentance according to binary standards: Either you have successfully repented or not' (Smith, 2008, p. 115).<sup>7</sup> Thus, in asking if forgiveness can be achieved, it is not enough that settler-Aboriginal relations be temporarily boosted or that guilt be partially relieved. Rather, as Foucault demonstrates in (as explored shortly), the absolution sought through confession is one that purifies and fundamentally unburdens. It is this radical liberation from sin by which forgiveness is understood here.

### *The conundrums of forgiveness*

The philosophical literature on forgiveness is often curiously disconnected from the apology literature. Nevertheless, the subject of forgiveness has been broached by important thinkers in the humanities (for example, Arendt, 1958; Derrida, 2001; Govier, 2002; Griswold, 2007; Hegel, 1977; Jankélévitch, 2005; Rushdy, 2018; Wiesenthal, 1997). There are, to say the least, numerous conundrums when it comes to the state being forgiven. For Daase et al. (2016, p. 3), apologising holds a strategic risk for the state because 'the plea for

forgiveness renders the apologise herself vulnerable, as she runs the risk of admitting guilt without being forgiven'. But the difficulties are more complex than this; the question is not just whether the state will be forgiven, but whether the state even *can* be forgiven. Though briefly sketched, some core obstacles to forgiveness are now explored.

### 1. Are some crimes too egregious to be forgiven?

Responding to Wiesenthal's injunction to consider how a Jewish concentration camp inmate ought to respond to a Nazi SS member's deathbed confession, Fox writes that 'some sins are too big for forgiveness, even for priests' (Fox, 1998, p. 145). Specifically in relation to the Stolen Generations, Chika Unigwe (2013) makes the same point. For Govier (2002, p. 109), this can be overcome because it is the person, not the deed, who is forgiven.

Characteristically, Derrida (2001, pp. 32-33) has a less prosaic insight: for him, there is a paradox whereby only the truly unforgivable deed can be forgiven. That is, forgiveness, to truly be forgiveness, must be so extraordinarily emancipatory and boundless that it should not be trivialised by being associated with minor misdemeanours. On these terms, it may be shrewd for a state to accept another's apology after a diplomatic spat if it defuses escalating hostilities; it would not, however, constitute forgiveness. In this way, Derrida (2001, p. 38) theorised a radical and pure forgiveness that must be 'aneconomical and unconditional'. For him, true forgiveness is of such magnitude that it must not be compromised by being couched in favours, calculated self-interest, or economic exchange. The great wrongs committed against Aboriginal people certainly would qualify as crimes that are so unforgivable as to be forgivable. But even if this paradox could be squared, it generates further questions regarding who may grant such aporetic forgiveness.

### 2. Who can be forgiven and who can forgive?

The question of who can be forgiven and who can forgive is a conundrum, especially for wrongs committed by previous generations. For some, particularly on the right, this leads to the notorious John Howard (2008) objection that the present generation has no need for forgiveness because citizens cannot inherit guilt via the previous generation. I discuss this elsewhere (Bentley, 2016, pp. 36-39), but to make two comments: first, as Thompson (2009) contends, the state is an intergenerational polity and contemporary citizens have an obligation to address the misdeeds of previous generations of that polity. Second, and more importantly, the current generation may not have committed the misdeeds, but, as explored later, the fact that many of its members feel a sense of post-colonial guilt suggests that there is a strong desire for forgiveness and the unburdening of (other people's) past sins. Thus, for the purposes of this article, one need not enter the philosophical debate about generations inheriting guilt; the fact that people *do* feel post-colonial guilt suffices.

The more interesting question is: who can forgive? In his 2008 apology, Rudd recounted an episode of interpersonal forgiveness. Telling the story of Nanna Nungala Fejo, Rudd (2008) described how she was abducted by 'two white men and an Aboriginal stockman' and how 'the stockman had found her again decades later, this time himself to say, 'Sorry'. And remarkably, extraordinarily, she had forgiven him'. Such interpersonal apology still has conundrums, but it is comparatively ontologically straightforward: the stockman wronged Fejo, apologised, and Fejo forgave him. State and intergenerational apologies are more ontologically complex. Because political apologies such as Rudd's are offered to multiple people, even if some can forgive, it is certain that some will not. Even Celermajer and Moses (2010, p. 41), who argue that the apology 'was welcomed effusively by Indigenous people', recognise that there was also ambivalence and scepticism among some Indigenous people, including quoting Edward Alfred Lovett, Elder of the Gunditjmarra Nation, as saying:

Words alone can never make up for the loss of family and for what many of us suffered in institutions. The word 'sorry' cannot mean anything to me as an individual without compensation for the pain and suffering that occurred during the colonization and dispossession of my people (quoted in Celermajer and Moses, 2010, p. 46).

Moreover, with the recent ten-year anniversary of the apology, there has emerged increased critical reflections from Aboriginal people, as captured by the documentary *After the Apology*, which investigates the increase in 'out of home care' of Aboriginal children since Rudd's statement (Behrendt, 2017). Beyond such mixed responses, many of the wronged are dead, so cannot pronounce forgiveness. This problem besets the apologising institution; the apologisee desires forgiveness, but any apology to a sizeable community inevitably leads to diverse responses, ranging from enthusiasm, agnosticism, to derision. In such a way, the settler polity can never be put fully at ease as there will always be those that will not, or cannot, forgive.

### 3. How does one know if one is forgiven?

The problem of the apologisee not knowing if forgiveness has been granted is compounded by the way it is (or is not) articulated. Drawing on Austin (1975), academic literature habitually affirms that apology is a speech act. The problem is that the supposedly corresponding act of forgiveness is not necessarily a speech act and, presumably, a victim can forgive without verbalising it. In this respect, if forgiveness takes place as an internal monologue, the problem for the apologisee remains; there can be no way for the apologisee to understand if forgiveness has been granted and, consequently, the anxiety is not extinguished. Apologisees may certainly also encounter this problem in the interpersonal format, but it is a predicament accentuated in state apologies: in interpersonal apologies it

is, in most circumstances, anticipated that the apologisee receives a direct response from the wronged (even if it does not include granting forgiveness). By contrast, state apologies are not usually structured in the anticipation of such an authoritative response from victims and, indeed, the first response to Rudd's apology was from the leader of the Opposition, rather than an Aboriginal person.<sup>8</sup>

This predicament has an additional dimension: even if the wronged utters a statement of forgiveness, how can the guilty party know that the statement is veracious? First, as Derrida (2001, p. 34 and 38) explores, the utterance may be an '*economic* transaction' and the expression of forgiveness may be more calculated self-interest than genuine sentiment. Equally, there is a question as to whether the forgiver can even know their own heart in the midst of this 'unintelligible' phenomenon (Derrida, 2001, p. 49). Indeed, Derrida suggests that the utterance of it, its very legibility between two parties, makes it less than pure forgiveness. Again, the guilty party's desire for forgiveness is far from straightforwardly quenched, even in its declaration.

To summarise, there are a host of philosophical conundrums that are obstacles to the state's absolution. These include issues of who can authoritatively forgive and the process whereby this can be unambiguously conveyed to the contrite. Intriguingly, the Catholic ritual of the Sacrament of Penance – or confession – has mechanisms that may overcome these problems: in exchange for candidly admitting sin, the wrongdoer can have their forgiveness enounced (as a speech act) by a body with the vested authority to grant absolution. Exactly because of such vested authority to absolve, the forgiveness may take place even in the case of dead, absent or multiple victims. Importantly, this ritual is not raised here merely as an interesting aside to the issue of political apologies. Rather, as

explored now by drawing on Derrida, the Christian ritual of confession permeates, informs and approximates the ostensibly secular state apology.

## **Confession and the 'age of apology'**

As every article on political apology notes, the 1990s onwards has been dubbed 'the age of apology' (Brooks, 1999; Gibney et al, 2008) and has seen a mushrooming of public institutions apologising for past wrongs. Derrida (2001, p. 28) also observed this trend, writing:

In all the scenes of repentance, confession, forgiveness, or apology which have multiplied in the geopolitical scene since the last war, and in an accelerated fashion in the past few years, one sees not only individuals, but also entire communities, professional corporations, the representatives of ecclesiastical hierarchies, sovereigns, and heads of state ask for 'forgiveness'.

In this sense, where states were once inclined to little but aggrandising national historical narratives, there has emerged what Assmann (2006, p. 219) terms a 'new grammar' of portraying the past. For Levy and Sznajder (2010) this constitutes a 'memory imperative', while Schwartz (2008) calls it 'post-heroic memory'. On his part, Derrida (2001, p. 28) speaks of whole societies and states having a '*universal urgency of memory*'. These terms all point in the same direction: they capture a pronounced compulsion for states and institutions to publicly divulge their wrongs.

For some, for instance Amstutz (2005, p. 45), the practice of seeking forgiveness through divulging sin has 'Judeo-Christian roots'.<sup>9</sup> More convincingly, Smith (2008, pp. 114-125) traces how modern apologies have origins in various religious and cultural traditions,

including Christianity, Islam, Hinduism, and Buddhism, that each have deeply entrenched practices of admitting wrongdoing, serving penance and restoring victims. In his *Catholic University of Louvain Lectures*, Foucault (2014, p. 18) ponders whether this compulsion for self-disclosure is found in non 'Western Christian societies', concluding that he 'cannot answer this question'. Derrida (2001, p. 28) is less hesitant, contending that 'self-accusation' and 'asking for forgiveness' by states and authorities is undertaken 'in an Abrahamic language' – an Abrahamic language which, he explains, refers to 'Judaism, the Christianities, and the Islams'. But if Derrida (2001, p. 28) is initially inclusive in situating public requests for forgiveness amidst a broad understanding of Abrahamic 'religious heritage', he later narrows this to say that the 'convulsion' is located 'in a Jewish but above all Christian interpretation of the 'neighbour' or the 'fellow man'' (p. 30). He subsequently goes further, stating that:

The 'globalisation' of requests for forgiveness resembles an immense scene of confession in progress, thus a virtually Christian convulsion-conversion-confession, a process of Christianisation which has no more need for the Christian church' (Derrida, 2001, p. 31).

To defend Derrida: this is not to say that apology itself is unique to Judeo-Christian culture. Rather, it is to suggest that the peculiar outpouring of institutional contrition that has occurred since 1945, but especially in the last few decades, has been Western led. Derrida (2001, pp. 29-30) specifically situates this evolution amidst the legacies of World War II, the Nuremberg Tribunal, the emergence of the concept of the 'crime against humanity' and increased expectations to reaffirm human rights (for a similar argument, see Barkan, 2000). As such, just as the globalisation of culture, technology and capitalism have

been geographically uneven, it is not surprising that the globalisation of the diplomatic discourse of public contrition has also been primarily driven from the West. In this sense, the request for forgiveness is globalised and 'has already become the universal idiom of law, of politics, of the economy, or of diplomacy' (Derrida, 2001, pp. 28). In such a way, Derrida (2001, p. 31) convincingly postulates that the ritual has suffused itself into international state behaviour to the extent that it 'impose[s] itself on cultures which do not have European or 'biblical' origins'. Thus, using the example of Japanese state apologies (Derrida, 2001, p. 31), he holds that it is the language and rituals of 'Roman Christianity which today overdetermines all language of law, of politics, and even the interpretation of what is called the 'return of the religious'' (p. 32), even among societies without an apparent Christian tradition.

It is not only Derrida who positions state apologies as resembling the Christian confession. Analysing German contrition for the Holocaust, Engert (2014, p. 99) hypothesises that the practice of confession can be applied to international politics and operates 'as a useful point of reference for political acts of (state) atonement'. He suggests that key pillars of confession – remorse, public admission of guilt, serving of penance – can have a reparative effect and help create a more harmonious international community (Engert, 2014, pp. 110-111). In considerable detail, Celermajer (2009: esp. Ch. 4) traces the overlaps between Judeo-Christian rituals of guilt and the recent phenomenon of state apologies, suggesting that religious rituals, including confession, echo in political apologies and have 'became part of a repertoire available to those looking for ways to deal with the wrongs of the past' (p. 140).

The state apology, in this way, is informed and shaped by the confession; it entails articulating wrongdoing, seeking atonement, there is a ritualistic aspect to it and, as Celermajer, Derrida, and Engert indicate, it is reasonable to posit that it has roots in this Christian practice. Given their noted similitude between state apology and confession, it is peculiar that none of these authors draws on Foucault, arguably the sharpest theorist of the confession.<sup>10</sup> In particular, Foucault provides a vivid conceptualisation of the ritual, outlines its societal significance, its potential for absolution, and its entailing power relationships.

## **Foucault and the confession**

While there is much academic attention on Foucault, his focus on the confession is frequently overlooked. This is an omission, not least because it was a key preoccupation of his and one he studied in considerable detail, especially in *History of Sexuality Volume 1*. In this treatise, Foucault (1979) aimed to debunk the ‘repressive hypotheses’ – the widespread belief that the newly capitalist/industrialised society prudishly eschewed the subject of sex. Rather, he observed that there was ‘a veritable discursive explosion’ (Foucault, 1979, p. 17); ‘an excess, a redoubling, too much rather than not enough discourse’ on sex (p. 64) and, most importantly, a ‘multiplication of discourses concerning sex in the field of exercise of power itself’ (p. 18). In particular, agencies of power ‘put into operation an entire machinery for producing true discourses concerning it’ (Foucault, 1979, p. 69). The most significant of these truth-power-knowledge mechanisms was the Christian confession; the practice of recounting in immaculate detail one’s sexual improprieties before a priest. Importantly, the sinner is rewarded for the candidness of their account of the wrongdoing; in Foucault’s (1979, p. 62) words, ‘it exonerates, redeems and purifies him; it unburdens him of his wrongs, liberates him, and promises him salvation’.

But there is a price to pay for the tantalising prospect of forgiveness. The confession, Foucault (1979, p. 61) opined, is a 'ritual that unfolds within a power relationship'. For him, 'the confessional discourse cannot come from above' and 'the agency of domination does not reside in the one who speaks' (Foucault, 1979, p. 62). He explained that it is 'the authority who requires the confession, prescribes and appreciates it, and intervenes in order to judge, punish, forgive, console and reconcile' (Foucault, 1979, pp. 61-62). It is the orator that becomes compliant, while the listening authority has 'a hermeneutic function'; deciphering, verifying and interpreting 'truth' (Foucault, 1979, p. 67). To reframe this, there is a strong allure to confession that is propelled by the prospect of forgiveness and a relieving of the anxiety induced by one's impropriety. But this comes at a cost: the sinner must prostrate themselves before an established authority and reveal their wrongdoing. Interestingly, Derrida (2001, p. 59) also recognised the hierarchical apparatus in the practical process of forgiveness, noting that 'each time forgiveness is effectively exercised, it seems to suppose some sovereign power'. Such an authority, Derrida notes, like the confessor, has 'the power necessary to organise a trial, an applicable judgement or, eventually, acquittal, amnesty, or forgiveness'.<sup>11</sup>

Though this practice of confession is exemplified by the Sacrament of Penance in relation to sex, Foucault unravelled how its scope, both in terms of the subject matter and its societal prominence, has become wider. Shifting in the 19<sup>th</sup> century from the archetypal Christian confession to becoming a ubiquitous social practice, the template of confession and sexuality has since infiltrated wider spheres of power and 'has been employed in a whole series of relationships: children and parents, students and educators, patients and psychiatrists, delinquents and experts' (Foucault, 1979, p. 63). Others have also noted how the practice has been adopted beyond the church: Brooks (2000, p. 9) captures how

psychoanalysis 'offers a secular version of religious confession'. Studying Arab Muslim men attending IVF clinics, Inhorn (2018), demonstrates how the academic ethnographer can become a confessor before whom the penitent unburdens himself. Analysing apologies in the context of legal procedure, Smith (2014a, p. 2), although not explicitly mentioning confession here, explores how secular states undertake 'soul crafting' in contemporary rituals of penance and captures how 'we expect judges to divine the essence of the offender's nature'.

Like Derrida, Foucault grasped that the practice of confession had permeated spheres of life beyond the church. Nevertheless, while noting that 'we have since become a singularly confessing society' (Foucault, 1979, p. 59), Foucault, unlike Derrida, did not seem to anticipate that the state itself would be practicing confession. And though the strong overlaps as to political apology and the confession have already been noted, a predicament arises when considering state confession in light of Foucault's treatise: the confession requires a clear authority to coax the revelation, pass judgement and administer absolution. Such an authority, however, is less obvious in the state apology. Instead, settler-state apologies, almost inescapably, must be characterised by an absence of deference before an authority, thereby removing the possibility of an authoritative granting of absolution. In this sense, with important implications for forgiveness, the settler state apology, as explored now, resembles what Kampf and Löwenheim (2012) term the 'purification ritual'.

### **Settler apology as a purification ritual**

In their typography of political apologies, Kampf and Löwenheim (2012) identify three structural varieties of the ritual; the purification ritual, the humiliation ritual and the settlement ritual. The humiliation ritual entails the offender prostrating before the offended

and, in apologising, further compounding their diminished stature. Such rituals predate the 'age of apology' and can be observed in militarily defeated states pressured into admitting wrong-doing. The settlement ritual seeks to produce parity in relations between the parties. That is, the apologise, who asserted authority over the victim through the misdeed, temporarily takes a deferential position. In doing so, and having their remorse deemed appropriate, an equilibrium is achieved between the pertinent parties. The purification ritual, by contrast, deals 'with the notorious past of a transgressor who has committed a serious offence, and to allow the transgressor to purify him- or herself from this problematic past behavior by creating a new, positive self-image' (Kampf and Löwenheim, 2012, p. 48). The ritual entails the apologise speaking from a position of power and further enhancing their power over the victim through the process of apologising. Such a ritual is described by Somani (2011, p. 7) as one which 'contribute[s] to hegemonic systems of power'. It is this purification ritual that is utilised here because, as argued now, the colonial-settler apology is predisposed to replicating this format. It is the very structure of the ritual that prohibits absolution, exactly because it allows for no higher authority to provide it.

*Framing the Stolen Generations apology as a purification ritual*

There are core reasons why the colonial-settler apology necessarily approximates the purification model. First, for a government to apologise, a sizeable portion of the settler population is likely to feel a sense of sorrow from which they wish to be released. In this way, the state's legitimacy, to some extent, requires that the misdeed be expunged. Second, the government inescapably apologises to the Indigenous population from a position of power. Third, the apology must re-inscribe the imaginary of the settler-state and cannot be

deferential before an alternative sovereign body. It must, in other words, be a hegemonic apology. These points are unpacked in turn.

### 1. The desire for purification

According to Nobles' (2008) influential 'membership theory' of political apology, state contrition can ratify historically subjugated groups' perception of history and can be part of a process of elites registering their support for such ostracised groups. There may be great merit in this theory, but I also think it can be inverted: settler apologies may be less concerned with the terms of inclusion of colonised peoples in the nation and may be more concerned about settlers' own legitimate belonging. The apology, in this sense, emerges because the settlers themselves have become insecure about their belonging and the legitimacy of their institutions on conquered land. Gooder and Jacobs (2000, p. 229) examine how 'some settlers become afflicted with a form of postcolonial 'bad conscience' or shame, and imagine themselves as improper national subjects'.<sup>12</sup> They unravel how:

For the sympathetic settlers, who come to be touched by guilt, there is a sense that they have lost a properly constituted national selfhood. In both cases a loss is experienced. Not only has there been a seemingly irreparable rupture in the settler sense of a place in the nation but, for some, the legitimacy of the very nation itself has been called into question (Gooder and Jacobs, 2000, p. 235).<sup>13</sup>

This has led, as Gooder and Jacobs explore in detail, to such civil society initiatives in Australia as Sorry Books and Sorry Days. It is with this sense of dislocation that apology becomes a means to restore 'a legitimate sense of belonging in the nation'. (Gooder and Jacobs, 2000, p. 229). It is this anxiety and desire to be cleansed that chimes with Foucault's notion of the confession; there seems to be a sense that somehow articulating the

wrongdoing and expressing remorse is integral to unburdening. Equally, the desire for cleansing through apology sits with a core component of Kampf and Löwenheim's purification ritual.

## 2. The dominant position of the apologist

Despite the post-colonial melancholia (and perhaps a cause of the post-colonial melancholia), it is indisputable that, as a result of colonialism, contemporary settler communities continue to experience societal privileges in comparison to, and at the expense of, the Aboriginal population. Such a claim is not controversial and requires little substantiation; in the course of over 200 years of colonialism, settlers have violently removed Aboriginal peoples from their land, built institutions that have obliterated Aboriginal political and cultural institutions, and established an array of economic, social and political inequalities. To some degree, Rudd's (2008) apology acknowledges inequities, specifically mentioning the 'gap between Indigenous and non-Indigenous Australians on life expectancy, educational achievement and employment opportunities'. To this extent, even with the best of intentions, the settler apology mirrors the purification ritual because the orator must initially speak from a position of power.

## 3. The hegemonic apology

To return to Nobles' (2008) work: as well as positing that political apologies can offer more inclusive narratives, she is optimistic that they can help forge pathways towards strengthened self-governance for Indigenous peoples. And, although membership theory was formulated before the Rudd government, she subsequently wrote approvingly of his apology (Nobles, 2014). There are oddities here that are not fully addressed. First, it is not entirely clear what Nobles means by self-governance, but it seems she is referring to more

autonomous devolved governance, rather than full Westphalian sovereignty for Aboriginal communities. Second, it might be thought that a more inclusive national narrative consolidates the overarching settler-state, rather than enabling self-determination. To this extent, albeit from a more critical perspective, I agree that settler apologies can create more inclusive narratives. It is exactly because of this, however, that the prospect of Aboriginal sovereignty is weakened. That is, the apology re-inscribes the imagery of one coherent nation and underscores the notion of a single (settler) state to encompass settlers and Indigenous peoples.

From a liberal perspective, then, the apology has appeal:<sup>14</sup> it renounces certain wrongs, and espouses liberal ideals of improving life expectancy, education and life opportunities. More significantly, it is an exercise in recognising people's status as legitimate citizens of the state. Indeed, Rudd's (2008) apology is replete with such sentiments, with the Prime Minister variously addressing: 'our fellow Australians'; 'all Australians, Indigenous and non-Indigenous'; 'all citizens of our great Commonwealth, for all Australians – those who are Indigenous and those who are not'; and 'Our nation, Australia'. Rudd's apology is future orientated in this respect. For instance, he talks of 'a future that embraces all Australians'; 'a future where all Australians, whatever their origins, are truly equal partners'; 'a new beginning for Australia'; and how 'it is time to move forward together' (Rudd, 2008).

And, as other scholars writing from a critical perspective have highlighted (for example, Ahmed, 2014; Johnson, 2011; Muldoon and Schaap, 2012; Short, 2012; Muldoon, 2017), such sentiments feed problematic power relations.<sup>15</sup> As Ahmed (2014, p. 101) captures, the process of articulating wrongdoing functions as a mode of bringing 'the nation' into existence'. In this sense, the apology – laden with the symbolism of the state and rhetorical

allusions to the nation, belonging and a shared future – is an act of re-inscribing the imagined community of the Australian settler-state. From one perspective, it is promising a flattening of power relations in terms of citizenship, life expectancy and literacy rates. From another, it is a further (but always incomplete) consolidation of the colonial state. In these terms, the bestowing of citizenship is an act of appropriation whereby there is condescension in the settler political elite affirming the belonging of Aboriginal people. There is irony here in that, where colonial conquest violently forged the state at the expense of Aboriginal peoples, the settler state's contrite narratives reproduce the colonial state in the 21<sup>st</sup> century. There is a further irony whereby the very premise of removing Aboriginal children from their families and putting them into settler institutions was to make them 'Australians'. Albeit in a far less egregious format, this is an act cut from the same cloth (Muldoon and Schaap, 2012, p. 186).

With the Westphalian state's core characteristics as holding the supposed monopoly on the legitimate use of violence and having no higher authority within or outside its territory, this discursive re-making of the settler state precludes the possibility of anything but a hierarchical relationship between the state and even the most autonomous models of Aboriginal self-governance one could imagine. In this sense, a hegemonic discourse is perpetuated that resembles the asymmetries depicted in the purification ritual.

## **Implications for forgiveness**

It has thus far been established that the settler apology must resemble the purification ritual; it must come from a position of authority and reproduce a hegemonic imaginary of the settler-nation. Equally, it has been established that political apologies are calls for

forgiveness and that they approximate the Christian confession. What, then, are the implications for settler-state forgiveness?

To return to Foucault: the penitent is conferred absolution when (s)he tells truth before an authority and is rendered impotent before a sovereign. It is not enough merely to go through the motions and Foucault (2014, p. 190) forewarned that the ‘speech act’ of “I absolve you” can be invalidated primarily on two grounds: first, if ‘the penitent hid certain sins or did not express their full weight’. Second, if the priest does not have ‘the necessary power to hear the confession’, for instance through excommunication or not being a priest. In this way, the settler confession is infelicitous on both these interrelated grounds: it is not that the priest (or social worker, psychiatrist, teacher etc.) is phoney, it is that there is no legitimate authority whatsoever. This is because the settler-state apology cannot allow for an alternative sovereign. Furthermore, and exactly because of this, the state’s confession must necessarily be incomplete. To deal with these points in turn: first, the apology necessarily comes from a sovereign state to a dispossessed people. It is politically inconceivable that the state of Australia should turn over Westphalian sovereignty or that the settler population submit before another sovereign, Indigenous or otherwise. Instead, as demonstrated, the opposite occurs: in apologising, the state appropriates Aboriginal people as its own. With no higher authority in the domestic or international arena, there can be no legitimate authority to pass absolution.<sup>16</sup>

On the second point: the confession is necessarily partial. This, in part, is because there is no sovereign to relentlessly scrutinise and probe for truth. More importantly, just as the settler-state will not hand over the apparatus of sovereignty to Indigenous peoples, nor can it conceivably tell the truth of its sin. The state can admit to specific wrongs and express

remorse for, even grave, misdemeanours. But it cannot bitterly recant the violent truth of its origins. This would be to invalidate the legitimacy of the state itself. In this way, former Prime Minister John Howard is unfortunately correct that Indigenous sovereignty is an ‘absurd proposition’ (quoted in Short, 2012, p. 300), just as Gooder and Jacobs (2000) are correct that a true account of wrongdoing is ‘unsayable’. As such, the confession must be incomplete and its emancipatory qualities are lost. As Foucault (1994, p. 190) detailed, the inadequate sacrament means ‘there was no sacrament at all’. This chimes with Trouillot’s (2000) portrait of apology as an ‘abortive ritual’. At least in terms of forgiveness, the ritual of settler-state apology must fail.

#### *Fatalism and reasons for optimism*

An inevitable criticism of such an argument is that it is fatalistic; fatalistic for Indigenous peoples who cannot escape the settler-state and fatalistic for settlers who remain privileged but in an anxious and unforgiving purgatory. On the one hand, if this seems fatalistic, that is because it is. This is not a matter of just condemning the state and suggesting ‘better’ apologies. Rather, it is inconceivable that the state would operate in any other way: it is unthinkable that the state would denounce its existence or voluntarily relinquish its sovereignty. No doubt, the state can apologise, sometimes in a seemingly sincere manner, for this or that wrong – for kidnapping children or police violence. It cannot, however, apologise for it *being*. Derrida (2001, p. 59) momentarily provides a glimpse of optimism by hinting at escaping from this ‘apparently impossible’ trap, saying he dreams of ‘forgiveness without power: *unconditional but without sovereignty*’. He instantly pours cold water on such a utopia, conceding that it ‘is not around the corner’. Purely in terms of forgiveness and sovereignty, I also cannot see a way out of this trap.

On the other hand, beyond the forgiveness/sovereignty nexus, there are reasons for a modicum of optimism. First, despite the widespread rhapsodising of forgiveness, it is not clear that settler-state forgiveness is normatively desirable. It is often thought that forgiveness can be as emancipatory for the forgiver as the forgiven, yet, as Brudholm (2008) argues, perhaps there is a virtue in resentment. If Aboriginal peoples were to overcome the impossible and somehow collectively forgive, would this not mean a surrendering of the right to overturn past injustices? Instead, enduring anger at the naked injustices can continue to propel resistance and drive demands on the settler state.

And just as there may be merit in not forgiving, there may also be strategic opportunities in an unforgiven settler community. The current settler generation may have (largely) not played a direct role in the historical wrongs, but perhaps the perpetual anxiety, the awareness of the cost of privilege and the sense of debt to Indigenous peoples have societal benefits. It means the hegemony of the settler-state is always brittle and open to contestation. This enduring anxiety is a frailty that Indigenous groups would do well to strategically target. The inability to 'close' the matter and the continued compulsion to express sorrow can keep Indigenous peoples' goals at the forefront of public attention and provide leverage in terms of such demands as reparations, improved land rights, increased cultural awareness among settlers, and measures to address enduring institutional discrimination. Although from a deeply undesirable position of colonisation and dispossession, the persisting anxieties in the settler administration allow for continued claims and opportunities for subversion from the Aboriginal population.

Finally, and relatedly: apologies may not lead to forgiveness or full sovereignty, but this does not mean 'pragmatic processes of reconciliation' (Derrida, 2001, p. 51) are without any

merit. Even Derrida, when asked about the Stolen Generations, said ‘yes, the government should apologise because that will be a promise to improve the situation, to change a terrible situation’ (quoted in La Caze, 2006a, p. 287). In this sense, settler control of the state endures, but conditions within such, admittedly objectionable, parameters can improve or, to put it differently, at least become *less worse*. Apologies such as Rudd’s are examples of politicians publicly acknowledging wrongdoing, promising not to repeat identified transgressions, raising public awareness of a group’s mistreatment, and committing to address certain inequalities. Politicians, of course, sometimes renege on commitments, but such public statements provide traction for Aboriginal groups in their campaigns. The publicity surrounding apology can give space for Aboriginal groups to highlight other wrongs, exert more pressure on settler institutions and hold politicians to their own words. Far from shutting down the issue, apologies can provide environments in which Indigenous people may temporarily have more voice, encounter a more pliable political elite and have broader public support for certain aspirations. As I’ve argued, not everything is up for grabs and full sovereignty is off the table. But the moment of sorrow is a moment when demands for incremental improvements can become most achievable. Even if incremental, such demands as increased autonomy, better welfare and improved land rights can make a tangible difference. Nevertheless, I’m aware that, for many, this is a bitter pill to swallow and that ‘better’ conditions within the context of colonialism may not be of much comfort, especially when Indigenous peoples around the world continue to have their political systems, cultures, languages and landscapes obliterated. It is a reminder that benevolence from the settler-state can only go so far, no matter how sorry its leaders.

## **Conclusion**

Celermajer and Moses (2010) offer an important criticism of much of the postcolonial work on political apologies: for them, an irony of the supposed concern for colonised peoples is that scholars spend little time researching what Indigenous peoples actually think about apologies. This is a valid criticism and further research is needed to address this. The problem for this article, however, is that a close analysis of colonised people's perception of the apology cannot resolve the question of forgiveness. Some people may express forgiveness, but many do not and even reject the apologies. Most of all, there is no way of knowing if the dead would forgive.

And this exact problem besets the colonial-settler state. It appears that the settler-state is afflicted by an anxiety, a compulsion to convey its wrongdoing and unburden itself of sin. This has manifested itself in the spectacle of the state engaging in public expressions of remorse. Following Derrida, these rituals have been considered in this article through the template of the Christian confession. But absolution here is always elusive. Where Foucault captures the submission and immaculate truth-telling involved in an unburdening confession, this article has demonstrated that such absolution cannot occur in the settler-state apology. In relation to forgiveness, the settler apology ritual, to use Trouillot's (2000) term, must be 'abortive'; it can neither tell unflinching truth nor be offered before an authority vested with the capacity to grant forgiveness. The settler is trapped in privilege – perpetually made anxious by the privilege of sovereignty on dispossessed land.

A final word about the scope of this article: this article has focussed on the settler apology, specifically the case of Australia's apology to the Stolen Generations. To be sure, caution is advisable when using irreducible terms such as 'settler' and 'Indigenous' people. This picture becomes more complex when there is mixed heritage and even more so when

people of mixed heritage may variously be born out of love, unequal power relations or rape. This complexity is only compounded when considering the positions of non-Indigenous marginalised groups, such as racialised minority communities. Apologies can become confused here, not least because the question of who is apologising to whom can become philosophically perplexing.<sup>17</sup> Nevertheless, cases of colonial-settler states, and Australia in particular, provide insight because they entail a privileged settler government expressing remorse to a group who have patently been wronged in the colonial process. But what about other states? As Derrida (2001, p. 57) writes, ‘*all* Nation-States are born and found themselves in violence’. Even states founded on rights and conceptions of justice are forged in violent ways that belie such notions. To this extent, all states in the Westphalian order are born with original sin. Australia may be the epitome of the colonial-settler state and have a comparatively easily demarcated settler government and Indigenous population, but there is a sense by which all states ‘have their origin in an aggression of the *colonial* type’ (Derrida, 2001, p. 57). Does that mean that all states have a perpetual anxiety that cannot be vanquished? I hope that future research will explore the dual notions of forgiveness and confession beyond the most clear-cut examples of settler society. Perhaps no state can be forgiven for the sin of its existence.

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<sup>1</sup> Different Christian denominations have varying practices of confession and admitting sin.

Nevertheless, in drawing on Derrida and Foucault, when referring to the ‘Christian practice of Confession’, this article understands confession as the Sacrament of Penance as practiced primarily in the Roman Catholic Church. As captured by Foucault (1979), this entails recounting sin before a Priest, who passes judgement and, if satisfied, administers absolution. Nevertheless, as demonstrated later, both Derrida and Foucault theorised that the practice has now permeated society beyond applying to just practicing Catholics.

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<sup>2</sup> See Smith (2012) for arguably the most comprehensive account of a full apology.

<sup>3</sup> For a detailed overview of various agencies' apologies, see Gooder and Jacobs (2000).

<sup>4</sup> The proliferation of contrition has been termed the 'age of apology' (Brooks, 1999; Gibney et al., 2008).

<sup>5</sup> For an example of where apology and forgiveness are analysed, including in relation to Derrida, see Thompson (2010).

<sup>6</sup> For a critique of reconciliation projects in Australia, see Short (2003).

<sup>7</sup> Smith (2008, Ch. 6) makes the case for a more nuanced understanding of forgiveness.

Nevertheless, he recognises that a binary notion of absolution is the model to which most religious traditions subscribe.

<sup>8</sup> Some political apologies are structured to receive a response from a representative of the wronged community. Japan's 2015 apology for the 'Comfort Women' atrocities entailed a response on the same stage from the South Korean Foreign Minister. Following Canadian Prime Minister Justin Trudeau's apology to Residential School survivors, one survivor was welcomed 'to the stage to accept the apology on behalf of the former students' (Full Apology Ceremony for Labrador Residential School Survivors, 2017). Rudd's apology received a response (mentioning 'healing', but not forgiveness) by Tom Calma, the Aboriginal and Torres Strait Islander Social Justice Commissioner. However, even with such a distinguished position and person, clearly Calma cannot speak or forgive on behalf of all Aboriginal people and he certainly did not attempt to do so (Calma, 2008).

<sup>9</sup> Amstutz (2005, p. 45) recognises that 'forgiveness is found in several religions', but contends that 'it receives its most prominent development and application within the Jewish and Christian religions' (pp. 45-46).

<sup>10</sup> For a rare example of where public apology and Foucault's conceptualisation of confession are discussed, see Smith (2014a, pp. 54-56).

<sup>11</sup> For Derrida (2001, p. 58), the very existence of such power relations makes the forgiveness less than pure and the reproduction of sovereignty can make it 'obscene'.

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<sup>12</sup> Clearly, not all settler Australians have a postcolonial 'bad conscience' and, inevitably, many objected to the apology. This speaks to what Smith calls 'the problem of consensus' in collective apologies. For a detailed exploration, see Smith (2008, pp. 159-166).

<sup>13</sup> On settler dislocation, see also Morton (2003). Like Gooder and Jacobs, Morton also draws on Moran's (1998, p. 110) concept of 'settler envy'.

<sup>14</sup> The least appealing aspect from a liberal perspective is the idea of mass culpability.

<sup>15</sup> For a critique of postcolonial literature on the subject, see Moses (2011).

<sup>16</sup> Even though Australia is clearly a sovereign state, the monarch is the Queen of the United Kingdom. Even if the apology were offered by the monarch, this would not overcome the problem of the apologist having no higher authority to whom she may confess.

<sup>17</sup> In fact, many of the Stolen Generations children were taken because they were mixed race.

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