

## Revisiting the Political Philosophy of Nicollo Machiaevelli: Reflections on Governance and The Rule of Law in Zimbabwe.

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### Abstract

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*Governance and the rule of law* have become a topical agenda in the academic and international conferences and the issue of human rights violation has been widely discussed both formally and informally in Zimbabwe and in other African states. Media is dominated by political discourse centered on governance and the rule of law. The colonisation of Zimbabwe and other African countries marked the collapse of law and order among the Africans, thus giving birth to violence. Globalisation has also contributed towards the complications in setting an ideal framework to define and operationalise the two concepts at both national as well as at international level. As a *global village*, the world should be governed from a common holistic platform and this calls for an ideal comprehensive legal framework that can cut across the whole world. The overall objective is *human security* and respect of human rights. Security and human rights compromise the most ambiguous and controversial concerns for the African community. To achieve the research objectives questionnaires and interviews were used including the use of secondary data sources. The methodology for my research work is new hermeneutics and philosophical analytical methods. Results from this research show a number of emerging views on governance and the rule of law across Africa. The most widely accepted though a disputed view is that African politics is incomplete if not accompanied by violence, rigging and corruption. This paper shows that the rights to a standard of living, adequate security, medical care, land and peace have become the right for politicians rather than common people.

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**Key words:** governance, violence, global village, rule of law, colonisation, hermeneutics and human rights.

### Definitions

**Good governance:** legitimate, accountable, and effective ways of obtaining and using public power and resources in the pursuit of widely-accepted social goals.

**Rule of law:** the exercise of state power using, and guided by, published written standards that embody widely-supported social values, avoiding particularism, and enjoying broad-based public support.

**Global village:** the world, especially considered as the home of all nations and peoples living interdependently.

### 1. Introduction

Zimbabwe has crisis of legitimacy, crisis of leadership, crisis of confidence, a structural economic crisis underlined by depression and crisis of human rights violations. So, given this scenario, it is important that we have good governance and rule of law in Zimbabwe.

The culture of violence characterising the nation stems from a background of intolerance dating back to the struggle for Zimbabwe's independence and even before. The war of liberation was violent and it cost thousands of lives and caused untold hardship and suffering. The same culture was adopted by the ZANU PF government and has been the tone of Zimbabwe's "democracy" to date.

Since 2000 Zimbabwe has been beset by political violence perpetrated mainly by state agents and their ancillaries and the "former" ruling party. This has resulted in a rapid decline of the human rights situation in the country.

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Violence was stepped up following the then government's first major defeat in a national referendum to change the Constitution in 2000. The government used its supporters and state agents to pursue a campaign of terror aimed at eliminating opposition and silencing dissent. Since then, state sponsored violence that included murder, torture intimidation, arbitrary arrests, and attacks on supporters of the political opposition, human rights defenders and the independent media have been on the increase.

As part of its clampdown on dissenting voices, the government introduced and selectively applied repressive legislation such as the Broadcasting Services Act (BSA), the Public Order and Security Act (POSA), the Access to Information and Protection of Privacy Act (AIPPA) and the Criminal Law (Codification and Reform) Act to restrict the rights of the majority of Zimbabweans to freely associate, assemble and express themselves. Specific provisions of these laws have been used by the government to narrow the space for open public debate, silence those perceived to be critical of its policies, and shield itself from domestic and international scrutiny.

In general, since 2000 major political events such as elections, the referendum and constitutional consultative workshops have been preceded and followed by sanctioned campaigns of violence mainly targeted against perceived and real supporters and sympathisers of the opposition. This violence pioneered the role youths, war veterans and trained militia play in perpetrating violence, intimidation and rape in the name of defending the nation from "Western influence" thereby planting the seed of political polarization. In 2002, Zimbabwe was suspended from the Commonwealth of Nations on charges of human rights violations during the violent and chaotic land reform process. In addition, the 2002 presidential elections were preceded and followed by a government-sanctioned campaign of violence targeted against known and perceived opposition supporters. The same tone of violence marked the 2005 elections that were also mired in accusations of vote rigging, violence and intimidation.

The worst form of political violence was witnessed following the harmonized elections of March 2008, when the government unleashed violence on defenseless citizens in retribution for the March 29 plebiscite that upset ZANU PF's majority in the House of Assembly for the first time since independence. Murders, intimidation, assaults, abductions, enforced disappearances, displacements, arbitrary arrests and detentions, torture and destruction of property preceded the run-up to the 27 June Presidential run-off election that ended up being a one-man election as the MDC-T leader pulled out citing gross violations of human rights. SADC and the AU as well as international observers condemned this election as not representing the will of the people. The violence led to more than 200 deaths, thousands were wounded and many others displaced.

The formation of the Government of National Unity (GNU), in February 2009 only helped to reduce cases of overt violence during the first year of its life. However, the violence peaked again in 2010 during the constitutional outreach process where meetings were marred by politically-motivated violence. More than 2000 violations were recorded by human rights organisations that were monitoring the outreach process ranging from assault, intimidation, arbitrary arrests and detentions, abductions and violation of freedom of expression, association and assembly.

Following ZANU PF's threat of elections this year the country is once again witnessing a new wave of violence with violent clashes being reported in both urban and rural areas. What is disturbing is the reaction of the law enforcement agencies who, in many cases, have reportedly either arrested the victims or have not taken action against the perpetrators. Conspiracy between various state agencies mainly the state media and the security sector facilitated justified and concealed these acts of violence.

Human rights abuses in Zimbabwe have been conspicuously serious, widespread, persistent, deliberate and systematic. These violations have been conducted with increasing impunity. Perpetrators have not been held accountable for their actions whilst in most cases victims have been persecuted.

### **1.1. Nicollo Machiavelli Political Philosophy**

Nicollo Machiavelli political philosophy offer a monarchical ruler advice designed to keep that ruler in power. He recommended policies that would discourage mass political activism, and channel subjects' energies into private pursuits. Machiavelli wanted to persuade the monarch that he could best preserve his power by the judicious use of violence, by respecting private property and the traditions of his subjects, and by promoting material prosperity. Machiavelli held that political life cannot be governed by a single set of moral or religious absolutes, and that the monarch may sometimes be excused for performing acts of violence and deception that would be ethically indefensible in private life. He emphasized that for a republic to survive, it needed to foster a spirit of patriotism and civic virtue among its citizens.

Machiavelli argued that a republic would be strengthened by the conflicts generated through open political participation and debate. Partly because Machiavelli's pragmatic view of the relationship between ethics and politics, he has been widely misinterpreted. The adjective "Machiavellian" has become a pejorative used to describe a politician who manipulates others in an opportunistic and deceptive way.

Many politicians in Africa and elsewhere in the world are suspected to have deeply schooled themselves in the teachings of Machiavelli. It is also true that numerous business executives and other leaders have found Machiavelli's 'wisdom' useful in climbing and maintaining themselves at the helm of corporate or organisational ladder.

For Machiavelli, the Ruler must concern himself with only one 'moral value': How to acquire power and maintain it. Consequently, what defines right and wrong actions for the Ruler or for someone aspiring for power is whether the action he takes will help him acquire and maintain power. The Ruler, "therefore, must not have any other object nor any other thought, nor must he adopt anything as his art but war, its institutions, and its discipline; because that is the only art befitting one who commands." In other words, any action that helps a leader consolidate his hold on power must be deemed 'morally right' and any action that makes a Ruler less secure in his position must be considered 'morally wrong'.

Machiavelli recognised the need for peace and order in a state. He said peace and order must be acquired and fostered, as a matter of first preference, through non-violent means. He, however, advised that in case the non-violent means did not work, the Ruler should not shy away from killing in order to bring about peace and order. He emphasised that violence as a means towards order and peace worked only if the Ruler made sure he harmed people as swiftly and with as few a number as possible.

Machiavelli said that a 'good' Ruler must, for as long as it helps him to maintain power, practice generosity. The aim of generosity for a Ruler is to build a good reputation for himself. Being generous would include not having a tax system that takes away too much money from the citizens. If this happened, the citizens might be angry and begin working against him. The Ruler, however, must tax people enough so that he can get sufficient resources to dispense favours that would make the citizens depend on and feel safe with him.

As much as possible, the Ruler must do those things that help him to be both loved and feared, Machiavelli said. Since being loved and being feared do not often go together, he advised Rulers to choose being feared instead of being loved. To be feared must be preferred to being loved, he thought, because people "...are less hesitant about injuring someone who makes himself loved than one who makes himself feared,...love is held together by a chain of obligations that, since men are a wretched lot, is broken on every occasion for their own self-interest; but fear is sustained by a dread of punishment that will never abandon you."

He advised Rulers to ensure that they are feared in such a way that they are not hated. When a Ruler is hated people develop a strong urge to work against him. To achieve a position where he is feared but not hated, the Ruler must "...abstain from the property of his citizens and subjects, and from their women. If he must spill someone's blood, he should do this when there is proper justification and manifest cause," Machiavelli taught.

It is praiseworthy to have a Ruler who keeps his word to his people. This will make him come across as a leader of integrity. "Nevertheless," Machiavelli taught, "one sees from experience in our times that the [Rulers] who have accomplished great deeds are those who have thought little about keeping faith and who have known how cunningly to manipulate men's minds; and in the end they have surpassed those who laid their foundation upon sincerity." Machiavelli emphasised, a "...wise ruler, therefore, cannot and should not keep his word when such an observance would be to his disadvantage..."

His reason for advising the Ruler not to keep his word is that the citizens are a wicked lot who do not keep their word. However, he cautioned the Ruler not to blatantly and without justification abandon what promises he made to his people. The Ruler must "...know how to colour over his nature effectively, and to be a great pretender and dissembler. Men are so simple-minded and so controlled by their immediate needs that he who deceives will always find someone who will let himself be deceived."

Machiavelli said that for a Ruler to acquire respect or esteem, he must appear to have certain qualities. Key among such qualities must be mercy, faithfulness, humanity, trustworthiness, and religious. He, nevertheless, warned the Ruler not to sincerely believe in any of these qualities. He said what was important was for the Ruler to merely appear to believe in these qualities.

He wrote, “I shall dare to assert this: that having them and always observing them is harmful, but appearing to observe them is useful: for instance, to appear merciful, faithful, humane, trustworthy, religious, and to be so; but with his mind disposed in such a way that, should it become necessary not to be so, he will be able and know how to change to the opposite.” Machiavelli adds that the Ruler “...should know how to enter into evil when forced by necessity.

Other things that create respect and esteem for the Ruler, according to Machiavelli, include ensuring that the Ruler’s name is associated with big projects and seemingly important national debates. The Ruler should sometimes create false but believable crises that will refocus and draw the attention of the citizens. When this happens, the citizens will be compelled to focus on the debate or ‘crisis’ instead of thinking of and plotting how to wrestle power from him. The Ruler must ensure that those that helped him to get to power are either too close to him to organise a rebellion or have been assigned to represent the country in foreign lands. Others should be locally assigned high sounding jobs but with little or no meaningful power. The citizens will quickly forget about all rivals to the Ruler and think of him as the only one capable of running the affairs of the state.

The Ruler must make sure that his name is associated only with good things. For instance, the Ruler himself must directly reward citizens who have done soothing good. He must never depute when there is good news for the citizens. However, the Ruler must send his lieutenants if it is time to punish someone or announce some policy initiative that will somehow impact the citizens negatively. What happens in the long run is that citizens associate bad things with the Ruler’s lieutenants and good things with the Ruler himself. Such a situation guarantees the Ruler’s position and consolidates his power.

Machiavelli observed that the Ruler is always surrounded by people who are eager to tell him only the nice things that he would like to hear, regardless of how far removed from truth those things are. He advised the Ruler to ensure that he communicated to the people that they would not harm him by telling him the truth. Machiavelli, in his usual style, quickly added a rider to his counsel, “But when anyone can tell you the truth, you lose respect.”

He enjoined the Ruler to select a few wise men who would be the only ones permitted to speak truthfully to him, and they must do so only on the things he asked their advice. He said, “Apart from these, he should refuse to listen to anyone else, pursue his goals directly, and be obstinate in the decisions he has taken. Any [Ruler] who does otherwise either comes to ruin because of the flatterers, or keeps changing his mind in the face of different opinions; resulting in a low estimation of his worth... Therefore, a [Ruler] should always seek advice, but when he wants to, and not when others wish it.”

## 1.2. Good Governance

The terms ‘governance’ and ‘good governance’ are basically used in development literature. The concept of ‘governance’ is not new, but is as old as human civilization. Simply put ‘governance’ means the process of decision-making and the process by which decisions are implemented (or not implemented). Since governance is the process of decision-making and the process by which decisions are implemented, an analysis of governance focuses on the formal and informal actors involved in decision making and implementing the decisions made and the formal and informal structures that have been set in place to arrive at and implement the decision. It is quite wanton to have a view of what constitutes good governance since bad governance is being increasingly regarded as one of the root causes of all evil within our societies.

According to UNESCO (2005) good governance is a concept that has come into regular use in political science, public administration and, more particularly, development management. It appears alongside such terms such as democracy, civil society, participation, human rights and sustainable development. In the last decade, it has been closely associated with the public sector reform. UNESCO has identified 8 major characteristics (1992:12). It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making (OECD, 2001).

Good governance is an essential stage towards meeting the objectives of sustainable and people-centered development, prosperity and peace. Good governance is defined by the rule of law, the existence of effective state institutions, transparency and accountability in the management of public affairs, respect for human rights, and the meaningful participation of all citizens, particularly women, in the political processes and decisions affecting their lives. It is a process in which people are empowered and have sufficient freedom to set priorities for their development needs, which take into account their specific socio-economic and cultural circumstances.

In this way, good governance can play a crucial role in ensuring people-oriented development in Zimbabwe, because it demands that all citizens and groups articulate their interests, needs and concerns. The characteristics and principles of good governance are discussed below.

The concept of good governance has been discussed in both political and academic discourses for a long time, referring in a generic sense to the political leadership running a government, or any other appropriate entity for that matter. In this regard the general definition provided by Webster's Third New International Dictionary (1986:982) is of some assistance, indicating only that governance is a synonym for government, or "the act or process of governing, specifically authoritative direction and control". This interpretation specifically focuses on the effectiveness of the executive branch of government.

The working definition used by the British Council, however, emphasizes that "governance" is a broader notion than government (and for that matter also related concepts like the state, good government and regime), and goes on to state that: "Governance involves interaction between the formal institutions and those in civil society. Governance refers to a process whereby elements in society wield power, authority and influence and enact policies and decisions concerning public life and social upliftment."

Governance therefore does not only encompass but transcends the collective meaning of related concepts like the state, government, regime and good government. Many of the elements and principles underlying "good government" have become an integral part of the meaning of governance. John Healey and Mark Robinson define good government as a high level of organizational effectiveness in relation to policy-formulation and the policies actually pursued, especially in the conduct of economic policy and its contribution to growth, stability and popular welfare. Good government also implies accountability, transparency, participation, openness and the rule of law. It does not necessarily presuppose a value judgment, for example, a healthy respect for civil and political liberties, although good government tends to be a prerequisite for political legitimacy.

One can apply his mind to the definition of governance provided by the World Bank as it has special relevance for the developing world. Good governance is epitomized by predictable, open and enlightened policy-making, a bureaucracy imbued with professional ethos acting in furtherance of the public good, the rule of law, transparent processes, and a strong civil society participating in public affairs. Poor governance, on the other hand is characterized by arbitrary policy making, unaccountable bureaucracies, unenforced or unjust legal systems, the abuse of executive power, a civil society unengaged in public life, and widespread corruption.

The World Bank's focus on governance reflects the worldwide thrust toward political and economic liberalization. Such a governance approach highlights issues of greater state responsiveness and accountability, and the impact of these factors on political stability and economic development. In its 1989 report, 'From Crisis to Sustainable Growth', the World Bank expressed this notion that:

"Efforts to create an enabling environment and to build capacities will be wasted if the political context is not favorable. Ultimately, better governance requires political renewal. This means a concerted attack on corruption from the highest to lowest level. This can be done by setting a good example, by strengthening accountability, by encouraging public debate, and by nurturing a free press. It also means fostering grassroots and non-governmental organizations such as farmers' associations, co-operatives, and women's groups".

Apart from the World Bank's emphasis on governance, it is also necessary to refer to academic literature on governance, which mostly originates from scholars working with international development and donor agencies. The majority of these scholars have concentrated almost exclusively on the issue of political legitimacy, which is the dependent variable produced by effective governance. Governance, as defined here, is "the conscious management of regime structures, with a view to enhancing the public realm".

The contribution of Goran Hyden to bring greater clarity to the concept of governance needs special attention (Hyden 1992:7). He elevates governance to an "umbrella concept to define an approach to comparative politics", an approach that fills analytical gaps left by others. Using a governance approach, he emphasizes "the creative potential of politics, especially with the ability of leaders to rise above the existing structure of the ordinary, to change the rules of the game and to inspire others to partake in efforts to move society forward in new and productive directions".

His views bottle down to the following:

- Governance is a conceptual approach that, when fully elaborated, can frame a comparative analysis of macro-politics.
- Governance concerns "big" questions of a "constitutional" nature that establish the rules of political conduct.
- Governance involves creative intervention by political actors to change structures that inhibit the expression of human potential.
- Governance is a rational concept, emphasizing the nature of interactions between state and social actors, and among social actors themselves.
- Governance refers to particular types of relationships among political actors: that is, those which are socially sanctioned rather than arbitrary.

### 1.3. Rule Of Law

The rule of law's application to the Zimbabwean situation is a matter of great concern. According to the Black's Law Dictionary (1979:1196), the rule of Law refers to a legal principle, of general application, sanctioned by the recognition of authorities, and usually expressed in the form of a maxim or logical proposition called a 'rule', because in doubtful or unforeseen cases it is a guide or norm for their decision. The rule of law, sometimes called "the supremacy of law," provides that decisions should be made by the application of known principles or laws without the intervention of discretion in their application. Cole et al. (1997: 113) asserts that the rule of law, also called supremacy of law, means that the law is above everyone and it applies to everyone. Whether governor or governed, rulers or ruled, no one is above the law, no one is exempted from the law, and no one can grant exemption to the application of the law but this has not been the situation in Zimbabwean. POSA gave excessive unconstitutional powers to the police.

Good governance thus requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights, particularly those of minorities. Impartial enforcement of laws requires an independent judiciary and an impartial and incorruptible police force. Aristotle said more than two thousand years ago, "The rule of law is better than that of any individual." Lord Chief Justice Coke quoting Bracton said in the case of Proclamations:

"The King himself ought not to be subject to man, but subject to God and the law, because the law makes him King".

The rule of law in its modern sense owes a great deal to the Professor AV Dicey. Professor Dicey's writings about the rule of law are of enduring significance. The essential characteristics of the rule of law are:

- The supremacy of law which means that all persons (individuals and government) are subject to law.
- A concept of justice that emphasizes interpersonal adjudication, law based on standards and the importance of procedures.
- Restrictions on the exercise of discretionary power;
- The doctrine of judicial precedent;
- The common law methodology.
- Legislation should be prospective and not retrospective;
- The exercise by Parliament of the legislative power and on restrictions exercise of legislative power by the executive;
- An underlying for moral basis of all law.

Besides the aforementioned characteristics of good governance by UNESCO, The United Nations Committee for Development Planning in its report issued in 1992 entitled "Poverty Alleviation and Sustainable Development: Goals in Conflict." also identified the following as being part of the attributes of good governance:

- Territorial and ethno-cultural representation, mechanisms for conflict resolution and for peaceful regime change and institutional renewal;
- Checks on executive power, effective and informed legislatures, clear lines of accountability from political leaders down through the bureaucracy;
- An open political system of law which encourages an active and vigilant civil society whose interests are represented within accountable government structures and which ensures that public offices are based on law and consent;

- An impartial system of law, criminal justice and public order which upholds fundamental civil and political rights, protects personal security and provides a context of consistent, transparent rules for transactions that are necessary to modern economic and social development;
- A professionally competent, capable and honest public service which operates within an accountable, rule governed framework and in which the principles of merit and the public interest are paramount;
- The capacity to undertake sound fiscal planning, expenditure and economic management and system of financial accountability and evaluation of public sector activities;
- Attention not only to central government institutions and processes but also to the attributes and capacities of sub-national and local government authorities and to the issues of political devolution and administrative decentralization.

The rule of law is the antithesis of the existence of wide, arbitrary and discretionary powers in the hands of the executive. It is a celebration of individual rights and liberties, and all the values of a constitutional democracy, characterized by the absence of unregulated executive or legislative power. It is a society in which the rule of law is observed, through the mechanism of judicial review. Executive decisions and legislative enactments outside the framework of the law are declared invalid, thereby compelling both the executive and the legislature to submit to enjoyment by the individual of all rights and liberties guaranteed by the constitution. An independent judiciary and legal profession are critical elements of the rule of law. A judiciary which is not independent from the executive and legislature renders the checks and balances inherent in the concept of separation of power ineffective.

The constitution of Zimbabwe places particular significance on the rule of Law, specifically in the context of Chapter 4 on the Bill Rights. (Constitution of Zimbabwe Amendment (No.20) Act, 2013). The rule of law is encapsulated in the preamble of the Declaration of Rights. So, Section 44 constitutes the 'key or umbrella provision' of Chapter 4 which provides that:

“The state and every person, including juristic persons, and every institution and agency of the Government at every level must respect, protect, promote and fulfill the rights and freedoms set out in this Chapter.” This means that conduct negatively impacting on the constitutional rights of an individual may only be embarked upon in so far as such impacting is constitutionally permitted, and subject to the Constitution and other laws of Zimbabwe. Conduct that infringes constitutional rights, but which is not constitutionally authorised is, unlawful.

In Rhodesia (as Zimbabwe was known prior to independence), especially under the Smith Government, the rule of law was not often observed. The declaration of rights, in a series of constitutional enactments, was not justifiable. Fundamental human rights were violated with impunity. A system of inequality, similar to apartheid, was in existence. Many legislative enactments were instruments of violation of human rights. The legislature, not the law, was supreme. It was not rooted in democratic values. Accordingly, the fundamental basis for a constitutional democracy and observance of the rule of law was absent. An instance of the fragrant abuse of the Presidential Pardon, in the absence of any hint of legitimacy, can also lead to a gross breach of the rule of law.

#### **1.4. Aims And Objectives**

- To analyse Zimbabwean political philosophy whether it has any relationship with Nicollo Machiavelli's political philosophy.
- To analyse whether Zimbabwe has good governance and rule of law.
- To look at the loop holes in Nicollo Machiavelli's political philosophy in violation of human rights.

## **2. Methodology**

The methodology employed in this research work is New Hermeneutics and Philosophical Analytical models.

### **2.1. New hermeneutics**

Hermeneutics is the study and interpretation of human behavior and social institutions including philosophical texts. Hermeneutics is defined as the theory or philosophy of the interpretation of meaning (Bleicher, 1980). Coyne (1995) argues that contemporary hermeneutics is characterized by at least four distinct perspectives, that is the conservative, pragmatic, critical, and the radical perspectives. The New Hermeneutic is a research approach that is based on the presupposition of the timelessness of the text and claims that this timelessness necessarily means that it holds new meaning for each new reader.

This timelessness also means that the text transcends original historical context, authorial intent, or other dimensions across which a text is evaluated. In this study interpretations were conducted on media reports; on behavior of political leaders during rallies and other political events. The idea was to propose a new political philosophy for Zimbabwe based on the interpretation of the contemporary scene.

## 2.2. Philosophical Analytical models

Analytical philosophy approach has been the dominant form of Western philosophy for a long period. The analytic line of thinking is typically attributed with such characteristics as striving for an increase in knowledge, clearness of ideas, rigorousness in style, and the cogency of arguments. Its methods rely not only on using logic, argument structures and formal schematics. Analytic philosophy takes the role model to be a scientist rather than an artist or a literary intellectual, and the subject matter to be nature, language or the mind, rather than culture, literature or society. In this study many relevant texts such as newspapers, parliamentary debates, court procedures among others were critically analysed as models in the context of political philosophy.

## 3. Discussions

Machiavelli's teachings have been adapted and are being used by some politicians in Zimbabwe as alluded above. He argued that the only morality for a Ruler is to maintain himself in power. Surely, there are values that we, as human beings, hold so sacred that even if it cost us our lives we would not abandon them. For instance, keeping promises, being honest and kind, and respecting other people's rights to life are some such values. If Machiavelli's teachings were followed by societies, then authoritarian leaders would run the show – and we have seen what happens when societies are unfortunate to have such leaders – we would end up with the rule of the jungle. As the Ruler wantonly imposes his will and cunning ways on society, a spirit of survival of the fittest sets in. We would live in a society where life would be, in Thomas Hobbes' words, "solitary, poor, nasty, brutish, and short." And some societies are, unfortunately, going through this as we speak.

The responsibility of running society is too important to be left to one or a few individuals with the state's powers of coercion. Rulers are supposed to run state affairs in trust of the people. It is the kind of authority that should make sense only because it is derived from the will of the people rather than the dictates and vagaries of one or a few Rulers.

Machiavelli presents power as if it is an end in itself. Power and authority are a means to an end – a society where everyone can realise his or her potentials.

If there is any praise that is due to Machiavelli it must be given on the basis that his writing exposed the thoughts and attitudes of some people who aspire or are already in power and yet are totally unsuitable to hold high office. He gave us the language to name the elephant in the room.

For Machiavelli, anything done in the interest of state security and preservation is just and honorable. Virtue in a leader is the capability to protect one's state and thereby protect one's citizens. The best means to establishing this condition are strong military capabilities and effective laws. Military strength makes a state confident because it alleviates the security dilemma under which all states exist. The leader must, however, keep tight control over the military as without proper discipline it can easily become an instrument of domestic terror and a grave abuser of human rights as the case for Public Order and Security Act (POSA) alluded above.

Asserting that any action taken in order to provide security for the state is justified has significant implications for the behavior of leaders in respect to both their own people and in their relationships with other states. Being a leader, Machiavelli affirms, means having the ability to "learn to be able not to be good," and to use this in accordance with necessity." Often a leader is forced to make an example out of the few in order to provide stability and security for the many. Public executions, torturing prisoners of war for information, and taking away civil rights such as limiting free speech are all justifiable actions as they serve the greater good of state preservation. Machiavelli takes this concept so far as to say that chopping up the body of a criminal and leaving it in the town square to dissuade others from committing the same crime is an honorable feat. Concerning other nations, the utmost priority must be the protection of one's own citizens, not to the effects that a war may have on the civilians of an opposing state.

Machiavelli does not, however, sanction the arbitrary abuse of the citizenry. He asserts that all offenses must be committed with the greater purpose of state preservation in mind, and that all abuses should be eliminated over time. Cruelties that increase in number and severity or those which are not committed in the interest of state security are neither just nor virtuous.

Leaders should strive to be seen as merciful, not cruel; they should satisfy the people and keep them content. Ultimately, however, leaders must not concern themselves over incurring a reputation for committing those offenses without which it is difficult to preserve one's state.

There is a great deal of modern applicability to Machiavellian concepts of human rights versus issues of state sovereignty and security. The United States has been a very active proponent of the validity of inalienable human rights, yet has largely followed a Machiavellian line of foreign and domestic policy. Most recently this issue arose with the Iraqi invasion of 2003. Initially the government offered as its reason for going to war that Iraq and its nuclear capabilities posed a threat to American security. When these claims turned out to be false, the explanation for invasion became one that consisted of an assault of Saddam Hussein's character as a leader and of his violating the human and civil rights of his own citizenry. For Machiavelli, this would not be a justifiable reason to make war. If a state poses no significant threat to another state, then the use of society's limited resources for the purpose of "liberating" another people is illegitimate and lacks virtue. He would most likely have come to the same conclusion regarding intervention in the Balkans, East Timor, and Somalia.

For Machiavelli, there exist no truly inalienable rights because morality is relative, and state preservation relies upon leaders being able, on occasion, to breach the rights of the citizenry. Violating the rights of the few is justified as it secures the rights of the many. This has led to misunderstandings about Machiavellian theory, and some have labeled him a "war-mongering realist." What is important to remember, however, is that Machiavelli defines the world as exists in reality, and condemns arbitrary abuses of power and unjust violations of human rights. His intention is to provide security for citizens in the best way possible given the brutish nature of power politics: the security and preservation of the state.

#### 4. Conclusions

In conclusion, this study has revealed a number of key issues with regards to political leadership in the practice of justice. It has been revealed that political freedom and civil rights are enshrined in the Zimbabwean constitution but the rule of law is imperfectly observed in practice. The main culprits are the political heavyweights who act in a way that proves they are above the law. This tends to contradict the notion that Zimbabwe is a constitutional democracy and is therefore obliged to uphold the relevant provisions of its governing instrument.

The Zimbabwean case also seems to demonstrate that there is an unfortunate misconception of the notion of political power among the majority of African leaders. It appears that political power is perceived as something that is so sweet that only a fool would agree to relinquish it without a bitter fight, even at the cost of one's life. It is evident that when an incumbent African political party becomes unpopular with the electorate it resorts to violence, intimidation and rigging in order to win elections.

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