

Accountability vis-à-vis Representation

A Pluralist Examination of the South African Electoral System

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ABSTRACT

It is crucial to the realisation of a functioning pluralist society that an appropriate balance should exist between consensus and participation; government should perpetually be aggregating societal sentiment and manifesting such in legislation and policy. Society should perpetually refine such consensus via various participatory avenues which constitute the connective tissue between state and society. In the case of the South African electoral system – an instance of such connective tissue – this involves an appropriate balance between representation and accountability. Representation is required in order to ensure a plurality of interests is accounted for, and accountability is enforced in order to ensure that such interests are effectively and appropriately manifested in legislation and policy (a check upon governmental capacity).

The South African electoral system in its current guise does not adequately ensure such a balance. This is somewhat problematic in that, in the absence of such a balance, substantial schisms may well emerge between public will, governmental enactment of such will and codified consensus. There is an acknowledgement of the unique South African socio-political context and an acknowledgement that individual electoral accountability does not implicitly ensure governmental capacity. Electoral reform – in addition to concurrent reform in other areas – is undoubtedly a necessity in ensuring that South Africa becomes a liberal democracy in practice as well as in structure.

INTRODUCTION

Much has been made in recent years of striking an appropriate balance between

representation and accountability in the South African electoral system. Dialogue over such democratic balances has long been the territory of extensive intellectual debate. Debate in the case of South Africa is muddled by a schism between a liberal democratic structure and imperfect liberal democratic practice; and by policy ambivalence due to peculiar historical and social considerations, governmental ineptitude and an uneducated electorate.

In analysing the question of appropriate electoral reform in the case of South Africa, this discussion utilises the pluralist conception of state as a means of contrasting the South African reality with an idealised model of liberal democratic societal functioning, so as to highlight inherent systemic inadequacies. The article shows how the Constitution of the Republic of South Africa (1996) and South African political structure closely mirror the prescriptions of pluralist theory and how, in turn, pursued electoral policy serves to subvert such a pluralist basis. Thereafter, how such discrepancies can be remedied for national benefit is accordingly suggested. It is shown that, while already proposed avenues towards electoral reform are sufficiently adequate to engender a better balance between representation and accountability, such reform is ultimately inconsequential without concurrent, fundamental reform in other areas of liberal democratic functioning. The electoral system, while constituting part of the permeable boundary between government and citizenry, is of limited utility in the absence of appropriate governmental and societal behaviour and in the absence of pluralist uniformity along the entire boundary.

THE PLURALIST CONCEPTION OF STATE

The pluralist worldview reduces all social and state activity to the individual level of analysis (Alford & Friedland 1990:35). Groups, organisations and, indeed, society are all seen as comprising a collection of individuals with similar values and preferences. Individuals and groups of individuals within society are differentiated according to their role and activity (Alford & Friedland 1990:36), and are thus discretely identifiable according to function for individual analysis. Different groups of individuals, with differing values and preferences compete through mutual interaction and communication to forward their interests within society. The role of the pluralist state (a group of individual members of society itself) is thus to aggregate this matrix of values and preference into a common ground of consensus or uniformly shared values and preferences against which societal activity can be ordered (Ellis 1992:570). Consensus, therefore, establishes a template for order and justice (what is and what is not acceptable activity) necessary for societal stability, while political participation – the competition of group interests – perpetually refines such consensus.

According to pluralists, the state is not considered an independent actor endowed with an agenda distinct from broader society, but rather is a neutral entity, defined by its role and activity in playing *cash register* and *referee* (Almond 1988:859); calculating or negotiating consensus and ensuring group interaction (political participation) proceeds in a regularised manner. It is worth noting, too, that it is often preferable in pluralist nomenclature to refer to *government* rather than *state* (Almond 1988:859; Schlosberg 1998:586) to reflect this conception of state as a co-planar element within an open social system, rather than the monolithic head of a societal hierarchy.



In performing the function of aggregating societal interests, the state is charged with exhibiting the dual capacity of effective governance and responsiveness (Alford & Friedland 1990:64). It is required not only to derive a reasonable consensus, but also to implement this consensus through legislation and governmental administration in a manner which sates the interests of those who participated in its formulation. Stated differently, government accountability – a check upon government capacity – is crucial for efficient pluralist state functioning; for maintaining the integrity of the participation-consensus continuum, by ensuring that the aggregate popular will is appropriately manifested in legislation, thereby breeding societal confidence in the political process and, thus, appropriate levels of political participation.

It is furthermore suggested by pluralist proponents that a *civic culture* needs to be present amongst a citizenry, in order to ensure the moderate participation necessary for social stability. While opinion is divided with regard to the appropriate components and characteristics of an appropriate civic culture, the classic study of Almond and Verba (1989:16-19) suggest a balanced mix of political orientations diffused among a society; equal parts parochial (individuals who are apolitical), subject (those who are politically aware, but passive) and participant (those who are both politically aware and actively involved in forwarding their values and preferences). They reiterate the importance of government performance and obligation in concert with such a civic culture in ensuring social stability. As will be subsequently discussed, the lack of both an appropriate political culture and a sufficiently competent government in the South African context (concepts which are inextricably interrelated) plays a part in hindering the state's development and fulfilment of the idealised pluralist model.

In performing the function of mediating political interaction amongst various societal groups (including between the state and the remainder of society), the state makes use of various mechanisms located at the junction between state and society (Alford & Friedland 1990:89) – although such a junction is a somewhat more synthetic differentiation than is the case with competing perspectives of state, as the pluralist state is seen as a singular functional manifestation within the greater society (Schlosberg 1998:586). Formalising and regularising political participation through such mechanisms also regularises state response, so is a key cog in ensuring homeostasis between societal needs and needs provision. A key example of such *connective tissue* is the electoral process, which shall be given specific attention later in this discussion. Crucial to the efficacy of such mechanisms is a means of promoting the fulfilment of both governmental and societal responsibilities – that is, in the case of the electoral system, procedural, institutional and legislative assurances of adequate representation of competing group interests and of its corollary – governmental accountability with regard to consensus implementation. Again, such assurances are lacking in the case of South Africa, as is discussed in this article.

Pluralism and Liberal Democracy

The pluralist perspective is embedded within the liberal democratic tradition – exceedingly apparent in its historical development in concert with the growth of liberal democracy in industrialised states, its implicit use of democratic nomenclature and references and its preference for a conception of a utilitarian *government* rather than an authoritative *state*

(Alford & Friedland 1990:42, 52; Almond 1988:855). Thus, pluralist theory is only narrowly applicable within the confines of a liberal democratic state. Similarly, the converse holds true; the structure of a liberal democratic political system is such that it lends itself to pluralist functioning alone. The two – pluralist structure and process – require each other for ordered societal functioning.

Within the liberal democratic structure, indeed, one observes a template for pluralist societal operation. Primary tenets of liberal democracy include: the necessity for a democratic process, whereby government action mirrors public consensus; regular elections to perpetually refine such consensus; the active political participation and competition of diverse groups representative of diverging interests (plurality); and limitations upon government power to ensure the fulfilment of their conduit role, including separation of governmental institutions and a constitution (Heywood 2005:43). Each liberal democratic component serves a logical function in realising a pluralist envisaged society. Democracy and pluralism reflect the pluralist conception of competing individual and group interests towards consensus building. Regular elections and institutional arrangements form part of the connective tissue between state and society, facilitating consensus building, while legislation and, more profoundly, a constitution are concrete manifestations of such consensus.

The Complexities of the South African Context

South Africa indeed exhibits many of the structural requirements of a liberal democracy, including an appropriately liberal democratic constitution which makes provision for regular elections, broad political participation and checks on governmental power. However, the realisation of such adherences is imperfect in practice. Given the unique South African historical and social context (Combrink 2004:44-47), policy makers and citizenry alike will not favour transitional and developmental measures that foster stability at the expense of the realisation of a truly pluralist society (Van Zyl Slabbert *et al.* 2003:8) – for example, lack of political competition, lack of individual accountability – despite the explicit liberal democratic prescriptions of the constitution.

As democracy was installed within South Africa post-1994, rather than having evolved, there is a lack of a natural or implicit capacity for appropriate civic culture and governmental efficacy – each needs to be developed or learned. Similarly, in the absence of the unified national identity that is a pre-requisite for social and political modernisation and development within a pluralist society (Alford & Friedland 1990:52), it is incumbent upon a government to initiate such nation building (Martinussen 1997:215-216). This is somewhat problematic when government is not consistently held accountable for its responsibilities in this regard by institutional or legislative checks and benchmarks.

Thus, while pluralist theory demands that government policy mirrors consensus, such consensus over the demands of the unique South African historical and social context serves as to subvert that upon which sustainable pluralist functioning is predicated. One can clearly see this dilemma manifested in the case of the South African electoral system, where affective preference for political representation comes at the expense of ensuring the accountability necessary to make such representation meaningful. This particular matter is discussed in detail.



SOUTH AFRICAN ELECTORAL SYSTEM

Background

In South Africa, in recent years, there has been significant political debate and public dialogue over the appropriateness of the current national and provincial electoral system – a closed party list, proportional representation system. Appropriateness here, however, tends to be defined not solely in terms of abidance by constitutional prescriptions of liberal democratic integrity, but also in terms of the extent to which the electoral system accommodates “the salient and relevant aspects of the South African context” (Van Zyl Slabbert *et al.* 2003:15). At the heart of the debate is the question of the electoral system’s balance between providing both adequate representation (reduced, in turn, to the principles of fairness, inclusiveness and simplicity) and accountability. The reduction of representation to the principles of fairness, inclusiveness and accountability in turn is crucial inasmuch as it implicitly suggests a narrow adoption of the pluralist view of a state – as a neutral entity aggregating and implementing popular consensus – operationalising representation rather than resorting to the vague and ambivalent traditional Burkean conception (Conniff 1977:329-332).

Fairness refers to ensuring that, as far as possible, all votes carry equal weight and that the legislature’s composition mirrors voting distribution. Inclusiveness refers to affording eligible voters from every segment of society the opportunity to vote (a quality noted as particularly crucial for the maintenance of social contentment). Simplicity demands that voting procedures and calculations remain as straightforward as possible so as not to alienate sections of a population marred by significant illiteracy. Accountability refers to the degree to which government and government officials are held answerable to the consequences of their decisions (Swart 2008: Internet; Van Zyl Slabbert *et al.* 2003:16-19). The chief concern over the current electoral system is that, although the state as a collective is held accountable by regular elections and the party system, there is little individual accountability (that is, accountability of members of National Assembly and of the National Council of Provinces) apparent in state functioning.

As is discussed, electoral assurances of individual accountability do not necessarily engender any true interim accountability, given the fact that – within the context of the current list-PR system – only one per cent of South Africans enjoy direct contact with national legislators. Furthermore, a significant portion of the citizenry is disillusioned with current levels of individual accountability (Southall 2004:156-157). It is clear that reform towards increased accountability is inherently desirable, if not necessarily sufficient in isolation.

In the 2003 report of the *Electoral Task Team* (ETT) appointed by President Mbeki to investigate the appropriateness of the current electoral system, the majority involved agreed that the current system does not engender sufficient individual accountability (Van Zyl Slabbert *et al.* 2003:19). The Task Team, however, tempered this claim by stating specifically that, given the unique South African context – that of a developing democracy, with a history of racial oppression and subjugation, a government installed by peaceful, popular revolution, and an immensely diverse citizenry with low literacy levels – the electoral system should bias fairness, inclusiveness and simplicity over individual accountability for the purposes of national stability (Van Zyl Slabbert *et al.* 2003:19). The ETT, thus, proposed a mild revision of

the current system to further individual accountability without jeopardising these preferential considerations. They proposed a closed list, multi-membership constituency system (with a compensatory national closed list), making constituency boundaries uniform such that they become applicable for electoral purposes in all spheres of government and suggested the possibility of a future ranked, open list ballot to increase individual accountability (Van Zyl Slabbert *et al.* 2003:19-21; Southall 2004:154). The proposed revision offers, in many ways, the ideal solution to the South African dilemma. This system not only enhances individual accountability (assuming the ranked ballot option is pursued), but introduces a conceptual and operational democratic unity amongst voting procedures in all spheres of government which was previously lacking. It does so without significantly impinging upon adherences to fairness, inclusiveness and simplicity. The ANC government, nonetheless, subsequently rejected this recommendation for implementation in the 2004 general elections, preferring instead to pursue the minority recommendation of the ETT in retaining the list-PR system (Southall 2004:154).

There were a number of arguments offered to substantiate this rejection of proposed electoral reform, the majority of which, however, are easily refuted, which suggests the existence of excessive affective conservatism on the part of government (in addition to certain pragmatic conservatism in wanting to exert control over party members who are installed in Parliament). Southall (2004:157-158) elucidates the primary objections to electoral reform. Some dissident voices suggested that a constituency system would be detrimental to female representation – a claim which was countered by pointing out that not only is it incumbent upon parties and the electorate to demonstrate their dedication to gender equality, but that the proposed compensatory national list could adjust any gender bias. A second objection was raised, concerning the practicability of constituency demarcation and integration into Independent Electoral Commission processes; an objection which was emphatically discredited by the fact that the 69 constituencies proposed by the ETT had already been geographically and electronically demarcated by a member of the IEC such that they, for the most part, complemented existing IEC municipal divisions. The final objection – the suggestion that a change of electoral system would confuse and alienate voters, and require comprehensive and costly voter education campaigns, while valid, was convincingly refuted by pointing towards the successful (at least in terms of voter understanding) introduction of a similar electoral system in Lesotho for their 2002 general election.

What is abundantly clear from these proceedings, is that there is a general, conscious acknowledgement amongst members of both state and society (the ETT was comprised of government officials, private sector representatives and academics) that South Africa possesses certain intrinsic contextual considerations. These are afforded primacy for the sake of national stability (affective societal gratification), but prove extraneous in the realisation of true liberal democracy and pluralistic societal functioning.

Tension between constitutional prescriptions and adopted electoral policy

The case of the South African electoral system is emblematic of the disconnection between codified consensus which champions liberal democratic structure and pluralist functioning (that is, the Constitution) and subsequent procedural adherence. Juxtaposing constitutional



provisions regarding the electoral system with actual electoral policy provides an ideal illustration of this phenomenon.

Subsection 1(d) in the Founding Provisions of the Constitution reiterates the necessity of basic liberal democratic electoral features, such as universal adult suffrage, regular elections and a multi-party (pluralist) democratic system as a means of ensuring “accountability, responsiveness and openness”. Key here – and central to this discussion – is the implication that the democratic electoral system should be a neutral means of fostering the elementary features of a functioning pluralist society. Accountability, responsiveness and openness are all presented as being of equal and critical importance – as suggested by pluralist theory – hence the conscious marginalisation of accountability in favour of representation. This potentially subverts the integrity of the liberal democratic process. While group accountability is inherent in regular elections and the party system alone, such diffused and indirect accountability, however, is not only insulated by a five year term, but also unlikely to stem individual ineptitude, apathy and venality among government officials (Van Zyl Slabbert *et al.* 2003:18).

Section 19 in the Bill of Rights reiterates the universal right of individual and group political participation in voting and in running for office – as suggested by pluralist theory’s conception of societal organisation as consensus derived through individual and group participation. However, there is no emphatic demand for a bias towards representation as is enacted in policy. In the sections of the Constitution dealing with prescriptions regarding the National Assembly – Section 46(1) – and the National Council of Provinces – Section 105(1) – it is merely decreed that the electoral system utilised “results, in general, in proportional representation”. The manner in which this is phrased is critical inasmuch as neither does legislature composition need be an exact, proportional reflection of voting distribution, nor does the system utilised need be a *proportional representation* system. The only requirement is that the legislature approximates voting distribution, regardless of the means through which such approximation is achieved. The revised electoral system proposed by the ETT which was rejected by government (for fear of compromising representation) projected a deviation in overall proportionality of only 4-6% from the proposed multi-member constituencies alone, prior to adjustment by the separate supplementary closed national list (Van Zyl Slabbert *et al.* 2003:22). This provides a definitive indication that bias towards representation (at the expense of individual accountability) has no legal (or indeed consensual) grounding and is, rather, indicative of conservatism for affective measures towards social appeasement and stability.

The preoccupation among South African policy makers regards the stabilising role of an emphasis upon adequate representation in matters of political participation as unimportant (Van Zyl Slabbert *et al.* 2003:12). A valid and necessary consideration in a period of transition (during which affective considerations still demanded primacy in the case of South Africa), following over fifteen years of democracy, runs the risk of stagnating national progress towards the realisation of the truly pluralist society implicit in constitutional provisions – the codified manifestation of societal consensus. Indeed, such stability through affective gratification is fleeting in comparison to the profound stability inherent in a pluralist society wherein consensus is appropriately manifested. The appeasement of comprehensive representation becomes short lived in the event

that a lack of accountability and governmental capacity ensures that such symbolic representation is not mirrored by actual representation and realisation of interest in policy promulgation and service provision (Moncrieffe, 1998:390). Simply put, while, by biasing representation in electoral system policy, government ostensibly implements an area of societal consensus, such action succeeds only in compromising the integrity and utility of the very connective tissue through which consensus is perpetually derived.

Limitations of assuring electoral accountability in isolation

It is clear that electoral reform is required in order to better balance the pragmatic necessity of representation and the necessity of sufficient accountability – so that governmental process, composition and practice, and indeed the nature of public participation, are better able to mirror the requirements of the pluralist societal operation necessitated by South African liberal democratic structural adherences and the terms of the Constitution. It is necessary here to note the limitations of electoral system reform in this regard. There is an important differentiation to be made between electoral accountability and *interim accountability* (Van Zyl Slabbert *et al.* 2003:8) – that is, processes through which policy makers are held perpetually accountable during the course of their term in office. Electoral reform is able to shift the locus of accountability from the group to the individual, thereby exerting greater pressure upon policy makers to adequately perform their designated function in aggregating societal consensus (Almond, 1988:859). This pressure alone is perhaps insufficient in ensuring effective and responsive governance (Moncrieffe 1998:397).

The most compelling illustration of this assertion is in the exponential escalation in protests against inadequacies in municipal service-provision in South Africa in recent years, with a reported 5085 legal and 881 illegal protests occurring between 2004 and 2005 alone (Van Dijk & Croucamp 2007:665). The hybrid ward/proportional representation electoral system used for municipal elections means that municipal government officials are held more electorally accountable than those in any other sphere (Venter 2003:207-208). Rather than confuting the assertion that electoral reform (in all sphere of government) towards increased accountability is needed to realise an operational pluralist society, this trend serves rather to highlight the additional necessity of the assurance of interim accountability and the degree of public disillusionment with regards to perceived governmental capacity. Public dissatisfaction in the municipal sphere merely reiterates the fact that accountability is of little value if it does not induce appropriate governmental responsiveness and efficacy (Moncrieffe 1998:390). There is thus a need for further legislative and procedural reforms coupled with electoral reforms such that there are perpetual checks upon adequate fulfilment of governmental duty; the enactment of interim accountability through assurances of governmental capacity (Moncrieffe 1998:397; Van Zyl Slabbert *et al.* 2003:8).

Necessity of adequate representation and appropriate participation

While this discussion has focused on current deficiencies with regard to accountability in the South African context, the importance of adequate representation for efficient pluralist functioning should not be marginalised. As is implicit in the use of the term “balance” when



referring to adequate provisions of both accountability and representation, both are crucial to the realisation of a truly pluralist state. The only matter of contention is the locus of the fulcrum between the two necessities. This is a common thread throughout democratic theory, where consensus exists regarding esteemed principles, but where the dialectic stresses between such principles elicits much debate over the hierarchy of preference for the realisation of a prosperous pluralist society (Canon 1999:344). There is, at the very least, thus, uniform agreement over the inherent importance of representation. That being stated, just as electoral accountability in isolation is worth little if it does not serve to impel governmental competence, the provision of comprehensive representation means little if it does not equate to representative legislation. Just as electoral accountability needs be coupled with measures to ensure interim accountability, electoral assurances of representation need be coupled with appropriate and continuous political participation amongst the citizenry to ensure that their interests are properly articulated and communicated to those in government who are meant to aggregate and manifest such interests in policy and legislation. As Gray & Lowery (1995:532-534) suggest – beyond electoral observances – a pluralist state requires continual reiteration of group interests through avenues such as interest organisation advocacy so that government clearly understands the interests which they are meant to represent and manifest. Just as the five year period between elections insulates individual accountability, so does it dilute consensus if consensus is not reiterated and refined in the interim.

This notion of sufficient and appropriate political participation relates to the previously discussed notion of appropriate civic culture (Almond and Verba, 1989:16-19). Combrink (2004:43-44) points out, that owing to South Africa's deeply entrenched social and cultural schisms, there is a lack of a unified, monolithic political culture which adequately mirrors the uniformly pluralist culture necessitated by South Africa's liberal democratic Constitution. He suggests that, in order to preserve a national ethos of constitutionalism – a notion roughly equitable to the realisation of a prospering pluralist liberal democracy, as enshrined in the constitution. Not only do good governance practices need to be observed (as has been the focus of this discussion), but so too does a political culture need to be nurtured. This is analogous to the requirements of South Africa's constitutional framework, buttressed by appropriate institutional support.

The enlightenment of the South African population and the stimulation of an appropriate political culture is, thus, in many ways the final piece of the pluralist puzzle. The pluralist conception of state suggests adequate and appropriate participation (an appropriate civic culture); engenders an accurate consensus; refines such consensus through perpetual participation and competition of group interests; and ensures sufficient pressure upon government to fortify structural and institutional assurances of accountability.

CONCLUSION

All inadequacies apparent in the South African political functioning dealt with in this discussion – as embodied quite clearly in the case of the electoral system – can thus be resolved to the discrepancy between codified consensus and actual practice (swayed by affective consideration). That is the chasm between structural adherences and procedural adherences of the pluralist model in the case of South Africa. While the pragmatic imperatives

of the various historical and social considerations of the South African context loom large within the current national political agenda – as prerequisite requirements for sustained stability – there is an increasingly urgent need to address the various unmet requirements of a pluralist state. Otherwise, tensions between the South African reality and the pluralist template might reach breaking point, and system and practice become incompatible. Electoral reform is just one area among many that warrants attention, along with nation-building (the dissolution of arbitrary divisions that impede growth and place undue emphasis upon representation over accountability). There is also a need for the nurturing of an appropriate and uniform civic culture (such that representation is endowed with inherent value, the citizenry is endowed with political rather than cultural plurality and accountability is fortified). Finally, assurances of interim accountability and its correlative, nurturing of adequate governmental capacity, are required. Thus, while it is clear that electoral reform is required for national progression towards the realisation of a truly pluralist state, such reform of connective tissue between government and society is moot in the absence of adequate, concurrent and fundamental reform of both government and society.

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