

**University of Stellenbosch
Department of Political Science**

**AN EXAMINATION OF THE
RELATIONSHIP BETWEEN PUBLIC OPINION AND PUBLIC
POLICY IN SOUTH AFRICA.**

THE CASE OF ABORTION

Hester Nicolette van Zyl



Assignment presented in partial fulfilment of the requirements for the degree of Master of Philosophy at the University of Stellenbosch.

Supervisor: Ms Helen Macdonald

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Declaration

I, the undersigned, hereby declare that the work contained in this assignment is my own original work and has not previously in its entirety or in part been submitted at any university for a degree.

Ek, die ondergetekende verklaar hiermee dat die werk gedoen in hierdie werkstuk my eie oorspronklike werk is wat nog nie voorheen gedeeltelik of volledig by enige universiteit vir 'n graad aangebied is nie.

Abstract

A democratic political system grants unimpaired opportunities for all citizens to have their preferences weighted equally in the conduct of government regardless of content or source. However, governments in democratic political systems frequently disregard public preference. But all governments, not only popular governments, are dependent on the 'will of the people' if the system is to remain viable. This study investigates the relationship between public opinion and public policy in South Africa, using the 1996 Choice on Termination of Pregnancy Act as case study, as it provides a practical example to illustrate this complex relationship. The study used a longitudinal approach to investigate shifts in public opinion over a period of five years, using secondary survey analysis. Attitudes towards abortion are cross-tabulated by demographic variables, religion, interest in politics and democratic norms. The study found that the most significant shifts in public opinion occurred within demographic groups previously discriminated against by the 1975 Abortion and Sterilisation Act.

In 1994 South Africa emerged from a lengthy anti-apartheid struggle and human rights were of paramount importance to many South Africans. The restrictive abortion legislation of 1975 was vestige of discriminative apartheid legislation and was not in line with South Africa's exemplary 1996 Constitution. Consequently, progressive abortion legislation was ratified, amidst significant public indifference, in order to promote equal citizenship of women. It is argued that abortion constitutes a basic democratic right, in the context of reproductive health rights, and although South African citizens predominantly support a democratic political system, few made the ideological connection with abortion as a democratic right. Therefore, the study infers that the South African electorate is ill informed of the ideological norms surrounding democracy.

The significance of this study is that it investigated abortion not as a legal or moral issue, but as a politicised issue in South Africa. The African National Congress (ANC) was strongly committed to advancing progressive abortion legislation in South Africa. The ANC elected to vote on a party platform on the proposed abortion bill. When a majority party, which holds 252 seats of 400 in the National Assembly, elects to vote as a block on proposed legislation, it is likely that the legislation will be passed into law. This conduct of the ANC raises fears that South Africa is a *de facto* one-party dominant state, where free and fair elections are held, but no rotation in office occurs. Both the 1994 and 1999 elections led to landslide victories for the ANC, and they are assured that the 2003 elections will yield the same result. It is extremely damaging to any democratic system when competition but no contestation occurs. Therefore, it becomes increasingly difficult to distinguish between state and party interests. The study concludes that in the case of progressive abortion legislation in South Africa, the people did not rule. It is the view of this study that the enactment of the Choice on Termination of Pregnancy Act did not represent democratic conduct. It illustrates that the Choice on Termination of Pregnancy Act was, by implication, "bulldozed" into law by the ANC.

Opsomming

'n Demokratiese politieke stelsel vergun gelyke geleenthede aan elke burger sodat hul voorkeure gelyk opgeweeg word in die optrede van 'n regering, ongeag die bron of konteks daarvan. Nogtans minag regerings gereeld openbare voorkeur. Nie slegs populêre regerings nie, maar alle regerings is afhanklik van volkswil, as slegs dan die stelsel lewensvatbaar sal bly. Hierdie studie ondersoek die verhouding tussen openbare mening en openbare beleid in Suid-Afrika. Die Wet op Keuse oor Beëindiging van Swangerskap van 1996 word gebruik, omdat dit 'n praktiese gevallestudie bied om hierdie komplekse verhouding te illustreer. Die studie maak gebruik van 'n langsdeursnee aanslag om die verandering van openbare mening oor vyf jaar te ondersoek en maak gebruik van sekondêre meningsopname vraelys analiese. Lewenshoudings oor aborsie is kruis getabuleer met demografiese veranderlikes, geloof, intriseerdheid in politiek en demokratiese grondregte. Daar is gevind dat die mees aanduidende veranderinge in openbare menings te vinde was in demografiese groepe waarteen gediskrimineer was deur die Wet op Vrugafdrywing en Sterilisasie van 1975.

Suid-Afrika het in 1994 uit 'n wydlopende anti-apartheid stryd getree en mense-regte was van oorwegende belang vir die meeste Suid-Afrikaners. Die 1975 Wet op Vrugafdrywing en Sterilisasie was 'n bewys van diskriminerende apartheid wetgewing en was nie in lyn met Suid-Afrika se nuwe Grondwet nie. Dus is progressiewe aborsie wetgewing bekragtig, om vroue in Suid-Afrika gelyke burgerskap te gee, te midde van deurslaggewende openbare ontevredenheid. Die studie veronderstel dat aborsie 'n grondreg van demokrasie vorm, binne die konteks van reprodktiewe gesondheids-regte. Alhoewel Suid-Afrikaners 'n demokratiese politieke stelsel steun, het weinig die konneksie tussen aborsie en demokratiese ideologiese grondregte gemaak. Die studie maak dus die gevolgtrekking dat Suid-Afrikaners swak ingelig is in verband met die ideologiese grondregte van demokrasie.

Die inhoudsbelang van hierdie studie is dat aborsie ondersoek word as 'n politieke vraagstuk en nie as morele of wetregtige vraagstuk nie. Die *African National Congress* (ANC) was sterk verbind tot die totstandbringende van progressiewe aborsie wetgewing in Suid-Afrika en het besluit om op 'n party-platform te stem in Parlement aangaande voorgestelde progressiewe aborsie wetgewing. Wanneer 'n meerderheids-party, wat 252 setels van 400 in die parlement beslaan, besluit om as 'n blok te stem oor voorgestelde wetgewing, dit redelik seker is dat dié wetgewing bekragtig sal word. Hierdie gedrag van die ANC gee aanleiding tot vrese dat Suid Afrika 'n *de facto* een party dominante staat is, waar vry en regverdige verkiesings voorkom, maar geen afwisseling in ampstermyn nie. Dit is skadelik vir enige demokartiese stelsel wanneer kompetiese maar geen betwisting paasvind nie. Gevolglik word dit al hoe moeiliker om te onderskei tussen party-en staatsbelange. Die studie sluit af dat die publiek nie regeer het in hierdie geval nie. Dit is die siening van hierdie studie dat die bekragtiging van die Wet op Keuse oor die Beëindiging van Swangerskap van 1996 nie goeie demokartiese optrede weerspieël het nie en dat dit, by implikasie, deur die ANC deur middel van intimidasie bekragtig is.

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1. Outline of the Study

The sharp definition of the role of public opinion as it affects different kinds of policies under different types of situations presents an analytical problem of extraordinary difficulty.

V. O. Key, JR¹

1.1 Introduction to the study

To what extent can it be said that the people really rule in a democracy? Dalton (2002) argues that any discussion of citizen politics is ultimately based on assumptions of the political abilities of the electorate and, thus, the public's level of knowledge, understanding and interest in political matters. Some scholars argue that the public's engagement in politics is weakening, thus threatening the vitality of the democratic process. The success of democracy is measured by the public's participation in the process and the responsiveness of the system to popular demands (Dalton, 2002). Political theorists have long maintained that democracy is only workable when the public possesses a high degree of political sophistication.

All governments, not only popularly elected governments, are dependent on the 'will of the people'. No democracy can survive for long if its people actively oppose its policies and the persons who administer them (Ogle, 1950: 2). Therefore, there seems to be a general feeling that public opinion should influence public policy, if not directly, then indirectly through the chosen representatives of the people (Childs, 1964). However, it is important to realise that it is not only elected officials who are the custodians of public opinion – not only parliamentarians hold the responsibility or ability to influence public policy in accordance with popular demand. The custodians of public opinion include many other actors within the policy-making process to articulate the voice of the public.

Many political scientists, like Dalton, acknowledge that the public is not all-knowing and sometimes public ignorance or ill-informed public opinion influences policy issues negatively. There are many instances where policy-makers disregard public preferences. On some issues, the public may display intense involvement in the policy process and other instances where issues are met with apathy (Dalton, 2002). The relationship between public opinion and public policy is plagued with many complexities. Public preference is not necessarily strongly connected to public policy outputs and this applies even more so when civil liberties are concerned. As far as civil liberties, in the context of democratic norms, are concerned, it is even more likely that mass preferences will not directly determine policy outputs. There is no hard and fast rule on how public

opinion ought to influence public policy. To find out precisely how public opinion influences public policy does not answer the question of what influence it ought to have.

The public generally defines the acceptable bounds of politics within which political elites resolve the remaining controversies (Dalton, 2002). Many elite theorists claim that citizens do not possess an adequate degree of political sophistication or a sufficiently deep commitment to democratic ideals (Dalton, 2002). It should be borne in mind that elites or political leaders are frequently more supportive of democratic norms and this provides some protection for democratic values, in the form of civil liberties, even though the mass public is sometimes indifferent to them.

In the context of reproductive rights abortion epitomises a basic democratic right in the form of individual freedom of choice. In 1994 South Africa emerged from a lengthy anti-apartheid struggle and human rights were consequently of paramount importance to many South Africans. The restrictive abortion legislation of 1975 represented discriminative apartheid law and was not in line with South Africa's exemplary 1996 Constitution. Thus, progressive abortion legislation was ratified, amidst significant public indifference, to promote equal citizenship of women, who were granted the means of controlling their own fertility. The enactment of the Choice on Termination of Pregnancy (CTOP) Act provides a practical case study to examine the relationship between public opinion and public policy regarding civil liberties. It will aim at illustrating the many factors coming into play when formulating public policy and show why policy makers sometimes need to disregard popular preferences, especially when civil liberties are involved.

1.2 Purpose of the study

The primary purpose of this study is to explore the relationship between public opinion and public policy within a democratic political system. A longitudinal methodology will be followed to examine shifts in public opinion, between 1995 and 2001, regarding the justifiability of progressive abortion legislation in South Africa. This will be achieved by conducting secondary data analysis on two waves of the South African leg of the World Values Survey. The study will describe and examine shifts in public opinion to abortion within three broad themes: (1) demographic variables, (2) religion, and (3) democratic norms. These themes will be employed to propose theorised explanations to account for these shifts in public opinion. The study hypothesises that the CTOP Act was ratified as a direct result of the African National Congress (ANC) government's passion to create an equal and non-discriminatory South Africa, and admits considerable public indifference to progressive abortion legislation². Consequently, the study will advance an understanding of the relationship between public opinion and public policy concerning civil liberties.

¹ Key, V. O, Jr. in *Public Opinion and American Democracy*, 1961, p. 7. Epigraph cited in Childs, 1965: 309.

² The 1995 World Values Survey found that 77.4% of the South African public is not in favour of progressive abortion legislation.

1.3 Theoretical background

Over the years a number of analytical models have been developed to help us understand political life. Although none of these models has been developed especially to study public policy, each offers a way of thinking about public policy and suggests some of the general causes and consequences of public policy. The eight most influential models are: (1) the institutional model, (2) the process model, (3) the group model, (4) the elite model, (5) the rational model, (6) the incremental model, (7) the game theory model, and (8) systems analysis (Anderson, 1979). These models are not competitive in the sense that any one of them could be judged "best". Each one provides a separate focus on political life and each can help us to better understand different aspects of public policy. Although some policies appear to lend themselves to explanation by one particular model, most policies are a combination of some, if not all, of the models mentioned above. However, for the purpose of this study, the focus will be on explaining only the systems model and the elite model, as the latter offers a simple understanding towards the functioning of the political system and the elite theory has more utility for the analysis and explanation of policy formation in some political systems, such as those of developing countries (Anderson, 1979). The combination of these two theories facilitates an understanding of both the influences that the external environment and the elite have on policy formation.

Systems analysis provides a theoretical approach that assists research about practical social issues. Easton (1953) argues that his mode of analysis interprets a political system as a major social arrangement for engaging in collective action. Easton viewed a political system as a purposefully organised form of behaviour and his approach focuses our attention on why some purposes are selected for action, while others are ignored or rejected; why some kinds of action are in fact taken, and what their consequences are for satisfying the wants and the needs of various members of the system. Systems analysis presents a practical understanding of how the political agenda for discussion is controlled in political systems and the impact of this control on the satisfaction of expected or unarticulated needs (Easton, 1953).

Thomas Dye (Anderson, 1979) has argued that elite theory focuses our attention on the role of leadership in policy formation and on the fact that, in any political system, a few rule the many. One of the major weaknesses of systems analysis is that a growing number of scholars suggest that, far from arising autonomously in the community, demands may be manufactured by leaders, who thereby create the conditions for their own actions is this a weakness of the *theory* or the *analysis*, though? (Edelman, in Ham and Hill, 1985). Consequently, combining systems analysis with elite theory in the analysis of the relationship between public opinion and public policy the previously mentioned weakness of systems analysis may be rectified.

Democratic theory is central to this study for two reasons. Firstly, Gibson (1996) cites Dahl that democracy is a system that grants unimpaired opportunities for all citizens (1) to formulate their preferences, (2) to signify their preferences to their fellow citizens and the government by individual and collective action, and (3) to have their preferences weighed equally in the conduct of government, that is, weighed with no discrimination because of the content or source of the preference. This emphasises the widespread competition for political power. Secondly, the study believes that, in the context of reproductive rights, abortion is a basic democratic right. The right to control one's fertility represents a basic human right and raises women to equal citizenship within South Africa.

In Easton's systems analysis a distinction is made in different kinds of support. Support may be either specific or diffuse. Diffuse support resembles a state of mind – a deep-seated set of attitudes towards the political system. Specific support refers to the support given to specific actions and actual policies and style of government or ruling elites (Dalton, 2002). This distinction between specific and diffuse support is essential to the comprehension of the relationship between public opinion and public policy (Dalton, 2002), as a democratic regime is dependent on a reservoir of diffuse support that is independent of direct policy outputs, if a democracy is to remain viable (Dalton, 2002). This is important in the South African context, as the ANC-led government enjoys a high level of diffuse support³, amid public indifference to progressive abortion legislation.

1.4 Conceptualisation: public policy and public opinion

In order to analyse the relationship between public opinion to public policy, Gunn (1989 in Parsons, 1995) reasoned that one must first be aware of the historical and conceptual significance of the concept. The *Oxford English Dictionary* offers the following definitions of policy: 'Political sagacity; statecraft; prudent conduct; craftiness; course of action adopted by government', etc. Explicitly *policy* refers to an attempt to define and structure a rational basis for action or inaction (Parsons, 1995). Thomas Dye in Howlett and Ramesh (1995) offers a particularly concise definition of public policy, describing it as 'Anything a government chooses to do or not to do.' The key actor of public policy-making is the government. This means that private business decisions, decisions by interest groups or any other individuals do not constitute public policies. Howlett and Ramesh (1995) stress that when we talk about public policies, we speak of actions of governments. Public policy is the measure that a government actually adopts. The second important aspect is that public policy involves a fundamental choice on the part of governments to do something or to do nothing (Howlett and Ramesh, 1995). Any government has the option of a 'non-decision' – that is the decision to do nothing, not to create a new programme, or to simply maintain the *status quo*.

³ Muthien (1999) found that 77.4% of the South African public is in favour of a democratic political system of governing the country.

Public opinion is one of the most universally defined concepts in political science. Historically, references dating from very early times that indicate the importance of the *public* or the *people* can be found. Early Greek philosophers like Plato and Aristotle studied the importance of public will, although they never called it *public opinion* as we use the term today. Machiavelli was the first political thinker to use the term *public opinion* as we use it today. In the *Discourse*, he stated 'that a wise man will not ignore public opinion in regard to particular matters, such as the distribution of office and preferment'. However, he felt that public opinion was such a well-known term that he omitted a definition. Rousseau is believed to have been the first modern political thinker to make an extended analysis of what public opinion represents. Rousseau's studies focused on the relationship between government policy and the opinions of individuals (Ogle, 1950).

The modern study of public opinion dates back to A. Lawrence Lowell's *Public Opinion and Popular Government*, which was published in 1913, and of Walter Lippman's *Public Opinion*, published in 1922. Since then many theorists, political thinkers and political scholars have devoted much time and research on the importance of public opinion as well as attempting to find a meaningful and acceptable definition of public opinion. Hennessy (1965) suggested a tentative definition, which drew upon and to some extent synthesises these diverse definitions. Public opinion can be defined as *the complex of beliefs expressed by a significant number of persons on an issue of public importance*. The twentieth century saw a conceptual transformation of public opinion into the desire to measure it and account for its changes and influence (Parsons, 1995). Parsons (1995) also maintained that the influence of public opinion on government must be placed in the context of power to shape public opinion. Therefore, the concept of public opinion has become central to democratic theory.

The lengthy anti-apartheid struggle in South Africa built a strong foundation of support for human rights and justice among the South African public. This support for human rights and choice was fundamental in building support for the Choice on Termination of Pregnancy (CTOP) Act among individuals, health workers and legislators (Hord and Xaba, 2001). Abortion is defined as "The separation and expulsion of the contents of the pregnant uterus up to twenty-four weeks gestational age" (Reproductive Rights Alliance, 1995). The CTOP Act allows for abortion on request, without conditions and at state expense, for up to 12 weeks after conception and up to 20 weeks under certain circumstances. These circumstances include the following: (1) if continued pregnancy may severely affect a woman's socio-economic situation, (2) be a risk to her physical or mental health, (3) if the pregnancy resulted from incest or rape, or (4) if there is a great risk to the foetus of severe physical or mental handicap (Rosenberg, 1996a).

Abortion in South Africa must be contextualised within a reproductive health and rights package. Reproductive rights encompass the rights that protect the health and well-being of both men and women. Reproductive rights are, however, of fundamental importance to women, because only when armed with such rights to control their own fertility can women effectively exercise the rest of their human rights and

become equal citizens in this society. The Reproductive Rights Alliance (1995) are adamant that reproductive rights demand respect for women's bodily integrity and decision making.

Key arguments in favour of the CTOP Act in South Africa were based on three grounds. Firstly, it was argued on the basis of women's health and medical reasons. Secondly, the new Constitution promotes freedom, security of person and equality. The law needed to be in line with the Constitution. Thirdly, South Africa signed international conventions in support of women's rights, like CEDAW (the Convention on the Elimination of All Forms of Discrimination against Women) and South Africa promised to review punitive abortion laws in Beijing at the Beijing Platform for Action in 1994 (Hord and Xaba, 2001).

Since the CTOP Act's inception six years ago, the Christian Lawyers' Association has challenged the act twice in the Constitutional Court, but both attempts have failed (Thom, 2002; Mpeta and SAPA, 1998). The CTOP Act was challenged on a variety of constitutional grounds, one of which was the rights of the foetus. Judge SW McCreath ruled that a foetus was not a legal persona under the Constitution and that the right to life of the mother supersedes any right to life of the foetus (De Klerk, 2002; Venter, 1998). Many feel that the rights of the father of aborted foetuses are ignored (De Bruin, 2003) as only the consent of the woman is required for an abortion. No spouse, partner or parent has any legal say in whether an abortion can proceed. Although abortion is legal in South Africa, it remains socially unacceptable (Kwon Hoo, 2002) and many women remain unaware of the fact that abortion is legalised, even six years after the enactment of the CTOP Act.

1.5 Objectives of the study

It is not the aim of this study to explore how people feel about abortion per se. It is, however, the aim of this study to assess how attitudes towards abortion have changed socially over a period of time. Less emphasis will be given to investigation of the individual experiences of people who had difficulties with abortion and the controversy surrounding it. However, this is not to insinuate that the study will ignore or deny personal experiences; it merely insists that these experiences need to be quantified, measured on a scale, before they can be studied scientifically (Reaves, 1986).

1.5.1 Primary objectives

The study will primarily attempt to describe public attitudes towards the justifiability of abortion in South Africa between 1995 and 2001 based on demographics and democratic value variables. It will briefly describe the circumstances surrounding the disparity between the legality of the permissive South African abortion policy and public tolerance of it. In addition, it will describe what the situation surrounding the restrictive abortion legislation of 1975 was like in South Africa and how public opinion relates to this situation.

1.5.2 Secondary objectives

The study will offer explanations of why the seemingly straightforward relationship between public opinion and public policy finds itself in conflict. In addition, the study aims to explain why a public that holds democracy in high regard is decidedly intolerant towards the basic democratic right of reproductive health.

1.6 Operationalisation: research process and methodology

1.6.1 Public opinion research

Public opinion research is frequently conducted by means of a survey. It employs a systematic, scientific method of selecting a sample of citizens, collecting information from them and making generalisations about a larger population that is actually too large to observe directly (Folz, 1996). Rather than having to rely upon personal acquaintances to tell us about a group, we can use the survey method and random sampling to ensure that we have a truly representative and unbiased picture of the group (Brady, 2000). Thus, opinion surveys represent an accurate and affordable way to determine what large groups of people think. Brady (2000) argues that accurate portraits of the political world are not easy to come by. To comprehend complex political phenomena, political scientists need observation tools as powerful as those used in the physical and biological sciences. Scientific opinion surveys are such a tool and have been widely used in social sciences since the 1940s in America (Brady, 2000) and the early 1990s in South Africa. Many early political scientists, such as George Gallup (1944), realised the important role opinion surveys play in a democratic political system. In realising this, it is equally important to be able to measure these opinions. Moreover, according to Brady (2000: 1), "no other method for understanding politics is used more, and no other method has so consistently illuminated political science theories with political facts".

1.6.1.1 The emergence of public opinion research

The development of scientific public opinion surveys provides a valuable tool for researchers, as a survey enables people to describe politics and their political behaviour in their own words (Dalton, 2002). Modern public opinion survey research derives its origins from different fields. It originated from journalistic straw votes, market research, the development of psychological testing and the application of the mathematical laws of probability and sampling to human behaviour (Hennessy, 1965).

In the USA the study of political behaviour served as the pioneer of quantitative research in political science, and has become one of the biggest fields in the discipline (Gouws and Gibson, 2001). In South Africa the study of political behaviour has largely been neglected. Although the field is at least thirty years old, it failed to develop significantly until the early 1990s. In South Africa the study of political behaviour is still young in

comparison to other developed nations. Gouws and Gibson (2001) cite several reasons for this slow development of the study of political behaviour as: firstly, the bias against 'positivist' study of attitudes and the use of statistics; secondly, research into political behaviour requires strict training in research methodology and statistical analysis that few political science departments have offered; thirdly, only large survey organisations can conduct such surveys on a large scale, which is very costly and time consuming; fourthly, it is unclear how low literacy levels in South Africa influence the reliability of findings; and lastly, it seems difficult to link attitudes of an electorate to actual behaviour. Amid these difficulties, the study of political behaviour has grown into the largest field of research world-wide and equal importance is beginning to be placed on opinion research in the South African context.

1.6.1.2 The importance of public opinion research

Public opinion surveys have become an integral part of political events at the national, state and local level. Carefully crafted surveys can yield an abundance of useful information on a variety of topics and issues of interest to decision-makers in the public service (Asher, 1998). According to Asher (1998), acquiring accurate information about what citizens think can enable public servants and government to make informed decisions and policy choices and to implement service improvements that respond to the needs and preferences of the public. With a sample of a few thousand selected individuals, researchers are able to make reliable statements about the distribution of attitudes and opinions (Dalton, 2002).

Brady (2000) recently examined the importance and contribution of survey research to political science. According to him, political scientists need observation tools to comprehend political behaviour. Scientific surveys can be compared to telescopes in astronomy and microscopes in biology, as a fundamental tool in data collection in social sciences. Brady (2000) argues that surveys are not only useful for description, new survey designs are able to access the causes and impacts of events such as debates, scandals, speeches or revolutions that occur during the course of a survey project. Brady (2000: 2) writes:

With these capacities for data collection, accurate data magnification, data reduction and capitalizing on events and manipulations, survey methodology is an extraordinarily powerful approach to studying the social world. Surveys, it can be argued, have revolutionized social science since their introduction in the 1940s. They also changed democratic societies in two important ways. They provided the gold standard for measuring citizen opinions that are at the heart of democratic deliberation and they provided a powerful technique for ensuring the openness and transparency of the democratic process through studies of democratic institutions. No other social science method has proven so valuable.

1.6.1.3 Democracy and public opinion research

Within a representative democratic system, public opinion surveys provide systematic information on the opinions and preferences held by the citizens of a society. There is a general feeling that public opinion should influence the actions and decisions made by chosen representatives. It is believed that any mechanisms that provide information on the opinions of citizens is bound to foster democracy (Asher, 1998).

There is little or no evidence to suggest that public opinion surveys actually influence the behaviour of decision makers or translate into effective public policy. At present public opinion is used synonymously with the results of public opinion surveys (Asher, 1998). Focusing only on the results of a public opinion survey ignores opinion formation and change and also ignores other factors that might manipulate opinion into a certain direction, like leadership, interest groups and mass media. Some observers fear these as harmful consequences of public opinion surveys to the democratic political system. They agree that public opinion is useful to governing when properly measured. However, they are concerned that surveys give a misleading impression of how a democracy operates (Asher, 1998).

1.6.2 Longitudinal design

This research study will take the form of a longitudinal trend analysis, as it permits observation over an extended period. The study will examine the changing attitudes of South African citizens on the termination of pregnancy over a period of a decade (1990 – 2001). However, only one question will be used from the 1990 World Values Survey (Question 1). Consequently, the further analysis of demographic, religious and democratic value variables will only span five years (1995-2001). Longitudinal studies can be descriptive or explanatory, or both as in the case of this research. Descriptive longitudinal studies enable the researcher to detect change or stability over a period of time, the nature of the change as well as the direction of the change. Explanatory longitudinal studies aim at establishing temporal order, developmental and period effects (Neuman, 2000: 118 cited in Steyn, 2002: 77).

Survey research proves to be the most appropriate data collection method for a longitudinal study as it ensures some degree of standardisation.

1.6.3 Secondary data analysis

The study will employ only secondary data analysis as means of research. Hakim cited in Dale *et al.* (1988:3) writes that secondary data analysis of survey data can be defined as 'the extraction of knowledge on topics other than those which were the focus of the original surveys'. Dale *et al.* (1988) note that by implication 'secondary analysis' is a re-working of data that have already been analysed. Although this might seem to contribute little to originality or interesting new findings, it should be realised that 'secondary analyses' could

offer far more than simply a re-examination of previously analysed data (Dale *et al.*, 1988) Secondary data analysis refers to an empirical exercise carried out on data that have already been compiled; however, it presents many factors that can influence the scope of data analysis.

The study chooses secondary analysis based on the many benefits it has over primary data analysis. Dale *et al.* (1988:44) quote Newton as saying 'If I have seen further, it is by standing on the shoulders of giants'. This seems to characterise the most important benefit of secondary analysis. Dale *et al.* (1988) argue that, although all knowledge builds on the work of others who have gone before, secondary analysis enables this to happen in a much more direct and practical sense than is usually the case. Enormous savings in both time and money are one of the most fundamental benefits of using secondary analysis, while the benefit of years of expertise that have gone into establishing a research organisation such as the World Values Survey should not go unnoticed. The more obvious financial savings that secondary analysis can provide are of particular value for the research student, who does not have the resources to carry out primary data collection necessary to answer a particular research problem (Dale *et al.*, 1988).

One of the fundamental disadvantages of secondary data analysis of cross-national studies employed by this study is that the questionnaires employed by these studies are standardised, but never identical. Some questions were omitted and some new questions were added as one moves from one wave of the survey to another. For example, the 1995 WVS questionnaire only retains those items that gave the most significant results from the 1981 and 1990 surveys, replicating about 60 per cent of the 1990 questionnaire. The additional space made available was used to probe more deeply into key topics, particularly democratisation and global change (Inglehart, 1995).

1.6.3.1 World Values Survey

The secondary data used in this study for measuring the changing attitudes towards abortion will primarily consist of the *World Values Survey* (South African leg), a project of Ronald Inglehart of Michigan University at Ann Arbor. The WVS builds on the European Values Surveys, first carried out in 1981. A second wave of surveys, designed for global use, was completed in 1990; a third wave was carried out in 1995 and a fourth wave was completed in 2001. They trace value shifts from modern (concerns with security and economic growth) to post-modern values (freedom, participation in government and environmental issues) in approximately 40 countries (Gouws and Gibson, 2001). Replication of these studies in South Africa has contributed to the addition of pre-modern values such as concerns with shelter and food (Kotzé and Lombard, 2001). The WVS provides a more extensive range of variations of socio-political life than has ever before been available for analysing the impact of the values and beliefs of mass publics on political and social life (Inglehart, 1995).

1.6.3.1.1 Second wave of the World Values Survey (1990)

This research will apply only one question (Question One) from the second wave of the WVS (1990-1991) to provide a backdrop for the attitudes towards the justifiability of abortion under certain circumstances. The 1990 WVS was conducted on the eve of a national transition from the apartheid era when abortion legislation fell under the restrictive 1975 Abortion and Sterilisation Act. Only 60 per cent of the 1990 WVS was replicated in the 1995 WVS, which complicates the comparison of these three surveys. Consequently, only the third wave (1995-1996) and the fourth wave (1999-2001) of the WVS will be used to examine how attitudes towards abortion changed by demographic, democratic and value priority variables over the last five years. What makes the WVS functional in this study are the periods in which the survey was carried out. The study intends to focus on changing public attitudes in South Africa before the country attained democracy (1990-1991), the transition period after attaining democracy (1995–1996) and the period, five years later, when South Africa achieved a relative degree of socio-political stability (1999–2001).

The question used from the second wave (1990) WVS uses a 3-point Likert scale on a continuum of “approve”, “disapprove” or “don’t know”. It reads, “Do you approve or disapprove under the following circumstances?”. The circumstances listed are:

1. Where the mother’s life is at risk by the pregnancy
2. Where it is likely that the child would be born physically handicapped
3. Where the woman is not married
4. Where a married couple do not want to have any more children.

Because of the socio-political context in which the 1990 WVS was conducted, it would have been pointless to merely ask whether abortion can be justified or not as done by the third and fourth wave WVS subsequent to the legalisation to terminate a pregnancy on request.

1.6.3.1.2 Third and fourth wave of the World Values Survey (1995; 2001)

The third wave WVS was conducted in the post-apartheid era, a mere 18 months after South Africa’s first democratic election. The fourth wave of WVS was conducted after the second democratic election in South Africa, thus the political and social context in which these surveys were conducted differed quite extensively from the 1990 WVS, and thus prove more expedient to compare. These two surveys included a question pertaining specifically to issues of moral interest, which includes the justifiability of abortion. This question includes eleven elements, including “homosexuality”, “prostitution”, “abortion”, “euthanasia”, “divorce” and “suicide”, among others. It is ranked on a 10-point semantic differential scale, one being “never justifiable” and ten being “always justifiable”. A semantic differential scale is known for using a point scale with two opposing adjectives at the ends of each scale. Respondents check the point on each scale that corresponds to their impressions or of their feelings about the object or concept being rated (Oskamp, 1977). However,

for the use of this study the ten-point scale is collapsed into only five categories – resembling a ‘Likert-type’ scale. This collapsed scale will include the following categories: “never justifiable”, “not justifiable”, “neutral”, “justifiable”, and “always justifiable”. This is done in order to summate the ten-point differential scale into a more condensed scale to eliminate an unnecessarily large scale for the purposes of this study and transform these opinions into a clearer, consistent measure.

1.6.4 Sampling

The 1990, 1995 and 2001 World Values Surveys were conducted in English, Afrikaans, Zulu, Sotho, Tswana and Xhosa (Kotzé and Lombard, 2001). Probability samples were drawn from the South African population 16 years and older. The samples were stratified into homogenous sub-groups defined by province, gender, population groups and community size to ensure the generalisability of the sample. The principal research institutes that conducted the WVS in South Africa include the University of Stellenbosch, Institute for Democracy (IDASA) and Markinor. Approximately 3000 respondents were drawn in all three waves, and data was collected through face-to-face interviews through fieldwork assistance. The fieldwork for these surveys is supported by funding from within each given country. Each national team furnishes a copy of their data to the central co-ordinator at Ann Arbor, and in return receives the data from all participating countries. This arrangement has a powerful multiplier effect, enabling each national group to interpret their findings in a much broader development and cross-cultural perspective (Inglehart, 1995). The samples was weighted and projected onto the universe in order to increase the representativeness of the sample (Kotzé and Lombard, 2001).

1.6.5 Statistical procedures and presentation of data

1.6.5.1 Statistical procedures

The World Values Survey used coding that was sufficient for the analysis of the dependent variables used in this study. Where necessary, categories was collapsed in order to convert the data into more manageable for the purpose of interpretation (discussed in preceding sections).

The study will make use of uni-variate⁴ and bi-variate⁵ analysis. The aim of this study is to outline changes in public attitudes towards the justifiability of abortion in South Africa between 1995 and 2001, with specific focus on changes within demographic groups, religion and democratic value norms. As mentioned earlier the second wave of the World Values Survey (1990) will be excluded from this analysis as many of the demographic categories used in the 1990 survey is incompatible with those used in later surveys and prohibit comparison.

⁴ The analysis of a single variable, for purposes of description (Babbie, 1989: 369)

1.6.5.2 Presentation of data

This study will present data displayed in two basic formats:

1. Uni-variate analysis will be presented by bar charts which list the frequencies (in terms of percentages) with which the respondents in the WVS chose differing responses to a given question in order to compare proportions associated with various categories.
2. Bi-variate analysis will be presented in the form of cross-tabulations that illustrate the effect of different demographic variables (such as gender) on attitudes towards the justifiability of abortion. In general, the variable whose influence is under examination (dependent variable) is shown across the top of the table split into the two years under examination, and the one which in theory is being influenced (independent variable, e.g. justifiability of abortion) is shown on the left-hand side. The actual frequencies with which respondents chose the various response categories are listed under the different response options. Thus, the cell proportions will add up to 100%. However, in order to examine the impact of the dependent variable between different years, one should read across the row; the greater the percentage differs across the row, the greater the impact is.

1.7 Significance of the study

Within contemporary democracies, as in South Africa, public policy occasionally does not follow popular demand and representative governments frequently produce policies contrary to popular preference (Hennessy, 1965). The main argument in defence of this trend of policy-making is that majority opinion sometimes adopts a position that is incompatible with the democratic values of a democratic political system⁵ in a country (Hennessey, 1965). When South Africa abolished white dominant rule in 1994, the country was transformed into a liberal democracy with an exemplary constitution. This Constitution placed great emphasis on human dignity, human rights and the freedom of choice. While not specifically addressing abortion, the Bill of Rights laid the groundwork for the repeal of the Abortion and Sterilisation Act of 1975. The African National Congress-led government ratified the Choice on Termination of Pregnancy Act, which has been hailed as one of the best reproductive rights laws in the world (Rosenberg, 1996b). The Bill of Rights provides a broad framework for the protection and promotion of reproductive rights. Sections 12(2)(a) and (b) and section 27(1)(a) provide all South Africans with the right to make reproductive decisions, the right to security in and control over their bodies, and access to reproductive health care. The constitution also

⁵ The analysis of two variables simultaneously, for purpose of analysing the empirical relationship between two variables and subsequently used for explanatory purposes (Babbie, 1989: 374)

⁶ In the USA the majority of the electorate was against civil rights for African American people.

provides everyone with substantive rights to equality on seventeen different grounds⁷ (SOUTH AFRICA, 1996b).

It is significant to consider the different actors who played an enormous role in the adoption of progressive abortion legislation in South Africa. The bulk of South Africa's battle on abortion legislation was fought in the mass media. The CTOP Act enjoyed enormous support from government, government departments and non-governmental organisations (NGOs). Additionally, international organisations played an enormous role in the restructuring of abortion legislation in South Africa. Even before the 1996 Constitution was enacted, the country committed itself to complying with certain international obligations concerning reproductive health care and rights. South Africa ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). South Africa is also party to the Cairo Programme of Action as well as to the Beijing Platform of Action, all which demand equality for women. South Africa promised to review punitive abortion laws in Beijing at the Beijing Platform for Action in 1994. (Hord and Xaba, 2001).

One year before legislation on abortion was enacted, the South African public was predominantly not in favour of abortion. However, the popular view on abortion was in stark contrast to the New South African Constitution (Act 108 of 1996), which promotes individual choice and freedom above all else. Consequently, for the South African government not to have legalised abortion, in the context of reproductive rights, would have been in direct violation of the Constitution of South Africa.

The significance of this study lies in its investigation of the legitimacy of policies formulated contrary to popular demand. It remains important for any democratic political system that the electorate accept the policies promulgated by its representatives. It could be argued that the people are wiser on some matters than the opinion of some small, elite group. On the other hand, it could be argued that, in issues concerning civil liberties, governments or ruling elites are generally more supportive of democratic values and thus protect these values, even if the public is unsympathetic to them. Both Mattes (1995) and Muthien (1999) found that South Africans are strongly in favour of a democratic political system as the best way of governing a country. Individual liberty and the right to choice serve as two of the main pillars on which South Africa's democracy is built; the right to choice on reproductive rights is thus enshrined in South African democracy.

Annually in South Africa 80 000 women still resort to illegal back-street abortions, despite one of the most progressive abortion laws in the world. One has to question why this trend persists in South Africa. The main reasons recognised to explain this trend is that medical units are ill equipped to perform termination of pregnancy (TOP) procedures and TOP services are not accessible in rural areas of some provinces (Day, 1997). In addition to this, there is a lack of education among women about the CTOP Act, especially in rural

⁷ The Bill of Rights, section 9 (3) states that: The state may not unfairly discriminate directly or indirectly against anyone on more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

areas (Michaels, 2002; Myers, 2000). Although abortion is legal, it remains socially unacceptable in South Africa (Kwon Hoo, 2002). America recently celebrated the 25th anniversary of the legalisation of abortion. Yet constant attempts to ban abortion legislatively and challenge it judicially continue (Mkhondo, 1998).

When laws are promulgated contrary to majority opinion, the role placed on public opinion within the democratic process is undermined. It is the belief of this study that the role of public opinion within democracies must be expanded. It seems that increasingly less emphasis is given to public opinion in contemporary democracies. The democratic process is dependent on the 'will of the people'. The role of public opinion must be defined in terms of its competence, and its competence must be defined by the effort made by government to raise the capabilities of the public through information and education.

1.8 Conclusion

The relationship between public opinion and public policy in a democratic political system is beset with many complexities. There are no hard and fast rules to determine the extent to which public preferences should dictate policy outputs. This already complex relationship is even more complicated where civil liberties are concerned. When it comes to civil liberties, it is less likely that public preference will influence policy outputs. This is mainly attributed to the fact that governments or ruling elites are generally more supportive of democratic values and provide some protection of these values, even if the public is indifferent or even hostile to them.

This chapter provides the basic outline and background information of this study. It explains the conceptualisation of public policy as the choice a government has for action or in-action on certain political issues, and of public opinion as the complex of beliefs expressed by a significant number of persons on an issue of public importance. Additionally, it illustrates that the theoretical framework of this study will be built on two analytical models of political analysis, namely: systems analysis and elite theory. As mentioned earlier, many political analysts, such as Dalton (2002), argue that the success of democracy is built on the responsiveness of representatives to popular demands. Therefore, the study will use democratic theory extensively in this study, as the premises of democracy underscore the importance of a sophisticated electorate. The next chapter will focus on the theoretical framework in more detail to facilitate an understanding of how public opinion can influence policy outputs and the functioning of the public policy-making process.

2. Public opinion and public policy: theoretical framework

2.1 Introduction

In order to put the theoretical framework in perspective two analytical models regarding the functioning of the political system, the policy system as well as the democratic system will be analysed as points of departure. Although these analytical models do not specifically focus on public policy-making, they prove useful to facilitate a better understanding of the public policy process. In addition, the functioning of the policy cycle will be described to illustrate the different stages a public policy goes through in its lifespan. Attention will also be given to the different policy actors that influence the public policy-making process to illustrate that policy making is not a one-dimensional phenomenon.

2.2 Public policy-making process

In order to facilitate an understanding of the policy-making process, this study will focus on describing two analytical models of the political system, namely: systems analysis and elite theory. Although these analytic models are designed to analyse the political system, they have proved to be functional as an instrument to analyse the public policy-making process within political systems. In addition to this, the study finds it important to illustrate the actors involved in the policy-making process, since public policy making is not a one-dimensional phenomenon. The theoretical framework will furthermore aim to provide a description of how the policy cycle functions within a political system and describe the stages in the life of a policy.

2.2.1 Analytical models to understand political systems

Over the years a number of models have been developed to help us understand political life. Although none of these models has been developed especially to study public policy, each offers a way of thinking about public policy and suggests some of the general causes and consequences of public policy. The eight most influential models are: (1) the institutional model, (2) the process model, (3) the group model, (4) the elite model, (5) the rational model, (6) the incremental model, (7) the game theory model, and (8) the systems model (Anderson, 1979). These models are not competitive in the sense that any one of them could be judged "best". Each one provides a separate focus on political life and each can help us to better understand different aspects of public policy. Although some policies appear to lend themselves to explanation by one particular model, most policies are a combination of some, if not all, of the models mentioned above. However, for the purpose of this study, the focus will be on explaining only the systems model and the elite model, as the latter offers a simple understanding of the functioning of the political system and the elite theory has more utility for the analysis and explanation of policy formation in some political systems, such as

those of developing countries (Anderson, 1979). The combination of these two theories facilitates an understanding of the influence that the external environments and the elite have on policy formation.

2.2.1.1 Systems analysis

One of the most influential and prominent models in political analysis is the systems model developed by David Easton (1953), represented in Figure 2.1. He set out to explain the entire political system, as well as the functions of major political actors, through the application of what is called systems analysis. A system forms an organised or complex whole, a set of interrelated and interdependent parts that form a collective entity (Heywood, 1997). In the case of a political system, a linkage exists between what Easton calls 'inputs' and 'outputs'. The 'inputs' are made up of the demands and supports from the general public. These demands may range from pressure for better sanitation to improved employment prospects. Supports, on the other hand, indicate the different ways in which the public contributes to the political system by paying taxes and being willing to participate in public life (Heywood, 1997). Outputs consist of the actions and decisions made by government. Clearly, these outputs generate 'feedback', which in turn shapes further demands and supports. According to Heywood (1997), the key insight offered by Easton's model is that the political system tends towards long-term equilibrium or political stability, as its survival depends on outputs being brought into line with inputs.

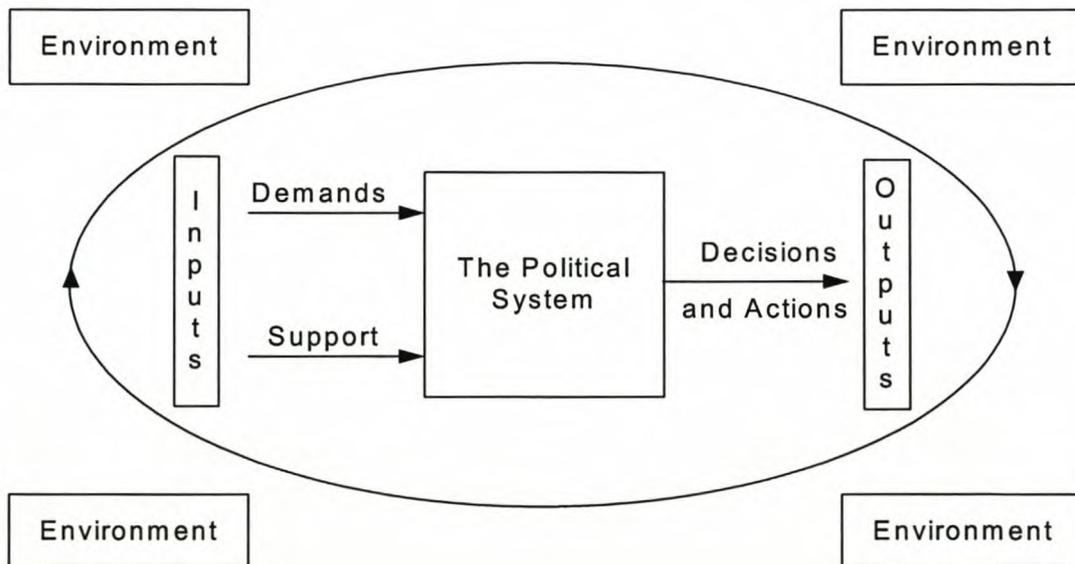


Figure 2.1 The Political System

Systems analysis provides a theoretical approach that assists research into practical social issues. Easton (1953) argues that his mode of analysis interprets a political system as a major social arrangement for engaging in collective action. He therefore draws attention to the problems that members of a system identify

– (as demands) or fail to identify; to the decisions that they adopt for specific purposes – (the outputs); to the kinds of action taken to implement these goals – (the outcomes); and to the support available within the system for undertaking any collective action at all. Easton views a political system as a purposefully organised form of behaviour and his approach focuses our attention on why some purposes are selected for action, while others are ignored or rejected; why some kinds of action are in fact taken; and what their consequences are for satisfying the wants and the needs of various members of the system.

The Eastonian model alerts us to search for an understanding of how it comes about that what later turns out to be critical needs for the society have not even been formulated as demands, or if they are, why they never manage to reach the stage of becoming viable political issues (Easton, 1953). His model presents a practical demonstration of how the political agenda for discussion is controlled in political systems and the impact of this control on the satisfaction of expected or unarticulated needs (Easton, 1953).

Systems analysis is functional for this study as it draws attention to how the inputs of society influence the outputs (decisions and actions) of government. It describes the cyclic relationship between public opinion and public policy clearly. Society influences the decisions of government as the decisions made by government influence the demands of a society. As mentioned above, systems analysis alerts us to search for an understanding of how it comes about that what later turns out to be critical needs for the society are not even formulated as demands, or if they are, why they never manage to reach the stage of becoming viable political issues on the political agenda. This process is more often than not controlled by the influence of different actors and the environment within the policy process. As in the case of abortion law reform in South Africa, systems analysis draws attention to the problems that society identifies, or fails to identify, as demands; to the decisions taken by government to legalise abortion as the outputs; to the actions taken by government to implement these goals as outcomes; and to the support, or lack thereof, available within the system for progressive abortion legislation.

Ham and Hill (1985) argue that policy can be seen as an output of the political process. They remind us of Wildavsky's definition that 'Policy is a process as well as a product. It is used to refer to a process of decision-making and the product of that process' (Ham and Hill, 1985). The main merit of the systems model is that it provides a way of conceptualising this complex political phenomenon (Ham and Hill, 1985).

2.2.1.2 Elite theory

Elite theory states that public policy can be regarded as the values and preferences of the governing elite. The essential argument of elite theory is that public policy is determined by the ruling elite and not determined by the people through their demands (Anderson, 1979). Thomas Dye and Harmon Zeigler, in *The Irony of Democracy* (1993:3) provide a summary of elite theory:

1. Elites, not masses, govern all societies. Only a small number of persons allocate values for society; the masses do not decide public policy.
2. Elitism also asserts that the few who govern are not typical of the masses that are governed. Elites are disproportionately drawn from the upper socio-economic strata of society.
3. Elitism, however, does not necessarily bar individuals of the lower classes from rising to the top; elite theory admits of some mobility that enables non-elites to become elites. However, social stability requires that movement from non-elites to elite positions be a slow, continuous assimilation rather than a rapid or revolutionary change.
4. Elites share a consensus about the fundamental norms of the social system. They agree on the basic rules of the game, as well as on the importance of preserving the social system.
5. Elitism implies that public policy does not reflect demands of "the people" so much as it reflects the interests and values of elites. Changes in policy will be incremental rather than revolutionary. Public policies are often modified but seldom replaced.
6. Elitism assumes that the masses are largely passive, apathetic and ill-informed. Elitism contends that the masses have at best only an indirect influence over the decision-making behaviour of elites.

Thomas Dye has argued that elite theory focuses our attention on the role of leadership in policy formation and on the fact that, in any political system, a few rule the many (Dye cited in Anderson, 1979). One of the major weaknesses of systems analysis is that a growing number of scholars suggest that, far from arising autonomously in the community, demands may be manufactured by leaders, who thereby create conditions for their own actions I can't see how this is a weakness of the *analysis*... except in the sense the sense that the analysis *has not taken account of the fact that* demands may be manufactured by leaders, etc. (Edelman, in Ham and Hill, 1985). Consequently, combining systems analysis with elite theory in the analysis of the relationship between public opinion and public policy, compensates for this weakness of systems analysis.

The study is fundamentally questioning the significance of the role public opinion plays within the public policy process. The study hypothesises that public opinion does not influence public policy making in South Africa, as it is believed to do in a democratic political system. Therefore, the study is examining what external influences impact on public policy making more than the will of the people. The study thought it useful to combine systems analysis and elite theory as systems analysis describes the cyclic relationship between public opinion and public policy clearly and accounts for the environment surrounding public policy making. In the case of abortion law reform in South Africa, where the study hypothesises that public opinion is highly disapproving of abortion on demand, it is useful to examine the influence that elites had on the legalisation of abortion on demand and the way in which elites [perhaps] manufactured a demand the public did not express.

2.2.2 Actors, institutions and instruments in public policy making

The policy-making process necessitates decisions made by a number of actors involved in the policy process. The capacity to formulate public policy does not only lie in the hands of the state, but also in the hands of society. In a democratic state society is given a forceful voice in influencing public policy that will ultimately affect them. The state, or official policy-makers, possesses the legal authority to engage in the formulation of public policy, but it has a duty to listen to unofficial policy-makers equally in a democratic state. Official policy-makers may be categorised as elected officials and appointed officials which represent the state. Unofficial policy-makers consist of interest groups, research organisations and the mass media; these institutions represent society. A brief description of the role played by each of these actors in the policy-making process will be discussed in the following section.

2.2.2.1 Elected officials

Of the elected officials, the executive or cabinet is the key actor within the policy-making process. Its central role derives from its constitutional authority to govern (Howlett and Ramesh, 1995). The ultimate authority to adopt any given policy rests in the hands of the executive. This represents an enormous responsibility held by the ministers in cabinet. There are some checks on the executive in a parliamentary system, although these checks do not always function in a straightforward way. The Centre for Development and Enterprise (CDE) (1999) suggests that especially in South Africa the notion of ministerial accountability to parliament is widespread, although in practice it appears to take second place to the president, who has the power to hire and fire them. The executive also has access to a range of resources to strengthen its position in policy-making. The executive has unrivalled information which it withholds, releases and manipulates in a manner that bolsters its preference and weakens the case of those opposed to it (Howlett and Ramesh, 1995). It can and often does use these resources to control and influence societal actors such as interest groups and the mass media (Howlett and Ramesh, 1995).

The legislature often plays a minor role in the policy-making process, as its role within a parliamentary system is to hold government accountable to the public rather than to make or implement policies. Most laws are proposed by the executive and more often than not subsequently adopted by the legislature (Howlett and Ramesh, 1995). The legislature does not possess the same quantity or quality of information or fiscal resources as the executive and thus plays a minor role within the policy-making process.

The CTOP Act was strongly supported by both government as well as many members of parliament. Although there was some opposition in the party to the bill, the African National Congress (ANC) voted as a block on the CTOP Bill, as they argued that the ANC recognised the greater good that would come from the passage of the CTOP Act and members were willing to vote as a block to achieve that greater good. The

ANC represents close to 280 of 400 members in parliament; thus with the party voting as a block, the CTOP Act was never in danger of being rejected. Evidently, elected officials hold much power in the sphere of public policy-making, or at least legalising it. Many well-known politicians and public figures added their support by appearing on *Lovelife* advertisements. In addition to this, Parliament set up two parliamentary committees that oversaw the legal reform process, namely the Ad Hoc Committee on Abortion and Sterilisation and the African National Congress Study Group on Health (Hord and Xaba, 2001).

2.2.2.2 Appointed officials

Howlett and Ramesh (1995) write that appointed officials dealing with public policy and administration are often collectively referred to as the 'bureaucracy'. Their function is to assist the executive in their performance of its tasks, as is suggested by the term 'civil servants' (Howlett and Ramesh, 1995). Representatives of the government health department express a strong willingness to support the CTOP Act. Doctors and nurses in South Africa currently have abortion procedures included in their training and few can refuse to do this training as it places their entire medical training in jeopardy (depending on the institutions and/or individuals involved). Although they currently have the right to refuse being involved, they run the risk of being labelled as insubordinate should they do so.

2.2.2.3 Interest groups and civil society

Although policy-making lies largely in the hands of government, modern politics have enable interest groups to play a significant role in the policy-making process. Information is considered an invaluable resource in policy-making. This is what gives interest groups their power in policy-making. Interest groups frequently hold information that is unavailable to others. Since policy-making is a highly information-intensive process, those who hold information may normally expect to play an important role (Howlett and Ramesh, 1995). However, Howlett and Ramesh (1995) suggest that the impact that interest groups have on policy formulation varies according to their organisational resources. In democratic political systems, the information and power resources of interest groups make them key players in policy-making (Howlett and Ramesh, 1995). However, this does not guarantee that their interests will be accommodated in policy formulation, but it does guarantee that they will not be entirely ignored.

Non-governmental organisations (NGOs) largely influenced the legal reform process. NGOs frequently work in collaboration with government on certain issues. The three main pro-choice NGOs involved with the law reform process were the Women's Health Project, the Reproductive Health Research Unit at Baragwaneth Hospital, and the Reproductive Rights Alliance (RRA). The RRA was formed to unite different interest groups and maximise the chances of passing the CTOP Act. The RRA includes 35 national organisations, each member representing a variety of skills and interest to strengthen the organisation (Hord and Xaba, 2001).

The strongest opposition to the CTOP Act came from the African Christian Democratic Party (ACDP), Doctors For Life, and a few Christian organisations. However, these organisations were not nearly as strong or well organised as the pro-choice organisations.

2.2.2.4 Research organisations

These research organisations are composed of researchers working at universities and think tanks. University researchers have theoretical interests in public problems that may not lead to any research results, but which may present practical solutions to public problems (Howlett and Ramesh, 1995). A think tank may be defined as 'an independent organization engaged in multi-disciplinary research intended to influence public policy' (Howlett and Ramesh, 1995). Such organisations hold a broad interest in a variety of public issues and employ a variety of experts to develop a more comprehensive understanding of and perspective on the problem. Through sustained analysis and critique, they can have a notable impact on public policy (Howlett and Ramesh, 1995).

2.2.2.5 Mass media

The mass media provide a vital link between the state and society. The media help decision-makers to understand the pulse of society; on the other hand, the media convey to people the gist of parliamentary proceedings. This position enables the media to strongly influence the preferences of the government and equally influence society on public problems and solutions to those problems (Howlett and Ramesh, 1995). The media play an enormous role in agenda setting. The manner in which the media portray public problems often conditions how these problems are understood by the public as well as government, thus eliminating some alternatives to the problem and making some choices more likely than others. The relationship between parliament and the media is rather symbiotic. Parliament often acts on what the press writes and, in turn, the press writes about how parliament acts. In a parliamentary democracy the executive is accountable to the legislature, which is in turn accountable to the people. In a democracy with a free press a severe conflict between parliament and the media is detrimental to the function of the political system while perfect harmony is dangerous to the spirit of democracy as it generates complacency. However, the relationship must remain intact because the effective relationship between parliament and the media are two vital pillars of democratic polity.

Because abortion is such a highly controversial issue, the legal reform process attracted a lot of media coverage. A number of journalists and media outlets were opposed to the abortion law reform process in South Africa and thus covered it in a sensationalist way. To refocus the issue on women's rights as enshrined in the constitution, and thus to counter opposition (Hord and Xaba, 2001), supportive journalists were identified by NGOs to facilitate the discussion in the mass media. Some of the most responsive

journalists were activists in their own right who were already attempting in their own way and within their own media organisations to raise issues of women's rights to reproductive choice (Hord and Xaba, 2001).

2.2.3 Public policy cycle

One of the most popular means of simplifying public policy-making has been to see this process as a discrete series of stages and sub-stages (Howlett and Ramesh, 1995). According to Howlett and Ramesh (1995), the idea of simplifying the complexities of public policy-making by breaking the policy process down into a number of stages first appeared in the early work of Harold Lasswell. Lasswell's analysis of the policy-making process focused on decision-making processes within government and had little to do with the external influences on government behaviour. Gary Brewer based his formulation of an 'improved' stage model on the pioneer work of Lasswell in the early 1970s (Howlett and Ramesh, 1995). Brewer's version of the policy process improved on Lasswell's pioneering policy-stage model – it expanded the policy process beyond the confines of government in discussing the process of problem recognition. Brewer also introduced the notion of the policy process as an ongoing cycle. His model recognised that most policies did not have a definite life cycle – but rather seemed to recur, in slightly different manifestations, as one policy succeeded another with only minor modifications.

The operative principle behind the notion of the policy cycle is the logic of applied problem solving. The policy cycle model most commonly used today has only five stages. These stages of applied problem solving and its corresponding stages in the policy process are depicted in Figure 2.2. While the five-stage cycle model is useful in simplifying the policy process, it does not simplify the complexities of the policy-making process. What is needed is a model that incorporates the actors and institutions involved in the policy process, as policies are not made in a vacuum. It is necessary to describe greater causation – who drives the policies from one stage to another? An improved model should also identify the instruments available to policy-makers and point out the factors that may underlie the process (Howlett and Ramesh, 1995).

These five stages can be identified in abortion law reform in South Africa. Firstly, the issue of legalising abortion was placed on the policy agenda by recognising the great public health problem abortion presented to the country, the new constitution espoused freedom and security of person and the fact that the law needed to be in line with the constitution, and the international conventions signed by South Africa in support of women's rights [these all seem to be very separate points – not clear why they are grouped together under "Firstly"]. Secondly, the policy was formulated by proposing a solution, namely to legalise the termination of pregnancy on request. Thirdly, the decision was made to promulgate the CTOP Act in Parliament by the ANC voting in a block in favour of the CTOP Act.

Areas of applied problem solving	Stages in policy cycle
Problem recognition	Agenda setting
Proposal of solution	Policy formulation
Choice of solution	Decision-making
Putting solutions into effect	Policy implementation
Monitoring results	Policy evaluation

Source: Dunn, 1994

Figure 2.2 Stages of applied problem solving and its corresponding stage in the policy process.

Fourthly, the policy was implemented but the process of implementation did not run smoothly. Many negative attitudes about abortion still exist in the community, while personal objections to termination of pregnancy (TOP) limited the number of health professionals willing to perform TOP procedures. Medical instruments and supplies that were recommended for use in TOP were not officially registered in South Africa. Designated health facilities as TOP sites could not operate as bureaucratic procedures were delayed. Finally, policy evaluation took place by the "National Oversight Hearings into the Implementation of the Choice of Termination of Pregnancy Act" during May 2002. These hearings were organised by the Reproductive Rights Alliance (RRA). Although policy cannot always be organised neatly into these stages, it can be identified in the policy-making process. This process will be analysed in more detail in Chapter Six.

2.3 Conclusion

In this chapter the theoretical framework of public policy-making and public opinion was analysed. This understanding of the theoretical framework of public policy and public opinion was made clear by employing two analytical models for analysing the political system, but that also facilitate an understanding of the working of the policy-making process. The key point made in this chapter is that in combining systems analysis and elite theory, the cyclic relationship between public opinion and public policy and the environment surrounding public policy-making is made evident. In the case of abortion law reform in South Africa, the study hypothesises that public opinion is highly disapproving of abortion on demand, and hence it is useful to examine the influence that elites had on the legalisation of abortion on demand. The chapter also illustrated the stages a policy goes through in the policy cycle and indicated the different role-players that influence this process. The following chapter will focus on public policy and public opinion in a democratic political system.

3. *Public policy and public opinion in a democratic political system*

3.1 *Introduction*

Democratic theory is central to this study, as it will focus on the relationship between public opinion and public policy within a democratic political system. Many political theorists, such as Dalton (2002), argue that the democratic process is imperfect, but its strength lies in the premise that people are the best judges of their own destiny. The success of a democratic political system lies in the responsiveness of the system to popular demand (Dalton, 2002).

It will become evident in this chapter that there are specific reasons why public opinion should influence public policy either directly or indirectly within a democratic political system. Although there are limitations to the influence that public opinion has on public policy, the public's views generally define the acceptable bounds of politics (Dalton, 2002). The relationship between public opinion and democracy, as well as the role public opinion plays within this relationship, will be analysed. In addition to this, the chapter proposes to illustrate that in order to have acceptable public policy within a democratic political system, the importance of public opinion in the public policy-making process must be addressed.

3.2 *Democratic theory*

The last decade of the twentieth century saw what Huntington described as the third wave of democratisation across the world. The citizens of Eastern Europe, South Africa and several East Asian nations rose up against their authoritarian governments (Dalton, 2002). In 1992 Frances Fukuyama wrote his acclaimed book, *The End of History and the Last Man*, in which he claimed that humankind's evolution was converging on a single form of government – democracy.

According to Andrew Heywood (1997), the origin of democracy as a term can be found in Ancient Greece. Like all word ending in '-cracy' (autocracy, bureaucracy), democracy is derived from the Greek word *kratos*, meaning power or rule. Democracy thus means rule by the *demos* (people). American president Abraham Lincoln described the virtues of what he called 'government of the people, by the people, for the people'. However, the precise nature of democratic rule has been the subject of intense political and ideological debate (Heywood, 1997). The centrality of democratic theory is vital to this study as it is built on the ideal that the people rule themselves. Consequently, public opinion represents the epitome of this ideal. Dalton (2002) believes that the success of democracy is largely measured by the public's participation in the process and the responsiveness of the system to popular demand.

3.2.1 Premises of democratic theory

Dye and Zeigler (1993:7) provide an excellent summary of the premises of democracy in their book *The Irony of Democracy*, which lists them as follows:

1. Popular participation in the decisions that shape the lives of individuals in society;
2. Government by majority rule, with recognition of the rights of minorities to try to become majorities. These rights include the freedom of speech, press, assembly, and petition and the freedom to dissent, to form opposition parties, and to run for public office;
3. A commitment to individual dignity and the preservation of the liberal values of life, liberty and property;.
4. A commitment to equal opportunity for all individuals to develop their own capacities.

These four elements form the basic premise on which classic democracy is built. In 1994 South Africa abolished the authoritarian *apartheid* regime and transformed itself into a democratic system premised on constitutionalism, the rule of law, the protection of individual freedoms, institutions of accountability and the construction of a new state (Muthien, 1999).

3.2.2 Elitist theory of democracy

Russell Dalton (2002) proposed a model of an ideal democratic supercitizen: a citizen who actively participates in all forms of political participation and who is well informed about all political issues. Unfortunately, such a citizen does not exist. Early surveys painted an unflattering picture of the lack of sophistication of electorates. Consequently, many elite theorists believe that democracy is facing a crisis. Dalton (2002) states that, because the 'ideal democratic citizen' does not exist and that most citizens fail to meet the requirements of classic democratic theory, analysts are faced with a paradox. The elitist theory of democracy was developed to interpret these unflattering findings in a more constructive manner. It is drawn from the realities of political life, but presents a very undemocratic theory of democracy (Dalton, 2002).

The elitist democratic theory maintains that "the democratic citizen...must be active, yet passive; involved, yet not too involved; influential, yet deferential" (Almond and Verba cited in Dalton, 2002: 18). Critics such as Ziegler and Dye implied that citizen participation in the democratic process is 'undemocratic' and 'politically destabilising' (Dalton, 2002). Dalton (2002) argues that the elitist model of democracy overlooks the complexities of the democratic process. He argues that there are many inconsistencies among political elites when they formulate public policies. The elitist perspective on an unsophisticated public has been challenged both normatively and empirically. Studies have found it questionable that elites are more politically tolerant and sophisticated than the public (Dalton, 2002).

This study will not adopt such an extreme elitist model of the democratic process. Yet the view adopted here is that on some public policy issues, especially on controversial issues such as abortion, political elites retain the responsibility to make a decision, even if goes is against popular preference.

3.2.2.1 Social and political environment necessary for democratic policy formation

Although not all scholars of public policy agree on the importance of public opinion in the formulation of public policy, they agree that some kind of social and political environment is necessary for democratic policy formation (Hennessy, 1965). The operation of popular government necessitates certain sociological and environmental conditions. Sociologically it requires some homogeneity of values and interests. Berelson (1952) described the necessary homogeneity in these terms:

Liberal democracy is more than a political system in which individual voters and political Institutions operate. For political democracy to survive, other features are required; the intensity of conflict must be limited, the rate of change must be restrained, stability in the social and economic structures must be maintained, a pluralistic social organisation must exist, and a basic consensus must bind together the contending parties.

Hennessy (1965) further argued that beyond this minimal agreement on values and interests, viable democracy is usually understood to rely upon the following institutional and environmental factors: (1) freedom of communication, (2) time for deliberation, and (3) continuing non-partisan administrative procedures. These elements help construct the core of democratic belief and the maintenance of a workable democracy.

3.3 Democracy and public opinion

The significance of public opinion is central in any democratic political system as democracy is government by the people; thus what the people think ought to be exactly what the government does (Hennessy, 1965). On the other hand, what happens when it does so? In the following section the study will examine the relationship between government and public opinion and the that role public opinion plays in a democracy.

3.3.1 Role of public opinion within a democracy

There is a general feeling that public opinion should influence public policy is a democratic political system. The premise of democracy is based on the notion of a government for the people, thus it is natural to assume that government should primarily listen to popular demand when formulating public policy. However, this is frequently not the case in practice. Howlett and Ramesh (1995) note that the public play a rather small role in the formulation of policy in a democracy. In democratic states the most basic form of political participation occurs through frequent elections. However, elections in representative democracies, such as

South Africa, only afford voters the opportunity to express their choice of representatives in government. In modern democracies policies are made by the representatives of the voter, who, once elected, are not required to heed to the preferences of their voters (Howlett and Ramesh, 1995).

The relationship between public opinion and a democratic government does not resemble a one-way association; public opinion influences government as government influences public opinion. Childs (1965) writes that government is directly influenced by public opinion through elections, referenda and public opinion polls. Indirectly, it is influenced by pressure groups, direct contact, demonstrations and the media. It is important to realise that, although elected officials retain the legal authority to formulate policies to their liking and not to the preference of public opinion, it is not their exclusive responsibility to be familiar with and advance public opinion. Parliamentarians are not the only custodians of public opinion. The actors within the policy-making process, who are elected officials, appointed officials, research organisations, interest groups and the mass media, are also the custodians and representatives of public opinion. The onus of making public opinion heard is placed on all these organisations. Thus, to exclusively hold elected officials responsible for promoting public opinion is unrealistic.

The role of public opinion within a democratic political system finds itself in jeopardy. The ability of the public to play any meaningful part in the formulation of public policy is questionable. Many elite theorists of public policy are of the opinion that the idea of the centrality afforded to the role of public opinion within a democratic political system should be revisited. Although there is little evidence to suggest that public opinion shapes or influence public policy in any way, public opinion does set boundaries for governments in a democratic system when formulating public policy. Although political sophistication has increased, it will never match the political sophistication posited by classic democratic theory (Dalton, 2002). The democratic process is not perfect, but its strength lies in the premise that people are the best judges of their own destiny (Dalton, 2002). The success of democracy lies largely in the public's participation in the process, the respect for citizen rights and the responsiveness of the system to popular demands (Dalton, 2002).

3.3.2 Political support in a democratic political system

In the previous chapter the study employed the systems analysis theory of David Easton to analyse the political process as a complex whole comprising of 'inputs' and 'outputs'. The 'inputs' are made up of the demands and supports from the general public. These demands may range from pressure for better sanitation to improved employment prospects. Supports, on the other hand, indicate the different ways in which the public contributes to the political system by paying taxes and being willing to participate in public life (Heywood, 1997). Easton distinguished between two different kinds of support: diffuse and specific (Dalton, 2002) According to Easton, diffuse support is a state of mind — a deep-seated set of attitudes toward the politics and the operation of the political system. Specific support refers to the actions and performance of government or the ruling elite (Dalton, 2002). Specific support is based on the actual policies

and style of the governing authorities; it is less relevant to support for a regime and political community (Dalton, 2002). Dalton (2002) argues that this distinction between specific and diffuse support is essential to the comprehension of the significance of public opinion in the political system. Democratic political systems are dependent on public support if they are to remain viable (Dalton, 2002). All governments occasionally fail to meet public expectations and fail to satisfy popular demand, but this should not erode general support for the regime (Dalton, 2002). Thus Dalton (2002) maintains that a democratic political system requires a pool of diffuse support that is independent of the immediate policy outputs to make it through periods of public dissatisfaction.

It might be argued that South Africa does retain a certain reservoir of diffuse support for the political system, as South Africans are relatively supportive of a democratic political regime as the best form of government. This possible reservoir of diffuse support may explain why, even while government fails to meet public expectations on abortion legislation, the study can assume that this dissatisfaction did not erode general support for democracy in South Africa since the legalisation of abortion in 1996.

3.4 Public opinion and public policy

3.4.1 Relationship between public opinion and public policy

The relationship between public opinion and public policy is plagued with many complexities. There are no hard and fast rules on how public opinion ought to influence public policy. Many factors come into play in the policy-making process. It is possible that the political agenda can be controlled and some issues of public interest excluded from the agenda by either direct or indirect policy actors. The policy-making process is influenced by a variety of different factors. If the policy-making process is able to shortcut certain inputs from the public, the question arises: to what extent, if at all, can public opinion actually influence public policy? It is difficult to separate the influence of public opinion itself from other influences.

Any meaningful political participation from the public in political activities is based on the assumption about the political abilities of people. Dalton (2002) argues that voters must understand the options on which they are deciding and need to understand the workings of a political system if they intend to influence and control the actions of their representatives.

Hennessy (1965) writes that gross measurements of public opinion are interesting and important, but they do not seem to reflect controlling factors in the determination of particular public policies. Childs (1965) suggested five ways to illustrate the relationship between trends in public opinion and changes in public policy. Firstly, the relationship between public opinion and public policy varies greatly from issue to issue. Influence varies from virtually no influence to enormous influence. Secondly, the extent of influence depends

on numerous different factors such as the degree of agreement among the public, the intensity with which the opinion is held and the nature and extent of organised support.

The third obstacle faced in the translation of public opinion into public policy is the difficulty of actually knowing what public opinion really is on certain issues in such a form and time so as to be useful to policy-makers. Fourthly, although many obstacles have been cited here, public opinion does seem to influence public policy on at least two levels. Firstly, it set broad limits to government decisions and policy-making by the fact that the public have a limited tolerance as to how far government can make decisions that affect them, and secondly, officials are generally hesitant to take a stand in the face of popular disapproval. Public opinion seldom acts positively as a vehicle to promote a new policy, but often acts negatively to demonstrate dissatisfaction with existing policies. Lastly, the relationship between public opinion and public policy is two-way, cyclical, and dynamic. As the Eastonian model showed, public opinion not only influences policy, but policy influences opinion.

3.4.2 Political sophistication of the South African electorate

Many political analysts believe that the public is unsophisticated regarding political issues. Early surveys presented an unflattering picture of the level of political skills displayed by the public; this was in stark contrast to the ideal of the classic democratic model. However, political sophistication should not measure whether the public meets the maximum ideological standards of classic democratic theory, but whether the public has a sufficient basis for rational political action (Dalton, 2002).

An increasing number of political analysts are concluding that the political sophistication of the public is growing. Dalton (2002) and Inglehart (1995) attribute this to what they called *cognitive mobilisation*. Cognitive mobilisation involves two separate developments. First, the cost of acquiring information about politics has decreased and, secondly, the public's ability to process political information has increased (Dalton, 2002). Thus, more citizens control political resources and skills that prepare them to deal with political information and to reach their own decisions regarding political issues. This is largely due to the increased accessibility to television and the Internet. Mattes (1995) found that television, newspapers and radio were the largest source of political information for all ethnic groups in South Africa. He found that the level of political sophistication of South African citizens was higher than originally anticipated. The popular view on South African elections is that they represent an ethnic census. However, Mattes (1995) argues that a high correlation between race and ethnicity in voting patterns need not necessarily be the result of non-rational or primordial motivations. In a heterogeneous society, it is likely that issues and interests run parallel to factors such as race or ethnicity (Mattes, 1995). He suggests that the abolition of apartheid meant that life-changes significantly differed according to race. Thus, it would be useful to assume that all South Africans rather vote according to economic self-interest. Racial or ethnic classifications does not explain causality; it does not reveal anything about why people voted the way they did (Mattes, 1995).

Although political sophistication might have increased, the electorate in democratic political system will never attain the level of sophistication classic democratic theory aspires to (Dalton, 2002). It is unrealistic to desire that citizens will hold well-informed opinions on all political issues. Rather, they will hold opinions on specific issues of interest to them.

3.5 Conclusion

It is evident from the chapter that, although electorates will never reach the (unrealistically) high level of political sophistication proposed by classic democratic theory, political sophistication across the world and in South Africa is growing. In agreement with Dalton (2002), one should not ask whether the public meets the ultimate ideological standards of democratic theory, but rather whether the public has a rational basis for political action. Both the public as well as the ruling elite will continuously base certain decisions on ignorance or on ill-informed sources. However, diffuse support will carry a democratic political system through periods of public dissatisfaction.

The following chapter focuses on the conceptual framework of public policy and public opinion. It will analyse abortion legislation in South Africa and how law reform changed South Africa's restrictive 1975 abortion law to one of the most progressive abortion laws in the world.

4. *Public opinion and public policy: conceptual framework*

4.1 Introduction

The focus of this chapter is on conceptualising public policy and public opinion. The emphasis is placed on defining these concepts within the policy-making process. It needs to be understood that public policy constitutes one area within the public policy-making process. The aim of the conceptualisation of public opinion in public policy-making and democracy is to point out the role public opinion could play in shaping public policy.

The chapter will also provide a conceptualisation of the nature of abortion before South Africa adopted progressive abortion legislation in terms of the Abortion and Sterilisation Act No. 2 of 1975. It will also describe the situation following progressive abortion legislation in South Africa in terms of the Choice on Termination of Abortion Act No. 92 of 1996 (CTOP Act).

4.2 Public policy

In order to analyse the relationship between public opinion to public policy, Gunn (1989) reasoned that one must first be aware of the historical and conceptual significance of the concept. The *Oxford English Dictionary* offers definitions of policy as covering 'Political sagacity; statecraft; prudent conduct; craftiness; course of action adopted by government', etc. Explicitly, *policy* refers to an attempt to define and structure a rational basis for action or inaction (Parsons, 1995). Thomas Dye in Howlett and Ramesh (1995:4) offers a particularly concise definition of public policy, describing it as 'Anything a government chooses to do or not to do.' The key actor in public policy-making is the government. This means that private business decisions, decisions by interest groups or any other individuals do not constitute public policies. Howlett and Ramesh (1995) stress that when we talk about public policies, we are speaking of the actions of governments. Public policy is the measure that a government actually adopts. The second important aspect of public policy to remember is that public policies involve a fundamental choice on the part of governments to do something or to do nothing (Howlett and Ramesh, 1995). Any government has the option of a 'non-decision' – that is the decision to do nothing, not to create a new programme, or to simply maintain the *status quo*.

James Anderson (1979: 2) cites Friedrich to offered a generic definition of public policy, describing a policy as 'a purposive course of action followed by an actor or a set of actors in dealing with a problem or matter of concern'. Anderson's definition of public policy offers an additional element to those definitions of Dye and Parsons discussed above. Anderson's definition notes that policy decisions are often not taken only by one individual actor, but typically by a set of actors. Howlett and Ramesh (1995) also note that policies are often

a result not only of multiple decisions, but of multiple decisions taken by multiple decision makers. The study finds it useful to add Anderson's (1979) understanding of the implications of the concept of public policy. Firstly, public policies are not things that just happen; they are goal-orientated actions and not random acts or chance behaviour. Secondly, policy consists of courses of action by governmental officials rather than their separate discrete decisions. Thirdly, policy is what governments do and not what they intend to do. Fourthly, policy may be either positive or negative in form. Positively, policy may involve a specific action by government to improve a given problematic situation; negatively, policy may take the course of inaction. Governments may adopt a policy of *laissez-faire*, or a hands-off approach to some issues. Lastly, public policy is based on law and is authoritative (Anderson, 1979).

Anderson (1979) found it practical to break down public policy as a concept into a number of different categories, namely policy demand, decisions, statements, outputs and outcomes. *Policy demands* are those demands made upon government officials by other actors in the political system for action or inaction on some problem. *Policy decisions* are decisions made by public officials who are authorised to give direction and content to public policy actions. *Policy statements* are the formal expressions or articulation of a given public policy. *Policy outputs* constitute the "tangible manifestations" of public policies, the actual actions in pursuance of policy decisions and statements. *Policy outcomes* are the consequences for society which follows from the action or inaction of government.

This study will adopt the definition presented by Thomas Dye in Howlett and Ramesh (1995:4) of public policy, as 'Anything a government chooses to do or not to do.' This definition is apt, as it briefly makes the point that a government retains the authorisation for action or inaction on any controversial issue. Because this is such a concise definition of public policy, it is also advisable to keep the implications of this concept, offered by Anderson, in mind.

4.2.1 Public policy-making

Adam Smith was the first political thinker to make policy-making, particularly its efficiency and rationality, central to his work. In his book *The Wealth of Nations* (1776), he addressed the inefficiencies of contemporary governments' commercial policies (Lindblom, 1980). Lindblom (1980) states that the study of government policy-making and rationality long remained subordinate to other interests and has come to the forefront only recently. Contemporary political scientists display an intense interest in the question of policy-making and thus bring long-neglected elements back into the analysis of political systems (Lindblom, 1980).

Public policy-making is a complex phenomenon consisting of numerous decisions made by numerous individuals and organisations, where it is often shaped by earlier policies (Howlett and Ramesh, 1995). Dror in Parsons (1995:15) states that the notion of *policy-making* as a conscious awareness of a choice between

two main alternatives for steering societies may be found in ancient Greek and Renaissance political theory. Policy-making is seen as a complex interactive process without a definite beginning or end. Policy-making is seen as a cycle, with each stage in the cycle feeding back to the following stage in the cycle. This five-stage cycle is used extensively in understanding public policy-making and simplifying this complex process.

4.3 Public opinion

Hennessy (1965) considers that opinions are *expressed points of view* about matters that are *controversial* or *capable of controversy*. Public opinions are distinguished from private opinions based on how many people are affected by the issue in controversy. A multitude of definitions can be drawn together in order to define this equally complex concept. The following section will aim at facilitating the comprehension of what public opinion is and how it is formed.

4.3.1 Nature and history of public opinion

In trying to conceptualise public opinion the diversity of its meanings becomes apparent. Historically, references dating from the very early times that indicate the importance of the *public* or the *people* can be found. Early Greek philosophers such as Plato and Aristotle studied the importance of public will, although they never called it *public opinion* as we use the term today. The Romans expressed this understanding on their national monuments by inscribing S.P.Q.R on them – *the Senate and the Roman People*. The expression *vox populi, vox dei* – the voice of the people is the voice of God – emerged during the middle ages, reflecting a more modern understanding of public opinion.

Machiavelli was the first political thinker to use the term *public opinion* as we use it today. In the *Discourse*, he stated 'that a wise man will not ignore public opinion in regard to particular matters, such as the distribution of office and preferment' (Cited in Hennessy, 1965: 94). However, he felt that public opinion was such a well-known term that he omitted to define it. The English political theorist, Hobbs, spoke of the world being governed by opinions and appreciated the importance of public will. Theorists such as John Lock, Voltaire, Pascal and Rousseau followed in his footsteps. Rousseau is believed to have been the first modern political thinker to make an extended analysis of what public opinion represents. Rousseau's studies focused on the relationship between government policy and the opinions of individuals (Ogle, 1950). Hennessy (1965) pointed out that Rousseau was also aware that all governments rest fundamentally on opinion rather than on law or coercion⁸ and that in social change no government may be very far ahead of popular opinion.

⁸ "Along with these three kinds of law [constitutional, civil and criminal] goes a fourth, most important of all, which is not graven on tablets or marble or brass, but on the hearts of the citizens. This forms the real constitution of the State, takes on every day new powers, when other laws decay or die out, restores them or takes their place, keeps a people in the ways in which it was meant to go, and insensibly replaces authority by the force of habit. I am speaking of morality, of custom, and above all of public opinion; a power unknown to political thinkers, on which, nonetheless, success in everything else depends." Jean Jacques Rousseau, "The Social Contract." *The Social Contract and The Discourses*, trans. G. D. H Cole (New York: E. P. Dutton & Co., 1913), p. 105.

The modern study of public opinion dates back to A. Lawrence Lowell's *Public Opinion and Popular Government*, which was published in 1913, and Walter Lippman's *Public Opinion*, published in 1922. Since then many theorists, political thinkers and political scholars have devoted much time and research on the importance of public opinion as well as attempting to find a meaningful and acceptable definition of public opinion. Notwithstanding the simplicity of the definition of *public opinion* as any collection of individual opinions, students of the subject have preferred to employ terminology that is much more intricate. The extent of the diversity of definitions is enormous and little agreement has been reached on what constitutes public opinion (Parsons, 1995). Hennessy (1965) suggested a tentative definition, which draws upon and to some extent synthesises these diverse definitions. Public opinion can be defined as *the complex of beliefs expressed by a significant number of persons on an issue of public importance*.

As liberal democracies transformed the public domain, so did the notion of public opinion transform. Parsons (1995) explains that, as a concept, the idea of public opinion may be said to predate that of *policy* in its contemporary sense. As a concept, public opinion evolved with the development of political institutions and of models for their spreading. The twentieth century saw a conceptual transformation of public opinion into the desire to measure it and account for its changes and influence (Parsons, 1995). Parsons (1995) also maintained that the influence of public opinion on government must be placed in the context of power to shape public opinion. Therefore, the concept of public opinion has become central to democratic theory.

Hennessy remains one of the most reputable political scientists of our time. This study will adopt his definition of public opinion for the remainder of this study as the complex of beliefs expressed by a significant number of persons on an issue of public importance.

4.3.2 Formation of public opinion

Hennessy (1965) considers that opinions are *expressed points of view* about matters that are *controversial* or *capable of controversy*. Public opinions are distinguished from private opinions based on how many people are affected by the issue in controversy. However, in order to find out how public opinion is formed is to find out how individual opinions are formed (Childs, 1965). Childs (1965: 110) states that "opinions are what they are because personal attitudes are what they are, and these attitudes stem from the nature of the personality, in turn the evolving result of the dynamic interaction of the person and his environment". From the cradle to the grave this dynamic process persists, producing ever-changing attitudes and opinions. Opinions may be construed from either facts or laws, or both. According to the rationalist approach, men hold different opinions, because their understanding of facts and laws differ and not all men understand these equally well. Hennessy (1965: 118) argues precisely that "if all men thoroughly comprehended the laws and acted in accordance with them, human reason would be the perfect instrument for the social organisation for the perfect world".

Opinions are based on the development and interaction between the following factors: physical growth, psychic development, sociological influence, economic factors, and reason. (Hennessy, 1965; Childs, 1965). The development and interaction between these factors largely facilitate certain opinion held by certain individuals. Although it is difficult to synthesis all these factors into a theory to explain how opinions are formed, it is important to remember that although all these factors have a bearing on the formation of opinions, there are important practical limits to the range of opinions held by an individual or social groups. These limits are determined by (a) the habit principle; Hennessy (1965) describes this as that which minimises individual exertion and makes social interaction possible, and (b) physical, cultural and social factors that make certain opinions likely.

4.4 Abortion

Our society is characterised by, among other things, a division on the morality of abortion. Opinions on abortion will always differ. Moreover, although opinions differ, we have a duty to respect the opinions of others as well as the changing needs of a society. The Abortion and Sterilisation Act of 1975 did not take into account that societies change and that the needs of any society are constantly changing and what was adequate ten years ago is not adequate today. It became clear that the Abortion and Sterilisation Act of 1975 was no longer able to deal with the enormous public health problem that abortion presented for South Africa.

Abortion can be defined as "The separation and expulsion of the contents of the pregnant uterus up to twenty four weeks gestational age" (Reproductive Rights Alliance, 1995: 1). There are two ways in which legal abortions are done: firstly, the medical abortion, in which specific medication is administered to the woman to cause the uterus to contract, thereby expelling the fetus; and secondly, the surgical abortion, depending on the age of the fetus, which is done using one of two surgical procedures to terminate the pregnancy.

4.4.1 Abortion legislation before 1996: the Abortion and Sterilisation Act No. 2 of 1975

Abortion in South Africa needs to be contextualised within a reproductive health and rights package. Reproductive rights are the rights that protect the health and well-being of both men and women. Reproductive rights are, however, of fundamental importance to women in particular, because only when armed with such rights can women effectively exercise the rest of their rights and become equal members in this society. According to the Reproductive Rights Alliance (1995), reproductive rights demands respect for women's bodily integrity and decision-making. The restrictive Abortion and Sterilisation Act No. 2 of 1975 presented South Africa with an enormous public health problem that was also the leading cause of maternal deaths. Conservative estimations from the World Health Organisation showed that 5 million abortions take

place annually in sub-Saharan Africa and that complication from unsafe abortions caused the death of 34 000 women and life-long injuries to many more women (Hord and Xaba, 2001).

The Abortion and Sterilisation Act of 1975 provided for abortion in only five limited circumstances:

- (1) Where it is deemed that the pregnancy holds a permanent threat to the physical well-being of the woman,
- (2) Where it is believed that the pregnancy holds a threat to the permanent mental health of the woman.
- (3) Where there is a belief of severe mental health or physical disablement to the child,
- (4) In the case of rape or incest, and
- (5) Where the woman is voted as incapable of looking after a child as result of a permanent mental handicap. (SOUTH AFRICA, 1975).

Even under these circumstances it was difficult to obtain an abortion because of the bureaucratic, traumatic and time-consuming procedures. The opinions of two doctors were needed. In the case of permanent mental damage, a psychiatrist was also involved (Abortion and Sterilisation Act No. 2 of 1975).

4.4.1.1 Race and class dimension of the Abortion and Sterilisation Act No. 2 of 1975

During the apartheid era illegal abortions also had a strong race and class dimension. Black and poor women almost exclusively had to take the risk of having an illegal abortion. Of the estimated 44 686 incomplete abortions which were admitted to hospital, 99% of women were black. During 1994 an estimated 2180 legal abortions were performed and, of these, 61.5% were performed on white women (Reproductive Rights Alliance, 1995).

It is also important to take the literacy levels of a country into account. South Africa has one of the highest illiteracy rates in the world. In countries with high literacy rates and systems which allow for legal abortions, like the USA and Taiwan, have an annual abortion rate of 1.2 million and 100 000 respectively (SACP, 1995). It is essential to realise that women turn to abortions usually as a last resort after the failure of contraception. Failure of contraception should be linked to low literacy rates and poverty, not to 'laziness' or 'immorality' on the part of the women. A woman who does not have transport to a family-planning clinic, who is intimidated by the structures and language she faces when attending a clinic, who is unable to follow the sometimes complicated instructions for the use of contraceptive pills, is likely to have neither the motivation nor the ability to use contraceptives effectively (SACP, 1995).

The 1975 legislation on abortion mostly favoured women from largely middle-class or affluent backgrounds who could afford abortions or afford going overseas to have a legal abortion done. Women who were

working class, poor, illiterate or living in rural areas were unable to utilise the law as it was. Thus, the legislation on abortion did not cater for the majority of women in South Africa.

4.4.2 Abortion legislation post-1996: Choice on Termination of Pregnancy Act No. 92 of 1996

The CTOP Act came about largely because of the considerable expression of support for equality and reproductive rights at the end of the apartheid regime. It gave rise to one of the most progressive abortion laws in the world.

The new CTOP Act provides for the termination of pregnancy under the following circumstances:

- (1) upon request of a woman during the first 12 weeks of the gestation period of her pregnancy;
- (2) from the 13th up to and including the 20th week of the gestation period if a medical practitioner, after consultation with the pregnant woman, is of the opinion that-
 - the continued pregnancy would pose a risk of injury to the woman's physical or mental health; or
 - there exists a substantial risk that the fetus would suffer from a severe physical or mental abnormality; or
 - the pregnancy resulted from rape or incest; or
 - the continued pregnancy would significantly affect the social or economic circumstances of the woman; or
- (3) after the 20th week of the gestation period if a medical practitioner, after consultation with another medical practitioner or a registered midwife, is of the opinion that the continued pregnancy-
 - would endanger the woman's life;
 - would result in a severe malformation of the fetus; or
 - would pose a risk of injury to the fetus. (SOUTH AFRICA, 1996a).

On 30 October 1996 the National Assembly passed the new CTOP Bill into law. The Act allows women to choose abortion on demand, at state expense, for up to 12 weeks of pregnancy. The Bill was approved in the National Assembly by a vote of 209 to 87 votes; 205 votes were needed to pass the bill. The Senate with the ANC as majority approved the legislation on 5 November 1996 with a 49 to 21 vote (Rosenberg, 1996b). The only other two parties who yielded any pro-choice votes were the Democratic Party (DP) and The Pan African Congress (PAC); all the other parties represented in the National Assembly (NP, IFP, FF and ACDP) voiced strong opposition to the progressive abortion legislation. President Nelson Mandela signed the bill into law on 11 December 1996.

4.5 Conclusion

This chapter focused on putting the conceptual framework in perspective by analysing public policy, public opinion and abortion as concepts. These definitions focused on facilitating an understanding of where these concepts originated and what is meant when using them. The following chapter will focus on explaining the methodology employed by this study.

5. Public opinion and public policy: presentation and interpretation of attitudinal data

5.1 Introduction

This chapter will present a selection of contingency tables, in the form of cross-tabulations, in order to examine whether the distribution on one of the variables are related to the other. The principal purpose of cross-tabulations is to show in tabular format the relationship between two or more categorical variables. The variables examined are taken from the second, third and fourth waves of the World Values Survey that is listed in Appendix One.

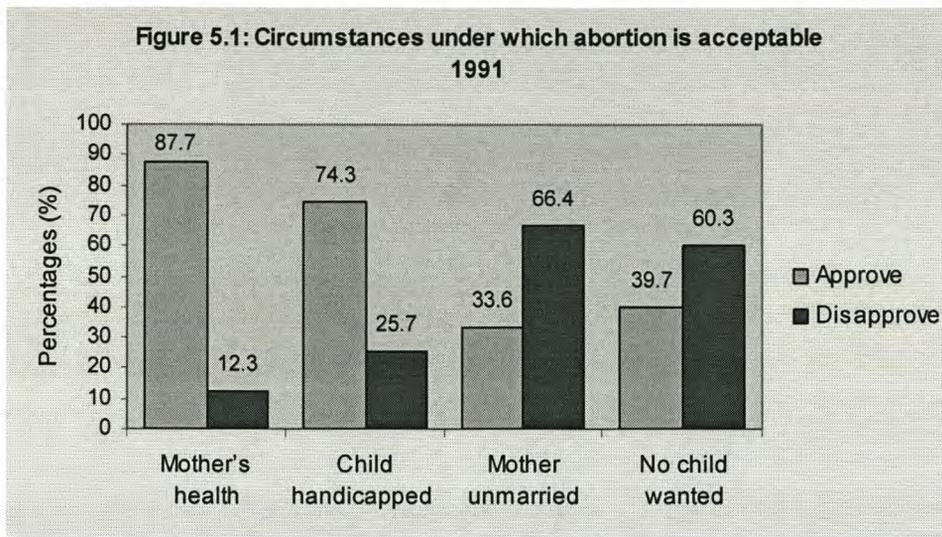
A considerable amount of data is arranged concerning the demographics of the public, examining their attitudes towards the justifiability of abortion in order to illustrate how different distinct categories perceive abortion. In addition the study examined the relationship between attitudes towards abortion and different democratic norms, such as general support for democracy, freedom of speech, and the amount of say the public wish to have in their communities and in important government decisions. This study operates under the assumption that abortion constitutes a basic democratic right to choice.

5.2 Attitudes towards abortion between 1990 and 2001

The 1991 World Values Survey was conducted on the eve of a nation-wide transition. Despite the fact that considerable changes⁹ took place in South Africa at the time, the nation was still responsive to the apartheid regime. Abortion was still enforced by the restrictive Abortion and Sterilisation Act of 1975. Consequently, the questionnaire did not probe the justifiability of abortion as in the third and fourth waves of the study, but asked whether abortion could be considered an option under four circumstances. The chart (Figure 6.1) below presents a graphic representation of the attitudes towards these different circumstances.

It is evident from the chart below (Figure 6.1) that the South African public approved of abortion only if it constituted a direct threat to the physical health of either the mother or the unborn child. Where the mother's health or life is at risk by the pregnancy, 87.7% of the public approve of an abortion and where the unborn child shows signs of physical handicap, 74.3% approve of abortion. Under circumstances where this threat was eliminated, the public disapproved immensely. Under the circumstance where the mother is unmarried or where a couple does not want to have any more children, the disparity is significant (66.4%; 60.3%), compared to circumstances where physical threat is imminent (12.3%; 25.7%).

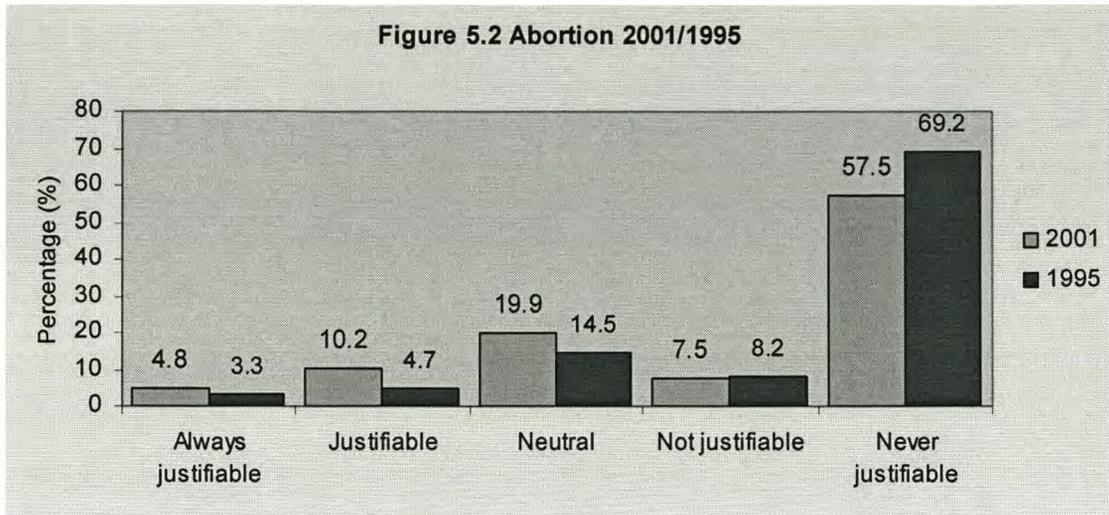
⁹ Formal sanctions from the international community were still in place since 1988, President PW Botha had been succeeded by FW De Klerk, and Nelson Mandela was released from prison after serving 27 years on Robben Island (Kotzé and Lombard, 2001)



Q 1: Do you approve or disapprove of abortion under the following circumstances:?

The following chart (Figure 6.2) presents the attitudes towards abortion during 1995 and 2001. The 1995 World Values Survey, although conducted in the post-apartheid era, took place a mere 18 months after the first democratic election. South Africa stood on the verge of legalising one of the most progressive abortion legislation worldwide. The 2001 World Values Survey was conducted against a very different backdrop. South Africa held its second democratic election in June 1999 and individual choice on the termination of a pregnancy has been legal for six years. The comparison between attitudes in 1995 and 2001 shows interesting progress towards the justification of abortion on demand.

Attitudes towards abortion are evidently progressing toward a slight increase towards the favourability of abortion on demand from 1995 to 2001. In questions that employ scales like these, it is not only possible to examine the broad trend, but also the intensity of attitudes. The intensity of opinions not in favour of abortion decreased with 11.7% from 1995 to 2001, whilst opinions in favour of abortion increased by 1.5%. Although the category of "not justifiable" is still higher in 1995 than in 2001, it is only slight (0.7%), opinions in favour of abortion increased by 5.5% in 2001. It is evident that people were less opposed to abortion on demand in 2001 than in 1995, but still attitudes disapproving of abortion on demand far outweigh attitudes in favour of its justifiability (65.0% vs. 15.0% in 2001 and 77.4% vs. 8.6% in 1995).



Q 2 & 16: Please tell me for each of the following statements whether you think it can be always be justified, never justified or something in between.

5.3 Demographics of respondents

The following section will specifically examine the relationships between selected demographic variables and attitudes towards abortion on demand. In order to simplify the interpretation of the data, the study will henceforth refer to the categories “always justifiable” and “justifiable” as being in favour of abortion and categories “not justifiable” and “never justifiable” as being not in favour of abortion.

5.3.1 Gender

The cross-tabulation below (Table 6.1) indicates the relationship between attitudes towards abortion and gender. It should prove interesting to examine how women’s values towards their reproductive rights have changed over five years.

Table 5.1 : Attitudes towards abortion by gender

Abortion	Male		Female	
	*1995	2001	1995	2001
Always justifiable	3.6	4.5	3.2	5.2
Justifiable	4.8	5.9	4.7	14.9
Neutral	14.5	20.1	14.5	19.6
Not justifiable	8.6	8.0	7.8	7.0
Never Justifiable	68.5	61.5	69.9	53.2

*N=22868 N=15889

Q2, 3 & 16, 17: Gender of respondent

From this table it is evident that in 1995 men (8.4%) were more in favour of abortion than women (7.9%) were, although only slightly so. However, in 2001 women (20.1%) were considerably more in favour of abortion than men were (10.4). In addition, women (60.2%) were less opposed to abortion in 2001 than men (69.5%) were. Thus, it is evident that contemporary women find abortion more justifiable than men do.

5.3.2 Ethnic group

Table 6.2 examines the relationship between attitudes towards abortion by ethnic group. Unfortunately the sample taken for both the Indian ethnic group and Coloured group is disproportionately small, therefore the focus will be placed on only Black and White South Africans.

Abortion	White		Black		Coloured		Indian	
	*1995	2001	1995	2001	1995	2001	1995	2001
Always justifiable	4.9	5.9	3.3	5.5	0.8	0.3	2.6	1.1
Justifiable	4.3	8.0	5.2	12.4	2.4	1.3	1.4	1.1
Neutral	21.5	19.3	13.3	20.1	13.5	21.8	9.7	11.4
Not justifiable	10.2	6.8	8.4	7.9	3.2	4.7	6.1	11.3
Never Justifiable	59.2	60.1	69.7	54.1	80.1	71.9	80.2	75.2

*N=22867 N=15889

Q2, 4 & 16, 18: Ethnic group

From this table it is evident that white South Africans (9.2%) were more in favour of abortion than black South Africans (8.5%) were in 1995. This trend reversed in 2001, where blacks (17.9%) were more in favour of abortion than whites (13.9%) were. In 1995 78.1% of black respondents were not in favour of abortion, while 69.4% of white respondents were not in favour of abortion for the same period. This trend of attitudes not in favour of abortion reversed in 2001, where 62.0% of black respondents were not in favour of abortion, which is less than white respondents were (66.9%). It should be noted that, although white respondents were more intensely in favour of abortion in both 1995 and 2001, black respondents are generally more in favour of abortion than white respondents are.

5.3.3 Age

Table 6.3 examines the relationship between attitudes towards abortion by age. In 1995 respondents between the ages of 25 and 29 were most in favour of abortion (11.2%), while in 2001 47.8% of respondents between the age of 16 and 18 were predominantly in favour of abortion. Respondents aged 65+ were predominantly not in favour of abortion in both 1995 and 2001 (84.0%; 80.5%). It is interesting to note the shift in opinions of respondents between the age of 16 and 18. In 1995 they showed an extremely high percentage not in favour of abortion (80.1%), while in 2001 they showed an extremely high percentage in favour of abortion (47.8%).

Table 5.3 : Attitudes towards abortion by age										
Abortion	Age									
	16-18		19-24		25-29		30-34		35-39	
	1995	2001	1995	2001	1995	2001	1995	2001	1995	2001
Always justifiable	5.5	5.5	2.2	4.6	4.9	10.4	3.0	3.9	4.1	2.5
Justifiable	2.9	42.3	4.7	5.8	6.3	7.2	7.1	2.7	6.5	5.6
Neutral	11.5	7.4	17.8	18.3	12.6	14.9	18.1	29.9	17.0	28.7
Not justifiable	10.2	7.6	5.9	9.7	8.0	7.2	6.4	6.9	9.5	4.4
Never Justifiable	69.9	37.2	69.5	61.5	68.2	60.2	65.4	57.7	62.9	58.7

*N=22869 N15889

Q2, 5 & 16, 19: This means you are _ _ years old.

Table 5.3 : Attitudes towards abortion by age cont.										
Abortion	Age									
	40-44		45-49		50-54		55-64		65 plus	
	*1995	2001	1995	2001	1995	2001	1995	2001	1995	2001
Always justifiable	3.5	2.3	2.5	7.3	4.3	2.2	1.8	2.1	3.1	1.4
Justifiable	3.2	3.3	1.5	11.2	3.9	4.9	4.5	11.2	2.2	2.3
Neutral	17.2	19.4	11.6	25.1	8.8	18.0	11.0	20.0	10.7	15.8
Not justifiable	11.6	8.9	6.5	4.5	10.7	8.8	11.4	14.1	2.9	3.9
Never Justifiable	64.5	66.2	77.9	51.8	72.2	66.1	71.3	52.7	81.1	76.6

*N=22869 N=15889

Q2, 5 & 16, 19: This means you are _ _ years old.

5.3.4 Education 1995/ 2001

The following table examines the relationship between attitudes toward abortion by education level in 1995. The categories used for 1995 World Values Survey and the 2001 World Values Survey are not the same; therefore, the comparison between the different years will be slightly more difficult.

Table 5.4 : Attitudes towards abortion by education 1995									
Abortion	No school	Some primary school	Primary school completed	Some high school	High school completed	Some university	University completed	Post-graduate	Other post-matric
Always justifiable	2.8	2.7	3.1	2.5	5.0	4.7	7.8	11.0	3.4
Justifiable	4.4	3.8	6.6	4.9	3.7	3.7	6.2	3.8	3.4
Neutral	7.8	10.3	14.7	14.1	17.6	17.6	26.3	22.8	22.7
Not justifiable	9.3	9.8	9.2	6.9	6.9	6.9	9.4	8.3	9.5
Never Justifiable	75.7	73.3	66.4	71.8	66.7	66.7	50.3	54.1	61.0

N=22866

Q2 & 6: What is the highest education level you have achieved?

People who attained a "post-graduate degree" (14.8%) are most in favour of abortion and people with a "university degree" second most in favour of abortion. The opposite is true of respondents who are not in favour of abortion. Respondents with "no schooling" (85.0%) are largely not in favour of abortion and respondents who attained "some primary school" (83.1%) second most not in favour of abortion on demand. The latter two categories ("no schooling" and "some primary school") are also most intensely opposed to abortion on demand.

Table 6.5 examines the relationship between attitudes towards the justifiability of abortion and the highest level of education attained in 2001.

Table 5.5 : Attitudes towards abortion by education 2001						
Abortion	No school	Some primary school	Primary school completed	Some high school	Matric	Artisan's certificate
Always justifiable	7.3	2.1	3.6	4.6	6.5	-
Justifiable	0.7	6.7	2.3	7.5	3.6	21.3
Neutral	22.0	8.7	20.3	23.0	19.9	13.3
Not justifiable	13.2	11.4	5.5	7.0	9.4	10.7
Never Justifiable	56.9	71.2	68.4	57.9	60.5	54.7

N=15889

Q16 & 20: What is the highest education level you have achieved?

Table 5.5 : Attitudes towards abortion by education 2001 cont.					
Abortion	Technikon diploma/ degree complete	University degree completed	Professional	Technical	Secretarial
Always justifiable	0.6	12.5	8.0	0.5	1.8
Justifiable	56.9	10.1	5.6	0.5	1.8
Neutral	10.2	23.3	27.8	52.7	37.5
Not justifiable	2.5	2.3	3.3	6.3	8.9
Never Justifiable	29.7	51.8	55.3	40.0	50.0

N=15889

Q16 & 20: What is the highest education level you have achieved?

The trend explained in the 1995 education levels persisted in 2001. However, people who completed a "university degree" (22.6%) are most favourably inclined towards the justification of abortion (which scored second most favourable in 1995) as well as most intensely so. People with "some primary school" (82.6%) still opposed the justifiability of abortion most and most intensely.

5.3.5 Class

Table 6.6 examines the relationship between attitudes towards the justifiability of abortion on demand and class. The upper class was represented in disproportionately low numbers in both the 1995 and 2001 World

Values Surveys, consequently even though they seem to be most favourable towards abortion, they will not be included in the interpretation of this table.

Abortion	Upper class		Upper-middle class		Lower-middle class		Working class		Lower class	
	*1995	2001	1995	2001	1995	2001	1995	2001	1995	2001
Always justifiable	5.0	0.8	5.0	16.0	5.8	1.7	2.4	3.0	2.1	3.0
Justifiable	6.6	14.5	5.8	5.7	2.7	4.1	3.0	19.7	5.5	8.4
Neutral	10.4	20.4	20.1	22.2	13.4	20.1	14.8	19.1	12.5	19.8
Not justifiable	3.1	3.3	10.0	3.5	8.9	10.9	5.8	5.8	9.1	9.0
Never Justifiable	74.8	60.9	59.2	52.6	69.2	63.2	73.9	52.3	70.8	59.8

*N=22865 N=16109

Q2, 7 & 16, 21: People sometimes describe themselves as belonging to the working class, middle class, or the upper or lower class. Would you describe yourself as belonging to the ...?

It is evident that the "upper-middle class" (10.8%) was mostly in favour of abortion and the "working class" (79.7%) and "lower class"(79.9%) was largely not in favour of abortion in 1995. This trend did not persist in 2001. Surprisingly the "working class" made a complete turn in their attitudes towards abortion in 2001. They were most favourable towards the justifiability of abortion (20.7%) and least opposed to it (58.1%). The "working class" transformed from disapproving most intensely (73.9%) to abortion in 1995 to least intensely (52.3%) in 2001.

5.3.6 Income 1995/2001

Table 6.7 examines the relationship between attitudes towards abortion by monthly income in 1995. The scales on which the third and fourth wave of World Values Surveys were done differ considerably, hence the years have been split into different tables.

Abortion	Monthly income					
	R14 000+	R12 000 – R13 999	R10 000 – R11 999	R9 000 – R9 999	R7 000 – R8 999	R5 000 – R6 999
Always justifiable	11.3	10.6	5.4	1.7	5.2	5.9
Justifiable	10.7	-	-	3.1	3.9	1.2
Neutral	27.2	15.9	26.9	34.4	19.6	17.4
Not justifiable	10.4	10.1	14.6	7.4	11.3	9.6
Never Justifiable	40.4	63.5	53.2	56.3	60.0	65.9

N=22867

Q2 & 8: Purely for statistical purposes, we would like to know to what group your household belongs, counting all wages, salaries, pensions and other incomes that come in.

Table 5.7 : Attitudes towards abortion by monthly income 1995 cont.					
Abortion	Monthly income				
	R4 000 – R4 999	R3 000 – R2 999	R2 000 – R2 999	R1 000 – R999	Up to R999
Always justifiable	2.5	3.9	0.5	3.3	2.9
Justifiable	1.6	3.5	3.1	7.6	4.1
Neutral	15.0	13.6	14.3	12.0	11.9
Not justifiable	7.3	8.0	7.0	6.9	9.2
Never Justifiable	73.5	71.0	75.1	70.1	71.8

N=22867

Q2 & 8: Purely for statistical purposes, we would like to know to what group your household belongs, counting all wages, salaries, pensions and other incomes that come in.

People with a monthly income of "R14 000+" (22.0%) are most in favour of abortion. Respondents with an income of "R4 000 – R4 999" (80.8%) are predominantly not in favour of abortion.

Table 5.8 : Attitudes towards abortion by monthly income 2001										
Abortion	Monthly income									
	R20000+	R18000–R19999	R16000–R17999	R14000–R15999	R12000–R13999	R10000–R11999	R9000–R9999	R8000–R8999	R7000–R7999	R6000–R6999
Always justifiable	17.5	2.5	13.7	27.6	1.5	0.3	1.5	0.9	2.6	19.1
Justifiable	19.2	2.5	1.6	6.3	3.0	14.5	3.4	0.3	1.1	1.9
Neutral	34.1	14.0	28.2	19.5	5.7	12.3	13.1	11.2	12.7	23.5
Not justifiable	2.8	8.3	5.6	5.1	2.7	6.8	3.4	10.3	16.9	1.4
Never Justifiable	26.1	72.7	50.8	41.5	87.1	66.0	78.6	77.2	66.7	54.1

N=15889

Q16 & 22: Here is a scale of incomes. We would like to know in what group your household is, counting all wages, salaries, pensions and other incomes that come in per month.

Table 5.8 : Attitudes towards abortion by monthly income 2001 cont.									
Abortion	Monthly income								
	R5000–R5999	R4000–R4999	R3000–R3999	R2500–R2999	R1400–R2499	R1200–R1399	R900–R1199	R500–R899	Up to R499
Always justifiable	0.9	2.0	0.2	8.8	7.8	1.7	6.7	2.1	5.0
Justifiable	6.3	2.3	5.7	39.2	2.0	7.8	7.0	4.9	12.7
Neutral	11.7	28.5	24.9	10.8	13.9	9.6	25.4	26.5	23.4
Not justifiable	2.7	5.4	6.9	3.4	15.6	11.8	5.4	7.9	9.8
Never Justifiable	78.4	61.7	62.3	37.8	60.8	69.1	55.5	58.7	49.0

N=15889

Q16 & 22: Here is a scale of incomes. We would like to know in what group your household is, counting all wages, salaries, pensions and other incomes that come in per month.

Table 6.8 examines the relationship between attitudes towards abortion on demand and education in 2001. The trend in 1995 persists in 2001, as the largest income group ("R20 000+") is most approving of the

justifiability of abortion (36.9%) and the “R4 000” category least in favour of abortion on demand (4.3%). The “R14 000 – R15 999” is most intensely in favour of the justifiability of abortion. Whilst the “R1 200 – R1 399” category is most disapproving as well as most intensely disapproving of the justifiability of abortion on demand (80.9%)

5.3.7 Size of town

Table 6.9 examines the correlation between attitudes between abortion and the size of the town respondents live in during 1995. This interpretation could be interesting, as the common perception is that people in rural areas are generally more conservative and thus less in favour of controversial practices such as abortion. Again, the tables for 1995 and 2001 are divided, as the 1995 and 2001 World Values Survey did not employ the same scales to measure the size of the town.

For the sake of making any comparison between these two years, the study is required to generalise as to the scales used in the 1995 World Values Survey. The category for “100 001-500 000” presents the highest percentage of respondents in favour of abortion (14.6%) that can be compared to the size of a “city” used in the 2001 World Values Survey, whilst the category for “under 2 000” shows the highest and most intense disapproval of the justifiability of abortion.

Abortion	Town size							
	Under 2 000	2 000-5 000	5 001-10 000	10 001-20 000	20 001-50 000	50 001-100 000	100 001-500 000	500 000 +
Always justifiable	2.3	2.2	1.4	2.1	3.8	1.1	4.7	5.1
Justifiable	3.7	7.8	8.2	5.6	6.1	0.3	9.9	4.1
Neutral	12.8	16.8	26.2	18.0	11.3	10.5	10.9	18.5
Not justifiable	8.5	9.6	12.5	5.2	18.2	7.1	6.1	6.9
Never Justifiable	72.7	63.7	51.7	69.0	60.5	81.0	68.5	65.3

N=22868

Q2 & 9: Size of town

Table 6.10 examines the relationship between attitudes towards abortion and the size of the town for 2001. The two largest concentrations of people, namely “city” (24.9%) and “metro” (16.1%), are predominantly in favour of abortion, although the second largest concentration of respondents namely “city” is both predominately in favour of abortion as well as the most intensely in favour of abortion. A “village” (79.4%) is predominately not in favour of abortion as well as most intensely disapproving of abortion. Thus, it is evident that those concentrations with fewer people tend to be more disapproving of abortion and areas with a high concentration of people more in favour of abortion.

Abortion	Town size					
	Up to 499 (Rural)	500-7999 (Village)	8000-39999 (Small town)	40000-99999 (Large town)	100000-249999 (City)	250000+ (Metro)
Always justifiable	3.4	4.6	0.5	3.3	11.7	4.5
Justifiable	4.9	4.8	5.6	6.7	13.2	11.6
Neutral	19.5	11.1	24.2	23.9	14.0	20.7
Not justifiable	10.0	9.7	4.3	7.0	5.3	7.5
Never Justifiable	62.2	69.7	65.3	59.0	55.9	55.7

N=15889

Q16 & 23: Size of town/community**5.3.8 Provinces**

Table 6.11 shows the relationship between attitudes towards abortion by different provinces in South Africa.

Abortion	Northern Province		KwaZulu-Natal		Gauteng		Mpumalanga		Eastern Cape	
	*1995	2001	1995	2001	1995	2001	1995	2001	1995	2001
Always justifiable	2.2	-	1.3	1.4	6.1	5.7	4.0	1.3	1.8	1.9
Justifiable	9.1	1.8	1.9	5.4	3.7	16.2	1.3	1.7	4.6	1.4
Neutral	27.5	21.7	13.0	9.2	12.9	20.9	7.9	7.0	17.0	24.5
Not justifiable	15.6	4.2	2.4	13.2	7.6	5.8	7.8	19.1	11.1	9.7
Never Justifiable	45.6	72.3	81.3	70.8	69.6	51.4	79.0	70.8	65.6	62.4

*N=22869 N=15889

Q2, 10 & 16, 24: Region where the interview was conducted

Abortion	Northern Cape		Western Cape		Free State		North West	
	1995	2001	1995	2001	1995	2001	1995	2001
Always justifiable	3.9	3.0	2.1	5.1	9.7	16.2	1.1	4.7
Justifiable	0.7	9.4	2.2	2.7	16.4	6.8	5.8	6.4
Neutral	4.3	16.5	16.9	17.8	10.4	32.1	9.4	30.0
Not justifiable	-	16.2	5.1	4.1	12.0	9.3	12.5	5.9
Never Justifiable	91.1	54.9	73.6	70.3	51.5	35.6	71.2	53.0

*N=22869 N=15889

Q2, 10 & 16, 24: Region where the interview was conducted

Interestingly the Free State shows the highest percentage of respondents in favour of abortion in both 1995 (26.1%) and 2001 (23.0%). Respondents in the Free State also demonstrate the highest intensity towards the justifiability of abortion, 9.7% and 16.2% respectively. In both 1995 and 2001 Mpumalanga (86.8%, 89.9%) is most disapproving of abortion on demand. It is interesting to note the low percentage of attitudes

disapproving of abortion in Gauteng (57.2%) in 2001, although the Free State (44.9%) shows the lowest percentage towards the collapsed “not justifiable” category. Although the number of respondents in the Northern Cape is relatively small, it remains interesting to note the intensity to which they are not in favour of abortion on demand. In 1995 91.1% of respondents from the Northern Cape found abortion to be “never justifiable”. However, in 2001 this percentage dropped by 20.0%. This is a significant percentage of respondents less opposed to abortion, while the percentage of respondents who are in favour of abortion increased by 7.8%.

5.3.9 Linguistic groups

Table 6.12 examines the relationship between attitudes towards abortion and selected predominant home languages of South Africa.

Abortion	English		Afrikaans		Zulu		Xhosa		N. Sotho (Pedi)		S. Sotho/ Sesotho		Tswana	
	*1995	2001	1995	2001	1995	2001	1995	2001	1995	2001	1995	2001	1995	2001
Always justifiable	6.6	5.5	1.2	1.4	1.3	2.0	2.1	4.3	4.4	2.0	6.4	10.2	5.9	3.1
Justifiable	5.6	6.8	2.0	3.0	2.0	23.7	4.4	3.4	5.7	3.3	12.3	8.2	7.6	11.1
Neutral	25.4	24.9	12.6	14.6	11.3	12.6	13.3	21.4	8.8	18.8	11.3	27.3	20.0	25.6
Not justifiable	7.4	8.4	8.0	4.9	3.1	8.4	10.8	10.1	12.7	7.5	7.2	4.3	11.6	9.6
Never Justifiable	54.9	54.4	76.1	76.0	82.2	53.2	69.3	60.7	68.3	68.4	62.9	49.9	54.8	50.6

*N=22870 N=15889

Q2, 11 & 16, 25: What language do you normally speak at home?

In 1995 the “Sesotho” group was predominately in favour of abortion and “Afrikaans”-speaking people showed the smallest percentage of respondents in favour of abortion (3.2%), while Afrikaans-speaking respondents were predominately not in favour of abortion (84.1%). During 2001 this trend changed slightly with “Zulu”-speaking people predominantly in favour of abortion (25.7%) and 80.9% of Afrikaans-speaking respondents not in favour found abortion. Afrikaans-speaking respondents were most intensely not in favour of abortion, which is not surprising, as they are generally perceived as a very conservative grouping.

5.4 Attitudes towards abortion by religion

5.4.1 Religious person

Table 6.14 shows that in 1995 a “non-religious person” was most in favour of abortion (12.1%) and a “religious person” was predominantly not in favour of abortion (78.3%). However, this trend reversed completely in 2001, where 16.4% of respondents who consider themselves “a religious person” were predominantly in favour of abortion and a “non-religious person” predominantly not in favour of abortion (73.1%).

Abortion	A religious person		Not a religious person		A convinced atheist	
	*1995	2001	1995	2001	1995	2001
Always justifiable	2.9	5.1	5.3	3.7	7.4	4.0
Justifiable	3.6	11.3	6.8	6.5	3.2	9.8
Neutral	15.3	19.3	10.5	16.7	17.2	50.6
Not justifiable	8.2	6.1	7.2	13.8	9.5	1.3
Never Justifiable	70.1	57.8	70.3	59.3	62.8	34.2

*N=22866 N=15889

Q2, 13 & 16, 27: Independent of whether you go to church or not, would you say you are...?

5.4.2 Religious denomination

Table 6.13 shows the correlation between attitudes towards abortion and religious denomination. It examines this relationship between public opinion during 1995 and 2001 by ten prominent religious denominations in South Africa.

Although many denominations revealed significant results, most of them were not representative enough to include in this interpretation of the results found by the cross-tabulation between religious denomination and attitudes towards abortion on demand. In religious denominations the percentage of respondents in favour of abortion is very small. Consequently, in 1995 respondents who do are "not a member" of any religious denomination (15.9%) felt the strongest and most intensely in favour of abortion. Respondents from the "Protestant" denomination were predominately not in favour of abortion (80.0%). This inclination remained the same in 2001. Respondents who are "not a member" of any religious denomination were predominantly in favour of abortion (15.9%), while respondents from the "Protestant" denomination were predominantly not in favour of abortion (71.0%).

Abortion	Not a member		Roman Catholic		Protestant		Orthodox		Jewish	
	*1995	2001	1995	2001	1995	2001	1995	2001	1995	2001
Always justifiable	8.1	6.5	4.3	3.0	2.7	4.7	3.2	-	-	2.6
Justifiable	7.8	9.4	8.5	6.4	3.5	3.5	2.1	3.2	100.0	50.0
Neutral	16.0	24.0	11.9	21.5	13.8	20.7	12.2	25.8	-	7.9
Not justifiable	9.3	7.3	8.4	9.3	7.1	7.3	26.6	-	-	2.6
Never Justifiable	58.2	52.8	66.9	59.9	72.9	63.7	55.8	71.0	-	36.8

*N=22870 N=1588

Abortion	Muslim		Hindu		Buddhist		Independent African Church (e.g. ZCC)		Evangelical	
	1995	2001	1995	2001	1995	2001	1995	2001	1995	2001
Always justifiable	3.7	0.5	1.1	1.8	-	-	1.0	11.2	2.0	1.4
Justifiable	-	-	2.2	2.5	-	-	4.2	6.2	6.6	34.0
Neutral	26.1	15.2	11.9	13.6	-	-	17.4	12.6	22.6	20.7
Not justifiable	1.2	2.5	5.7	18.6	18.5	28.6	10.1	8.5	5.0	4.6
Never Justifiable	68.9	81.8	79.1	63.6	81.5	71.4	67.4	61.3	63.8	39.3

*N=22870 N=15889

Q2, 12 & 16, 26: Do you belong to a religious denomination?

5.5 Attitudes towards abortion by democratic norms

This section aims at dealing specifically with issues of political interest. It will firstly examine the general level to which the South African public is interested in politics and how this relates to their attitudes towards abortion on demand. Secondly, this section will examine general support for a democratic political system in South Africa and how this relates with attitudes towards abortion. As mentioned earlier, the study assumes that abortion is a basic democratic right – the right to individual freedom of choice. Therefore, for a society like South Africa where democracy is held in the highest esteem, as it came out of one of the world's longest freedom struggles, one would hypothesise that this freedom of choice will correlate highly with the justifiability of abortion.

Table 6.15 examines the relationship between attitudes towards abortion and interest in politics between 1995 and 2001. It represents a basic cross-tabulation between these variables.

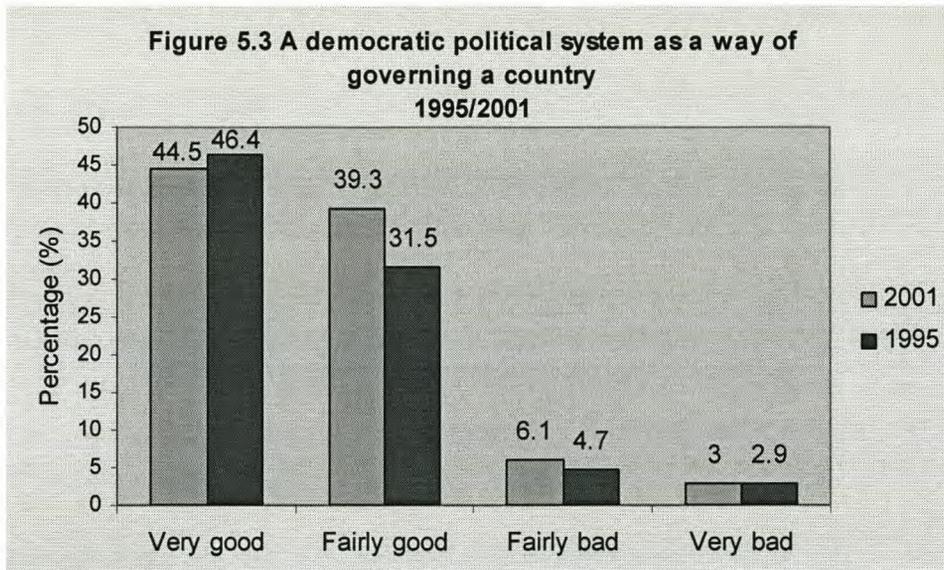
Abortion	Very interested		Somewhat interested		Not very interested		Not at all interested	
	*1995	2001	1995	2001	1995	2001	1995	2001
Always justifiable	5.0	12.3	2.7	2.3	3.5	3.8	2.7	4.0
Justifiable	6.9	9.2	5.0	5.9	3.5	18.2	4.3	4.6
Neutral	12.4	26.6	16.4	27.0	16.8	14.0	10.7	10.6
Not justifiable	9.6	3.7	8.8	11.1	7.9	6.4	6.7	5.4
Never Justifiable	66.2	48.2	67.1	53.2	68.3	57.6	75.6	75.3

*N=22870 N=15889

Q2, 14 & 16, 28: How interested would you say you are in politics?

During both 1995 and 2001 respondents who are “very interested” in politics were predominantly in favour of abortion (11.9%; 21.5%) as well as most intensely in favour of abortion (5.0%; 12.3%). In both 1995 and 2001 respondents who are “not at all interested” in politics were predominantly not in favour of abortion (82.3%; 75.3%) as well as most intensely disapproving of abortion on demand.

Figure 6.3 examines the general support for a democratic political system in South Africa in 1995 and 2001. This general support shift is not great, yet very significant to this study.



**Q15 & 29: I'm going to describe various types of political systems and ask what you think about each as a way of governing this country. For one would you say it is a very good, fairly bad way or very bad way of governing a country?
(Having a democratic political system)**

Support for a democratic political system in South Africa is reasonably high during both 1995 and 2001 (77.9%; 83.8%). Although general support for a democratic political system increased from 1995 to 2001, it is significant to note that the intensity of support decreased by almost 2% between 1995 and 2001.

Table 6.16 examines the relationship between attitudes towards abortion and support for a democracy political system as a “very good”, “fairly good”, “fairly bad”, or “very bad” way of governing a country during 1995 and 2001 in South Africa. Table 6.16 shows that people who regard a democratic political system to be a “very good” way of governing a country in 1995 were the most in favour of abortion (10.6%). This tendency changed in 2001, where respondents who believe a democratic political system to be a “fairly good” way of governing a country (18.5%) to be predominantly in favour of abortion. In 1995 respondents who found a democratic political system as a “very bad” way of governing a country were predominantly not in favour of abortion (89.5%). This changed in 2001, where respondents who found democracy to be a “fairly bad” way of governing a country were predominantly not in favour of abortion.

Table 5.16 : Attitudes towards abortion by the having a democratic political system								
Abortion	Very good		Fairly good		Fairly bad		Very bad	
	*1995	2001	1995	2001	1995	2001	1995	2001
Always justifiable	4.3	7.5	2.8	2.1	1.9	4.3	-	10.6
Justifiable	6.3	7.6	4.8	16.4	1.0	3.1	2.8	4.3
Neutral	15.7	24.0	14.0	16.8	14.6	11.3	7.9	11.3
Not justifiable	8.0	6.2	9.1	6.4	12.5	11.9	13.2	21.5
Never Justifiable	65.7	54.7	69.3	58.3	70.0	71.6	76.1	52.3

*N=22686 N=15889

Q2, 15 & 16, 29: I'm going to describe various types of political systems and ask what you think about each as a way of governing this country. For one would you say it is a very good, fairly bad way or very bad way of governing a country? (Having a democratic political system)

5.6 Conclusion

The data presented in this chapter by means of various cross-tabulations and frequency charts revealed a great deal of interesting correlations between attitudes towards the justifiability of abortion on demand and a variety of different demographic data, political norms and value priority variables. The following chapter will analyse the interpretations given to the attitudinal data presented in this chapter.

6. Public opinion and public policy: analysis of attitudinal data

6.1 Introduction

The relationship between public opinion and public policy is exceedingly complex –especially when civil liberties, like abortion, are concerned. This chapter will focus on analysing the relationship between public opinion and public policy in the context of abortion legislation in South Africa. This will be preceded by a discussion of specific demographic groups and a plausible explanation will be suggested by this study to explain shifts in public opinion towards abortion. A brief description will be given to illustrate the direction in which public opinion and public policy have changed since the Choice on Termination of Pregnancy Act came into effect.

6.2 Data interpretation

The following section will provide a snapshot of how attitudes towards abortion have shifted in the last five years. This will be accompanied by a brief discussion of hypothesised explanations for changes that occurred in public opinion.

6.2.1 Attitude towards abortion between 1990 and 2001

The Choice on Termination of Pregnancy (COTP) Act was signed into law on 30 October 1996. Consequently, during 1990 the act of abortion was still regulated by the restrictive Sterilisation and Abortion Act of 1975. Abortion was punishable as a criminal offence. The South African public predominantly regarded abortion as justifiable under circumstances where either the mother's health or life was in jeopardy because of pregnancy, or where the child would be born with a physical disability. Under circumstances where this threat was eliminated, the public strongly disapproved of abortion, even though South Africa saw between 200 000 and 300 000 illegal abortions under the punitive abortion legislation annually (Reproductive Rights Alliance, 1995). The prospective legalisation of abortion on demand in South Africa was met with unprecedented protests and divisions. Although the COTP Act was not legalised until 1996, it was clear in 1995 that progressive abortion legislation was inevitable. Attitudes towards abortion in 1995 were nevertheless highly disapproving of abortion on demand. The next five years showed a steady increase in the public's attitudes towards the justifiability of abortion. The intensity of attitudes not in favour of abortion decreased significantly in 2001. This illustrates a general advancement towards a less negative stance of public opinions towards progressive abortion legislation.

6.2.2 Demographics of respondents

Gender

Public opinion towards abortion changed considerably by gender during 1995 and 2001. In 1995 men were predominately in favour of abortion, while in 2001 women were more in favour of abortion. This shift in opinion held by women changed significantly in 2001. This significant shift may be attributed to the fact that women are directly affected by an (unwanted) pregnancy, especially when they are unmarried. Additionally, the CTOP Act requires only the women's consent to have an abortion; no spouse or partner has any legal say in whether or not a woman may have an abortion or not. The COTP Act has afforded women direct input in their reproductive health. Reproductive rights are of fundamental importance to women, as only when armed with such rights can women effectively exercise the rest of their rights and become full and equal members of society. Women realised that, in their narrowest sense, reproductive rights demand respect for women's bodily integrity and decision-making within an environment that is free from fear of abuse, violence and intimidation.

Ethnic group

The Abortion and Sterilisation Act of 1975 had a strong racial dimension. Black South Africans felt largely excluded from the opportunity to acquire legal abortion; this necessitated their seeking illegal back-street abortions. They were largely unaware of the law under which they could obtain safe, legal abortions. An estimated 44 686 women presented themselves to hospitals with incomplete abortions annually (Reproductive Rights Alliance, 1995). It was estimated that 99% of these women were black. In 1994 2180 legal abortions were performed, of which 61.3% were performed on white women (Reproductive Rights Alliance, 1995). Consequently, in 1995 white South Africans were predominantly in favour of abortions and in 2001 this shifted to black South Africans being more in favour of abortions. Opinions not in favour of abortion held by black respondents significantly decreased from 1995 to 2001.

The Afrikaner-dominant National Party government advanced separate population policies for white, black and coloured South Africans under the apartheid regime. This was fuelled by a fear of unsustainable population growth in South Africa. However, these fears soon manifested as racist. Propaganda was spread suggesting that the black and coloured populations were growing rapidly, while the white population was stagnating, and that this placed an enormous burden on the country's resources (Guttmacher *et al.*, 1998). Additionally, the National Party-led government used tax initiatives to encourage white women to procreate, while contraception was promoted for black and coloured women to retard the growth of black and coloured populations (Guttmacher *et al.*, 1998). Consequently, family planning was associated with the racist policies of the apartheid government. In 1995 black South Africans were predominantly not in favour of abortion, as these policies were seen as a vestige of white domination and a mark of their refusal to give into apartheid discrimination. In their communities black and coloured South Africans were pressurised not to have

abortions and a culture 'against' contraception grew because of the apartheid regime's family-planning policies. When white-domination rule was abolished and the vestiges of apartheid policy were eradicated, black South Africans became more aware of family planning and this could explain their opinion shift towards a significant increase in favour of abortion. The COTP Act was formulated to eliminate these disparities on grounds of race to make all South Africans equal in acquiring safe abortions and non-discriminatory family planning.

Age

The Medical Research Council estimated that the average age of women who seek abortions was 28 years and ranged between the ages of 14 and 49 (Reproductive Rights Alliance, 1995). Respondents who were between 25 and 29 years were predominantly in favour of abortion during 1995. Not surprisingly, elderly respondents in both 1995 and 2001 were largely not in favour of abortion. The interesting change in opinions towards abortion is from teenage respondents. In 1995 teenagers (16-18 years) were among the largest groups not in favour of abortion, while in 2001 they formed the age group predominantly in favour of abortion. This trend may possibly be linked to the fact that the COTP Act afforded the right to have an abortion to women of all ages and required no consent from either parents or guardians for teenage girls to have an abortion. Additionally, the Medical Research Council found that women under the age of 20 were three times more likely to be admitted to hospital because of incomplete abortions than older women. Younger women were at greater risk of medical injury during clandestine abortions, as they went to extreme measures to terminate their pregnancies by using objects such as catheters, knitting needles, or even sticks, which were inserted into the vagina, uterus or cervix to induce an abortion (Guttmacher *et al.*, 1998).

Education

Public opinion towards the justifiability of abortion is significantly linked to the level of education acquired. In both 1995 and 2001 those respondents who attained a high level of education were predominantly in favour of abortion and respondents who had no schooling or only some schooling were predominantly not in favour of abortion. However, people with low education levels are predominantly prone to require abortions. Abortion is viewed as the last way out if contraception fails. Failure of contraception may be strongly linked to illiteracy, as illiterate women struggle to follow complicated instructions for contraceptive pills and this leads to women lacking the motivation and ability to use contraceptives effectively.

Class

In 1995 the upper class was predominantly in favour of abortion and the lower and working class predominantly not in favour of abortion. In 2001 respondents from the working class showed a significant opinion change to be predominantly more in favour of abortion than the upper or middle classes. The Abortion and Sterilisation Act of 1975 predominantly favoured women from largely middle-class or affluent backgrounds, as these women had access to reliable medical advice and a fair knowledge of the law. They

were therefore able to avail themselves of the legal right to attain legal abortions. White women from affluent backgrounds had several options when an unwanted pregnancy occurred. Many women from the upper and middle class could pay their private practitioners to perform an abortion in their offices (Guttmacher *et al.*, 1988). The relatively low-paying jobs available to black and coloured women limited their ability to seek abortions, as they could not finance safe abortions, nor could they find a trained doctor willing to terminate an unwanted pregnancy, as good-quality medical health services were largely not accessible to black and coloured women (Guttmacher *et al.*, 1998). The change in opinions towards abortion may be attributed to the fact that CTOP Act afforded women across all classes equal information about their reproductive rights and equal access to safe abortions.

Income

Under the punitive abortion law of the apartheid regime only women from affluent backgrounds had the financial and informational resources to have a legal abortion. Those who had enough money could easily travel abroad to have a legal abortion in countries (mostly England) with less restrictive abortion legislation than South Africa at the time. Income is predominantly linked to level of education. This rings true in the case of public opinion towards abortion in South Africa. As the trend of opinions showed when the relationship between abortion and education was examined, income shows the same inclination. In both 1995 and 2001 respondents who earned the highest monthly income were predominantly in favour of abortion and those who at the lower end of the income spectrum were predominantly not in favour of abortion.

Size of town

One would expect to find that respondents who live in largely rural areas are predominantly not in favour of abortion and those who lived in areas that are more populated would be more in favour of abortion, as rural areas are still tightly bound by more conservative cultural norms and family values. What the data on attitudes towards abortion reveals is exactly that. The smaller the concentration of people is, the more they are not in favour of abortion. This could be attributed to the fact that people from rural areas are more conservative and hold stronger beliefs in family values and adopt a stronger moral stance towards controversial issues such as abortion. Rural areas are geographically dispersed, which means that rural areas are often less influenced by new legislation and rural dwellers often have to travel extensively to attain reproductive health advice (or abortions). Additionally, anonymity plays a significant role in acquiring an abortion; hospitals and clinics in rural areas do not provide acceptable anonymity to women who terminate a pregnancy and they, as well as health workers who are willing to perform termination of pregnancy procedures, are often stereotyped as murderers (Kwon Hoo, 2002). In cities or metropolitan areas issues such as abortion confront people more commonly. They are likely to be geographically far away from their cultures and retain a less conservative stance on moral issues like abortion. People in cities and metropolitan areas predominantly prefer small nuclear families than people in rural areas do, who prefer larger and

extended families. Thus, people from cities and metropolitan areas would more readily consider abortion as a way to keep their families small, when an unwanted pregnancy occurs.

Province

Provinces in South Africa are not equally populated. The populations of the Northern Cape and Mpumalanga are geographically dispersed and predominantly rural. Respondents in the Free State are mostly in favour of abortion, while respondents in Gauteng are second most in favour of abortions. Gauteng has the highest abortion rate per province in South Africa; an estimated 69 442 abortions are performed annually in Gauteng. However, this could be attributed to many factors. Predominantly, this is because of the lack of adequate health care facilities in rural areas and surrounding provinces. Women prefer to be admitted to urban hospitals, as they believe that they would receive better service there.

Respondents in Mpumalanga are predominantly not in favour of abortion. As mentioned earlier, rural areas are predominantly not in favour of abortion for a variety of possible reasons. The Northern Cape is significantly not in favour of abortion. Kimberley Hospital and Gordonia Hospital in Upington are the only institutions in the Northern Cape that perform termination of pregnancy (TOP) procedures. The nearest private TOP clinic is situated in Bloemfontein, which is in the Free State (Kwon Hoo, 2002). Additionally, doctors and nurses may refuse to perform a TOP procedure, which may make it extremely difficult to find a health worker to perform an abortion in a rural province within the legal termination of pregnancy period.

Linguistic groups

In 1995 Sesotho-speaking respondents were predominantly in favour of abortion, while in 2001 this shifted significantly to Zulu-speaking people. In both 1995 and 2001 Afrikaans-speaking respondents were significantly not in favour of abortion. This may be attributed to the fact that Afrikaans-speaking people are largely regarded as very conservative concerning controversial issues like abortion. Their opinions on abortion remained virtually unchanged over the period of five years.

6.2.3 Attitudes towards abortion by religion

Religious person

In 1995 respondents who did not consider themselves religious were predominantly in favour of abortion, while people who consider themselves religious were mostly not in favour of abortion. Interestingly this changed in 2001, where respondents who were religious were predominantly in favour of abortion and people who are not religious mostly not in favour of abortion. Evidently, this is an unusual shift in public opinion, which may be attributed to the fact that over the past years religion has adopted a more forgiving attitude towards sex. Frazier (1994) argues that a few years ago mainstream religion was monolithic in its condemnation of sex outside of wedlock. Today the situation is very different to that in past years. Foremost

denominations are struggling with issues that they previously did not even consider, like adultery, premarital sex and homosexuality. Mainstream religion is beginning to perceive that the 'sexual revolution' in contemporary societies must be acknowledged and, to a certain degree, accommodated within new policies if these denominations are to remain in touch with contemporary realities that face society.

Religious denomination

Various religious groups predominantly advanced the "Pro-Choice" lobby. Religion is widely dispersed between opinions towards the morality of abortion. It is characterised by divisions on the morality of abortion. One finds religious people from all denominations on either side of the abortion controversy. Thus, in both 1995 and 2001 respondents who were not members of any religious denomination were predominantly in favour of abortion and people from the Protestant denomination were most not in favour of abortion. The Dutch Reformed Church, the official church of South Africa during the apartheid era, not only opposed the CTOP Act but also propagated the belief that the white population must grow to maintain supremacy (Guttmacher *et al.*, 1998).

As mentioned above, congregations were becoming highly critical of the traditional patriarchal structure of sexual relations. Mainstream religions had to acknowledge the 'sexual revolution', concerning the recognition of adultery, premarital sex and homosexuality in contemporary societies if these denominations were to remain viable in contemporary societies and remain in touch with present-day realities. However, in South Africa the acknowledgement of these issues surrounding the 'sexual revolution' is not as advanced as in other countries, such as the USA. Mainstream religious denominations in South Africa are dawdling on the acceptance of these issues, which may explain why, in 2001, respondents who do not consider themselves to belong to any religious denomination are in favour of abortion, while respondents who do consider themselves religious are more in favour of abortion. People who consider themselves religious accept these issues of the 'sexual revolution' in contemporary societies more rapidly than religious denominations in South Africa, which are not ready to advance from their traditional policies.

6.2.4 Attitudes towards abortion by democratic norms

Abortion is typically thought of as a moral issue; while this is true, abortion can also be politicised. When abortion is legalised in the context of a reproductive health right, under the ethos of a basic democratic right, it is being politicised. Therefore, this study examined the relationship between public opinions towards abortion and certain political norms.

Interest in politics

Respondents who were very interested in politics showed a favourable attitude towards abortion in both 1995 and 2001, whereas respondents who are not at all interested in politics were predominantly not in favour of

abortion. It could be argued that people who have an interest in politics would have a reasonable understanding of the political process. They would therefore also have a fair knowledge of the ideology surrounding democracy and thus the principles on which democracy is built, such as individual liberty and the right to individual choice, and thus be more in favour of abortion, as it is a basic democratic right. The same could be said for the relationship between attitudes towards abortion and support for a democratic government as discussed below.

Support for democracy

Support for democratic governance increased between 1995 and 2001 in South Africa. Respondents who had a higher regard for democracy were predominantly in favour of abortion and respondents with a lesser regard for democracy were predominantly not in favour of abortion. This could be explained by the fact that people who prefer a democratic political system have a fair knowledge of what democracy entails in the sense of individual and civil liberties.

Many political scientists argue that most individuals lack a general ideological structure and that electorates do not judge political phenomena in ideological terms (Dalton, 2002). The electorate shows little commitment to the values underlying the democratic process. Dalton (2002) agrees that the rational citizens does not remain informed on all political issues and writes (teasingly), 'to the surprise of some political [scientists], politics is only one part of people's lives' (Dalton, 2002: 24). Many voters tend to focus their attention on a few political issues of interest to them, rather than devote equal attention to all issues (Dalton, 2002). The public frequently falls short of the ideals of classic democracy and does not meet the maximum ideological standards of classic democratic theory (Dalton, 2002); many elite theorists unrealistically expect an active and knowledgeable electorate. In the light of the significant percentage of respondents not in favour of progressive abortion legislation, the study infers that most of the South African electorate is ill informed and ignorant of the ideology and norms surrounding democratic theory, and that only a small percentage of respondents linked abortion with democratic rights, contextualised as a reproductive health right.

It is important to note that black and white South Africans perceive democracy in very different ways and hold different expectations of democracy. Gouws and Gibson (unpublished paper) found that economic performance is more important to black South Africans and political performance to whites. They argue that black South Africans are more interested in reducing the gap between rich and poor than they are in promoting regular elections, party competition, free speech and minority rights. White South Africans, on the other hand, emphasise civil liberties, which may be indicative of their minority status (Gouws and Gibson, unpublished paper). They further argue that it is questionable whether citizens in countries dominated by authoritarian rule have formed a coherent belief system that informs political attitudes. This lack of coherence is due to the lack of a history of democratic development as well as the confusion that accompanies democratic transition (Miller *et al.*, 1997 cited in Gouws and Gibson, unpublished paper). This should be

understood in the context of South Africa's apartheid past, where a multiparty political system was available to whites to the exclusion of the rest of the population (Gouws and Gibson, unpublished paper). State institutions distributed political the socialisation of democratic values unevenly. The anti-apartheid struggle created its own expectations of democracy (Gouws and Gibson, unpublished paper).

The apartheid government severely limited rights, while the liberation struggle focussed on the lack of rights and largely created a rights consciousness. However, these liberation rights focused on "second generation" or socio-economic rights (Gouws and Gibson, unpublished paper). Gouws and Gibson found that socio-economic rights far outranked civil liberties for Africans, while civil liberties outranked socio-economic rights for white South Africans. Thus, white South Africans give greater support to procedural democracy, while Africans support substantive notions of democracy. It was noted that in 2001 Africans are more supportive of abortion than white South Africans are. However, for Africans abortion is largely seen as a socio-economic right. As the repressive Abortion and Sterilisation Act of 1975 largely discriminated on racial and class grounds. The Choice on Termination of Pregnancy Act provides that ([a92y1996s2]2):

(1) A pregnancy may be terminated-

(b) From the 13th up to and including the 20th week of the gestation period if a medical practitioner, after consultation with the pregnant woman, is of the opinion that-

(iv) the continued pregnancy would significantly affect the social or economic circumstances of the woman. (SOUTH AFRICA, 1996a).

It could be argued that the South African electorate does not have a coherent perception of what democracy entails and hold different expectations of what democracy should deliver. South Africans have different attitudes about institutions and liberties. Institutions were instrumental in limiting people's rights under apartheid (Gouws and Gibson, unpublished paper). Thus, the lack of freedom was experienced in a very concrete way, while rights operated on an abstract level. Gouws and Gibson argue that rights were something that people aspired to unrelated to the functions of institutions. Support for this separation between institutions and rights is found in the lack of understanding South Africans show for the policy-making process (Gouws and Gibson, unpublished paper). The South African electorate seems ignorant to the fact that rights are implemented through policies and, for them to have any claim to rights, they need to influence the policy-making process (Gouws and Gibson, unpublished paper).

6.3 Public opinion: TOP attitudes

The COTP Act has been legal for seven years in South Africa. Through the COTP Act a woman can obtain an abortion upon request in the first 12 weeks of pregnancy and through 20 weeks of pregnancy with certain restrictions. Although South Africa enacted one of the world's most progressive abortion laws, recognising that every woman has the right to make choices about her own body and reproduction, the public remains

predominantly not in favour of abortion on demand. The COTP Act has a firm foundation in post-apartheid South Africa's Bill of Rights and Constitution, both of which underscore the rights of freedom and equality for all persons and of reproductive choice.

The public was involved and consulted in creating the COTP Act. It was a multi-layered and complex process. In addition to the lengthy and involved process that was primarily facilitated by the Women's Health Project, Parliamentary hearings were held in order to gain access to a wide range of opinions from the public. These opinions were, however, individual opinions of women who had personal experiences of abortion, ignoring the fact that the vast majority (77.4%) of the public were not in favour of abortion (1995).

The main objective for legalising abortion on demand was because the restrictive 1975 abortion legislation did not cater for the needs of the majority of women in South Africa. The Abortion and Sterilisation Act of 1975 was like most restrictive apartheid legislation, discriminating on the basis of race and class. The COTP Act came about largely because of the groundswell of support for equality and reproductive rights at the end of the apartheid era. Since the inception of progressive abortion legislation in South Africa, the demographics of public opinion also changed dramatically. Predominantly changes in opinion took place within gender, race, age, class and home language demographics. Public opinion toward more favourable attitudes of abortion predominantly shifted to those groups of people who had been previously discriminated against by the restrictive abortion legislation of the apartheid era.

According to the data presented in this study, public opinion towards abortion is significantly not in favour of abortion. However, since the legalisation of abortion in South Africa, approximately 220 000 pregnancies have been terminated (safely and legally). Public opinion has increased towards a more favourable position on abortion since 1995; this, however, seems insignificant in the broader context of the overwhelming negative stance of public opinion on the justifiability of abortion in the South African context.

6.4 Public policy: CTOP Act

The Choice on Termination of Pregnancy Act was legalised based on three main arguments: (1) women's health and medical reasons, (2) the new constitution that espoused freedom, security of person and equality: the law needed to be in line with the constitution, and (3) international conventions signed by South Africa in support of women's rights¹⁰. However, the predominant driving force behind the law reform on abortion was the country's lengthy struggle against the discriminatory apartheid regime in order to obtain equal citizenship for all in South Africa.

¹⁰ South Africa ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which states that "the same right to decide freely and responsibly on the number and spacing of their children and to have access to the education, and means to enable them to exercise these rights". South Africa is also party to the Cairo Programme of Action and to the Beijing Platform of Action. At Beijing, South Africa promised to review the country's punitive abortion laws.

The restrictive Abortion and Sterilisation Act of 1975 was neither in line with the Constitution nor with South Africa's concern with individual freedom and right to choice.

The CTOP Act was strongly supported by both government as well as many members of parliament. The proposed CTOP bill needed 201 votes to be voted into law – it received 209. The main party in the South African parliament, the African National Congress (ANC), was denied a vote of conscience and voted as a block on the CTOP Bill. It was argued that the ANC recognised the greater good that would come from the passage of the CTOP Act and members were willing to vote as a block to achieve that greater good. The ANC represents close to 280 of the 400 members in parliament; thus by voting as a block, the CTOP Act was never in danger of being rejected. Many well-known politicians and public figures added their support by appearing in *Lovelife* advertisements. In addition, to this parliament set up two parliamentary committees that oversaw the legal reform process, namely: the Ad Hoc Committee on Abortion and Sterilisation and the African National Congress Study Group on Health (Hord and Xaba, 2001).

Representatives of the government health department express a strong willingness to support the CTOP Act. Doctors and nurses in South Africa currently have abortion procedures included in their training, and few can refuse to do this training as it places their entire medical training in jeopardy (depending on the institutions and/or individuals involved). Although health workers currently have the right to refuse being involved, they run the risk of being labelled insubordinate should they refuse.

Non-governmental organisations (NGOs) largely influenced the legal reform process. NGOs frequently work in collaboration with government on certain issues. The three main pro-choice NGOs involved with the law reform process were the Women's Health Project, the Reproductive Health Research Unit at Baragwaneth Hospital, and the Reproductive Rights Alliance (RRA). The RRA was formed to unite different interest groups and maximise the chances of passing the CTOP Act. The RRA includes 35 national organisations, each member representing a variety of skills and interest to strengthen the organisation (Hord and Xaba, 2001). The strongest opposition to the CTOP Act came from the African Christian Democratic Party (ACDP), Doctors for Life and a few Christian organisations. However, these organisations were not nearly as strong or well organised as the pro-choice organisations.

Because abortion is a highly controversial issue, the legal reform process attracted a lot of media coverage. A number of journalists and media outlets were opposed to the abortion law reform process in South Africa and thus covered it in a sensationalist way. To refocus the issue back on women's rights as enshrined in the constitution, and thus to counter opposition to it (Hord and Xaba, 2001), supportive journalists were identified by NGOs to facilitate the discussion in the mass media. Some of the most responsive journalists were activists in their own right who were already attempting in their own way and within their own media organisations to raise issues of women's rights to reproductive choice (Hord and Xaba, 2001).

The law reform process on abortion enjoyed enormous support from government, government departments, NGOs and the mass media. It is evident that many actors played an enormous part in the legalisation of abortion in South Africa. Some of the foremost international conventions concerning women's rights have been ratified by South Africa and the groundwork for abortion was laid by South Africa's new Constitution. Against this backdrop, progressive abortion legislation was inevitable for South Africa.

6.5 Analysis of the relationship between public opinion and public policy: Linkage to theory

Brady (2000: 4) argues that, "far from being unconstrained by and adrift from theory, survey research has been a powerful vehicle for developing and testing theories". In order to explain the direction in which public policy advanced separately from public opinion regarding abortion in South Africa, systems analysis and elite theory will be employed to aid this discussion.

Systems analysis suggests that there is a linkage between what Easton calls 'inputs' and 'outputs'. The 'inputs' are made up of the demands and supports from the general public. These demands may range from pressure for better sanitation to improved employment prospects. Supports, on the other hand, indicate the different ways in which the public contributes to the political system by paying taxes and being willing to participate in public life (Heywood, 1997). Outputs consist of the actions and decisions made by government. The outputs of government generate 'feedback', which in turn shapes further demands and supports.

In the case of abortion legislation in South Africa, these inputs were indirectly articulated by the country's high rate of illegal abortions and the high rate of maternal mortality that resulted from this. The need for legalised abortion was predominantly articulated by government as a major public health issue in South Africa and government relied solely on selected individual accounts of women who had first-hand experience with the difficulties of restrictive abortion legislation. Government did not rely on the public to formulate their preferences, as the South African public is predominantly not in favour of abortion. Although the high rate of illegal abortions indirectly indicated the need for progressive abortion legislation, the significant public preference for more restrictive abortion legislation was articulated directly in a number of public opinion surveys conducted in South Africa.

South Africa's legislators legalised abortion in South Africa, creating one of the most progressive abortion laws in the world. This led to a public outcry against progressive abortion legislation in South Africa. As systems analysis argues, political systems function in a loop, where the actions taken by government feed the input demands of the public. The Ministry of Health continuously receives petitions to repeal the CTOP Act and legalise abortion under more stringent circumstances. The CTOP Act has been challenged twice in the high court with regards to its constitutionality. These legal battles were fought based on the

constitutionality of the Choice on Termination of Pregnancy Act. According to several legal experts, the Act contradicts the right to life enshrined in the Constitution; in spite of that, the South African government acknowledges women's right to life to supersede any right to life of the foetus.

Systems analysis relies heavily on the environment surrounding the political system. The context in which abortion was legalised in South Africa proves significant in understanding the relationship between public opinion and public policy regarding abortion. In 1994 South Africa emerged from a lengthy struggle against a repressive apartheid regime and equality, human dignity and freedom were of paramount importance to the vast majority of South Africans. The country adopted an electoral liberal democratic political system and an exemplary constitution that acknowledged equality, human dignity, human rights and freedom, non-racialism and universal suffrage as the cornerstone of democracy in a new South Africa. Key arguments made in favour of the CTOP Act were built around the issue of women's health, the new Constitution and international conventions ratified by South Africa. The rationale selected for the legalisation of abortion was that the Choice on Termination of Pregnancy Act was introduced to reduce the number of avoidable deaths and long-term morbidity, rather than as a legal or moral issue.

The lengthy anti-apartheid struggle in South Africa had built a strong foundation of support for human rights and justice among South Africa's population. The struggle and success to win a clause favouring social and economic rights in the Constitution is a prime example for this. This support for human rights and choice was also fundamental in building support for the CTOP Act among individuals, health professionals and legislators. The law reform process of abortion enjoyed enormous support from various political actors. Internationally, many noteworthy conventions were ratified regarding women's rights; the ANC voted as a block on the CTOP bill, and the Reproductive Rights Alliance was enormously well organised and equipped to advance the "pro-choice" camp. Hord and Xaba (2001:12) write that "Another factor that helped the legislative process was that many of the activists who worked together in opposition to apartheid were now serving in Parliament and in leading positions in civil society. In many cases they knew each other and knew how to work together." From this one could infer that the ruling elite, in recognising the greater good that will come from legalising abortion regarding avoidable maternal mortality resulting from unsafe abortions, predominantly advanced abortion law reform.

It is important to understand that what people prefer is not necessarily strongly connected to public policy outputs. Generally scholars agree that public opinion does not necessarily dictate public policy. This is predominantly true in the area of civil liberties. Few scholars today subscribe to the simple "demand input" model which theorises that governments act to satisfy policy demands emanating from the mass public (Gibson, 1996). As mentioned, various political actors played an important part in legalising abortion, which had little to do with public inputs (demands). When it comes to civil liberties, there are special impediments that render it even more unlikely that mass preferences directly dictate policy outputs (Gibson, 1996).

Hennessy (1965) asserted that occasionally public preferences are incompatible with the further working of a democratic political system. As mentioned, the Abortion and Sterilisation Act of 1975 was repealed because it was not in line with the new Constitution of South Africa, which regards human dignity, freedom and individual choice as being of paramount importance. This might be attributed to the fact that elites are usually more closely associated with democratic norms and values. Aptly Brady (2000) writes that those few who have surveyed elites knew that political activists and leaders were strongly supportive of democratic values, which presumably provided some protection for these values, even though the mass public was sometimes indifferent or hostile to them. In the South African context reproductive rights are seen as a fundamental democratic right given to women to allow them to become equal citizens in South Africa. This right afforded women control over their fertility and thus enables them to enjoy a fundamental democratic right.

The data collected by this study show that South Africans who were more interested in politics and who strongly supported democracy were more in favour of abortion than those who did not. It was hypothesised earlier that these respondents were more knowledgeable of the values and norms of democracy in respecting individual choice and acknowledging reproductive rights as a basic human right not only afforded to women, but to all citizens of South Africa. It was argued that black and white South African have different expectations of what democracy should deliver and what democracy embodies. Africans seemed to be more supportive of socio-economic rights, while white South Africans perceived democracy to deliver civil liberties.

The specific support¹¹ given to government based on abortion legislation is significantly low; however, it would seem that the government enjoys a large reservoir of diffuse support¹² when looking at the considerable amount of support for democracy in South Africa. Dalton (2002) argues that the distinction between specific and diffuse support is essential to the comprehension of the significance of the relationship between public opinion and public policy in a democratic political system. A democratic system, as in South Africa, is dependent upon diffuse support, which must be independent of the immediate policy outputs if it is to remain viable. Governments occasionally fail to meet public expectations and fail to satisfy popular demand, but this should not erode general support for the regime (Dalton, 2002).

6.6 Conclusion

The relationship between public opinion and public policy is an extremely complex phenomenon. As V. O. Key JR said in 1961(cited as epigraph in Childs, 1965: 309), *the sharp definition of the role of public opinion as it affects different kinds of policies under different types of situations presents an analytical problem of extraordinary difficulty*. This is as true today as in 1961. Public policy frequently does not follow public

¹¹ The distinction between specific and diffuse support is discussed in Chapter Three. Specific support refers to the action and performance of government or the ruling elite. It is based on actual policies and style of the governing authorities, it is less relevant to support for a regime and political community (Dalton, 2002).

¹² According to Easton, diffuse support is a state of mind – a deep-seated set of attitudes towards the politics and operation of the political system.

preference; this remains predominantly true in the area of civil liberties. Governments or ruling elites are strongly supportive of democratic values, which provide some protection for these values even though the mass public is sometimes indifferent or hostile to them.

7. Public opinion and public policy: concluding remarks and recommendations

7.1 Introduction

The last decade of the twentieth century saw what Huntington describes as the third wave of democratisation across the globe. The citizens of Eastern Europe, South Africa and several East Asian nations rose up against their authoritarian regimes (Dalton, 2002). Frances Fukuyama proclaimed that humankind's evolution was converging on a single form of government – democracy¹³. Democracy, as Dahl (cited in Gibson, 1996) describes it, suggests a system that grants unimpaired opportunities for all citizens to formulate their preferences, to signify their preferences to their fellow citizens and government by individual and collective action and to have their preferences weighed equally irrespective of the content or source of the preference. It seems understandable that, in light of this description, public opinion should influence, if not dictate, policy outputs. Yet the relationship between public opinion and public policy is not as simplistic as this within a democratic political system. Many factors influence the policy-making process. Representative governments frequently disregard public preference when formulating public policy. This is even more probable when civil liberties are concerned. Governments or ruling elites are generally considered more supportive of democratic values and thus presumed to protect them, even if the public is indifferent to them. These complexities are illustrated by the ratification of progressive abortion legislation in South Africa. This provides a practical example to illustrate how government frequently disregards public preference and, in that case, what the foundations are for the formulation of public policy.

7.2 Purpose of the study

The purpose of this research study is twofold in nature: descriptive and explanatory. Firstly, the study described how popular perceptions consider public opinion to, preferably, influence public policy outputs and how this influence actually transpires in the "real word" of politics. Additionally, it described the apparent disparity between the legality of South Africa's permissive abortion legislation and public's lack of tolerance of it. The public health situation surrounding the restrictive abortion legislation of South Africa was described in order to facilitate an understanding of why the Abortion and Sterilisation Act of 1975 needed to be repealed. The study also described shifts over a period of five years in public attitudes towards the justifiability of abortion based on demographic variables and democratic norms.

Secondly, the study focused on suggesting plausible explanations for why the seemingly straightforward relationship between public opinion and public policy in a democratic political system does not transpire in

the manner popularly presumed, especially when civil liberties are concerned. The study suggested explanations as to why the South African public, which holds democracy in high regard, is decidedly intolerant of the basic democratic right of reproductive health. Lastly, the study suggested explanations on why shifts in public opinion on abortion occurred in respect of demographics and democratic norms.

It was not the aim of this study to explore how people feel about abortion as such; the study evaluated the universal circumstances surrounding abortion as a public health issue. Thus, less emphasis was given to investigation of the individual experiences of people who had first-hand experience of abortion and the controversy surrounding it.

7.3 Summary of findings

The Abortion and Sterilisation Act of 1975 was repealed on the basis of on two grounds. Firstly, it promulgated discriminatory apartheid legislation and, secondly, it was not in line with South Africa's new Constitution, which is based on the paramount importance of human rights and equality. The Choice on Termination of Pregnancy Act had a firm foundation in the post-apartheid Constitution's Bill of Rights. Subsequent to South Africa's lengthy anti-apartheid struggle, a groundswell of support for equality necessitated equal citizenship for both men and women in South Africa. The Abortion and Sterilisation Act of 1975 denied citizens of South Africa a basic democratic right – reproductive health rights. Legal abortions were accessible predominantly to white women from a privileged background. Consequently, the 1975 Act discriminated principally on the basis of race and class.

The study found that the South African public is predominantly not in favour of abortion. In 1990 the public considered abortion acceptable under circumstances where the mother's health or life was at risk because of the pregnancy, or where the unborn child showed signs of mental or physical handicap. Under circumstances where this threat was eliminated (e.g. married couples do not want to have any more children or mother is unmarried), the public predominantly considered abortion not acceptable. During the period between 1995 and 2001 public support for abortion increased slightly, although the public remained significantly not in favour of abortion. The study found that opinions in favour of abortion predominantly shifted to those demographic groups previously disadvantaged by the Abortion and Sterilisation Act of 1975.

One of the most significant shifts in attitudes in favour of abortion occurred in relation to gender. In 2001 women were significantly more in favour of abortion than men were; these attitudes showed insignificant variance within gender in 1995. In 2001 black South Africans were predominantly in favour of abortion, where white South Africans were predominantly in favour of abortion in 1995. Attitudes with respect to age also changed significantly between 1995 and 2001.

¹³ Frances Fukuyama, *The End of History and the Last Man*, 1992.

The Medical Research Council (Reproductive Rights Alliance, 1995) estimated that the average age of women seeking abortions was 28 years and ranged from 14 to 49 years of age. In 1995 respondents between the ages of 25 and 29 were predominantly in favour of abortion. In 2001 this group changed to respondents between the age of 16 and 18. What is interesting concerning the later group is that, in 1995, respondents in this group were significantly not in favour of abortion, thus respondents in this group made a complete turnaround in their attitudes towards abortion. Older respondents in both 1995 and 2001 were mostly not in favour of abortion.

Attitudes towards abortion concerning education showed that in both 1995 and 2001 respondents who were more highly educated were predominantly in favour of abortion and respondents who were less educated were not in favour of abortion.

Attitudes towards abortion in relation to class showed a significant turnaround. In 1995 respondents who considered themselves upper class were predominantly in favour of abortion, while in 2001 this changed to respondents who considered themselves belonging to the working class. In both 1995 and 2001 respondents who earned a higher monthly income were predominantly in favour of abortion.

Respondents who lived in more densely populated areas were predominantly more in favour of abortion than respondents who lived in largely rural areas in both 1995 and 2001. Respondents from the Free State were predominantly in favour of abortion in both 1995 and 2001. Although the Northern Cape was not predominantly against abortion, the province showed a significant intensity of attitudes not in favour of abortion. Attitudes towards abortion concerning home language of respondents shifted from Sesotho-speaking respondents being most in favour of abortion in 1995 to Zulu-speaking respondents in 2001. Afrikaans-speaking respondents were significantly not in favour of abortion in both 1995 and 2001.

Furthermore, the study examined the relationship between attitudes to abortion and religion. In 1995 respondents who considered themselves not religious were predominantly in favour of abortion. These attitudes showed a surprising change in 2001, where respondents who considered themselves religious were mostly in favour of abortion. Evidently, this is an unusual shift in public opinion, which may be attributed to the fact that over the past years religion has developed a more accommodating attitude towards sex. Frazier (1994) argues that a few years ago mainstream religion was monolithic in its condemnation of sex outside of wedlock. Today the situation is very different to that in past years. The major denominations are struggling with issues they previously did not even consider, such as adultery, premarital sex and homosexuality. Mainstream religion is beginning to perceive that the 'sexual revolution' in contemporary societies must be acknowledged and, to a certain degree, accommodated within new policies if these denominations are to remain in touch with contemporary realities that face society.

The Dutch Reformed Church, the official church of South Africa during the apartheid era, not only opposed the CTOP Act but also promulgated the belief that the white population must grow to maintain supremacy (Guttmacher *et al.*, 1998). However, in both 1995 and 2001 attitudes remained unchanged regarding religious denomination. Respondents who were not members of any religious denomination were predominantly in favour of abortion.

As mentioned above, congregations were becoming highly critical of the traditional patriarchal structure of sexual relations. Mainstream religions had to acknowledge the 'sexual revolution' concerning the recognition of adultery, premarital sex and homosexuality within contemporary societies, if these denominations were to remain viable in contemporary societies and remain in touch with present-day realities. However, in South Africa the acknowledgement of these issues surrounding the 'sexual revolution' is not as advanced as in other countries, such as the USA. Mainstream religious denominations in South Africa are dawdling on the acceptance of these issues, which may explain why, in 2001, respondents who do not consider themselves to belong to any religious denomination are more in favour of abortion, while respondents who do consider themselves religious are more in favour of abortion. People who consider themselves religious accept these issues of the 'sexual revolution' in contemporary societies more rapidly than religious denominations have done in South Africa, as they are not ready to advance from their traditional policies.

The study found that South Africans who were more interested in politics and who showed a greater support for democracy were predominantly more in favour of abortion than those who were less interested in politics and who did not support democracy. It was argued that respondents who were more interested in politics and who supported a democratic political system were more knowledgeable about the norms associated with democracy and more familiar with the political process. It was argued that these respondents appreciate that abortion, in the context of reproductive rights, is a basic democratic right. It was further argued that respondents who showed apathy towards politics and less support towards a democratic political system were progressively more ignorant of the norms associated with democracy and towards the processes involved with politics. Governments or ruling elites generally tend to be more supportive of democratic norms and are thus presumed to protect these norms; therefore they have 'permission' to disregard public opinion in order to uphold these norms, even if the public is indifferent towards them, especially when civil liberties are concerned.

7.4 Significance of the study

The study refrained from examining abortion as a legal or moral issue, but examined it as a politicised issue in South Africa. The enactment of the Choice on Termination of Pregnancy Act provides a practical case to illustrate the complex relationship between public opinion and public policy in South Africa. The most important issue in terms of passage of the Choice on Termination of Pregnancy Bill was whether political parties would maintain discipline and vote as a block or allow their members to vote according to their

conscience. The Bill required a simple majority of votes for passage and the African National Congress (ANC) controls 252 seats out of 400 in the National Assembly and 60 seats out of 90 in the Senate. Thus, the most important decision on this issue lay within the ANC whether they would consider the Bill on the basis of a free vote or a party vote. It is evident that, if the ANC decided to vote as a block, passage of the bill would be very likely. The ANC leadership indeed decided to vote as a block on the CTOP Bill. The ANC remarked that "[We] recognise the greater good that would come from the passage of the CTOP bill and members were willing to vote as a block to achieve that greater good. It would be incorrect to say there was no opposition to this bill, but our task was to look at the needs of society as a whole and not just confine ourselves to the views of a political party" (Hord and Xaba, 2001). This struggle was most obviously manifested among the rank-and-file members of the ANC - many of whose members, despite commitments to gender equality, are devout Christians and Muslims, and therefore highly critical of abortion on demand (Guttmacher *et al.*, 1998). While the ANC leadership was divided on this issue, those who supported abortion dominated seats in the National Assembly and contended that representatives should vote according to their party platform. The CTOP Bill was passed 209 to 87, with 5 abstentions and 99 absentees. Had the ANC not voted as a block on a party platform and allowed an open vote, the margin of votes would no doubt have looked different.

The African National Congress (ANC) and the Reproductive Rights Alliance (RRA) had an excellent rapport. The RRA (a broad representative alliance comprised of 20 organisations, which supported the CTOP bill) urged the ANC to vote on a party platform in favour of the proposed progressive abortion legislation, as the ANC presented a clear policy on abortion pre- and post-elections (Hord and Xaba, 2001; Termination of Pregnancy Bill, 1996). The RRA argued that a confused message would be sent to the electorate if no party discipline were imposed on the issue of abortion (Termination of Pregnancy Bill, 1996). They argued that many policies require moral judgement, but that questions of morality do not constitute reason enough to maintain a free vote (Termination of Pregnancy Bill, 1996). The popular belief was that, because the matter impinges so directly on religious beliefs and convictions, it could not be regarded in the same light as other issues. It was argued that, for this reason, the ANC should be free to let personal conscience succeed and allow its members a free vote, and not impose a party platform vote (Termination of Pregnancy Bill, 1996).

This places a question mark, not only on the process of representative democracy, but on the party system of South Africa. South Africa currently has a multiparty system in which parties compete for representation in government. Nineteen parties on the national list contested South Africa's historic 1994 elections; however, the majority of the 19 parties that contested in the election were insignificant. In both the 1994 and 1999 elections the ANC scored a landslide victory; although it did not achieve a two-thirds majority, it won approximately 63% of the 20 million votes cast in each election. It seems evident that the ANC has consolidated its support base, which raises the question whether South Africa is becoming a country with a permanent majority and no party turn-over in government on the horizon (Sadie, 1998). This situation has

plagued many other emerging democracies worldwide. A number of commentators have expressed concerns that South Africa is indeed becoming a one-party dominant state in recent years (Sadie, 1998).

Sartori (1976) is cited in Sadie (1998) as defining this dominant system as a system where one party is consistently elected, in at least three consecutive elections, and gains an absolute majority of legislative seats from a stabilised electorate. The ANC has won two landslide victories in two consecutive elections and there seems to be no question that the 2003 election will yield the same results. While opposition parties exist, elections are free and fair and dissent is tolerated, party rotation in government does not occur. Meaningful and effective competition is therefore popularly induced rather than state controlled (Sadie, 1998). Welsh (1994 cited in Sadie, 1998: 275) argues that a dominant-party system is "hardly conducive to democratic health in any system".

The enactment of the CTOP Act by the ANC block vote provides an illustration of the increasing difficulty of distinguishing between party interests and state interests when rotation in office does not occur. When a majority party like the ANC votes in a block on a party platform, it could be contested that South Africa does have a *de facto* one-party system, where competition occurs but not contestation, rather than a multiparty system, where competing parties have a realistic chance of obtaining power or sharing power. This is extremely damaging to democracy, as it limits the accountability and responsiveness that are created through the key threat of failing to be re-elected (Sadie, 1998).

When a majority party elects to vote on a party platform on such a contentious issue as progressive abortion legislation, it holds serious implications for the relationship between public opinion and public policy. It could be argued that public preference played no role in influencing abortion policy in South Africa. When a majority party votes as a block on certain legislation, especially in the South African context, where the ANC holds 252 seats of 400 in the National Assembly, it is very likely that the proposed legislation will be passed into law. The presupposed relationship between public opinion and public policy in a democratic political system, as the public's opportunity 'to have their preferences weighed equally in the conduct of government, regardless of its content or source' (Gibson, 1996:2), is obscured by this seemingly 'undemocratic' behaviour of the African National Congress.

The African National Congress (ANC) drafted a national health programme during the 1994 election and access to free and safe abortions for all citizens of South Africa formed an integral part of this programme. The ANC's Reconstruction and Development Programme (RDP) outlined new national goals for South Africa, including that "every woman must have the right to choose whether or not to have an early termination of pregnancy according to her own beliefs" (Guttmacher *et al.*, 1998). The ANC began to prepare progressive abortion legislation for consideration by Parliament subsequent to their electoral victory in 1994. The possible repeal of the 1975 Abortion and Sterilisation Act sparked passionate debates between pro-life

and pro-choice lobbies. The pro-life/anti-abortion lobby consisted mainly of religious organisations representing the Christian and Muslim churches, and also of professional groups such as Doctors for Life and political parties such as the African Christian Democratic Party. The pro-choice lobby was mainly advanced by the Women's Health project, the Reproductive Rights Alliance, Planned Parenthood of South Africa and ARAG who supported the pro-choice position of the ANC (Guttmacher *et al.*, 1998). These pro-choice NGOs played an enormous part in the abortion law reform process. They found supportive journalists to highlight key issues in the media, encouraged the ANC to vote as a block on the CTOP bill, uncovering information about opposition groups, and finding religious leaders who would support a pro-choice position (Hord and Xaba, 2001). The abortion law reform processes was largely fought in the media. Because abortion is a highly controversial issue, the legal reform process duly attracted much media coverage. Journalists wanted to cover all issues related to abortion and portray all sides of the story. Many journalists and media outlets were against progressive abortion legislation. Therefore abortion was sensationalised in the media. NGOs identified supportive journalists to facilitate the discussion of abortion in the media and to refocus the issue back on women's rights as enshrined in the Constitution to counter opposition. NGOs fed these supportive journalists information and tailored messages appropriately to each audience (Hord and Xaba, 2001). Guttmacher *et al* (1998) argue that the debate between pro-choice and pro-life lobbies was further complicated by the traditionally racist use of population control policies under the National Party-led apartheid government. Public opinion, especially among black South Africans, is extremely divided on abortion, both religiously and politically. Many black South Africans still regard abortion as another vestige of apartheid policy, designed to control the growth of the black and coloured population in South Africa (Guttmacher *et al.*, 1998).

An additional implication of this study is that the South African public is perceived to be ill informed about the ideological norms and values of democracy in arguing that only a marginal percentage of South Africans made the connection between abortion as a basic democratic right in contextualising abortion as a reproductive health right. Respondents who were more interested in politics and who were more supportive of democracy as a system of governing a country were more in favour of abortion and it was argued that these respondents were more knowledgeable of the political process and the ideological values of democracy. However, when looking at abortion in the general context of South Africa, respondents in favour of abortion appears insignificantly small in comparison to those respondents opposed to abortion. It could thus be inferred that only a small percentage of respondents did make the connection between abortion and the fact that it constitutes a basic democratic right. These findings question how knowledgeable the South African public is regarding the ideological values and norms associated with democracy.

Gouws and Gibson (unpublished paper) found a vast disparity between expectations of democracy in South Africa on racial grounds. They found that black South Africans support substantive notions of democracy and white South Africans give greater support for procedural democracy. Economic performance is more

important to black South Africans and they were more interested in reducing the gap between rich and poor than they are in promoting regular elections, party competition, free speech and minority rights (Gouws and Gibson, unpublished paper). Whites emphasised civil liberties, which may be indicative of their minority status (Gouws and Gibson, unpublished paper). Gouws and Gibson argue that it is questionable whether citizens in countries dominated by authoritarian rule have formed a coherent belief system that informs political attitudes. They found that the belief system of South Africans is not totally integrated, as the electorate seem to hold different attitudes about institutions and liberties, on the one hand, and rights, on the other hand. Under the apartheid regime institutions were fundamental in limiting people's rights. Support for this separation of institutions and rights is found in South Africans' lack of comprehension of the policy-making process (Gouws and Gibson, unpublished paper). Gouws and Gibson argue that South Africans do not seem to understand that rights are implemented through policies and for them to claim rights, they need to influence the policy process.

When an electorate holds such divergent notions and expectations of democracy, and when a coherent belief system is not in place, this has serious implications for the relationship between public opinion and public policy. It could be inferred that black South Africans regard abortion as a socio-economic right, as the 1975 abortion legislation discriminated on the basis of racial and class, and that white South Africans regard abortion as a civil liberty. Gouws and Gibson found that the South African electorate does not understand the policy-making process, so how could it be expected of the public to influence public policy in a meaningful way? Hence, the argument that elites are sometimes better suited to make judgement on some policy issues than the electorate should be considered here. Governments or ruling elites are generally more supportive of democratic norms and thus supposed to protect them, even if the public is indifferent to them. Government cannot always be swayed by public opinion, especially when such divergent notions of democracy exist, as in the South African context.

7.5 Recommendations

The following section will propose some recommendations for further research in this field and indicate some difficulties encountered during this study.

The study recommends that further research be done to test the relationship between support for democracy and abortion in the context of the notion that abortion constitutes a basic democratic right. This study was merely able to infer some relationship between abortion and democratic norms, as it assumes that abortion constitutes a basic democratic right, within the context of reproductive rights in South Africa. In this light, it is also recommended that further research be done to investigate (current) civil education programmes in South Africa to assess the influence these have on public participation in the political process. Additionally, it is necessary to examine whether individuals in an emerging democracy are able to learn democratic values, skills and participatory orientations through civil education (Finkel, 2002).

It seems evident from this study's findings that, when contextualising abortion as a democratic norm, the South African public is predominantly not in favour of abortion. It could be inferred that the South African public is largely uninformed of democratic values and holds divergent notions of democracy. South Africa lacks research on political socialisation. Political socialisation can be defined as a process of cognitive learning; of internalising those values and role expectations that support existing institutions; as the gradual acquisition of any political values; and as a means of legitimating the dominance of an elite or social order (Kavanagh, 1983). Research on political socialisation was predominantly done by Booysen and Kotzé ("Political Events as Agents of Political Socialisation: A Case Study of Change in Racial Attitudes in South Africa", 1994 and "The Political Socialisation of Isolation: A Case Study of the Afrikaner Student Youth", 1985) concerning racial attitudes in South Africa. To comprehend how the South African public perceive democratic norms and how these norms are transferred through different agents or events is significant in understanding why South Africans are indifferent to abortion, in the context of reproductive health care rights. Research on political socialisation additionally aids in the discussion on the divergent views the South African electorate holds concerning expectations of democracy in South Africa. Perceptions of citizens are crucial if we are to fully understand the relationship between public opinion and public policy. Little research has been done on popular support for democracy and to what extent there is a common meaning of democracy among the South African electorate. Further research needs to be done to understand the divergent notions of democracy along racial lines in South Africa and how these values are transferred by different agents, as South African citizens do not seem to have an integrated democratic belief system.

Additionally, the study recommends that further research be done to investigate the relationship between public opinion and public policy concerning civil liberties. A very contentious issue currently in South Africa is the possible legalisation on euthanasia in South Africa.

It is also recommended that the implementation of the Choice on Termination of Pregnancy Act be examined. The preparation for the implementation of the CTOP Act and services to perform termination of pregnancy (TOP) procedures has been highly criticised on a number of grounds. Dr Eddie Mhlanga of the National Department of Health stated that, "How do you get prepared to implement the new Act when the preparation will be illegal under the previous Act?" (Hord and Xaba, 2000: 18). Nevertheless, the implementation of the CTOP Act faced many barriers that caused a delay in TOP service provision. Firstly, the CTOP Act allows trained nurse-midwives to perform abortions. However, no training curriculum was prepared prior to the enactment of the CTOP Act, which had to be approved by the South African Nursing Council. This delayed the training of midwives to perform abortions and delayed TOP services (Hord and Xaba, 2001). Secondly, many women still turn to traditional healers to aid them with the termination of unwanted pregnancies. Traditional healers are not trained in TOP procedures and this consequently leads to unsafe methods of surgical procedures. Traditional healers should be incorporated into the health system to

afford them training and information to shift away from performing unsafe abortions (Hord and Xaba, 2001). Thirdly, some medical treatments and supplies that were recommended for use in TOP were not officially registered in South Africa (such as misoprostol) (Hord and Xaba, 2001). Fourthly, the process of designating health facilities as TOP sites left TOP services inaccessible to some (mostly rural) areas of South Africa (Hord and Xaba, 2001). Lastly, the majority women in South Africa lack sufficient information that abortion is now legally permitted; ignorance about reproductive rights is a key factor in contributing to the recurrent phenomenon of “back-street” abortions in South Africa (Hord and Xaba, 2001). It is estimated that currently 80 000 “back-street” abortion are still performed annually (Seepe, 2001). These barriers clearly affected the delay of TOP services in South Africa and are in need of further investigation.

The main difficulty encountered by this study is the limitation in the use of secondary data analysis. The fundamental disadvantage of secondary data analysis of cross-sectional studies as used in this study is that, although the different questionnaires are standardised, they are never identical. Some questions were omitted and some new questions were added from one questionnaire to another as one moves from one wave of the survey to another. For example, the 1995 WVS questionnaire only retains those items that gave the most significant results from the 1981 and 1990 surveys, replicating about 60 per cent of the 1990 questionnaire. The additional space made available was used to probe more deeply into key topics, particularly democratisation and global change. The scale used to measure the justifiability of abortion in the World Values Survey was a 10-point semantic differential scale, which proved difficult to collapse into a more concise scale. In this study the 10-point semantic differential scale was collapsed into a 5-point Likert scale including five categories, “Always justifiable”, “Justifiable”, “Neutral”, “Not justifiable”, and “Never justifiable”. Although this type scale is useful to indicate the intensity of attitudes, it complicates the analysis of data, as a 5-point or 10-point scale is difficult to collapse into three concise categories. It is consequently recommended that primary data be employed in further research to overcome these difficulties.

7.6 Conclusion

The relationship between public opinion and public policy is plagued with many complexities. Public preference is not necessarily strongly connected to public policy outputs, especially where civil liberties are concerned. Where civil liberties are concerned, in the context of democratic norms, it is even more likely that mass preferences will not directly dictate policy outputs. There is no hard and fast rule for how public opinion ought to influence public policy and to find out precisely how public opinion influences public policy does not answer the question of what influence it ought to have. All governments, not only popularly elected governments, are dependent on the ‘will of the people’. Therefore, there seems to be a general feeling that public opinion should influence public policy, if not directly, then indirectly through the chosen representatives of the people. The public generally defines the acceptable bounds of politics within which political elites resolve the remaining controversies. It should be born in mind that elites or political leaders are frequently more supportive of democratic norms and this provides some protection for democratic values, in the form of

civil liberties, even though the mass public is sometimes indifferent to them. Abortion, in the context of reproductive rights, epitomises a basic democratic right in the form of individual freedom of choice. In 1994 South Africa emerged from a lengthy anti-apartheid struggle and human rights were of paramount importance to many South Africans. The restrictive abortion legislation of 1975 represented discriminative apartheid legislation and was not in line with South Africa's exemplary 1996 Constitution. Consequently, progressive abortion legislation was ratified, amidst significant public indifference, in order to promote equal citizenship of women by means of allowing them to control their own fertility.

The question remains as to what extent can it be said that the people really rule in a democracy? The study concludes that, in the case of progressive abortion legislation in South Africa, the people did not rule. It is the view of this study that the enactment of the Choice on Termination of Pregnancy Act did not resemble democratic conduct. It illustrates that the Choice on Termination of Pregnancy Act was, by implication, "bulldozed" into law by the ANC. When a majority party, which holds 252 seats of 400 in a National Assembly, elect to vote on the basis of maintaining party discipline, in all likelihood, a bill will be ratified. The implication of this is that the ANC-led government advanced the Choice on Termination of Pregnancy Act as a direct result of their passion to create an equal and non-discriminatory South Africa, admits considerable public indifference to progressive abortion legislation.

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<i>Appendix</i>	<i>World Values Survey 1990/1995/2001</i>
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World Values Survey 1990 – 1991**Question 1:**

52. Do you approve or disapprove of abortion under the following circumstances. ONE ANSWER PER STATEMENT.

	Approve	Disapprove	Don't know
1. Where the mother's life is at risk by the pregnancy	60 - 1	2	0
2. Where it is likely that the child would be born physically handicapped	61 - 1	2	0
3. Where the woman is not married	62 - 1	2	0
4. Where a couple do not want to have any more children	63 - 1	2	0

World Values Survey 1995**Question 2:**

79. Please tell me for each of the following statements whether you think it can be always justified, never be justified, or something in between.

1. Claiming government benefits to which you are not entitled

Never justifiable 1 2 3 4 5 6 7 8 9 10 Always justifiable 18 –
Don't know = 99

2. Avoiding a fare on public transport

Never justifiable 1 2 3 4 5 6 7 8 9 10 Always justifiable 20 –
Don't know = 99

3. Cheating on taxes if you have a chance

Never justifiable 1 2 3 4 5 6 7 8 9 10 Always justifiable 22 –
Don't know = 99

4. Buying something you knew was stolen

Never justifiable 1 2 3 4 5 6 7 8 9 10 Always justifiable 24 –
Don't know = 99

5. Someone accepting a bribe in the course of their duties

Never justifiable 1 2 3 4 5 6 7 8 9 10 Always justifiable 26 –

											Don't know = 99	
6. <u>Homosexuality</u>												
Never justifiable	1	2	3	4	5	6	7	8	9	10	Always justifiable	28 –
											Don't know = 99	
7. <u>Prostitution</u>												
Never justifiable	1	2	3	4	5	6	7	8	9	10	Always justifiable	30 –
											Don't know = 99	
8. <u>Abortion</u>												
Never justifiable	1	2	3	4	5	6	7	8	9	10	Always justifiable	32 –
											Don't know = 99	
9. <u>Divorce</u>												
Never justifiable	1	2	3	4	5	6	7	8	9	10	Always justifiable	34 –
											Don't know = 99	
10. <u>Euthanasia – ending the life of the incurably sick</u>												
Never justifiable	1	2	3	4	5	6	7	8	9	10	Always justifiable	36 –
											Don't know = 99	
11. <u>Suicide</u>												
Never justifiable	1	2	3	4	5	6	7	8	9	10	Always justifiable	38 –
											Don't know = 99	

Question 3:

91. Gender of respondent:	1. Male	46 – 1
	2. Female	– 2

Question 4:

110. Ethnic group	CODE BY OBSERVATION	
	1. White	77 – 1
	2. Black	– 2
	3. Indian	– 3
	4. Coloured	– 4

Question 5:

93. This means you are ___ ___ years old.	
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Question 6:

<p>94. SHOW CARD DEMOGRAPHIC D A: What is the highest education level that you have attained? (IF STUDENT, CODE THE HIGHEST LEVEL HE/SHE EXPECTS TO COMPLETE)</p>	<p>READ OUT:</p> <ol style="list-style-type: none"> 1. No schooling 2. Some primary school 3. Primary school completed 4. Some high school 5. High school completed 6. Some university 7. University complete 8. Postgraduate 9. Other post-matric other than university 	<p>51 – 1</p> <p>– 2</p> <p>– 3</p> <p>– 4</p> <p>– 5</p> <p>– 6</p> <p>– 7</p> <p>– 8</p> <p>– 9</p>
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Question 7:

<p>103. SHOW CARD DEMOGRAPHICS C: People sometimes describe themselves as belonging to the working class, the middle class, or the upper or lower class. Would you describe yourself as belonging to the ...? (CODE ONLY ONE)</p>	<p>READ OUT:</p> <ol style="list-style-type: none"> 1. Upper class 2. Upper middle class 3. Lower middle class 4. Working class 5. Lower class 6. Don't know 	<p>63 – 1</p> <p>– 2</p> <p>– 3</p> <p>– 4</p> <p>– 5</p> <p>– 6</p>
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Question 8:

<p>104. SHOW INCOME CARD AA: Purely for statistical purposes, we would like to know to what group your household belongs, counting all wages, salaries, pensions and other incomes</p>	<p>READ OUT:</p> <ol style="list-style-type: none"> A. R 14 000+ B. R 12 000 – R 13 000 	<p>54 – 1</p> <p>– 2</p>
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that come in. just give the number of the group your household falls into before taxes and other deductions.	C. R 10 000 – R 11 999	– 3
	D. R 9 000 – R 9 999	– 4
	E. R 7 000 – R 8 999	– 5
	F. R 5 000 – R 6 999	– 6
	G. R 4 000 – R 4 999	– 7
	H. R 3 000 – R 3 999	– 8
	I. R 2 000 – R 2 999	– 9
	J. R1 000 – R 1 999	– 10
	K. Up to R 999	– 11
	L. No answer/ Refused	– 12

Question 9:

109. OFFICE: Size of town	1. Under 2,000	54 – 1
	2. 2,000 – 5,000	– 2
	3. 5,001 – 10,000	– 3
	4. 10,001 – 20,000	– 4
	5. 20,001 – 50,000	– 5
	6. 50,001 – 100,000	– 6
	7. 100,001 – 500,000	– 7
	8. More than 500,000	– 8

Question 10:

111. Region in which the interview was conducted	1. Gauteng	78 – 1
	2. Northern Province	– 2
	3. Mpumalanga	– 3
	4. North West	– 4
	5. KwaZulu /Natal	– 5
	6. Free State	– 6

	7. Eastern Cape	- 7
	8. Western Cape	- 8
	9. Northern Cape	- 9

Question 11:

86. What language do you normally speak at home? (CODE ONLY ONE)	READ OUT:	
	1. English	47 - 1
	2. Afrikaans	- 2
	3. Zulu	- 3
	4. Xhosa	- 4
	5. Tswana	- 5
	6. South Sotho/Sesotho	- 6
	7. North Sotho/Sepedi	- 7
	8. Venda	- 8
	9. Tsonga/Shangaan	- 9
	10. Ndebele	- 10
	11. Swazi	- 11
	12. Other African	- 12
	13. Other European	- 13
14. Other (SPECIFY)	- 14	

Question 12:

75. Do you belong to any religious denomination	No. not a member	78 - 0
	Roman Catholic	- 1
	Protestant	- 2
	Orthodox (Russian/Greek/etc.)	- 3
	Jew	- 4
	Muslim	- 5

	Hindu	- 6
	Buddhist	- 7
	Other (WRITE IN)	- 8
	No answer	- 9

Question 13:

75. Independently of whether you go to church or any religious meetings or not, would you say you are a ...? (CODE ONLY ONE)	READ OUT:	7 - 1
	1. A religious person	- 2
	2. Not a religious person	- 3
	3. A convinced atheist	- 4
	4. Other	

Question 14:

46. How interested would you say you are in politics	READ OUT:	78 - 1
	1. Very interests	- 2
	2. Somewhat interested	- 3
	3. Not very interested	- 4
	4. Not at all interested	- 5
	5. Don't know	

Question 15:

55. **SHOW CARD S1:** I'm going to describe various types of political systems and ask what you think about each as a way of governing this country. For each one, would you say it is a very good, fairly bad or very bad way of governing this country? (CODE ONLY ONE PER STATEMENT)

	VERY GOOD	FAIRLY GOOD	FAIRLY BAD	VERY BAD	DON'T KNOW
1. Having a strong leader who does not have to bother with parliament and elections	53 – 1	- 2	- 3	- 4	- 5
2. Having experts, not government, make decisions according to what they think is best for the country	54 – 1	- 2	- 3	- 4	- 5
3. Having the army rule	55 – 1	- 2	- 3	- 4	- 5
4. Having a democratic political system	56 – 1	- 2	- 3	- 4	- 5

World Values Survey 2001**Question 16:**

Please tell me for each of the following statements whether you think it can be always justified, never be justified, or something in between using this card. READ OUT STATEMENTS. CODE ONE ANSWER FOR EACH STATEMENT.

V204. Claiming government benefits to which you are not entitled										
NEVER JUSTIFIABLE										ALWAYS JUSTIFIABLE
1	2	3	4	5	6	7	8	9	10	
DK = 99										
V205. Avoiding a fare on public transport										
NEVER JUSTIFIABLE										ALWAYS JUSTIFIABLE
1	2	3	4	5	6	7	8	9	10	
DK = 99										
V206. Cheating on taxes if you have a chance										
NEVER JUSTIFIABLE										ALWAYS JUSTIFIABLE
1	2	3	4	5	6	7	8	9	10	
DK = 99										

V207. Someone accepting a bribe in the course of their duties										
NEVER JUSTIFIABLE										ALWAYS JUSTIFIABLE
1	2	3	4	5	6	7	8	9	10	
DK = 99										
V208. Homosexuality										
NEVER JUSTIFIABLE										ALWAYS JUSTIFIABLE
1	2	3	4	5	6	7	8	9	10	
DK = 99										
V209. Prostitution										
NEVER JUSTIFIABLE										ALWAYS JUSTIFIABLE
1	2	3	4	5	6	7	8	9	10	
DK = 99										
V210. Abortion										
NEVER JUSTIFIABLE										ALWAYS JUSTIFIABLE
1	2	3	4	5	6	7	8	9	10	
DK = 99										
V211. Divorce										
NEVER JUSTIFIABLE										ALWAYS JUSTIFIABLE
1	2	3	4	5	6	7	8	9	10	
DK = 99										
V212. Euthanasia – ending the life of the incurably sick										
NEVER JUSTIFIABLE										ALWAYS JUSTIFIABLE
1	2	3	4	5	6	7	8	9	10	
DK = 99										
V213. Suicide										
NEVER JUSTIFIABLE										ALWAYS JUSTIFIABLE
1	2	3	4	5	6	7	8	9	10	
DK = 99										

Question 17:

V223. Sex of respondent:	1. Male	- 1
	2. Female	- 2

Question 18:

V242. Ethnic group	1. White	- 1
	2. Black	- 2
	3. Indian	- 3

	4. Coloured	- 4
	5. Other (write in).....	- 5

Question 19:

V225. This means you are years old.	
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Question 20:

V226. SHOW CARD: What is the highest education level that you have attained? (IF STUDENT, CODE THE HIGHEST LEVEL HE/SHE EXPECTS TO COMPLETE)	READ OUT:	
	1. No schooling	- 1
	2. Some primary school	- 2
	3. Primary school completed	- 3
	4. Some high school	- 4
	5. Matric	- 5
	6. Artisan's certificate obtained	- 6
	POST-MATRIC (DEGREES/DIPLOMAS/CERTIFICATES)	- 7
	7. Technikon diploma/degree completed	- 8
	8. University degree complete	- 9
	9. Professional	- 0
	10. Technical	- 1
	11. Secretarial	- 2
12. Other (STATE)		
A IF OTHER, PROBE THOROUGHLY AND FIND OUT WHETHER MATRIC OR NOT		

Question 21:

V235. SHOW CARD DEMOGRAPHICS C: People sometimes describe themselves as belonging to the working class, the middle class, or the upper or lower class. Would you describe yourself as belonging to the ...?	READ OUT:	
	1. Upper class	- 1
	2. Upper middle class	- 2
	3. Lower middle class	- 3
	4. Working class	- 4
	5. Lower class	- 5
	6. Don't know	- 6

Question 22:

104. SHOW INCOME CARD AA: Here is a scale of incomes. We would like to know in what group your household is, counting all wages, salaries, pensions and other incomes that come in per month.. Just give the letter of the group your household falls into before taxes and other deductions.	READ OUT:	
	A. R 20 000+	54 - 1
	B. R 18 000 - R 19 999	- 2
	C. R 16 000 - R 17 999	- 3
	D. R 14 000 - R 15 999	- 4
	E. R 12 000 - R 13 999	- 5
	F. R 10 000 - R 11 999	- 6
	G. R 9 000 - R 9 999	- 7
	H. R 8 000 - R 8 999	- 8
	I. R 7 000 - R 7 999	- 9
	J. R 6 000 - R 6 999	- 0
	K. R 5 000 - R 5 999	- 1
	L. R 4 000 - R 4 999	- 2
	M. R 3 000 - R 3 999	- 3
	N. R 2 500 - R 2 999	- 4
	O. R 1 400 - R 2 499	- 5
	P. R 1 200 - R 1 399	- 6
Q. R 900 - R 1 199	- 7	
R. R 500 - R 899	- 8	

	S. Up to R 499	- 9
	T. Refused	- 0

Question 23:

V241. Size of town/community: OFFICE USE	1. Up to 499 (Rural)	- 1
	2. 500 – 7 999 (Village)	- 2
	3. 8 000 – 39 999 (Small town)	- 3
	4. 40 000 – 99 999 (Large town)	- 4
	5. 100 000 – 249 999 (City)	- 5
	6. 250 000 + (Metro)	- 6

Question 24:

V243. Region in which the interview was conducted	1. Gauteng	- 1
	2. Northern Province	- 2
	3. Mpumalanga	- 3
	4. North West	- 4
	5. KwaZulu /Natal	- 5
	6. Free State	- 6
	7. Eastern Cape	- 7
	8. Western Cape	- 8
	9. Northern Cape	- 9

Question 25:

V219. What language do you normally speak at home? (ONE MENTION ONLY)	1. English	- 1
	2. Afrikaans	- 2
	3. Zulu	- 3
	4. Xhosa	- 4

	5. Tswana	- 5
	6. South Sotho/Sesotho	- 6
	7. North Sotho/Sepedi	- 7
	8. Venda	- 8
	9. Tsonga/Shangaan	- 9
	10. Ndebele	- 10
	11. Swazi	- 11
	12. Other African	- 12
	13. Other European	- 13
	14. Other (SPECIFY)	- 14

Question 26:

V184. Do you belong to any religious Denomination? IF YES: Which one? (IF NO: CODE 0)	0. No. not a member	- 0
	1. Roman Catholic	- 1
	2. Protestant	- 2
	3. Orthodox (Russian/Greek/etc.)	- 3
	4. Jew	- 4
	5. Muslim	- 5
	6. Hindu	- 6
	7. Buddhist	- 7
	8. Independent African Church (e.g. ZCC, Shembe, etc.)	- 8
	9. Evangelistically/Apostolic Faith Mission	- 9
	10. Other (WRITE IN)	- 10
11. No answer	- 11	

Question 27:

V186. Independently of whether you go to church, would you say you are a ...?	READ OUT	
	1. A religious person	- 1
	2. Not a religious person	- 2
	3. A convinced atheist	- 3
	DO NOT READ OUT	
9. Don't know	- 9	

Question 28:

V133. How interested would you say you are in politics	1. Very interests	- 1
	2. Somewhat interested	- 2
	3. Not very interested	- 3
	4. Not at all interested	- 4
	DO NOT READ OUT	
9. Don't know	- 9	

Question 29:

I'm going to describe various types of political systems and ask what you think about each as a way of governing this country. For each one, would you say it is a very good, fairly bad or very bad way of governing this country? (READ OUT. ONE MENTION ONLY)					
	VERY GOOD	FAIRLY GOOD	BAD	VERY BAD	DON'T KNOW
V164. Having a strong leader who does not have to bother with parliament and elections	- 1	- 2	- 3	- 4	- 9
V165. Having experts, not government, make decisions according to what they think is best for the country	- 1	- 2	- 3	- 4	- 9
V166. Having the army rule	- 1	- 2	- 3	- 4	- 9
V167 Having a democratic political system	- 1	- 2	- 3	- 4	- 9