

## Chapter 10

# Appraisal of the Culture of Governance in South Africa, 1994-1999

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### Introduction

The 1994 first non-racial democratic election in South Africa ushered the country in among the democratic states in the world. Since then, South Africa has advanced towards meeting the following democratic criteria: wide public participation in policy formulation and decision making, voting equality during national, provincial and local government elections, increased access to government information, and the creation of institutions that promote and protect democracy. The aim of this chapter is to provide an appraisal of the culture and legitimacy of governance in South Africa. The chapter focuses on public perceptions of government performance at national, provincial and local levels by race, province and income. Trust in national, provincial and local government and in civil society institutions is also assessed according to race, province and income. In order to contextualise South Africans' appraisal of the evolving culture of governance, the discussion starts with some theoretical reflections.

### Theoretical Reflections on Governance and Democracy

The concept "governance" in western literature used to refer largely to the domain of the state. However, since the rise of neo-liberal universalism, governance as a concept has come to proliferate in development discourse and increasingly also includes the domain of the non-state. The World Bank, for example, has come to support "good governance" programmes. These are programmes designed not only to curtail the power of the state and make it more efficient, but also to shift the balance of power in society away from government and the public sector to private individuals and

groups. Neo-liberal advocates suggest that this approach will give individuals and groups more power than if power was concentrated in a central state or the public sector (De Alcantara, 1998; Philip, 1999).

Habermas (1993) and Offe (1985) identified distinctive mechanisms of governance by which institutions operate—rational communication, influence, prestige, authority and money. Each has quite different implications for representation, democracy and accountability, yet they are interrelated. Anchoring institutions such as property rights and bureaucratic rules create money and authority (typically associated with markets and states as institutions). These two institutions are interdependent but stand at some remove from influence and prestige which, as mechanisms of governance, are rooted in networks of limited rather than rational (open and free) communication. The institutions that utilise these mechanisms and the mechanisms themselves are continuously contested and negotiated.

Because governance entails the development of governing styles, boundaries between and within public and private sectors change, although they remain interdependent. According to Stoker (1998), the concept “governance”

- refers to a set of institutions and actors that are drawn from but beyond government;
- implies the blurring of boundaries and responsibilities for tackling social and economic issues;
- relates to relations of power between institutions involved in collective action; and
- refers to the capacity to get things done, which does not rest on the power of government to command or use its authority;
- refers to public-private sector co-operation and partnerships.

Stoker’s five propositions provide an organising framework for understanding the changing world of governance and different forms of co-ordination (Stoker, 1998, p. 26). Any discussion of the concept “empowerment” should therefore centre on the concept “governance”. As this concept suggests the creation of structures of authority at various levels of

society, within and outside the state, it is indispensable in coming to grips with transnational processes such as globalisation that require creative responses such as empowerment for local beneficiaries (De Alcantara, 1998).

The phrase “deepening democratic governance” provides a new perspective on the basic tension between neo-liberal economic ideology and pluralistic democracy. Literature on deepening democracy recognises that the formulation and implementation of neo-liberal economic packages and policies require the concentration of power in an executive authority capable of closing access to policy process, thereby compromising the openness and participation implied in both democracy and political liberalism.

There is also an emerging body of work that suggests that democratic politics tend to be restricted to periodic elections, while pluralistic notions of ongoing access to policy making are abandoned (Von Mettenheim & Malloy, 1998, p. 7). This implies that until economic policy making is linked to competitive party-electoral politics and is made accessible to groups from civil society after elections by means of institutionalised practices, isolated technocrats in executive agencies will truncate democracy but fail to govern effectively (Von Mettenheim & Malloy, 1998, p. 11). In so doing democracy will be expanding around the world but will be attenuated (Anderson, 1994). In such a scenario democracy will not confer full citizenship rights.

Evidence from Latin America suggests that there is profound tension between the technocratic and exclusive policy-making patterns deemed imperative by rational neo-liberal economists on the one hand, and the ideals of broad-based participation of both citizens and civil society groups historically implied by liberal and pluralistic conceptions of democracy on the other hand (Von Mettenheim & Malloy, 1998). After studying Argentina and Uruguay, Vacs (1998, p. 167) concluded that:

The use of coercion and free markets as weapons to disarticulate the distributionist coalitions and generate the conditions for the establishment of a liberal export-orientated economy as well as a stable semi-authoritarian regime succeeded in changing

some of the economic structures and processes, but failed to attain the ultimate goals of neo-liberalism.

The central message here is that whether and how the neo-liberal economic policy is adopted depends on domestic politics. In the words of Von Mettenheim and Malloy (1998, p. 181), “[e]conomic policy can no longer be developed in isolation from elected representatives and the diverse organizations that seek to represent social groups”. However, although the literature on deepening democracy acknowledges the importance of leadership or statecraft in resolving apparent impasses and economic constraints, and in introducing sets of liberal and democratic political contestation, it fails to provide a viable explanation of the relationship between the processes of globalisation and localisation.

Thus, according to De Alcantara (1998), in future, if the discourse on governance is to open new opportunities for resolving the current crisis of livelihood and governability, the following issues should be attended to:

- Encouraging the creativity and originality of people in concrete social settings;
- Broadening dialogue on the needs for change in specific institutions and programmes;
- Strengthening the public sphere and rewarding contributions to the common good, thereby developing the discourse on citizenship;
- Recognising the necessary interrelation between institutional reform and macroeconomic policy;
- Moving away from artificial separation of national governance and international issues (De Alcantara, 1998).

The key question will be: To what extent are the issues arising out of the global literature relevant to South Africa?

## **Government Performance**

Although government performance can be assessed by means of several yardsticks, in this chapter we evaluate government performance by analysing public satisfaction or dissatisfaction with the different spheres of

government. (For the purpose of discussing the survey results, the categories “Very satisfied” and “Satisfied” were aggregated to form one category, “Satisfied”, and the categories “Dissatisfied” and “Very dissatisfied” were aggregated to form one category, “Dissatisfied”. The same applies to “Strong trust” and “Trust”, and “Distrust” and “Strong distrust”.)

### **Perceptions of the Way South Africa is Governed**

One of the tasks of the first democratic government was to set in place mechanisms for effective governance. These include the establishment of nine provinces within a “united” South Africa, and also the establishment of local governments.

According to the November 1999 survey (2 700 respondents), significantly more people were satisfied than dissatisfied with the way South Africa was governed. Fifty-two per cent (52%) of the respondents indicated that they were satisfied with the way South Africa was governed, compared with 33% who indicated that they were dissatisfied. Although the November 1999 figure is a significant improvement compared with the December 1998 figure, it still falls short of the 64% satisfaction of October 1994. While levels of satisfaction improved from 36% in December 1998 to 52% in November 1999, the levels of dissatisfaction with the way South Africa was governed decreased correspondingly from 50% to 33% in the same period.

**Table 10.1: How satisfied or dissatisfied are you with the way South Africa is being governed at present?**

Level	December 1998	November 1999
	Percentage	
Very satisfied	11	16
Satisfied	25	36
Neither satisfied nor dissatisfied	12	12
Dissatisfied	32	21
Very dissatisfied	18	12
Don't know	2	3
Total	100	100

**Perceptions of the Way South Africa is Governed by Race**

The years of racial discrimination in South Africa ensured the exclusion of the majority of South Africans from the governance of the country. This came to an end with the dawn of the democratic era, which enabled effective participation by all in the different spheres of government.

Perceptions of the way South Africa was governed in November 1999 differed by race, with the majority of blacks (64%) being satisfied, followed by coloureds (32%), Asians (13%) and whites (11%) (Table 10.2). The November 1999 figures for the blacks and coloureds improved significantly from the figures of the December 1998 survey (49% and 22% respectively). The increased satisfaction on the part of these two historically disenfranchised groups bides well for the emerging democracy.

**Table 10.2: How satisfied or dissatisfied are you with the way South Africa is being governed at present? (November 1999)**

Level	Black	Coloured	Asian	White	SA population
	Percentage				
Very satisfied	22	5	1	0	17
Satisfied	42	27	12	11	36
Neither satisfied nor dissatisfied	11	22	10	14	12
Dissatisfied	14	30	38	46	21
Very dissatisfied	8	11	37	26	12
Don't know	3	6	2	3	3
Total	100	100	100	100	100

**Perceptions of the Way South Africa is Governed by Province**

Perceptions of the way South Africa was governed by the ANC differed by province. Analysis of satisfaction with the way South Africa was governed suggests that only respondents in the Western Cape were more dissatisfied than satisfied with governance (45% versus 30%). The top three provinces with more satisfied than dissatisfied respondents were Mpumalanga (66% versus 24%), the Northern Province (63% versus 23%) and the Eastern Cape (66% versus 25%).

In general, provinces under ANC rule tended to have a greater proportion of respondents who trusted governance than provinces governed by other parties, that is, the Western Cape and KwaZulu-Natal. Both these provinces were governed by a coalition, which suggests the need for a broader based government in these provinces.

### ***Perceptions of the Way South Africa is Governed by Income***

Asked in November 1999 how satisfied or dissatisfied they were with the way South Africa was being governed at that time, 54% of respondents indicated that they were satisfied compared to 33% who indicated otherwise. Analysis of the data by income level suggests that the wealthy respondents were more likely to be dissatisfied than satisfied.

The high-income segment of the population was the most dissatisfied with the way South Africa was governed. This finding is not surprising as government infrastructure and service delivery programmes in the past five years were largely targeted at low-income groups and not the middle and upper classes of society. Higher satisfaction levels on the part of low-income groups point to the relative success of government's attempts at infrastructure and service delivery. However, higher satisfaction levels did not necessarily translate into unconditional support for all policies or programmes. Indeed, there were cases where infrastructure programmes did not provide much-needed jobs, nor were they sustainable.

### **Perceptions of Provincial Governance**

There has been a significant improvement in South Africans' satisfaction with provincial governance when comparing the December 1998 survey and the November 1999 data. Forty-four per cent (44%) of adult South Africans were satisfied and 38% were dissatisfied with the way the provinces were governed in November 1999. The level of satisfaction increased from 32% in December 1998 to 44% in November 1999. On the other hand, the level of dissatisfaction declined by 14% from 52% to 38%. Several reasons may account for the increase in satisfaction. First, provincial government performance may have improved somewhat with the passage of time. Second, the public was gradually accepting provinces

as important institutions in South Africa. Third, a radical overhaul of the provinces was deemed unlikely in view of the constitutional amendments it would require.

**Table 10.3: How satisfied or dissatisfied are you with the way your province is being governed at present?**

Level	December 1998	November 1999
	Percentage	
Very satisfied	7	10
Satisfied	25	34
Neither satisfied nor dissatisfied	12	13
Dissatisfied	34	24
Very dissatisfied	18	14
Don't know	3	5
Total	100	100

***Perceptions of Provincial Governance by Race***

The various population groups judged provincial governance differently. For example, more than half of the blacks rated provincial governance positively (52%). Of the coloureds, 31% were satisfied. Only 16% whites and 14% Asians indicated that they were satisfied with the way South Africa's provinces were governed (Table 10.4). The November 1999 survey suggests that significantly more blacks were satisfied with the way South Africa was governed than with the way the provinces were governed (64% versus 53%). Dissatisfaction on the part of Asians and whites with the way South Africa was being governed was slightly higher than their dissatisfaction with the way the provinces were being governed. Slightly more whites were satisfied with the way provinces were governed than they were with the way South Africa was governed.



**Table 10.4: How satisfied or dissatisfied are you with the way your province is being governed at present? (November 1999)**

Level	Black	Coloured	Asian	White	SA population
Very satisfied	13	3	1	1	10
Satisfied	39	28	13	15	34
Neither satisfied nor dissatisfied	12	17	10	18	13
Dissatisfied	18	34	38	44	24
Very dissatisfied	14	10	33	16	14
Don't know	4	8	4	7	5
Total	100	100	100	100	100

***Perceptions of Provincial Governance by Province***

Provincial governance was judged differently by the respondents in different provinces. There were proportionally more people satisfied than dissatisfied in the Eastern Cape, North West and the Free State. However, there were significantly more people dissatisfied with provincial governance in the Western Cape than in the other provinces.

***Perceptions of Provincial Governance by Income***

The HSRC survey of November 1999 also sought to understand the relationship between provincial governance and income. The findings suggest that the higher the income of respondents the less they were likely to show satisfaction with the way their provinces were governed. There were proportionally more respondents satisfied than dissatisfied among the low-income earners than among the other income groups. There are several reasons for the differences in satisfaction. In the past the poor were under-provided and the wealthy over-provided in terms of resources. With the dawn of democracy in South Africa, resources came to be redistributed to those who were historically disenfranchised. The poor appreciate these benefits, and their appreciation appears to translate into high satisfaction levels.

## Perceptions of Local Governance

The local government sphere has the constitutional role to promote local economic development and deliver services. However, this sphere of government has taken longer than the other spheres to undergo transformation. The November 1999 survey reveals that slightly more respondents were satisfied (44%) than dissatisfied (42%) with the way their local areas were governed. The survey points to an improvement in the perception of local governance from December 1998. Whereas there was a decline in dissatisfaction from 55% to 42% between the two surveys, satisfaction with local governance increased from 31% to 44% in the same period.

**Table 10.5: How satisfied or dissatisfied are you with the way your local area is being governed at present?**

Level	December 1998	November 1999
	Percentage	
Very satisfied	6	10
Satisfied	25	34
Neither satisfied nor dissatisfied	12	10
Dissatisfied	36	25
Very dissatisfied	19	17
Don't know	3	4
Total	100	100

### *Perceptions of Local Governance by Race*

Apartheid thrived in local authorities prior to 1994, and continued to affect local governance thereafter. This explains the difference in the perceptions of local governance by race. More blacks (47%) than coloureds (31%), Asians (25%) and whites (32%) were satisfied with the way their local area was governed in November 1999 (Table 10.6). Important trends can be noticed from the survey data. Proportionally more whites than coloureds and Asians were satisfied with the way their local areas were governed, and whites were more satisfied with the way their local area was governed than with the way South Africa was governed. However, dissatisfaction among coloureds, Asians and whites far surpassed that of

blacks in terms of local governance. These findings are not surprising as the majority of historically white municipalities have had the capacity and resources to continue to extract benefits for whites.

**Table 10.6: How satisfied or dissatisfied are you with the way your local area is being governed at present? (November 1999)**

Level	Black	Coloured	Percentage			SA population
			Asian	White		
Very satisfied	12	4	2	1	10	
Satisfied	35	27	23	31	34	
Neither satisfied nor dissatisfied	10	11	14	11	10	
Dissatisfied	22	36	35	36	25	
Very dissatisfied	17	14	25	17	17	
Don't know	4	9	2	3	4	
Total	100	100	100	100	100	

### *Perceptions of Local Governance by Province*

Although the overall findings of the November 1999 survey suggest that more people were satisfied than dissatisfied with the way their local areas were governed, there were more people dissatisfied than satisfied in three of the nine provinces, namely the Western Cape, the Northern Province and the Eastern Cape. Satisfaction levels were higher in the Free State, Gauteng, KwaZulu-Natal, Mpumalanga, the Northern Cape and North West (15% to 40%).

### *Perceptions of Local Governance by Income*

The November 1999 survey suggests that the high-income earners were less likely than the low-income earners to be satisfied with the way their local areas were governed. As the beneficiaries of development programmes in local areas were mainly low-income groups, this may explain why they were more satisfied than high-income groups.

## **Comparing Public Perceptions of National, Provincial and Local Spheres of Government**

South Africa's three-sphere government has averted potential political blood letting in 1994. However, the intergovernmental relations established by the new political order are not optimally effective. It is against this background that public satisfaction with the three spheres of government is analysed.

According to the November 1999 survey, the majority of people in South Africa were more satisfied than dissatisfied with the different spheres of government. However, more people were satisfied with the way South Africa was governed at the national level than at provincial and local level. There was also a dramatic improvement in satisfaction from the December 1998 survey. Analysis of the November 1999 data by race suggests that significantly more blacks than coloureds, Asians and whites were satisfied with the way all three spheres of government were governed. However, satisfaction with governance was slightly higher for local government than for provincial and national government.

The November 1999 survey also highlights some correlation between income and perception of governance at local, provincial and national levels. The higher the income, the more likely were people to indicate their dissatisfaction with the way South Africa was governed in the national, provincial and local spheres.

**Table 10.7: How satisfied or dissatisfied are you with performance at the national, provincial and local spheres of government? (November 1999)**

Level	National government	Provincial government	Local government
	Percentage		
Very satisfied	17	10	10
Satisfied	36	34	34
Neither satisfied nor dissatisfied	12	13	10
Dissatisfied	21	24	25
Very dissatisfied	12	14	17
Don't know	3	5	4
Total	100	100	100

## **Trust/Distrust in the Spheres of Government**

Trust in the different spheres of government can be seen as a measure of the legitimacy of the government in the eyes of citizens. Moreover, such trust may also signify a certain degree of acceptance by the public of those institutions. This section of the chapter compares trust levels in national, provincial and local government disaggregated by race, province and income. Use is made of the December 1998 and November 1999 HSRC surveys to determine whether there were significant shifts in the levels of trust.

### **Trust in National Government**

When asked how much trust they had in the national government, 60% of respondents confirmed their trust in the national government in November 1999 (Table 10.8). This figure is a significant 15% improvement on the December 1998 survey. Correspondingly, public distrust in the national government decreased from 39% in December 1998 to 23% in November 1999. There are several possible explanations for the improvement: the consolidation of our democracy, improvement in delivery mechanisms and better public policy making over the first five years of democratic rule.

**Table 10.8: How much trust/distrust do you have in the national government?**

Level	December 1998	November 1999
	Percentage	
Strong trust	14	25
Trust	31	35
Neither trust nor distrust	12	13
Distrust	24	16
Strong distrust	15	7
Don't know	3	4
Total	100	100

**Trust in National Government by Race**

Further analysis of the November 1999 survey suggests that trust in the national government differed by race. A significant majority of blacks (71%) trusted the national government, but of the coloureds, Asians and whites, 43%, 33% and 19% respectively trusted the national government (Table 10.9). Trust levels for blacks and whites indicate significant shifts when compared with the December 1998 survey. Trust levels increased from 60% to 71% for blacks, while for whites they increased from 6% to 19% between December 1998 and November 1999. The increase in trust in the national government bides well for race relations and nation building. However, whites had the highest levels of distrust in the national government.

**Table 10.9: How much trust/distrust do you have in the national government? (November 1999)**

Level	Black	Coloured	Asian	White	SA population
	Percentage				
Strong trust	32	12	5	2	25
Trust	39	31	28	17	35
Neither trust nor distrust	11	24	11	16	13
Distrust	10	20	41	43	16
Strong distrust	5	8	11	16	7
Don't know	3	6	6	6	4
Total	100	100	100	100	100

**Trust in National Government by Province**

The HSRC survey suggests that there were proportionately more people who trusted government than those who did not. Trust levels in government were higher in the Eastern Cape, Free State and Mpumalanga and lower in the Western Cape.

### ***Trust in National Government by Income***

The HSRC survey of November 1999 suggests that the higher the income, the more likely respondents were to distrust the national government. There are several possible reasons for the differences in trust by income. First, high-income earners, who are likely to be taxed more than low-income earners, apparently feel that their contribution to the national fiscus is not adequately compensated for. Second, high-income earners are mostly (though not exclusively) whites who apparently feel that the new South Africa has eroded some of the exclusive and excessive social benefits which they previously received. Third, the government focuses on national priorities rather than parochial and minority interests.

### **Trust in Provincial Government**

The results of the November 1999 survey suggest that more respondents trusted than distrusted the provincial government. Half (50%) of the respondents indicated trust, compared with 28% who indicated distrust in provincial government. When comparing data from the December 1998 data, it is evident that trust in the provincial government increased while distrust declined. Trust increased from 39% in December 1998 to 50% in November 1999. On the other hand, distrust decreased from 43% to 28% during the same period (Table 10.10).

**Table 10.10: How much trust/distrust do you have in your provincial government?**

Level	December 1998	November 1999
	Percentage	
Strong trust	9	12
Trust	30	38
Neither trust nor distrust	14	17
Distrust	27	21
Strong distrust	16	7
Don't know	4	6
Total	100	100

***Trust in Provincial Government by Race***

As with trust in the national government, more blacks than whites, Asians and coloureds trusted the provincial government. Table 10.11 reveals that 56% blacks trusted the provincial government compared to 38% coloureds, 25% Asians and 26% whites. As for distrust in the provincial government, 49% whites and 55% Asians indicated distrust. It is notable that more blacks trusted the national government than the provincial government.

**Table 10.11: How much trust/distrust do you have in the provincial government? (November 1999)**

Level	Black	Coloured	Asian	White	SA population
Strong trust	15	4	0	1	13
Trust	41	34	25	25	41
Neither trust nor distrust	16	24	11	18	14
Distrust	16	21	46	40	22
Strong distrust	6	10	9	9	7
Don't know	5	8	9	8	4
Total	100	100	100	100	100

***Trust in Provincial Government by Province***

Although more people trusted than distrusted the provincial government, there were provincial variations. The highest trust was registered in the Eastern Cape, Free State and Mpumalanga. However, trust levels in the Western Cape, Northern Province and Northern Cape were below the national average.

***Trust in Provincial Government by Income***

Income levels appear to influence trust in the provincial government. Whereas the wealthy segments of society tended to distrust the provincial government, the poor segments of society tended to trust it.



## Local Governance

As with other spheres of government, local government has come to be trusted more in the past five years. In November 1999, significantly more South Africans indicated that they trusted (49%) the local government than those who distrusted it (32%). Levels of trust increased from 36% to 49% between December 1998 and November 1999. Distrust levels decreased from 49% in December 1998 to 32% in November 1999. One possible explanation is the improvement in local governance and service and infrastructure delivery at the local government level.

**Table 10.12: How much trust/distrust do you have in your local government?**

Level	December 1998	November 1999
	Percentage	
Strong trust	8	13
Trust	28	36
Neither trust nor distrust	13	16
Distrust	29	23
Strong distrust	20	9
Don't know	3	4
Total	100	100

### *Trust in Local Government by Race*

Trust in the local government differed by race, with 55% blacks indicating trust, compared to 38% coloureds, 25% Asians and 21% whites. More Asians (59%) than any other group distrusted the local government. About 50% whites distrusted the local government. The high levels of distrust among the whites may have to do with the termination by the new non-racial local governments of the advantageous access to resources that white local authorities had during the apartheid period.

**Table 10.13: How much trust/distrust do you have in your local government? (November 1999)**

Level	Black	Coloured	Asian	White	SA population
	Percentage				
Strong trust	16	5	1	1	14
Trust	39	33	24	20	39
Neither trust nor distrust	14	24	12	19	15
Distrust	14	26	47	41	20
Strong distrust	9	8	12	10	10
Don't know	3	4	4	9	4
Total	100	100	100	100	100

***Trust in Local Government by Province***

Trust in the local government differed by province. With the exception of the Western Cape and Gauteng trust in the local government was high.

***Trust in Local Government by Income***

Trust in the local government also differed by income. High-income earners distrusted the local government more than low-income earners. Correspondingly, low-income earners trusted the local government more than did the high-income earners. As with both the national and provincial spheres of government, high levels of trust among the low-income groups are probably associated with perceived improvements in service and infrastructure delivery since 1994. Higher trust levels should however not be interpreted as acceptance of lack of service delivery which occurs in some areas, but as an indicator of visible improvement in some respects. The majority of those in the high-income groups are whites who in the past received better services from local authorities. Since 1994, local authorities have been abiding by a new mandate: to deliver services to all irrespective of race, income or location.

## **Comparing Trust in the Different Spheres of Government**

More South Africans trusted the national government than the local and the provincial government. According to the November 1999 data, 60% of the respondents trusted the national government, followed by 50% who trusted the provincial government and 49% who trusted the local government. Although all spheres of government received higher trust than distrust ratings, about a third of the respondents in November 1999 distrusted the local government. However, levels of trust in the provincial and the local government were probably the highest since 1994. Trust in the national government increased, and trust in the provincial government was decidedly positive. Trust in the local government is however cause for concern. The torturous restructuring of local government and the delays in service delivery probably harmed the image of local government.

**Table 10.14: Comparing trust/distrust in organs of civil society (November 1999)**

Level	National government	Provincial government	Local government
	Percentage		
Strong trust	25	12	13
Trust	35	38	36
Neither trust nor distrust	13	17	16
Distrust	16	21	23
Strong distrust	7	7	9
Don't know	4	6	4
Total	100	100	100

## **Trust/Distrust in National Institutions**

The dawn of democracy in South Africa witnessed the creation of new institutions with the mandate to protect and promote democracy. Hard work was required to transform old institutions that did not enjoy legitimacy. In successive national surveys over the years, the HSRC included a question to determine levels of trust or distrust in national institutions. This section focuses on public trust in the courts, police, defence force and the Independent Electoral Commission (IEC).

### Trust in the Courts

The courts are pillars of the criminal justice system. With the adoption of the 1996 constitution, South Africa became a democratic country acknowledging the rule of law. Public trust in the courts and the role courts play in dispensing justice are important to consolidate democracy and create a culture of fair governance.

Fourty-four per cent (44%) of respondents in November 1999 revealed trust in the courts, compared to a third who indicated distrust. The levels of distrust in the courts declined from 44% in December 1998 to 33% in November 1999. The proportion of people indicating their trust in November 1999 increased from that of December 1998 (Table 10.15).

**Table 10.15: How much trust/distrust do you have in the courts?**

Level	December 1998	November 1999
	Percentage	
Strong trust	10	11
Trust	30	33
Neither trust nor distrust	12	16
Distrust	26	23
Strong distrust	18	10
Don't know	2	6
Total	100	100

### Trust in the Courts by Race

Public perceptions of the courts differed by race. Analysis of the November 1999 survey disaggregated by race suggests that more blacks and coloureds trusted the courts than whites and Asians. The majority of whites (58%) and Asians (45%) indicated distrust in the courts. Distrust among whites and Asians was higher than the national average distrust in the courts.

**Table 10.16: How much trust/distrust do you have in the courts? (November 1999)**

Level	Black	Coloured	Asian	White	SA popu- lation
					Percentage
Strong trust	14	5	2	2	12
Trust	35	33	28	20	33
Neither trust nor distrust	16	20	16	13	16
Distrust	19	23	38	45	23
Strong distrust	10	10	7	13	10
Don't know	6	9	10	8	6
Total	100	100	100	100	100

***Trust in the Courts by Province***

Of the nine provinces, only the Western Cape (43% versus 40%) and Gauteng (42% versus 32%) had more respondents who indicated distrust than trust in the courts. The highest trust levels in the courts were registered in Mpumalanga, KwaZulu-Natal, the Free State, Northern Cape, and the Eastern Cape. Distrust in the courts in the Western Cape may be the result of on-going urban violence (and the perceived inability of the courts to punish offenders), while in Gauteng lack of capacity and resources may explain the distrust.

***Trust in the Courts by Income***

Trust in the courts differed by income. The November 1999 survey reveals that the low-income earners had proportionally more trust in the courts than the high-income earners. This is contrary to the popular view that low-income earners have low trust in and respect for the courts. Nevertheless, the high-income earners had more trust than distrust in the courts.

The findings also point out that the majority of the middle class did not trust the courts, while low-income and high-income earners had relatively more trust in the courts. There are several reasons for the greater trust of the latter two income groups. The low-income earners may have

gained improved access to the courts through state legal aid, and probably viewed the courts as credible arbiters of justice. The high-income earners may have had greater access to costly lawyers and attorneys to represent them effectively.

### Trust in the Police

During the political upheavals of the 1980s, the police were seen as the extension of the repressive apartheid state apparatus. Public trust in the police significantly improved since the institution of the democratic government. Trust levels increased from 41% in December 1998 to 47% in November 1999. Levels of distrust in the police decreased from 44% in December 1998 to 37% in November 1999. Increasing trust in the police bodes well for the image of the police and the restoration of order in society (Table 10.17).

**Table 10.17: How much trust/distrust do you have in the police?**

Level	December 1998	November 1999
	Percentage	
Strong trust	9	15
Trust	32	32
Neither trust nor distrust	12	14
Distrust	24	24
Strong distrust	20	13
Don't know	2	3
<b>Total</b>	<b>100</b>	<b>100</b>

### Trust in the Police by Race

Trust in the police differed by race, with coloureds on top of the scale with 51%, followed by blacks with 49%.

Within the white population there was slightly more distrust than trust in the police (43% versus 37%). This may be explained by the perception among whites that the police is not able to protect property in historically whites areas. It is not surprising that whites are therefore turning in large numbers to private security companies for protection.

**Table 10.18: How much trust/distrust do you have in the police? (November 1999)**

Level	Black	Coloured	Asian	White	SA population
Strong trust	18	9	7	6	15
Trust	31	42	39	31	32
Neither trust nor distrust	14	15	11	16	14
Distrust	22	23	31	33	24
Strong distrust	14	8	11	10	13
Don't know	2	3	1	5	3
Total	100	100	100	100	100

***Trust in the Police by Province***

Some 47% of respondents nationally revealed trust in the police in November 1999. Significantly more Gauteng respondents than other respondents distrusted the police. It is in this province where crime syndicates operate in large numbers and police are implicated in the operation of some of these crime syndicates.

***Trust in the Police by Income***

The low-income earners had more trust than distrust in the police. This finding suggests that low-income groups and components of the middle class are more likely to trust the police than the high-income earners. This is a far cry from a decade ago when the police was seen as an extension of the repressive state apparatus.

***Trust in the Defence Force***

The former South African Defence Force was seen as a repressive apparatus of the apartheid regime. Because of the transformation that started in 1994, this section of the report seeks to gauge levels of trust or distrust in the defence force. According to the survey data, trust in the defence force increased from 55% in December 1998 to 57% in November 1999. The

level of distrust declined from 35% in December 1998 to 21% in November 1999.

The national defence force is a key national institution with the secondary aim of instilling patriotism. The higher trust in the defence force bodes well for nation building and signifies greater acceptance of national symbols, which in the past were seen as white, racist and repressive.

**Table 10.19: How much trust/distrust do you have in the defence force?**

Level	December 1998	November 1999
	Percentage	
Strong trust	22	15
Trust	33	42
Neither trust nor distrust	8	16
Distrust	20	14
Strong distrust	15	7
Don't know	2	6
Total	100	100

### ***Trust in the Defence Force by Race***

More black than other respondents trusted the defence force. In addition, whereas 61% of blacks trusted the defence force, only 18% distrusted it. The majority of blacks (61%), coloureds (57%) and Asians (50%) trusted the defence force, but the majority of whites distrusted it in November 1999.

The higher trust ratings among blacks point to progress (albeit painful) in the integration of the liberation armies into the national defence force.

### ***Trust in the Defence Force by Province***

Trust in the defence force was very high nationally and in the provinces.



**Table 10.20: How much trust/distrust do you have in the defence force? (November 1999)**

Level	Black	Coloured	Asian	White	SA population
	Percentage				
Strong trust	17	12	5	5	15
Trust	44	45	45	22	42
Neither trust nor distrust	15	20	12	23	16
Distrust	11	10	22	32	14
Strong distrust	7	5	5	9	7
Don't know	5	9	11	9	6
Total	100	100	100	100	100

***Trust in the Defence Force by Income***

Trust in the defence force strongly correlated with respondents' income. More respondents earning less than R5 830 per month than those earning more trusted the defence force. In the highest income bracket distrust was very high. These findings suggest that the lower the income the more likely were the respondents to place their trust in the defence force. Conversely, the higher the income level, the more likely were they to distrust the defence force. There are several possible reasons for the increase in trust among the majority of respondents. First, the defence force is sometimes used in poor communities to maintain peace, fight crime and assist if and when there are disasters. Second, the transformation within the defence force and the incorporation of the liberation armies may have increased the legitimacy of the defence force in the eyes of the majority.

**Trust in the Independent Electoral Commission (IEC)**

The Independent Electoral Commission was established by the 1996 Constitution as a body to conduct, oversee and manage elections. The HSRC included a question in its national survey to determine public trust in the IEC. An overwhelming majority of respondents (54%) in the November 1999 survey indicated that they trusted the IEC. Only about 17% indicated that they distrusted the IEC. This finding bodes well for democracy and

the electoral process, as the higher the legitimacy of the IEC, the greater the likelihood that the outcome of an election will be accepted.

**Table 10.21: How much trust/distrust do you have in the Independent Electoral Commission (IEC)?**

Level	November 1999 %
Strong trust	17
Trust	37
Neither trust nor distrust	20
Distrust	11
Strong distrust	6
Don't know	10
Total	100

***Trust in the IEC by Race***

The majority of blacks (60%) and coloureds (51%) indicated that they had trust in the IEC. A larger proportion of whites (48%) distrusted than trusted (24%) the IEC. These trust patterns are similar to the trust patterns relating to the other institutions tested in the HSRC surveys.

**Table 10.22: How much trust/distrust do you have in the Independent Electoral Commission (IEC)? (November 1999)**

Level	Black	Coloured	Asian	White	SA popu- lation
	Percentage				
Strong trust	22	7	5	1	17
Trust	38	44	41	23	37
Neither trust nor distrust	20	24	15	17	20
Distrust	6	10	24	35	11
Strong distrust	4	3	10	13	6
Don't know	10	11	6	11	10
Total	100	100	100	100	100

### ***Trust in the IEC by Province***

A great majority of the respondents nationally indicated trust in the IEC. Trust in the IEC per province was also high. However, the provincial variations were related to the political dynamics of the provinces.

### ***Trust in the IEC by Income***

Although the majority of respondents indicated that they trusted the IEC, trust differed by income. The low-income earners had significant proportions of respondents who trusted the IEC. This finding suggests that the lower their income, the more likely were respondents to trust the IEC. However, high trust was also found among the middle-income earners in November 1999.

### **Comparing Public Trust in the Different National Institutions**

According to the November 1999 survey, 43% of the respondents indicated trust in the courts, 47% in the police, 57% in the South African National Defence Force (SANDF) and 54% in the Independent Electoral Commission (Table 10.23). The results suggest that although some political parties were very critical of the IEC, the public generally had trust in the IEC and believed that it was a fair and independent institution.

**Table 10.23: How much trust/distrust do you have in national institutions? (November 1999)**

Level	Courts	Police	Defence force	IEC
	Percentage			
Strong trust	11	15	15	17
Trust	32	32	42	37
Neither trust nor distrust	16	14	16	20
Distrust	23	24	14	11
Strong distrust	10	13	14	6
Don't know	7	3	6	10
Total	100	100	100	100

A third (33%) of the respondents indicated their distrust in the courts, 37% in the police, 28% in the defence force and 17% in the IEC (Table 10.23).

Although more respondents trusted than distrusted national institutions, the public’s perception of key elements of the South African criminal justice system was somewhat negative. This implies that more is required to both restructure the criminal justice system and share information on such restructuring with the public. In general, the levels of trust in national institutions indicate acceptance of the role these institutions play in the consolidation of democracy in South Africa.

### **Trust/Distrust in Institutions of Civil Society**

Trust in institutions of civil society is an important indicator of a flourishing democracy. Five institutions were selected for the purposes of our analysis. These are political parties, labour unions, business, the media and churches. Trust in these institutions was analysed by race, province and income.

#### **Trust in Political Parties**

Political parties play an important role in fostering a vibrant democracy. Since 1994 political parties have freely contested elections at national, provincial and national level. The 1996 constitution makes provision for free political activity and the freedom of expression. The November 1999 survey indicates that the majority of South Africans trusted political parties. Trust levels increased from 29% in December 1998 to 39% in November 1999 (Table 10.24).

**Table 10.24: How much trust/distrust do you have in political parties?**

Level	December 1998	November 1999
	Percentage	
Strong trust	8	11
Trust	21	28
Neither trust nor distrust	17	20
Distrust	33	23
Strong distrust	18	11
Don't know	4	6
Total	100	100

***Trust in Political Parties by Race***

Public trust in political parties differed by race. In November 1999, nearly half (48%) of the black respondents indicated their trust in political parties. The corresponding trust level for coloureds was 24%, whites 8% and Asians 15%. Asians (69%) and whites (70%) distrusted political parties significantly more than the other two groups in November 1999 (Table 10.25).

***Trust in Political Parties by Income***

Trust levels differed by income. The low-income earners had more trust in political parties than the middle- and high-income earners.

These findings suggest that the higher their income the more likely were respondents to distrust political parties. Conversely, the lower their income the more likely were respondents to trust political parties. There are several possible explanations for this. First, the low-income groups largely constitute blacks and are more likely to be politically active. Second, the middle-income and high-income groups are gradually withdrawing from active party politics. The majority of those in the middle- and high-income groups are whites, and they have the highest level of distrust in political parties, and the highest level of distrust in national institutions.

**Table 10.25: How much trust/distrust do you have in political parties? (November 1999)**

Level	Black	Coloured	Asian	White	SA population
	Percentage				
Strong trust	14	5	0	0	11
Trust	34	19	15	8	28
Neither trust nor distrust	21	25	12	14	20
Distrust	16	36	52	53	23
Strong distrust	10	10	17	17	11
Don't know	6	6	4	8	6
Total	100	100	100	100	100

## **Trust in Labour Unions**

Labour unions have played an important role in protecting the rights of workers over the years. With the introduction of the negotiatory approach to industrial relations by the Labour Relations Act, levels of trust in labour unions became an issue of interest. Trust in labour unions remained the same between December 1998 and November 1999 (38%). However, whereas distrust surpassed trust in December 1998 these two variables were on an equal footing in November 1999. These findings suggest that trust in labour unions is not a necessary outcome of labour union involvement in industrial relations.

**Table 10.26: How much trust/distrust do you have in the labour unions?**

Level	December 1998	November 1999
	Percentage	
Strong trust	8	9
Trust	30	29
Neither trust nor distrust	14	20
Distrust	22	17
Strong distrust	18	11
Don't know	9	15
Total	100	100

### ***Trust in Labour Unions by Race***

Public trust in labour unions differed by race. More blacks (42%) than Asians (35%) and whites (10%) trusted the labour unions. Sixty-seven per cent (67%) of whites distrusted labour unions, compared to only 10% who trusted them (Table 10.27). These figures are not surprising, as the majority of unionised workers and sympathisers are blacks, and they join strong unions such as the Congress of South African Trade Unions (COSATU). White tendencies to see unions as surrogates of political parties may explain the high levels of distrust among whites.

**Table 10.27: How much trust/distrust do you have in the labour unions? (November 1999)**

Level	Black	Coloured	Asian	White	SA population
	Percentage				
Strong trust	11	7	3	1	9
Trust	31	32	32	9	29
Neither trust nor distrust	22	20	10	12	20
Distrust	13	18	35	37	17
Strong distrust	8	8	10	30	11
Don't know	16	16	10	11	15
Total	100	100	100	100	100

***Trust in Labour Unions by Income***

Public trust in labour unions differed by income level. Trust in labour unions was higher among respondents earning less than R2 500 per month than respondents earning more. This finding can be explained by the fact that labour unions largely represent the interests of workers, especially those at the lower echelons of the work force, and these workers are mostly blacks.

**Trust in Business**

Trust in the private sector or business was high, and increased from 54% in December 1998 to 55% in November 1999. The proportion of respondents who indicated that they distrusted business decreased from 25% in December 1998 to 17% in November 1999. These figures are quite surprising given the perception that business in the past aided the apartheid regime in its political repression and economic exploitation.

**Table 10.28: How much trust/distrust do you have in business?**

Level	December 1998	November 1999
	Percentage	
Strong trust	11	12
Trust	43	43
Neither trust nor distrust	17	22
Distrust	16	12
Strong distrust	9	5
Don't know	4	6
Total	100	100

***Trust in Business by Race***

The November 1999 survey reveals that the majority of South Africans trusted business. This is one of the few variables where the perceptions of whites were more positive than negative. Substantive trust in business among all South Africans may induce business to play a significant role in future transformation. Sadly, business did not play a significant role in transformation between 1994 and 1999. The protracted negotiations around employment equity legislation, and the reluctance of the organised business sector to introduce effective and far-reaching affirmative action and economic empowerment programmes are evidence of this.

**Table 10.29: How much trust/distrust do you have in business? (November 1999)**

Level	Black	Coloured	Asian	White	SA population
	Percentage				
Strong trust	15	4	3	3	12
Trust	43	38	55	47	43
Neither trust nor distrust	20	32	13	25	22
Distrust	11	13	18	17	12
Strong distrust	6	2	9	3	5
Don't know	6	11	3	6	6
Total	100	100	100	100	100



### ***Trust in Business by Income***

Perceptions of trust in business differed by income. The majority of respondents in all income groups indicated trust in business. However, trust levels increased with income. Conversely, lower income correlated with less trust in business but more trust in labour unions in November 1999.

### **Trust in the Media**

The electronic and print media play an important role in the dissemination of information, education and entertainment. The challenge for the media is also to present reliable information to assist citizens to make informed choices about day-to-day governance. The majority of respondents (66%) in November 1999 indicated that they trusted the media. The levels of trust in the media increased from 59% in December 1998 to 66% in November 1999. The level of distrust in the media declined from 22% to 16% in the same period.

**Table 10.30: How much trust/distrust do you have in the media?**

Level	December 1998	November 1999
	Percentage	
Strong trust	20	23
Trust	39	43
Neither trust nor distrust	16	15
Distrust	16	12
Strong distrust	6	4
Don't know	4	4
Total	100	100

### ***Trust in the Media by Race***

Trust in the media differed by race. However, the majority (66%) of all the population groups trusted the media (Table 10.31). This is the second variable (after business) where the majority of all population groups trusted a civil society institution. What is of concern is that, apart from the financial and sport sections of the media, the messages of the media are based on half-truths, sensational reporting and racism that do not promote

objectivity. Indeed racism in the media was recently confirmed by a Human Rights Commission inquiry.

**Table 10.31: How much trust/distrust do you have in the media? (November 1999)**

Level	Black	Coloured	Asian	White	SA population
	Percentage				
Strong trust	29	10	5	3	23
Trust	45	41	44	34	43
Neither trust nor distrust	12	28	14	20	15
Distrust	7	12	26	32	12
Strong distrust	3	5	7	6	4
Don't know	4	4	4	4	4
Total	100	100	100	100	100

***Trust in the Media by Income***

Public trust in the media slightly differed by income. The high-income (perhaps more analytical) groups distrusted the media more than the other income groups.

**Trust in Churches**

Successive HSRC surveys confirm that the majority (82%) of South Africans are religious and trust churches. Trust in church institutions increased from a high 80% in December 1998 to an even higher 82% in November 1999. That is probably why current anti-corruption campaigns are based on “moral” considerations.

**Table 10.32: How much trust/distrust do you have in churches?**

Level	December 1998	November 1999
	Percentage	
Strong trust	39	40
Trust	41	42
Neither trust nor distrust	9	9
Distrust	5	4
Strong distrust	4	2
Don't know	3	3
Total	100	100

***Trust in Churches by Race***

Trust in churches was very high among all the population groups in South Africa.

**Table 10.33: How much trust/distrust do you have in churches? (November 1999)**

Level	Black	Coloured	Asian	White	SA population
	Percentage				
Strong trust	41	48	21	30	40
Trust	40	43	45	51	42
Neither trust nor distrust	10	6	8	6	9
Distrust	4	1	9	7	4
Strong distrust	2	1	3	1	2
Don't know	3	1	15	3	3
Total	100	100	100	100	100

**Trust in Churches by Income**

An overwhelming majority of respondents indicated trust in churches (82%), which was the largest percentage of trust in any institution. The lower the income of a group, the more likely it was to trust churches. However, even high-income earners had more trust in churches than in other institutions.

## Comparing Trust in the Different Institutions of Civil Society

Asked about trust or distrust in organs of civil society, 82% of respondents indicated trust in churches, followed by 66% who indicated trust in the media, 55% in business, 39% in political parties, and 38% in labour unions (Table 10.34).

**Table 10.34: How much trust/distrust do you have in organs of civil society? (November 1999)**

Level	Labour unions	Business	Media	Churches	Political parties
	Percentage				
Strong trust	9	12	23	40	11
Trust	29	43	43	42	28
Neither trust nor distrust	20	22	15	9	20
Distrust	17	12	12	4	23
Strong distrust	11	5	4	2	11
Don't know	15	6	4	3	6
Total	100	100	100	100	100

## A Critical Appraisal

The first five years of democratic rule in South Africa (1994-1999) witnessed an extra-ordinary effort to create institutions to consolidate and protect democracy. At the same time the pace of service delivery was accelerated to give effect to new policies (Khosa, 2000). Evidence in this chapter indicate that there is support for the emerging culture of democratic governance and for the national institutions created after the 1994 election. However, this support is not without qualification, as many South Africans are aware of their rights and the non-compliance with these rights.

The coming to power of the Government of National Unity in 1994 led to significant changes in the perceptions of national institutions. Trust among whites decreased dramatically, while trust among blacks increased sharply. However, South Africans are reluctant to unconditionally put their trust in political parties and labour unions. In addition, white trust in

public sector institutions has declined. This could be a result of “lost privileges” associated with the apartheid state. Nevertheless, there is overwhelming support for the IEC, undoubtedly one of the most important institutions during the election period.

Analysis of the November 1999 survey by income brings important insights. First, low-income earners are more likely than high-income earners to trust political parties. Second, trust in government institutions declines with higher income. The only institutions that elicit great trust from all income groups are churches, business and the media.

Perhaps one of the most significant findings is that trust among whites is high on only two variables: business and churches. Among blacks, trust in national, provincial and local government is high, as is their trust in the courts, police, defence force, IEC, labour unions, business, political parties, the media and churches. There is no variable where distrust is higher than trust among blacks. Among coloureds, trust is high in national, provincial and local government, the courts, the media, the IEC, the defence force and the police. The only variable in respect of which distrust is high, is political parties. Among Asians, distrust levels are high in respect of the courts, provincial government, local government and political parties. These findings point to different racial perceptions of the various institutions that support democracy.

Evidence in this chapter suggests that there has been a transformation in trust in key institutions that have supported governance and democracy in South Africa since 1994. The past five years have witnessed the creation of a new political order, which is more credible than before. Whereas trust in and satisfaction with government institutions were relatively low among the poor and historically disenfranchised, the past five years have seen trust and satisfaction levels increasing among them. Conversely, those who benefited from the past political and economic order indicated lower trust in and satisfaction with these institutions. The only common ground was trust in churches, the media, business and the IEC.

By analysing a series of government and civil society institutions, this chapter has demonstrated the maturation of democracy in South Africa. The successful second democratic election in June 1999 attested to this

maturation. In addition, it fortified the foundation of democratic order and empowering governance in South Africa.

The HSRC surveys suggest that democracy is being consolidated and that the culture of governance is growing. However, large sections of the population in many a democracy suffer poverty and discrimination, which necessarily compromise capabilities and, therefore, effective participation. This is also the case in South Africa.

Patricio Aylwin (1998), Chile's first democratically elected president (1990-1994) after 16 years of military rule, underlined this issue by asking a pertinent question: What use is freedom of the citizen if it does not include the ability to influence important economic decisions? He posed this question against the background of the fact that small but powerful multi-national financial groups make important economic decisions without considering the disempowerment, dislocation and increased poverty that these decisions will bring for marginalised people. Such circumstances greatly diminish the prospects of democracy in poor countries in the South, as they substantively limit participation and the power to influence the polity.

Aylwin (1998) also provided a useful point of departure for considering this issue. He argued that democracy suffers from serious weaknesses, especially in Latin America. First, due to imperfect formal juridical institutions, the administration of justice is inadequate. Second, due to the absence of democratic traditions and public dialogue, consensus on fundamental issues is low. Third, monopolistic and oligopolistic groups control the news media and hence the dissemination of information. Fourth, civic apathy, low voter turnout, the discrediting of political parties, indifference towards and even rejection of the state, and the deterioration of institutions of civil society are characteristic of developing but poor democracies in Latin America. What are required instead is a powerful and diverse civil society and broad organisation of and participation by the whole society in public affairs. These are to be supplemented by adequate opportunities to access formal institutions.

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