

THE NATIONAL UNIVERSITY OF LESOTHO

DEPARTMENT OF PHILOSOPHY



**AN ANALYSIS OF THE INTRICACIES OF POLITICAL DUTIES AND OBLIGATIONS
IN LIGHT OF CIVIL DISOBEDIENCE: A CASE STUDY OF ZIMBABWE**

BY

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**THESIS SUBMITTED TO THE DEPARTMENT OF PHILOSOPHY IN FULFILMENT OF
THE REQUIREMENTS FOR THE DEGREE OF DOCTOR OF PHILOSOPHY IN
PHILOSOPHY**

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DATE: JULY 2024

CERTIFICATION

This is to certify that this thesis has been read and approved as having met the requirements of the Faculty of Humanities, National University of Lesotho for award of the Degree of Doctor of Philosophy in Philosophy.

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DECLARATION

This thesis is my original work. It has not been submitted to any university or institution of higher learning whatsoever. Information taken from other sources such as books, journals, articles, newspapers and websites have been duly acknowledged.

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ABSTRACT

The general understanding of a government is that of an artificial entity, created to escape a state of nature characterised by chaos and lawlessness, and which has been given a variety of mandates towards the people it governs. This implies that at the inception of such a government, there are a set of obligations and duties that it owes to the governed, who in turn have obligations towards the government itself. The thesis argues further that because the human person intrinsically and naturally craves for freedom, its lack thereof must be compensated through the benefits of being part of a civil state. If not, then it is more desirable to go back into the state of nature. This thesis, then, is an investigation into the intricate nature of the obligations and duties that the government and the governed have towards each other in the successful functioning of a polity. The thesis argues that the formation of a government is founded on a contractarian basis, from a social contract from which the obligations of both the government and the governed are derived. Arguing from this position, for this contract to work, both parties must abide by their obligations and duties which is the thesis' conception of *justice*. An observation is made that power dynamics in the social contract between the government and its citizens are tilted in favour of the government, which has the potential to flout the terms of the contract since it controls coercive force. In the event that the government fails to fulfil its obligations and duties, thereby creating a travesty on this principle of justice, the thesis argues that the governed are under the moral imperative to abjure their obligations towards the state in an act of civil disobedience. In this light, the thesis argues that civil disobedience should be enshrined in the social contract as one of the measures to even-out the imbalance of power between the government and the citizens. Together with other measures to keep the government in check, the study argues that civil disobedience is one of the best recourses to ensure that the shortcomings of the government are identified and promptly ameliorated. Through a comprehensive textual analysis and synthesis of literature on civil disobedience and the social contract, the thesis uses the Southern African country of Zimbabwe as a case study to demonstrate the veracity of its central arguments.

DEDICATION

This hard work is dedicated to the memory of my late father Ntate Thabang Nicholas Ts'ooana and to my mother 'M'e 'Makhothatso Georgina Ts'ooana.

To 'M'e 'Mapalesa Grace Ts'ooana my wife, my daughter Palesa Mary Ts'ooana and my son Reabetsoe Benedict Ts'ooana. My late brother Refiloe Ts'ooana, my sister Mammiki Lonia Ts'ooana, my brothers; Tanki Michael Ts'ooana and Dr.Thuto Pius Ts'ooana

ACKNOWLEDGEMENTS

Every good thing we have in life comes from the hand of God, I would like to thank almighty God for his special grace and wisdom bestowed upon me. “What shall I return to the Lord for all his goodness to me? I will lift up the cup of salvation and call on the name of the Lord. I will fulfil my vows to the Lord in the presence of all his people” Psalm 116:12-14. Furthermore, I would like to express my sincere gratitude to my supervisor Dr. Clive Tendai Zimunya who has demonstrated high level of supervision and support throughout this hard work. His immeasurable assistance and ceaseless coaching have helped me to complete this difficult task. I want to also extend my gratitude to all members of the staff in the Department of Philosophy for their support and encouragement. Again special thanks to Associate Professor Roman Meinhold, a former Senior Lecturer at the National University of Lesotho (NUL) in the Department of Philosophy, and now an Associate Professor in Philosophy working at Mahidol University’s International College (MUIC) in Thailand, for encouraging me to persist working on the thesis until completion. My special thanks to my family for being there for me, my colleagues and friends for their encouragement during this hard work. In particular, special thanks to Mr. Thabang Ramarou, Mrs. Mapuleng Kobeli (Mangoane) and Mrs. Manchee Maama for their ceaseless support and encouragement.

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GENERAL INTRODUCTION

If the social contract theory is an accurate depiction of the formation of the modern state, then it seems reasonable to assume that there was a time in which the state was formed, and in the process, outlining the political duties and obligations of all members within that newly formed society, be they the governors or the governed. This ensured a non-chaotic ordered polity which functions smoothly and efficiently. In general, political or civic obligations include duties such as paying taxes, voting, obeying the constitution, among others. It seems reasonable to assume that individuals within the state have a moral obligation to obey the state's authority. In essence, individual members within a society are duty-bound to honour their obligations towards the state in return for the benefits that they receive from the state. In return, the state also has obligations towards its people which stem from the contractarian agreement at the inception of the state. When this happens, there is an equilibrium of these duties and obligations, a situation which can be described as a state of *justice*.

However, there are times when such duties and obligations are not performed by either party to the social contract. When the citizens do not, for example, pay their taxes, the government takes swift corrective action by taking the individual through due legal processes, which may result in either the payment of a fine or even incarceration. Such corrective actions seem to be only unidirectional, where the government punishes citizens for failing to keep their end of the deal. This research is particularly interested in analysing cases where the government has failed to honour its obligations to its own people. In other words, the study is interested in a better understanding of the recourses or corrective measures available to citizens when the government fails to perform its duties and obligations.

It would seem there is an intricate system of duties and obligations between the citizens and the government where it pertains to obeying the government's laws or even following the society's moral/cultural institutions and norms. The central problem of this study can be put hypothetically as follows: if a state fails to fulfil its mandate of protecting people's life, health and property and also fails to provide just institutions, are citizens under any obligation to obey its laws? In other words, what recourse do citizens have to hold their government accountable in areas where the government would have clearly failed to carry out its duties and obligations. The main aim of this study, then, is to define and analyse the nature of political obligations and duties on the part of

both the government and the governed with a view of discussing corrective measures to be taken when the government fails to perform its mandates. Civil disobedience, as one of the corrective measures against government failures will be assessed and analysed in a bid to understand the conditions under which citizens can disobey their government, as well as the nature and extent of such civil disobedience.

The study will be carried out in 5 chapters wherein the first chapter seeks to outline and discuss the intricate nature of political obligations and duties within a state. The chapter is intended to detail the nature of the relationships that exist between the government and the citizens. It seeks to explore anarchism as the default of human position, as well as the ideas of consent and voluntarism which form the basis of contractarianism and political obligation. Finally, the chapter aims to discuss John Rawls and George Klosko's perspectives on the nature of obligation as well as natural duties within the state and how these contribute to justice.

When a social contract is formed, it carries with it various fastidious and requisite obligations on both the citizens and the government. It is in the light of this that the discussion on the obligations of government are explored in the second chapter. The mandate and purpose of government are also explored and discussed. Additionally, the chapter explores the necessity for the government to fulfil its obligations vis-à-vis its citizens, and also deliberates on the kind of obligations the government has towards its people. The notion of social contract and the concept of democracy while defining the concept of government will also be explored in this chapter.

Having discussed the functions and mandates of a government in Chapter 2, Chapter 3 investigates and discusses the concept of civil disobedience. The intention of this chapter is to investigate the conditions that necessitate people taking action against their government. The chapter also seeks to explore whether civil disobedience can be necessitated by acts of the political leadership such as derailing or veering off from the mandate given to them by the electorate. The chapter also intends to deliberate on various forms of civil disobedience, how a government or different governments react to such, the types of grievances that warrant citizens to engage in civil disobedience, and, differentiation of civil disobedience from other forms of citizens' protests including vigilantism and criminal activities. It also attempts to present a case for violent civil disobedience such as the one advocated for by Malcolm X in the American civil rights movements of the 1950s and 60s.

Chapter 4 will be an attempt to present Zimbabwe as a case study of the views that will be discussed in the first 3 chapters. It is intended that the details of the fulfilment of political obligations and duties in the context of Zimbabwe will be scrutinised, analysed and discussed in this chapter. Incidents of civil disobedience that occurred and perhaps still manifest, and causes thereof, are also investigated in this chapter. The fifth and final chapter will then summarize and conclude the study. The chapter will document the findings of the research as well as provide recommendations.

Chapter 1: The foundations and nature of political obligations

1.1. Introduction

In any given state, the nature of the relationships that exist between the rulers/governors/legislators and the ruled/ordinary citizens is quite complex. Both parties have a set of obligations and duties that they do not only owe to each other, but also to the state. This chapter seeks to outline and discuss the intricate nature of such political obligations and duties. To fully explain these complex relations, the chapter will explore anarchism as the default human position. From this anarchist perspective, voluntarism as a precursor to, and basis of, contractarianism will then be explored. Several contractarian theories, which form the basis of the aforementioned contractual obligations and duties will then be discussed. Finally, the chapter will discuss John Rawls and George Klosko's perspectives on the nature of obligation as well as natural duties within the state.

1.2. Anarchism as the default human position

It is important to examine where political obligations originated. The starting assumption is the position taken by 17th century political theorists that political organizations are not natural but an artificial creation among individuals who come together to form such societies for their convenience. Although Aristotle rightly points that humans are social animals by nature, it does not seem plausible that this was their original natural state. Originally in our history as humans, it is more plausible to assume that there must have been a time when the political societies we have today did not exist. What could have been there were isolated individuals who were at liberty to do what they pleased. There may not have been sense of property, law or obligation to others as we find in modern societies today. This situation can best be described as *anarchy*; a situation where individuals do as they please without being accountable to a central authority. Today, anarchism is considered as a theory that generally holds that the state, political authority, or government is both harmful and unnecessary. It is a political theory that advocates for the suspicion towards, and abolition of, hierarchical government and the organisation of society on a voluntary cooperative basis without recourse to force or compulsion. It is a political philosophy and movement that calls for abolishing of institutions that claim justification for authority; it is a call to go back to our natural state. Magda Egoumenides (2014:1) stipulates that "one form of authority that anarchists find unjustified is the political authority of the state". This is corroborated by Paul McLaughlin (2007:29-36) who argues that the concept of anarchism can be conceived as a 'scepticism towards authority'. This is because in their natural state, humans did not have a

common authority over them. Political societies then become an artificial creation which places some obligations and duties on those who reside in the state.

The etymology of the term anarchy makes this allusion, being derived from the Greek word *anarchos* or *anarkhos* meaning “without authority or without a ruler,” (Online Etymology Dictionary:19/11/2020). Generally, the term anarchism is viewed as a political philosophy and movement that is sceptical of all justifications for authority and, seeks to abolish the institutions that maintain what is considered by civilians as unnecessary coercion and hierarchy that are mostly prevalent in government. What anarchists call for is a return to our original state as beings without a political authority.

Anarchism holds at least two basic positions on human nature; firstly, the *self-interested* position on human nature that is driven by the human ego which every human being has, and that which drives a person to do something. This does not mean humans cannot work together, they cooperate with each other where it is necessary in differing circumstances depending on their interests as individuals. Secondly, the *blank state* position of human nature, which argues that individual starts life on a blank slate. Hence, naturally human beings are sociable, rational and altruistic by their nature and they are considered as good, but they can be corrupted by the state and society they live in.

It is also important to distinguish between political anarchism and philosophical anarchism. First, political anarchism is viewed primarily as a rejection of political authority which should be demolished. According to Egoumenides (2014:2), “...this form of anarchism...views the state as a very bad form of social organization, a reason for opposition in addition to its belief that the state’s existence and authority remain unjustified”. Political anarchism also has two forms which are individualist anarchism and communal or social anarchism. Individualist anarchism is concerned with the commitment to individual autonomy and freedom. “It promotes the idea that each individual has an ‘inviolable sphere of action’ with absolute sovereignty” (Egoumenides, 2014:2). Humans interact with one another as independent individuals in the social environment. They are free to make their own decisions as individuals who are independent and voluntarily interacting with one another. Individualist anarchism emphasises a central aspect of anarchism which makes it unique from other theories, namely, the commitment to individual autonomy or freedom as the most important and primary value to be considered. Hence, the theory promotes the idea that every individual citizen has an “inviolable sphere of action” with absolute sovereignty

(Egoumenides, 2014:2). Social relationships among human beings are nothing but interactions among independent and autonomous beings who are naturally able to lead their lives or choose a kind of life they want to lead which has nothing to do with the social environment.

Communal or Social anarchism values the social character of human nature. Its main focus is on the importance of the values of the community a human being is born into. The aspect of mutuality is in the nature of the human beings, free or voluntary cooperation with others are the distinctive features of human life. Many proponents of this theory agree with a series of enterprises in every aspect of social life such as economic, cultural and educational. However, they vehemently reject cohesive schemes in all spheres of social life. Hence, it is held that political communal or social anarchism is based on socialism (Egoumenides, 2014:3).

Concerning philosophical anarchism, according to Horton, there is a difference between positive and negative philosophical anarchism. Positive anarchism points to the moral impossibility of the state and of political obligation. Negative anarchism is a weaker theory to provide support to the accounts of political obligation, as it is considered to rely solely on “justification by default” (Horton, 1992:124). As a result, this theory denies the existence of obligations towards the state. Simmons also holds that there is distinction between *a priori* anarchism and *a posteriori anarchism*. “*A priori* anarchism states that the impossibility of legitimacy is inherent in the nature of the state, that some essential feature of the state makes it impossible for it to be legitimate” (Egoumenides, 2014:3).

A posteriori anarchism is best explained by Robert Paul Wolff (1996:116-117) who characterises it as the view that “state authority is necessarily incompatible with individual autonomy...all existing states are illegitimate”. Generally, this theory holds that prior commitments to voluntarism, egalitarianism, or communalism are often contradicted by the state. As a result, political institutions remain unjustified and should not be regarded as legitimate. In this ideal situation, critical philosophical anarchism considers all existing states to be illegitimate insofar as they fail to meet the demand for non-domination. This line of thought is similar with the view held by political anarchism with regard to the freedom, independence and the autonomy of an individual against the state. Hence, philosophical anarchism agrees with the libertarian view that humans are self-ruled and do not need the state to decide for them and emphasises that the state should not be romanticised or entertained.

In a nutshell, anarchism is the default human position in that human beings are naturally anarchists, with no laws binding them to obey certain laws or pursue certain obligations. They are originally free to do as they please, within (or even outside) the bounds of respecting the freedom of others. It is more or less some sort of Lockean or Hobbesian state of nature scenario where everyone is free to do as they please. Consequently, there is a link between anarchism and the *state of nature* view which holds that humans naturally do not have any common authority among them but live as individuals roaming the plains of the earth in a variety of interactive contexts which are not necessarily under a government. As a result, two things are established here which are: one, that humans naturally do not owe the government or a common authority any obligations since the government is unnecessary; and two, that governments are not natural but artificial creations by humans.

1.3. Voluntarism and Contractarianism

Having looked at anarchism as the default of human condition, it is important to outline how humans manage to escape this anarchist tendency and end up under a state with obligations towards such a state. Two principles form the basis of this endeavour; voluntarism and contractarianism.

1.3.1. Voluntarism

Voluntarism can be understood as any action that results from the unrestrained consent, volition or will of the individuals and/or parties concerned. According to Egoumenides (2014:65), “The historical roots of voluntarism and its characteristic individualist account of persons as free and equal rational beings explain the centrality within voluntarism of the notion of “obligation” and its source in the voluntary undertakings of individuals”. This indicates that the individual plays a key role in this notion. Voluntarism insists on the importance of developing a voluntarist account of political obligation consistent with the active dimension of obligations which centres around individuals, and gives priority to the importance of individual citizens’ choice and decision. Hence, voluntarism holds that free choices and decisions of individuals are prior to anything else. This theory gives priority to the choices, decisions, or agreements made by individuals, and this view is highly valued by anarchists. If voluntarism is an expression of how individuals freely come together to make agreements, it becomes important to examine the nature of such agreements.

1.3.2. Contractarianism

Whereas voluntarism admits of humans as being capable of entering voluntary agreements, contractarianism attempts to derive the content of morality or the justification which advocates that we are obligated to follow morality from the notion of an agreement between all those who are in a contract in the context of a moral or political domain. In other words, it is only on a voluntary basis that individuals can enter into a contract. The notion of contractarianism has its roots in the social contract theory, in particular, Thomas Hobbes' philosophy, whose account was based on the idea of mutual self-interest. The issue of morality consists in those forms of cooperative behaviour which were considered as mutually advantageous for self-interested persons in the contract from the state of nature.

Any form of contractarianism is based on the idea of the equal moral status of individual persons. This moral status is interpreted in the context of perceiving human beings as rational and autonomous beings. According to contractarianism, morality is based on the binding agreement reached by rational autonomous beings. Contractarianism is concerned with *consent*. It is important to distinguish between two types of consent; that is *actual* (explicit or tacit) and *hypothetical* consent. Actual/explicit consent is a theory which points to the required act of commitment in the political world. This is where the most promising definition in terms of *explicit* consent is found. "Voluntarist theories of political obligation would establish their success if they could demonstrate conclusively the possibility of a widespread form of explicit consent" (Egoumenides, 2014:66). Explicit consent, if defined from this perspective, would satisfy the basic conditions of free choice and commitment individuals have by living in the society.

Hypothetical consent, also known as implicit consent, is a situation where no formal agreement has been made between two parties, but both parties, by virtue of being capable of satisfying/furthering each other's interests, assume that an agreement has been made to achieve this end. For instance, although there is no formal agreement between parents and their children, they both assume roles and responsibilities that point to an implicit contract between them. In the political sphere there is both an implicit and tacit consent as will be explained below.

1.3.3. Consent and political obligation

In order to explain how a political obligation may be acquired by a citizen in an explicit sense, as opposed to being merely assumed or imputed by government, it is important to show that the obligation has been acquired through some act of will on the part of the citizen. Many philosophers

attempt to do this by utilising the concept of consent as explained in the previous section. Consent is frequently offered as the most adequate basis for political obligation, especially in the case of non-trivial obligations which begin to approach the status of moral *oughts*. As a mechanism, consent offers the possibility of demonstrating how political obligations are, in line with other forms of obligation, the product of individual acts of will on the part of those obligated. And that the content and extent of one's obligations can, to some extent at least, be personally determined, thus reducing the likelihood of their conflicting with private moral beliefs.

The English Dictionary defines the verb consent as 'to express willingness, give permission, agree' (Online Dictionary:19/11/2020). However, for consent to play the morally significant role demanded here, it must display certain basic characteristics, not referred to in this definition. Even Plamenatz (1968) who offers one of the best definitions of consent available fails to highlight sufficiently certain basic requirements:

The expression of desire which constitutes a proper case of consent must be a real grant of permission, that is to say it must be made with the intention of informing another or others that they have been endowed with the right to perform a certain action

Plamenatz correctly emphasises the intentionality that must be proven in a real case of consent, and this will be discussed below. His definition is also helpful in indicating what is actually achieved through the giving of consent, i.e. the creation of rights in another party and presumably, an obligation on the part of the consenter to allow those rights to be exercised. He at least begins to separate consent from mere agreement or acquiescence. However, his definition fails to capture some further features required for a 'proper case of consent'. A true act of consent, then can be understood here as an intentional grant of permission given freely by an autonomous rational agent, on the basis of full and accurate information. This is the paradigm case of consent, and included within this definition of consent are the demands that it be:

- a) freely given,
- b) autonomous,
- c) intentional and,
- d) informed.

These features are frequently offered as extra descriptions - freely given consent, fully informed consent - but here they are taken to be constitutive elements of the concept. This immediately makes the definition much stricter than it might otherwise have been, and restricts both the class

of people capable of giving consent, the class of actions correctly interpreted as acts of consent, and, it will be argued, the situations in which it is appropriate to request consent. One way of diminishing the risk of coercion or undue influence is to request consent only from those who are thought to be sufficiently rational and autonomous to resist undue influence, and to do so only in situations where they have - or can be equipped with - the information and means required to make a rational judgement and a free choice. In other words, it is only within their state of anarchy that humans can be said to truly consent to having obligations towards a government, thereby forfeiting their independence.

1.4. Political Obligations

Before a picture of what political obligation means can be painted, it is important first to determine what an obligation is. Broadly construed, an obligation is a specific undertaking which results from voluntary act on the part of the person obligated. The committing act may be a direct expression of acceptance of the obligation, or it may rely on one accepting that other actions indirectly create obligations. Unless overridden by a stronger moral claim, an obligation remains in force until it is discharged. In moral terms the content of the obligation is irrelevant to its binding force. Having established a working definition for the term obligation, and an understanding of what it means in general terms to be *obligated*, one can move on and discuss political obligation.

Simmons (1979) argues that "(as a rough approximation) a political obligation is a moral requirement to support and comply with the political institutions of one's country of residence". Flathman (1972) believes that "an obligation is political when it is an integral part of the political arrangements and practices of the society". What these definitions have in common is the sense in which they suggest that the very existence of political obligations is contextually determined, and that to identify political obligations one must first prove the existence of a viable political system. This is a familiar view to which philosophers describe in varying degrees, and it follows from the paradigm case of obligations outlined above which relies on the existence of some form of system within which obligees and beneficiaries function.

On the other hand, according to McPherson (1967), that social man has obligations is not an empirical fact (which might have been otherwise) that calls for explanation or justification. That social man has obligations is an analytic, not a synthetic, proposition. Thus any general question of the form 'Why should one accept obligations?' is misconceived. 'Why should I (a member)

accept the rules of the club?' is an absurd question for MacPherson. We have not understood what it means to be a member of political society if we suppose that political obligation is something that we might not have had and that therefore needs to be justified. To seek a general justification of political obligation - a justification of our being obliged at all in political society- is to pursue a meaningless question. Macpherson argues that we mistake something which is analytically connected with the concept of political society for something which is a purely empirical fact about political societies. However, in this study. if we accept the assumption for the time being, it would appear that an important forerunner to the commonly accepted questions concerning political obligations, is the question of whether or not a state/government/ political society is desirable. The social contract theories then become an answer to this question, establishing some version of anarchism as the default human position as the study has argued earlier, describing man in his natural state as autonomous, as well as formulating a framework of the conditions under which political obligations were founded.

1.5. Social Contract Theories

A social contract theory is understood in general terms as a hypothetical theory that outlines the origins of society and the legitimacy of governmental control over individual human beings. Throughout history philosophers have examined the nature of societies and the formation of the state as a governing body empowered to rule individual people. In a way, a social contract, within the context of this discussion is meant to explain where obligations and duties on the part of both the government and the individuals that reside in that society may have originated. The social contract theories of Socrates, Thomas Hobbes, and John Locke have been selected to paint an overall picture of what a social contract is.

1.5.1. Socrates on the notion of Social Contract

The ancient Greek philosopher Socrates is generally considered to be the pioneer of the social contract theory. In Plato's *Crito*, Socrates lays the foundation for his version of the social contract. Socrates held the view that he could not go into exile in another Greek city while he was sentenced to death in prison; instead, he argued that he should accept the death penalty because he believed that he acquired an overwhelming obligation to obey the laws of the land (Athens), which he believed they have made his whole life and existence possible (Patterson, 2023). For him, laws of the land are part of his life. He believed that his father and mother were married and had legitimate children, including himself, because of the laws of Athens. Hence, he believed that his life and

how it is flourished in Athens depended on the laws of the land. For him, the relationship between the state and citizens and the laws are not coerced since individuals are free to choose to stay or leave. They are free to take their property and leave the society. However, deciding to stay implies readiness to comply or abide with the laws of the state. This points to the *implicit consent* that was described in section 1.3.2 of this study. He decided to stay in Athens, and as a result, accepted the death penalty. Socrates could not run away from Athens as he was “a man who has no fear of death and one who would rather die than commit an act that he believes to be morally wrong” (Patterson, 2023). He asserts that deciding to stay and abiding by the laws is like sticking with the implicit agreement which is itself just. Therefore, this contract is based on his choice to stay in Athens whilst he was free to leave. Hence it is an implicit contract which implies a voluntary agreement on the part of individuals within the state to abide by the laws of any given state. However, inasmuch as Socrates’ theory gives us a glimpse into the nature of the obligations to obey the state, he did not go as far back as to explain *how* such obligations may have arisen. The 18th century philosopher Thomas Hobbes pondered upon this question and wondered what life would have been before civilized society as well as the conditions that led to the emergence of a government with subjects and rulers.

1.5.2. Thomas Hobbes on the notion of Social Contract

Following from Socrates, Thomas Hobbes in *Leviathan* (1651) describes the natural pre-government condition of humans as a *state of nature*, a state generally characterized by anarchy where men are naturally and exclusively self-interested. He asserts that in this natural state, humans are more or less equal to one another in terms of wits and stature. There are limited resources available as they lead their lives. Furthermore, there is no common power or authority to force men to cooperate with one another. There are always threats for one to lose his life anytime and anyhow as other individuals pursue their interests. There are no laws to govern the conduct of individuals. Individuals live with no trust to one another. Hobbes describes the state of nature as a state of perpetual and unavoidable war among individuals. Hence, these conditions in the state of nature, according to Hobbes, would be unbearably brutal if men were to continue living in such a state. However, the justification for political obligation for Hobbes is based on the fact that men are rational beings by nature. Nevertheless, naturally self-interested, they choose to submit to the authority of the state in order to live in a civil society which will take care of their interests by creating a conducive civil environment for all men. By so doing they leave the state of nature.

Rationality helps them to recognize the laws of nature among which is the will to pursue peace where others are willing to pursue peace (and resort back to war, where others are still pursuing war). From this, rationality requires them to form a social contract which will afford them a life which is different from a life in the state of nature. First, under the social contract they agree to establish society by collectively and reciprocally renouncing the anarchist tendencies and the rights they enjoyed before in the state of nature. Second, they mandate a person or assembly of persons with the power to lead and *enforce* the initial contract. The purpose is to escape from the state of nature and to ensure that they live together under common laws and create an enforcement mechanism which is accepted by all living in the civil society. However, it can already be observed here that by giving some individual(s) the power to enforce the contractual obligations, in this case assumed to be punishment mechanisms inclusive of coercive force, the contract already contains an imbalance in favour of those who wield such powers over those who do not.

According to Thomas Hobbes the Sovereign must have absolute authority to enforce the contract for it is better than living in the state of nature which should be avoided. The Sovereign has to regulate the affairs of the state as it is the only entity which stands between individual civilians and the state of nature; a state of nature which should be avoided. Because of that, he argues that individual civilians are never justified to resist the sovereign. Hobbes further emphasizes that it should be remembered that before the establishment of the social contract nothing was considered as immoral, bad or unjust. However, from the establishment of society, individuals have explicitly or implicitly consented to being governed by others and are expected to keep their promises while living together and to cooperate with one another. As a result, Hobbes holds that the social contract is the source of all that is good for persons living in the civilian society and a fountain of living.

Persons as rational beings have the choice to either abide by the terms of the contract in order for them to cooperate with one another or return to the state of nature. In other words, according to Hobbes' account, the social contract, by which humans exit the state of nature, is the source of obligations and duties that both individuals and the state have towards each other. Individuals voluntarily consent to leave their state of anarchy and explicitly accept political obligations as defined in section 1.4 of this thesis. Although he affords the government more power over the individuals by proposing a totalitarian type of government from which individuals cannot revolt, at least some identifiable duties and political obligations can be observed. For one thing, the government must ensure that the individuals' lives are secured from the threat of other individuals.

The citizens, in turn, must abide by the dictates of the government in exchange of this protection. Building upon Hobbes' ideas, Locke offered his own rendition of the origins of government and the political obligations that come with it.

1.5.3. John Locke on the notion of Social Contract

In line with Hobbes, Locke also believes that the state of nature is a hypothetical natural condition of mankind. Unlike Hobbes, who painted a gloomy picture of the state of nature as a state of complete anarchy, however, he considers the state of nature as having good conditions for individuals to express their liberty to conduct their lives according to their interests without interfering with other peoples' interests. It is a state of anarchy which lacks civil authority or government but not some semblance of regularity. He argues that the state of nature is pre-political but not pre-moral. Human beings are assumed to be equal to one another and bound by the law of nature which is the basis of all morality given to all human beings by God. This means that persons do not harm one another with regard to their "life, health, liberty, or possessions" (Locke, 1690) as they pursue their interests. In this state of nature or state of liberty, persons are prohibited to inflict pain on one another as they pursue their interests and plans. Hence, it is not a state of war like Hobbes suggested, but that of peace. But persons are free to defend themselves if war is launched against them in a view to protect their lives. In this case, self-defence may inevitably result in war. Again, there are no standard laws and punishments that accompany certain transgressions, as well as no common judge to mete out the punishments (Stevens, 2011). These are the reasons Locke proposes that persons have to abandon the state of nature and have to come together to form a political authority or civil government to rule and run the state of affairs.

Locke asserts that civilian society is based on voluntary agreements to care for one another as humans are moral beings by nature. As people come together to establish a contract, a political society is formed and given executive powers to rule, including to punish those who violate its laws. Locke gives priority to life, and secondly to property which should be protected under the social contract. When a person has land and produces food through hard work on that piece of land, he has a right over that land and the food produced (Stevens, 2011). The raw material of nature which, in this case, is a piece of land, and hard work which is labour, when mixed together give a right to a farmer to own that property (farmland). Nature is given to all mankind by God and has to be shared among humans. Hence it is the obligation of the political authority to protect the basic rights of life, health, liberty and property. Unlike Hobbes who proposes a non-removable

permanent Sovereign, Locke argues that civilians ought to entrust political authority with such obligations and duties, but if that trust is broken, they are justified to remove that political authority. So by entering into the social contract, the government incurs the obligations and duties to create just laws that protect people's life, health, liberty and possessions. At the same time, individuals accrue the obligations to obey the laws as well as overthrow and replace a government should it fail to meet its obligations (Stevens, 2011). Again, from the Lockean social contract, it can be observed that although he allows for the overthrowing of a bad government, there is a noticeable uneven playing field in the power dynamics of both the rulers and the ruled, with the rulers having control over enforcement measures. Rawls develops a theory of justice that follows a similar line of reasoning in his discussion of the natural duties of justice.

1.6. John Rawls and the natural duty of justice

John Rawls draws on the social contract tradition in an attempt to clarify more on the notion of justice. Rawls' theory begins in a hypothetical situation which he calls the *original position* where people voluntarily come together to formulate an agreement. In this hypothetical situation, individuals are oblivious of certain aspects of themselves such as gender, race, nationality due to what he describes as a *veil of ignorance* (Rawls, 1971:136-142). From this original position, individuals can then formulate principles that are considered fair to everyone else (good laws), just in case the individuals may end up in any of the categories in the newly formulated state. That is, if an individual does not know their gender/race, for example, they will come up with principles that are fair to all genders/races, in case they end up belonging in either gender/race. This original position sets out all the obligations and duties that a government and its people are to have towards each other. Although this original position may be difficult to achieve in the actual world, it does set forth a good foundation for setting out the basis of obligations and duties.

Rawls (1971) argues that there are *natural duties* which a person possesses by being part of this contract. However, the natural duties belong to persons as individuals independently of social and legal conventions found in the society and are not based on any voluntary commitment. He uses the term *natural* to show that man by his nature is endowed with these attributes and he distinguishes between rights and duties in his theory of justice against the ones defined by law and custom. Under the natural duties, he explains that an individual person has a natural duty to support

and to comply with the laws and just institutions that exist in the society. Natural duty as a theory of political obligation then stipulates that the basic structure of society should be reasonably just and the role of citizens is to support and promote the existing scheme of society independently of any voluntary commitment on their side. Hence, from this view, the basis for obligation is not a voluntary commitment or acquisition, but the pursuit of justice. In other words, good laws attract certain natural obligations from the citizens while bad laws do not.

Since individuals naturally have a capacity to assess and reflect on the laws, violation of good laws can be based on the individual's reflective assessment of their value which may lead them to disapprove such laws. Individual citizens can support good laws after they have made their own assessment or evaluation of the law without necessarily being based on the need for general obedience of the law which influences their reasoning and behaviour. Hence, it is plausible to argue that political obligations are based on the just character of an institution in a given society. With regard to consent, then, although such duties are natural in this sense, explicit consent establishes an expression of initiation and participation with regard to specific institutions which are just.

It is important to note that there are things that individual persons living in the society cannot avoid such as conflicts, disputes and violence, due to differing and often conflicting interests. Persons who have a claim to the same resources and feel entitled will naturally engage in conflict and probably engage in violence over the same resources regardless of being persons considered good natured and reasonable. Disagreements will always be there amongst them on what seems to be just and good over the resources at their disposal. This becomes worse if there are no specific obligations as is the case in the state of nature. Hence, regarding the possession of resources, persons will always engage in disputes. With a view to avoid such conflicts and suffering, persons with competing interests should establish a society where they will set and define guiding principles which will help at the time of conflicts or disputes, as did the people escaping the state of nature.

According to Egoumenides (2014:115), "the avoidance of conflict provides a justification for political authority, and on this basis, we can explain why we should have only one such authority". The argument is that even if there can be more organizations, conflicts will still be there. In other words, in every human organization conflict is inevitable. The demands of cooperation and

coordination among persons in the organization require that persons get a guarantee from an authority that no harm will befall them while pursuing their goals.

Another critical aspect of conflict and consent is the issue of liberty and equality. Self-government means individual persons having a capacity to recreate themselves as they choose how to lead their lives without being subjected to arbitrary limitations in the human society. Persons can only do that on a platform where they are regarded as free and equal within the society. According to Rawls, the principle of justice is important in our assessment of the merits of various institutions, as well as tracing their legitimate power with regard to their defects and the harm they cause to individual citizens. That is why in the absence of consent there is a need to ensure that constraints are compatible with the requirements of self-governance and social relations which entail equal active participation of individual persons, and respect for equal liberty of all.

Furthermore, Rawls asserts that legitimacy is key for citizens to obey the laws of government. In other words, a government's credibility lies on its legitimacy and it is one of the reasons why citizens are obligated to obey its laws. The just processes which have led a government to come into being are important and actually are the ones which Rawls says legitimacy arises from. Hence, if a government is legitimate at its inception, then it should ideally be obeyed by citizens. He asserts that political legitimacy is institutional and argues that legitimacy establishes the pedigree of those who have political authority or hold government offices. The same issue also applies to how laws come about. The just means or just processes through which a government came into being are the ones that create a natural moral obligation on the part of individual citizens to obey its laws, and contrary to this, if a government does not follow just processes to come into being then it becomes illegitimate and as a result, citizens are not bound to obey its laws at all.

Rawls acknowledges a diverse set of what he calls natural duties, including "the duty of helping another when he is in need or jeopardy; the duty not to harm or injure another; the duty not to cause unnecessary suffering" and the duty of mutual respect (Rawls, 1971:156). Within *A theory of justice*, the most important natural duty requires us "to comply with and do our share in just institutions when they exist and apply to us and to assist in the establishment of just arrangements when they do not exist" (Rawls cited in Simmons, 1979:293). His view is that parties in the "original position" would definitely approve or endorse this natural duty of justice as "the easiest and most direct way...to secure the stability of just institutions". The principle of justice, in effect

complements the duty of justice for individual persons who gain political office and take advantage of the opportunities offered by the constitutional system, and at the same time, provides support for just institutions (Rawls, 1971: 126–128). In essence, therefore, it follows that political legitimacy is the bedrock of justice. Once a political system is considered legitimate, and its institutions considered just, this necessitates certain political obligations on the part of those who wield political authority as well as the citizens of a society.

1.7. The foundation of Political Authority

Perry (2012:7) asserts that “there are theories that argue that political legitimacy is founded on or supported by one or more of the following types of considerations: justice, equality, democracy, popular support, or hypothetical consent”. He argues that “a Hohfeldian power – the ability of a state intentionally to change the normative status of its subjects – is, both morally and conceptually, the core understanding of political legitimacy” (Perry, 2012:7). On the nature of political authority, it is it has been noted in the previous section that political legitimacy which is central in matters concerning the right to rule. However, it does not end with a right to rule but also says that a government or political authority has a right to rule if “it has a fairly extensive Hohfeldian power to change its subjects’ normative situation by, for example, imposing obligations or conferring rights on them” (Perry, 2012:2). The understanding of this extends to a claim-right to institute a compelling compliance which includes application of force or coercion depending on the circumstances. The hohfeldian power refers to the occasion that enables a particular body or agents to alter primary rules. “Powers can alter not only ‘first order’ privileges and claims, but ‘higher-order” (Sumner, 1987:31). Political authority has power if and only if it has the ability to alter its own or another’s hohfedian incident. This shows that it is a requirement for legitimate political authority to possess extensive normative powers to enforce. Usually, political regimes have effective control over their people who also claim and recognize it as a legitimate authority for themselves (Perry, 2012:2).

Here, political authority is to be understood as that which has the power to change the normative situation of its people. In other words, this is a *de facto* political authority or government. It would seem that the most important issue is not about how that political authority came into being or the processes followed leading to its formation as alluded in the previous section. Even military regimes which came into being through coups are included in this description. It is a *de facto* government which has the power to enforce and bind, and can change the normative situation of

their people. It is a de facto government because it can make laws and has legal systems which are in place and so on. Such a political authority has the capability to issue directives which cause compliance. However, this study takes the position that a legitimate authority is regarded as a moral authority, and the obligation to obey directives from the legitimate authority becomes a moral obligation to obey the directives (Perry, 2012:5). The issue of political legitimacy should be distinguished with democracy, meaning that it is not about having a democratic feature for a state to be politically legitimate.

Perry (2012:10) argues for what he calls an *aggregative* fashion. By “aggregative” he means that the extent of legitimate authority of any given state – where such authority is regarded, obviously, as a matter of degree – is taken to be a function of (1) the total number of individuals over whom, considered one by one, the state can be said to hold legitimate authority and (2) the extent of legitimate authority held over each individual” (Perry, 2012:10). In essence, a political authority can be conceived as one which has control of coercive force, whose mandate is to create laws and enforce them, meting out punishments to transgressors, while providing an enabling environment for individuals to flourish.

1.8. The duty to obey the law

On the nature of general obligation to obey the law, Raz (1994:325) notes that “if there is no general obligation to obey, then the law does not have general authority, for to have authority is to have a right to rule those who are subject to it. And a right to rule entails a duty to obey”. This is a critical issue to understand the nature of general obligation to obey the law. Edmundson (2004:215) asks the question: Is there a duty to obey the law? To which he answers that a *no* answer calls into question the very legitimacy of the state. Generally, the theory of the political authority involves a fundamental aspect which is a right to rule. However, Perry (2012:12) holds that “the right to rule must be understood as a moral power to issue obligation- or duty-imposing directives”. Hence, the directives issued by the state binds the subjects to comply. As a result, this means that if the state succeeds to impose directives, then those directives do create an obligation on the side of the citizens to comply accordingly. Persons in a certain state are obligated to respect the directives of the state, because such states have legitimate power to issue or impose obligations to its citizens.

Perry (2012:12) asserts that “If the state’s legitimate power to issue obligation-imposing directives has in all cases been exercised correctly, then every directive it has issued not only purports to

impose an obligation but does in fact impose an obligation, from which it follows that we have, at the very least, a *pro tanto* obligation to obey each and every such directive. In that sense, we have a general obligation to obey the law”. Consequently, a general obligation to obey the law does exist within a legal framework which is understood under the following conditions set by Leslie Green; (i) the obligation is understood as “a moral reason for action; (ii) a content-independent reason for action, meaning a reason to do as the state directs because the state directs it and not because its directives have a certain content; (iii) a binding or mandatory reason for action, as opposed to a reason which simply happens to outweigh other relevant reasons; (iv) a particular reason for action, meaning a reason that arises only for the directives of a citizen’s (or subject’s) own state, and not for the directives of other states; and, finally, (v) a universal reason for action, in the double sense that it binds all of a state’s citizens to all of that state’s laws” (Perry, 2012:14).

Perry (2012:14) observes that Green along with Raz and Simmons have a common view that there are no arguments for a general obligation to obey the law that have met the set five conditions previously mentioned. “The most pervasive difficulty, according to Green, is a failure to meet condition (v), the universality condition. As an empirical matter, argues Green, it is never true that, for any given legal system, each and every legal directive gives rise to a moral obligation to obey that directive which holds for each and every person who falls within the directive’s scope”.

However, Rawls (1999:99) argues that there is a “fundamental natural duty of justice” which “requires us to comport and comply with just institutions that exist and apply to us”. However, Jeremy Waldron (1993:3) holds the same view with Rawls when he asserts that natural duty applies only in cases of just institutions which apply to individual persons. Dworkin (1986:193) argues that the Rawlsian natural duty of justice “to comport and comply with just institutions is insufficiently tightly linked to the institutions of one’s own state, as opposed to just institutions wherever they may be found in the world”.

In support of this notion, Simmons asserts that people who are engaged in a cooperative enterprise and are beneficiaries to that enterprise, are governed by its rules and they have a duty to do their fair share which in essence is to submit to the rules. Very often, enterprises have rules to govern their daily activities in order to achieve their objectives and if such rules exist, then members have to submit to them for the smooth running of the enterprise in order to achieve its goals. In this case, the duty to submit to the rules is conditioned and based on the voluntary act of members.

1.9. Theories of Political Obligations

Human beings are conceived as “individual human agents endowed with a set of existent purposes, dispositions, with causal and factual beliefs broadly instrumental to the realisation of these purposes and, insofar as they are so instrumental, they are also epistemically corrigible in principle” (Dunn, 1980:244). Human beings are rational agents and have their own reasons for acting and are thereby fully responsible for the personal execution of any reason. In other words, rationality, which is endowed in each and every person, makes a person responsible for their actions. “The content of rationality is constrained tightly by historical contingency and by the immediacy of the context of action” (Dunn, 1980:245). Dunn (1980:245) goes further to say “what is rational for individual agents is determined by what it is, over time and under comparatively ideal circumstances, rational for them to believe about social actuality and possibility”. The obligation should be rational in the sense that “For an agent to have a rational obligation to do X, it must be true both that it is rational for him or her to do X and that it is obligatory for him or her to do so” (Dunn,1980:246).

According to Dunn (1980:251), it is encompassed in the tradition of Western political thought that political obligation points to a particular primacy of entitlement on the members of the political authority which include a constraint on human liberty. The political authority is mandated to rule the individual citizens and is entitled to perform certain obligations. The idea of political obligation is seen as a “paradigm example of an obligation and not simply a mere instance of what morally ought to be done. A perspicuous distinction would still need to be drawn between legitimate and illegitimate state authorities”. It is only a legitimate state authority whose commands constitute political obligations on its people. Whereas illegitimate states should not be respected as they have no mandate from the citizens. However, from the seventeenth century, the traditional problem of political obligation has been a problem based on the “relation between the demands of reason and the obligatory force of the legitimate public authority, with increasingly individualist conceptions of rationality and a corresponding scepticism about the specification of value at the level of society or polity as a whole” (Dunn, 1980:251).

Hence a political duty is a manner of acting with regard to the political spectrum through which a person or an individual has good reason to believe that he or she ought to perform. A person’s political duties are based on a punctilious observance of the laws as given to him by his polity or political authority. There are two important issues to be considered in this context of political

obligation which are; duties a person has towards his polity and the role of leaders especially elected leaders by the people to play. These are the obligation on the side of the rulers who also have to promote the wellbeing of their citizens. To explain these issues further, there is need to explore voluntarist, teleological and deontological theories of political obligations which aim to justify political obligations from different perspectives.

1.9.1. Voluntarist Theories of Political Obligation

The discussion of voluntarist theories of political obligation is broadly understood to have a liberal approach which generally argues that an individual's choice or decision is key in any discussions of political obligation. "Their essential and common feature is simply that they seek to explain political obligation in terms of some freely chosen undertaking through which persons morally bind themselves to their polity" (Horton, 1992:19). This shows a voluntary commitment based on the individual person's choice in justifying political obligation. The voluntarist perspective is based on the free choice and the relationship which is implied; the extent to which the act or undertaking is occurring and to whom the act or what can be called obligation is owed (Horton, 1992:19).

There are two important concepts involved in understanding voluntarist accounts of political obligation and these are social contract and express/tacit consent. These concepts provide relevant connection or relationships between the individual person and the political authority. In the first instance, political obligation is understood to arise from "a contract between individuals and their government or the express or tacit consent of individuals to the government or the constitution" (Horton, 1992:21). As discussed in section 1.5.2 of this study, Thomas Hobbes says in the *Leviathan* "that life in a state of nature [i.e. without political authority] would be solitary, poor, nasty, brutish and short" (Hobbes, 1968, Ch.13). For individual persons to escape from this state of nature, they had to come to a contract with one another to give up some of their natural rights in order to get the protection of a powerful sovereign or political authority. However, two parties make up a contract and as a result, individual citizens are obligated to obey the state and the state in turn has obligations to perform to the citizens. However, in the Hobbesian social contract, it can be noted that the state has absolute authority over its individual citizens, while citizens have limited power, and various problems can arise from this imbalance. Problems can arise when a state may misuse this power against individual persons. In view of this problem, John Locke in his *Second Treatise on Government* argues for a limited political theory (Locke, 1967). Locke, as discussed

in section 1.5.3 of this study, emphasises on the notion of consent which is very key in explaining and justifying the political authority in the social contract. Once a government fails to fulfil the mandates for which it was created (its obligations), then citizens may breach the terms of the contract.

A unanimous contract to form a political society is the first step which is followed by a majority decision to entrust a government with key important tasks such as legislative, executive and judicial powers. However, this does not mean that individuals forfeit their basic rights like the right to life, liberty and property. In essence, if a government fails to provide and/or safeguard these fundamentals, then the citizens have a moral obligation to disobey the government. Nevertheless, under voluntarist theories of political obligation, it is important to explore on the critical concept which plays an important role in this discussion, that is “consent.” According to Flathman, there are three requirements or conditions which should be met in consent: A person has to (a) know what he/she consents to, (b) that he/she intends to consent to it, (c) communicate his or her knowledge of what he or she is consenting to and his or her intention to consent to the person (s) to whom the consent is given (Flathman, 1972:220). Horton believes that the above mentioned requirements are quite reasonable conditions that require an action or utterance to be considered as an expression of consent (Horton, 1992:28).

Another important aspect is the issue of voluntary association: it advances that people have voluntarily consented and decided to be under their polity or legitimate polity. This is a model of the polity which should be understood as a *voluntary association*. Some argue that people are free to stay or leave the voluntary association. This model is obviously that of a voluntary group or voluntary organization. A voluntary group is composed of a number of individuals who, in pursuit of a common purpose, agree to act in concert, putting themselves under a common discipline, authority and obligation (Tussman, 1960:7). However, Neil MacCormick holds a different view of voluntary association by asserting that persons do not decide citizenship especially by birth and it is impossible to say he or she has voluntarily joined a particular state or polity on that ground. Hence, Hoston (1992:49) concludes that these theories do not give a plausible understanding of political obligation for which they are attempting to achieve. As a result, they do not provide a convincing voluntarist theory of political obligation. Perhaps teleological theories of political obligation may help us better understand the complex nature of duties and obligations within the state.

1.9.2. Teleological Theories of Political Obligation

A teleological theory of political obligation is a theory that explains political obligation by projecting to the future rather than to past events, as we find in voluntarist theories. Such theories view and explain political obligation with regard to certain goals, purposes or ends. As a result, the theory is explained and understood to be a basis of the justification of the obligation (Horton, 1992:51). According to this theory what is important is the results achieved as it is judged on the value of what will be attained. The theory typically aims at attaining best result or a benefit as an outcome.

This theory asserts that “there is no need for any voluntary undertaking, for what grounds political obligation are the ends which it serves, and these do not depend upon some voluntary act on the part of the person obligated. Political relations are not explained or justified by their being the subject of a voluntary agreement, but by their being instrumental to the achievement of valuable ends” (Horton, 1992:52). Consequently, the theory does not depend on the voluntary act or condition in order to be a political obligation.

There are two types of teleological theories which are; utilitarianism and common good theories. Firstly, the concept of utilitarianism is viewed “as a moral theory which, in its simplest and most straightforward form, judges the rightness of acts, practices and institutions exclusively by their tendency to promote utility, or happiness” (Horton, 1992:54). Furthermore, for R. G. Frey, “the term "utilitarianism" refers not to a single theory but to a cluster of theories which are variations on a theme. This theme involves four components: (1) a consequence component, according to which rightness is tied in some way to the production of good consequences; (2) a value component, according to which the goodness or badness of consequences is to be evaluated by means of some standard of intrinsic goodness; (3) a range component, according to which consequences are considered as affecting everyone and not merely the agent; (4) a principle of utility, according to which one should seek to maximize that which the standard of goodness identifies as intrinsically good” (Frey in Miller,1987:531).

Direct utilitarianism focuses on the happiness which is attained through specific acts. It treats maximising utility as a procedure a person intends to follow when attaining a specific goal which will bring her happiness. The specific act is judged according to the assumption of the utility it might cause. Again, in any event what is important is an act which will help to achieve goals which will bring happiness.

Indirect utilitarianism states that people must follow a set of rules in order to attain happiness for the greatest number of people. If the rules are followed by every person then the greatest amount of happiness will be enjoyed by everyone. This theory treats maximising utility as a standard of rightness to achieve certain goals which bring joy or happiness. However, obedience to the rules and/or principles is also key in this theory. Again, by applying the rules universally, many problems are reduced in the society. However, it allows that during emergency situations, to save lives, rules can be broken. As a result, “it could be argued that overall utility is still best maximised indirectly through people meeting their political obligations to their own polity” (Horton, 1992:63).

The second type of teleological theory is *the common good* theory which refers to the goals or interests shared in common by everybody in the society such as material, cultural or institutional facilities which aims at achieving the common good for all. Members of the society have a relational obligation to care for interests which cut across the society. Public schools, public health centres, public parks and others have to be protected by the members of the society, and such acts are part of their moral obligations as members of the society.

The term ‘common good’ refers to a teleological theory of political obligation. The basic argument of this theory is that political obligation emanates from, and is for, the common good. This applies to the members of the society or a particular person within the society to the state. This means the common good provides the basis of obligations members of the society have towards the state. “By contrast with utilitarianism, the common good is usually understood as a qualitative conception, including within it moral qualities which are regarded as intrinsically valuable, and does not consist of the mere maximization of desire satisfaction, pleasure or happiness” (Horton, 1992:70). The theory of common good plays an important role in philosophical reflections about both the public and private lives of persons in the community. In response to such teleological theories of political obligation, deontological theories make different assumptions.

1.9.3. Deontological Theory of Political Obligation

The deontological theory of political obligation is a theory that attempts to “explain political obligation in terms of the idea of duty” (Horton, 1992:80). The theory emphasises that political obligation has to be explained in terms of a duty to keep voluntary undertakings of persons. However, the theory has connections with both voluntarist and teleological theories hence it is held that “the entire class of voluntarist accounts could be interpreted as a species of deontological theory; that is, in terms of a duty to keep our voluntary undertakings” (Horton, 1992:80).

There are two types of deontological theories of political obligation which are; the fair-play theory and the theory of a natural duty to uphold just institutions. According to Horton (1992:89), the fair-play account of political obligation appears to have been first formulated by H.L.A. Hart (though he does not use the expression 'fair-play') and subsequently developed by John Rawls. Interestingly Hart specifically relates the fair-play theory to the social contract tradition. For Hart (1967:63), this theory recognises political obligation as “something which arises between members of a particular political society out of their mutual understanding and mutual obligatory relationships, coupled with mutual restrictions”. Under this theory, the moral obligation to obey the law is considered as the underlying conception of reciprocity, which says benefits and burdens incurred should be fairly shared by people who are in a group or in a scheme. Consequently, Hart (1967) gives an example of a trade union and argues that if a trade union negotiates a terms and conditions of the employment on behalf of the employees it requires and claims that all employees become its members because they all share the costs of the trade union. Similarly, because the state provides some benefit to the citizens, then all citizens bear the burdens of being part of the state. On the same note, Rawls asserts that political obligation arises from the idea of a *natural duty* to support and promote just institutions within the state. In light of the above discussion on the deontological theories of political obligation, George Klosko explores further on the nature of political obligations.

1.10. Klosko on the nature of political obligations

Klosko (2005:99) notes that there are problems with the aforementioned theories of political obligation, inclusive of the teleological and deontological theories. He argues that the traditional approach to justifying a one-size-fits-all requirement of obedience, which seeks a single, universally applicable principle that fulfils criteria of theoretical success, is “responsible for the currently widespread view that there is no satisfactory theory of political obligation”. Owing to this belief, each principle of obligation according to Klosko is assessed as if it alone is to provide satisfactory answers to the full range of questions, and when it is found deficient in some respect, it is labelled unsatisfactory and rejected” (Klosko, 2005:99). On the other hand, internal critiques of consent, fairness, associative accounts or positional duty, and natural duty have shown that no single existing principle can be successful and fully support a general obligation to obey. For example, consent alone fails to establish a general obligation (Klosko 2005:55). In contrast, fairness supports general but not comprehensive obligations. Finally, duty-based theories cannot

explain why we owe a general, fully comprehensive obligation to our *own* state, rather than any other *just* state (Klosko, 2005:76-86).

In line with Rawls, George Klosko (2005) argues that political obligation rests not only on consent, but also on the execution of some duties which should be considered *natural*. According to Klosko, it is an existential and natural requirement of every community that its members develop loyalty towards it; a tie of loyalty which can vary both in terms of strength and character. Community members also expect this loyalty from one another and from the leaders of such communities. Loyalty or faithfulness is an expected attitude towards the community and its members; a relation that can have emotional, psychic, intellectual, and habitual components. Loyalty guides attitudes and active forms of valuation, preservation, perpetuation, risk-taking, and the making of sacrifices. Furthermore, state-supplied public goods generate “natural obligations to support their production,” because they are necessary to live a good life (Klosko, 2005:244). Since many different moral considerations can be relevant to questions of political obligation, Klosko (2005:120) defends a multiple-principle theory of obligation, which attempts to satisfy the generality and comprehensiveness requirements with a set of interlocking moral reasons to obey. Together, he argues, principles of fairness, natural duty, and respect for the common good compensate for one another’s limits “in two ways: covering state services not addressed by other principles, and supporting the working of the other principles in regard to the same services”.

As Klosko recognises, his proposed multiple-principle theory necessarily departs from the dominant single-principle approach to obedience in two ways. First, unlike traditional theories of obligation, in a multiple principle theory, “different laws are to be obeyed for different reasons” (Klosko, 2005:125). Secondly, he contends that “the distinction between laws that it is and is not acceptable to break is important and indicates the oversimplified inadequacy of standard political obligation questions, such as, do we have a moral requirement to obey the law? (Klosko, 2005:194). The standard view, he claims, is a poor fit with widely held moral intuitions about obedience. A multiple principle theory can investigate the limits of obedience more rigorously and therefore meet the requirements more effectively than single-principle theories because it can “explain why certain laws are set aside, especially if they are generally viewed as not serving valid purposes” (Klosko, 2005:249). Klosko contrasts speeding (which people deem an acceptable violation of law) and bank robbery (an unacceptable violation) to illustrate this

point. While this distinction is a useful first step, it is insufficient in itself. Distinguishing acceptable from unacceptable disobedience helps to avoid the evaluation from anarchists, who, as discussed in section 1.2 of this study, recognise moral requirements to comply with *certain* laws but reject the general, comprehensive requirement of obedience at which political obligation traditionally aims (Klosko, 2005:251).

Furthermore, laws are laws “in virtue of the means by which they were produced, rather than the character (moral or otherwise) of the ends at which they were aimed” (Green, 2010: 174). The obedience involved in implementing laws is equally if not more important to a defence of law and legitimacy than the obedience valid laws claim. Analysis of obedience must therefore address distinctions between laws demanding obedience from public officials and laws demanding obedience from ordinary individuals, and more importantly, laws governing the use of state power and laws governing individual conduct.

As Klosko and others have shown, the assumption that a single principle can, and must, justify general, comprehensive obedience, is untenable because laws merit obedience on a variety of grounds. Laws are created to serve a variety of purposes. The reasons that support a justified requirement to obey one type of law may not apply to another: natural duty might ground a valid requirement to obey morally-justified laws, for example, but not procedural laws, which might be more justified on consequentialist grounds. There may be more than one morally-adequate procedural rule for a given situation, but we must all settle on and abide by the same rule if it is to effectively serve its purpose. Thus, a defence of obedience must not only address the grounds of specific obedience claims: it must also account for the fact that the state’s function and the justification for procedural laws, differ from substantive laws (Green, 2010:185).

Existing theories, however, do not distinguish individual requirements to obey laws with morally-justified content (such as laws against murder) from purely formal procedural laws (such as those dictating how individuals register to vote, file civil suits, and apply for building permits), or from laws that promote public order by solving a coordination problem (such as laws dictating which side of the road we drive on) (Kleingeld, 2000:23). Kleingeld avows that, such theories have thoroughly documented the limitations of rival principles, which have discredited all extant attempts at a comprehensive single-principle theory of obligation, but have not successfully grounded general, comprehensive obedience or legitimacy. In practice, laws claim compliance

on a variety of grounds, and the justification for one obedience claim might not apply to another (Kleingeld, 2000:30). While some laws, like laws against violent crimes, coincide with innate moral requirements, many important laws do not. The fact that killing another person is an unspeakable moral wrong might be the primary justification for obeying laws against homicide. Compliance may be instrumentally necessary, as with laws that solve large-scale coordination or cooperation problems. Justice might be able to ground a broader requirement to cooperate with “those practices and institutions without which a background condition of equal freedom between individuals would be impossible” though a moral requirement to critically reflect on those practices likely accompanies such a requirement to cooperate (Kleingeld, 2000:34).

According to Klosko (2005:58), the requirements to obey the law have to be justified on consistently voluntarist or consistently non-voluntarist grounds. He further emphasises that, compliance might be required by a prior voluntary act, as with contract laws and the common-law and procedural rules that judges are expected to follow after swearing an oath of office, but other forms of obedience, such as compliance with food-safety regulations and laws against homicide, might be required on non-voluntary grounds.

While it seems that Klosko (2005:60) deploys a variety of principles tailored to specific obedience requirements, his approach is not actually a multiple-principle theory at all, but rests on a single principle. Klosko’s argument relies on the necessity of state-provided public goods; he subscribes to the view that individuals require state services in order to lead acceptable lives suggests that moral requirements to obey the state are grounded in the benefits it provides. Obligations to obey the law are bound with people’s needs for the law, or, more precisely, with their needs for the services that are provided through the law. Furthermore, he distinguishes between the laws we must obey and those we may disobey based on whether they serve a sufficiently important purpose. Since political obligations are rooted in receipt of essential public goods (and other significant benefits) from the state, he claims, laws that do not necessarily serve legitimate purposes impose no obligation to comply (Klosko, 2005:250). The reason we owe support for public goods provision to the *state* and not some other association is because the state is the only entity capable of providing them (Klosko, 2005: 248).

Public officials and legislators have substantial discretion in determining the specific form that laws and policies take. Klosko’s argument identifies specific requirements on individual action,

but not *why* the state is allowed to set the terms of those requirements *unilaterally*, through contingent exercises of discretionary authority. However, existing principles of political obligation cannot support an undifferentiated requirement to obey even in combination, because compliance as such is not the primary object of any of them. Consent, fairness, duty, and necessity often require either much more or much less than minimal compliance with the letter of the law.

One may consent to requirements beyond obeying the law. Similarly, fairness does not require compliance *as such*: it requires that we comply *fairly*. It cannot ground requirements to comply with unfair laws or in unfair ways. Multi-millionaires who use tax-code loopholes and offshore tax shelters to minimize the amount they pay in taxes fulfil the simple requirement to comply with law, but cannot plausibly be said to comply *fairly*. Like fairness, duty-based arguments speak to broader questions of what we owe one another in politics, rather than why we ought to obey (Klosko, 2005:249). The content of such a duty – the specific actions that a duty to ‘support just schemes’ requires – is unclear. It is difficult to tell whether supporting just schemes entails obedience to their commands, active participation in those schemes, or the performance of deeds in the sphere of private interpersonal relations, such as instilling civic virtue in one’s children or encouraging others to contribute to the scheme. Furthermore, existing principles may require *disobedience* under certain circumstances.

However, consent, fairness, and natural duty generate horizontal obligations to exercise one’s “right to dissent, to engage in public protest, and even to perform acts of peaceful civil disobedience, all of which can be seen as attempts to persuade their fellow citizens that the laws are deficient as an interpretation of what equal freedom ideally requires” (Horkay, 2001:31). But admitting that the laws may be deficient (and that ordinary individuals can judge this deficiency) takes us out of the realm of a general, comprehensive requirement to obey laws *because they are laws*. While an argument from positional duty may be able to explain why individuals who voluntarily assumed an office ought to obey in their official capacity, this is not equivalent to a general, comprehensive requirement to obey. Positional duty arguments only apply to individuals who inhabit pertinent social roles, and associative obligations only bind those who participate in relevant social activities. Associative obligations “are not owed to everyone: they are special obligations owed to other members of a particular group or association” to which one belongs (Horkay, 2001:32).

Further, positional duties and associative obligations may require actions other than obedience. Many office holder obligations extend beyond minimal compliance, and require interpretation of the law or the use of discretionary authority. The primary positional duty of a judge, for example, is to come to some reasonable decision about the meaning of law in specific cases. The judge's positional duty does not specify what counts as a reasonable decision: this issue is subsidiary to the judge's positional duty to come to such a decision. However, the reasonableness of a decision according to Horkay (2001:36), is *not* subsidiary to whether we ought to comply with it. Judges fulfil their official duties by making judgments about the meaning of laws, the parameters of reasonable interpretation, the scope of their authority, and the state's powers to act. Because judges, legislators, bureaucrats, and law-enforcement agents give shape to ordinary individuals' legal requirements by fulfilling their own positional duties, the way they discharge those duties matters. By fulfilling their positional duties properly, state agents not only determine what laws require but create a reason that we must comply with those requirements. If we allow that argument from positional duty may explain *some* requirements to obey (though not others), we must concede the larger point that 'obedience' must be disaggregated to successfully explain when and why we ought to obey.

The reasons to distinguish between laws that impose moral requirements to obey and those that do not also support disobedience when necessary to avoid perpetuating injustice. Considering *why* we ought to comply with particular laws indicates *whether* we ought to comply. If the purpose of specific obedience claims determines whether compliance is morally required, then, as Klosko (2005:288) points out, it is not morally required to comply with laws that do not serve morally-required purposes. Indeed, if a law or state policy undermines one of these purposes, this fact may impose a moral imperative to actively resist it or seek its repeal.

1.11. Conclusion

This chapter explored the intricate nature of political obligations. The natural condition of humans was seen to be that of anarchy, suspicious of and inimical to political authority. Through voluntary associations, such anarchists come to form societies through social contracts. Such social contracts then come with a set of duties and obligations that apply to all members who enter the contract. Various theories of justice were also explored, especially that of Rawls, who argues that the duty to obey the government in such social contracts is natural insofar as such an obedience is to the benefit of the worse off members of society. From a contractarian perspective, it was seen that a

society of individuals must cooperate together on mutual beneficial terms on which they can all voluntarily agree. It was also observed in this chapter that George Klosko offers a theory of political obligations that is not only in line with Rawls and Locke, but offers a comprehensive understanding of the nature of compliance with state laws. For Klosko, it was seen that obligation to state laws on the part of participants to the social contract is premised largely on the goods that the state provides. That is, individuals have a moral duty to obey the laws of the state insofar as the state provides goods and services that are good. On the contrary, the same individuals are not expected to perform their duties and obligations towards the state if the state fails to fulfil its obligations to provide such goods. Having established the intricate nature of political obligations, it now becomes imperative to outline the sort of obligations a polity or government has towards its citizens which, if it delivers, places a moral obligation on the citizens to obey the government.

Chapter 2: The obligations of government

2.1. Introduction

From the discussion in the previous chapter, it was observed that when a social contract is formed, it carries it with various obligations on the part of both the citizens and the government. It was also seen from the discussion of the obligations that the parties to the contract owe each other, that the government has a set of obligations that it should honour in order for the citizens to obey its laws. It is in the light of this that the discussion on the obligations of government will be explored in this chapter including the mandate or purpose for which a government is instituted. Also, the chapter seeks to explore the necessity of government to fulfil its obligations. The chapter also seeks to ascertain the kind of obligations the leaders/rulers/governors/lawmakers have towards the state and/or its people. In particular, the main focus of this chapter, as well as that of the entire thesis, will be on a democratic type of government, as this type of government best expresses the kind of relationship between the state and citizens from a voluntary basis, as discussed in the previous chapter.

2.2. Definition of Government

Government can be defined as a political system in which a group or body of people is administered and regulated (Brogan, 2023). In other words, it is a body mandated to exercise political authority over the actions of citizens of a country and the affairs of a political unit. There are different types of governance systems around the world inclusive of communism, dictatorships, democracy, monarchy, socialism, authoritarianism or autocracy among others. Nevertheless, all these types of government systems have one similarity in common-the allocation of power; whether it is onto a single person, a group of people, or distributed to all citizens. The power to rule remains at the center of all forms of government systems.

The concept “government” derives from the social contract theory which has been explained in the previous chapter as a political philosophy that questions/interrogates or examines the origins of society and the legitimacy of governmental control over individual human beings. As it was discussed in the previous chapter, throughout history, philosophers such as Socrates, Thomas Hobbes and John Locke have examined the nature of societies and the formation of states as governing bodies empowered to rule people of their respective countries. This is where the question of rulers in whom resides the power to rule becomes of great necessity, not only to the

rulers, but to the ruled as well. This relationship of reciprocity in governance is vital for any meaningful society as far as the social contract theory is concerned. The theory holds that by remaining in the territory of a particular society which has a political authority or government, people freely consent to join that society and be governed by its political authority or government. Hence, as was also seen in the previous chapter, consent is of paramount importance as it gives legitimacy to such a government. Waldron adds a further clarity and argues that legitimacy is such that it demands that an organization is capable of enforcing justice and the people “be prepared to accept it” and be assured that they are disposed to comply with the principles of justice in order to regard a certain institution as effective and something they are bound to (Waldron, 1993:26-27). A democratic government, for example, is based on a two-way relationship between the rulers (leaders in government) and the ruled (ordinary citizens). The citizens give a mandate to the particular group of men and women amongst themselves to lead the entire country. Thus, the aspect of legitimacy of government emanates from this principle. The following section focuses on democracy as one of the forms of government where the citizens are given opportunity to elect their own leaders and thereby, to some larger extent, consent to be ruled by those people. In other types of governments like monarchy and dictatorship for example, people or ordinary citizens are not given such opportunity to freely elect leaders.

2.3. Democracy

The term *democracy* can be defined as a government system wherein supreme power is placed in the hands of the people. The word democracy comes from the Greek words *demos* and *kratos* which, when combined, mean *people power*. Democracy makes the people the rulers, and legitimacy from their consent. In Abraham Lincoln’s stirring words from the Gettysburg Address, democratic government is “*of the people, by the people, and for the people*” (Achen, C.H et al. 2016:1). The term democracy differs in the method of civilian participation within different democratic states. For example, the United States of America has what is called a representative democracy; this is a system where civilians elect their representatives to make laws on their behalf. There is also direct democracy where every citizen has an equal say in the government business. This is practiced in such countries as Canada, Bulgaria, Aruba, Dominican Republic to mention a few. The following section will focus on the two types of democracy which are direct or participatory democracy and indirect or representative democracy.

2.3.1. Direct (or participatory) democracy

Direct democracy is known as that in which the widest possible range of decisions are made in consultation with the people, either through referendums, assemblies or other forms of consultative mechanisms, so that it is the people who make the decisions directly. It is very common in direct democracy that assemblies of popular participation are held, from which spokespersons or delegates emerge who will be in charge of raising the requests and resolutions that have been taken to the authorities. This type of democracy is slower, since consultation and referendums require time, money and effort. However, it should be noted that direct or participatory democracy is the type of democracy that is closest to the people and the government (Schiller, 2022).

2.3.2. Indirect (or representative) democracy

Indirect democracy, also called representative democracy is one in which the sovereignty of the nation is in the people's representatives, who are elected by suffrage, whether it is direct (where individuals choose their representatives) or indirect, wherein individuals elect delegates and the elected delegates then elect representatives. This type of democratic system works according to the consideration that not everything can be submitted to popular consultation, especially if what you want is to have an operational state in charge of many issues. It is for this reason that politically elected representatives are elected by the will of the people to make the decisions they consider pertinent, and to interpret and execute the will of the people (Dahl, 1998).

Indirect or representative democracy can be classified into the following types:

- **Parliamentary democracy:** is one in which the head of government is exercised by a Prime Minister who belongs to the executive area of parliament (legislative).
- **Presidential democracy:** it is that democracy where the executive power is represented by a president who is elected through popular, direct and indirect suffrage. Furthermore, this power is independent of the work of the legislative branch.
- **Soviet democracy:** this type of democracy is based on the fact that workers and citizens belonging to certain sectors or locations elect their delegates before a council of local political power (which are traditionally called soviets), who in turn elect their representatives before the regional soviets, and from which representatives arise before the high government authorities.

From all these types of democratic systems, there are levels with varying responsibilities in the administration of public affairs. “In the conventional view, democracy begins with the voters. Ordinary people have preferences about what their government should do. They choose leaders who will do those things, or they enact their preferences directly in referendums. In either case, what the majority wants becomes government policy; a highly attractive prospect in light of most human experience with governments” (Achen C.H et al (2016:1).

2.3.3. Importance of Elections in Democracy

At this juncture, as it has been noted that selecting leaders is the hallmark of democracy, it is important to explore the significance of elections in a democracy. Elections come as a point of reference to determine who can be entrusted with power to lead and make decisions through an institutionalized procedure and for a particular period of time within a state. According to Murray Eldeman (1964:3), an election is a ritual. In the same vein with Murray’s assertion, Graeme Orr agrees that elections as rituals are a conceptual way of understanding the purpose and effect of regulating electoral democracy, through the lens of everyday “ritual” (Orr, 2015:2). Furthermore, voting is the only form of participation in which most citizens ever participate or take part to elect the government. In elections, citizens express both discontents and enthusiasm and this is the main avenue where they enjoy a sense of involvement in selecting leaders. This ritualism is a first step or a primary function of elections.

In addition, elections enable citizens or voters to elect leaders who will be held accountable for their performance. This is where the aspect of consent, as discussed in the previous chapter, is derived and a contract is formed between the elected leaders and the citizens. This is also where the issue of accountability on the part of the elected government is derived. For example, if leaders are held accountable, service delivery will improve. This means that electorates are afforded an opportunity to elect appropriate leaders who have to strive for the betterment of lives of citizens and the improvement of their entire wellbeing.

Elections assist and guarantee the continuation of democracy and smoothens succession plans and transitions. In other words, elections make a fundamental contribution to democratic governance. Again, elections serve as forums where citizens are afforded an opportunity to discuss issues of interest which they are ideally allowed to express freely. This means that public issues and public opinion are able to be expressed through this platform. As a result, elections enable citizens to

ensure that democratic governments respond to the will of the people. Further, elections help to improve the stability and legitimacy of the political community. In addition, in a democratic state, elections serve a self-actualizing purpose for the worth and dignity of civilians who exercise their democratic and political right as citizens. Their self-esteem and self-respect is reinforced by their participation in elections. A country cannot be truly democratic until its citizens have the opportunity to choose their representatives through elections that are free and fair. Critical development efforts cannot succeed without a legitimate and democratically elected government that is responsive and accountable to its citizens. Lindberg holds the view that holding formally participatory and contested elections is the most important aspect or a key condition for the elections to be considered as democratic within a political system which is regarded as a representative democracy (Lindberg, 2006:8).

To ensure that the government is truly a creation of the citizens, formed through the voluntary and consensual acts of the citizens, they bear an imperative moral duty and moral obligation to participate in this political ritual. Participating in elections is an important duty because it enables the citizen to select leaders that they think will move their society forward. By voting for a certain person as leader, they entrust them with their future and well-being. If the majority select the right leaders then the society progresses, but if they select the wrong leaders, the society degenerates. Ideally, by participating in this leader-selection process, citizens ensure that they select the best people to drive their society forward and by so doing, give the chosen leaders the legitimate right to rule over them, on condition that the elections were conducted in an open, transparent, free and fair manner among competing candidates.

2.4. Functions of a Government

Once elected on a free and voluntary basis, a government assumes a variety of responsibilities that it has to fulfil towards its citizens, the basis of which it was elected into office in the first place. It is important to outline common key obligations which the electorate expects the government to prioritize towards the civilians in a democratic country.

2.4.1. Health Care Provision

Under the aspect of health care provision it is pertinent to look at the social contract of John Locke who argued that one of the reasons why government is formed is for the protection of people's health. This being the case, is appropriate to infer that one of the key functions of government is

health care provision. When a government has been elected by the people in a democratic dispensation, health care becomes one of the critical obligations to its citizens. A government has an obligation to provide resilient health care services. A network of health facilities such as hospitals, clinics and health centres ought to be established. The purpose is to ensure that there are basic health facilities throughout the country that meet the required health standards. In Lesotho, for example, the government provides health services through the Ministry of Health. It also works with various non-governmental organizations such as the Red Cross, UNAIDS, Partners in Health and others. Further, the government of Lesotho through the Ministry of Health, works and collaborates with the World Health Organization, which is a specialized United Nations agency that plays a crucial role to support wide spectrum of health-related activities worldwide.

The Lesotho Ministry of Health therefore, in this context, is obligated to maintain a comprehensive, coordinated and integrated healthcare delivery system. For example, it is the responsibility of the government, through the Ministry of Health, to strengthen health management and planning, as well as the development of human resources, as well as participation in key programmes like HIV/AIDS control, mental health management, disaster preparedness, disease outbreaks and pandemics like Covid-19, community participation, family health and safe motherhood. In essence, in order for a government to fulfil its public health functions and protect national health security, it has to act through the Ministry of Health in providing medical infrastructure and equipment, medicines and vaccines, as well as supporting laboratory networks. If the people's health is not protected by the government, productivity will be affected and confidence in the government to provide this essential human need will be shattered. Medication and health equipment like X-ray, laboratory test machines, a computerized tomography scan (CT Scan) and others are very expensive but are expected to be in every community where people live. A government must ideally afford to buy all the necessary health equipment in provision of health care to the citizens as health is one of the most important factors that the citizens consider when electing leaders. Such leaders lay out health policies which entice the citizens to vote for them. Once in office, the leaders are obliged to provide such health facilities to their people. A healthy citizenry should be the number one objective of any government.

2.4.2. Educating citizens

It is also the responsibility of a government to provide quality education to its citizens and make sure that it comes up with programs that help citizens to get educated because education is one of the keys to unlock everyone's potential. "Education is a human right with immense power to transform. On its foundation rest the cornerstones of freedom, democracy, and sustainable human development" (Annan, 1999). Education is one of the state's central obligations, as it is stated by international human rights law.

Setting goals and action plans for school performance and ensuring that staff and resource allocation aligns with national and international standards should be a top priority for a democratic government. That is why a nation which has a better educated population reduces dependence on public assistance programmes, leading to less unemployment rates and greater tax revenue collection. Also, education plays a key role in the improvement of public health, and education also ensures that citizens participate actively in state affairs with a better understanding of political, economic and civic activities. Education is important because it capacitates citizens with a variety of skills that are essential for responding appropriately, effectively and efficiently to the needs and challenges of their state. A literate, knowledgeable and skilled citizenry aids and supports stability in any country. The citizens' education capacitates and empowers them to meaningfully, significantly and consciously contribute to the promotion of a democratic society in the country. Globally, countries invest in the education of their citizens; they establish ministries of education to focus and deal with all matters relating to education. The ministry of education develops long-term and short-term plans-programmes, coordination monitoring and evaluation, and budget plans-to guarantee education for all.

The global call for prioritizing education of all citizens of all nations is reiterated in the current United Nations Sustainable Development Goals 2030, SDG 4 (Incheon Declaration and SDG 4-Education 2030 Framework for Action, 2015) and in other regional protocols such as CESA 16-25-Education 2030 (African Union, 2016). Governments of countries around the world are alerted to fulfill, and perhaps reminded of, their political obligations to the citizens through such protocols. Once the people elect a government, and thereby consent to being ruled by it, one of the government's obligation then, is to ensure that all of its citizenry is educated.

2.4.3. Employment Creation

Once a government educates its citizens, it becomes imperative that the government creates mechanisms of absorbing them in the job market through the creation of employment. The then becomes the obligation of governments to create jobs for its citizens. The government is expected to do so by the actual creation of jobs in teaching, civil service, parastatals and others. The public sector plays a crucial role in providing employment to its citizenry. The government through its ministries and parastatals ought to provide employment to citizens across all strata irrespective of levels of education. For example, people with higher education and special skills ideally should be given professional posts that are commensurate with their respective qualifications and professions. The same principle applies to unskilled people with no ‘paper’ qualifications. The unskilled persons with no qualifications are normally given jobs such as gardening, cleaning, and ferrying messages if employed in government ministries and all its agencies.

When the government is not able to engage in direct recruitment for all citizens, it must be noted that the situation does not vindicate government from its obligation and duty to ensure creation of jobs for its citizens. The government still has the obligation and duty to level the playing ground with a view to enabling and inviting private sector investment to come to the party and create employment opportunities for the citizens across the whole spectrum. In this scenario, the government has the critical role to play; it has a political obligation to formulate facilitating laws and regulations that are in the interest and favour of both the citizens and the respective private sector agencies, without prejudice to any of the parties. It plays a regulatory role in order to make it easier and friendly for the private sector to operate through such acts as lowering corporate tax and a complete respect for private property.

The government can create jobs by investing in infrastructure development; construction of roads for instance, creates ample demand for the private sector involvement due to the project funding that would be made available to privately owned entities or companies. The private sector entities awarded contracts and sub-contracts by government, should be compelled to employ citizens, both skilled and unskilled. This translates into the fact that government would have contributed to creating employment for the citizens by making funding or financing of large, medium and small infrastructure projects available. Other projects that do bring similar returns are in mining, manufacturing, farming and water management.

What is critical here is the fact that the government must heed to fiduciary duties towards its citizens and ought to explore all available avenues to ensure creation of jobs for its citizens. It does everything in its power to ensure its citizens access good jobs because a good job increases the chances of the improved life for an individual citizen and for their family. Good paying jobs and benefits contribute to an overall change for better for the entire society. Hence, it is the responsibility of government to ensure that workers get good jobs to promote prosperity and fight poverty.

In addition to this, governments collect revenue from an active workforce. The more individuals within a state have access to employment, the more revenue the government collects in the form of a variety of taxes. In essence, the creation of jobs not only helps the citizens earn a living, but also ensures a constant stream of revenue from work-related taxes. During the elections campaigns, politicians entice and cajole the electorate with their manifestos and promises, and top-most being to eradicate poverty by creating jobs once elected to office. Job creation is usually at the top of the agenda. This is one of the key points that get the people to elect them, especially the youth, and particularly in places where there are limited employment opportunities.

A subsequent consequent that comes with the creation of employment opportunities, is that of the creation of a better and functional economy. An economic environment that is attractive to the creation of new employment opportunities through a bustling of activities in mining, construction, agriculture and the private sector, is always a symptom of a thriving economy. Such an environment is often characterized by a stable currency upon which people can plan their future without the risk of hyperinflation eroding their savings, and this also promotes investments and trust in the financial system. The act of investing in employment creation, then, has the ripple effect of creating a stable economic environment which ensures that the well-being of citizens in the long-term is secure.

2.4.4. Social Welfare programs

As part of its obligations, the government is responsible for the enhancement and promotion of the wellbeing and/or welfare of its citizens. Drawing from Rawls' theory of justice as discussed in section 1.6 of this thesis, a just system is that in which social inequalities are such that they are to the benefit of the worse off members of society. To ensure such a system, the government has to provide basic services to its citizens such as social grants to the orphans, people with disabilities,

the elderly and the unemployed youth, among other vulnerable groups. The idea is that such people cannot take care of themselves in the immediate future, hence as part of its obligations, the government ought to create cushioning mechanisms to ensure that such people are not left out or do not resort to crime. The government can build houses, or provide food parcels and medical care to those in need under social welfare programmes. In Britain for example, they have a Job seekers allowance of between 71 to 90 Pounds a week, depending on the job-seeker's age as part of an unemployment benefits scheme that supports eligible unemployed members of the society (<https://www.gov.uk/jobseekers-allowance>). The main purpose is to help those who cannot afford to sustain their own lives without the support of others. Social welfare programmes as well as methods of financing and administration may vary widely among different nations or countries. For example, the Lesotho Ministry of Social Development under the welfare program gives children with disability an amount of 250 Maloti per month for their basic needs like food and also pays for Tuition fees for their education at schools. Generally speaking, this obligation emanates from the notion of welfarism, which is a theory that advocates for enhancement of well-being; that what is good for someone or what makes the life of a human being worth living is because it has intrinsic value. In short, it is part of a government's mandate to ensure that its worse off members are not left out in the distribution of benefits.

2.4.5. Protection of basic human rights

Human rights are inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion or any other status; in other words, these are universal, inalienable, indivisible interdependent and interrelated. It is the responsibility of government to refrain from interfering with or curtailing the enjoyment of peoples' rights. Hence, government has the obligation to protect individuals and groups of people against human rights violations or abuses. However, it is important to first briefly define the theoretical basis of 'universal' human rights. Universal conceptions of human rights argue that human rights are inalienable, self-evident and applicable to all human beings (Donnelly, 2003:10). These arguments are often linked to natural law theorists as well as political philosophers such as John Locke (Langlois, 2009:12). Many scholars maintain that human rights are 'pre-political', thus unchangeable and unaffected by cultural or political variation. Donnelly (2003:22) identifies the Universal Declaration of Human Rights as the basis in establishing the "contemporary consensus on internationally recognised human rights". Human rights hold universal values which should be adopted by states worldwide.

National laws and cultures often interfere with those rights, to which we should be simply entitled by mere virtue of being human beings, and it is the responsibility of government to make sure that rights are promoted, protected and fulfilled and, where necessary and appropriate, change laws to accommodate this aspect. For example, the Freedom of Movement is the right of individuals to travel from place to place within the territory of a country. If one wants to leave the country and return to it, they are free to do so. The freedom of movement includes not only visiting places but changing the place where the individual resides or works. In fact, this right can be strongly undermined or dented by national governments' internal laws; one's own citizenship, one's status (for example: being under investigation or being convicted), visa conditions on non-citizens that might restrict their movement and more. Moreover, if we do not own a valid identity card or passport, we lose our right to movement in external environments. Free speech is also a crucial and fundamental right essential in a democratic society and yet, in autocratic governments, this basic human right is deemed disagreeable and is treated with hostility.

Ramcharan (2008:17) believes that the basis of rights need not have cultural or philosophical origins, but instead be a response to common injustices humanity has seen. Again, "humanity's collective experience with injustice constitutes a fruitful foundation on which to build a theory of [universal human] rights". O'Byrne (2003:42) describes a modified Kantianism, with rights based theory on fundamental dignity "inherent in human beings, without distinction or exception". All cultures have common histories of injustices; demands for human rights from oppressed populations often drive reform (Mahmud, 1993, 495). When the basis of rights is presented in these terms, it is fundamentally clear that they should be universally applied.

This forms a strong case for the universality of human rights and certain key factors could ensure this conception can be applied universally. An existing basis in international law provides legitimacy to the human rights movement and a tool to hold governments to account. The Unilateral Declaration of Human Rights (UDHR) was formed with major influence from Non-Western states (Glendon, 2003:38), giving it legitimacy as a universally-applicable document. This has allowed the UDHR to achieve "wide acceptance among diverse cultures" (Glendon, 2003:27). The creation of the International Criminal Court (ICC) is a major development in human rights law, being able to independently investigate and charge individuals for serious human rights violations (Cassese, 1999:161). The legitimacy of the Court is grounded in its formulation by states

and NGOs from every region, which Du Plessis believes shows “the existence of a social system built on universal respect for the idea of human rights” (Du Plessis, 2008). The Court enjoys grass-roots support in Africa, where it is most active (Human Rights Watch, 2011). The ICC is meant to, ideally, ensure that governments across the world do not violate their citizens’ rights, and a number of despots who have violated such human rights, such as Muammar Gaddafi of Libya and Laurent Gbagbo of Ivory Coast have been summoned before the court in response to their atrocities against their own citizens. This shows that international agreements and statutes are a universal source of human rights standards that compel governments to respect the inalienable rights of their citizens.

In this manner, the international community can play a far more positive role in ensuring that basic human rights are respected. The ending of the Cold War has removed “many impediments to more effective international human rights policies (Donnelly, 2003:172), leading to numerous democratisations in Africa (Miguel, 2011). The West has played a more positive role in holding governments to account (Bujra, 2002:37). Western embassies, UN agencies and NGOs play a significant role in monitoring human rights abuses. The renewed push for human rights worldwide has, “[served] notice to tyrants that they can no longer butcher their people and hide it from the international community” (Ayittey, 2005:413). It is also shown that authoritarian governments appear more constrained following enhanced foreign oversight (Bujra, 2002:44). The international community can play a strong role in holding governments to account, providing legitimacy to domestic campaigns for human rights.

Civil society has played a crucial role in pushing for human rights worldwide. Civil society represents a legitimate conduit for human rights. Mahmud argues that rights are better respected if they came from populations, not isolated leaders or foreign imposition (Mahmud, 1993:497). Following the Cold War, civil society has grown stronger and has played a more influential role (Mutua, 2007:4). Ayittey (2011:236) cites the development of the ‘Cheetah generation’, a critical and reformist civil society, supporting accountability and human rights. Most importantly, Ghana is an example where civil society has put human rights on the agenda (Ayittey, 2011:259). Civil society’s scrutinising role has increased in influence; following election violence in Kenya, civil society pushed for a constitution grounded in human rights in 2010 (Greste, 2010). Activist John Githongo stated, “the Kenyan people have imposed a constitution upon their rulers” (Royal

African Society, 2010). Civil society represents the most legitimate and effective route for human rights to be universally realised.

There are various ways in which countries recognize and enforce human rights. Some countries do so through the country's own constitution. In the case of Lesotho, recognition and enforcement of human rights happen through the government's obligations under regional laws like the Southern African Development Corporation (SADC) Charter of Fundamental Social Rights; and through signing international conventions and treaties and others. The reason is that most states have adopted international human rights treaties, international laws on human rights and instruments such as declarations, guidelines and principles. Another aspect is that respect for human rights requires governments to establish the rule of law at both international and national levels. Since international human rights law lays down the obligations that countries are bound to respect worldwide, it is important that through ratification of international human rights treaties, governments commit and undertake the responsibility to put into place domestic measures and legislation compatible with their treaty obligations. This will ensure that international human rights standards are indeed respected and implemented by states. Hence, human rights are legitimised by international law, and indeed they are universal therefore, have to be protected by states.

From the Lockean social contract, a government is first instituted to protect life of its people. People enter into the social contract with the government in order for their lives to be protected by the institution of their own choice which has to make sure that lives of citizens are protected. The right to life is the most important right because without it, people can be killed arbitrarily and without any remorse whatsoever. This prevailed only in the state of nature where there were no laws or rules. This means that, where there are no laws or rules, there is no protection of human rights. However, in line with Locke's social contract, once the people select a particular group of people to lead them in society, then those in power have the obligation to protect the lives of all citizens in a society. Again, to show the importance of this right, before a person can go to school or work he or she has to be alive first. This implies that a right to life is more fundamental and has to be protected by government at all costs. It is the obligation of government to make sure that people are alive and procreate. Otherwise, if the lives of citizens are not protected they will die and there will be no one left to rule over.

Another aspect that must be taken into careful consideration in order to ensure that a right to life is protected is that people ought to have food and eat to maintain the mental and physical body, otherwise they will die. Thus, it is important to show that it is natural for human beings to have food in order to live. Without food or eating, people will naturally die. Hence, it is important to argue that the government is obligated to protect citizens from starvation. Starvation is defined as “suffering or death caused by lack of food.” It is the most severe form of malnutrition, which at a certain point may become irreversible and lead to death. Prolonged starvation can cause permanent organ damage and, if incomplete, leads to death within 8 to 12 weeks in adults. In the final stages of starvation, a variety of neurological and psychiatric symptoms are experienced, as well as severe muscle atrophy and disturbances in the heart rhythm. In children, chronic malnutrition is marked by weakness, greater exposure to disease and growth retardation. Malnutrition is by far the biggest contributor to child mortality; it is a contributory factor among the 6 million children every year – one third of the global total of children’s deaths.

According to the Food and Agriculture Organization (FAO), about 925 million people around the world are chronically undernourished. This figure represents about 13.5% of the world population. Two-thirds of the hungry live in just seven countries (Bangladesh, China, the Democratic Republic of Congo, Ethiopia, India, Indonesia and Pakistan) and over 40 percent live in China and India alone. Starvation represents a particularly dramatic expression of human suffering as it is related to one of the most basic, immediate and inescapable human needs and human rights. Unfortunately, for many people suffering due to hunger, this is seen as an ordinary condition that is mainly due to poverty, exacerbated by other factors such as civil war and natural disasters. The lack of nutrition leads to physical weakness, which affects the ability to work. Poor people suffer from hunger and this condition traps them in perpetual poverty.

The human rights system has not ignored the drama of starvation, as it challenges the satisfaction of one of the most basic and pressing human needs, and, in the end, also puts at risk the fundamental right to life. The right to food is recognized in many international instruments, beginning with the UDHR, which states in Article 25 that: Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services. Equally important is the fact that, each

and every individual bears duties of a kind as a part to play, with regards to the satisfaction of human rights claims (Orend, 1971:129).

The right to food is also emphasized by one of the pillars of the human rights system, the international covenant on economic, social and cultural rights of 1996, which recognizes the “fundamental right of everyone to be free from hunger” (Article 11), and stresses that states have the obligation to take steps, individually and through international assistance and cooperation to the maximum of its available resources, to achieve progressively the full realization of the rights recognized in the covenant, including the right to adequate food (Article 2.1). Sustainable Development Goal 3 (SDG 3) “Zero hunger” (UN SDG 2030 Agenda, 2025) re-emphasises this position.

States have the responsibility to take the necessary steps to ensure that everyone is free from hunger and starvation. This encompasses three obligations: to take positive measures against depriving people of food; to protect individuals from the violation of the right to food from third parties, and to facilitate and promote activities whose scope is to strengthen the access and the possibility of people to feed themselves. In this regard, the right to food is defined through three elements, which are availability, accessibility and adequacy.

Availability refers to the possibility for people to either feed themselves directly from productive land or other natural resources. Sufficient quantities of appropriate quality of food are available. Accessibility refers to access to adequate amounts of food to ascertain that citizens have enough food to meet their health and energy requirements including to meet the basic nutrient requirements. Adequacy refers to the sufficient intake of essential nutrients needed to fulfil nutritional requirements for good health.

The Lockean social contract shows that it is also the obligation of the political authority to protect the property of members of the society. It is not enough for the government to protect lives of citizens without protecting their property. Hence, a person is entitled to a right to property. A human being needs property to sustain his or her life. People need land, animals and many other belongings and/or objects to live the way they want to. In society however, some members of interfere with other members’ rights either by stealing their property or by making their living peacefully within the society practically impossible. Again, if the right to property is not protected

by the state, the living conditions of the society will negatively be impacted and turn sour. Those who steal from others create disorder and/or disarray within the society. Respect for the right of others to property is disregarded, despite the fact that people worked hard to own such property. Even if someone was born in a poor family, through hard work, it should be possible that they do eventually gain property. It is their right then that the state protects their right to property without discrimination. This right is also fundamental in that the government ought not to interfere in the citizens' private property. This includes physical property such as houses and cars, to the money that people have in their banks. A government must ensure that these assets are protected by coming up with laws that do not make such property susceptible to arbitrary seizure by the government itself. If the government fails to do this, this may have a negative impact on the country's image as a safe place to invest, thereby scaring off potential investors with devastating consequences.

2.4.6. Internal and External Security

All national state security agencies are charged with the responsibility to protect the economic well-being of the state against threats posed by the actions or intentions of person either inside or outside the country. A government is responsible to provide security of life and property to all citizens. As Thomas Hobbes argues, the social contract between citizens and the state is for security of all who make up the state. Internally the state has to establish institutions which enable the provision of safety and security like the National Security Services (Intelligence Unit), the police, courts of law and others. Furthermore, it is the responsibility of the state to protect the state from outside threats. Hence, the state establishes institutions like the army whose core mandate is to protect the state from outside threats and attacks. The main reason for this is that the security of life and property is vital for the existence of the state. Thus, the state is obliged to provide safety and security to life and property. Citizens are entitled to move around without fear, intimidation and attack, since their rights are protected. "In terms of internal security, terrorist threats or major crime may pose a life-threatening danger" (Drent, 2015: 7). It is therefore, the obligation of the government to protect its citizens from all sorts of harm and danger.

Williams argues that security is a powerful political tool in claiming attention for priority items in the competition for government's attention (Williams, 2008). According to Makinda's definition,

security is viewed as the preservation of the norms, rules, institutions and values of the society, (Makinda, 1998:292). Once these values are preserved through the military might of a nation, its citizens have assurance in their well-being. As William argues, security is a powerful political tool which is purely under the control of government. It is also factual that the government controls coercive force to make certain that there is security internally and that there are no threats to security from external sources. That is why there are armies, police and intelligence services in all the countries of the world. However, the way in which such coercive force is used may have an effect on the legitimacy of the government, as, sometimes, some governments may end up using such force disproportionately, especially where they see criticism as a threat to their hold on power and turn against their own citizens.

2.4.7. Creation of just laws, the rule of law and just institutions

It is the responsibility of government to make good laws and manage efficient and just institutions. Once the laws have been made they have to be respected by the citizens. In *Crito*, Plato writes “whereas you, above all other Athenians, seemed to be so fond of the state, or, in other words, of us her laws” (Crito 13), depicting the reasons Socrates found so hard to break the unjust laws of Athens. According to Arendt (1972:59), Socrates’ “personal misfortune did not entitle him to ‘break his contracts and agreements’ with the laws; his quarrel was not with the laws, but with the judges”. This means that once the law ‘itself’ has been made it has to be respected. This is why Socrates “never challenged the laws themselves-only this particular miscarriage of justice, which he spoke of as ‘accident’” (Arendt, 1972:598). Thus, a government must have processes in place that facilitate and enable access to justices for all, stability within the country, equality, accountability, transparency and civic participation. There is no way that human rights can be respected where there is no rule of law. Rule of law is attained through just laws and just institutions within the state.

A report of the European Parliament Committee in 2013 states that “it is better for the law to rule than one of the citizens.” Even the guardian of the laws, the government in this case, must also obey the laws because there is great truth in the saying ‘where law ends, tyranny begins.’ This reflects the spirit of the rule of law and its paramount importance to the promotion and consolidation of democracies. In ideal democratic states, respect for the rule of law is a crucial precondition for the respect of human rights; and, it is tightly linked to the promotion of good

governance which is essential to sustainable development” (ACP-EU Joint Parliamentary Assembly-Committee on Political Affairs, 2013:2).

International institutions like the World Bank identify key elements of the rule of law when they deal with countries that feature a fair, impartial, and accessible justice system and a representative government. A government should apply fair, equitable laws equally, consistently, coherently and prospectively to all citizens (ACP-EU Joint Parliamentary Assembly-Committee on Political Affairs, 2013:2). The strength of the rule of law is the best predictor of the success of the economy within a country. It also enables economic growth since it consists of enforceable, predictable, and efficient rules that help a market economy to flourish to its best.

The rule of law impacts positively on trade security and promotes all forms of investments within a state. It also attracts investors from abroad to come and invest in that particular country, and by so doing the economy flourishes. It lays down a foundation for political and social stability and results in attracting investments from abroad. Investments that can be made in the country involve various areas like in business, infrastructure development, education, health, the environment and others. All of these are very critical for economic growth and sustainable development. The deficiency in the rule of law encourages high rates of crime such as theft, corruption, armed robbery and others.

In a democratic country the principle of separation of powers is of crucial importance and forms a base for its democracy. The executive, legislative and judicial branches exist to ensure a smooth, stable, peaceful and healthy democracy and respect for human rights. A healthy democracy allows the media and civil society to play their part in influencing and denouncing the lack of respect for the rule of law without fear of reprisal. “A strong media and civil society could appear as a sort of very independent 4th branch of the powers. Their role is to pressure the other branches in order to protect the interests of the people. Promotion of the rule of law requires in-depth understanding of the political context and must be based on national assessments, needs and aspirations” (ACP-EU Joint Parliamentary Assembly-Committee on Political Affairs 2013:3).

2.4.8. Maintaining social justice and social order

It is the responsibility of government to maintain social justice. Social justice, in simple terms, could be defined as justice in terms of the distribution of wealth, opportunities and privileges

within a society; in other words, everyone in the society deserves equal economic, political and social rights and opportunities. The government does this in order to prevent citizens from harming each other. The concept 'justice as fairness' manifests in society in daily life. It includes various spheres of life such as fairness in healthcare, housing, employment and others. Furthermore, it is observed in a socially-just society. In such society human rights are respected; abuse, violation and discrimination are not at all allowed. Social justice is considered as justice in terms of distribution of the privileges, opportunities and wealth of members of that society. It dictates that the members of the society should also fulfil their societal roles and obligations so that they receive what is due to them.

It also the responsibility of government to maintain social order within a society. Basically social order means individuals have to abide by the terms of the social contract such as to observe the law, norms, rules and standards that exist within the society. Social order helps the community to live peacefully and harmoniously together, avoiding disruptions, chaos and conflicts. Society has values, morals, and traditions which help to uphold its stability, enabling it to continue with daily life activities. To this effect, institutions and groups collaborate to keep the society in order, so that it moves forward rather than fall apart. Social order is a base for a peaceful and conducive environment for progress. These conditions enable members of the community to live a good life together. It is the responsibility of government to facilitate social order by making laws which will enable due processes to work out - arbitration over disputes within society, for example.

In order to attain social order and social justice, there has to be just laws within a state. Hence, it is the obligation of government to create just laws. In Martin Luther King Jr's letter while in detention, he argued that there are two types of law, just laws and unjust laws. He went further to assert that a human being has both a legal and moral responsibility to obey just laws and conversely a person also has a moral responsibility to disobey unjust laws. In his own words he said "Any law that uplifts human personality is just. Any law that degrades human personality is unjust" (King, 1963). Just laws have to be respected by citizens in a state. They are legally and morally binding and ought to be respected because they do not bring any harm or prejudice to citizens. They contribute to the creation of a good society or state where peoples' rights are respected. The government that makes just laws most often respect citizens; it does its best to make just policies, orders or commands. But unjust laws are more often made by the dictatorship regimes because

oppressors are not accountable to the people. Unjust laws are bad laws which do not respect the rights of citizens. They usually serve the interests of the oppressor to the total disregard of the interests of the people.

2.4.9. Good relations with other countries

It is also an important obligation of a government to keep good international relations with its counterparts and not become a threat or a burden to neighbours. In one way or the other countries need each other. There are bilateral relations between countries for different purposes and intents. These include, but not limited to, trade relations, economic, political and social relations, among others. In the case of Lesotho which is not only a landlocked country but one that shares all its borders with only one country, South Africa, most of the essential products Lesotho needs are manufactured in South Africa. This implies that Lesotho has to maintain good relations with South Africa at all times. For example, with the rise of cross-border crimes, the two countries have to work together closely to combat crime through their security agencies.

At the international level, countries have to maintain good relations with one another. The recent COVID-19 pandemic demonstrated to nations that they need one another. Rich countries donated much to underdeveloped countries like Lesotho. Such donations included COVID-19 vaccines and other equipment needed to curtail the effects of the pandemic. This shows that in one way or the other countries need each other. Countries are also member states of international organizations like the United Nations, African Union and others which shows a genuine need for cooperation. A government, then, has the obligation to ensure that it has good relations with other governments of the world.

2.4.10. Infrastructure Development

Infrastructure development within a country is key to a number of factors that demonstrate economic development in a country, and therefore it is one of the obligations and responsibilities of a government to ascertain that it happens. Such infrastructure includes public roads, buildings in towns and cities, water and sanitation, building hospitals, clinics, health centres, and education institutions. As populations grow some challenges such as housing requirements, for example, may surface. A government has to respond to such challenges by working on improving existing infrastructure, as well as constructing new and better infrastructure to meet the needs of their citizens. Consequently, it is the obligation of government to develop and implement infrastructure

plans to address the development challenges that the country experience due to poor infrastructure within the country. Citizens need good roads to make traveling easier and to make all places easily accessible. Again they need modern technology to improve accessing services from government and other stakeholders that provide services to the people. Such infrastructure development goes hand in hand with the mandate of job creation. The more infrastructure development projects a government embarks on the more employment it creates for its people.

2.5. The capability theory of Amartya Sen

From the previous discussion on the function of government, it was illustrated that the government has a number of obligations that it has to fulfil towards its people. To further strengthen the argument that the government has obligations towards its citizens, this section will argue further that it is the responsibility of government to enhance human development or the well-being of its people and to that effect, Sen's theory of capability will be explored. The theory of capability is a moral framework which proposes that social arrangements should be evaluated based on the extent of freedom people promote including functions they value. This theoretical framework involves two core normative claims. First, "the assumption that freedom to achieve well-being is of primary importance. And second, that freedom to achieve well-being must be understood in terms of people with capabilities" (Sen, 1999:70). This theoretical framework has been developed into more specific normative theories like social justice or development ethics. The theory of capability states that the freedom to achieve well-being is a matter of what people can do and be. Hence, it is based on the kind of life people effectively lead. Sen holds the view that utility approaches, such as commodities or wealth or human mental reactions, are not appropriate approaches because they provide limited information about life. The example that Sen gives is that of a standard bicycle that is constructed for transportation purposes. The essence of the bicycle is meant for transportation but the actual provision of transportation will depend on the characteristics of the user of the bicycle. This means on its own it cannot provide transportation. Even if a person can find a bicycle charming it still lacks transportation on its own. Hence the mental reaction of that person does not show she would not appreciate transportation if it were actually available to her.

The theory of is more concerned with the quality of life humans can achieve. The lens or theoretical framework that is used is purely based on central concepts of functioning and capabilities. The very same method that should be used and be based on how well people are doing with regard to

their ability to live a life that is reasonable to value, not their wealth as such (Sen,1999). However, there has to be assessment procedure on how people perform in terms of capacity. The first step is to determine which functions are regarded as more important to the good life and how much it is. Hence, assessing freedom to make high quality choices is a much broader view than achievement of well-being. Hence, assessing capability is more information-demanding than any other accounts of advantage. What represents a person's freedom to live a good life that is valuable in terms of the value of the functioning, is the effective freedom she has achieved.

According to Nussbaum (2011:19), the capability approach is a theory about public policy or state action that demands an urgent task to government and public policy. Hence the theory in any developing country like Lesotho helps the government to focus directly on the quality of life that citizens are actually able to achieve and all this could be analyzed, in the researcher's opinion, in terms of the core concepts of functioning and capabilities of the state. From Nussbaum's description and from the researcher's personal experience as a civil servant, the key idea of the capability approach is that, social arrangements should aim to expand people's capabilities.

It is important in this regard to argue that the government has the obligation to enhance human development or the wellbeing of its citizens. Hence, it can be argued that Sen's capability theory refers to the foundation or the reason government has obligations towards the citizens. First by virtue of being human, a person has to live a good life that is valuable. A person has to be free to achieve well-being and that refers to the opportunities to be what people value. In other words, the government has an obligation to create an enabling and conducive environment where people can live a good life. This implies that the obligations of government are meant to serve the purpose which is outlined in the capability approach. Hence, it can be argued that Sen's capability approach is related and entailed in the strict understanding of government obligations. Since the discussion has shown that Sen's capability theory is relevant in the discussion of government obligations towards the citizens, the following section will focus on governance and capacity building which are also very key in the pursuit of the human well-being within a state.

2.6. Governance and Capacity Building

Governance refers to structures, processes and systems that define decision-making and interactions amongst various stakeholders. It is also broadly referred to as the exercise of functions and power through a country's economic, social, and political institutions. In the context of

inclusive infrastructure, it is linked to how government institutions are structured and operate in infrastructure development and implementation, and how they interact with the various public and private sector stakeholders. In combination with capacity building, which is a process used to improve or acquire certain skills, knowledge, processes or systems in sufficient quantity to meet its core functions, governance can impact how decisions are made and implemented.

In the context of inclusive infrastructure for example, capacity building refers to:

- a) strengthening the relevant capabilities in government institutions; and
- b) developing the skills of under-served and vulnerable groups to enable them to better access job opportunities and other beneficial outcomes from infrastructure development.

Leadership and governance systems are at the heart of how resources are targeted and used as well as how assets are developed. Leadership is closely linked to good governance, which is a prerequisite for effective infrastructure development; a leader can transform a common vision into a reality (Nussbaum, 2011:201). Moreover, governance has a significant impact on how the needs of social groups at risk of exclusion or discrimination can be better defended or positively promoted, and how protective measures can be developed and enforced. This is particularly relevant in situations of abuse of power or the application of entrenched social attitudes, values and discriminatory behaviours by an official, or when there is a lack of effective complaint or redress processes. In these situations, under-served and other vulnerable groups (such as low-income groups, women and the disabled) are likely to suffer most (Ibid:201).

To leverage the benefits of greater inclusion in all aspect of society, governments need to fully understand the issues and assess potential opportunities that can be derived through good governance, particularly in the decision-making and planning processes. Governance which acknowledges the collective benefits of improved inclusiveness will influence capacity building positively in the long-term. However, for this to be effective, there must be a system of accountability in place to ensure proper implementation and monitoring of inclusivity initiatives within government.

An open government policy is one instrument of accountability to promote transparency. An open government is exposed to public scrutiny, is always accessible to everybody, and is responsive to new ideas and demands. Such a government is said to be performing its duties and obligations.

Transparency and accountability can be enhanced by taking an open government approach to data. That means government information is proactively disclosed and publicly available for everyone to access, reuse and redistribute without restriction.

The benefits of opening government data to the public are not limited to social gains; there are also economic benefits to be derived. In governance processes, the attitudes and behaviours of decision-makers and professional staff, whether conscious or unconscious, are important. Training and education of existing government personnel is required to better understand, integrate and address the needs of vulnerable groups.

According Klugman (2002:37), capacity building and training is also required to elevate members of disadvantaged groups into positions of power, decision-making and influence. Inclusive governance requires greater transparency and public awareness of the existing governance structures and processes; of whether there is any lack of inclusion in government; of the occurrence of discrimination and inequality; and of the availability of information. Klugman avows that transparency and access to information can lead to greater participation by the community in decision-making.

A structured, rather than ad hoc, approach to capacity building enables more effective participation. It may trigger behavioural change or a paradigm shift if applied on a programmatic basis, with a long-term perspective and linked to practical components. Improved governance, with an emphasis on capacity building, empowers citizens and fosters accountability and a shared sense of responsibility on the part of the government, provided there is consistent application of the strategy over time and a commitment to cultural change instead of one-off interventions, (Klugman, 2002:38).

Leadership and governance systems are at the heart of decision-making that guides how resources are used and assets are developed to target inclusive outcomes. Leadership forms the foundation of how a vision on social inclusion is translated into reality. Inclusive institutions with good governance are required to promote and enforce policies that address social inequalities, particularly with regard to under-served and other vulnerable groups. According to Klugman (2011:40), important elements of good governance include transparency and accountability, which create trust between the government and society. Ease of access to information and modern communication tools can help to create an interactive and collaborative environment.

Training and education of existing government personnel can help strengthen capacity to better understand, integrate and address the needs of vulnerable groups. Targeted capacity building may strengthen the relevant information, knowledge, and skills needed by under-served or other vulnerable groups to enable them to access wider benefits from infrastructure, such as access to markets, employment and services.

2.7. Elements of good governance

There are various elements associated with good governance such as accountability, transparency, respect for the rule of law and others.

2.7.1. Accountability

At the macro level, this includes financial accountability; that is, an effective, transparent and publicly accountable system for expenditure control and cash management, and an external audit system. At the micro level, it requires that implementing agencies be held accountable for operational efficiency. Auditing systems should meet international standards and be open to public scrutiny.

2.7.2. Transparency

Private sector investment decisions depend on the public knowing what the government's policies are and having confidence in the government's intentions, as well as on the information provided by the government on economic and market conditions. Transparency in decision-making in infrastructure projects, particularly in budget, regulatory and procurement processes, is also critical for effective resource use and reduced corruption and waste.

2.7.3. The Rule of Law

In infrastructure development and implementation, a fair, predictable and stable legal framework is essential. Businesses and individuals need to be able to assess economic opportunities and act on them without fear of arbitrary interference or expropriation. This requires that the rules be known in advance, that they be enforced and applied consistently and fairly, that conflicts can be resolved by an independent and impartial judicial system, and that procedures for amending and repealing the rules exist and are publicly known.

2.7.4. Participation

Good governance requires that the society can participate during the formulation of infrastructure development strategies, and that directly affected communities and groups should be able to participate in the design and implementation of infrastructure programs and projects. Even when

projects have a secondary impact on localities or population groups, there should be a consultation process that takes their views into account. This aspect of governance is essential in securing commitment and support for projects and enhancing the quality of their implementation especially in developing countries like the Kingdom of Lesotho, the area under review in this study.

2.7.5. Relevance

Inclusive structure requires close and meaningful engagement between the government and all stakeholder groups affected by, or benefiting from, a policy or project. This engagement should identify the developments likely to enhance the rights and interests of target groups, as well as those that will have a negative impact. In accordance with applicable legal and regulatory requirements, the focus should be on further strengthening the positive impacts and eliminating, mitigating or compensating any negative impacts. Improving regulations and legislation. Embedding inclusivity in governance requires changes to operations and public administration, which affect the administrative rules of a state and may require amendments to relevant regulations and legislation.

Establishing a political champion and coordinated approach. Initiatives may be complex and require a coordinated and aligned approach across all government ministries and other government or quasi-government entities involved, ideally supported by strong political champions. Transparency is considered good practice in governance and helps to improve accountability and increase participation. Greater transparency can be achieved by giving the public access to information, helping people understand the decision-making process and by creating avenues for the public to express their opinions and influence government decisions on matters that impact them. Robust processes are required to enforce transparency. New technologies and communication platforms may increase accessibility to information and enable vulnerable groups (e.g. people with hearing or visual disabilities) to participate.

2.7.6. Elements of governance capacity

In the network society, the capacity to deal with societal issues is spread among interacting actors in governance networks. Knowledge about this capacity, often called “governance capacity,” is still fragmented and quite incoherent. Since the main aim of this chapter is to look at the obligations of government, it is equally important to gain an integrated understanding of governance capacity. To do this, this section of the chapter highlights four elements of governance capacity: (1) collective action, (2) coordination, (3) resilience, and (4) resources.

In the literature on governance capacity, the capacity to come to *collective action* is mentioned frequently. The most well-known author describing the concept of collective action is Elinor Ostrom, who extensively studied the roles that institutions play in either improving or blocking capacities to solve a governance problem, especially when governing a common good. Collective action refers to cooperative behaviour of individuals or organizations to perform and to protect a joint goal (Ostrom, 2007).

There are three complementary views on collective action. Firstly, governance is the result of the actions of actors. Consequently, the capacity to come to actual actions is part of governance capacity. Governance capacity is about the “flow of day-to-day actions” (Coaffee and Healey, 2003:228). Secondly, governance is also about the relations between the actions of individual actors: the interrelated actions. In a governance setting, actions influence each other. As Arp Fallov (2010:79) stated: “It is the ‘actions upon actions of others.’” This relation is described as the interrelatedness and synergies between actions. Altogether, the interrelated actions result in collective action. Because the actions interlock, actors within a governance network are able to “operate as a collective actor” (González and Healey, 2005:205), thereby overcoming the social dilemma between individual actors. In Ostrom’s (2007) work about common pool resources, she described the way in which interrelated actions emerge in self-organized collective action, moving beyond individual interests, and resolving the inevitable tensions between them.

Governance capacity is also frequently defined as the capacity to *coordinate*. Collective action and coordination seem to be closely related or even the same. However, especially in a governance setting, actors attempting to coordinate their actions may not necessarily achieve collective action. On the other hand, actions could strengthen other actions rather spontaneously without deliberate coordination. Therefore, we make a distinction between collective action and coordination. The literature on governance capacity indicates that coordination is about the capacities of actors in a governance setting to inform each other about goals and actions, about opportunities and threats, and about issues and ambitions. This capacity also relates to the number of people with whom information is shared. Coordination will only arise if information is shared among some number of actors; a number of actors is needed “to achieve critical mass” and “to feel included” (Ostrom, 2007:177).

On coordination as part of governance capacity, Ostrom (2007:200) not only emphasizes attempts to share information, but also *realized* coordination. Coordination can be *realized* at different levels; for instance, horizontal coordination (between organizations or networks at the same level) or vertical coordination (between organizations and networks at different levels). At these different levels, coordination is about “mechanisms that facilitate coordination within networks of interdependent actors”. This coordination leads to coherence and integration between actors, and prevents blind spots. Nussbaum (2011:217) reiterates that coordination based on mutual understanding, dialogue, and reciprocity results in higher governance capacity; she described this as “their ability to engage in constructive dialogue,” “to reach mutual understanding,” and, on a higher level, “its capacity to serve as an integrative rather than aggregative institution”. Coordinative capacity thus includes the capacity to share information and to realize coordination based on mutual understanding and trust.

Another key element of governance capacity is *resilience*. This is defined as adaptability or the ability to adjust to stress, to realize opportunities or to cope with consequences (Klugman, 2002:87). Following this definition, authors distinguish between opportunities and threats. Resilience is firstly about recognizing and using opportunities. In a governance setting, these opportunities can even be created: “the ability of actors (collectively and individually) to respond to, create and shape variability, change and surprise” (Hill and Engle, 2013:178). Secondly, resilience is also about coping with threats and even taking advantage from them.

Actors in a governance setting have the responsibility of making use of different *resources*. For instance, natural resources, physical assets, employees and their capacities, financial resources, knowledge and expertise, legitimacy, and network positions. Some authors interpret resources as having resources. In the view of scholars such as Wiesel, governance capacity is not just about having resources and the capacity of deploying them, but also about the capacity to exchange, mobilize, and manage resources. He called this the “ability to generate and manage resources necessary to govern and to better utilize existing capital resources” (Wiesel, 1972:23).

In a governance setting, resources are exchanged, mobilized, and managed by actors to perform their functions. The exchange, mobilization, and management of resources is thus related to the execution of certain governance functions thereby linking resources to performing governance functions (Wiesel, 1972:63). Consequently, the issue of good governance and capacity building

are important in the discussion of government obligations. At this juncture, it is also important to look at Maslow's hierarchy of needs since it helps in identifying basic human needs that ought to be satisfied through a conducive environment created by the government.

2.8. Abraham Maslow's Hierarchy of Needs

An important indicator of human needs that the government needs to take cognizance of and make part of its mandate is to be found in Maslow's hierarchy of needs which, in essence, is a theory which aims at explaining human motivation in terms of different levels of needs. This theory holds a view that there is a hierarchical order in the pursuit of motivating human beings (Maslow, 1998:17-18). The hierarchical order begins with human basic needs to a more advanced needs. The fifth level of the hierarchy which is the ultimate goal is called self-actualization.

Maslow's hierarchy of needs can be summarized as follows:

- a) **Physiological Needs:** This category points to the lowest level of needs for the survival of a human being. It refers to the essential needs or things a human being needs to survive. That without which a survival is not possible at all, for example, water, shelter, food, warmth, health and rest. Naturally, at the level a human being's motivation emanates from their instinct to survive. If a person cannot eat food she will die, meaning that by her very nature, a person needs food as a key condition to survive.
- b) **Safety Needs:** The second level of Maslow's hierarchy of needs is called safety needs. By their very nature, a person has a need to feel safe and secure in life and the area surrounding him or her. Safety and security form a foundation for the motivation that comes from the need for law, order, and protection from the conditions which are very unpredictable and dangerous for human beings in their daily lives.

In modern society, a human being needs protection from weather elements or violent conditions, health threats and sickness and others. Furthermore, a person needs economic safety to live and thrive otherwise she will not make it especially in modern society. This refers to economic needs like job security, stable income and savings among others.

- c) **Love and Belonging Needs:** Furthermore, another level in the hierarchy of needs is called love and belonging needs. Human beings by their nature are social creatures that crave interaction with other humans. This level of the hierarchy points to the need for friendship,

intimacy, affection or love, family and others. By their nature people need love; either they give or receive it. There is a need to belong to a particular group. The absence of this aspect results in experiences of depression or loneliness. No person is an island, a person is born into a family and society, and depriving them of this need will cause diminish the goodness of their lives.

- d) **Self-Esteem Needs:** The fourth level in the hierarchy of needs is self-esteem needs. They are needs which point to a human being's need to gain recognition, status or feel respected. After meeting their needs of love and belonging, human beings require to fulfill their esteem needs. The esteem needs are divided into two types which are; (a) the need for respect from oneself and (b) the need for respect from others. The need for respect from oneself refers to confidence, competence, dignity, freedom and independence. While on the other hand the need for respect from others refers to attaining recognition, prestige, fame and others.
- e) **Self-Actualization:** It is the last level of hierarchy of needs called self-actualization. It points to the individual's potential to do achieve their conception of the good life. This is where people strive to become the best out of which their potential can be possibly manifested. The need for self-actualization can be seen in various ways such as; (i) Obtaining skills (ii) Continued education (iii) Utilizing skills, knowledge, and talents (iv) Pursuing life dreams (v) seeking happiness. A person may work hard to become the best parent or a friendly person to all members of the community. Others may work hard to become best teachers at school. Hence, self-actualization is considered as the pursuit of personal growth. This is the growth individual person wants to achieve. "The one whom all potentials are coming to full development, the one whose inner nature expresses itself freely" (Maslow, 1998:17).

Consequently, it can be argued that Maslow's hierarchy of needs is important and relevant to this discussion because the theory is applicable to human beings that live within a state, a state with leadership that is elected and put in power by the people. The people therefore, expect their needs as stipulated in this theory be addressed by a government they have elected. Government therefore has the obligation to create enabling and conducive environment with all that it has to promote, protect and fulfil these rights or essential human needs as identified in Maslow's theory of hierarchy of needs.

2.9 Conclusion

The discussion in the chapter was intended to shed light on the nature of government obligations towards those it governs. It was observed in the chapter that once a government is instituted, it carries with it a variety of obligations and duties towards its people. Amongst these duties is an obligation to protect people's rights in order to create a society where people are free to thrive. Ensuring that the rule of law is followed was also seen as key for it encourages the private sector to thrive, hence ensuring job creation and a constant stream of revenue. Keeping the worse off members of society protected from suffering as well as keeping the state safe from internal and external threats were also seen as essential government obligations. Government obligations were also seen to encompass capacity building as well as a respect for people's needs as expressed in Maslow's hierarchy of needs. Once a government fulfils all of these mandates, then a state of equilibrium, peace and harmony ensues. The following chapter explores what would happen should the government fail to fulfill its obligations towards citizens and what recourse actions the citizens can take, specifically, civil disobedience.

Chapter 3: The notion of civil disobedience

3.1. Introduction

Having discussed the functions and mandates of a government in the previous chapter, this chapter seeks to explore what ought to happen should a government fail to fulfil its mandates. This draws from the contention discussed in the previous chapter that when a government fails to fulfil the mandate for which it was created, some action must be taken against it since it has breached part of its contracts. John Locke, as discussed in the first chapter, argued that once a government fails to protect people's lives, health and property, then such a government must be dissolved and society is better off in a state of anarchy, in the sense of having no common authority; the state of nature. However, in modern times, it must be acknowledged that most governments are not easy to dissolve since they wield control of coercive force and once threatened, the governments may decide to unleash this force on their citizens to bring back order. The chapter seeks to investigate the conditions that necessitate people taking such action against their government. The chapter seeks to assess whether civil disobedience can be necessitated by the political leadership derailing from the mandate it owes the electorate. Various forms of civil disobedience are explored and how different forms of governments react to them. Furthermore, types of grievances that warrant citizens to engage into civil disobedience are investigated and established. Finally, the chapter attempts to differentiate civil disobedience from other forms of protests including criminal activities.

3.2. Definition of Civil Disobedience

It is important to demonstrate that once a government is understood as a social contract between the rulers and the citizens, this creates obligations on both parties as it was established in chapter 1 of this thesis. If either party fails to fulfil its obligations, then a reaction from the other party is warranted. The Lockean social contract proposes that a political authority or civil government has to protect life, liberties, health and property of the citizens. This means that the government has the moral obligation to protect and fulfil these obligations towards the citizens. Under the social contract, the political authority or government is not only given powers to govern, but also the power to punish those who violate its laws. However, if a government fails to fulfil the mandates it owes to its citizens, then the citizens are under no moral obligation to obey such a government

because it has breached its part of the contract. Hence, within this context and background, the notion of civil disobedience can be defined as “the deliberate and public violation of the command of an authorized and accepted political superior on the ground that this decree is unjust, immoral, unconstitutional and contrary to good public policy” (Martin, 1970:126). From this, it can be noted that civil disobedience is as an active and professed refusal of the government’s commands or demands on the part of the citizens within a state. The main purpose of civil disobedience is to force concessions from the government or the authority which is in control.

Traditionally, civil disobedience has been defined as a passive resistance to certain laws, orders or commands of the political authority. It is typically equated with peaceful protests or nonviolent resistance against the government. Civil disobedience occurs when the government acts contrary to what can commonly be considered as the common good of the people. For example, if the government enacts a law that is generally considered unjust or against the common good or when the government acts contrary to established laws. As noted by Martin (1970:125), sometimes the objection is lodged by the people not against a specific command (law, decree), but against some policy of the government with which the law is connected. He notes further that “...sometimes the connection between the law violated and the policy protested is remote, and the act of protest or defiance becomes largely symbolic. In any case, the law is broken [by the people] as a way of getting to somehow frustrate the government through disobedience in order to get it to modify its policies” (Martin,1970:126). This implies that there is a deliberate intention to violate the law for a social purpose.

John Rawls concurs with this view of civil disobedience by asserting that, non-violent violation of established laws and conventions is conscientiously aimed at the purpose which brings about change of laws or government policies (Rawls, 1999:320). At this juncture, it is important to look at the views of advocates of civil disobedience such as David Thoreau, Mahatma Gandhi, Malcolm X and Martin Luther King Jr, so that the study can demonstrate how civil disobedience has been applied in modern times.

3.2.1. David Thoreau on Civil Disobedience

In the 19th century, the concept civil disobedience was not identified or related with the current political concept of civil disobedience. It was not identified with this specific form of political unrest where the citizens can rise up and fight against their own government or its policy, orders,

commands or unjust laws. In the 19th century, the term civil disobedience came to mean something very specific related to political protest (Taylor, 2015:16). Taylor argues that reading Thoreau's essay titled *Resistance to Civil Government* (1849), a person expects to confront a situation of a more radical document, which is less respectful of government, less civil, and more belligerent of government or generally a political authority (Taylor, 2015:17). However, Thoreau's *Resistance to Civil Government* is not a work on political revolution, but describes the night he spent in the Concord jail because of the refusal to pay poll-tax and his protest was regarded as specifically directed at slavery and the Mexican war. Hence, he was so disappointed that his Aunt Maria paid his tax so quickly after he spent only one night in jail (Dooley, 1978:181). The key issue is the relation of an individual with the state with regard to the laws that an individual person has to comply with. Thoreau failed to pay tax that he was supposed to as a kind of protest towards the injustice of slavery. It is important to note that Thoreau was an abolitionist, strongly advocating for the ending of slavery and slave laws in America when this view was quite unpopular. He viewed black people as suffering an injustice under the slave masters. He therefore concluded that a government that supported slave laws was an unjust government that did not deserve his respect. He therefore abjured his obligations towards the government in acts of civil disobedience. In light of the injustices that he was observing at the time, Thoreau concluded that an unjust government was worse off than having no government at all, echoing anarchist sentiments as discussed in previous chapters of this study, as well as the Lockean view that it is better to dissolve the government once it fails to protect the citizens' liberties and life (as the slave laws were doing at the time). He expressed these sentiments in the phrase "That government is best which governs not at all" (Taylor, 2015:21). His argument was that a bad government is worse than having no government at all.

Thoreau appeals to the conscience of the government to meet the needs of all its people and repeal unjust laws so that everyone in the state would flourish regardless of gender or race. However, he expressed a deep doubt on whether the rich, lawyers, and legislators can listen to their conscience. He argued that those who are associated with the people in power are not in a good position to listen to their conscience because it is all about pleasing and pursuing their interests and disregarding other peoples' rights. Hence he argued for at least a minimal state or no government at all, conditions he believed would enable all individuals to flourish since once we give power to

a few individuals, then they would fail to listen to their conscience and abuse the power to violate the needs of those without power.

Thoreau made an attempt through his works and public lectures in the 1840s to show his fellow citizens that unjust laws of a bad government are unnecessary and should not be respected. He held the view that “the individual (must be recognized) as a higher and independent power...and a government seen as a second rate expedient” (Dooley, 1978:182). Over and above, Dooley (1978:182) asserts that Thoreau's first position on civil disobedience declares that society and the policies of the state are always subservient to the conscience of individual citizens. If a policy violates a citizen's conscience, he should disobey it. Hence, generally, Thoreau is considered as a person who first came up with civil disobedience, even though, he specifically did not use the words, but rather he used the words *resistance to civil government*. Thoreau believed that when the civil law is in conflict with an individual's conscience, then a citizen has a moral duty to listen to the voice of God rather than of the civil authority (Harding, 1982:207). In this regard, one's conscience, which he believed all humans are endowed with, is the key to recognizing laws which are unjust, leading to resistance to civil government.

In terms of how the protests should be carried out, Thoreau believed that civil protests must be nonviolent, and should be conducted in a peaceful and orderly manner. The reason is to be able to distinguish them from rebellious, rioting and other forms of violent direct action. Furthermore, participants in civil disobedience, hereinafter referred to as *civil disobedients*, commit their acts in breaking what is generally understood as the standing law with the purpose of changing it. By so doing they are appealing to the authorities such as the executive, courts or legislature for remedial action. Acts of civil disobedience will be expected to call to the attention of not only the political leaders, but also highlights the injustices to those citizens who were initially not interested in participating in the civil disobedience. As the efforts of Thoreau demonstrated, with slavery being abolished in 1865, civil disobedience is a powerful tool in drawing the attention of the government. But Thoreau is not alone in the history of civil disobedience. Another influential figure in the civil disobedience literature is Mahatma Gandhi.

3.2.2. Mahatma Gandhi on Civil Disobedience

Mahatma Gandhi, an advocate for Indian independence in the early part of the 20th century, was influenced by Thoreau's civil disobedience in his own version of civil disobedience that he called

Satyagraha (Henderick, 1956:462). According to Gandhi, the notion of *satyagraha* comes from the words *satya* which means *truth* (and implies love) and *agraha* which means force. Force here is to be understood as a kind of truth which emanates from love or nonviolence, or insistence on truth. According to Gandhi, “under a government which imprisons any [people] unjustly, the true place for a just man is also prison” (Henderick, 1956:465). Gandhi’s stance towards unjust governments began in South Africa where he practised law and defended Indian merchants against the harsh discrimination of the Apartheid regime. He then went on to India in 1915 and began mobilizing citizens, peasants, merchants and farmers to resist the harsh land tax that was being imposed by the British government.

At its core, *satyagraha* is aimed at ending all forms of injustice. For Gandhi, *satyagraha* means the exercise of the purest soul-force against all injustice, oppression and exploitation. Suffering and trust are attributes of soul-force. The active nonviolent resistance of the ‘heroic meek’ makes an immediate appeal to the heart. According to Choudhurie, “The Gandhian philosophy of *satyagraha* is a natural outcome of the supreme concept of truth. If truth is the ultimate reality, then it is imperative to safeguard the criteria and foundations of truth. A votary of God which is the highest Truth and the highest Reality must be utterly selfless and gentle” (Choudhurie, 2006). That shows his philosophy of *satyagraha* was based on supremacy of spiritual and moral values.

Satyagraha wants not to endanger the opponent but to overwhelm him by the flooding of the power of innocence. According to Gandhi, “*Satyagraha* is an inherent birth-right of a person. It is not merely a sacred right but it can also be a sacred duty” (Choudhurie, 2006). Hence Gandhi argues that if the government does not represent the will of the people or citizens it has to be disobeyed (Choudhurie, 2006). However, he says that a person who wants to vindicate his rights should be ready to face persecutions. The problem lies in the fact that a government which does not respect its citizens brings pain and persecutions to whoever it regards as an enemy.

Gandhi elaborated that there are different forms of *satyagraha* which include fasting, voluntary migration and non-cooperation with the evil doer. Fasting is an act which points to the close personal affection between the oppressor and the oppressed. It is applied against the people who are bound by ties of certain relationship or close personal affection. Whereas voluntary migration refers to the situation where the oppressed take an action of leaving one place to another. A person who leaves his place believes that it is wisdom to go away from the oppressor without engaging

into violent activities. Satyagraha rules out violence completely (Choudhuries, 2006). For Gandhi, a legitimate fight for freedom is the one based on truth and nonviolence. It is important to show that a *satyagrahi* (a person engaging in satyagraha) must first be willing to be obedient to the state's laws. A satyagrahi should do so intelligently and out of freewill because they have a sacred duty to do so. Gandhi argues that it is only such a person who is in a position to judge as to which specific rules are good and just, and also judge which rules are unjust and evil. By so doing the right is accrued to him of the civil disobedience of particular rules or laws in well-defined circumstances (Choudhuries, 2006).

Notably, Gandhi claimed to have been a law abiding citizen regardless of what the state said about him. The important thing is to stick as *satyagrahi* while resisting the unjust laws of the government, and making sure that the social structure is not subverted in that resistance. Furthermore, civil disobedience of the laws of government within a state is considered as the strong and extreme type of *satyagraha*, whereas a complete civil disobedience implies a refusal to render obedience to all laws of the government. The most important thing for Gandhi was to live in accordance with the canons of truth, and for Gandhi, truth demands a sacred duty or a moral imperative of non-cooperation with evil doers (Choudhuries, 2006).

Gandhi's political teaching holds that *satyagraha* is a perpetual law against anything which is repugnant to the soul of man. An individual who stands for truth and conscience can resist the law and commands issued by a house of parliament or a representative legislature, if and only if those laws are against the higher law of the *atman*. In the Hindi language, *atman* is a Sanskrit word that refers to the (universal) soul or self-existent essence of a human being. It can also mean 'real or 'true' self of a person or an individual (Johnson, 2009). Hence, a true person who practices *satyagraha* can risk all dangers for the sake of *atman* and truth even if the outcome can be bloodshed (Choudhuries, 2006). He believes that denying the truth is like a denial of God, and *satyagraha* comes as a pre-emptory duty under such circumstances.

However, it is important to note that Gandhi's *satyagraha* advocated for active rather than passive resistance. For Gandhi, Satyagraha requires an active continuous cleansing of the mind and soul. Hence, the issue of inner purity is of crucial importance. It has to do with the spiritual and moral aspects of mankind. Hence, it is considered as a dynamic force because of the aspect of contemplating action in resistance of injustice. On the other hand, Gandhi considered passive

resistance as an act “incompatible with internal violence towards the enemy” (Choudhuries, 2006). Passively resisting government laws would not yield the desired result of restoring the imbalance that has been created by a government’s unjust laws. Resistance needed to be active and noticeable enough to foster a change in government injustices. *Satyagraha* stresses “on spiritual and moral teleology because the final source of hope and consolation for the *satyagrahi* is God”. Therefore, *satyagraha* can be practised actively at all levels including the domestic, social and political. As Gandhi notes,

“All machines have friction, and possibly this does enough good to counter-balance the evil. At any rate, it is a great evil to make a stir about it. But, when the friction comes to have its machine, and oppression and robbery are paramount, I say, let us not have such a machine any longer. In the Asiatic Registration Act, British Indians have not only a law which has some evil in it, but it is evil legalised, or it represents friction with machinery provided for it. [active] Resistance to such an evil is a divine duty” (Hendrick, 1956:466).

It can be noted here that Gandhi, in similar fashion to Thoreau, holds the view that a government’s orders, commands or law which are unjust should be actively disobeyed. Furthermore, Gandhi held an unwavering moral and spiritual commitment to the philosophy of non-violence. He believed that civil disobedients should break the law which is unjust and should always be ready to face the consequences in pursuit of their fight to justice. Civil disobedients should not flee or resist arrest and should accept penalties from the oppressor. He believed that by accepting penalties, civil disobedients do bring to the attention of other citizens what they are fighting for. As his *satyagraha* or ‘truth force’ holds, the message of the truth of what they are fighting for will trigger other citizens to be aware of the injustice and act accordingly. Once the message of injustice is clearly communicated to the masses of people, then the oppressor will become weak and the people will be victorious. Furthermore, Gandhi believes that civil disobedients have to demonstrate their honour and integrity in their suffering. They do not insult anybody including the oppressor, but just actively disobey the unjust laws. By so doing they differentiate between just and unjust laws.

Gandhi’s Dandi March is considered to have served as the catalyst for the start of the civil disobedience movement in India. In March 1930, Gandhi and 78 other Indian colleagues who were members of the Ashram set off on foot for Dandi, a village on Gujarat’s Western seaboard, from

the Sabarmati Ashram in Ahmadabad (India). On April 6, 1930, they arrived in Dandi; their purpose was to violate and break the Salt Law. This was triggered by the fact that salt production in India was a monopoly of the British Government and any production by the Indians was regarded as illegal. This meant that the Indians were not allowed to conduct any business relating to salt. This was considered an unjust situation in Indian society. Because these unjust laws were affecting the majority of the Indian population, this civil disobedience movement gained significant support from millions of Indians, hence, it was referred to as the ‘salt *satyagraha*’, and the salt march was considered as representing citizens’ opposition to British government policy on salt. The salt march lasted 24 days. However, the British government did not immediately make concessions, but overtime, due to the pressure from Indians and worldwide civil disobedients, finally made concessions. Thus, the salt *satyagraha* became successful in changing unjust policies. The British government had to change its policy on salt and prisoners who broke salt law were released. Another champion of civil disobedience is the civil rights movement leader Martin Luther King Junior.

3.2.3. Martin Luther King Jr on Civil Disobedience

Martin Luther King Jr considered Gandhi as his mentor and shared his belief on civil disobedience. King, like Gandhi, believed that the purpose of civil disobedience is to persuade the state and its citizens that unjust laws should be abolished because they violate a higher moral principle which a good government should adhere to. King believed that violence must not be used because it undermines civil disobedience and its intent. Advocating for non-violence implies that there will be no malice or hatred for one’s opponent. Like Gandhi, King holds that non-violence or non-violent protest leads a person to achieve a new moral understanding with one’s opponent. The ultimate goal is to win one’s opponent’s empathy and friendship. Hence, it is not aimed at defeating and humiliating one’s opponent as such.

King is known by his famous phrase “Justice too long delayed is justice denied” (Mallampalli, 2011). It was made during King’s response to his critics that change should come gradually and African Americans should have to wait longer for changes in the American law. Black people were denied the same freedom and civil rights enjoyed by their white American counterparts. King advocated for the rights of the African Americans and the Asians living in the United States of America, arguing that “oppressed people cannot remain oppressed forever. The yearning for

freedom eventually manifests itself, and that is what has happened to the American Negro” (Mallampalli, 2011).

King holds a view that freedom is a birth right (Mallampalli, 2011). Both the Asian and African Americans were to move with a sense of urgency from injustice and move to the promised land of racial justice. Furthermore, he argued that segregation should be repealed and not to be tolerated. He calls it an immoral and unjust institution that needed to be abolished. He believes that non-violent action in the fight against racial injustice was the best strategy to fight this injustice, since it is a constructive approach and a creative engagement of the American nation.

King was not aiming to attain anarchy but rather justice and peace for all people consisting of different races who form one nation. He argued that non-violent action always stands in-between tolerating abuse and returning abuse with more abuse. His idea was that even the oppressed should not revenge by returning abuse or oppression to the opponent, should an opportunity arise that they are now in power. For King, “In the end, non-violent action seeks to set people free from a cycle of perpetual unkindness” (Mallampalli, 2011). This type of non-violent action has a significant moral basis. Hence, he goes further to argue that it is not a reckless and scorched-earth behaviour, thus it does not aim to inflict pain on opponents. However, “non-violent direct action seeks to create tension [in a] community that has consistently refused to negotiate [and] is forced to confront the issue” (King, 1963).

By fighting and breaking the unjust law, the people will be ready to willingly “...suffer the consequences; the non-violent activist exposes the injustice of the law and stirs the conscience of the society to amend its ways” (Mallampalli, 2011). King’s civil disobedience aimed at the social structures that must be accountable to a moral universe which says all people should be treated equally regardless of race or class. On the other hand, the victims of injustice should deal with anger constructively and redemptively and avoid revenge.

King advocated for an America which is for all Americans irrespective of race and other discriminatory factors. With the passing of the Civil Rights Act of 1964, and the end to official segregation, important legal constraints were lifted that once prevented African Americans from fully partaking of the American dream (Mallampalli, 2011). African Americans are now bringing intelligence and leadership in every sphere of life, including the government, media, academia, business and private sector as a whole. President Barack Obama became the first African American

to the presidency in history of the United States. He was not the only one to rise to such high levels of government; the likes of Dr. Condolezza Rice and Collin Powell are fruits of the civil rights movement and indeed successes of civil disobedience in the United States of America. However, although Gandhi, Thoreau and Dr King advocated for non-violent resistance to civil disobedience, another civil rights leader in the American civil rights movement had a different approach to how civil disobedience should be carried out; Malcolm X.

3.2.4. Malcolm X on civil disobedience

Born on the 19th of May 1925, Malcolm X was a prominent civil rights leader in the American civil rights movement of the 1950s and 60s. Just like Martin Luther King discussed in the preceding section, Malcolm X was disgruntled by the manner in which African Americans were being prejudiced by the American system, and treated like 2nd class citizens. He also advocated going against the government in a form of civil disobedience that took a radically different approach from that of Martin Luther King. Where King had advocated for peaceful, non-violent civil disobedience towards the state, Malcolm X took the radical approach of fusing violence in acts of civil disobedience (Wallenstein, 1981).

In a series of speeches that he gave to disgruntled African Americans throughout the 1950s, Malcolm X argued that since the American government was responding to peaceful civil rights protests with force, then passive resistance was clearly not working to achieve the desired results.

In one of his famous speeches in 1963, Malcolm X said the following:

“I am a Muslim, because it's a religion that teaches you an eye for an eye and a tooth for a tooth. It teaches you to respect everybody, and treat everybody right. But it also teaches you if someone steps on your toe, chop off their foot. And I carry my religious axe with me all the time.” (Atwal, 1965)

From this it can be inferred, as he also constantly stated in his speeches, that Malcolm X believed in a kind of civil disobedience that had a violent flavour, insisting on retaliating where the government responds with force. He firmly believed that once a government fails to respect people's rights by unleashing force on them, or refuses to listen to people's plights, resorting to force instead, then the people had a moral obligation to retaliate through violent means in order for the government to pay attention to their needs (Dyson, 1995). In essence, Malcolm X believed in peaceful protest only if the government responds in a peaceful manner. This way, he advocated for a violent type of civil disobedience.

Following the above discussion, a person observes that Thoreau, Gandhi, King and Malcolm X had deep concerns for other people, and they did not tolerate to see injustices happening in their nations. They were concerned about human well-being which should be protected by the state. Furthermore, the common aspect in their understanding of civil disobedience is that of avoiding violence in protest against the government, although in Malcolm X's case, it was observed that this should be true only to the extent that the government also responds peacefully. Thus non-violent civil disobedience is a common aspect in their understanding of civil disobedience. All of them were concerned even about the oppressor as a human being, who should be helped to repent and do the right thing which is the promotion of justice and peace within the society. Consequently, people have moral duty to fight against the unjust laws, unjust policies, orders or commands of the government. Having discussed various perspectives on civil disobedience from Thoreau, Gandhi, King and Malcolm X, the next section seeks to outline types of civil disobedience.

3.3. Types of Civil Disobedience

It is important to note that civil disobedience can emanate from various motivations and, as a result, assume certain forms. For one thing, civil disobedience can be considered active or passive, direct or indirect.

- a) In an *active* form of civil disobedience, a person may actively commit a prohibited act. they do so willingly and knowingly, and do play an active role in the commission of the prohibited act.
- b) Whereas, in a *passive* form of civil disobedience, a person may passively refuse to comply with a prescribed action by the authorities.
- c) *direct* civil disobedience involves a role played by an individual or a group of people who are directly taking part in an act of civil disobedience. Direct civil disobedience is when citizens are directly transgressing the law in their country and taking action to protest against it. Additionally, citizens directly oppose the orders of the political authority or government. According to Brownlee “direct disobedience is a breach of the very law that we oppose, such as Parks’ refusal to give up her bus seat. The act is done both to dissociate directly from that law and to communicate condemnation and a desire for change” (Brownlee, 2012).
- d) On the other hand, the *indirect* form of civil disobedience points to a person or persons who are indirectly taking part in an act of civil disobedience. Supporters of an act of civil

disobedience fall under this category. They are not directly involved but do provide necessary support to ensure the success of civil disobedience.

In all of these forms of civil disobedience, persons who take part do so willingly and knowingly, because civil disobedients intentionally violate the law and are ready to face consequences. Furthermore, indirect civil disobedients break a legitimate law in order to protest against the existing unjust law within a state. If it is difficult to break the unjust law directly, civil disobedients will break the law just in order to call it to the attention of the oppressor. For example, if they fight for climate justice and it is not easy for them to directly protest against it they will choose another just law and break it. Furthermore, Brownlee (2012) asserts that indirect civil disobedience “is a breach of a law other than the law we oppose, such as anti-Iraq war protesters holding sit-ins in government buildings. It is done in order to communicate condemnation and a desire for change, and, indirectly, to dissociate ourselves from the law or policy we oppose”. It can be seen here that it is not necessarily the case that civil disobedients violate the law that they are opposing; they oftentimes violate other laws that have nothing to do with the law in question as a way of directing the government’s attention to the unjust law.

Civil disobedience is to be distinguished from revolutionary action. Civil disobedience aims at opposing the core aspects of a regime such as its policy or a specific law but not necessarily oppose the government in totality. Again there has to be valid reasons to engage in civil disobedience, not a mere refusal of the law. But revolutionary action aims at opposing the regime itself or, under certain circumstances, it targets certain core aspects of government. However, revolutionary action does not need to persuade other people of the merits of the revolution as such. Again, communication is not the primary objective in a revolution but the important message is about the urgency of the regime change. Hence, while revolutionary action is aimed at bringing about a change in the government as a whole, civil disobedience is meant to highlight some shortcomings or injustices being done by the government in the hopes that the government will rectify its actions. However, it should be noted that in some cases, there is a thin line between revolutionary action and civil disobedience. Some acts of civil disobedience can result in revolutionary actions and a subsequent regime change. If the civil disobedience gains enough momentum, this can foster subsequent actions that can result in a complete change of the government.

3.4. Causes of Civil Disobedience

As noted in this chapter, civil disobedience aims at violating government orders, commands, laws or policies in order to change whatever element of oppression and/or exploitation, unjust order, policy or law within a state. Most often, such a law is considered unjust by the citizens in that it violates their rights. In one way or the other civil disobedience is largely caused by human rights violations. Secondly, omission or failure to engage or consult citizens prior to making laws or policies will have much influence to cause acts of civil disobedience. It is natural for people to want to feel respected and being a vital part of the country as citizens, and to be afforded an opportunity to participate in the state of affairs of their country. For example, in India, civil disobedience was launched against the British government during the time India was a colony of Great Britain. During this period, the native Indians were relegated to the back seat when critical decisions were made by the rulers; the British colonialists.

Civil disobedience can also be ignited by a failure to provide basic services and needs to the people such as water, healthcare services and others as alluded to in the discussion on the obligations of government in the previous chapter. It is also caused by denying citizens platforms to voice out their grievances and concerns. This implies that ignorance to public basic needs, oppression and exploitation are key drivers of civil disobedience and these can be the main causes and/or reasons that give rise to the acts of civil disobedience within a state. All these centre around failure of government to fulfil its obligations towards its people. Having had an elaborate discussion on the types and causes of civil disobedience it is important to critique civil disobedience.

3.5. Critique of Civil Disobedience

The idea of civil disobedience is not without its critiques. Critics argue that civil disobedience violates various moral principles. Civil disobedience is said to be morally wrong because it violates the law. Martin argues that it is wrong simply by inspecting the important terms '*disobedience to law*'. The example of Socrates deciding to stay rather than escape in Athens in the face of death implies that he was ready to commit and abide by its laws no matter how unjust they seemed. This means that if a person cannot dissuade the authorities from enacting laws which are considered unjust, then a person has to obey those laws (Martins, 1970:127). By being part of a state one is morally obliged to obey the laws of that state, even if they may appear unjust. Hence, if a person decides to stay in the state then she or he is obliged to abide by the laws of the state.

Sabl (2021:165) terms civil disobedience as a ‘political technology’ found between submission and revolution through which civil disobedients aim at attaining change on their burdens and benefits by raising costs for adversaries without undermining the state’s key role of providing public goods.

Again, civil disobedience may cause unnecessary suffering on unintended targets. For example, an act of protest such as a sit-in in a government building prevents civil servants to continue with their daily jobs. In this regard, the impact on the civil servants is modest but that does not deny the fact that civil servants are used as a means to achieve goals of the civil disobedients (Brownlee, 2012:21). Nevertheless, they remain as ends in themselves by virtue of being human beings. Logically, this is an inconsistency between using humans as a means to achieve one’s ends and treating them (rational agents) as an end in itself.

On the issue of using violence, a person may think that violence cannot be considered as part of civil disobedience because acts of violence could not be reasonably argued to be civil. Hence they could not be credibly undertaken to civilly communicate with other citizens using reason. Where reason does not prevail to solve problems, violence may take over. The basic point here is that cases of civil disobedience may degenerate into the unintended consequence of violence resulting in loss of life or property. According to Rawls, the civility of civil disobedience is based on the aspect of non-violence. Violent acts, as noted above, are likely to cause injury and as a result, are incompatible with civil disobedience. Hence, violent acts do interfere with individuals’ basic liberties and tend to obscure the civilly disobedient quality of one’s act. He goes further to show that disobedients’ publicity and willingness to accept the legal outcome which will follow their acts of civil disobedience such as punishment from the state either through courts or otherwise shows the aspect of civility on the side of civil disobedients. Civil disobedience is done in public but not covertly or secretly and it is notified to the legal authorities within a state. It should be remembered that civil disobedience is a political act aiming at political objectives such as change of government policies, laws, orders or commands.

The presumed incivility of violence raises a problematic issue regarding a common sense conception of violence from a generality perspective that every instance of violence is uncivil. For example, the acts that pose a risk but not necessarily cause an injury or damage to any object constitute uncivil not harmful act. An act of shooting into the sky falls under this category since it

poses a risk of shooting any object in the sky which sometimes may not be immediately seen by a shooter. Hence, it is implausible to hold a view that every instance of violence in the course of disobedience is uncivil. Second, the salient issue of harm is driven away by putting more focus on violence as Joseph Raz (1979) argues that many violent acts and legal acts can cause more harm to other people than specifically targeting or breaking the law itself. For example, in the event that drivers of ambulances or health care workers engage in strike and health facilities shutdown, there is a likelihood of causing more or greater harm of innocent people losing their lives. In this case, civil disobedience may result in more harm than it does good, especially if the government fails to acknowledge the grievances.

Finally, civil disobedience can be criticised on the grounds that there are other mechanisms within the state that permit the citizens to air out their grievances to government. For instance, if citizens are unhappy with government performance, especially in democratic societies, they may simply wait for the next elections and choose a different administration to lead them. In the event that the current administration demonstrates a thorough disrespect for people's rights and a lack of understanding of how an economy works, then the leaders can be impeached through due processes and another leader chosen. However, a look at various countries across the world reveal that this may be easier said than done. Countries with authoritarian regimes that pretend to be democratic find it difficult to remove incompetent leaders through electoral processes and waiting for five years to change an administration may be too long a mechanism to get immediate grievances rectified. Again, there is not guarantee that the entire electorate will wish to vote out a current regime since various segments of the population may see the performance of the government or its policies differently. Beneficiaries of unjust government schemes and policies, for example, may actually not see any injustice in them and may even seek to perpetuate the current regime's authority at the detriment of the broader society. This creates a problem with voting as an unjust regime may find sympathisers who benefit from its unjust practices. Hence civil disobedience remains one of the effective mechanisms that should be afforded to citizens as a recourse to air out their grievances, outside of other legally recognised mechanisms.

3.6. Justifiability of Civil disobedience

It can be observed thus far that there are various key issues which can lead to the justifiability of civil disobedience, the most common reason being a rebellion to unjust laws (Martin, 1970:129). Martin argues that citizens can easily recognize unjust laws and policies by comparing existing

laws with what the rest of the world is doing. Such external standards may be a strong reason that justifies an act of disobedience to law. As already observed thus far in this study, it can be considered morally right to disobey morally wrong or unjust laws (Martin, 1970:129). Furthermore, looking at the political dimension which emanates from the moral dimension, the question would be, is it right to disobey a democratically derived law on the basis that the law is morally unjust? It follows that it is a moral obligation on the part of citizens of any democratic state that they rise up when the government is derailing from enacting morally just laws which it is mandated to do. Hence, justification of civil disobedience can be made based on moral considerations and by reference to acceptable moral standards.

The claim of compatibility implies that civil disobedience is allowable within democratic obligation and authority. Citizens in a democracy ought to be allowed to resort to civil disobedience especially when their government is making unjust laws, orders or commands. This does not mean that civil disobedience will automatically be effective in getting policy or law revised or ultimately be of benefit to a democracy including to its institutions. But the idea is to bring to the attention of the government the unjust nature of some of its policies and how they disrupt the good life for their citizens.

A more compelling reason (and the central reason for this thesis) that may prompt the necessity of civil disobedience is that at the inception of a government, a pact is made between the citizens and the government that the government should fulfil certain mandates. This is the essence of elections. When various political parties are campaigning to be voted for, their entire reason for being voted into office are the promises that they make and the changes (for better) that they intend to give the citizens. This creates a legitimate expectation on those who vote for such political parties that their political parties of choice will bring them a radical change in their livelihood in one way or the other. This is why political parties promise better (and free) education and healthcare, respect of human rights, better infrastructure, better employment opportunities and overall, a positive change in the overall well-being of its citizens. This is the basis of elections; choosing the people citizens feel will advance their interests over all other available options.

Once a government is elected into office, an implicit contract has created between the citizens and the government. The contract is made official at the swearing-in ceremonies where the incoming leaders swear oaths that they will deliver the mandate for which they have been voted into office.

In other words, the government pledges that it will fulfil all of its campaign promises, the basis for which it was voted into office in the first place. This is reminiscent of the contractarian basis of society which was discussed in the second chapter of this study.

Once such a pact is formed, it is incumbent on the part of the government to ensure that it fulfils its obligations towards its citizens. Such obligations have been discussed in the previous chapter. Once a government demonstrates a lack of interest or competence in addressing those needs then it has violated its part of the contract. Just as when two individuals enter into a contract which spells out the obligations of each party, once one of the parties does not honour their part of the contract, then the other party is morally obliged to take corrective action that will rectify the injustice. Similarly, once the government does not fulfil its mandate, the citizens have a moral obligation and duty to bring the government to task and demand the fulfilment of such obligations. The government cannot cheat its way into power by promising what it cannot deliver.

However, because the government occupies an unfair position in the contract, specifically due to its control of coercive force and its immense influence on the judicial processes (where a president may, for example, appoint judges and other key personnel in the justice system), the citizens appear to have fewer options in bargaining for accountability. The relationship between the citizens and the government becomes unfair, as citizens may find it difficult to report the government to the police, or take it to court, both of which the same government presides over. Due to this imbalance, civil disobedience becomes a key strategy in getting the government to be accountable. Acts of civil disobedience may prompt the government to change its policies and deliver what it promised to the people since prolonged civil disobedience can even result in a change of governments as what happened in India during the time of Gandhi. Non-violent civil disobedience, then, becomes one of the recourses that citizens must be entitled in order to make the government perform its obligations diligently. The key is non-violent civil disobedience so that the government has no reason to retaliate using coercive force.

As Mantena (2018:84) notes, the endorsement of non-violence by Gandhi and King implies concerns for political efficacy in the sense that violence brings about dangerous and perverse consequences in the political spectrum. Both of them considered violence as futile, that is, ineffective to bring about social change except to bring about dangerous and perverse consequences. Gandhi believes that if violence is used to attain a political state such as new

government, surely that state or government will be violent and characterised by unstable and insurmountable conditions. He goes further to assert that violence would cultivate the wrong type of independence and breed the wrong type of polity. He was more concerned on the foundation to form such a policy which will not function properly and peacefully. Gandhi believed that it was not possible to attain peace through violent means. In violence, people injure one another, some even die and indeed many bad things can happen.

In light of the above, Mantena holds the view that there are three faces of non-violent action of civil disobedience which are; the moral, strategic and tactical perspectives.

- a) From the moral point of view, civil disobedience is the right means to be used by people oppressed in order to regain their dignity and self-respect. The government which fails to perform its mandates disregards people's rights and dignity and violates the trust that the people gave to the government by voting for it. Such a government does not treat people as equals or ends in themselves. Therefore, it is the moral obligation of citizens to demand, through acts of civil disobedience, what the government owes them.
- b) From the strategical perspective, civil disobedience is a necessary means to attain a just, stable and democratic state and not one which is characterised by violence and disorder. As noted above, peaceful civil disobedience will get the message across to government without prompting the government to resort to violence. If the movement is successful, then both parties in the contract win as the people will get the government to perform, while at the same time the government may earn the trust of the people, increasing chances of being voted into office again.
- c) From the tactical perspective, the dramatization of civil disobedients' discipline plays a key role in effectively persuading the non-performing government to come to the negotiation table and listen to the grievances of the citizens. This means that, upholding high standard of discipline is a driving force itself which moves the government to fulfil what is demanded by the people engaging in civil disobedience.

Human beings have a moral obligation to respect the laws made by the political authority. However, if the government flouts its own laws or creates unjust laws or fails to perform its obligations and duties, then "...some civil disobedience campaigns [may] arise out of the fact that certain interests have not been taken into account by the usual political process, often because it is

dominated by a powerful elite” (Bellamy and Ross, 1996:6). Rawls sets out some conditions that have to be followed in such civil disobedience campaigns. He argues that acts of civil disobedience should first, target serious and long-standing injustice using accepted principles of justice; second, civil disobedience should be considered as a last resort. Third, there has to be reasonable chances of success (Rawls, 1999:326-329).

Long-standing Injustice: Rawls argues that the success of civil disobedience should rest on the clarity of the injustice; that is, every person must be in a position to recognize the existing violations as injustice done to the people in terms of the accepted principles of political morality. Rawlsian principles of equal basic liberties stipulate that everyone is entitled to have equal basic liberties, the onus of provision which rests upon the government. Any violation to the basic liberties should not be entertained and the principles of political morality should be applied in the fight against such violations (through acts of civil disobedience). Rawls argues that in order to persuade the majority of people and succeed to achieve social change or reforms, appeals to publicly shared principles of morality should be engaged. The essence of the long-standing injustice view, then, is that there must be clearly identifiable injustices that the citizens feel need to be rectified on the part of the government. Such injustices may be in the form of unjust laws, or a government that is failing to provide better conditions of living for its citizens as discussed above.

Last Resort: On this point, Rawls argues that civil disobedience should be used as a last resort after exhausting all other ways and strategies. Negotiations and consultations should be used to persuade the government to do enact the reforms demanded by the citizens. The citizens should be encouraged to respect political authority and the laws that have been made. This is done in a democratic state elected by the same people which a state should listen to and heed their grievances. This means that citizens should use proper channels to express their grievances up to a point where all means to negotiate with their political authority have been exhausted. In this regard, Rawls argues that if all attempts are reasonably thought to be fruitless and no other option is left, then civil disobedience will be used as a last resort (Rawls, 1999:328). If the government is unwilling or unable to listen to the will of the people, then civil disobedience should be used as the last resort to capture the government’s attention.

Reasonable chances of success: The ultimate goal of civil disobedience is attainment of a change in the status quo of existing injustice within a state. In line with civil disobedience being used as a

last resort, according to Rawls, citizens should also not engage in acts of civil disobedience which are not capable of attaining positive change (Rawls, 1999). It must be a calculated move with the anticipation that the government will actually listen. The prospects of this happening in a democratic state are actually high while in despotic states, the oppressive government can use this as an opportunity to demonstrate its might by unleashing the full wrath of its coercive force, resulting in injury or even death on the part of the civil disobedients. Hence, acts of civil disobedience ought to be ideally carried out in a calculated manner with the prospects of achieving concession and conceding to the people's will. If chances of success are very low, then civil disobedience will end up being a futile attempt.

Apart from civil disobedience having the potential to fail, it is also important to realise that one of the government's mandates, as described in earlier sections of this chapter, is the maintenance of peace and order within the state. This is what services like the police force are designed to do. Inasmuch as civil disobedience ought to be done in order to bring to light some government injustices and/or failures, it has to be carried out in such a manner that does not warrant the government to consider such acts as criminal. Herein lies another line that needs to be treaded carefully by civil disobedients; the line between civil disobedience and criminal activities which may attract the wrath of the government.

3.7. Civil Disobedience and Criminal activities

Carrillo holds the view that in discussions of criminal justice norms, especially regarding political crimes in a democratic state, some acts are considered political crimes, whereas in actual fact they pose no danger in a criminal sense (Carrillo, 1991). What they actually do is to pose a threat to the government in terms of its stability and sustainability, given the aforementioned government mandate to maintain internal peace and security. Criminal activities, then, should be carefully distinguished from acts of civil disobedience. Civil disobedience is engaged in by individual people who voluntarily and freely commit the action knowing and accepting to face the consequences or penalties which may result out of their action of breaking the law in their efforts towards changing the law or unjust government system or culture. Again, civil disobedience serves as a means to achieve a change of justice system within a state.

A criminal activity, on the other hand, is more about pursuing selfish acts that further an individual's interest without regard to others, such as someone who steals money to enrich oneself.

Criminal activities, in this sense, have nothing to do with changing unjust government policies but have more to do with personal enrichment through violation of established laws. Because of this, criminal activities are also punishable before the law. A person who commits a sexual offence, for example, is pursuing their personal sexual desire and self-satisfaction. Such actions have nothing to do with changing people's lives or enhancing and promoting their happiness.

In relation to civil disobedience, there are some actions that may be masked in civil disobedience colours but are actually criminal activities. For example, during a protest against an unjust law, principle of policy, people may resort to looting in the name of protesting against the government. The looting constitutes a criminal activity as it involves stealing and damaging the property of other people who may have little or nothing to do with the unjust government policies. Sometimes they even burn down buildings like what happened in Kwazulu Natal and Gauteng provinces in South Africa in July 2021, when supporters or sympathizers of the former President Jacob Zuma engaged in riots and looting in the name of fighting for their African National Congress former leader. On the 9th July 2021 the Pietermaritzburg High Court upheld Jacob Zuma's conviction and prison sentence and the same day, civil unrests began. The protestors perceived the rulings as a travesty of justice on Zuma whom they considered as an innocent victim. However, their subsequent actions degenerated into criminal activities. There were incidents of looting and malicious damage to property in parts of Kwazulu Natal province and Gauteng provinces. Roads were closed or blocked by the angry supporters and innocent travellers were attacked. These acts were purely criminal as opposed to acts of civil disobedience.

The civil unrest lasted for 9 days from the 9th July 2021 to 18 July 2021 which was sparked by the imprisonment of former President Jacob Zuma for contempt of court. Since it resulted in public violence, it is not known how many people were genuine civil disobedients against actual criminals and looters who had nothing to do with supporting Mr Zuma as such. The question is, can such acts be called acts of civil disobedience? The answer is no, precisely because they were just acts of criminal activity which lacked essential elements of civil disobedience such as aiming to change government policy or systems or unjust laws through peaceful protests.

Furthermore, political crimes such as sedition, rebellion, riot, and conspiracy to commit political crimes are different from acts of civil disobedience. Political crimes are aimed at overthrowing, destabilising, or weakening a government regardless of whether a government is legitimate and its

actions, decisions do not offend its citizens. As a result, in order to discourage and deter such criminal acts which are considered treasonous, penalties are harsh inclusive of the death penalty and/or life imprisonment. It should also be noted then that the purpose is to either change a law considered unjust by civil disobedients for the good of the nation, or to bring to the attention of a government its failings so that it adheres to its part of the social contract.

3.8. Civil Disobedience and Political Legitimacy

The government, by virtue of being put in place through the will of the people, is entitled to enjoy a moral claim to exercising authority over its people or citizens, and in turn citizens have a moral duty to obey the government laws. This means that from a moral point of view, the legitimacy of government or political authority necessitate an obligation on the part of the citizens to obey the laws of such a political authority. In essence, the laws of the state have to be respected because of the legitimacy of those who have enacted them. However, it should be noted that regardless of the legitimacy of the government, any law which is in conflict with the demands of justice requires that such laws be abolished. As noted in earlier sections of this chapter, if the government is brought into existence through legitimate means, then that legitimacy warrants that it performs the functions for which it was instituted such as the provision of the necessities of life which enrich the lived experiences of the citizens. Any failure to do that necessitates civil disobedience. To the contrary, an illegitimate government that comes into authority through illegitimate means such as coups and other illegal means, does not merit a moral obligation on the part of citizens to obey any of its laws, regardless of whether they are just or not.

The underlying principle is that illegitimate governments have no recognisable contracts with the people over whom they preside, hence such people are under no obligation to respect the demands of such a government. If a parallel can be drawn in a contractual scenario, illegitimate governments are like people who claim that they deserve obligatory actions from random strangers that they have never entered into any contracts with. If one person has not entered into any contractual agreement with another, then there is no basis for legitimately expecting that the other person owes them something. This is the same with illegitimate governments. This is why in most cases, illegitimate governments use force to make citizens submit to their will. This is highly characteristic of dictatorships in which the autocrats declare themselves leaders and use military force against their citizens, should the citizens feel disgruntled. The citizens of such states have no recourse to depose such governments since they rule by an iron fist, ruthlessly thwarting any

resistance. There was never any contract to preserve people's lives in the first place. From this, it can be noted that civil disobedience is largely associated with legitimate governments.

3.9. Civil Disobedience and Democracy

In contrast, citizens of democratic states *ideally* live under legitimate governments. In a democratic state, citizens voluntarily elect the leaders they think will enhance their wellbeing and promote their happiness. Citizens have freely chosen men and women whom they believe are capable of improving both political and economic freedoms of their country and delivering on the mandates of government as discussed in the previous chapter. A legitimate democratic government has a host of obligations to its citizens and to the international community as well. Respect for human rights and service delivery becomes key for a democratic government to flourish and meet the needs of its citizens. However, there are countries that may masquerade as democratic to the international community while on the domestic sphere the conditions are much closer to autocracies. This is especially the case in some sub-Saharan African countries where governments that claim to be democratic habitually subvert the will of the people, placing their personal interests ahead of the common good. Since leaders are human beings with interests which can go against the will of the people, if there are no strong institutions to keep them in check, sometimes they can use their powers to make unjust orders, commands and laws and hide behind the use of coercive force to prevent people from disobeying such injustices. At times such governments exhibit a lack of interest in furthering the interests of their citizens by ignoring their essential needs. Because the governments in question are considered legitimate and came through legitimate democratic processes, a moral obligation is created on the part of the citizens to actively disobey such unjust acts by the government. This is a scenario where citizens can resort to civil disobedience to fight such unjust laws or incompetent governments to initiate the necessary changes. Citizens in this regard have a moral obligation to break the law for social change to occur.

In a well-functioning democracy, civil disobedients are treated leniently by the state agencies because the government knows very well that the contract it has with its citizens gives them the legitimate right to question the government's actions as well as air out their grievances should such governments fail to keep their end of the contract. This is what it means to hold the government accountable. If the government fails to respect the grievances of the people by honouring their mandates towards the people, when elections come, the people will exercise their voting rights to vote such a government out. As a result, it can be argued that civil disobedience is a key component

of a well-functioning democracy and indeed says a lot about the maturity of political culture that exists within a state.

Apart from public protests that demonstrate an active resistance to government laws, civil disobedients may use various other tactics to fight for social change such as:

- a) *Leaking sensitive* documents so that they can be accessible to the public including media. Once sensitive information is in public domain, the democratic government will be held accountable. If it is about human rights violations it means the government will be exposed not only to its people but also to the international community. This form of whistleblowing transgresses legally binding non-disclosure of confidential information by civil servants.
- b) *[Un]authorized demonstrations*: in democratic states organizers of demonstrations will seek a permit from the authorities about their marches or rallies. Once granted a permit, the state will also provide security to protect those who participate in that demonstration, march or rally. As a result, the activity will be safe and disruption will be limited. However, should the government fail to give such clearances, the people can resort to organised or impromptu protests that have not been sanctioned by the state. This also constitutes a violation of existing laws.
- c) *Having sit-ins and roadblocks in public roads*: this is a tactic that civil disobedients use in the democratic states in order to create chaos and raise awareness for a specific cause. When the multitudes decide to sit in the public road, it means the ordinary flow of traffic will definitely be affected. Travellers and workers will not reach to their work places including critical infrastructure which should all the time in operation such as hospitals and others. As a result, they will call attention of the authorities who will have to listen to their needs.
- d) *Occupation of government buildings*: civil disobedients or citizens can use a tactic of protest occupations in pursuit of their fight for social change. They occupy government buildings, universities, parks and other public spaces. The aim is to bring attention of government and other citizens to their cause. This form of civil disobedience is a threat to many governments especially if it happens over an extended time as sometimes they claim to occupy such buildings until government listens and complies with their demands. Hence,

this tactic of civil disobedience is declared illegal by many states as other opportunists can take advantage of the act to overthrow a government.

3.10. Civil Disobedience and Dictatorship Regime

Having discussed civil disobedience in a democratic state, it is important to see how it also occurs in dictatorships. Acts of civil disobedience in dictatorships are usually responded to in a harsh way than they are in a democracy. This is because dictatorships are not accommodative to dissenting voices. Any dissenting voice is immediately seen as a threat to the dictator's hold on power. For instance, on leaking sensitive documents, the dictatorship government works hard to make sure that civil servants or other citizens are scared to do so. Whoever will be found to leak government documents will face some serious penalties. He or she may not only be dismissed, but may be locked up and tortured and be classified as an enemy of the state. There are also no authorised demonstrations in dictatorships. Peaceful gatherings and demonstrations are banned and whoever wants to try it will face harsh penalties by the authorities. Participants of demonstrations are tortured, locked up and sometimes murdered. Sit-ins and roadblocks by civil disobedients are largely not allowed in dictatorship regimes. The government and its security agencies are scared of such activities and they will make sure that they do not happen through such acts as deploying the army with tanks and heavy artillery, and the deployment of heavily armed security personnel to intimidate and deter all potential acts of disobedience. The intelligence services will be deployed to collect intelligence prior to the date of the planned acts of civil disobedience. As a result, organizers will be chased and frustrated, destroying the prospects of a successful civil disobedience movement. In essence, civil disobedience is largely not permissible in dictatorships, though it is the people's right to participate in such activities to promote and enact social change.

3.11. Civil Disobedience and Human Rights

It has been noted thus far that civil disobedience always challenges government decisions and actions which run counter to the people's well-being. In a democratic state, civil disobedients are given opportunity to be heard by their government. Such an opportunity emanates from the basic liberties and rights of the people. As enshrined in the UDHR, all people have the right to life, property, movement, freedom of speech, a right to food, shelter among other basic rights. In a democratic state, human rights are entrenched in the constitution.

Since civil disobedience does not aim at overthrowing government from power, once the government listens and answers the needs of the citizens, the disobedience stops. It follows that

paying attention to the people's needs and demands and/or appeals is key to demonstrate a mature democratic state. Even though sometimes a government cannot fully meet needs of citizens, it has to demonstrate a political will take concrete action towards convincing citizens of their commitment to serve. Indeed, that will be a good sign that leaders are humble enough to respect and care for its citizens. Also, it shows a government as the duty bearer that is accountable to the people and also cognisant of its obligation and fiduciary duties to serve national interests. Principally, it shows a government that not only respects the rights of individual citizens within a democratic state and also illustrates a government that is committed to promoting, protecting and fulfilling the fundamental human rights of its people.

Since civil disobedience expresses the will of the people, it is always pursued and motivated by the "the commonly shared sense of justice" (Rawls, 1971). Therefore, it can be argued that universal human rights should be advocated for in a civil disobedient manner. The reason is that civil disobedience is used as a strategy to fight injustices against the oppressor. If there are no human rights violations within a state, and a government and its agencies do respect human rights in all respects, there is little chance for civil disobedience to emerge. Following this premise, it follows that human rights violations are a general trigger and catalyst for citizens to engage in civil disobedience acts against the government. In the event that citizens are against a specific law which they believe that violates their rights and deem unjust, acts of civil disobedience will be conducted targeting the removal or change that unjust law.

If a government fails to respect people's rights and it is not easy for the people to voice out their concerns and dissatisfaction, then it becomes an imperative moral duty for citizens to stand up and fight using civil disobedience aiming at a change in laws, policies, orders, commands of government which in essence are unjust. The international community has a moral duty to support countries or governments to do the right things in their respective countries especially towards ordinary citizens. That is why if there are human rights violations the United Nations through its Secretary general very often makes a statement to condemn such violations or injustice.

Recently, the United Nations in 2022 vehemently condemned and opposed the Taliban government in Afghanistan which banned female students to pursue studies across all universities in the country. However, there are instances that governments do not respect and listen to such high bodies like the United Nations. Under such conditions it is a moral duty of citizens to correct the

mistakes of their leaders by taking action to fight against such unjust laws. To date, the unjust law is still in place in Afghanistan and it is in the hands of citizens to play their part to set themselves free from such oppressive laws. Women were never consulted in Afghanistan prior to the imposition of the law which banned all female students from furthering their studies at the university levels. It was just announced and implemented by the government. It is the policy of Afghan government that women should stay at home and take care of children. Failure to capacitate women to that level of education only ensures that they will not be able to climb up the social ladder, including both public and private sectors in the future.

In South Africa, the political party called the Economic Freedom Fighters (EFF) declared what it is called a national shutdown that was to be held on the 20th March 2023 as a protest to the country's leaders failing to manage the economy and the power crisis. Prior to the event, the EFF invited citizens to join the shutdown by using social media, visiting university students, holding public gatherings, addressing workers, and engaging trade unions to participate. The leader of the EFF Mr. Julius Malema boldly made statements to encourage not only his followers but the people of South Africa to stand up against electricity load-shedding and calling of resignation of South African President Mr. Cyril Ramaphosa. Malema made it clear that they do not need a permit to protest against those points. A number of times he reminded the people of South Africa that political freedom without economic freedom is not enough.

This was an attempt on the part of the EFF to show that the African National Congress (ANC) has failed the people of South Africa and it is time that the people should stop folding arms but stand up and protest peacefully in a campaign to force the South African government to reform. Malema further accused President Ramaphosa of corruption and failing to manage the high rate of unemployment in South Africa. These were his key grievances among others levelled against President Ramaphosa and his administration. The government responded to these charges by unleashing soldiers with tanks and heavy artillery. When soldiers are in full camouflage uniform and combat gear it shows a full preparedness to engage in war. Security agencies were more than ready to use maximum force should there be anything violent threatening the security of the country. The EFF did not expect to see such a response from the security agencies. However, Malema said they were not afraid of the security agencies and they went on with their protest until they reached the Union building which is a state residential place of the president. The police in

uniform were there with them to make sure that the situation was under control and fend off any criminal activity that might come up from the protesters.

However, in dictatorship regimes, as argued above, deployment of the army where there are peaceful marches is the order of the day. The dictatorship regime always instils fears to anyone thinking of engaging in such acts. Intimidation is the best strategy used by the dictatorship regime against the citizens and sometimes followed by laying criminal charges against the organizers, and sometimes even arresting and torturing them. It does not only stop with torturing the opponents of the state, but extends to even the murder of whoever is deemed as a threat to the state. These are the extremes that a dictatorship regime can go, they use all their resources to eliminate threats to their rule. In such circumstances, the rights of the people are not respected, and these are signs of dictatorships.

Brownlee argues that the right to civil disobedience must be based on a right to object depending on sincere conviction (Brownlee, 2012). This means that the right to participate in civil disobedience is perceived and interpreted to provide room for legal protest. The government is created in order to secure the inalienable rights (Carter, 1998:4). The importance of the social contract by Locke is of crucial importance as the issue of consent of the governed also plays a key role and it should not be disregarded. In a democracy the citizens enter into a contract with the elected government which should always remember and respect consent of the citizens. It has been argued that consent should be the basis for the establishment of government apparatus in order to have a strong and good government. According to Carter, a leader whose character is marked by every act which may define a tyrant, is unfit to be the ruler of a free people (Carter, 1998:5). Once a leader is a tyrant they will be oppressive to the governed and their system of governance will produce oppressive and exploitative laws and practices to the citizens and as a result, the citizens' rights will be violated.

Thus, any violation of fundamental human rights gives a moral right to disobey the unjust laws, policies, orders or commands of the government. Furthermore, an act of violating fundamental rights is the same as denying people their very humanity as human rights are entitlements (Tibi, 1990:107). In this case, it will be a contradiction of terms for a person to say on one hand he/she respects people or humanity, and on the other hand violates their rights. People should be respected all the time and anywhere regardless of race, religion, culture or status one holds in the society.

Article 2 of the Universal Declaration of Human Rights states that, “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (International Bill of Human Rights, 1988:4). By virtue of being human, a person by his or her birth is entitled to rights including a right to be free from discrimination. This means that human rights are essential for a human existence. Because they are inalienable rights, this means that no violation of human rights can be entertained. Hence, ignoring and oppressing people’s rights provokes them to stand up and fight for their rights. Thus, it can be argued that under the conditions of violations of rights, people have a moral right to civil disobedience.

3.12. Media and Civil Disobedience

In a democratic state, the media is a vocal entity where even citizens themselves are given platforms to raise their concerns and the problems they encounter in their communities like shortage of water supply, poor roads, healthcare systems and others. Such challenges affect directly the lives of all citizens either living in the urban or rural areas. Social media such as Facebook, Twitter and others provide platforms for communication among the people. In recent times, they have played a key role in acts of civil disobedience. After organizers have made plans on how they will implement civil disobedience, they use social media to convey their messages from time to time. Non-violent protests are announced over the media, and they take some time to ensure that the messages reach all citizens in different places of the country.

The example of the national shutdown by the Economic Freedom Fighters in South Africa discussed above was spread through social media and the message was directly communicated to the citizens of South Africa. It did not only reach the citizens but also the government of South Africa. Cabinet Ministers, including the president of South Africa, made statements discouraging people from participating in the national shutdown of the EFF. If the message was not well communicated through social media, there was no reason for the government to react to it. The message brought fear and panic to the government. Hence, it had to vehemently and explicitly counter the EFF strategy. The panic that was observed in South Africa shows the power of social media in a democratic South Africa. During the apartheid era such a march could not even be convened, let alone allowed. But then since this is a democracy, the government was under the moral obligation to allow it.

Again, the role of social media extends to violent protests to disobey the government and its laws. During the Arab spring, it was used to mobilize the youth protesters who came in great numbers at Tahir Square in Egypt. Eventually President Hosni Mubarak was overthrown. President Mubarak was a powerful leader with tight security around him all the time. The same thing applied to the President of Libya Colonel Muhammed Qaddafi. He was not only overthrown but also killed by the angry protesters or his own Libyan people. Social media was used as an efficient instrument or tool to galvanize both local and international support against Qaddafi and his government.

The proliferation of social media has made it easy for citizens to express their disgruntlement or grievance over government policies or laws. On the other hand, social media has held other governments to ransom to the extent that if people voice their concerns or grievances over social media, the government in turn respond by doing as the people wish. This means that social media has become so powerful nowadays that even government senior officials panic or cringe when they hear of it. Some governments may even go to the extreme of shutting down social media like it happened in Uganda to prevent coverage of what was called government's atrocities against civilians and opposition. In reply, the Ugandan government accused social media of spreading lies to the people and the international community. Hence, media is a powerful tool which draws the attention of the government and the international community as well. Therefore, it is a useful tool for civil disobedience to reach both the local and international community to fight against injustice using either violent or non-violent strategies for social change.

It is a fact that communication can still be there between organizers of civil disobedience and certain groups of people so that they can participate in holding public gatherings, addressing university students and others. But to reach the whole country and the international community, social media is the most effective and efficient tool. A country like Lesotho, for example, is divided into lowlands and highlands. The highlands are remote and mostly hard to reach due to the harsh and difficult topography. Specifically, in Lesotho, in the district called Thaba-Tseka there are places where there are no public roads for vehicles at all. There is a gravel road from Thaba-Tseka town which ends at the village called Tiping in Manemaneng. To reach villages beyond Tiping, a person has to walk on foot or ride a horse or use a helicopter to reach them. Hence, in such places only social media can quickly and effectively convey a message on civil disobedience to all villagers.

3.13. A relook at civil disobedience and violence

Thus far, it seems apparent that civil disobedience is characterised by its non-violent nature. However, it is the conviction of this study that violent protest, especially where the government initiates violence against civil disobedients, should be an acceptable part of the definition of civil disobedience. Gandhi and King advocated for non-violence as a key aspect of civil disobedience as discussed in the sections above. However, there are some reasonable justifications why violent civil disobedience such as the one advocated for by Malcolm X, may be morally permissible. First, in environments where the government has ignored non-violent pleas to change certain policies, positions or unjust laws, the only resort is that of violence on the part of the protestors to get the government to act on their grievances, since the peaceful protests will not be yielding the desired results. Second, there are cases where the government responds to non-violent protests with force. Once this happens, the government has in effect declared war on its people. It has chosen the easy way of thwarting dissent than responding to the grievance. Once war is declared, it only seems morally reasonable that the citizens have to fight back. And since the government responds with violent force, violence can only beget violence. Citizens should be prepared to pursue peaceful means of protest insofar as the government also responds peacefully. But if the government makes it a habit to respond with heavy unwarranted force, then citizens are left with no option but to resort to violent protest. Lastly, it is the observation of this study that in most environments, peaceful protests do not usually yield the desired results. All over the world where significant changes have taken place for the better, they have always tended to come about as a result of some use of violence in one form or the other. Hence, promoting the idea of non-violent civil disobedience is akin to promoting no change at all since these usually do not bring about any change at all. Hence, a revised definition of civil disobedience in this light, would be as follows:

Civil disobedience are those acts, violent or non-violent, through which citizens of a given state express grievances against their government, where they feel the government has not met its obligations towards its people in one form or the other or where the government has failed to meet its end of the social contract.

3.14. Conclusion

Following the discussion on civil disobedience in this chapter, it was observed that there are various conditions that necessitate civil disobedience. For one thing, it was argued that when a government institutes unjust laws, then it has violated or breached its part of the social contract. This breach warrants a reaction from the citizens in the form of civil disobedience. Again, drawing

from the writings of John Locke and the discussion in the previous chapter, it was argued in this chapter that a government is mandated with a range of obligations when it is elected into office. If a government fails to fulfil these mandates, then the people have the moral obligation to air out their dismay with the performance of the government as a mechanism to bring about change. The writings and works of Thoreau, Martin Luther King Jnr, Mahatma Gandhi, and Malcolm X were all explored to come up with a comprehensive understanding of the notion of civil disobedience and the conditions that necessitate it. It was observed from these figures that civil disobedience stems as an effort on the part of the citizens to correct a perceived injustice and travesty on the social contract by the government. However, it was also observed that they concur that civil disobedience should be largely peaceful, save for Malcolm X, who considers violent civil disobedience morally acceptable once, in a *lex talionis* kind of fashion, the government resorts to the use of coercive force against aggrieved citizens or civil disobedients. The definition of civil disobedience was then expanded to include even violent protests against the government's unjust actions. Hence, it was argued that civil disobedience acts as a quick grievance-highlighting mechanism which, ideally, causes the government to act within a short period of time. Civil disobedience was also differentiated from other forms of protests including criminal activities. At this juncture, having outlined what civil disobedience entails and the conditions under which it can be exercised, it is important to examine these views against a test case.

Chapter 4: The Zimbabwean case study

4.1. Introduction

Thus far, the study has discussed the nature of the obligations that exist between the government and its people, the mandates that government has towards its people, and how civil disobedience becomes a moral imperative, should the government flout its obligations. From the discussion in the previous chapter, it was observed that civil disobedience occurs when, in the opinion of the electorate, the government is perceived to no longer be serving the interests of citizens. The chapter argued that citizens are morally obliged to disobey political authority when the government has veered off course as per the mandate it owes to the people. Civil disobedience comes as a result or as a response to unjust laws, orders, commands or policies made by the government or political authority. This chapter seeks to test the findings of the previous chapters on the case of Zimbabwe, a Southern African country that has been plagued by numerous political, economic and social turmoil over the past few decades. Zimbabwe has been specifically chosen because it represents the best case of a country where the government and the people have made a pact through electoral processes, but over the years the government has appeared to be failing in delivering on its mandates towards its people. The chapter therefore focuses on the nature of the obligations and duties of the government towards the Zimbabwean citizens.

4.2 Background Information

Zimbabwe is a country in Southern Africa with a population of about 16 million people (WorldBank, 2022). Previously known as Rhodesia under colonial rule, the country gained independence in 1980 after 2 protracted liberation struggles that have come to be known as the first Chimurenga (1896-1897) and the second Chimurenga (1960s to 1980); chimurenga being a native Shona term meaning *uprising* or *revolutionary struggle*. The central focus of this chapter is not on the events that occurred within the colonial state since colonialism, by its very nature, is inherently oppressive to the colonised natives. It is inevitable that the colonised people in such societies will eventually rise up against the colonizers as has happened all over the world where people were previously colonized. Again, the colonial state will not be looked at because colonialism is not based on a social contract between the natives and the colonizers, but is largely based on an unequal playing field, where the colonizers consider themselves superior to the natives whose rights they do not recognize since they mostly do not recognize them as equals, or even

human in some cases. The central focus, then, will be on the independent state in which it is assumed that the people have consciously given their explicit voluntarily consent to be governed by a certain type of government or a certain group of people.

That being the case, it is important to note that Zimbabwe got its independence from colonial British rule on the 18th of April 1980, a day still commemorated in Zimbabwe today as Independence day in appreciation of the struggle that the liberation war heroes of the Chimurenga wars went through to get Zimbabwe free. Having gained independence from white colonial rule, power was to be transferred to a black majoritarian government through the Lancaster House agreement of 1979, wherein the colonial government and the black political parties ZANU and ZAPU, agreed on terms that would drive the birth of the new country of Zimbabwe. Part of the agreement of the Lancaster House agreement was that there were going to be free and fair elections where the people of Zimbabwe would, for the first time in their history, be allowed to vote for a leader of their choice.

On the 14th of February 1980, there were general elections that were held to elect the new government of Zimbabwe, comprising of 100 Parliamentary seats. In that election, 4 political parties were contesting, namely Robert Mugabe's Zimbabwe African National Union Patriotic Front (ZANU-PF), Joshua Nkomo's Zimbabwe African People's Union (ZAPU), Ian Smith's Rhodesian Front (RF), and Abel Muzorewa's United African National Council (UANC). The outcome of the elections saw Robert Mugabe's ZANU-PF winning the election and Robert Mugabe becoming the first Prime Minister of the newly independent state of Zimbabwe. What is important to note here is that for the first time in Zimbabwean history, a pact had been formed between the people and the government. Although there were reported cases of violence during these elections, it can be noted that the people had in some sense voluntarily elected a government of their choice.

Coming from a history of colonial brutality, where the white colonial government did not see the black natives as equals, the newly formed Zimbabwean government had a tall task to demonstrate that it was for the people and that it was going to fulfil its mandate towards the people; mandates such as ending human rights abuses characteristic of the colonial administration, creation of employment for the citizens, providing education for the masses creating a literate society, as well

as ensuring that the standards of living in the new Zimbabwe were generally good for the average person. Part of a speech that Mugabe delivered on March 4 1980, reads as follows:

Only a government that subjects itself to the rule of law has any moral right to demand its citizens' obedience to the rule of law. Our constitution equally circumscribes the powers of the government by declaring certain rights and freedoms fundamental. We intend to uphold these fundamental rights and freedoms to the full...Similarly, it is not our intention to interfere with pension rights and other accrued benefits of the civil servants;...nor do we intend to interfere unconstitutionally with the property rights of individuals....I urge you, whether you are black or white, to join me in a new pledge to forget our grim past, forgive and forget, join hands in a new amity, and together as Zimbabweans, trample upon racialism, tribalism, and regionalism, and work to reconstruct and rehabilitate our society as we reinvigorate our economic machinery. Finally, I wish to assure all the people that my government will strive to bring meaningful change to their lives...Let us constitute a oneness derived from our common objectives and total commitment to build a great Zimbabwe that will be the pride of all Africa (Riddell, 1984).

From this speech, various pledges on Mugabe's government can be observed. First, Mugabe acknowledged that the government gets its legitimacy from the people and as such, the government is expected to abide by the rule of law in the same manner that it expects citizens to obey the same laws. Second, he alluded to the fact that part of his government's mandate was the respect for human rights that he considered to be fundamental. Part of these rights that would not be interfered with were property rights, where pension funds for civil servants were going to be safe in the new Zimbabwe and not subject to abuse by the government. Again, Mugabe alluded to bringing peace among all the various peoples of Zimbabwe, especially the whites, the Shonas and the Ndebeles, all of whom had a history of warring with each other in the past. And finally, Mugabe alluded in this speech that he was going to ensure that the new Zimbabwe had a thriving economy and a bustling society that would be the envy of all Africa and the world. It is important at this stage to examine how the Zimbabwean government has over the years managed to fulfil these mandates, among others, that the government owes to its people.

4.3. Zimbabwe's mandates towards its people

As noted above, after securing independence from colonial rule, the government of Zimbabwe under Robert Mugabe had a variety of mandates that it promised its people. In return for the delivery of these mandates, the people would be obliged to obey the government and the laws it made. The following mandates are of specific importance to this study and will be examined one by one in more detail:

- Educate the nation

- Managing and improving the economy
- Employment Creation
- Holding free and fair elections
- Have an accountable government
- Upholding the Rule of Law
- Safeguard people's fundamental human rights
- Access to Healthcare
- The promotion of General well-being

4.3.1. Educate the nation

It is important to note that prior to independence, education was largely provided to the natives through missionaries. The missionaries sought to exert their influence on the native Africans by providing education while the colonial administration catered largely to only the white population's educational needs (Kanyongo, 2005). The colonial government was not interested in educating Africans such that they would end up competing in terms of knowledge and skills, but only wanted Africans to have minimal education, largely in practical subjects like carpentry and building. The native Africans were to have just enough knowledge so that they could be used in menial jobs to the benefit of the white colonialists. An educated African would become a threat to the status quo as they would have the potential to recognize injustices and be smart enough to start a revolution. The general sentiment in the colonial government was that Africans were inferior to whites and this should remain the status quo. Educating the Africans would create a challenge to this status quo hence the colonial government was uncomfortable with the missionaries providing education to the natives, and for good reason. It is important to note that it is this missionary education that gave birth to revolutionary intellectuals like Robert Mugabe (who became a teacher by profession) and Joshua Nkomo (who was also a teacher and social worker) that later came to haunt and eventually overthrow the colonial regime.

The government of Zimbabwe, after independence, took it as a moral imperative to redress this colonial imbalance by embarking on an active education scheme for its native citizens. The first thing Mugabe's administration did was to ensure that education was available to all citizens, regardless of race. Barriers to education based on race were removed and the government was committed to ensuring that education was available to all, unlike in the colonial administration. To

ensure that all citizens had access to education, the new government embarked on an education for all approach to education and to ensure that the scheme would be successful, the government also carried out other reforms in the education sector by constructing new schools and increased teacher training to meet the demand of the rising numbers of learners. The government even had to introduce a double shift type of learning system wherein there would be a morning session and afternoon session of school just to cope with the demand of new learners. Education was cheap and affordable and those who could not afford, there were a number of programs put in place where citizens could get education for free, ensuring that no one was left behind. The government ensured that all citizens would get even tertiary education, provided they met the requirements at tertiary institutions, by providing student grants for all university and college students which would cover tuition and other expenses during their studies, reducing the burden on parents to pay for such fees. Of course such grants would have to be paid back over a period of time when the student graduates and gets employed.

As of 2020, according to the country's Ministry of Primary and Secondary education, Zimbabwe had a total of 6798 primary schools and 2980 secondary schools (<https://factcheckzw.org>). Zimbabwe currently has a literacy rate of around 89% (<https://www.macrotrends.net/global-metrics/countries/ZWE/zimbabwe/literacy-rate>) and is according to a World Economic Forum report of 2016, Zimbabwe was ranked 4th in terms of the quality of education in science and mathematics in Africa behind countries like Tunisia, Ivory Coast and Mauritius (<https://africaotr.com/top-20-african-countries-with-the-best-education-system/>). This shows that the Zimbabwean government has made great strides in the education sector and indeed, Zimbabwe is known across the world today for producing globally competent educated citizens. On the education front, it is worthy to note that the Zimbabwean government has made a significant effort to fulfil its mandate to educating the nation.

However, it is also important to note that although the government of Zimbabwe appears to be doing well in terms of educating the nation, there seems to be a disconnect between these national figures and the situation that actually obtains at regional or community level. There is more that still needs to be done, especially on two fronts: education in rural areas, and the cost of education in general. On the first point, Susan Booysen (2003) notes that the Zimbabwean government has been failing to build up new schools in rural areas which will prevent learners from walking long

distances to get to the nearest school. Booysen further notes that students sometimes have to walk for distances of up to 10 kilometres just to get to the nearest school. This is not a conducive environment for learning. This could be tied to the problem of accessible road infrastructure where the government seems to be failing to construct and maintain roads in rural areas.

The second area of concern pertains the cost of education. After independence the government of Zimbabwe did well to provide education that was affordable, which saw a significant increase in the literacy rates for its citizens. However, after years of economic turmoil, as will be discussed in subsequent sections of this chapter, Zimbabwe has seen a surge in the cost of education, especially at tertiary levels of study, where the government grants were seized in 2005 due to an ailing economy (Godwin,2005). This means that where in the past tertiary education was available to all who met the required qualifications, now such education is only available to those who can afford to pay the tuition fees. Zimbabwe has 10 state owned universities inclusive of the University of Zimbabwe, Great Zimbabwe University, Bindura University of Science Education, Chinhoyi University of Technology, National University of Science and Technology, Midlands State University, Lupane State University, Gwanda State University, Harare Institute of Technology and the Manicaland State University (https://cgu.pfms.gov.zw/testsite/Public_entities.html).

The situation is made worse by the prevailing economic situation in the country which has seen everything being pegged against the United States dollar. To give a recent example on the nature of the expensive tertiary education status in Zimbabwe, in September 2022, 19 students were arrested at the University of Zimbabwe for protesting against a hike in their fees. Their movement was called the #FeesMustFall Movement. The fees hikes had the potential to make some students who could not afford the new fees structure to drop out of school. In line with the discussion of civil disobedience discussed in the previous chapter, the students held a peaceful demonstration at the University of Zimbabwe to bring to the attention of the government the travesty to justice that had been brought onto the education arena. Instead of listening to the pleas of the students, the government sent the police to arrest the students and detain them, releasing them only after they had been made to pay fines. This situation is representative of the entire education system where the average person is struggling to send their children to school thereby putting a dent into the mandate of the government to provide affordable and quality education. But this situation is better

explained by a discussion of the state of Zimbabwe's economy, which is also part of the government's mandate.

4.3.2. Managing and improving the economy

It should be highlighted at the onset that to outline the complete history of Zimbabwe's economic problems would be too tedious a task to do, perhaps even requiring a complete study of its own, and there is indeed abundant literature on this aspect of the Zimbabwean situation alone. In this section, the intention is to give an abridged version of the country's economic situation such that observations on how the government has managed the country's economy as part of its mandate can be made. It is important to note that at independence, Zimbabwe had a somewhat thriving economy, with bustling and efficient industries that had been established by the colonial government. Zimbabwe had one of the strongest currencies in Africa and the world, with the Zimbabwean dollar being equivalent to US1.60. From 1980 to 1984, the Zimbabwean economy witnessed a 21% increase in economic growth compared to South Africa which achieved a growth rate of only 9% (Riddell, 1984). However, as Riddell notes, these figures may have been a misrepresentation of the actual conditions that had led to this growth. He argues that Zimbabwe had received good rains in those years which increased agricultural harvests. Again, coming from a time of war and conflict, with the conflict ended this saw a huge influx of funds aimed towards rebuilding the state. Further, the sanctions that had been put in place against the colonial administration had now been removed, opening up avenues for new international trading partnerships and credit facilities (Riddell, 1984). Outside of these factors combining to give the impression that the Zimbabwean economy was doing well, on the ground there was trouble brewing; trouble which has lasted over 4 decades since then.

It is important first to give a brief overview of how the strength of a currency works. Each currency in the world gets its value from the support and dependence on that specific country's productive capabilities, or outputs, in relation to those that the country trades with. This means that the quantity and quality of the goods and services that the country produces and provides must be taken into consideration to determine their market competitiveness. In the Zimbabwean context, in the first post-independence years, the country had the capacity to produce goods that could be sold for a profit on the international market and the profits were regulated by strict international mechanisms. Zimbabwe produced internationally competitive goods in areas such as clothing, a

wide variety of processed foods, shoes, radios and televisions, among other things. On top of that, Zimbabwe also processed and exported raw materials, such as steel beams, cotton wool, shredded and blended tobacco, roasted coffee beans, sawn timber, dimension stone, irrigation pipes and couplings, plus lots of other components, all in competition with other suppliers across the world (Riddell, 1984). This ensured that revenues in the country were constant, hence the country witnessed noticeable growth.

However, the Zimbabwean government, after 1984 began to interfere in the economic activities of the country through a significant growth in government expenditure leading to a situation where the government expenditure outweighed the country's production/output figures. Part of this government expenditure came from the free education schemes that the government was embarking on as mentioned in the previous section. Free education means that the government is paying for this somehow and where there is less productivity, there is a consequent increase in expenditure. At numerous points during this time, people's salaries were doubled and frequently adjusted, leading to a rise in inflation and a consequent erosion of the buying power of the once strong Zimbabwean currency. To make matters worse, the Zimbabwean government embarked on economic policies that seemed to scare off private investments as well as trample upon private property. For instance, in 1985, the government revoked import licences from traders and gave them to government-related upcoming business people, who later on had to sell them back to the businesses from whom the licences had been taken at an extra cost (Besada, 2011). The economic climate was already showing signs of deterioration. This was the beginning of the economic problems that the country has faced till date.

In 1990, the International Monetary Fund proposed the introduction of the Economic Structural Adjustment Programme (ESAP) in Zimbabwe to try and curtail the effects of runaway government expenditure (Coltart, 2016). Structural adjustment involved *stabilization*, which often entails devaluation and substantial cut-backs of public expenditure and *adjustment*, which seeks to transform economic structures and institutions through varying doses of deregulation, privatization, reduction of allegedly oversized public bureaucracies and the institution of realistic prices to stimulate greater efficiency and productivity, especially in export production. The government's antagonism towards the liberalization of the economy and politics that came attached with the structural adjustment programme and general mismanagement of state funds by

the Zimbabwean government, meant that the programme made the situation worse, making the Mugabe-led administration quite unpopular with its people who were witnessing first hand, how the government was destroying their livelihoods. In the face of growing mistrust in the people towards their government, the government tried to win back the support of the people by embarking on a series of events that made the economic situation worse.

In August of 1997, the government of Zimbabwe tried to compensate the Chimurenga war heroes by paying them lump sums of ZWD50 000, which was equivalent to around 6000 US dollars at that time, after they had besieged Mugabe's ZANU PF headquarters demanding their compensation (Bornstein, 2003). Further, in August of 1998, the Zimbabwean government sent troops to participate in a war in the Democratic Republic of Congo at an estimated cost of 1.7 million US dollars per month. Again, in December 1999, the government gave backdated salary increments of up to 750% to cabinet members and service chiefs, including the president himself, Robert Mugabe (Bornstein, 2003). Against increasing demonstrations by nurses, teachers and other civil servants, the government in January 2000 gave civil servants salary increments of up to 90%. All of these factors increased the wage bill for the Zimbabwean government, and against charges of economic mismanagement from international credit facilities from institutions such as the International Monetary Fund and the World Bank, Zimbabwe found itself unable to cope with the expenditure which resulted in a high inflation environment.

The final nail in the coffin for the Zimbabwean economic woes then came in the form of the Fast track land reform programme that began in February 2000 after Mugabe faced his first electoral defeat in a constitution referendum that saw the majority (55%) saying no to the referendum. This prompted the Mugabe administration to give a blind eye and openly support the occupation of white-owned farms, with no compensation to the farmers. In some cases, the farms had crops that were ready for harvesting and the land occupiers just took the farms without compensating the white farmers for their produce. The farm invasions took a violent turn with some white farmers getting killed, while the some fled the country to neighbouring countries.

From a justice perspective, this was a morally good thing since the government owed to its people the restoration of an imbalance that had been created when the colonialists forcibly seized the natives' land during colonialism. However, from an economic perspective, this move had some disastrous consequences. The collateral value of farmland was reduced from billions of dollars to

zero and skilled farmers were dispossessed, the land being arbitrarily given to people who had little to no knowledge of large scale commercial farming. Because the land which was being parsed out had no real market value, it could not be used as collateral for getting bank loans to the new farmers who often found themselves stranded and depending on government support. Productivity on the once productive farms fell drastically to subsistence levels and hardly enough to feed the country, let alone export (Haslam and Lamberti, 2014). The Zimbabwean country found itself again increasing its expenditure in the importation of food to meet food demands, putting a further strain on the country's bill.

In November 2008, Zimbabwe recorded one of the highest inflation figures in history, standing at 79.6 million percent (Haslam and Lamberti, 2014). Afterwards, in 2009, a unity government between the ruling ZANU-PF and opposition parties, specifically the Movement for Democratic Change (MDC) that was led by Morgan Tsvangirai, introduced some stability in the economy with the introduction of the use of stable currencies such as the US dollar and the rand, rather than the deteriorated Zimbabwean dollar. After dissolving the Unity Government in 2013, the situation started to decline again with Zimbabwe today, in the Second Republic under Mugabe's successor Emerson Mnangagwa, holding the one of the world's highest inflation rate at 104% as of February 2023 (<https://internal.statista.com/statistics/1220801/inflation-rate-in-africa-by-country/>).

The government of Zimbabwe seems to be at a loss on ideas and policies that can reduce these hyperinflationary figures, having tried every fiscal trick from slashing zeros on currencies to printing money (Haslam and Lamberti, 2014). The Zimbabwean government appears to be making policy changes, and refuses to accept that its mismanagement of the country's economy has brought productive capacity to its knees and has destroyed the country's relationships with other countries of the world. Currently, the country has limited access to credit facilities because it cannot afford to pay its debts and cannot attract investment.

4.3.3 Employment Creation

Although the Zimbabwean government has done well in ensuring that it produces internationally competent graduates, the Zimbabwean economy, as described above, has not been as productive, leading to a dwindling of employment opportunities, especially for the youth. Because the country is not considered a safe place to invest resources due to the hyperinflationary conditions, the job market is significantly strained. In 2008, the Zimbabwean government signed into law what is

known as the Indigenization and Economic Empowerment Bill, which gave the government the power to take over and control foreign-owned companies (Bourne, 2011). In essence, the government could simply own 51% of the shares of any targeted foreign owned company. In a country that was already facing a harsh economic climate, this seems to have been an ill-conceived move and essentially destroyed the few foreign owned industries that were still providing employment to the country. This bordered on the violation of individual property rights and scared off any potential investors who would want to invest in the country, worsening the already problematic employment problem.

Officially, as of 2023, the unemployment rates in Zimbabwe stand at 11.3%. This does not sound like a high figure especially when compared to a country like South Africa which has an inflation rate of 24%. However, on the ground, the unemployment figures are quite high, with figures estimated to be over 80%. The explanation to this disparity lies in a clever mechanism introduced by the government of Zimbabwe in how inflation figures are to be recorded and interpreted. The 11.3% figure is as a result of an expansion of what the government of Zimbabwe considers to be *employed*. Informal traders, street vendors, and small scale subsistence farmers are all considered in the expanded definition as *employed*. But the reality on the ground is that there are little opportunities to formal employment in both the public service and the private sector. The government is failing to absorb its graduates and school leavers, who often find themselves fleeing to other countries. The few formal jobs that are available in the public service are often awarded on a nepotism basis, leaving the majority of ordinary citizens stranded. In the words of the late Morgan Tsvangirai, the Zimbabwean government had turned an educated work force into *street vendors* (Coltart, 2016). This also goes to show a shortcoming in the government of Zimbabwe's employment creation area where it has been performing dismally for over two decades now, with the majority of the youths never having seen a pay check in their lives, having no access to savings and stable pension funds.

4.3.4. Holding free and fair elections

As was discussed in the second chapter, elections are an essential part of a society that purports to be democratic. In essence, it is through free and fair elections that a government can be said to be legitimate, since elections imply that the people have voluntarily chosen to be led by a specific group of people whom they consider capable of transforming their lives for the better. As was noted earlier in this chapter, the first Zimbabwean elections took place in 1980 where the ruling

ZANU-PF party was put into authority from the colonial administration, with Robert Mugabe being the first president. Since independence, Zimbabwe has held 9 elections in which the ruling party ZANU-PF always wins. However, the post-2000 period arguably constitutes the most turbulent phase in the electoral history of the country since independence in 1980, a period in which Zimbabwe's elections were devalued and the electorate and observers deceived. These elections were not intended to promote democracy (the free expression of the people's will) but were manipulated to produce a pre-determined outcome affirming the current crop of leaders, irrespective of their performance (Mavhiki, 2016).

According to Mavhiki (2016), elections are expected to offer a regeneration of political regimes, allowing the voting population a democratic say in the affairs of their country. While the ruling political classes in Zimbabwe paid lip-service to this principle, they generally used it as a strategy to stay in power. Promises of development, unfulfilled or piecemeal electoral, constitutional and institutional reforms have been used repeatedly in electioneering (Moorcraft, 2011). Elections in Zimbabwe have been characterised by reports of manipulation of independent electoral bodies such as the Electoral Commission of Zimbabwe, the bias of the Registrar General in favour of the ruling party, an uneven media coverage between the ruling party and the opposition, uneven campaign spaces (access to voters), as well as the use of state institutions to keep the ruling ZANU-PF party in power.

Although an impression is given that Zimbabwe is a multi-party democracy, during election time the ruling ZANU-PF government, both under Mugabe and under Emmerson Munangagwa, has been accused of election irregularities that bring into question the authenticity of the elections. The political climate included the suppression of the independent media (dating back to the arrest in 2001 of two Daily News journalists, editor Geoff Nyarota and Wilf Mbanga, who were not election candidates), organised political violence, and intimidation of opposition supporters especially in rural constituencies (Voanews.com 2001). In the rural areas a common strategy by ZANU-PF was using traditional leaders to pressure local voters into supporting one particular party. There were electoral disagreements on the absence of voter education, and manipulation of food as a political weapon (Human Rights Watch 2003). The use of food as a weapon was achieved primarily through the state's maize-marketing monopoly, the Grain Marketing Board (GMB), to threaten rural voters' access to food (NCA 2005).

Elections, which traditionally served as a major yardstick for participation in endorsing or influencing regime change, have thus lost credibility in Zimbabwe. Limiting democratic theory and practice to electoral pluralism encouraged a culture where democracy was limited to periodic elections in which the results were sometimes rigged, and their organisation seriously flawed (Nyandoro and Ababio 2011). By 2005, such circumstances created widespread discontent, contestation and a lack of trust in the political principles on which the contemporary democratic project rested, as the Zimbabwean government under Mugabe was neither representative nor accountable to the citizenry.

ZEC lacks autonomy because it is funded by a ministry and is accountable to Parliament through the Ministry of Justice. One of ZEC's integrated responsibilities includes delimitation before elections; but it has no power to proclaim the election date, which is instructed by the president in the elections. The country's constitution and electoral act give the president this power; but in the interests of electoral fairness this must be in the hands of ZEC. Weaknesses of Zimbabwe's electoral system included the delay of the voters' roll, media polarisation, claims that some ballot papers were counted twice, electoral manipulation and the existence of institutional bias, pointing to electoral mismanagement and fraud (Masunungure, 2014); and ZANU-PF control of electoral machinery including ZEC, the RG and his office. Through control of these election institutions, the ruling party had the power to tamper with the voters' roll and ballot (vote) counting. The ZEC failed to delete the names of dead people (ghost voters) from the voters' roll, especially in rural constituencies which are ZANU-PF strongholds. There is also evidence that during election time ZANU-PF clandestinely bused people to vote in certain constituencies. Some rural voters, for instance, were bused to urban areas (seen as opposition areas/strongholds) to cast their ballots in an endeavour to dilute the urban vote (Masunungure, 2014).

The post-electoral environment in Zimbabwe thus witnessed disputed claims around the legitimacy of elections, the fairness of ballot (vote) counting, legitimacy of the leader and disputations over the number of terms of office for an incumbent president. The president of the First Republic had overstayed his welcome, apparently aided by these factors. There had been no presidential term limit before the 2013 Constitution, as Mugabe had used the RG's office to manipulate electoral results. By the time he was ousted from office by the army in 2017 in what has been described by

the ruling party as *Operation Restore Legacy*, he had been in power for 37 years, from 1980 to 2017 (Tendi, 2020).

After 2005 Zimbabwe prepared for the first harmonised presidential, parliamentary and local-government elections in 2008, negating the idea of regular elections in Zimbabwe. Elections had become degraded, and in the absence of free and fair elections Zimbabweans did not regard their political system as an electoral democracy. In a survey conducted by the Mass Public Opinion Institute (MPOI) in 2005, more than 90% of the sampled population in Harare expressed concern about the lack of electoral democracy, and also blamed the government for an electoral environment characterised by frequent political violence. In this sense, the country was a pseudo-democracy – a political system which called itself democratic, but though several political parties contested the elections in a secret ballot, offered no real alternative for its citizens.

The election demonstrated that had Zimbabweans been allowed to make a free choice, Mugabe would have lost decisively to Morgan Tsvangirai, the MDC candidate (Tran 2008). However, no official results were announced for more than a month after the first round. After the recount and verification of results, ZEC announced on 2 May 2008 that Tsvangirai won 47.9% of the vote and Mugabe 43.2%, necessitating a run-off to be held on 27 June 2008. Denouncing these elections, Mugabe said, ‘We will never allow an event like an election to reverse our independence, our sovereignty’ (Tran 2008). Despite electoral defeat staring ZANU-PF in the face, a stalemate was declared with an election run-off — but only after a month had elapsed before the results of the March election were released, unprecedented in Zimbabwe’s post-1980 elections. ZANU-PF faced the possibility of electoral defeat and resorted to ‘absurd retribution’ and ‘a trail of violence after the [March] ballot’ and before June 2008 to intimidate voters (Amnesty International 2008).

As the politically-motivated election violence and intimidation escalated, Mugabe implied that he would not cede power to the opposition (which had no liberation credentials) if he lost the run-off election (Britannica.com 2008). MDC leader Morgan Tsvangirai responded on 22 June by announcing his withdrawal from the presidential run-off to be held on 27 June 2008. Tsvangirai’s intention to boycott the elections came barely four days before the scheduled election in the midst of a rapidly deteriorating security situation (Reliefweb, 2008). Mugabe then ran for election in what essentially became a one-person political contest in which he got resounding *victory*. This kind of political environment of questionable electoral practices puts a dent in the legitimacy of

the government that is entrusted to run the affairs of the country. In this instance, the Zimbabwean government had violated the principle of voluntary consent by imposing itself onto the people. This situation has continued to plague electoral processes in Zimbabwe, raising legitimacy issues on the part of the government. It was noted in the previous chapter that legitimacy entitles the government to have reasonable expectations that the citizens will obey the law. But when the government's legitimacy comes into question, through a series of contested political elections, then it becomes difficult for the government to expect its citizens to obey its laws. This leads us to the next issue to be considered; that of ensuring that the citizens have an accountable and transparent government.

4.3.5. Have an accountable government

Once legitimacy has been established, part of the mandate of a government that has been put in place by the voluntary consent of its people is accountability. Accountability in this sense should be taken to mean that the government, in the form of public officials, has a moral duty to explain its decisions and actions to its people (Coltart, 2016). This is intricately tied to the issue of transparency in terms of government expenditure and fiscal activities. In the Zimbabwean context this would mean that if the government was to borrow money from World creditors like the IMF and the World Bank, this information would need to be made publicly available to the public, who are under the obligation, through the payment of taxes, contribute towards the repayment of such loans. Again, the public must be informed of such decisions before the government even takes such initiatives in order to remain accountable to its people.

On top of this, the government of Zimbabwe, as part of its obligation to account for its action, must be able to account for its expenditure against revenues collected. But in Zimbabwe this is not the case. According to an investigative report by Al Jazeera in 2023, there appears to be clandestine activities surrounding gold revenues against the backdrop of a country that is going through a harsh economic climate. It was alleged in the findings of that investigation that because the government is under trade sanctions based on malpractices by the Zimbabwean government, it has come up with a way to bypass selling its gold through smuggling the gold out of the country and selling it in markets like Dubai. According to the report, the investigation also exposes the involvement of high-ranking officials from Zimbabwe in smuggling and money laundering, which help the country get around the crippling grip of Western sanctions. And it identifies the global nature of these crimes, in which gold smuggled from one nation could end up in the form of cash deposited

in offshore accounts of front companies halfway across the world. In return the government gets a percentage of the money made from the sale of that gold.

According to the investigative report, one of Zimbabwe's top ambassadors, Uebert Angel, appointed by President Emmerson Mnangagwa to attract investments from Europe and North America, offered to use his diplomatic privileges to carry more than \$1bn of dirty cash into the country. Pivotal to his plans was Henrietta Rushwaya, who heads Zimbabwe's Mining Association and is Mnangagwa's niece. Rushwaya told Al Jazeera investigators that they could park their cash with Fidelity, a gold refinery run by the country's central bank, and carry an equivalent amount of gold out of Zimbabwe. Angel and his deputy, Rikki Doolan, also tried to get the undercover reporters to open a hotel and casino at the popular tourist location of Victoria Falls, saying an infrastructure project would get the undercover reporters more clout with the president, Mnangagwa. It is not clear how the revenues collected from these activities is actually used by the government, but it is alleged that government officials use the revenues to their own personal benefit at the expense of hospitals, clinics and other public institutions that need government assistance and are in a state of dilapidation.

This is just but one example of how the government of Zimbabwe is failing to be accountable to its people. In a state where hospitals, clinics and the whole health delivery system is in dire need of assistance, the government does not account for its expenditure. Civil servants are poorly paid in a country which has one of the richest mineral resources in Africa. Mismanagement of public funds by the government is rampant, and the government of Zimbabwe is often cited as being corrupt. This lack of transparency on the part of the government has a ripple effect on other essential services in the country such as the development of infrastructure. The vast majority of public infrastructure in Zimbabwe today is inherited from the colonial administration. Roads are not maintained resulting in potholes being an everyday reality for urban citizens. The government has tried to maintain and refurbish the major highways, but the processes have been characterised by corruption in the tender process which has also resulted in the refurbishments taking longer and in some cases are not even completed. Roads in rural areas remain largely undeveloped, with the majority of rural places having gravel roads inherited from the colonial era.

The country is facing erratic supply of electricity as the electricity provider ZETDC is also faced with financial challenges due to government mismanagement of public funds. Urban Councils are

failing to provide urban residents with clean running water, with urban residents resorting to either drilling their own boreholes or even getting water from streams and ponds (Coltart, 2016). This is all because the government refuses to be accountable to its people and continues misusing public funds to the benefit of the ruling elite at the expense of the population. Opposition parties and civil society organisations are largely powerless to do anything about the government's unaccountability and public institutions that are meant to keep the government in check such as the Zimbabwe Anti-Corruption Commission (ZACC), are also powerless against corrupt activities of the ruling elite, who are usually protected by their proximity to the president (Coltart, 2016). Government expenditure is not made publicly available in a transparent manner. From this, it can be observed that the government of Zimbabwe has some serious shortcomings in offering its people accountable leadership.

4.3.5 Upholding the Rule of Law

Chapter 3 of the Zimbabwe constitution provides for separation of powers and an independent and impartial judiciary, which is charged with providing a system of checks and balances against the executive and the legislature, by interpreting the law 'without fear or favour' (Simpson and Hakins, 2018). An independent judiciary is a vital pulley of any constitutional democracy. The selection of judges must be done in a transparent, professional and ethical manner. The Zimbabwean constitution endows the President with wide and sweeping powers (Simpson and Hakins, 2018). These vast powers have the potential to undermine the separation of powers and ultimately the rule of law. They include the power to effectively appoint superior court judges, albeit via a commission. This renders appointments vulnerable to political considerations, and undermines the independence of the courts at the very least in the eyes of the public. It is not surprising therefore that the public sentiment would be the apprehension that the judiciary may not be able to hold its own against the executive. In 1990 two journalists from The Standard newspaper were jailed unlawfully and tortured for writing an article about a failed military coup (Bornstein 2003). The President then imposed bans on the media and outlawed strikes and allowed the military to arrest civilians, thereby making the executive a villain against the rule of law. The High Court ordered the release of the journalists thrice but to no avail. Supreme Court judges then resorted to writing to the President urging him to uphold the rule of law. The President responded by daring the judges to resign retorting that they had no authority to issue him with instructions and that they were biased and no longer trustworthy in matters involving the executive (Bornstein, 2003). This dark

episode in Zimbabwe's legal history sadly set the pace of judicial/executive relations that haunts Zimbabwe to date. The judiciary increasingly became embattled as demonstrated dramatically by the land reform cases where court decisions exhibited a lack of zeal to safeguard the rule of law from erosion particularly regarding the right to property.

The rule of law requires that government powers are limited by the constitution and that therefore laws are clear, publicized, stable and fair and protect fundamental rights, including the security of persons and property. The Declaration of Rights in Zimbabwe's constitution is bad enough in being deficient in guaranteeing fundamental rights. It is vertical meaning it can only be exercised against the state, it has excessive and unwarranted claw-backs, on the limited rights it has and does not guarantee economic, social and cultural rights. No mercy has been shown to even this emaciated bill of rights. It has been the site of attacks in the form of a spate of legislation and amendments that clearly contravene the Bill of Rights (Raftopoulos, 2014).

The Public Order and Security Act (POSA) contravened the freedom of expression by prohibiting public gatherings and requiring police notification to exercise such freedoms (Coltart, 2016). Like any other country, the requirement of police notification is a reasonable one but in Zimbabwe the police force took it to mean that one requires police permission and therefore some people are actually refused this right even if they make police notification. This has resulted in the arrest of many peaceful demonstrators who were identified as opposition members threatening the government's hold on power. Such repressive acts by the government continue even in the second republic, wherein human rights continue to be trampled upon, with selective application of the law.

4.3.6 Safeguard people's fundamental human rights

Apart from a leadership that seems largely unaccountable, it is important to note that the government of Zimbabwe has also been accused of violating people's fundamental human rights. As noted at the beginning of this chapter under the discussion of the Zimbabwean government's responsibility to its people in terms of economic development, an outline of the entire history of human rights abuses in Zimbabwe may be impossible since the list will be too long. This section tries to give the major highlights that have captured the world's attention. The first thing that should be highlighted from the onset is that from the year 2000 onwards, Zimbabwe, because of the economic turmoil that was unfolding and the failure by the Mugabe-led government to concede

that they were failing to manage the situation, became effectively a military state (Ndlovu-Gatsheni, 2015). According to Sabelo Ndlovu-Gatsheni (2015), the Joint Operations Command was the main vehicle for military control for a decade after 2000. Inherited from the Rhodesian system, it was the prime means of co-ordinating the civil war in the early 1980s and the operations abroad in Mozambique and the Congo. Initially, chaired weekly by Mugabe, it was theoretically subservient to the ruling party ZANU-PF. After a series of military operations to contain the domestic population, especially during elections, it came first to be a parallel government, then, by 2008, the dominant council in the land. The core element was called the ‘gang of six’ but the elite changed, partly caused by death or retirement. When the military reached the zenith of their power in 2008, the key power-brokers were: Brigadier General Constantine Chiwenga (head of the ZDF); General Philip Sibanda (ZNA commander), Air Marshal Perence Shiri (head of the air force); Commissioner of Police, Augustine Chihuri; Major General (rtd) Paradzai Zimondi, head of the prison service; the CIO DG, Brigadier (rtd) Happyton Bonyongwe; and *primus inter pares*, Emmerson Mnangagwa, the minister of defence (Moorcraft, 2011). Technical advisers supported the group, including Gideon Gono, the head of the Reserve Bank, who acted as paymaster. Others might join in for specific meetings such as John Sibanda, in charge of war veterans, and other party chiefs. It would be incorrect to interpret the military as a monolith; various tribal, generational and policy disputes caused fissures. But at the top, in the JOC, the arguments usually produced a survival consensus. Collective memory of the liberation war, comradeship in more recent battles, a fear of collective punishment and a desire to hold on to their wealth all coalesced to produce unity, despite the friction about a replacement for Mugabe (Godwin, 2011).

This being the case, it is apparent that Zimbabwe, being effectively run by a group of military men, would have little to no place for the respect of human rights. According to a 2005 report by the International Community of Jurists on the state of human rights in Zimbabwe, there was enough evidence to suggest that, at the very least from 2000 to 2005, during the fast track land reform programme, human rights violations occurred in Zimbabwe. There was testimony from witnesses who were victims of political violence and other victims of torture while in police custody. There was evidence that the system of arbitrary arrests took place. Especially alarming was the arrest of the President of the Law Society of Zimbabwe and journalists including Peta Thorncroft, Geoffrey Nyarota, among many others, the arrests and torture of opposition members of parliament and

human rights lawyers like Gabriel Shumba (Coltart, 2016). There were allegations that the human rights violations that occurred were in many instances at the hands of ZANU PF party activists.

To maintain its hold on power against the rising influence of the opposition in the early 2000s, the government introduced a flurry of new legislation and the revival of the old laws used under the Smith Rhodesian regime to control, manipulate public opinion and that limited civil liberties. Among these was the Public Order and Security Act of 2002, and the Access to Information and Protection of Privacy Act, 2002. These were used to require registration of journalists and for prosecution of journalists for publishing what it considered *false information* (Coltart, 2016). All these, of course, would have a negative effect on freedom of expression and introduce a cloud of fear in media circles. The Private Voluntary Organisations Act was also revived to legislate for the registration of NGOs and for the disclosure of their activities and funding sources. All of these actions were meant to maintain the government's grip on power, as well as intimidate those who threatened that hold.

In 2005, the government of Zimbabwe's struggle for power and survival extended to the displacement of hundreds of thousands of people and premature deaths (Bourne, 2011). The ruling ZANU-PF was beginning to lose support in rural areas, and was suffering great losses in the urban electorate. To solve the problem of the losses in urban areas, the government embarked on an operation that was called Operation *Murambatsvina*, 'a clearing out of rubbish' in urban areas, in 2005. Whereas it is estimated that some 200,000 farm workers lost out in the commercial farm invasions, the *Murambatsvina* removals are thought to have destroyed 650,000 to 700,000 homes and livelihoods, with 2.4 million people directly and indirectly affected (Simpson and Hawkins, 2018). The operation, chiefly but not exclusively directed at urban areas which had supported the opposition MDC, involved the forced eviction of families living in shacks not deemed to meet planning requirements, or carrying on as vendors and currency traders on the edge of conventional commerce. Their homes were bulldozed. They were physically transported into the bush if they had no relations they could go to. Police as well as municipal authorities took part in the expulsions. Home-owners were required to knock down their own premises (Simpson and Hawkins, 2018). The authorities justified this campaign as one of slum clearance, and a cleaning up of the towns, but the trigger was the March 2005 parliamentary elections in which the MDC again made a strong showing, although ZANU-PF was declared the victor. However, there was a

clash between the European Union, which said that the election had not been free and fair, and the SADC and African Union observers, who could see nothing wrong with it. The urban context was similar to that of other developing countries: there was a migration from country to town, where people had built their own shacks with whatever material they could get, and were trying to make a living in a depressed economy where conventional paid employment was rare.

Reports in the international press, backed up by television and video, caused Kofi Annan, the UN secretary general, to send a special envoy, Anna Tibaijuka, to assess the situation. Annan was Ghanaian; Tibaijuka, who was heading UN–Habitat, the human settlements programme, was Tanzanian. Neither could be described as necessarily unfriendly to Zimbabwe. The involvement of the UN was a sign that human rights concerns about the ZANU–PF government could no longer be dismissed. The Tibaijuka report was damning. She wrote that ‘while purporting to target illegal dwellings and structures and to clamp down on alleged illicit activities [the operation] was carried out in an indiscriminate manner, with indifference to human suffering.’ She pointed to a governance crisis which made it unclear where the operation had originated, the weakness of Operation Garikai, which was supposed to provide new plots and support for the evicted, and the fact that the authorities would not allow the World Food Programme to provide direct relief to the hungry homeless. She argued that Zimbabwe citizenship should be granted to those who had been born abroad (Simpson and Hawkins, 2018).

From this, it can be seen that the Zimbabwean government has been involved in some actions that can be considered as human rights abuses such as the case given above among many others. In the second Republic, under Emmerson Munangagwa’s administration, the human rights situation has not changed much. For example, on 1 August 2018, after the presidential elections where Emmerson Munangagwa won against the opposition which was a favourite among the urban population, protestors went into the streets of the Capital to show their discontent with the results of the elections, citing some election irregularities and claims of rigging. Munangagwa’s administration responded to the unarmed protestors by opening live ammunition to them from armed soldiers (Amnesty International, 2019). This resulted in the death of 7 civilians on the day. A commission of inquiry was opened, but no one to this day has been held accountable. A summary on the state of human rights abuses can be derived from the following report on human rights abuses in Zimbabwe after 2018 which made the following observations:

Human rights issues included arbitrary killings, government-targeted abductions, and arbitrary arrests; torture; harsh prison conditions; criminal libel; censorship; restrictions on freedoms of assembly, association, and movement; government corruption; ineffective government response towards violence against women; and criminalization of lesbian, gay, bisexual, transgender, and intersex (LGBTI) status or conduct. The government took limited steps toward potential consequences for security sector officials and nongovernment actors who committed human rights violations, including appointing a Commission of Inquiry (COI) to investigate the postelection violence. In December (2018) the COI found the military and police culpable for the deaths of seven protestors, but it did not identify individual perpetrators, units, or commanders. Impunity remained a problem (Amnesty International, 2019).

This goes to show that the government of Zimbabwe has struggled to fulfil its mandate of safeguarding its citizens' human rights. In fact, because of such human rights violations, Zimbabwe has been put on sanctions by Western countries, which has worsened the lives of ordinary people from an economic standpoint.

4.3.7 Access to Healthcare

In Zimbabwe, the public health system is the largest provider of health-care services, complemented by Mission hospitals and health care delivered by non-governmental organizations (NGOs). In recent years, economic decline and political instability have led to a reduction in health-care budgets, affecting provision at all levels. In the past five years, the country's poorest have suffered the most, with a 40 per cent drop in health-care coverage (Simpson and Hawking, 2018). Chronic malnutrition limits the life prospects of more than one third of the country's children. Zimbabweans continue to experience a heavy burden of disease dominated by preventable diseases such as HIV infection and AIDS, malaria, tuberculosis and other vaccine-preventable diseases, diarrhoeal diseases and health issues affecting pregnant women and neonates. Every year, one in every 11 children in Zimbabwe dies before his or her fifth birthday. In other words, 35,500 Zimbabwean children under the age of five die every year.

The country's health sector faces numerous challenges: a shortage of skilled professionals and health-care staff; an eroded infrastructure with ill-equipped hospitals, many lacking functional laundry machines, kitchen equipment and boilers; and a lack of essential medicines and commodities (Coltart, 2016). The system breakdown has been exacerbated by humanitarian crises such as the cholera and measles epidemics between 2008 and 2010, by poor maternal and child health services and by consistently falling but nevertheless still-high numbers of people living with HIV.

One of the leading causes of mortality of children aged under five in Zimbabwe, HIV and AIDS account for more than 20 per cent of the deaths in this age group. In 2009 it was estimated that more than 1 million children in Zimbabwe had been orphaned by AIDS and 1.2 million people were living with HIV. An updated estimate suggests that 100 000 of this number are children. Tuberculosis remains a leading cause of morbidity and mortality with a prevalence in 2009 of 431 per 100,000 population (Besada, 2011). The deterioration in Zimbabwe's health-care services coincided with a fall in demand for services, following the introduction of user fees. These fees, which are often applied in an ad hoc way and so vary from provider to provider (8), act as a barrier to basic health services for many of the most vulnerable people in Zimbabwe. Government policy is to provide free-of-charge health services for pregnant and lactating mothers, children under five and those aged 60 years and over, but the policy has proved to be difficult to implement. Currently, in the absence of substantial government financial support, user fees provide the main income for many health care facilities, enabling them to provide at least the minimum service (Besada, 2011).

Giving birth in a government or municipal facility costs between US\$3 and US\$50. These costs are often prohibitive, leaving some women to give birth outside the health system. It is estimated that more than 39 per cent of women are delivering at home. In his 2012 National Budget, presented to Parliament on 24 November 2011, the Minister of Finance, Tendai Biti, proposed an allocation of US\$10 million to help eliminate user fees for maternal and child health-care services. He reported to Parliament that the maternal mortality ratio was 790 per 100 000 live births, compared with 390 in the 1990s. The under-five mortality rate was 94 per 1 000 live births, up from 78 in 1990. These statistics reveal that on average, pregnancy-related complications lead to the deaths of eight women per day and about 100 children die every day from common and preventable diseases.

This state of healthcare does not paint a good picture on the ability of the government to provide an affordable and efficient healthcare delivery system for its people as part of its mandate. As highlighted in the previous chapter, healthcare is important to the development of the nation as a healthy nation equals a productive nation. However, due to the harsh economic climate that has been fuelled by government's lack of accountability and transparency in its expenditure has left the country's health sector in need of assistance.

4.3.8 The promotion of General well-being

The government of Zimbabwe, just like any other government is tasked with the obligation of ensuring the general well-being of its citizens. Well-being in this case can be expressed as a positive culmination of the other aspects that have been raised in this section of this investigation. That is, an aggregate of the situation on the state of the economy, respect for human rights, the state of education, access to health, government accountability and having free and fair elections. If the aggregate is such that in all aspects, the government is doing well, then aggregate well-being will become positive. In the previous chapter, a discussion of Martha Nussbaum and Amartya Sen's capabilities approach to well-being is an example of this aggregate. The capabilities of the citizens are a reflection of government performance as well as general well-being. Again, the hierarchy of needs by Maslow is also helpful in measuring well-being, as the more the state facilitates the achievement of an individual's basic needs, the more the state is considered a good state. A closely related aspect of well-being is happiness; in this case, the rate at which people in a state are happy on the happiness index. In a World Happiness Report of 2022, Zimbabwe was ranked as the 4th unhappiest place in the world, coming in at number 134 out of 137 countries (<https://www.pindula.co.zw/2024/03/14/zimbabwe-ranked-third-happiest-nation-in-africa/>). The annual World Happiness Report is compiled using statistical analysis to take into account factors such as gross domestic product per capita, social support, life expectancy, freedom to make one's own life choices, generosity of the general population and perceptions of the level of corruption in the society. This goes to show the state of the country's general well-being due to the failures of government to deliver on its mandates. This being the case, it remains to be seen how the people have responded to these failures of government.

4.4 Recourses to the Zimbabwean Government's failures

It was noted in the previous chapters of this study that a government once a government has been instituted through legitimate means, it has entered into a social contract with its people, who are assumed to have voluntarily consented to being ruled by the government of the day. Once this happens, the government now has a set of mandates that it has to fulfil while the people are expected to obey the government in return. However, from the analysis given in section 4.3 of this study, it is evident that the government of Zimbabwe has largely been failing to fulfil its mandates towards its people. From a discussion of the social contract in previous chapters, it was argued that once a government has failed to fulfil its mandate towards its people, there should be mechanisms

in place to ensure that the government takes accountability and reforms, or otherwise replace the government. It is important on this note to examine how these mechanisms have been applied in the Zimbabwean context, in light of government failures, and how successful such measures have been.

4.4.1. Elections

The first mechanism that is available to the Zimbabwean society is that of elections. As argued in earlier sections of this chapter, elections are a mechanism to ensure that the people choose a government of their choice, as well as a mechanism for voting out a government that they feel is not capable, or has failed to meet its mandates. From 1980, the Zimbabwean government has been holding elections to choose its leaders, but a careful examination of these elections reveals that there have been irregularities and claims of rigging that have cast doubts into the authenticity of the outcomes. Specifically, as the Zimbabwean government has tended to be militaristic in outlook, seeking to preserve the ruling party's interests and its hold on power, it is difficult to see how elections have been useful in choosing a government that fulfils its mandates. Although it is important to note that elections are provided for in the Zimbabwean constitution, being held once every 5 years, it is also important to note that all of Zimbabwe's since the beginning of Zimbabwe's economic turmoil have been characterised by allegations of electoral malpractices by the Zimbabwean government as indicated in earlier sections. This then begs the question, are elections an efficient means to actually remove a government that is failing to fulfil its mandate? The answer is no, especially in the Zimbabwean context.

In the face of lack of transparency on the part of electoral bodies that are supposed to be independent such as the Zimbabwe Electoral Commission (ZEC) and the Zimbabwe Anti-Corruption Commission (ZACC), Zimbabweans unhappy with the Zimbabwean government's performance have actually lost faith in the effectiveness of the electoral process. According to an Afrobarometer investigation in 2016, fewer than four in 10 Zimbabweans (38%) say their elections work "well" or "very well" to enable voters to remove non-performing leaders, while a majority (56%) say they perform "not very well" or "not at all well" (Ndoma, 2016). Urban residents were particularly sceptical about the ability of elections to serve an accountability function (66% say "not very well" or "not at all well," compared to 50% of rural residents). Only 14% of opposition party supporters, according to the report, saw Zimbabwe's elections as functioning well/very well

to remove non-performing leaders, compared to a majority (56%) of ZANU-PF supporters (Ndoma, 2016).

In light of this, it is evident that elections have not been successful in fulfilling the role of removing Zimbabwe's non-performing government, leaving Zimbabwean citizens with less recourse in the removal of their non-performing leaders. Robert Mugabe ruled Zimbabwe for almost 4 decades, with the Zimbabwean people failing to remove him from power through electoral processes despite all of his administrations' failings. However, in the Zimbabwean case, it is important to note that the notion of civil disobedience has actually succeeded where elections have failed.

4.4.2 Civil disobedience

As indicated above, the Zimbabwean situation demonstrates that elections are not adequate in removing a non-performing government. However, in 2017, civil disobedience played a significant role in fulfilling this function in what resulted as the country's only post-independent change of leadership moment. In November of 2017, Robert Mugabe was removed from power and replaced by Emmerson Mnangagwa after 37 years of being in power. Outside of the other behind-the-scenes political reasons that went on behind the scenes, it is important to note that the removal of Mugabe was marked by protests in the streets of major towns in Harare and other towns, that saw citizens marching in their thousands in the streets protesting against Mugabe's administration's mismanagement of the economy. There was no immediately obvious leader of the marches, with people from all walks of life, regardless of race, gender or political affiliation, marched in the streets in unison with a common purpose of demanding the resignation of the president.

What is of interest to note here is that all of the citizens, including the police and army, stood with the people ensuring that the protests were peaceful throughout the whole ordeal. Although cases of violence were reported towards some of Mugabe's sympathisers in higher offices of government such as Saviour Kasukuwere, the former minister of Youth and employment creation and Jonathan Moyo, the former Minister of Information, among others who fled the country, the November 17 protests were largely peaceful on the part of the protestors. In the end, Mugabe was forced to resign citing that it was the will of the people that he should resign ushering in what has now come to be called the second Republic under Emmerson Mnangagwa, which has been accused of resorting back to the Mugabe type of governance meant to suppress the people's will, despite its numerous failures.

However, what is of significance in the 2017 marches is that it demonstrated the power of civil disobedience in replacing governments that will not be performing their mandates towards their people. To get an even better picture of the effectiveness of civil disobedience in a situation where the people of Zimbabwe feel like the government has committed an injustice unto them, another example in 2019. In January of 2019, the government of Zimbabwe introduced a dramatic increase in fuel prices, making it the highest fuel price not only in the Southern African region, but in the world at that time. The citizens saw this as an injustice on the part of the government and resorted to civil disobedience in the form of protests and a planned nationwide shutdown of business (<https://www.businessinsider.com/>). The shutdown was being organised by coordinated efforts of citizens on social media platforms. In the face of the threat of the protests going out of hand, and instead of attending to the problem that the citizens of Zimbabwe were trying to highlight, the government not only unleashed armed members of the police and army, but also took the rather drastic measure of shutting down the internet for the whole country in an effort to stop the protests from gathering momentum (<https://www.businessinsider.com/>).

Again, the institution of suppressive laws such as the Peace Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPA) in 2002 highlights the effectiveness of civil disobedience. In both laws, the government of Zimbabwe was trying to suppress any protests against any of its unjust actions by making it a criminal offense to protest in the first place. This goes to show the effectiveness of civil disobedience as the government saw the citizens' protests as a potential threat to the government's hold on power, as had happened to Mugabe in 2018. But instead of listening and addressing the people's plight, the government of Zimbabwe resorted to forceful measures to suppress the people's demands.

Across the world, various public protests have aided in the removal of failing governments, making civil disobedience one of the most effective methods of ensuring a change in government failures. However, a few caveats must be explored in this regard. Although civil disobedience is a helpful recourse in the removal of non-performing governments as shown in the Zimbabwean case, it carries the potential to be misused. In the Zimbabwean context, it later emerged that the marches of 2017 were the culmination of years of planning by Mugabe's enemies including Munangagwa and other senior government officials who later took over from Mugabe. Douglas Rogers (2018), in his works *Two weeks in November: The Astonishing Inside Story of the Coup That Toppled*

Mugabe, revealed the sequence of events that led to the removal of Mugabe, with actors such as Christopher Mutsvangwa and people in the Central Intelligence organisation as well as the army conspiring for a number of years to remove Mugabe (Rogers 2018). In retrospect, it now appears as though the government of Zimbabwe only recognised the people's right to protest against a non-performing government when it wanted to *use* the people for its selfish gain in the form of preplacing Mugabe with Munangagwa.

As it turns out, the move was not so much about becoming accountable to the people as it was about self-enrichment. In other words, the Zimbabwean people were used by Munangagwa and his cronies to give an impression to the world that the people were unhappy with the Mugabe regime and that it was a moral prerogative on Munangagwa and the army to respect the people's will by removing Mugabe. This *soft coup* would later come to reveal its true colours as the new government has also been failing to deliver on its mandates, behaving in a manner that closely resembles Mugabe's failed administration. In other words, the people were only used as a way to give legitimacy to a coup that had been on the cards for years to remove Mugabe in a manner that would not attract negative attention from the world.

Notwithstanding, it can still be noted from the events in Zimbabwe in 2017 that, when civil disobedience is given an opportunity to thrive, and the people are allowed to air out their grievances in the same manner without the government resorting to violence and intimidation towards the civil disobedients, civil disobedience has the power to transform nations and hold accountable governments that are not delivering the mandates for which they have been given when elected into office. As the government of Zimbabwe occupies an advantaged position in the social contract between the people and the government, through its control of coercive force, civil disobedience must be enshrined in the Zimbabwean constitution as one of the ways to mitigate government injustices and keeping the government in check.

4.10 Conclusion

This chapter was an attempt to assess whether the Zimbabwean government was meeting the mandates that it morally owes to its people, as well as the recourses that the citizens had towards their government, should it fail to fulfil those obligations. It has been observed in this chapter that among the obligations that the Zimbabwean government owes to its people are the right to education, maintaining the economy, creating employment, upholding the rule of law, having free

and fair elections, being accountable to the people, respecting human rights, access to healthcare and the promotion of general well-being. In almost all these areas, the government of Zimbabwe appears to be struggling since the early years of its inception as an independent state. From the assessment that was made in this chapter, it was observed that the government has largely failed to improve the country's economy, subsequently resulting in a failure to create employment, a lack of infrastructure development, a dilapidated healthcare system and an education system that also needs improvement. It was also observed that the government of Zimbabwe was failing to be accountable to its citizens through clandestine fiscal activities that worsened the lives of ordinary citizens and a subsequent decline in the overall state of well-being. The refusal of the government to let go of power in light of its failures has also led to a violation of the rule of law and a violation of some fundamental human rights. All of these factors point to a failed government that places a moral obligation on its people to have it either reform or change.

However, it was also noted that despite all these failures, the only viable recourse that had been made available to the citizens is that of elections, in which citizens would be able to remove the government from office once it failed on its mandates. However, it was observed that in the case of Zimbabwe, elections were not an efficient method of changing failing governments in Zimbabwe, with most elections in the country's post-independence history being characterised by electoral malpractices that put dents in their credibility. The citizens are thus left with only one recourse which the government of Zimbabwe fights hard to suppress, which is that of civil disobedience. It was noted that it was only through an expression of civil disobedience that the country managed to air out their grievances towards, and subsequently remove, the non-performing administration of Robert Mugabe. In this way, civil disobedience is proven to work, in conditions where it is permitted to thrive.

Chapter 5: Conclusion and recommendations

The study set out to explore the intricacies of the political obligations and duties within a state in light of civil disobedience, using the context of Zimbabwe as a case study. In the previous 4 chapters, the issue has been explored at great length and the following conclusions have been drawn:

First, it was observed that there are various duties and obligations that come with the formation of a state. This could be the actual formation of the state as discussed in the social contract theories, or in the formation of a new government, as in the case where elections are held. In either case, a pact is formed between two parties, the government and the citizens and this pact comes with it a variety of obligations on both parties. The study argued that once such a contract is formed, each party to the contract has some sets of obligations it has to honour. For instance, the study argued that the government must be able to ensure that human rights are respected, a secure environment from internal and external threats has to be created, property rights have to be respected, and a creation of an environment where citizens have access to good education, job opportunities, and basically lead the kind of lives they see fit must prevail. If all this is enshrined in the government's mandate as well as the constitution, the study argued that a state of justice and equilibrium prevails.

In the absence of these conditions, the study argued that it is a moral obligation/imperative on the part of citizens to actively disobey their government in what the study has characterized as civil disobedience. Civil disobedience herein was discovered to be largely a non-violent attempt to raise citizens' grievances towards their government. However, in light of the fact that such non-violent acts of disobedience do not usually yield the desired results, the study also explored and expanded the definition of civil disobedience to include violent resistance, especially to suppressive regimes. With such an expansion established, it became clear that once a government fails to fulfil its various obligations towards its people, then such civil disobedience was a moral imperative in the quest of the restoration of justice.

Once the scope of government and civilian obligations and duties as well as civil disobedience was established, it became imperative to examine the Zimbabwean case study wherein it was found that since the country got independence in 1980, the country has struggled to fulfil its obligations and mandates towards its people. It was observed that since the early years of independence, the government of Zimbabwe under the Mugabe administration made some strides in providing

education and a stable economy for its people. But that success was short-lived, with the country experiencing economic and political problems for decades. It was observed that the country has struggled to maintain a good economy and maintaining the rule of law towards its citizens. The country has also failed to provide an efficient health-delivery system and has failed to create employment opportunities for its citizens, the vast majority becoming self-employed in the country's ever increasing informal economy. The government fails to respect human rights and has subsequently and fails to become accountable to its people in terms of its fiscal activities. In such an environment where the government has failed to play its role in ensuring that it fulfils its mandate, then it becomes a moral impetus on the part of the citizens to carry out acts of civil disobedience. Civil disobedience, especially in the case of Zimbabwe, was observed to be the only recourse that citizens have actually practiced to effectively highlight the failings of the government leading to the subsequent removal of such government, in light of the failure of elections to achieve the desired changes in both the Mugabe-led administration, and the second republic under Munangagwa.

This was the major argument of this study. In light of these findings, the study recommends that future research on this matter should be conducted from a legal perspective regarding political obligations and civil disobedience. The issue of law is also pertinent as there are some important legal implications associated with civil disobedience which this research did not adequately address such as issues of legitimacy should a government come into being as a result of civil disobedience activities. Again, future research may focus on the link between civil disobedience and its impact on the economy. Future leaders should also respect the will of the people, more so in Africa, by fostering a culture of free and fair elections wherein people freely choose their leaders. It is only in such conditions where cases of civil obedience can be minimised. Again, aspiring politicians need to move away from politics of elections, wherein they are always in campaign mode, even after they have won the elections. They should simply put into practice what they said they would do if they win the elections, the basis of which they were voted into office in the first place. Once they do this, cases of civil disobedience will be minimised and this will also ensure that we have people who are in politics to serve the people, rather than earn a living through politics.

As a recommendation, it is imperative that the constitution of Zimbabwe be amended such that it includes a distinct grievance-expression mechanism where citizens have the right to channel their grievances towards their government in cases where the government will be failing on its mandates. The constitution should also allow that citizens freely disobey the government using peaceful means as a way of expressing their discontent towards government failures. If the government fails to address such grievances or responds to protests in a violent manner, then citizens ought to have a right to use violence as a means to get their demands met or even impeach the government and replace it with a different one which has the capacity to deliver on its obligations.

Finally, cases of civil disobedience should be taken by governments as a symptom of a failure on their parts. The more the government takes such civil disobedience seriously, the more it is able to identify areas where it is failing and fix them promptly. A good leader need not be surrounded by a lot of advisers, but has to simply observe carefully what the people complain about and act on it from a genuine position. Once this happens, this ensures that the people get the kind of government that they want, which ideally fulfils all its obligations, and the people willingly perform the duties that they owe to the government, creating harmony and a state of justice.

REFERENCES

Achen, C.H. and Bartels, L.M. (2016), *Democracy for Realists. Why Elections do not produce Responsive Government*. New Jersey: Princeton University Press

ACP-EU Joint Parliamentary Assembly-Committee on Political Affairs, 2013

Afrobarometer, Rounds 1 to 5 (1999-2012) Data available at:
www.afrobarometer.org/results/results-by-country-n-z/zimbabwe. Accessed 15 April 2024

Amnesty International, (2008) *Zimbabwe: A trail of violence after the ballot*, Report, United Kingdom

Amnesty International, (2022) *Lesotho: Authorities must tackle police brutality, torture and unlawful killings before or after election*.

Annan, K. (1999) *In Foreword to State of the World's Children UNICEF Report, 199*

Arendt, H. (1972) *Crises of the Republic. Lying in Politics. Civil Disobedience On Violence. Thoughts on Politics and Revolution*. A Harvest Book, San Diego: Harcourt Brace and Company

Arp Fallov, M. (2010) *Constructing the capacity of employability and the governance of inclusion*. In H. Blomberg, and N. Kildal (Eds.) *Workfare and Welfare State Legitimacy: NordWel Studies in Historical Welfare State Research 1* (pp.125-160). Universitetet I Helsinki. NordWel Studies in Historical Welfare State Research No.1

Arrow, K. (1999) "Amartya K. Sen's Contributions to the Study of Social Welfare." *The Scandinavian Journal of Economics*, vol.101, no.2, pp.163-172

Artwell, J.E. (1986), *End and Principle in Kant's Moral Thought*. Dordrechr: Martinus Nijhoff Publishers

Atwal, S. (1965) *Malcolm X: Collected speeches, debates and interviews*

Ayittey, G. (1992) *Africa Betrayed*. New York: St. Martins

Ayittey, G. (2005) *Africa Unchained*, Basingstoke: Palgrave Macmillan

Ayittey, G. (2011) *Defeating Dictators: Fighting Tyranny in Africa and Around the World*, Basingstoke: Palgrave Macmillan

Bellamy, R. and Ross, A. (eds) (1996) *A Textual Introduction to Social and Political Theory*. New York: Manchester University Press

Bellamy, R. and Ross, A. (eds) (1996) *A Textual Introduction to Social and Political Theory*. New York: Manchester University Press

Bennette, Christopher, and Brownlee, Kimberley (2021) "Law, Punishment, and Civil Disobedience" in W. Scheuerman (ed), *The Cambridge Companion to Civil Disobedience*, Cambridge: Cambridge University Press. Pp.280-312

- Beran, H. (1977) *In Defence of the Consent Theory of Political Obligation and Authority*. The University of Chicago Press. Ethics, April 1977, Vol.87. No.3
- Besada H. (Ed) (2011) *Zimbabwe: Picking up the pieces*. Palgrave Macmillan. New York
- Bhandari, P. (2020) *What is Qualitative Research? / Methods and Examples*. Revised on January 30, 2023. (Article). <https://www.scribbr.com/methodology/qualitative-research>, Accessed 2 February 2023
- Bhandari, P. (2022) *Data Collection / Definition, Methods and Examples*. Revised on November 30, 2022. (Article). [scribbr.com/author/pritha/page/7](https://www.scribbr.com/author/pritha/page/7), Accessed on 1 December 2022
- Bhandari, P. (2023) *Sampling Bias and How to avoid it/Types and Examples*. (Revised Edition). (Article). [Scribbr.com/author/pritha/page/](https://www.scribbr.com/author/pritha/page/), Accessed May 2023
- Booyesen, S. (2003) “*The Dualities of Contemporary Zimbabwean Politics: Constitutionalism Versus The Law of Power and The Land,*” 1999-2002, African Studies Quarterly | Volume 7, Issues 2 & 3.
- Bornstein, E. (2003) *The spirit of Development: Protestant NGOs, Morality and Economics in Zimbabwe*, Routledge, New York.
- Bouchrika, I. (2023) “*How to write a Research Question: Types, Steps and Examples*” [research.com/research/how-to-write-question](https://www.research.com/research/how-to-write-question), Accessed on July 2023
- Bourne R (2011), *Catastrophe: What Went Wrong in Zimbabwe?*, Zed Books, London
- Brogan, H. (2023) “*Government*”. Encyclopedia Britannica, 18 February 2023. <https://www.britannica.com/government>. Accessed 5 June 2023
- Brownlee, K. (2012) *Conscience and Conviction: The Case for Civil Disobedience*, Oxford: Oxford University Press
- Bryan, V. (2020) *Socrates and Martin Luther King: Lessons in Civil Disobedience*. [Classicalwisdom.com/politics/Socrates-and-martin-luther-king-lessons-in-civil-disobedience](https://classicalwisdom.com/politics/Socrates-and-martin-luther-king-lessons-in-civil-disobedience). Retrieved on 23rd June 2023
- Bryman, A. (2007) *The Research Question in Social Research: What is its role?*, International Journal of Social Research Methodology, 9:5-20
- Bujra, A. (2002) *African Conflicts: Their Causes and Their Political and Social Environment*. Addis Ababa: Development Policy Management Forum
- Carrillo, A.P. (1991) *Human Rights, Civil Disobedience, and Political Crimes*. (NCJ Number 132567) Washington D.C. [ojp.gov/ncjrs/virtual-library/abstracts/human-rights-civil-disobedience-and-political-crimes](https://www.ojp.gov/ncjrs/virtual-library/abstracts/human-rights-civil-disobedience-and-political-crimes), Accessed 2 March 2022
- Carter, S.L. (1998) *The Dissent of the Government. A Meditation on Law, Religion and Loyalty*. London: Harvard University Press
- Cassese, A. (1999) *The Politics of Human Rights*. London: Verso

- Chikuhwa, J. (2004) *A crisis of governance: Zimbabwe*. Algora Publishing: New York
- Choudhurie, R. (2006) *Gandhian Philosophy of Satyagraha*. Anasakti Darshan. Vol.2, No.2
<https://www.mkgandhi.org/articles/ramanand.htm>, Accessed 4 March 2022
- Coaffe, J. and Healey, P. (2003) *Creativity and Urban Governance*. Policy studies 25 (2):87-102.
DOI:10.1080/0144287042000262189
- Cohen, C. (1966) “*Civil Disobedience and the Law*,” Rutgers Law Review, 21 (1): 1–17.
- Coltart, D. (2016) *The struggle continues: 50 years of tyranny in Zimbabwe*. Jacana Media, Sunnyside.
- Continental Education Strategy for Africa-CESA 16-25. *Education 2030*, African Union, 2016
- Cowell, A. (20 January 1986) “*Military Coup reported in Lesotho after crisis*”. The New York Times. Retrieved 13 January 2022
- Cowell, A. (21 January 1986) “*Military topples Lesotho Leader; Capital Jubilant*”. The New York Times. Retrieved 13 January 2022
- Creswell, J.W. (2005) *Educational Research: Planning, conducting, evaluating quantitative and qualitative research* (2nd ed.) Upper Saddle River, NJ: Merrill/Prentice Hall
- Creswell, J.W. (2009) *Research Design. Qualitative, Quantitative, and Mixed Methods Approaches*. 3rd Edition. University of Nebraska. Los Angeles: Sage
- Creswell, J.W. (2014) *Research Design. Qualitative, Quantitative, and Mixed Methods Approaches*. Los Angeles: Sage Publications
- Dahl, R. (1998) *On Democracy*. New Haven, CT: Yale University Press
- Dang, A. (2014) *Amartya Sen’s Capability Approach: A Framework for Well-Being Evaluation and Policy Analysis?* Vol.72, No.4, pp.460-484. <http://www.jstor.org/stable/26077399>. Accessed 5 June 2023
- Delmas, C. (2020) “*Uncivil Disobedience*”, in M. Schwartzberd (ed) NOMOS LXII: Protest and Dissent, New York: New York University Press, pp.9-44
- Deng, F.M. (1990) *A Cultural Approach to Human Rights Among the Dinka*. In: An-Nai’ in A.A and Deng F.M (edt) Human Rights in Africa. Cross-Cultural
- Dholakia, H. (2000) *Political Obligations and its Theories*. Legal Service India.com 2000-2023
ISBN No.978-81-928540-0-6
- Dictionary.com*. www.dictionary.com, Accessed 6 June 2023
- Dooley, P.K. (1978) *Thoreau on Civil Disobedience from Pacifism to Violence*. Journal of Thought, Vol.13, No.3, pp.180-187. Published by: Caddo Gap Press. <http://www.jstor.org/stable/42588709>

- Drent Margriet, et al. (2015) *The Relationship between External and Internal Security*. Clingendael: Netherlands Institute of International Relations.
- Du Plessis, A. (2008) *Public participation, good environmental governance and fulfilment of environmental rights*. [Online] Vol.11, No.2, pp.170-201, ISSN 1727-3781
- Dunn, J. (1980), *Political Obligation in its historical context, Essay in Political Theory*. London: Cambridge University Press
- Dworkin, R. (1978) *Taking Rights Seriously*, 5th ed., Cambridge, MA: Harvard University Press
- Dworkin, R. (1986) *Law's Empire* (Cambridge, Mass.: Harvard University Press
- Dyson M. E. (1995) *Making Malcolm: The myth and meaning of Malcolm X*. Oxford University Press: New York
- Edmundson, A.W. (2004) "State of the Art: The Duty to Obey the Law" 10 *Legal Theory* 10 (2004)
- Egoumenides, M. (2014). *Contemporary Anarchist Studies. Philosophical Anarchism and Political Obligation*. New York: Bloomsbury Publishing Inc
- Eldredge, A. E. (2007) *Power in Colonial Africa. Conflict and Discourse in Lesotho, 1870-1960*. Madison: The University of Wisconsin Press
- Estlund, D.M. (2009) *Democratic Authority. A Philosophical Framework*. Princeton University Press
- Flathman, R. (1980) *The Practice of Political Authority: Authority and the Authoritative*. Chicago: University of Chicago Press
- Flathman, R. (1972) *Political Obligation*. New York: Atheneum
- Fortas, A. (1968) *Concerning Dissent and Civil Disobedience*, New York: Signet Broadside
- Franck, T. (2001) "Are Human Rights Universal", *Foreign Affairs*, Available at: <http://www.foreignaffairs.com/articles/56666/thomas-m-franck/are-human-rights-universal#>, Accessed 2 January 2022
- Freeman, M. (2011) *Human Rights*. Cambridge: Polity Press
- Glendon, M. (2003) *The Forgotten Crucible: The Latin American Influence on the Universal Human Rights Idea*. *Harvard Human Rights Journal*, Vol.16, pp.27-39
- Godwin, P. (2005) *When a Crocodile Eats the Sun*. Picador Africa
- Godwin, P. (2011), *The Fear: Robert Mugabe and the Martyrdom of Zimbabwe*, Back Bay Books, New York.

- Gonzales, S. and Healey, P. (2005) *A Sociological Institutional Approach to the Study of Innovation in Governance Capacity*. Vol.42, Issue 11, <https://doi.org/10.1080/00420980500279778>, Accessed 4 March 2022
- Goodin, R. E. (1987) "Civil Disobedience and Nuclear Protest," *Political Studies*, 35 (3): 461–466.
- Green, L (1990) *The Authority of the State*. Oxford: Clarendon Press
- Gregor, M and Timmermann, J. (Ed.) (2012), Kant. *Groundwork of the Metaphysics of Morals*. Revised Edition. New York: Cambridge University Press.
- Greste, P. (2010) *Kenya's New Constitution Sparks Hopes of Rebirth*, BBC News available at:<http://www.bbc.co.uk/news/world-africa-11103008>, Accessed 8 March 2022
- Griffin, J. (1986) *Well-Being*. Oxford
- Gustavsson, B. (2007) *The Principles of Knowledge Creation: Research Methods in the Social Sciences*. Cheltenham: Edward Elgar
- Harding, W. (Ed) (1982) *The Days of Henry Thoreau*. New York: Dover Publications
- Hart, H.L.A (1967) *Are there any Natural Rights? (1955)*. In A Quinton (ed) *Political Philosophy*. Oxford: Oxford University Press
- Haslam, P. and Lamberti, R. (2014) *How money destroys nations: How Hyperinflation Ruined Zimbabwe, How Ordinary People Survived, and Warnings for Nations that Print Money*. Penguin Books:London
- Hendrick, G. (1956) *The influence of Thoreau's "Civil Disobedience" on Gandhi's Satyagraha*. *The New England Quarterly*, Dec 1956, Vol.29, No.4, pp.426-471. <https://www.jstor.org/stable/362139>. Accessed 7 March 2022
- Hill, M. and Engle, N.L. (2013) *Environmental Policy and Governance*. Vol.23, Issue 3, pp.177-192. <https://doi.org/10.1002/eet.1610>
- Hobbes, T. (1968) *Thomas Hobbes: Power in the State of Nature, Power in Civil Society*. *Leviathan*, Chapter 13, p.184. New York: Penguin
- Hobbes, T. (1991) [1651] *Leviathan*, R. Tuck (ed), Cambridge University Press
- Hoffman, A.D. (2014) *Indirect Democracy*. <https://doi.org/10.1002/9781118474396.wbept0505>, Accessed 3 February 2022
- Holtug, N. (2003) *Welfarism-The Very Idea*. *Utilitas*, 15 (2), pp.151-174. [Doi:10.1017/S0953820800003927](https://doi.org/10.1017/S0953820800003927)
- Horkay, H.F. (2001) *Nemzet es kozossege [Nation and Community]* Szazadveg
- Horton John (1992) *Political Obligation. Issues in Political Theories*. Series Editors; Peter Jones and Albert Weale. London: Macmillan

https://datacommons.org/place/country/ZWE?utm_medium=explore&mprop=count&popt=Person&hl=en

<https://factcheckzw.org/no-the-zimbabwean-government-has-not-built-1200-schools-in-the-last-4-years/#:~:text=How%20many%20schools%20actually%20built,OPEC%20International%20Development%20Fund%20Loan.>

<https://files.eric.ed.gov/fulltext/EJ854955.pdf>

<https://foreignpolicy.com/2019/09/06/mugabes-promise/>

<https://internal.statista.com/statistics/1220801/inflation-rate-in-africa-by-country/>

https://www.afrobarometer.org/wp-content/uploads/2022/02/ab_r6_dispatchno130_perceptions_of_accountability_in_zimbabwe.pdf

<https://www.amnesty.org/en/latest/news/2022/09/zimbabwe-authorities-launch-crackdown-against-students/#:~:text=%23FeesMustFall%20protests%20broke%20out%20at,up%20to%20a%20staggering%201000%25.>

<https://www.amnesty.org/en/latest/press-release/2019/08/zimbabwe-one-year-on-no-justice-for-those-killed-by-soldiers-in-post-election-demonstrations/#:~:text=After%20the%20shooting%20on%201,were%20shot%20from%20the%20back.>

<https://www.eisa.org/wp-content/uploads/2023/05/2022-journal-of-african-elections-v21n1-zimbabwes-post-2000-elections-more-hotly-contested-less-democratic-past-eisa.pdf>

https://www.macrotrends.net/global-metrics/countries/ZWE/zimbabwe/literacy-rate#google_vignette

<https://www.businessinsider.com/zimbabwe-mnangagwa-government-shuts-off-internet-amid-protests-report-2019-1?r=US&IR=T>

Human Rights Watch, (2003) *Zimbabwe: Food used as political weapon: Government, donors must halt discrimination*, 24 October. <https://www.hrw.org/news/2003/10/24/zimbabwe-food-used-political-weapon>

Human Rights Watch, (2011) *World Report. Our Annual Review of Human Rights Around the Globe*

Hume, D. (1994) “*Of the Original Contract*” in Hume: *Political Essays*, ed. Knud Haakonssen. Cambridge: Cambridge University Press

International Bill of Human Rights. Fourth Edition. Colombo: Amnesty International Publications, 1988

Johnson, W.J. (2009) *A Dictionary of Hinduism*, Oxford University Press, ISBN 978-0198610250

- Jongman, A.P. et al (1988) *Political Terrorism*. New Brunswick: Transaction Publishers
- Jubb, R. (2019) “*Disaggregating Political Authority: What’s wrong with Rawlsian Civil Disobedience?*” *Political Studies*. 64(4): 955-971
- Kant, I. (1991) [1797] *The Metaphysics of Morals*, Mary Gregor (trans.) Cambridge: Cambridge University Press
- Kanyongo, G.Y. (2005) *Zimbabwe’s public education system reform: successes and challenges*. *International Education Journal* 6(1): 65-74. <http://iej.cjb.net>, Accessed 9 April 2024
- King, C (2020) “*Hypothetical Consent and Political Obligation*”. (Journal) *South West Philosophy Review*. No.36 (1), pp.55-63. Retrieved on June 2023
- King, M.L. (1963) *Letter from Birmingham Jail*. Retrieved online on 5 June 2023. https://www.csuchico.edu/iege/_assets/documents/susi-letter-from-birmingham-jail.pdf
- King, M.L. (1968) *Where Do We Go From Here? Chaos or Community?* New York: Harper and Row
- Klosko, G. (1989) “*Political Obligation and Gratitude*,” *Philosophy and Public Affairs*, 18:352-358
- Klosko, G. (2005) *Political Obligations*. New York: Oxford University Press
- Klosko, G. (2011) “*Are Political Obligations Content Independent?*” *Political Theory*, 39:498-523
- Klugman, J. (2002) *A Sourcebook for Poverty Reduction Strategies: Core techniques and cross-cutting issues*. [37]; [38]
- Klugman, J. (2011) *Human Development Report 2011. Sustainability and Equity: A Better Future for All*. UNDP-HDRO Human Development Reports, 2011, Available at SSRN: <https://ssrn.com/abstract=2294671>
- Kothari, C.R. (2001) *Research Methodology: Methods and Techniques*, Vishwa Prakashan, New Delhi
- Krenke, F. (2014) “*Why does Socrates reject Crito’s offer of escape?*” Essay. <Grin.com/document/1007994>, Accessed 2 January 2022
- Kumar, R. (2011) *Research Methodology: A step-by-step Guide for Beginners*. 3rd Edition. Sage, New Delhi
- Kunecka, M. (2006) *The Journal of the Human Rights. Civil Disobedience on Respect for Law and Human Rights*. <https://doi.org/10.22096/hr/2020.45881>
- Landstreicher, W. (2009) *Willful Disobedience*. Ardent Press
- Langlois, A. (2009) *Normative and Theoretical Foundations of Human Rights*. In: M.Goodhart, ed. (2009), *Human Rights: Politics and Practise*. Oxford: Oxford University Press Ch.1

- Leedy, P. and Omrod, J. (2001) *Practical Research: Planning and Design* (7th Ed.) Upper Saddle River, NJ: Merrill Prentice Hall. Thousand Oaks: SAGE Publications
- Lefkowitz, (2007) “*On a Moral Right to Civil Disobedience*” *Ethics* 117. No.2:202-33. University of Chicago
- Lindberg, S. (2006) *Democracy and Elections in Africa*. John Hopkins University Press
- Locke, J. (1980) [1690] *Second Treatise of Government*, C.B. Macpherson (ed), Indianapolis: Hackett Publishing Co.
- Lyon, D. (2015) *Natural Duty of Justice*. Published Online. Cambridge University Press
- MacCormick, N. (1982) *Legal Right and Social Democracy*. Oxford: Clarendon Press
- Machobane, L.B.B.J. (1990) *Government and Change in Lesotho 1800-1966: A Study of Political Institutions*. Lesotho: Macmillan
- Mahmud, S. (1993) *The State and Human Rights in Africa in the 1990's: Perspectives and Prospects*. *Human Rights Quarterly*, Vol.15, No.3, pp.485-498
- Makinda, S. (1998) *Sovereignty and Global Security-Security Dialogue*. Sage Publications, Vol.29. pp.281-292.
- Makoa, K.F. (1995) *King Letsie III's short-lived coup*. Conference paper delivered for the Department of Political and Administrative Studies of the National University of Lesotho
- Mallampalli, C. (2011) “*Civil Disobedience and the Legacy of Martin Luther King Jr.*” *Westmont Magazine*. <https://www.westmont.edu/civil-disobedience-and-legacy-martin-luther-king-jr>
- Mantena, K. (2012) “*Another Realism: The Politics of Gandhian Nonviolence*”, *American Political Science Review*, 106(2): 255-470
- Maope, K.A. (1986) *Human Rights in Botswana, Lesotho and Swaziland: A survey of the Boleswa countries*. Institute of Southern African Studies (ISAS). Monograph. Roma Lesotho
- Martin, R. (1970) *Civil Disobedience*. *Ethics*, Vol.80, No.2. pp.123-139. The University of Chicago Press. <https://www.jstor.org/stable/2379876>
- Maslow, et al (1998) *Maslow on Management*. New York: John Wiley
- Masunungere, E.V. (2014) *The changing role of civil society in Zimbabwe's democratic process: 2014 and beyond*. <https://library.fes.de/pdf-files/bueros/Zimbabwe/13718.pdf>, Accessed 15 April 2024
- Masunungere, E.V. (2014) “*The menu of manipulation and 2013 Zimbabwean elections: Towards explaining the technical knockout*”, *Journal of African Elections*, vol.13, no.2, pp.94-121

- Mattick, K. et al. (2018) *How to write a good research question*. Pp.104-108.
Doi:10.1111/tct.12776
- Mavhiki, R. N. (2016) *Does democracy promotion promote democracy? The Zimbabwean case*, Lingnan University
- McCombe, S. (2022) *10 Research Questions Example to Guide your Research Project*. Revised on May 31, 2023. Retrieved June 5, 2023. <https://www.scribbr.com/research.process/research-question-examples/>
- McCombes, S. (2021) *What is a Research Design/Types, Guide and Examples*. (Article). Revised on March 20, 2023 by Pritha Bhandari. [scribbr.com/methodology/research-design](https://www.scribbr.com/methodology/research-design)
- McLaughlin, P. (2007) *Anarchism and Authority: A Philosophical Introduction to Classical Anarchism*. Farnham: Ashgate
- McPherson, T. (1967) *Political Obligation, Library of Studies*. London: Routledge and K.Paul
- Middleton, F. (2022) *The 4 Types of Validity in Research/Definitions and Examples*. Published in 2019, Revised in 2022. (Article). [scribbr.com/author/fionamiddleton](https://www.scribbr.com/author/fionamiddleton), Accessed 7 February 2022
- Middleton, F. (2023) *Reliability Vs. Validity in Research/Difference, Types and Examples*. Revised Edition. (Article). [scribbr.com/author/fionamiddleton](https://www.scribbr.com/author/fionamiddleton), Accessed 8 February 2022
- Miguel, E. (2011) “Africa Unleashed: Explaining the Secret of a Belated Boom”, Foreign Affairs, Available at: <http://www.foreignaffairs.com/articles/136547/edward-miguel/Africa-unleashed?page=show>, Accessed 2 March 2022
- Miller, D. (1984) *Anarchism*. London: Dent
- Miller, D. (ed). (1987) *The Blackwell Encyclopaedia of Political Thought*. Oxford: Basil Blackwell
- Mohajan, K.H. (2018) *Qualitative Research Methodology in Social Sciences and related subjects in Journal of Economic Development, Environment and People*, Vol.7 Issue 1. Pages 23-48.
- Moorcraft P (2011), *Mugabe’s war machine: Saving or Savaging Zimbabwe?* Pen & Sword Books Ltd, South Yorkshire.
- Mothibe, T. H. (1990) “Lesotho: The Rise and Fall of Military-Monarchy Power-Sharing, 1986-1990,” *Africa Insight*, vol. 20 (4), pp. 242-246
- Mutua, M. (2007) ‘Change in the Human Rights Universe’. *Harvard Human Rights Journal*, vol.20, pp.3-5
- Ndlovu-Gatsheni, S. J. (2015) *Mugabeism? History, Politics, and Power in Zimbabwe*. Palgrave Macmillan: New York
- Ndoma S (2016), https://www.afrobarometer.org/wp-content/uploads/2022/02/ab_r6_dispatchno130_perceptions_of_accountability_in_zimbabwe.pdf

- Nine, C. (2022) *Sharing Territories. Overlapping Self-Determination and Resource Rights*. New Topics in Applied Philosophy. Oxford: Oxford University Press
- Norman, R. (1983) *The Moral Philosophers*. Oxford: Clarendon Press
- Nozick, R. (1974) *Anarchy, State and Utopia*. Oxford: New York: Basic Books
- Nussbaum, M. (2011) *Creating Possibilities. The Human Approach*. Harvard Publishing, UK
- Nussbaum, M. (2019) “*Civil Disobedience and Free Speech*,” In J. Lackey (ed.), *Academic Freedom*, Oxford: Oxford University Press, pp. 170–185
- Nyandoro, M.& Ababio, E.P. (2011), *Pan African Parliament and civil society: Towards representing the voices of the people*, *Politeia, Journal of Political Sciences*, vol.30, no.1, pp.22-36
- O’Byrne, B. (2003) *Human Rights: An Introduction*. Harlow: Pearson Education
- Online Etymology Dictionary (19/11/2020). <https://www.etymonline.com/word/anarchy>, Accessed 19 November 2020
- Orr, G. (2015) “*Ritual and Rhythm in Electoral Systems*” Article. <http://bit.ly/1zF6keA>
- Ostrom, E. (2007) *A diagnostic approach for going beyond panaceas*. Edited by B.L. Turner. <https://doi.org/10.1073/pnas.0702288104>
- Patterson, C.H. (2023) *CliffsNotes on Euthyphro, Apology, Crito, and Phaedo*. Retrieved 25th June 2023. <https://www.cliffsnotes.com/literature/e/euthyphro-apology-crito-and-phaedo/about-euthyphro-apology-crito-phaedo>>
- Perry, M.J. (1998) *The Idea of Human Rights: Four Inquiries*. Oxford: Oxford University Press
- Perry, M.J. (2013) *The Morality of Human Rights*, 50 *SAN DIEGO L. REV.*775. Available at: <https://digital.sandiego.edu/sdlr/vol50/iss4/3>, 11 November 2022
- Perspectives*. Washington D.C: The Brookings Institution.
- Pham, P. (2008) “*What Happened to Africa*”, *Human Rights and Human Welfare*, Vol.8, pp.125-137
- Pherudi, M.L. (2001) *The Lesotho Liberation Army (LLA): Formation, Mission and Schisms*, *South African Historical Journal* 45 (Nov.2001), 266-277
- Pitkin, H. (1972) ‘*Obligation and Consent*’ in P. Laslett, W.G. Runciman and Q.
- Plamenatz, J.P. (1968) *Consent, Freedom and Political Obligation*. Oxford: Oxford University Press
- Plato, *The Trial and Death of Socrates*, 3rd edition, G.M.A. Grube (trans.) Indianapolis: Hackett, 2000

- Plessis, M. (2003) *“The Universal Criminal Court and its work in Africa”*, Institute for Strategic Studies (ISS) Publication, Vol.173
- Powell, B. (1995) *Organization of American Historians*. Vol.9 No.2. pp.26-29. Oxford Journal: Oxford University Press
- Quill, L. (2009) *Civil Disobedience. (Un)Common Sense in Mass Democracies*. London: Palgrave Macmillan
- Raftopoulos, B. (2014) *“Zimbabwean Politics in the Post-2013 Election Period,”* in: Africa Spectrum, 49, 2, 91-103
- Rakotsoane, F.C.L. and Rakotsoane, M.A. (2006, 2007) *The ABC of Research Project, Dissertation and Thesis Proposal Writing*. Revised Edition. Choice Publishing Company, Morija: Morija Printing Works
- Ramcharan, B.G. (2008) *Contemporary Human Rights Ideas. Rethinking Theory and Practice*. London: Routledge, Taylor and Francis Group
- Ramose, M.B (2002) *African Philosophy Through Ubuntu*. Harare: Mond Books Publishers
- Rawls, J. (1964) *Legal Obligation and the Duty of Fair Play*. In S. Hook (ed) Law and Philosophy. New York: New York University Press.
- Rawls, J. (1971) *A Theory of Justice*. Cambridge: Harvard University Press
- Rawls, J. (1999) *A Theory of Justice*, Cambridge, MA: Harvard University Press. Revised edition
- Raz, J. (1979) *The Authority of Law: Essays on Law and Morality*, Oxford: Clarendon Press
- Raz, J. (1986) *The Morality of Freedom*. New York: Oxford University Press
- Raz, J. (1994) *Ethics in the Public Domain* (Oxford: Clarendon Press
- Read, J.H. (1991) *Thomas Hobbes: Power in the State of Nature, Power in Civil Society*. Polity, Vol.23, No.4, pp.505-525. University of Chicago. <http://www.jstor.org/stable/3235060>, Accessed 7 March 2022
- Réaume, D. (1989) *“Is Integrity a Virtue?: Dworkin’s Theory of Legal*
- Reliefweb (2008) *“Zimbabwe: Tsvangirai rejects talks now”*, By Cris Chinaka (Reuters) posted 2 July 2008, <https://reliefweb.int/report/zimbabwe/zimbabwe-tsvangirai-rejects-talks-now>, Accessed 10 May 2024
- Rengger, N. (2011) *The world turned upside down? Human Rights and International Relations after 25 years*. International Affairs, Vol.87, Issue 5, pp.1159-1178. <https://doi.org/10.1111/j.1468-2346.2011.01026.x>
- Renzo, M. (2012) *“Associative Responsibilities and Political Obligation”* The Philosophical Quarterly 62, No.246 <https://doi.org/10.1111/j.1467-9213.2011.00002x>., Accessed 2 February 2022

- Riddell, R. (1984) *Zimbabwe: The Economy Four Years after Independence*, African Affairs: The Journal of the Royal African Society, Volume 83, Issue 333.
- Rivera-Castro, F. (2015) *The Cambridge Rawls Lexicon*, pp.548-550. Cambridge University Press. <https://doi.org/10.1017/CB09781139026741.142>
- Rogers, D. (2018) *Two weeks in November: The Astonishing Inside story of the coup That Toppled Mugabe*. Jonathan Ball Publishers: Johannesburg & Cape Town
- Rosenberg, S. and Weisfelder, R.F. (2013) *Historical Dictionary of Lesotho* (2nd ed), Maryland: Scarecrow Press
- Royal African Society (2010) “*John Githongo: What next for Kenya?*” Royal African Society, Available at: <http://www.royalafricansociety.org/country-profiles/669.html>, Accessed 10 March 2022
- Royal African Society. *120 Years of Change. Governance* (2010) Kenya. [Royalaficansociety.org/about/governance](http://royalafricansociety.org/about/governance)
- Russell, B. (1998) *Autobiography*, London: Routledge
- Sabl, A (2021) “*Realist Disobedience*” in W. Scheuerman (ed), *The Cambridge Companion to Civil Disobedience*, Cambridge: Cambridge University Press. Pp.153-177
- Sabl, A. (2001) “*Looking Forward to Justice: Rawlsian Civil Disobedience and its Non-Rawlsian Lessons*” *The Journal of Political Philosophy*, 9(3):307-330
- Satterfield, D. (2014) *The Leader Maker, a blog about Leadership and Pursuit of Responsibility*. <https://www.theleadermaker.com/2014/09/03>
- Scheuerman, W.E. (2020) “*Can Political Institutions Commit Civil Disobedience?*” *The Review of Politics*, 82(2):269-291
- Schiller, T. (2022) “*Direct Democracy*” *Encyclopaedia Britannica*, 7 Oct. 2022, <https://www.britannica.com/topic/direct-democracy>. Accessed 5 June 2023
- Sekatle, P. (1999) “*The Lesotho General Election of 1998*,” *Lesotho Social Science Review*, vol. 5 (1), pp. 31-45
- Sen, A. (1979) “*Utilitarianism and Welfarism*”. *The Journal of Philosophy*, vol.76, no.9. pp.463-489. JSTOR, <https://doi.org/10.2307/2025934>. Accessed 5 June 2023
- Sen, A. (1985) *Commodities and Capabilities*. North-Holland
- Sen, A. (1999) *Development as Freedom*. Oxford: Oxford University Press
- Sileyew, K.J. (2019) *Research Design and Methodology*. DOI:10.5772/interchopen.85731. intechopen.com/chapters/68505
- Simmons, A. J. (1979) “*The Principle of Fair Play*,” *Philosophy and Public Affairs*

- Simmons, A.J. (1979) *Moral Principles and Political Obligations*. Princeton: Princeton University Press
- Simon, M.K. and Goes, J. (2013) *Dissertation and Scholarly Research: Recipes for Success: (Edition)*. CreateSpace Independent Publishing Platform
- Simpson, M. and Hawkins, T. (2018) *The Primacy of Regime Survival: State Fragility and Economic Destruction in Zimbabwe*. Palgrave Macmillan: London.
- Singer, P. (1973) *Democracy and Disobedience*, Oxford: Clarendon Press
- Singh, S. (2020) *Methodological Issues in Management Research: Advances, Challenges, and the Way Ahead*. Pp.27-36.
Researchgate.net/publication/339426208_purpose_and_process_of_research, Accessed 6 March 2022
- Skinner (eds) *Philosophy, Politics and Society*, 4th Series (Oxford: Basil Blackwell).
- Smith, W. (2021) “*Deliberative Democratic Disobedience*” in W. Scheuerman (ed), *The Cambridge Companion to Civil Disobedience*. Cambridge University Press, pp.103-127
- Southall, R. and Fox, R. (1999) “*Lesotho’s General Election of 1998: Rigged or De Rigueur?*,” *The Journal of Modern African Studies*, Vol. 37, No.4, pp. 669-696. Cambridge University Press, UK
- Sparks, A. (1982) *The Washington Post. Democracy dies in the dark* Leeman, Bernard (2015) *Lesotho and the Struggle for Azania* (2nd ed.) p.583
- Spickard, J. (2016) *Research Basics: Design to Data Analysis in Six steps* 1st Edition.
Amazon.com/Research-Basics-Design-Analysis-steps/dp/1483387216, Accessed 8 February 2022
- Stirner, M. (1995) *The Ego and Its Own*, ed. David Leopold. Cambridge: Cambridge University Press
- Sumner, L. (1987) *The Moral Foundations of Rights*. Oxford: Oxford University Press
- Taylor, B.P. (2015) *The Routledge Guidebook to Thoreau’s Civil Disobedience*. London: Routledge Taylor and Francis Group
- Tendi, B. (2020) *The motivations and dynamics of Zimbabwe’s 2017 military coup*, *African Affairs*, vol.119, no.474, pp.39-67
- Tibi, B (1990) *The European Tradition of Human Rights and Culture of Islam*. In: An-Na’im, A.A and Deng, F.M (edt) (1990). *Human Rights in Africa. Cross- Cultural Perspectives*. Washington DC: The Brookings Institution
- Tran, M. (2008) *No one thinks Mugabe won election, Brown tells UN*, <https://www.theguardian.com/politics/2008/apr/16/foreignpolicy.zimbabwe>, Accessed 16 May 2024
- Tussman, J. (1960) *Obligation and the Body Politic*. New York: Oxford University Press

United Nations Sustainable Development Goals 2030, SDG 4 (Incheon Declaration and SDG 4-Education 2030 Framework for Action, 2015

Voanews.com (2001) “2 Zimbabwean journalists arrested”, 8 November,
Available:<https://www.voanews.com/a/a-13-a-2011-11-08-12-2-67543057/387354.html>
(Accessed 17 May 2023)

Waldron, J. (1993) “*Special Ties and Natural Duties*,” *Philosophy and Public Affairs*. No.22

Waldron, J. (ed) (1984) *Theories of Rights*. Oxford: Oxford University Press

Wallenstein E. V. (1981) *The Victims of Democracy Malcolm X and the Black Revolution*.
University of California Press: Berkeley

Wiesel, E. (1972) *Souls on Fire*. Simon and Schuster Publication, New York: Heritage Books

William, P.D. (2008) *Security Studies-An Introduction*. Routledge, UK

Wolff, J. (1995) “*Political Obligation, Fairness and Independence*,” *Ratio*. (New Series), 8:87-99

Wolff, R.P. (1998) [1970] *In Defense of Anarchism*, 3rd edition, Berkeley: University of California Press

World Bank (2022) Population of 2022,
https://databankfiles.worldbank.org/public/ddpext_download/pop.pdf, Accessed 5 April 2024

Yin, R.K. (2009) *Case Study Research: Design and Methods* (4th Ed.) Thousand Oaks, CA: Sage. Vol.14, No.1 (2013). Reviewed by Trudie Aberdeen.
<https://doi.org/10.33524/cjar.v14i1.73>, Accessed 9 March 2022

Zimbabwe Human Rights NGO Forum (2008) *Political violence report*, December. ZIMSTAT 2017, Inter-censual demographic survey