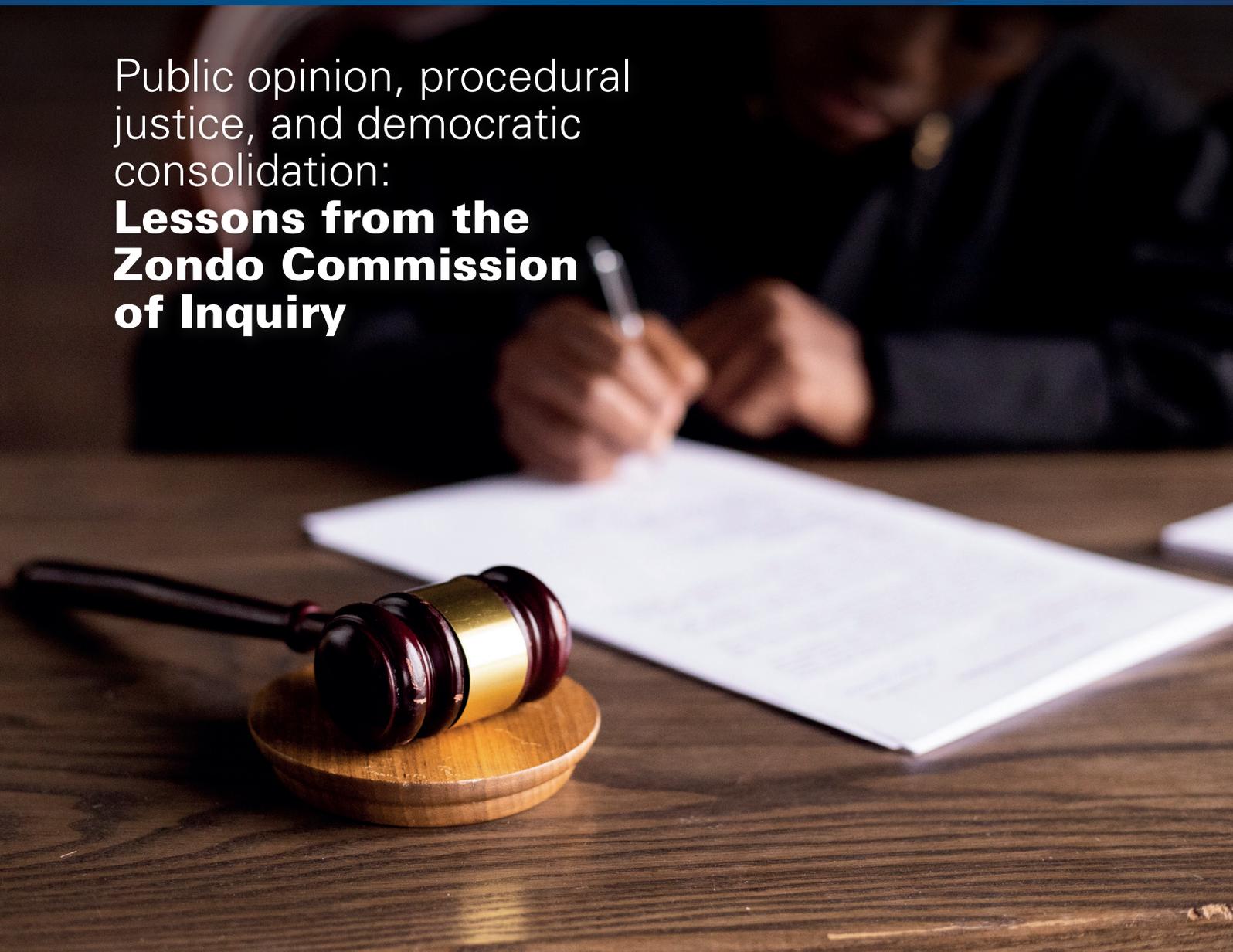


# P O L I C Y   B R I E F

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## Public opinion, procedural justice, and democratic consolidation: **Lessons from the Zondo Commission of Inquiry**



### Summary

Public opinion research has, to date, provided the most detailed evidence on public perceptions of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector, Including Organs of State (hereafter referred to as “the Zondo Commission”) and the public’s expectations of the implementation of its outcomes and recommendations. The results show that a procedural justice model applies to Zondo Commission evaluations. Trust (effectiveness, fairness) and legitimacy vested in the Commission matter for overall confidence in the Commission. Confidence, in turn, shapes views on outcomes in terms of the perceived likelihood of success in implement-

ing arrests and prosecutions for those implicated in state capture, and winning the fight against state-level corruption through new legislation and the establishment of new bodies to trace accountability. A notable segment of the public is complimentary about the work of the Commission. However, if prosecutions do not meet expectations and do not result in convictions, a harsher retrospective view of the Commission is likely to emerge and raise questions of its value. It should be noted, however, that the Commission has no direct control over the implementation of its recommendations. The survey evidence provides insights that may have a bearing on future commissions of inquiry.

## Background

The Zondo Commission was appointed in January 2018 by then President Jacob Zuma, who initially resisted its establishment. Then-Deputy Chief Justice Raymond Zondo (now Chief Justice) presided over the hearings for a period of four years. During its proceedings, the Commission heard evidence from hundreds of witnesses, including politicians, civil servants, businesspeople, NGOs, CSOs, and members of the public about the machinations of state capture and high-level corruption. These allegations involved, amongst others, the highest office in the state. The Commission also received thousands of documents and other forms of evidence related to its investigations that collectively amount to a petabyte of material (over 1 million gigabytes) that will form the basis of a permanent archive under construction by the Council for Scientific and Industrial Research (CSIR) and Human Sciences Research Council (HSRC).

The Presidency received the first part of the Commission report in January 2022, with the final part handed over in June 2022. The report recommended a range of actions to address issues of state capture, including urging that formal charges be brought against a range of prominent individuals and institutions named in the report. This Commission is considered unique due to its extensive scope and thoroughness of efforts to examining state corruption over such a length of time [1].

It is important to understand how South Africans perceive the Zondo Commission and its role in investigating allegations of state capture and corruption. Recognising the importance of public opinion, the HSRC initiated a multi-year research project that sought to understand public perspectives of the Zondo Commission. Such research can provide valuable insights into the level of trust and confidence that the public has in judicial commissions of inquiry, as well as

attitudes towards corruption and government accountability more generally. It can also help to identify strategies to strengthen the legitimacy and credibility of future commissions of inquiry.

It is important to note that the Zondo Commission's proceedings took place at a time when the public's trust in core democratic institutions was extremely low, with a majority voicing discontent with the state of democracy. Public satisfaction with democratic functioning has declined significantly since 2004. By late 2022, only 21% of the public were satisfied with the way democracy was working in South Africa, marking the lowest level recorded to date.

This decline in democratic satisfaction was accompanied by a general erosion of confidence in constitutionally entrenched democratic institutions, such as national government, Parliament, and the courts. Public opinion research reveals that the public has become more distrustful of government in the last two decades [3]. A low point in public confidence was reached in 2017, and despite some improvement in subsequent years, political trust has remained relatively low.

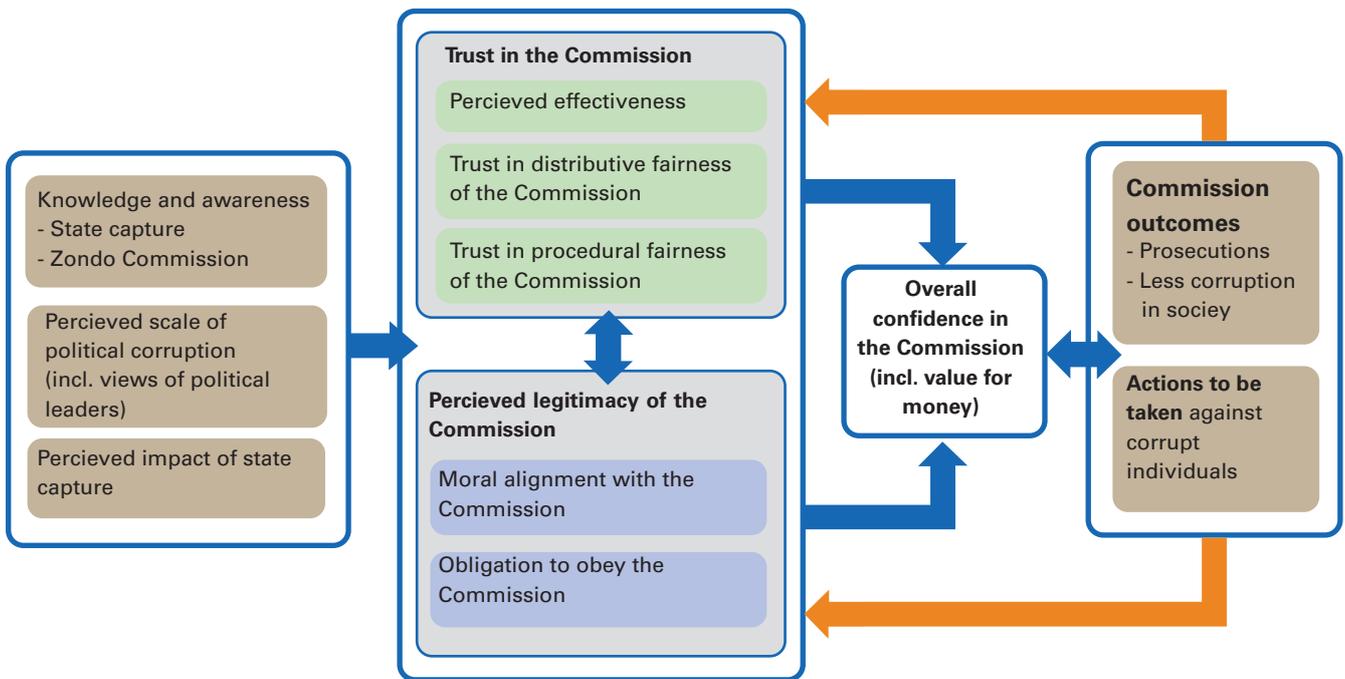
One of the factors contributing to this diminishing political trust is public concern regarding corruption. In the South African Social Attitudes Survey (SASAS) 2022, two-thirds (67%) of the public believe that either 'quite a lot' or 'almost all' politicians were involved in corruption. In addition, a sizeable share of the public acknowledged that state capture had appreciably impacted on state-owned enterprises, the economy, confidence in political leadership, and service delivery. These findings align with prior HSRC research, which showed that the share of South Africans listing corruption as one of the most important challenges facing the nation increased threefold over the last 20 years [4].



## Data and conceptual model

Data from the SASAS series were used for this study. The SASAS series consists of nationally representative, repeat cross-sectional surveys that have been conducted annually by the HSRC since 2003. The survey series has an average annual sample size of approximately 3,000 adults aged 16 years and older living in a private residence, with surveying typically conducted in the last quarter of each calendar year. A special Zondo Commission module was included in both the 2021 and 2022 SASAS rounds. In addition to the SASAS data, two online surveys were conducted. Using a non-probability convenient sampling frame, these online surveys were hosted on the data free Moya Messenger platform. The first online survey took place between November and December 2021, while the second was conducted between June and July 2023.

**Figure 1: Conceptual model informing empirical testing of attitudes towards the Zondo Commission**



The survey content was informed by a procedural justice model, building on the work of Tyler et al [2]. This model focuses on individuals' perceptions of fairness and justice in the processes and procedures used by authorities, such as the police, courts, organisations, and, in this case, a judicial commission of inquiry. The survey testing of the model (Figure 1) examined patterns of trust in the Zondo Commission (effectiveness, procedural fairness, and distributive fairness), and whether this fostered the legitimacy (moral alignment, duty to obey) needed for such commissions to operate effectively. Trust and legitimacy were expected to inform overall confidence in the Commission. This, in turn, fosters public compliance with the recommendations of the Commission, and a belief that these recommendations will be successfully acted upon. However, if the implementation does not meet public expectations of prosecutions, this will increasingly erode positive evaluations of the Commission over time, and vice versa.

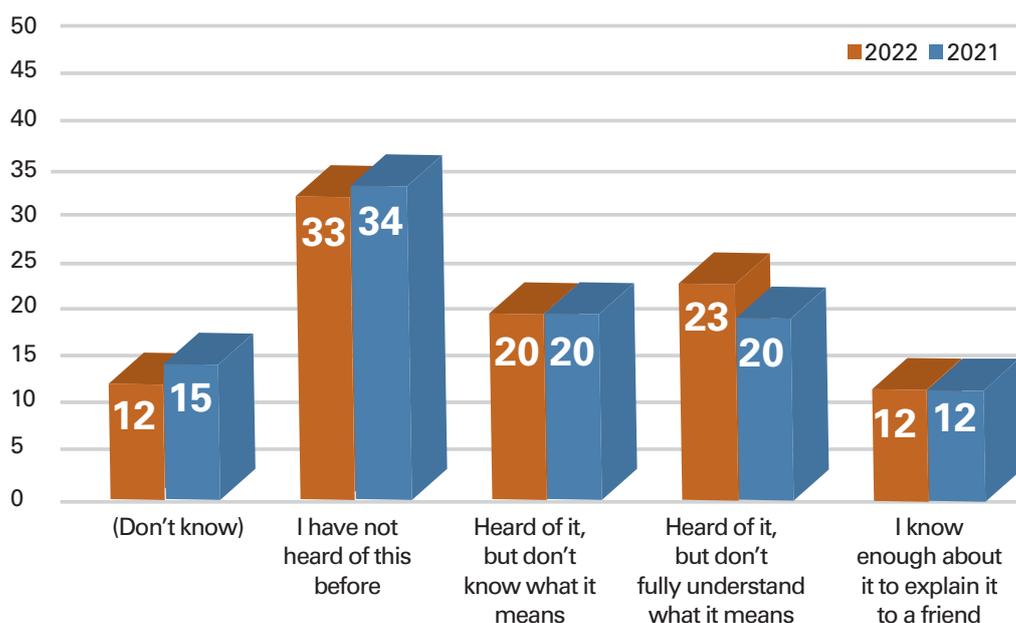


## Public attitudes towards the Zondo Commission

### Knowledge of the Zondo Commission

Considering the public's concern with corruption, as described earlier, one would assume that the highly publicised Zondo Commission, with its televised hearings, would be well known to South Africans. Interestingly, this is not so. Even though the media (television, newspaper, radio, online and social media) gave significant attention to the Zondo Commission proceedings, public awareness was more circumscribed than expected. In 2022, only a third (34%) of the public had moderate to high knowledge of the Commission, and 20% had low knowledge (Figure 2). A third of respondents reported having no knowledge of the Commission, and 12% were uncertain about how to answer the question. It was anticipated that public awareness would rise following the release of the Commission's final report. However, we observe similar levels of self-reported lack of knowledge in both 2021 and 2022. Knowledge of the Commission as well as of state capture significantly influenced positive performance ratings of the Commission.

**Figure 2: Public knowledge of the Zondo Commission and its work, 2021 and 2022 (%)**



Source: South African Social Attitudes Survey (SASAS), 2021, 2022

There was a discernible class divide in knowledge of the Commission. The better-educated, non-poor, the employed, and city residents reported greater awareness of the Zondo Commission on average. It is thus clear that class plays a major role in awareness and knowledge of high-profile public events. This finding begs the question as to what sources of information or other factors influence decision-making in this and other areas of public interest in South Africa.

In the analysis of Zondo Commission attitudes that follows, we restricted the focus to those adults who had heard of the Zondo Commission before the surveys were conducted. This prevents distortions and erroneous messages due to a lack of knowledge in society.

### Trust in the Zondo Commission (effectiveness and fairness)

Perceptions of the effectiveness and impartiality of the Zondo Commission were crucial determinants of overall performance evaluations of the Commission. The public was evenly divided in terms of positive and negative views on the Commission's success in gathering evidence of corruption, and the avoidance of procedural errors (Table 1). The share providing critical evaluations increased between 2021 and 2022. The public was very critical in assessing the time the Commission took to complete its activities, and this view became harsher between the survey years. However, views on duration did not have an adverse impact on overall Commission performance evaluations.

In terms of procedural fairness, the public rated the Commission favourably regarding its respectful treatment of people appearing before it in both 2021 and 2022. Equal shares of the public evaluated the Commission positively and negatively on impartial decision-making in 2021, becoming marginally more negative in 2022. A harsher view was evident in terms of distributive fairness, with a significant share (45%) believing that the Commission protected the interests of the rich and powerful. This finding seems counterintuitive, as the Commission was explicitly established to halt the trend of the rich and powerful stealing from the poor. Perceptions of procedural and distributive fairness were also significant determinants of overall Commission performance evaluations.

**Table 1: Zondo Commission trust and legitimacy evaluations, 2022 (2021 figures in brackets) (row %)**

TRUST (EFFECTIVENESS)	Positive response	Negative response	Neutral/uncertain	Total	Balance (+ve minus - ve)
How successful or unsuccessful do you think the Zondo Commission was in gathering evidence on corruption?	26(27)	37(13)	37(45)	100	-12(-2)
How often do/did you think the Zondo Commission make mistakes?	27(30)	33(28)	40(42)	100	-6(+2)
To what extent do you agree or disagree that the Zondo Commission has taken/took too long to complete its activities?	12(13)	50(39)	37(48)	100	-38(-26)
TRUST (PROCEDURAL AND DISTRIBUTIVE FAIRNESS)					
How often do you think the Zondo Commission makes/made fair, impartial decisions based on the evidence made available to them? [procedural fairness]	25(28)	34(29)	41(43)	100	-9(2)
How often would you say the Zondo Commission treated the people appearing before it with respect? [procedural fairness]	46(48)	31(23)	23(29)	100	+14(+26)
The Zondo Commission generally protects/protected the interests of the rich and powerful above those of ordinary people? [distributive fairness]	13(17)	45(32)	43(51)	100	-32(-15)
LEGITIMACY (MORAL ALIGNMENT AND DUTY TO SUPPORT)					
The Zondo Commission generally has/had the same sense of right and wrong as I do?	36(30)	17(16)	47(54)	100	+19(+15)
The Zondo Commission stands/stood up for values that are important to people like me.	32(28)	24(20)	43(52)	100	+8(+8)
Everyone has a duty to support the final decisions/recommendations of the Commission.	37(28)	18(21)	45(52)	100	+18(+7)

Source: HSRC SASAS 2021 and 2022

### **Perceived legitimacy of the Commission**

One of the reasons why many were content with the work of the Commission was due to a sense of shared moral values. This is a core component of legitimacy (Table 1). Around a third (36%) felt a sense of shared values with the Commission in 2022, which was double the share (17%) that felt a misalignment in values, and moderately higher than in 2021. Similar shares reported that the Commission championed values important to them (32%) and expressed a sense of duty to support the decisions and final recommendations of the Commission (37%). These figures were moderately higher than the critical views, and improved slightly following the release of the Commission reports. Higher trust in the Commission produced a stronger sense of legitimacy in terms of shared values and duty to support Commission outcomes. This was particularly true of the perceived effectiveness in gathering evidence and procedural fairness. A sense of legitimacy vested in the Commission was associated with higher overall Commission performance ratings.

### **Overall performance of the Commission**

The public was asked to give an overall evaluation of their confidence in the Zondo Commission and its work. Figure 3 presents the pattern of results from the 2021 and 2022 SASAS rounds. On average across the two survey years, 27% expressed satisfaction with the performance of the Commission (good / very good job), 19% were discontent, while 54% were neutral or uncertain. Dissatisfaction, however, rose from 15% in 2021 to 23% in 2022.

As part of the 2021 online survey, respondents were invited to indicate in their own words why they thought that the Commission had done a good or bad job. For those who rated the Commission poorly, the most prominent answers related to concerns about those guilty of state capture not being held accountable or arrested. The increase in dissatisfaction between 2021 and 2022 may, therefore, be linked to perceived lack of implementation of the Commission's recommendations.

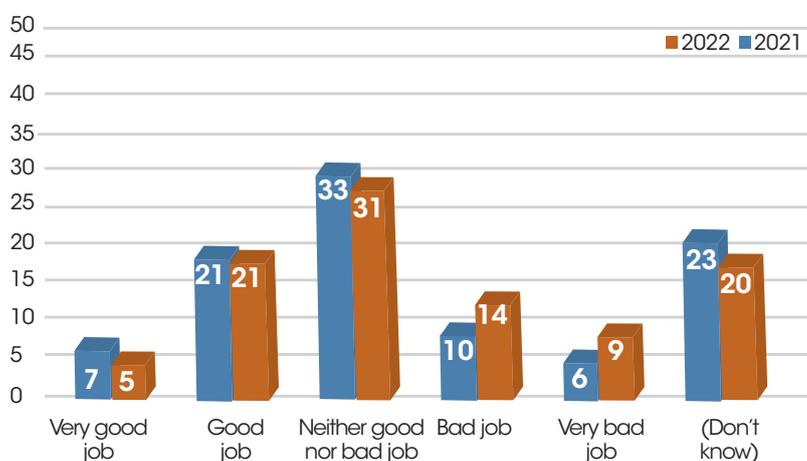
## Post-Zondo: After action, satisfaction

With the conclusion of the activities of the Zondo Commission, the focus has gravitated to implementation of the recommendations on state capture. In terms of perceptions regarding outcomes emanating from the Commission, the public was more inclined to disagree than agree (37% vs. 27% in 2022) that the authorities have been doing enough to prosecute individuals involved in state capture. The sense that not enough is being done increased between 2021 and 2022. Similarly, the SASAS results also found that scepticism around whether Zondo Commission evidence is resulting in the arrest of corrupt individuals rose 9 percentage points between the two years.

During our final 2023 online survey, respondents were invited to explain their views on the likelihood of the final Commission recommendations being successfully implemented or not. Those who were optimistic linked their positive views to a sense of political will, trust in political processes, and hopefulness about the prospects of prosecution. Those who were critical stated that they were negative because of fear of continued corruption, lack of accountability, empty promises, and lack of political will.

We ultimately found that the positive views on implementation of Zondo Commission recommendations are reinforcing Commission-related trust, legitimacy, and overall performance evaluations. Conversely, scepticism regarding outcomes is contributing to harsher assessments of the Commission over time.

**Figure 3: Overall evaluation of Zondo Commission performance, 2021 and 2022 (%)**



*Note: Data are restricted to those who have heard of the Zondo Commission.  
Source: South African Social Attitudes Survey (SASAS) 2021; 2022*

## Recommendations

- More research is needed to determine the reasons for the public's low levels of awareness of highly publicised events and processes that address issues of public concern, such as corruption.
- The experiences of the Zondo Commission show decisively the importance of swift implementation of recommendations to provide signals to the public that their concerns are being addressed, that justice prevails, and that, by extension, they can vest their trust and confidence in the justice system, the rule of law, and key political institutions.
- In a context where the public's trust in core democratic and political institutions is at an all-time low, actions that inspire a belief in the effectiveness and fairness of such institutions, as well as promote a sense of moral alignment, are crucial to restoring confidence and advancing democratic consolidation in the country.
- In so doing, the quality of leadership in political institutions is instrumental in promoting more positive appraisals. A recent example of governance improvements following the implementation of recommendations from commissions of inquiry includes the removal from office of Mr Tom Moyane as Commissioner of the South African Revenue Service (SARS) following the Nugent Commission of Inquiry [6], which found that there was a 'massive failure of integrity and governance at SARS' under his leadership, a finding confirmed by the Zondo Commission.
- While the public demonstrates what is referred to as 'thermostatic tendencies' [6], implying that they are responsive to public action, there is a concern that the public tends to display expectations of change that are beyond the remit of commissions of inquiry. This is evident in the public's view that the Commission is directly responsible for prosecutorial action. Better communication is required about the limits of the mandate of such commissions of inquiry. Routine monitoring and communication about progress in implementation would also assist in offsetting misplaced and unreasonable expectations.
- The experience of a particular commission of inquiry is likely to have a bearing on public perceptions of future commissions of inquiry. Therefore, a positive appraisal of the Zondo Commission is likely to reinforce support for future such inquiries and their intrinsic value to society. Conversely, a more critical appraisal is likely to lead to a questioning stance on whether future inquiries are likely to be of value to the public and the country.

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## Ethics statement

Ethical approval for the survey research was granted by the HSRC's Research Ethics Committee.

## Disclaimer

The report's findings and conclusions are those of the authors and do not necessarily reflect the official stance of the funding institutions.

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