

Social Solidarity as a Metaphor of Social Order under South Africa's Transformative Constitutionalism

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ABSTRACT

Considerate of South Africa's lasting agenda of transformative constitutionalism, this study discusses the notion of social solidarity, positing it as a theory through which social order can be achieved and sustained. This is premised on the need to advance substantive equality, equal love, respect and compassion, biased towards indigent people. Clearly, humanity thrives when indigent people lacking survival means receives social assistance. This effectively reinforces social order and that desired cohesion, which through social solidarity enables the value of Ubuntu to find expression with ease. Significantly, this study reveals that social solidarity is inherently under siege owing to pervasive problems of poverty, unemployment, inequalities and corruption, bedeviling the country in socio-economic realities. It is asserted that social solidarity is a noble normative ethic which is indispensable for the livelihood of human kind because it is capable of inspiring long-term solutions to a variety of societal problems.

Keywords: Social Solidarity, Social Security, Poverty and Inequalities, Transformation.

INTRODUCTION

The notion of social solidarity invariably occupies cardinal place in safeguarding humanitarian values that fosters sustainability of human life. It represents a manifestation of a unique desire for greater social order amongst human race. This is premised on the fact that this notion propagates for humanitarian care, human interdependence and mutually caring co-existence amongst people. It is a multidimensional principle consistently permeating diverse phases of societal human interfaces. It can be described as a philosophical instrument inadvertently inherent in the being of humans, for it essentially proffers a proper orientation with regards to desirable human social relations. Since its inception, the notion of social solidarity has found greater significance in political and sociological scholarships

(Williams, 2009), and has since crept into the legal scholarship arena. Based on this view, all-encompassing discussions on issues of social justice, peace, development and social welfare found legitimate ground of justification, which is that law ought to also affirm solidarity towards people in all its tenets. In the end, this culminates in law being indicted to proffer effective responses for achieving common societal objectives that reinforces sustainable social order. This is the essence of social solidarity. Thus, the international community and national legislatures should be sensitive to calls such as those demanding protection of people's social welfare, and thus embrace social solidarity when executing their legislative functions. This is particularly significant for sustenance of social stability.

In this article, focus is on the notion of social solidarity reflecting a South African experience. The article is aimed at illustrating the importance of social solidarity and stating why social solidarity is a significant instrument in the sustenance of social order. It is shown

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that social solidarity is of inherent prominence in constructing and shaping international, regional and national relations that are essential for safeguarding human value and sustainable development. It is essential for a variety of co-operations in society. Discussions in this paper derives strength from South Africa's transformative agenda which is at the forefront of driving ideals of changing society to bury wounds of the past, while building a nation grounded in law and social justice. The article takes this noble transformation theory into account and supports the view that social solidarity is a human rights inclined principle which endeavors to preserve the worth of humans. It begins with an overview and theoretical framework upon which this study is founded. This is followed by a reflection on the meaning and context of social solidarity. Thereafter, the notion of transformative constitutionalism will be considered specifically with regards to how it augments ambitions of achieving and sustaining social solidarity. Factors recognized as challenges hindering a fully-fleshed social solidarity are also be propounded upon.

Overview and theoretical framework

The essence of social solidarity rests on its uniqueness as the best tenet for pursuing sustainable social cohesion. It a phenomenon that can aid any country in mitigating the pervasive nature of disparities of wealth between the rich (often elite or connected few) and the poor. It is worth noting that various perspectives on this subject adopt different methods in dealing with aspects that foster its continued existence. For instance, social solidarity could be subject to dialogue using perspectives in respect of matters of public health, education, housing, safety and security and other areas. In the main, its primary objective is to provide social security to indigent people. It is grounded on helping those that are incapable of helping themselves due to their helpless socio-economic conditions. Then, a question of how we put the principle to application reigns supreme, hence this article. South Africa's unforgettable past of repressiveness and

indifference with regards to wellness of majority unwittingly continues to influence country's social developments. This is inclusive of areas such as legal, political and sociological studies. Thus, discourses concerning social solidarity unfolds in consideration of the past, which necessitated the need for change in society.

According to Klinck (2001), social solidarity is a theory that can be presented as panacea to previous injustices fundamentally inflicted by a racially exclusive system of governance. Further that this is a phenomenon which is largely associated with transforming a social protection system to effectively render it responsive to the needs of every member of the human race. This is perhaps the fundamental essence of solidarity in broader terms. Social solidarity supports advocating for human rights protection, recognizing it as a means to greater social ends (Forsythe, 2012). It seeks to strategically eliminate apartheid patterns of segregation and disenfranchisement. This regards the need to change in accordance with the fundamental values of the Constitution of the Republic of South Africa, 1996 ('hereinafter, the Constitution'). This article links 'transformation' from a social security perspective because that is the essence of social solidarity. Klinck (2001) argued that a constant transformative vision has had to proffer new shape to social security systems. Further that this process of transformation intrinsically got interconnected with issues of historical economic and social aspects, with notions of democratization and social-integration also inevitably featuring. This entails that democratic dispensation has had to appreciate pervasive material disadvantage majority of people suffered in the past. It had to go as far as resonating with founding values of the Constitution. This includes, protecting equality and dignity of persons, advancing societal re-integration and sustainable development. Thus, what needed to be transformed and why? An answer lie in appreciating motive forces that necessitated change. In the main, transformation had to occur to

broaden access to social protection and avert further spiraling of abject poverty, which happen to be a major threat to sustainable development. Patel (2011) and Zanker et al (2011) posited that South Africa's transformative social protection system has played a fundamental role in shaping society as it reinforced initiatives of redressing past imbalances. This has also aided the re-configuring of solidarity principle. Hence, it is clear that South Africa transformative doctrine has been and remain crucial to solidarity principle. Therefore, transformation should go beyond normative establishment, owing to crucial social construction side of it. This entails that people themselves some amount of psychological transformation too. Thus, society must adapt and accept change as a whole. Accordingly, Klinck (2001), Patel (2005 and 2011) and Zanker et al (2011) posit the notion of social solidarity as a transformative tool, which bears supreme relevance to South Africa because it requires people to help each other in an effort to eliminate socio-economic and material disadvantages of the past.

In accordance with the writings of Mokgoro (1998), social solidarity is essentially a theory which co-exists alongside the philosophy of Ubuntu.¹ This presupposes that discussions on social solidarity might be deficient if the concept of Ubuntu is not propounded upon. According to Judge Y Mokgoro (1998), Ubuntu is a broadly considered philosophy of life, and this resonate the spirit and purport of social solidarity. This Ubuntu is accepted as a component of deep cultural heritage of a caring society (Gade, 2012), and thus it is a crucial ideal which is interrelated with social solidarity. It is an essential doctrine which promotes the goodness of a community to cater for the long-term benefits of its

¹ **Ubuntu/Botho** is a doctrine which is recognized as *African philosophy of life*. It means 'humanness'. Its core ideology entails that '*motho ke motho ka batho*', which when literally translated it means '*a person is a person through other persons*'. It requires people to co-exist, with love, care, oneness, collective brotherhood and group solidarity. Further that humans should have compassion and care for each other.

people (Sigger, Polak and Pennink, 2010). Nussbaum (2003) posits Ubuntu as a 'value' which is crucial in making people aware of human value. Explicitly, it has been shown that that Ubuntu is capable of enhancing a distinguished kind of renaissance in every society. It also informs sound social relations for the benefit of mutual interdependence. Hence, Ubuntu and social solidarity are premised on common goals.

Social solidarity is also recognized as a theory that espouses wellness with regards to social and economic conditions of people. This it does by advocating that Constitutions should entrench socio-economic rights, respect and protect them in a manner that extensively ensures people's welfare. This accord to aspects of assuring legal and policy frameworks augments realization of solidarity in broader terms. In this regard, it entails that law and policy ought to be framed in such a way to make a meaningful impact in giving effect to social solidarity. According to Mcleod (2005), this is indispensable because different sectors of society are generally organized according to solidarity principle, which should explicitly find expression in law. Thus, the Constitution included a solidarity tone in its preamble by prompting people about the past, whilst also provoking thorough thoughts and determination about moving the country forward in a mutually caring egalitarian way. Harris et al, (2011) viewed social solidarity as the basis of social welfare in which equitable health care systems with cross-subsidy whereby the rich fund services geared towards catering the interests of the poor. Importantly, this resonate a constitutional requirement for equal access to health care services. This also applies to issues of access to (basic) education, food, water and other social services. Harris et al rightfully asserts that the essence of social solidarity is to actually protect the most poorest and docile social groups in society.

Rationale and Methodology

The object of this article is to address two research questions, namely. First, why social solidarity constitute a

metaphor and panacea for greater social order and societal stability under transformative constitutionalism? Second, whether social solidarity is on course to stabilizing society, considerate of the need to overcome complex socio-economic challenges afflicting contemporary South Africa. It is argued social solidarity has embedded its significance as an indispensable doctrine of social order. This happens because social solidarity plays a major role in normalizing people's socio-economic relations, thereby averting possible social strife and conflicts, to the benefit of social order, harmony, social justice and people's interdependence.

This article adopts a non-empirical research method. It employed a qualitative approach relying substantively on reviews dealing with aspects relevant to social solidarity. Qualitative method was preferred because it enabled the author to persuasively identify aspects that are subjectively considered as inhibiting meaningful realization of social solidarity. Both primary and secondary sources were consulted as source material as they assisted in analyzing how this principle apply from theory to reality. The Constitution's transformative agenda was used as tool of analysis, whereas scholarly works in the form of journal articles, books and reports were used to identify aspects of contention and scholarly perspectives on this subject. Therefore, the article employed content analysis strategy on primary and secondary sources because this is best suited for analyzing whether social solidarity has infused in the post 1994 transformative regime and how scholarly contributions influence this process. This is considered crucial in finding the place of social solidarity within legislative and policy imperatives governing society.

Results

It has been observed that the notion of social solidarity constitute a notable normative ethic which is indispensable for distinguishing between interdependence and egocentrism in the human race. It emboldens co-existence, interdependence, empathy and humanness

towards those lacking the means to acquire sustainable livelihood, if it were not for state interventions. Thus, social solidarity is affirmed as a metaphor and a panacea to society's social order. This entails that when the underprivileged proletariats lack support structures to maintain life, such creates undesirable social disorders that very much threatens peace and security of the privileged segments of society. Therefore, social solidarity is found to be a coherent tenet that augments the Constitution's ambitious transformative agenda. This is discernible from various constitutional provisions which entrenched amongst others, fundamental imperatives of guaranteeing respect and protection of human dignity, right to equality, right to life and provisioning of social security to the indigent segments of the society. Nevertheless, it has also been found that the notion of social solidarity is faces a variety of difficult challenges which very much threatens its livelihood. Problems of poverty, unemployment, inequalities, predatory politics often accompanied by egocentric VIPsm theory and corruption are noted as major threats to social solidarity. Problems of poverty, unemployment and inequalities constitute huge socio-economic problems, whereas the other problems are man-made and depend much on politics. As illustrated, the socio-economic problems these phenomena impedes meaningful realization of greater impacts by transformative legislative and policy initiatives for indigent masses. This entails that law and policy remain encumbered to deliver according to the post 1994 promises owing to the fact that socio-economic conditions are not meaningfully changing. This also compounded further by South Africa's constant economic challenges, given added impetus by sluggish economic growth rate in the modern political economy. The other man-made egocentric challenges widely encumber the betterment of society because of widespread myopic selfishness. It is the contention of the author that a lot need to be done at the governance level in terms of reshaping and re-igniting social solidarity amongst people, especially those at the

helm of leadership who seem to have lost touch with realities of abject poverty afflicting the poor. The most important observation is the presence of a lacuna around notable areas of social philosophy. This entails that at the present moment, South Africa lacks a social philosophy with which to consistently rhyme the significance of social solidarity. This cannot be achieved only through the Constitution and related texts. It requires more than just egocentric political rhetorics.

Discussion

Social solidarity and transformative constitutionalism:

Social solidarity shares similar ambitions with the agenda of transformative constitutionalism. In fact, it is through transformative constitutionalism that social solidarity finds its strength. These notions stem from the Constitution which is recognized as a transformative text mainly because it is founded on historic values of non-racialism, non-sexism, Bill of Rights and the rule of law. It has been lauded as an imprint appropriately invented to also advance social solidarity through its transformative agenda (Klare, 1998; Christiansen, 2008 & 2010; Mattes, 2012).

So, how does the Constitution and its transformative constitutionalism embrace social solidarity? First and foremost, the Constitution invented a new regime premised on unique normative and institutional framework. It is on this basis that the text in the Constitution is being revered as a liberal egalitarian and comprehensive human rights friendly text across the African continent and beyond (Kende, 2003; Reddy and Sokomani, 2008). The Constitution is celebrated because it particularly obligates the state, and private actors to uphold and propagate such principles as (social) solidarity amongst others. It is a text that can be utilized in advancing agendas that aid every aspect of social cohesion in the country. The core objectives of social solidarity are similarly structured in accordance with the constitutionally entrenched values. This takes into consideration the Constitution's transformative vision of

normalizing society. The idea encompasses the entire setting of burying all the wounds of the past to build one unified nation (Langa, 2006), whose people are mutually caring and interdependent. As a beacon of hope, this Constitution entrenched social security as a right in section 27(1) (c), and also obligates the state to ensure comprehensive realization of all rights in the Bill of Rights. This is unambiguously in furtherance of the concept of social solidarity requiring the subsidization of social services to benefit indigent people's needs through state funded initiatives. In this regard, the Constitution reverberates the wishes of notable international agendas such as those relating to attainment of Millennium Development Goals (MDGs), specifically MDG-1 which is concentrated of the eradication of poverty world over.

Upon accepting the Constitution as an essential transformative tool, a theory referred to as transformative constitutionalism emerged. Transformative constitutionalism was formulated by Professor Karl Klare (1998) premised on the nature of constitutional supremacy and the values upon which the Constitution was founded. Since then, TC is considered as a noble theory guiding constitutional, social and economic developments in the country. According to Klare (1998) TC connotes an enterprise of inducing major social change through nonviolent processes grounded in law, while catering for the interests of indigent people in the society. He addressed the question of legal culture of justification in which the law requires that every action should be justified according to what it seeks to achieve. Further that arbitrariness in both administrative and judicial actions jeopardizes the potential successes of the Constitution, including in instances affecting social solidarity. Karl Klare described transformative constitutionalism as...

“a long-term project of constitutional enactment, interpretation and enforcement committed to transforming a country's political, legal and social institutions, and power relations in a democratic,

Participatory and egalitarian direction"

This perspective has reinforced a shared belief that the Constitution established a new democratic setting where unlocking people's potential supersedes egoism, a view which enables social solidarity to triumph. He argued for a changed setting where a distinctive process of seeking legal change culminated in the Constitution that would essentially change wider social and political landscapes. With regard to legal culture, Karl Klare highlighted that this remained conservative and formalistic in form, arguing that this needed to be transformed into a more post-liberal type which enables broader change in legal and social terms which is only possible when courts consider circumstances of every case. It is discernible that for Klare, this results in courts being capable of giving meaningful effect to social solidarity because courts would then occupy or adapt to activist transformative approach which comprehensively prioritizes serving both legal and social justice to the indigent populace.

Since its inception, the theory of transformative constitutionalism welcomed several proponents. Pius Langa (2006: 2) supported this project because he believed that it was rooted in the epilogue of the Interim Constitution, and that it fundamentally provides a historic bridge between the past and present, in which ordinary people have a place to find solace. He also argued that its strength sits on the theory's capability to address socio-economic predicaments faced by many. Chitriansen (2010) on the hand reasoned that this theory is contingent on strong institutional framework to bear successes, particularly on the Constitutional Court's ability to compel the state to implement and/or enforce remedial actions as may be required in terms of the Constitution. He argued that this is crucial to reinforce meaningful achievement of substantive justice and social justice for people. Because significant consensus has been founded with regards to how normative and institutional framework could aid social solidarity, there remained a question as to how the Constitution ought to be

interpreted. In this regard, Klare opted for a specified method. This contradicted the prominent interpretive theory of Ronald Dworkin, which carries its strength as that which requires putting the Constitution in its best light, effectively affording it adequate space to realize fundamental constitutional values. Consequently, Van Marle (2009) and Roux (2009) correctly argued that a better interpretive approach should be that which encompasses extensive constitutional ambitions, moving beyond supposed boundaries to reach various disciplines, thereby reaching out in accordance with social solidarity espouses.

Distinctly, social solidarity constitutes an essential tenet of South Africa's transformative constitutionalism. It plays an essential role in terms of upholding and reinforcing social values, principles of humanity and humanitarianism (Slim, 1997; Frye, 2008). Its primary function rests on ensuring people's sustainable social welfare. Therefore, social solidarity is concerned with social and economic circumstances of indigent poor people. This refers specifically to problems of poverty, unemployment, access to substantive and social justice, access to education, the scourge of crime and diseases. In the main, these are prime factors that influenced the coining of transformative constitutionalism.

Social protection as a means to augment social solidarity

Albie Sachs (2012) remarkably highlighted that social protection epitomizes a beacon of hope through which dynamic concepts of equality, dignity and social justice can be realized because it creates an environment of optimism. This indicates that we should give or show similar concern, treatment and respect for people which in turn go beyond affirming social solidarity. This is achievable when people are provided social assistance without which their lives could be rendered miserable. South Africa's conceptualization of social protection is best known as social security, but this may be used interchangeably to mean same thing. The essence of

social protection is mainly to give effect to foundational constitutional imperatives for achieving according to foundational values of human dignity, equality and advancement of human rights and freedoms in terms of section 1(a) of the Constitution (Tshoose, 2009). Thus, social protection features as a noble proponent of social solidarity. In its present form, South Africa's system of social protection is premised on the old British tradition of means-tested social benefits provided to the indigent members of the society (Olivier and Kalula, 2004). Its funding is largely sourced from the tax base. This is informed by the fact that it will be grossly unreasonable to anticipate poor people fund themselves from empty coffers. It is for this reason that its expansion for people's social welfare was legitimized on human style of collective solidarity and communality (Tshoose, 2009).

This social protection is defined as a wide variety of public and private measures that provide cash or in-kind benefits or both first, in the event of an individual's earning power permanently ceasing, being interrupted, never developing, or being exercised only at unacceptable social cost and such person being unable to avoid poverty and secondly, in order to maintain children (Dept. of Social Welfare, 1997; Strydom, 2001). On the whole, the social welfare system is founded on constitutional imperatives of transformation with the view to securing social justice, respect for fundamental rights and dignified freedoms. It exists through non-contributory social assistance and contributory social insurance imposing a positive duty on the state towards its citizens.

Social assistance is dispensed to majority of poor individuals or households that suffer abject poverty. It comes in various forms, inclusive of old age grants, disability grants, child support & foster care grants, war veterans' grants, and care in dependency grants, all of which are means tested to ensure the reach by the poorest (Van der Berg, 1997). This form of social protection is recognized to have been a major impact amongst the poverty alleviation programmes. To date, South Africa is

known to have the biggest social assistance scheme (Frye, 2008), where beneficiaries increased up to 16 million (National Treasury, 2013).

Social insurance refers to a contributory social protection scheme often easily accessible to those with income. Often it is financed through the joint contributions by both the employer and employee wherein the insurance is provided against unemployment, occupational injuries and diseases. But because of the obligations imposed by the Constitution, the state provides social insurance in three ways, that is; First, National Health Insurance which is state funded, and meant particularly to ensure quality health care to everyone, especially the indigent people. Second, the Road Accident Fund which compensate the victims or their dependants, of motor vehicle accidents that occur on South Africa's national roads. Third, Unemployment Insurance Fund whose aim is to pay unemployment benefits to employees or their beneficiaries lest they become unemployed or unable to continue work, mainly to alleviate harmful economic and social effects of unemployment.

Why social solidarity is under siege? Challenges

Just as it happens with various other doctrines, the notion of social solidarity is besieged with various challenges. Thus, this section provides a reflection on aspects that feature as threats to the sustenance of social solidarity in broader terms. The 27th of April lives as the day on which South Africa officially witnessed a democratic transition. The day is commemorated annually, and 2015 marked the 21st anniversary since 1994. While these continuous celebrations resonate a remarkable victory over unjust apartheid laws, for constitutional supremacy grounded in law and culture of justification, just on how good things are remain contentious. It is indisputable that the post 1994 regime brought about change in constitutional terms, which resulted in transformation in many respects. However, social solidarity inherently faces serious challenges that

very much threaten its survival, which means the most vulnerable members of the society faces new risks other than oppressive regime.

Poverty, Unemployment and Inequalities

Indisputably, South Africa is known to have inherited a multiplicity of problems from the past. This is also evident in the widespread nature of poverty, unemployment and inequalities that remain pervasive up to present moment. As a result, the principle of social solidarity had borne a task of transforming the social and economic conditions of majority of poor people first. It has had to assist in addressing these triple-challenges facing the society. Its central objective is to eliminate abject poverty and inequalities. These challenges are so intrinsic that they largely determine the extent to which a person can access quality education, health, justice and welfare. These aspects are compounded further by dynamics in population and economic growth. During the years between 1995 and 2011, the population grew by 27.5% (Monnana, 2014; Statistics South Africa, 2012), whereas economic growth has been at an average annual rate of 3.2%. South Africa experiences an endemic unemployment levels with youth suffering most. The official unemployment rate is currently at 24.3% while the expanded unemployment rate is at 34.6% (Statistics South Africa, 2014). The unemployment crisis exacerbates poverty and inequalities. Notably, poverty remains a big problem (Frye, 2013), and so is inequalities (Appolis and McKinley, 2009; Mattes, 2012).

In the main, the living conditions of majority of poor people have not meaningfully changed even after 21 years into democracy. This is discernible from the fact that over 16 million people still depend on social grants. Of course social grants do offer some mitigation strategy over poverty but these is not enough to uproot this scourge, mainly owing to soaring unemployment which then reduces the tax base from which social grants are sourced. Thus, the scourge of unemployment and the ever spiralling

disparities of wealth between the-rich and the-poor are major threats to social solidarity. Thus, in the midst of these critical socio-economic circumstances, social solidarity crumbles.

Politics and corruption

Intrinsically, politics determine who governs and how such governance unfolds. Thus, politics affects every public institution including courts and other law safeguarding institutions (Chapter 9 institutions such as Public Protector, South African Human Rights Commission etc.) whose role has been that of supporting constitutional democracy. In the recent past, there has been worrying observations with regards to how politics influence the distribution of social services. It has become common place that social grants are being misused as a subterfuge to retain political power (Beyers, 2011; Sadie, 2014). This converts social solidarity based social protection into a patronage social spending, which is an absolute undesirable corrupting system. Ironically, this is not a new phenomenon. Brockerhoff (2013) showed that this was also common practice during apartheid. Further compounding the problem of politics on social solidarity is the perverse attitude of political leadership towards institutions founded to safeguard fundamental values of the Constitution as espoused by transformative constitutionalism. This happens when courts and chapter 9 institutions are attacked for instructing the state to honour its constitutional obligations. Very often, the politicians peculiarly incite the public to lose confidence in these custodians of the Constitution. This has resulted in various recommendations and remedial actions of the Public Protector having no effect, resulting in perpetrators escaping with impunity. These trends have shaken the independence of public institutions. When public institutions lose impartiality, coherent structures upholding social solidarity collapses.

On the other hand, corruption derails resources meant to substantially fund citizenry and social welfare benefit. It was noted that the social grants system faced

widespread problem of ghost claimants where social grants are claimed using identities deceased or somehow ineligible people (Reddy and Sokomani, 2008). Although corruption levels are still well contained, Transparency International Corruption Perceptions Index ranked South Africa number 69th out of 176 countries in terms of levels of corruption in general, suggesting that corruption remain a big problem as it hinders registering major successes in social solidarity.

The Emerging Theory of VIPsm

In academic scholarship, this is an often neglected area because it has not fully attracted attention perhaps owing to its newness. I call it 'VIPsm'. It refers to one strange pervasive phenomenon of categorizing human beings, thus recognizing others as 'Very Important Persons' – VIPs. This entails an implicit meaning that other ordinary (often indigent masses) members of society are less important. It has since crept into our daily human interactions ranging from social, educational, economic and political relations across South Africa. Ironically, this phenomenon derives its strength from the thriving levels of poverty and inequalities, which means that the more poor people we have, the more it flourishes. Those befitting from being treated as VIPs apparently like it because they lack an understanding of its adverse impact on the sustenance of social solidarity or perhaps they lost sense of humour. VIPsm adversely affect the process of inculcating into society, ideals that recognizes that all people are treated equally even on matters of access to justice, protection of human dignity, equality, privacy and so forth. It thus results in social solidarity suffocating because of categorizing people according to class.

Conclusion

This article had intended to reveal that the advent of South Africa's 1994 democratic dispensation characteristically embedded values that transcended

egoism in favour of social solidarity. Social solidarity would therefore be regarded as a seamless instrument towards achieving a peaceful, harmonious, just and free society. It therefore became a metaphor of social order. This notion of social solidarity is noted to be corresponding with the philosophy of Ubuntu. Tshoose, (2009) agreeably asserts that these concepts are 'parallels'. Conspicuously, because they both symbolize kindheartedness that is premised on forming a desired humane world (Sachs, 2012; Bennet, 2011; Tutu, 1999; Kamwangamalu, 1999, Mokgoro, 1998) that inculcate interdependence amongst humans. This is founded on the idea that no human being should be left behind, isolated to live under conditions which renders a continued life untenable. In principle, it has been illustrated that the conceptualization of social solidarity and Ubuntu would be achieved fundamentally through the theory of transformative constitutionalism. Transformative constitutionalism is shown to be responsible for driving change from the past to a better future. This find proponent from section 27 of the Constitution which explicitly entrenched the right to social security, a crucial socio-economic right which secures hope for indigent people.

Having said these, it is evident that social solidarity is inherently suffering major setbacks because of notable challenges that impede extensive realization of tangible solidarity. Social solidarity becomes unrealizable when there is strife, conflicts, poverty and spiraling inequalities. As a result, this extends beyond other areas and affects the national unity and reconciliation agendas which invariably face a high risk of dwindling. Moving forward, it is asserted that South Africa requires a collective re-configuration of thought which embodies the creation of an ideology that propels people to adapt to interdependence, strengthen humanness, respect and group solidarity in general. It is also crucial for politicians to stop using social grants as patronage or a way of bribing poor people for retention of political power. Otherwise, this is will just be another form of apartheid.

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التضامن الاجتماعي بوصفه نظاماً اجتماعياً في ظل التحولية الدستورية في جنوب أفريقيا

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ملخص

إنَّ الانتباه إلى المخططات الدائمة للتحويل الدستوري في جنوب أفريقيا يهدف إلى فكرة التكافل الاجتماعي، ومن الممكن المفترض أنَّ نظرية التي يمكن من خلالها تحقيق النظام الاجتماعي تستمد قوته من طبيعة حاسمة المساواة في الحب والاحترام والتعاطف مع الناس المعوزين الأقل حظاً. وتزدهر عند الناس المعوزين الذين يفتقرون إلى وسائل البقاء حيث يتلقون المساعدات الاجتماعية، ويعزز فعالية النظام الاجتماعي التماسك المطلوب من خلال التكافل الاجتماعي تمكن من قيمة نظام أوبونتو للعثور على التعبير بكل سهولة، ومن المؤكد أن التكافل الاجتماعي هو أخلاقيات المعيارية النبيلة التي لا غنى عنها لمعيشة الجنس البشري؛ لأنه قادر على إلهام حلول مستدامة للمشاكل المجتمعية، ويبين هذا البحث أن التضامن الاجتماعي مفهوم تحت الحصار بسبب مشاكل نقشي الفقر والبطالة وعدم المساواة والفساد التي تعاني منها البلاد في الواقع الاجتماعي والاقتصادي.

الكلمات الدالة: التكافل الاجتماعي، الضمان الاجتماعي، الفقر وعدم المساواة، والتحول.

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