

Weaving Threads Together: the Spiritual Thread

Address to Lutheran Schools Conference

1 October 2008

Fr Frank Brennan SJ AO

I am delighted to be here at the most sacred secular place in the nation – the MCG. I only ever attended one game of one true code here. It was the 1977 Grand Final. The true believers amongst you already know the outcome. It was the year of the tied grand final. I had just moved to Melbourne to pursue my theological studies at the United Faculty of Theology, together with the students for ministry from the Anglican Church and the Uniting Church. A friend from Queensland told me that he had standing room tickets to the grand final – in Bay 13. On the way here, he pointed out that being a resident of North Melbourne he would cheer for North Melbourne. Untroubled, I said I would cheer for the other side, Collingwood. Go Pies!! Then the game was tied. I turned to my mate and said, “Well it wouldn’t matter how many games we came to at the MCG, it would never get better than this.” So I have never been back. It is fortunate for your organisers and for all of us that last Saturday’s grand final was not tied. Courtesy of the predominant Hawks we now have the place to ourselves.

When I lived in Queensland I used to commute to university on my Honda 70 motorcycle passing St Peter’s Lutheran College on Lambert Rd every morning. I would often call in to visit an old school friend who lived next door. He now lives in Alice Springs. Though brought up Catholic, his

children have attended the Living Waters School there in the Centre. Yesterday I asked him the benefits of a Lutheran education for his children. He spoke of the school's "focus on the child; every child is special – sacred – from the US child whose parents work at Pine Gap to the Arrente child in the classroom". He conceded that this might be said of most schools but he thought that at Living Waters, the teachers went one step further living this commitment to individual students as a vocation. So this is our starting point for the spiritual thread weaving through the tapestry of Australian Lutheran school education.

I know what St Ignatius of Loyola would have thought. You can imagine what Martin Luther would have thought. Each would have thought it unimaginable – that a Jesuit be invited to give the opening keynote address at a Lutheran Schools Conference.

The ground breaking joint declaration on the doctrine of justification by the Lutheran World Federation and the Catholic Church states:

The Lutheran and the Catholic explications of justification are in their difference open to one another and do not destroy the consensus regarding the basic truths.

Thus the doctrinal condemnations of the 16th century, in so far as they relate to the doctrine of justification, appear in a new light: The teaching of the Lutheran churches presented in this Declaration does not fall under the condemnations from the Council of Trent. The condemnations in the Lutheran Confessions do not apply to the teaching of the Roman Catholic Church presented in this Declaration.

Nothing is thereby taken away from the seriousness of the condemnations related to the doctrine of justification. Some were not simply pointless. They remain for us "salutary warnings" to which we must attend in our teaching and practice.

This reconciliation took centuries and much grief. Some lessons take us a long time to learn. We have now reached a stage when it is not only imaginable but appropriate that a Jesuit priest speak at a Lutheran education conference. We live in a world where there is great controversy about all manner of things, including the right relationship between rights and utility. The big political issues in the public square often have a moral dimension - everything from apologising to the Stolen Generations, our treatment of asylum seekers, handling climate change to abortion, stem cell research and euthanasia. How are we, the citizens of a pluralistic, democratic and very secular society, to educate our students to have a faithful commitment to their intellectual traditions, a respectful curiosity for the experience and reflection of others so different from themselves, and a passion for justice grounded in Christian faith? How are we to provide them with the spiritual depth to sustain engagement in such issues maintaining hope and a commitment to love, reconciliation, justice and forgiveness?

I have been involved in these issues in the public square for 25 years. I am delighted to provide a Jesuit thread in the tapestry of Lutheran schooling which binds teachers and students to “activities of common purpose and shared ideas through Christ, providing collective empowerment and inspiration”.

Last month the new Chief Justice of Australia, Robert French, was sworn in at the High Court of Australia. In the course of his acceptance speech, he said:

Let me now move to conclusion by way of confession. I was taught by the Jesuits and one of them, Father Daven Day who became a family friend of long standing, has travelled to Canberra for this occasion. He has joined our family on occasions of joy and sorrow in weddings, baptisms and family funerals. Although I declare myself in all humility, and no doubt to his disappointment, an agnostic with a sense of wonder, the Catholic confessional tradition runs strongly in my blood.

You will understand that we Jesuits are very proud that our small school in Perth has produced two of the only three High Court Justices to have come from Western Australia. Both Robert French and John Toohey came to that Bench with a proven track record for their commitment to social justice, especially for indigenous Australians.

How wonderful that the new Chief Justice would invite his old teacher Fr Daven Day and publicly acknowledge him in such a way. How blessed that this teacher established such a relationship with his student that for a lifetime he would then join that student's family "on occasions of joy and sorrow in weddings, baptisms and family funerals".

Of course, even we Jesuits would hope that many of our graduates would become people of adult faith. I presume Lutheran teachers would share the same hope. Failing that, we should be delighted that our graduates be agnostics with a sense of wonder, a strong commitment to public service, the common good or social justice, and an abiding dedication to family and loved ones.

As educators in a faith tradition, our greatest disappointment should be the agnostic graduate with little sense of wonder, infected with a utilitarian ethic, attracted by honour, status, power and wealth for their own sake.

Not one of our graduates will save the world. Not even all of them together will save the world. Not even all Christian educators acting in concert could save the world. But every day, the school provides the environment for the spark of justice to be set afire in the young and for the passion for justice to take root as the single seed that bears a rich harvest. And who knows where or when that spark will light or when the seed will bear its fruit?

I am no expert on schools nowadays and you will be hearing from other keynote speakers truly expert in this field. For my sins 27 years ago, I was sent to a large Jesuit school here in Melbourne, Xavier College, to teach Year 10 Mathematics as part of my training before ordination. They did not quite know what to do with a Jesuit lawyer and I did not have a Dip Ed. So they decided I should teach the “Veggie Maths” Class. At morning recess in the staff room one day, the deputy headmaster asked if anyone had ever sat in on one of my classes. “No.” He thought he should come to my next class. Dread set in. My veggie maths class was scheduled for next period. Once the deputy entered the room, the 22 usually recalcitrant adolescents could not have been better behaved. Every time I asked a question, up shot 22 hands: “Sir, Sir.” The answers were still wide of the mark, but they were trying their best. I was proud of them. As the deputy left, one boy exclaimed, “You owe us one now, Sir.” In English, they were studying *To Kill a Mocking Bird*. They gave me the nickname Atticus. I daresay I am one of the few teachers to have been pleased with his nickname. There was only one boy in the class who never played up. His name was Dennis Minahan. Given my failure to teach them much maths, I would sometimes use big

words in the hope of improving their vocabulary. One day I turned from the blackboard and spotted young Minahan throwing a ruler across the room. I said, “Master Minahan, would you please pay at least a modicum of attention.” Immediately, Matthew Vaughan, a red headed youngest of twelve, said, “Oh Sir, don’t be so bombastic.” I erupted in laughter. The rest of that class was a complete write-off. So I come with no pretence to be an accomplished educator in schools. But I do know there is no substitute for your personal relationships with your students. Given the difficult family and social circumstances of many of your students, you may be the only significant adult able to give that particular student an experience of dignity, respect and justice. Your school may provide the one social space where young people can minister and witness to each other their finest qualities. Given poor church attendances in the parishes, your school is most often the only experience of Church your students have outside the home. As you know, your more difficult students don’t often have much of an experience of Church inside the home either.

Recently I have been involved with the Rush family in Brisbane. Lee and Christine Rush are your all time average Ozzie couple. It’s just that their teenage son Scott has ended up on death row in Bali having been convicted of being a hapless drug mule. I will meet Scott in the Bali jail next week. Given some of the Australian public reaction to the Bali bombers also on death row, I have thought it important, and not just for Scott’s sake (but definitely for his sake), that we Australians take a consistent position on the death penalty, namely that we are opposed to it, and in all circumstances. It will not go down well on the streets of Jakarta if Australians are baying for the blood of the Bali bombers one month and then pleading to save our sons and daughters the next month. My opposition to the death penalty, my political awakening for justice, began with a significant event 40 years ago

when I was a school boy. I was twelve years old, having just been promoted to the large dining room at my country boarding school at Downlands College, Toowoomba, just over the valley from Concordia College. It was 3 February 1967. Breakfast started at 7.45am. The din of 300 boys at table was always deafening once the supervising priest declared, “Deo Gratias”. For the first and only time in my five years at the school, a handful of senior boys called for a minute’s silence at 8am to mark the hanging of Ronald Ryan in Melbourne Jail. As Ryan dropped, you could hear a pin drop in faraway Toowoomba. The recollection still brings goose bumps. This was wrong. It should never happen again. How could a nation do this? All Australian jurisdictions then abolished the death penalty. The lesson for us as Christian educators is that a student is never too young for that first spark of justice to fire, for that first seed of commitment to take root.

When I was a boy at school, no one could predict that the big moral justice questions to come centre stage in Australia would be Aboriginal rights and refugee rights. No one had the answers. No one was even asking the right questions. How are we to equip our students to be moral leaders of the future? We now know that there are big moral questions involving our stewardship of the planet. When I was a boy, there was no suggestion that we could run out of water in the major Australian rivers or that we could lose the Great Barrier Reef or that our industrial development could be contributing to global warming in harmful irreversible ways. Most Australians, including the good Christians who minister in our schools, now say: “It is all too hard. It is up to the Government. The major political parties will fight it out. There should be a law about it. We Australians should not get too far ahead of the pack. We should only change our ways if that would make a real change to the level of global emissions.” Indeed there should be laws and government policies about all this. Indeed the

consequences do matter. But what about our own personal and collective moral responsibility for doing the right thing, regardless of the law or prevailing government policy? What is to be the policy and the practice of Australian Lutheran schools regarding the unsustainable consumption of energy and the emission of harmful gases? Alas even we Jesuits when meeting in Rome earlier this year put it all in the too hard basket with our 35th General Congregation failing to do or say anything substantive about ecology/environment/globalisation, noting only the “magnitude and complexity of this phenomenon”. What is the specific contribution which our Christian faith makes to this topic? Each Jesuit province has been invited to draw up guidelines for ecologically responsible use of resources. Perhaps you might find some guidance for your schools from Catholic Earthcare Australia's ASSISI program. There is also the *Greening Communities* initiative of Church Resources which aims to support church and not-for-profit- school communities in developing and realising their environmental vision. So what is your vision? How will you develop it? Is there a tailor made greening program for Lutheran schools equipping teachers and students not only to discuss the issue but also to change lifestyle and working conditions more appropriately? I daresay Norm Habel and others in your midst will have critical insights to share on the way forward.

How can we be people of faith and justice, true to Christ, true to the Church, and true to our fellowman especially those most alienated, marginalised, rejected or powerless when we don't even know what the next big moral question around the corner is to be? Today at the urging of your organisers, I would like to focus particularly on reconciliation and justice for Indigenous Australians.

In 1988, I was invited back to Xavier College in Melbourne to speak at the last religion class for the year 12 boys. It was the bicentenary year and all Australians, even those living in affluent suburbs without Aborigines, were focusing on the place of indigenous Australians. I told my oft repeated story about the fringe dwelling Aborigines from Mantaka near Kuranda in North Queensland. They were squatted beside the Barron River. Across the river was a multi million dollar weekender built by a Melbourne businessman who used to bringing his family in by helicopter. The Year 12 boys asked all sorts of prying questions about the Aborigines and I was unable to give them satisfactory answers. In the end, I asked them, “Which side of the river are you standing on as you ask your questions?” “Can you see that there are just as many unanswerable questions that you can ask from the other side of the river? Mind you, they are very different questions.” At the end of the class, the new deputy headmaster could see that I was a little shaken up by the student’s reactions to Aborigines who they had never met. He opined, “The good thing is that they are asking the same questions as anyone their age would ask.” On one level, that was a good thing. But unlike many of their age group, they had just concluded five, seven, or twelve years of the best quality Christian education. What difference did it make in their asking of questions and in their searching for answers?

On 13 February 2008, the national Parliament apologised to the Aboriginal people. The motion of apology was moved by Prime Minister Kevin Rudd and seconded by the Leader of the Opposition Brendan Nelson:¹

(VIDEO 1)

That today we honour the Indigenous peoples of this land, the oldest continuing cultures in human history.
We reflect on their past mistreatment.

¹ 2008 CPD (HofR) 167; 13 February 2008

We reflect in particular on the mistreatment of those who were Stolen Generations—this blemished chapter in our nation's history.

The time has now come for the nation to turn a new page in Australia's history by righting the wrongs of the past and so moving forward with confidence to the future.

We apologise for the laws and policies of successive Parliaments and governments that have inflicted profound grief, suffering and loss on these our fellow Australians.

We apologise especially for the removal of Aboriginal and Torres Strait Islander children from their families, their communities and their country.

For the pain, suffering and hurt of these Stolen Generations, their descendants and for their families left behind, we say sorry.

To the mothers and the fathers, the brothers and the sisters, for the breaking up of families and communities, we say sorry.

And for the indignity and degradation thus inflicted on a proud people and a proud culture, we say sorry.

We the Parliament of Australia respectfully request that this apology be received in the spirit in which it is offered as part of the healing of the nation.

For the future we take heart; resolving that this new page in the history of our great continent can now be written.

We today take this first step by acknowledging the past and laying claim to a future that embraces all Australians.

A future where this Parliament resolves that the injustices of the past must never, never happen again.

A future where we harness the determination of all Australians, Indigenous and non- Indigenous, to close the gap that lies between us in life expectancy, educational achievement and economic opportunity.

A future where we embrace the possibility of new solutions to enduring problems where old approaches have failed.

A future based on mutual respect, mutual resolve and mutual responsibility.

A future where all Australians, whatever their origins, are truly equal partners, with equal opportunities and with an equal stake in shaping the next chapter in the history of this great country, Australia.

There had been more than ten years of debate in the Australian community distinguishing between sorry and regret. It was like a telescoped, secular equivalent of the centuries old justification debate. US scholars like Glen Pettigrove are adamant that "we may express regret for our parents' actions, but we may not apologise for them."² On slavery, he quotes Kathleen Parker in the *Chicago Tribune*: "So let's get this straight: We who have never owned a slave, who have never believed in or condoned slavery, who are not descended from anyone who ever owned a slave must pay people who have

² Glen Pettigrove, "The Question of Inherited Guilt", (2003) 17 *Public Affairs Quarterly*, 319 at p. 342

never been slaves? The search for logic in the reparations argument is futile."³ While answering "No" to Parker's question, one can still espouse national apology in some circumstances and establish some logic in the reparations argument.

I suggest the following lessons from our recent Australian experience:

- A national apology must be a response to sustained requests by identifiable victims.
- A national apology must build upon individual apologies and apologies by agencies involved in previous wrongdoing, and not substitute for them.
- The "we" who apologise must not speak on behalf of the living who are not willing parties to the apology.
- The "we" who apologise must not presume to speak on behalf of the deceased, applying contemporary moral standards to past behaviour which was legal and judged justifiable at the time.
- The "we" who apologise must intend to express through their performative utterance of the word "sorry" not only sympathy and regret but also collective responsibility for the ongoing effects of past actions, which "we" now have cause to regret, offering sympathy and entitled assistance to the victims still living and their descendants who have also been affected by those past actions.

³ Kathleen Parker, "The Un-slap Heard around the World", *Chicago Tribune*, 21 August 2002, p. 21

- The "we" who apologise should identify with the collective "we" of the past, who, being the same agent in the polity, approved these past actions or who, at least, failed to counter these past actions when having a duty to act in the interests of the victims.
- The victims and their descendants should be willing to accept the apology.
- The "we" (binding the future collective "we") and the victims and their descendants should be prepared to commit themselves to putting the past behind them and working together for a new future.
- The apology should be backed by a firm commitment by the "we" to make resources available to put right the ongoing adverse effects of past actions, while also leaving open the possibility of payment of compensation (reparations) in proven cases of wrongs committed on identifiable persons.

In Australia, the "we" was not "We the people" but "We the Parliament of Australia" who uttered the performative utterance "sorry", and only after all State and Territory Parliaments, churches and other social welfare agencies had done the same. In what is basically a bi-party system, there was bipartisan support from the major political parties for the apology. This 42nd Australian parliament apologised acknowledging that earlier parliaments and governments had "inflicted profound grief, suffering and loss" on persons who were their "fellow Australians." The parliament apologised in its own name for things done by predecessor parliaments and governments of both party political persuasions. The parliament saw its

apology as a first step acknowledging the past followed by a second step: "laying claim to a future that embraces all Australians." The parliament pledged itself and future parliaments to "a future based on mutual respect, mutual resolve and mutual responsibility."

This apology by the elected parliament came eleven years after individual citizens had started a concerted national campaign of personal apologies for past wrongs and present ongoing consequences. In 1991, the Parliament with bipartisan support had legislated for a Council of Aboriginal Reconciliation.

In 1995-96, a national inquiry was conducted into "the separation of Aboriginal and Torres Strait Islander children from their families by compulsion, duress or undue influence, and the effects of those laws, practices and policies." The main national indigenous organisation (ATSIC) proposed, "The prospect of apologies to indigenous people has been raised on many occasions. There is no uniform view about reparations but there is a consistent view of indigenous people as to the necessity for apologies."⁴ During the inquiry many churches and non-government organisations which had participated in the removals policy made formal apologies as did one State government.

I will give an example from my own Church, the Catholic Church. Three agencies of that Church including the National Aboriginal and Torres Strait Islander Catholic Council made an apology during the course of the inquiry:⁵

On behalf of our constituent national groups we sincerely and deeply regret any involvement Church agencies had in any injustices that have been visited upon Aboriginal and

⁴ Submission 684 quoted in Human Rights and Equal Opportunity Commission, *Bringing Them Home*, AGPS, 1997, p. 285

⁵ Quoted in Human Rights and Equal Opportunity Commission, *Bringing Them Home*, AGPS, 1997, pp. 288-9

Torres Strait Islander families. It is apparent with hindsight that some Church agencies, along with other non-government organisations, played a role in the implementation of government policies and legislation which led to the separation of many children from their families and communities.

We sincerely regret that some of the Church's child welfare services and organisations, which were amongst those non-government organisations in Australia that provided residential services and institutional care to Aboriginal and Torres Strait Islander children forcibly removed from their families by agents of the state, assisted governments' implement assimilationist policies and practices.

To the best of our knowledge, at no time have the Church's child welfare services and organisations been given any legislative power or authority to forcibly or physically remove any children from their families ... We do accept that there were cases where the actions of Church child welfare services and organisations were instrumental in keeping children separate from their families and in this respect the Church holds some responsibility in playing a role for the state to keep these children separate from their families

At the 1997 Reconciliation Convention in Melbourne, the *Bringing Them Home Report* was launched, highlighting the plight of those indigenous children removed without lawful authority and without consideration of their best interests. Prime Minister John Howard did make a personal apology the day before, and it was not limited to the stolen generations. He received appreciative applause from the audience. He said:

VIDEO 2

Personally, I feel deep sorrow for those of my fellow Australians who suffered injustices under the practices of past generations towards indigenous people. Equally, I am sorry for the hurt and trauma many here today may continue to feel, as a consequence of those practices.

Summing up that day of the conference, I as rapporteur was asked by the planning committee to announce that on the following day we who were not

indigenous might offer our own personal apologies to those indigenous persons around us. There was no suggestion that such apology would be limited just to the stolen generations.

The *Bringing Them Home* report recommended that "all Australian parliaments officially acknowledge the responsibility of their predecessors for the laws, policies and practices of forcible removal and negotiate with ATSIC a form of words for official apologies to Indigenous individuals, families and communities and extend those apologies with wide and culturally appropriate publicity."⁶

At the 1997 national reconciliation convention, non-indigenous participants were invited to apologise to the indigenous participants:⁷

VIDEO 3

As we indicated yesterday, we will take the opportunity, not waiting for government, not chastising government, but taking the responsibility ourselves. So this morning, just for a minute or two, those of us who are not Indigenous Australians, let's turn to those Indigenous people around us, to those who want to offer their hands. To them, let us offer a personal apology. If for nothing else, let us apologise that even when we act with the best of intentions we still so often get it wrong. Let's apologise.

At the end of that Convention, after the formal presentation of the *Bringing Them Home* report, the non-indigenous participants then made a formal collective apology:⁸

VIDEO 4

We who are recent migrants and descendants of migrants who have come to this land, having attended the Australian Reconciliation Convention, thank you, the Aboriginal people gathered at

⁶ Recommendation 5a, *Ibid.*, 287

⁷ Available at <http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/car/arc/book1/closingfb.htm>.

⁸ Available at <http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/car/arc/book1/closingfb4.htm>

this conference, for your tolerance of us, our cultures and aspirations. Also, we apologise for the hurt done to you, your ancestors and your lands by our ancestors, our presence and our actions on this land over the last 209 years.

All participants, indigenous and non-indigenous, who were so minded then said:

Committed to walk together on this land, we commit ourselves to reconciliation and building better relationships so that we can constitute a united Australia, respecting the land, valuing the Aboriginal and Torres Strait Islander heritage and providing justice and equity for all.

In 2000, another national convention was held and hundreds of thousands of Australians walked across bridges as a gesture of reconciliation. The Sydney Harbour Bridge was packed with pedestrians all day while a skywriting airplane wrote "Sorry" above the Sydney Opera House.

For eleven years, the national Parliament was divided over the question of an apology with one side of the chamber willing to express only regret and sympathy and refusing to be party to a national apology. The then Prime Minister John Howard was a strong opponent of any apology. He told Parliament:⁹

[The government] believes that to do so is to indicate in some way that present generations of Australians are responsible and can be held accountable for the errors, wrongs and misdeeds of earlier generations. Apologising for something clearly implies some direct personal responsibility. An unwillingness to deliver a formal apology in no way connotes insensitivity or lack of sympathy. Rather, it is a statement of the obvious. Present generations of Australians are not responsible for the errors of earlier generations, particularly when the act involved was sanctioned by law and believed at the time to be for the benefit of the people affected.

9 2008 CPD (HofR) 4559; 2 June 1997

In 2008, the Australian parliament moved its focus from intergenerational guilt to intergenerational responsibility with the national legislators apologising for actions which ought not to have been sanctioned by law and for actions which were insufficiently scrutinised to determine whether they were for the benefit of the people affected. It is commonplace for a court or a legislature to claim and to own continuity of responsibility for the outcomes of laws and policies (benign or harmful) put in place by that court or legislature at earlier times, even though the court or legislature was differently constituted, and even though some or all present members of the court or legislature were not members at the time. Moving the motion of apology which was seconded by the Leader of the Opposition, the new Prime Minister Kevin Rudd said:¹⁰

[A]s of today, the time for denial, the time for delay, has at last come to an end. The nation is demanding of its political leadership to take us forward. Decency, human decency, universal human decency, demands that the nation now step forward to right an historical wrong. That is what we are doing in this place today.

But should there still be doubts as to why we must now act, let the Parliament reflect for a moment on the following facts: that, between 1910 and 1970, between 10 and 30% of indigenous children were forcibly taken from their mothers and fathers; that, as a result, up to 50,000 children were forcibly taken from their families; that this was the product of the deliberate, calculated policies of the state as reflected in the explicit powers given to them under statute; that this policy was taken to such extremes by some in administrative authority that the forced extractions of children of so-called mixed lineage were seen as part of a broader policy of dealing with the problem of the Aboriginal population.

The Parliament (both sides) accepted responsibility for past laws, policies and repeated failures of the Parliament in earlier times. Hundreds of thousands of Australians watched the national apology on screens erected in public squares in the major cities. Millions tuned in on their televisions.

10 2008 CPD (HofR) 169; 13 February 2008

Many Aborigines wore black T shirts emblazoned with one word: "Thanks." This was one national apology which fulfilled the criteria for the collective "we" saying sorry to the victims and their descendants for the past actions of the collective "we" which warranted more than regret and sympathy. There has been much talk of healing the nation's soul. It was an instance of an appropriate drawing of the line on past wrongs and setting a new direction by legislators responding to the nation "demanding of its political leadership to take us forward." It was not only useful, logical and politic; it was the right thing to do.

There are many issues which will not be resolved overnight simply because our Parliament has now said sorry to the stolen generations. But the process leading to the apology and its content provide lessons and hope for the future.

When the Rudd government was elected, there were many complex questions to be addressed on the apology, including timing and compensation. On timing, should it be done quickly at the commencement of the new Parliament or should it be done later on a significant anniversary such as 26 May (Sorry Day) or 27 May (the anniversary of the 1967 referendum)? Or should it be delayed some years until all issues of compensation had been addressed? Given the complexity of the compensation issues, was it best to make the apology and then let the compensation issues play themselves out at the Commonwealth and State levels? All these questions were resolved by sensitive and detailed discussions between government and members of the Stolen Generations, between Minister Macklin and her staff and members of the Stolen Generations who were seen to be representative of their people and who were able to liaise readily with those most affected by these decisions.

The process leading up to this apology was right. The compassionate Jenny Macklin had consulted widely in the Aboriginal and Torres Strait Islander community. There was a cross section of the “Stolen Generations” who were prepared to trust the new government, to sit down, tell their stories and assist government with appropriate words. Not only did the Prime Minister touch all necessary institutional consultative bases, he took the time to sit down with Mrs Nanna Nungala Fejo and her family, heard her story and then shared it reverently with the nation. This “elegant, eloquent and wonderful woman in her 80s full of life, full of funny stories, despite what has happened in her life journey” became the emblematic human face for the nation trying to get right this gesture of reconciliation.

The apology was not just an apology by the Rudd Government, but more importantly an apology by the Commonwealth Parliament with all parties supporting it – and so we must maintain a bipartisan approach.

The parliament replete with galleries packed with indigenous Australians and their supporters carried the pain, the stories, the apology, and the gratitude that at last the word “Sorry” had resounded in the chamber, with support on both sides of the aisle. Only once before, in 1990 with the institution of the Council of Aboriginal Reconciliation, was there a show of bipartisan support in the parliament. This time it was not left just to the ministers. The Prime Minister and the Leader of the Opposition shook hands across the despatch box while all members present stood.

Many Australians in the public squares stood and turned their backs on Brendan Nelson. Some members of the Stolen Generations were offended. With great respect, I begged to differ. I think he did well. He had brought

the Liberal and National Parties with him, ensuring they did not rain on the national parade as they had in 1988 and again in 1997. This time we just had Wilson Tuckey off in the corner blowing raspberries and he was always going to do that. Nelson trusted both the government and its indigenous advisers sufficiently that he was prepared to lock in his side of the Chamber even though they were not to receive the actual wording of the apology until the previous afternoon. He was able to assert his new leadership sufficiently to indicate unqualified acceptance of the Prime Minister's offer to set up a joint policy commission led by both of them in an attempt to work co-operatively for future Aboriginal well being.

Some took offence that Nelson referred to the situation of indigenous children today in need of protection. No matter what our moral clarity now about the policies of the past, we are still bereft of solutions in addressing the desperate plight of many indigenous children who are still removed from families at staggering rates even though all government agencies are now committed to removal only as a last resort, always seeking placement with other indigenous families wherever possible.

It is one of the tragic ironies that the apology was being delivered just two hours before the Queensland Court of Criminal Appeal started hearing the Attorney General's appeal against sentence for the "Aurukun nine" - boys and young men aged between 13 and 25 who had been convicted of the multiple rape of a 10 year old girl between 1 May and 12 June 2006. Reviewing the court appeal papers, I was troubled to note that the surnames of a number of the children were known to me. Their relatives were the respected and proud leaders of the Aurukun community who used to come to Brisbane to deal with Sir Joh Bjelke Petersen, your Church's more notorious

Australian politician of the post-War era.¹¹ Some of them appeared regularly on national television at the time of the showdown between Joh and Malcolm Fraser over the Aurukun takeover when the Uniting Church was withdrawing from the mission. The government brief in that appeal stated:

It is evident that the offences were committed against a disturbed 10 year old girl who lived in a community in which a girl of that age could be subjected to repeated rapes without any intervention by responsible adults. The offences were committed by men and boys who, on the tendered facts, recognised her gross susceptibility to them as sexual predators and who were prepared to ignore her tender age in favour of their gratification or, in some cases, their disinclination to disappoint their peers.

“Without any intervention by responsible adults” – these are frightening words. Some of these accused come from the establishment families of a once proud community. Aurukun is one of only two large Aboriginal communities which have been singled out for special attention and assistance by Noel Pearson's Cape York Policy Institute chaired by Professor Marcia Langton. What will be said of all of us in two generations' time when the historians start debating the morality and utility of what was being attempted with full indigenous co-operation in the Cape York communities and with unilateral intervention in the Northern Territory while we took time to get right our apology for past wrongs?

There were things in Brendan Nelson's speech which on the day would have been better left unsaid. But his side of the Chamber was only ever going to come on board with an apology in the terms: “We are sorry, BUT...” As a nation we are sorry, BUT we are still perplexed about where to from here. We need only tap into the genuine confusion of those well meaning non-

¹¹ I have since learnt that three members of the Bjelke-Petersen family were in the audience at my presentation and they were upset by this remark and the audience reaction. I am sorry for any hurt caused. I did not intend to cause offence to the late Sir Joh nor to members of his family.

indigenous Australians who wonder what is next when they hear prominent Aboriginal leaders calling for boarding school education for all students on remote communities. How are we to respond to these calls without creating another stolen generation? How real would the parental informed consent for “removal” be if there were no alternative education provided?

The question of compensation remains unresolved. Mr Rudd was right to put the apology now and to separate it from the issue of compensation. Most removals occurred before 1967 when the Commonwealth had no power to deal with Aborigines in the states. Most of the living now affected by removals were not themselves stolen but their parents were. Though they would not be eligible for individual financial payments, they ought to be eligible for programs and services designed to overcome some of the pain and loss their families have experienced. As for those who were stolen, to date, only one test case has succeeded in the courts. Tasmania and Western Australia have already set up compensation schemes. It will be sensible for the other states and territories to set up administrative arrangements for assessing the claims of those who were removed without parental consent and in circumstances where their removal was not judged appropriately to be in their best interests. So Brendan Nelson was wrong to insist that there should not be any compensation fund in the future.

When *Bringing Them Home* was launched to great fanfare and heightened emotions at the 1997 Reconciliation Convention, the Labor Party Opposition moved promptly to apologise in the Australian Parliament. The Leader of the Opposition proposed a motion that the Parliament “unreservedly apologises to Aboriginal and Torres Strait Islander Australians for the separation policies; and calls upon Federal and State governments to establish, in consultation with the Aboriginal and Torres Strait Islander

community, appropriate processes to provide compensation and restitution, including assistance for the reunification of families and counselling services”¹². The Howard government would have no part of it.

The issue festered for two years whereupon an Aboriginal Australian for only the second time in history was elected to the Australian Parliament. John Howard immediately sat down and negotiated a motion with Aboriginal Senator Aden Ridgeway stating that the parliament “acknowledges that the mistreatment of many indigenous Australians over a significant period represents the most blemished chapter in our international history and expresses its deep and sincere regret that indigenous Australians suffered injustices under the practices of past generations, and for the hurt and trauma that many indigenous people continue to feel as a consequence of those practices”.¹³

Howard said he would not have Parliament apologise as this would entail an acknowledgment of inter-generational guilt for the wrongs of the past being judged according to the standards of today. This became the firm policy position of the conservative parties. Many of their members who came from the countryside often pointed out that it was the European parents of the stolen generations who themselves were often the individual wrongdoers, and that there were many recent migrants to Australia who were unrelated to members of the stolen generations who had nothing for which they needed to say sorry.

The Labor Party Opposition moved an unsuccessful amendment to the 1999 Howard resolution noting that the Parliament “unreservedly apologises to

¹² 1997 CPD (HofR) 4276; 28 May 1997

¹³ 1999 CPD (HofR) 9205; 26 August 1999

indigenous Australians for the injustice they have suffered, and for the hurt and trauma that many indigenous people continue to suffer as a consequence of that injustice; and calls for the establishment of appropriate processes to provide justice and restitution to members of the stolen generation through consultation, conciliation and negotiation rather than requiring indigenous Australians to engage in adversarial litigation in which they are forced to relive the pain and trauma of their past suffering”¹⁴.

With the standoff in Parliament, members of the stolen generations brought test cases in the courts. But it was not until August 2007 that the first case succeeded. Bruce Allan Trevorrow, now 50, was awarded more than half a million dollars in damages by the Supreme Court of South Australia because, at the tender age of 13 months, he was falsely imprisoned and "dealt with by the state without lawful authority in a manner that affected his personal wellbeing and freedom". He was taken to hospital on Christmas Day 1957, made a good recovery within the week, but was then handed by state authorities to a white foster family with whom he remained for 10 years. In July 1958, Trevorrow's mother wrote to the state welfare officer asking “if you will let me know how baby Bruce is and how long before I can have him home”. The welfare officer replied that he was “making good progress but as yet the doctor does not consider him fit to go home”.

In all the previous failed test cases, the Aboriginal plaintiffs failed because they could not jump four legal hurdles:

1. They have to prove that the removal was without parental consent.

¹⁴ 1999 CPD (HofR) 9209; 26 August 1999

2. They need hard evidence that the removal was contrary to law, and not in the best interests of the child.

3. They need to show that the decision to remove the child was unreasonable according to the community standards and policy of the day.

4. They need to show that their belated court action (often 50 years after the removal) is fair and proper because material facts came to light only recently.

Trevorrow was able to jump all four hurdles. In the Northern Territory cases, much documentary evidence had been lost with the World War II bombings and Cyclone Tracy.

Only in 1997 did Trevorrow get access to his government file of 300 pages. There was the evidence of his mother's pleading for the return of her child nine years before he was returned.

There were two opinions from the state solicitor-general warning state officials that they could not arbitrarily remove children from their families. They had to comply with the strict provisions of the statute, and the state officials had not done so in this case.

Not all removals were morally outrageous, and not all were in the best interests of the child. Some were very suspect. It is time for the politicians to reconsider the HREOC recommendations in light of the fact that there is still a stolen generation and, through no fault of their own, only some of them could jump all legal hurdles in court.

The delayed apology has provided the opportunity for many non-indigenous citizens and groups to come on board working with indigenous Australians, and we need to replicate that form of co-operation and partnership.

Let's now listen to the reflections from the girls from Monte Sant'Angelo College in Sydney who travelled to Canberra for the National Apology:

VIDEO 5

A useful exercise in those schools which boast a significant grouping of indigenous teachers as well as students would be

- divide the class into groups of 8-10, and invite the non-indigenous participants to read out the parliamentary apology
- ask each of them to express what the reading means to them
- invite the indigenous participants to respond
- invite each participant to write out two sentences, one commencing "We are sorry AND..." and the other commencing "We are sorry BUT..."
- invite each participant to hand the two sentences to the person on their left, allowing time for reading and conversation
- invite each participant to return the sheet to the person on their right, thanking them for the opportunity to reflect on the apology.

Hearing “the other” could make a difference. Then in the class group, invite discussion on how together we might all be “truly equal partners, with equal opportunities and with an equal stake in shaping the next chapter in the history of our great” school, community, and country. You might then draw up a check list for class and school members of different cultures being able to contribute to “a future based on mutual respect, mutual resolve and mutual responsibility”. The learning circle would not be as complete without indigenous representation. In this regard, we all have a long way to go. One of the political ironies is that John Howard was able to negotiate his 1999 motion of regret with Aboriginal Senator Aden Ridgeway but Kevin Rudd had no indigenous parliamentarian with whom he could negotiate.

Now that our Parliament has apologised and now that there has been an acknowledgment of the good and the bad in past church interventions on Aboriginal communities, it is once again time for respectful and realistic dialogue about possibilities for the future. It is a sign of the times that the Reconciliation Action Plans of Corporations are more likely to attract public interest than church commitments to indigenous education and welfare. Either way, there will be a need for contemporary civil society in the Australian nation to accept some responsibility for engagement with remote Aboriginal communities wanting a fair slice of the pie for education, health and welfare services.

We all have the opportunity to co-operate with government and to keep government accountable on those educational objectives which have been set down with the delivery of the apology:¹⁵

15 K. Rudd, 2008 CPD (HofR) 171; 13 February 2008

within a decade to halve the widening gap in literacy, numeracy and employment outcomes and opportunities for Indigenous Australians over the next five years

to have every Indigenous four-year-old in a remote Aboriginal community enrolled in and attending a proper early childhood education centre or opportunity and engaged in proper preliteracy and prenumeracy programs

to build new educational opportunities for these little ones, year by year, step by step, following the completion of their crucial preschool year.

There are no easy answers in reaching these objectives. In April, the heads of the Catholic Education Council in the Northern Territory wrote to *The Australian* observing:¹⁶

Education in the remote indigenous communities of the Northern Territory is a complex social undertaking. As one of the many providers of education in such communities, the Catholic education system has been alarmed by the decline in literacy and numeracy rates in remote indigenous communities throughout the Northern Territory over the past 20 years. If students do not attend school at least 80 per cent of the time, then they have little chance of achieving adequate outcomes but the average attendance by students in most remote communities ranges from 50 per cent to 70 per cent. And there is little or no literacy and numeracy support at home.

Think too, of the impact of communities' dysfunction on the idealism and performance of the teachers. They have to deal with remoteness, an unfamiliar cultural setting, loneliness, irregularity of student attendance and disillusionment from a lack of tangible results. If the solution to the decline in literacy and numeracy were as simple as it must seem to academics and the general public who live several thousand kilometers away, the problem would have been solved long ago.

We Australians have had a splendid national example of how to build intercultural understanding through the national apology. Schools are well positioned to build this understanding amongst students and staffs of all cultures. I am aware that your own St Peters College in Brisbane has

16 Letter of Michael Avery, Director, Catholic Education NT, and Father Malcolm Fyfe, Chairman, NT Catholic Education Council to *The Australian*, 11 April 2008

produced an outstanding graduate in one of the nation's strongest indigenous leaders, Noel Pearson. We are a nation richly endowed with educational resources. We are a nation confronted by two major educational challenges: first, to educate indigenous children even in remote communities – to educate them for a culturally enriched life which equips them to survive and thrive amidst the materialism and utilitarianism of the post-colonial Australian society; and second to educate other Australians to enter the Aboriginal world with respect and a useful commitment to partnership.

Three years ago, I completed work in Rome on a Jesuit Taskforce on globalisation and marginalisation. It was the sort of process that only the Jesuits could come up with – exasperating and ultimately producing a long document sitting now on many shelves around the world. We were a diverse group to say the least, all Jesuit but different in most other ways: a philosopher from the Congo, an economist from Milan, a theologian from Leuven, a sociologist from Mumbai, a university rector from Venezuela, a networker with the World Bank and IMF from Washington DC, and a lawyer from Australia. We did try to come up with some practical and grounded suggestions. Let me offer them to you with some adaptation for parents, teachers and students in your schools.

To adapt our charism to the mission demands of a globalised and marginalised world, we should all be encouraged to examine the following, sample check-list of activities and dispositions which indicate our real willingness to move into this new world:

Comment: I WOULD STILL REDUCE IT

- 1 Espouse and cherish differences amongst ourselves as a privileged means of addressing the divisions in our marginalised and globalising world.

- 2 Presume that God's self-revelation will be disclosed amidst differences and not just in the resolving of difference.
- 3 Adopt one justice issue, inform yourself, and after close contact with the marginalised, take some political action (no matter where you live nor what your work).
- 4 Ask yourself, when you consume resources, if similar consumption by all is sustainable. If it is not, ask yourself what you will do to make up or put right your excessive consumption of limited global resources.
- 5 Be an advocate for at least one culture different from your own.
- 6 Acquire an appreciative and advanced knowledge of at least one religion not your own.
- 7 Be involved with a community of solidarity i.e. a community which links the marginalised with the decision makers through shared relationships with our school communities.
- 8 Occasionally visit a community of insertion where we can share the life of the marginalised.
- 9 Ask your Lutheran schools network to establish an accessible community of solidarity or a community of insertion if you cannot find one.

On many issues in our personal and public lives, there will continue to be THE Christian answer to our quandary. But increasingly in our complex world, there will be no clear, uncontroverted Christian answer, at least for the moment. We need to educate students of conscience who are able to transcend their own interests, looking from the other side of the river, purifying their reasons, acting ethically and acting for the common good, giving special preference to the poorest and most marginalised in our midst.

I wish you well in your educational efforts to bridge the divides in our society so that we might “share the future with wisdom, grace and justice”. If we persevere in this task blessed by God, we might be assured that both Martin Luther and Ignatius Loyola are well pleased.