



Remorseless apology: Analysing a political letter

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ABSTRACT

Why should one say sorry if one does not feel any guilt? The phrase ‘remorseless apology’ comprises terms that seem semantically conflicting in as far as ‘apology’ is regarded as a moral activity. I use the phrase with the contention that sometimes ‘apology’ could be a pretentious activity. Where pretence reigns, sincerity of action is put to question. In most instances, apology as an act uses language as a tool. Through a critical study of the hidden meanings and implications in the language of the political reiteration by the President of Uganda¹ to the Chief Justice over the High Court² siege, I highlight that some ‘political’ apologies are remorseless. In the context of this study, the President uses a ‘political’ apology to minimise the position of the Judiciary and to assert power/precedence over the Judiciary. The objective of this article is to raise awareness to the language used in political or non-political apologies, in order to ascertain whether the apology is genuine or deceptive.

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1. Introduction

In this article, “Remorseless apology: Analysing a political letter”, I analyse the concept of apology and how it is variously used. My analysis is a contribution to studying the act of apology in a political discourse. I do the analysis based on a letter written by the Ugandan President to the country’s Chief Justice as the leader of the Judiciary, in response to the tense situation caused by the event of the High Court siege. In the sections down the line, I explain the details of this event and then discuss the content of the letter. I analyse the content of the letter as a linguist, drawing on approaches of pragmatics. My findings could as well be of interest to any critical member of the public.

1.1. The Ugandan structure of governance

In Uganda, as in many other countries, there are three major arms of government – the Executive, Judiciary and the Legislature (Parliament).

- The Executive is the arm of government mandated by the constitution to carry out the administrative functions of the state. The Executive is headed by the Prime Minister and comprises Cabinet Ministers. They are members of the ruling party and most of them are also members of parliament.

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¹ Uganda is located in the eastern part of Africa, bordering with Kenya to the east, Tanzania to the south, Rwanda to the south-west, The Democratic Republic of Congo to the west, and Sudan to the north.

² High Court of Uganda is the third court in the judicial hierarchy and has unlimited original jurisdiction, i.e. it can try any type of case. The High Court is headed by the Principal Judge.

- Parliament is the arm of government that is charged with the duty of making laws for the good governance of society. It consists of members most of whom are elected through the ballot box except a few special interest groups like the army, women, youth and the disabled whose representatives are elected by Electoral Colleges.
- The Judiciary is the third arm of government, and its role is to interpret the law and its application by rules or discretion to the facts of each particular case. It is formed by the various courts of judicature, which include the magisterial courts, High Court, Court of Appeal (Constitutional Court)³ and the Supreme Court. The Judiciary is headed by the Chief Justice (Mahoro, 2006; UGANDA, 1995).

The three arms are equal in power and make up one government. Together they assist the President in managing the State.

The President, as Head of State, is above all the three arms of government and holds supreme power over them. For example, the President appoints the cabinet; the judges too are appointed by the President on recommendation of the Judicial Service Commission and approval of Parliament (Mahoro, 2006).

In Uganda, the President is the head of the ruling party, National Resistance Movement (NRM). Since 1986 when the party assumed power until the referendum on a political system suggested multi-party politics in 2005, the system of governance used by the NRM party was movement type in which all citizens of Uganda were regarded as members of one party, and no other party existed. The party came into power through a guerrilla war fought by the National Resistance Army (NRA). In the 1995 Constitution of Uganda (UGANDA, 1995), the NRA became a national defence force and was named Uganda Peoples Defence Forces (UPDF). As Head of State, the President is the Commander-In-Chief of the UPDF. And as Commander-In-Chief, he takes full charge over the actions of the UPDF.

1.2. The event – Court siege

Word about the Peoples Redemption Army (PRA) began about early 2005. The PRA was perceived as a rebel group fighting the government. The objectives of the PRA could not easily be ascertained because there is always limited or no access to rebel groups especially in their inception. However, the name itself may imply redeeming the populace from a danger perceived by them (PRA). Eventually this rebel group was linked to a leader of a schismatic group (opposing and calling to return to the original objectives of NRM). This means that the leader of the schismatic group was formerly a member of the ruling party (NRM) which initially assumed power through guerrilla war in 1986 as NRA. He is one of a number commonly referred to as the '27 men' who masterminded the NRA guerrilla war. When the 2005 referendum on political system opted for multi-party politics, the schismatic group also articulated itself as a political party known as Forum for Democratic Change (FDC).

By some secretive means, some members of the populace were suspected to belong to the PRA, and were arrested. Towards the nomination of candidates for presidency (late 2005), the opposition leader was arrested and charged with colluding with 22 suspected members of the PRA to overthrow the government. After more than a month in prison, and after failure to produce enough evidence for conviction (which would hinder him from being nominated), he was nominated to contest for presidency. Since he needed to join the race of soliciting votes, he was granted bail. His co-accused stayed in prison.

Since these suspects were ordinary citizens, the High Court took charge of the case with reason that the suspects went against civil law. However, the Court Martial⁴ too had interest in the case with reason that the suspects were in possession of illegal arms at the time of their arrest, and thus were to be tried according to martial law. The struggle between the two courts necessitated the intervention of the Constitutional Court which decided in favour of the High Court to try the suspects. The Court Martial did not concede loss of charge and persistently continued trying the suspects. For sometime, the PRA suspects were tried simultaneously in both courts. Since the suspects were viewed by the High Court as qualifying for Court bail, it was granted to them. But before the bailed individuals left the High Court premises, they were immediately re-arrested by a security organ.

The security organ's action of re-arresting the bailed persons in the High Court premises was popularly regarded as a Court siege. The Judiciary put down tools and all courts of justice in the country closed. The role played by the media in this situation has to be underlined. In Uganda, the media, mainly newspapers and radios, play a great role in transmitting information widely as well as influencing people's political and social thoughts. Most of the media, be they or not founded and funded by particular political parties, are politically biased in their transmission. The media, mainly in favour of the opposition, endeavoured to convince the public that the Court siege was an action of attack on the Judiciary by a security organ and ruling party (original owner of the organ) and it warranted an apology. Amidst the tense situation, the President wrote a letter to the Chief Justice, the head of the Judiciary who is the main addressee (section 1.3). Copying the letter to other persons is a question of political protocol beyond my interest. In Uganda it is common that the President's response to any situation that has caused public attention is distributed by the President's secretariat to the major national media for

³ Constitutional Court or Court of Appeal was established by the 1995 Constitution. It is an intermediary between the Supreme Court and the High Court and has appellate jurisdiction over the High Court. It is not a Court of first instance and has no original jurisdiction, except when it sits as a Constitutional Court to hear constitutional cases. The Court of Appeal consists of the Deputy Chief Justice and such number of Justices of Appeal not being less than seven as Parliament may by law prescribe.

⁴ Court Martial is equal to High Court in judicial powers. The administration of justice in Court Martial is similar to that of High Court. However, it does not base on civil law but martial law. Court Martial does not try citizens but soldiers and members of other security organs.

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