



Covenants, treaties and the politics of reconciliation

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Introduction

The revised preamble to its Constitution positions the Uniting Church as one in transition from 'part of the process of colonisation' to 'a community of First Peoples and of Second Peoples' brought together in covenantal relationship.¹ When coupled with broader theological reasoning and reference to secular disciplines, the significance of a covenantal relationship is that it allows the church to 'imagine an alternative political economy... to practise that alternative in its own life, and to testify to that alternative in the life of the world'.²

In recording the church's transitional steps, the preamble highlights deeply contrasting perspectives on Christian engagement with a colonised territory's First Peoples. From the early colonial period, members of the uniting churches have seen solidarity with the First Peoples as a necessary expression of Christian faith essential to proclaiming 'the reconciling purpose of the Triune God found in the good news about Jesus Christ'.³ However, more commonly the:

uniting churches were largely silent as the dominant culture of Australia constructed and propagated a distorted version of history that denied this land was occupied, utilised, cultivated and harvested by these First Peoples who also had complex systems of trade and inter-relationships. As a result of this denial, relationships were broken and the very integrity of the Gospel proclaimed by the churches was diminished.⁴

These same general observations summarise Christian engagement with colonised peoples across denominations and political jurisdictions. The preference for silence over Christian solidarity raises questions about the proper relationship between religious precepts and prevailing secular political decision-making. The present covenantal demand for public testament of religious convictions requires prior contemplation of how and why churches were co-opted into an imperial project dependent on a view of humanity so different from their own. Early missionaries, at least theoretically, had not come to colonise but to preach a gospel of counter-colonial significance, summarised in the inherent dignity that common creation in the image and likeness of God ascribes to all people.⁵ Yet, more often than not,

¹ Preamble and Clauses of the Uniting Church in Australia, 2009, 1.

² Walter Brueggemann, 'Scripture: Old Testament' in William T. Cavanaugh and Peter Scott (eds), *The Blackwell Companion to Political Theology*, Oxford, Blackwell Publishing Limited, 2004, p. 19.

³ Preamble and Clauses of the Uniting Church in Australia, 2009, 2.

⁴ Preamble and Clauses of the Uniting Church in Australia, 2009, 2. *Ibid.*

⁵ The Book of Genesis, *Good News Bible: Today's English Version*, London, 1981, Chapter 2: 7.

churches have allowed secular thought and context to set aside the political implications of a consistent theology of humanity.

Admitting that co-option into the colonial project was sharply contested ensures that one cannot mask over the ways in which secular political imperatives pressured churches into acquiescence with imperial objectives. To counter these pressures, public theology requires some means of drawing together the Christological and human dimensions of political decision-making. If its Covenant provides the Uniting Church with such means, it becomes comparatively instructive to consider New Zealand's Treaty of Waitangi as an instrument around which debates in public theology have occurred since 1840, when Maori made an agreement with the British Crown to set out the terms and conditions of British settlement. The Anglican missionaries who translated the Treaty text from English to Maori described it in covenantal terms. The acceptance of such description was instrumental in convincing Maori to accede to the agreement. Further, covenantal principles have at various times, including the present, framed both theological and political reflections on the document.

The comparative relevance of the Treaty to the Uniting Church's Covenant remains even though the two documents were written 154 years apart, in different jurisdictions and for different purposes. The Treaty was not written for ecclesial purposes and its adoption into the administrative arrangements of the Anglican Church in 1992⁶ is the reverse of the Australian Uniting Church's adoption of a Covenant, with implications for its own community necessarily coming before any public significance.

The Covenant is not an instrument of public law, but its implicit commitment to bringing religious precepts to the secular realm does make it an instrument of public and contextual theology. Thus, the purpose of the following discussion is not so much to critique the Uniting Church's Covenant in the context of its revised constitutional preamble, but to allow readers to draw whatever conclusions they choose from a brief assessment of one secular document's far-reaching and ongoing significance as a site of public and contextual theology.

Treaties, covenants and reconciliation

The Treaty of Waitangi was an agreement between the British Crown and the Chiefs of the United Tribes of New Zealand contracted in 1840 to set out the terms and conditions of British settlement. In the Maori interpretation, it affirmed their authority over land and resources and accorded them the 'rights and privileges of British subjects'. For the British Crown the Treaty was a cessation of sovereignty to allow British government over both Maori and settlers under a common legal structure.⁷ Conflict between these two perspectives continues to characterise relations between the Crown and Maori in 2010.

The changing perspectives that churches have taken to the agreement provide instructive insights into the public implications of covenant theology and raise more general questions about religious engagement in the public realm. The Treaty was an important expression of public theology in 1840, and in 2010, it provides legal, political and theological context to discussions about Maori claims as First Peoples. Its simultaneous relevance to restitution for Crown injustice to Maori and to thinking about how the rights of indigeneity ought to be recognised in the modern context makes it an important contemporary instrument of reconciliation.

When Henry Williams, the Anglican missionary who translated the Treaty from English to Maori, encouraged accession to the agreement, he did so from a deeply religious perspective. Williams was aware that Maori scriptural familiarity allowed *rangatira* (chiefs) such as Hone Heke and Patuone to see the Treaty as 'a special kind of covenant with the Queen, a bond with all the spiritual connotations of the biblical covenants; there would be many tribes, including the British, but all would be equal under God'.⁸ Williams own view was similar:

Feeling as I did that the terms of the Treaty were a sacred compact between the British Government and the chiefs of New Zealand, I was enabled to speak with confidence as to the integrity and honour of England; that it was impossible that the Queen or her Governor could admit of any *timihanga* (tricky nonsense) towards them.⁹

However, these covenantal perspectives were not shared by colonial authorities whose intentions are more likely to have remained as Markus, rather than Williams, described:

The record of British colonisation shows that treaties were only a means of deferring conquest until the invaders were strong enough to impose their will. Treaties bought time. They postponed the day of reckoning until the balance of power shifted sufficiently towards the European.¹⁰

The churches, too, put religious conviction aside as colonial authority became politically and jurisprudentially established. Even Jean-Baptiste Pompallier, the Roman Catholic bishop who had consciously distanced himself from the Anglican and Wesleyan advocacy at Waitangi, changed his public position from a claim of political neutrality to apologetic deference to colonial authority. For him, the Treaty was a political question for the chiefs alone. Yet, the rigid distinctions he drew between the spiritual and political spheres of human endeavour were not ones he admitted once prevailing secular objectives had turned to the alienation of Maori land as the basis of colonial expansion. A general willingness to

⁶ See www.anglican.org.nz for details of the Treaty of Waitangi in the Constitution of the Anglican Church in Aotearoa, New Zealand and Polynesia.

⁷ Claudia Orange, *The Treaty of Waitangi*, Wellington, Bridget Williams Books, 1987.

⁸ Claudia Orange, *The Treaty of Waitangi*, Wellington, Bridget Williams Books, 1987, p. 57.

⁹ Henry Williams, cited in H. Carleton, *The Life of Henry Williams, the Archdeacon of Waimate*, Volume 2, Auckland, Wilson and Horton, 1877, p. 89.

¹⁰ Andrew Markus, *Australian Race Relations, 1788-1993*, St Leonards, New South Wales, Allen and Unwin, 1994, p. 19.

be led by popular secular thought¹¹ also explains the Anglican and Wesleyan unwillingness to re-assert their covenantal perspectives with consistent conviction until the latter part of the twentieth century.

Settler Christian thought drew on the same philosophical assumptions that informed attitudes in nineteenth century Australia, where missionaries influenced by personal senses of cultural superiority were able to reconcile the colonial project with Christian humanitarian concerns. For example, William Walker, the first Methodist missionary to the Aboriginal people of New South Wales, found no inconsistency between deriding what he called the 'butchering' of the local people and signing a settler petition requesting military assistance to bring them 'to a state of due Subjection and Inoffensiveness'.¹² While human equality may have been accepted, it was a metaphysical religious equality apparently compatible with cultural inequality as a basis for human relationships and colonial public policy.

Secular politics is distinguished by passing fashions, prejudices, priorities and conceptions of justice. The Church's capacity to speak authoritatively and prophetically on any public question depends on how effectively it has developed its own understandings of just and proper human relationships. Religious goals are lived out in a public context and realised with recourse to the secular political process. Conversely, to retain religious authenticity and authority, the Church requires considered distance from the vicissitudes of secular philosophies. 'The Australian churches' failure to resist the removal of Indigenous children from their families for the greater part of the twentieth century, for example, arose from an inability to observe appropriate distance from prevailing secular values even though the Church was never established as a 'creature of its time'. As Paul wrote, there is always an obligation to resist whatever is negative and contrary to Christian teachings:

Do not conform yourselves to the standards of this world, but let God transform you inwardly by a complete change of your mind. Then you will be able to know the will of God - what is good and what is pleasing to him and is perfect.¹³

If God's truth is constant and universal, neither political convenience nor fashion ought to inhibit engagement with the secular political order, whatever the era and whatever the circumstances.

When the nature of relationships between religious precepts and political outcomes are set aside, overstated or not properly contextualised, the Church becomes incapable of presenting an authentic and authoritative account of human relationships. Even in 2010, when Christian advocacy for Indigenous

¹¹ See D. O'Sullivan, *Faith, Politics and Reconciliation: Catholicism and the Politics of Indigeneity*, Wellington, Huia Publishers, 2005 for a detailed discussion of the process of Roman Catholic co-option followed by considered disassociation from the colonial process in Australia and New Zealand.

¹² William Walker to WMMMS, 14 Sept. 1824, BT Box 53, 1433; Bathurst settlers to Brisbane, 16 July 1824, *State Records of New South Wales*, 4/1799, 73-6, cited in David Roberts and Hilary Carey "'Beong! Beong! (more! more!)": John Harper and the Wesleyan Mission to the Australian Aborigines', *Journal of Colonialism and Colonial History*, Vol. 10, No. 1, 2009, accessed 22 February 2010 from http://muse.jhu.edu/journals/journal_of_colonialism_and_colonial_history/related/v010/10.1.roberts.html

¹³ Paul's Letter to the Romans, *Good News Bible: Today's English Version*, Chapter 12: 2.

peoples is frequent and forthright, it remains the case in Australia and New Zealand that secular placement of Indigenous concerns on the policy agenda accounts more fully than theological considerations for the more consistent and unashamed advocacy of the religious principles that the Church now claims should inform state interactions and relationships with Indigenous peoples. Significant political changes during the 1960s and 1970s challenged colonial assumptions of cultural superiority. In New Zealand, these changes were incremental, and began with the formal setting aside of an assimilation policy in 1960. Rapid Maori urbanisation created a political climate more conducive to resistance to exclusion and marginalisation and in 1975, the Treaty was accorded legislative significance for the first time. The *Treaty of Waitangi Act 1975* established a judicial tribunal empowered to investigate breaches of the Treaty, and in 1985, the Act was amended to extend the tribunal's investigative jurisdiction. As well as setting the political and jurisprudential context for reconciliation to emerge as a simultaneous political and religious goal, the parameters of secular thought broadened to shift Christian ideas about human dignity and its preclusion of racial discrimination from the periphery to the mainstream of an increasingly plural society. The extent to which the Church can interact with the public realm to give secular context to its religious precepts depends primarily on its own political willingness. The question that historical reflection might pose for the Uniting Church is how it will preserve its Covenant when political circumstances make it difficult, or in the event that secular political activists try to appropriate it for causes beyond its intent.

Changes in secular climate have made it politically safe for New Zealand's churches to cite the missionary presence at Waitangi, and in the Anglican instance, active promotion of the Treaty to Maori, as establishing an enduring religious duty to advocate for its recognition by governments and the wider polity. From one Methodist perspective, the point is illustrated by King David honouring Joshua's treaty with the Gibeonite tribe 200 years after its agreement, even though it was flawed and political circumstances had evolved:

If the Treaty is dishonoured in our day, it is the integrity of the Church and her faith which is impugned, as much as the Crown's. Our God clearly regards all agreements, and especially treaties, as sacred covenants which endure for all generations, even though time passes, circumstances change, and they may not suit our interests anymore.¹⁴

Conversely, the Crown's distinction between human and divine law means that it cannot accept the Treaty as a religious covenantal relationship. The Crown remains uninfluenced by Christian arguments that covenantal precepts ought to be restored as the basis of modern law and public policy, even though in 2010, for example, one can study a university subject called '*Te Kawenata o Waitangi*' (The Waitangi Covenant), follow a Roman Catholic school religious education curriculum contextualised by a covenantal view of the Treaty, or worship in the Anglican Church, governed by a similar view. If one is to draw lessons from Waitangi for a possible Australian treaty, one must consider that, as a product of human law, a treaty would not guarantee justice or the fulfilment of the Church's wider aspirations

¹⁴ Gary Clover, *Touchstone*, March 2004.

arising from the inviolable dignity of the Indigenous Australian person. Any substantive impact could only ever be an outcome of comprehensive political will. Yet, even as metaphor, the covenantal image is usefully advanced to highlight the significance of enduring relationships of honour to just and legitimate government. The Treaty provides context for the further use of religious concepts to engage the Church with secular politics. For example, in 1990, the Roman Catholic Bishops' Conference marked the sesquicentennial of the Treaty with reference to the biblical Jubilee tradition. The Leviticus themes of land restitution and debt relief, along with affirmations of human freedom and dignity, were explained to highlight the Treaty as a covenant to guide renewed and more just political relationships.¹⁵ The same Jubilee theme was adopted by the Australian Catholic bishops in 1997 to argue that the forthcoming two thousandth anniversary of the birth of Christ made reconciliation a particularly urgent Christian imperative. The anniversary could not be celebrated 'with any authenticity if we are not reconciled with one another'.¹⁶ From a church and indeed secular institutional perspective, sustained and publicly credible contributions to reconciliation occur:

Through a public examination of its [the Church's] own conscience as a necessary first step towards a conversion to justice on which true relationships of solidarity might be built.¹⁷

For New Zealand churches, this has meant sustained consideration of the Treaty's implications for public life, and for some, drawing on missionary advocacy for accession to the Treaty to claim that it is also relevant to the governance and administration of their own ecclesial communities. In this inversion of the belief that faith ought to be inscribed into the earthly city, the *Constitution of the Anglican Church in New Zealand, Aotearoa and Polynesia* privileges the secular bicultural political philosophy to argue that:

By the Treaty of Waitangi, signed in 1840, the basis for future government and settlement was agreed, which Treaty implies partnership between Maori and settlers and bicultural development within one nation.¹⁸

The 'Treaty partnership relationship' adopted 'within the church structure' refers, in fact, to a subsequent jurisprudential development when in 1987 the Court of Appeal held that the Treaty established a partnership based on reasonableness and good faith.¹⁹ Even as a covenant, the Treaty remains a matter of Crown and Maori institutional relationships. Its Anglican co-option suggests a relationship with secular law and politics that other Christian communities do not admit. The Anglican position does afford it greater freedom to act as a political lobby group, but also makes its religious mission vulnerable

¹⁵ New Zealand Catholic Bishops' Conference, 'He Tau Whakamaharatanga Mo Aotearoa-Nui Tireni A Commemoration Year for Aotearoa – New Zealand' Pastoral Letter, Wellington, 1990.

¹⁶ Australian Catholic Bishops' Conference, 'The Coming of the Third Millennium', Pastoral Letter, Canberra, 1997, p. 1.

¹⁷ Sandie Cornish, *The Catholic Human Rights Tradition and the Rights of Indigenous Peoples*, North Blackburn, Victoria, Collins Dove, 1994, p. 32.

¹⁸ *Constitution of the Anglican Church in New Zealand, Aotearoa and Polynesia*, accessed 25 May 2003 from <http://www.anglican.org.nz/CanonsReprint/English.pdf>.

¹⁹ *New Zealand Maori Council v. Attorney General*, 1987.

to perceptions of secular partisanship, with diminished capacity to contribute to public affairs with the unique religious authority that it might otherwise claim.

The Presbyterian Church's Book of Order proposes that the 'distinctive setting of the ... church of Aotearoa New Zealand is a society founded on the Treaty of Waitangi which established the principle of partnership between Māori and settlers'. Rob Yule, a minister in the Presbyterian community, develops this position with reference to a literal interpretation of Paul's statement that 'God is the Lord of nations and Lord of history' (Acts 17:24-28). In a reductionist view of human political agency, Yule continues that:

The Lord of history has providentially arranged that the foundation of New Zealand's nationhood should be the result of a unique partnership between two races, at a unique period in history, embodied and safeguarded in a unique founding document' which, he argues, is a covenant with binding and unalterable terms.²⁰

Diana Tana, Tumuaiki o Te Taha Māori o te Hahi Weteriana [Head of the Maori Division of the Methodist Church], also adopts the covenant theme to explain the belief that hope and grace will prevail over 'a history of wrongdoing, misunderstandings, greed and injustice' as 'God in his or her mercy loves and renews'.²¹

Love and renewal are central conciliatory themes and it was in the context of a particularly acrimonious, even racist, political debate in 2004 that the Anglican and Catholic bishops found recourse to this 'spiritual covenant' as the best way of addressing racial 'volatility'.²² However, it is also important that public theology is not a simple strand in political philosophy or a manifesto for political agitation. The Treaty cannot prescribe political action or public policy direction or set aside the contribution of secular disciplines to Christian political engagement, but it does help the Church to contextualise its place in the 'earthly city' and find ways of being an instrument of peace, reconciliation and good will. Importantly, the Church remains 'in, but not of this world'; existing in the political realm, but not itself a political actor. The distinction protects the Church's capacity to make unique contributions to human affairs based on consistent proclamation of God's constant and universal truth. In other words, human creation in God's image and likeness assures an inherent entitlement to dignity, culture, religious freedom, self-determination and a share in the common good. Therefore, as the Uniting Church practises the public testament of its Covenant or, as Budden puts it, thinks about 'Following Jesus in Invaded Space',²³ it traverses the always difficult public space in which religion and politics inescapably converge. It encounters public policy considerations that transcend the routine concerns of politics and law to raise questions

²⁰ Rob Yule, *Keeping Covenant: Why we Should Honour the Treaty of Waitangi*, Greyfriars Presbyterian Church, 2004, accessed 22 February 2010 from <http://www.greyfriars.org.nz/waitangi.php>.

²¹ Diana Tana, 'To Whom am I a Neighbour?', *Kia Neke Ake: Newsletter of Te Taha Mori Weteriana o Aotearoa*, Whiringa-a-rangi, November 2003.

²² The bishops of the Anglican Church in Aotearoa, New Zealand and Polynesia and Roman Catholic Bishops of New Zealand, Media Statement, 19 February 2004.

²³ Chris Budden, *Following Jesus in Invaded Space: Doing Theology on Aboriginal Land*, Eugene, Oregon, Pickwick Publications, 2009.

about 'how we understand the incarnate God',²⁴ based on the remark attributed to Jesus: 'whenever you did this for one of the least important of these brothers of mine, you did it for me'.²⁵ Alternatively, 'God in Christ is present in suffering people',²⁶ making reconciliation's concern for correcting the causes of human suffering a matter of Christology as much as it is a concern of secular justice.

Contemporaneously, the Treaty provides a political context around which the Church can focus its theological interest in reconciliation. It has provided a political framework for reconciliation and for the Bolger (1990-1997), Shipley (1997-1999), Clark (1999-2007) and Key (2007-) governments to say 'sorry' for broken promises in ways that illustrate that symbolic gesture does not preclude 'practical' reconciliation of tangible substance, as John Howard maintained throughout his Australian Prime Ministership (1996-2007).

The settlements of Maori grievances against the Crown occur without argument about who should say sorry to whom and for what. While each Treaty settlement differs to reflect the individual circumstances of each claim, a common characteristic is for the Crown to acknowledge the grievance, apologise for it and offer a 'full and final' compensatory package to the aggrieved party. Without necessarily using the word 'reconciliation', its principles and objectives are evident as:

The Crown seeks on behalf of all New Zealanders to atone for these, acknowledged injustices, so far as that is now possible, and... to begin the process of healing and to enter a new age... of co-operation.²⁷

In this way, one sees the possibility that:

Christian reconciliation is the drawing of persons to discover their humanity through forgiveness, repentance and reparation. It takes place internally in the victim, and leads to forgiveness of the wrongdoer. Vulnerability is the condition for expressing the reconciling love of God. One is able to acknowledge and honour one's brokenness. One's personal story becomes integrated in the Christ narrative of passion, death and resurrection. It seeks repentance and forgiveness. It involves victims, wrongdoers, bystanders, the dead and future generations.²⁸

Communal division is an outcome of structural sin; and reconciliation is, therefore, concerned with challenging the human values of:

Free and responsible persons who have to be converted by the grace of Jesus Christ in order

²⁴ Graeme Garrett, 'A Place of One's Own: Reflections on a Theology of Space', *St Mark's Review*, 1993, p. 4.

²⁵ Matthew 25: 40 (*Good News Bible*).

²⁶ Graeme Garrett, 'A Place of One's Own: Reflections on a Theology of Space', *St Mark's Review*, 1993, p. 4.

²⁷ *Waikato Raupatu Claims Settlement Act 1995*, Part 1, section 6 (6), Wellington, GP Print.

²⁸ Cyril Hally, 'Reconstructing the Moral Order of Society by Forgiveness and Reconciliation', *Aboriginal Issues Newsletter*, Vol. 2, No. 2, 1998, p. 2.

to live and act as new creatures in the love of neighbour and in the effective search for justice, self control, and the exercise of virtue.²⁹

Reconciliation illustrates the unmistakably close relationship between religious means and political ends better, perhaps, than any other public policy concern in which the Church has systematically engaged. Its sometimes abstract social mission is most easily expressed in concrete political settings, and its participation in Australian native title debates during the 1990s and proposal of reconciliation as a proper response to the *Bringing Them Home Report* of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (1997) are illustrative. These examples from recent Australian history provide theological and political context to allow the Uniting Church's Covenant to provide an intellectual and relational framework for imagining, practising and testifying to a more just ecclesial and public order. Covenantal approaches to human relationships provide principled points from which to make ongoing theological/political analyses.

During the 1990s, reconciliation showed how the Church can take an approach to politics that is clearly distinct from the style and priorities of the secular political realm. The Church's conception of the human being precludes a purely short-term adversarial approach to disagreement. Christian perceptions of the human being are not, ordinarily, the individualist understandings of political liberalism. For example, the Church does not understand reconciliation as an immediate campaign for the support of 50 per cent plus one of voters. Its inclusive concern creates a broader acceptance of what counts as just solutions to political problems. Its long-term approach means that it can never fall into despair or give up hope of justice if this has not been achieved within the short time frames of the parliamentary electoral cycle. Its focus on God's constant and universal truth should preclude bias towards any one people and allow a focus on a universal standard of justice concerned with the realisation of human dignity: not the individual prosperity of one group at the expense of another. The Church's commitment to justice gives it a religious platform from which to exert considerable political influence and is one way in which it might fulfil its self-imposed duty to lead rather than follow; to inscribe its vision for humanity into secular discourse whatever the political fashions of the day and whatever the public pressures to the contrary.

Conclusion

It appears to a Maori Roman Catholic observer that the Uniting Church's covenantal relationship strengthens the principled foundation from which it might observe, but no longer follow, the secular realm, to propose reconciliation as an obvious purpose of its religious mission. In discerning the definite public implications of its Covenant, it may be instructive for the Uniting Church to contemplate covenantal interpretations of New Zealand's Treaty of Waitangi. There are marked differences between the Treaty and the Covenant, but the Treaty has provided a site for debate in public and contextual theology as the disciplines engage with Indigenous claims on the state.

²⁹ Sacred Congregation for the Doctrine of the Faith, *Instruction on Certain Aspects of the 'Theology of Liberation'*, Vatican City, 1984, p. 15.