




A PHILOSOPHICAL EXAMINATION OF THE SOCIAL COMPACT ON THE RECONSTRUCTION OF SOUTH AFRICAN SOCIETY

UN ESAME FILOSOFICO DEL PATTO SOCIALE NELLA RICOSTRUZIONE DELLA SOCIETÀ SUDAFRICANA

doi: 10.54103/2464-8914/30342

KONANANI HAPPY RALIGILIA, RORISANG GOMOLEMO THAGE,
LUFUNO TOKYO NEVONDWE, KOLAWOLE OLUSOLA ODEKU,
LESIBA BENEDICT MOSHOEU

 ORCID: 0000-0002-4425-1982 – 0000-0001-9804-9459 – 0009-0000-6632-1235 – 0000-0003-3132-4545 – 0000-0001-8699-4250

University of South Africa (ROR: 048cwvf49), University of Limpopo (ROR: 017p87168)

Contacts: raligilia@gmail.com

© Raligilia, Thage,
Nevondwe, Odeku,
Moshoeu

ABSTRACT ENG

This paper examines the concept of social contract, its impact, effect and contradictions related to South Africa. Even though the social contract is considered an agreement between the people and the State with the ultimate idea of maintaining peace and order, it seems apparent that the state has been failing and reneging to fulfil its aspect of the agreement, considering various socioeconomic challenges being faced by the people. In order to offer a sustainable solution, the paper utilized the Nordic regional model of social development, particularly that of Sweden's social compact and drew useful lessons from it.

Published online:
30/12/2025

Keywords: Social contract; social compact; peace; order



ABSTRACT ITA

Questo articolo esamina il concetto di contratto sociale, il suo impatto, i suoi effetti e le contraddizioni legate al contesto del Sudafrica. Anche se il contratto sociale è considerato un accordo tra il popolo e lo Stato con l'obiettivo ultimo di mantenere la pace e l'ordine, appare evidente che lo Stato stia venendo meno alla propria parte dell'accordo, alla luce delle varie sfide socioeconomiche affrontate dalla popolazione.

Per offrire una soluzione sostenibile, l'articolo ha adottato il modello nordico di sviluppo sociale, in particolare il *social compact* della Svezia, traendone utili insegnamenti.

Parole chiave: Contratto sociale; *social compact*; pace; ordine

Table of contents: 1. Introduction. – 2. South Africa's position on social compact in the post-1994 dispensation. – 3. Philosophical overview of South Africa's social contract. - A. Proposed framework on the socio-economic construct. – 4. Impact of social compact in the society. – 5. Conclusion

1. INTRODUCTION

The concept of social contract has its roots in the jurisprudential legal theory of natural law. This theory of natural law entails that the law reasonably ought to be and not what the law is. Having said that, this theory is in contrast with another theory of positive law which is heavily reliant on what the law is and not what it ought to be. However, the focal point of this paper is centered on the examination of the social contract and later social compact under the natural law theory. In a nutshell, the development of social contract dates as far back as in the period of the state of nature in the sixteenth and seventeenth centuries. It further transcended during the emergence of the Age of Enlightenment through the writings of philosophers such as: Aristotle, Thomas Hobbes, John Locke, and Jean-Jacques Rousseau. Interestingly, Aristotle interrogated the relationship between the State and its people¹. This relationship forms an integral part of the social contract. Contrary to what Aristotle believed, Hobbes endorsed and defended the idea of the State and absolutism². In other words, Hobbes did not believe in the idea of power transfer through democratisation. While Locke believed in the principles of equality and liberty³, Rousseau accepted that life is much happier and further asserted that equality and separate forms of government represent the people's general will⁴. Therefore, to understand what social contract entails, this paper seeks to provide a brief description of this concept. According to Hampton, this theory may be defined as an agreement between the people and the State to maintain peace and order⁵. Therefore, maintaining peace and order in society is at the centre of the concept of the social contract. In other words, the absence

¹ Everson, 1988, p. 90.

² Saunders 2003, p. 473.

³ Gordon, 1993, p. 1536.

⁴ Riley, 1978, p. 485.

⁵ Hampton, 1980, p. 316.

of the element of maintenance of peace and order will not realise a harmonious society where everybody lives freely and without fear of being prejudiced by the person of another.

Given that the concept of social contract was impliedly executed over the years before the American War of Independence, the adoption of the *United States Declaration of Independence* in 1776 ceased the war and further presented a dramatic shift when it was formally codified. The United States Declaration of Independence asserted that: «all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness».

This assertion was a clear endorsement of Locke and Rousseau's views about respecting and upholding the inalienable rights that everyone is inherently born with. However, what is more profound is the fact that social contract was not incorporated into the Articles of Confederation and Perpetual Union of 1777. The Articles of Confederation and Perpetual Union is the first American Constitution, which was adopted in 1789. In his analysis of the Constitution of America, Louis Henkin argued that:

The commitment of the Framers and of their generation to the principles of the Declaration is implied also in the amendments we now call the Bill of Rights, adopted and ratified within two years of the birth of the new Constitution. The Bill of Rights does not grant rights; it protects pre-existing, natural rights⁶.

The First Amendments were ratified in 1791 and contained, among others, the Bill of Rights, which explicitly made provisions for the social contract. The inserted Bill of Rights provision in the First Amendment stated that:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

In this way, the American constitution was explicitly influenced by Locke and Rousseau in its governance systems. Notably, the American struggle for independence also influenced the French

⁶ Henkin, 1987, p. 262.

protests during the French Revolution 1850. This revolution cemented the need for a social contract to build a viable state based on sovereignty and uphold democratic rule. At the heart of this revolution, the people were striving for equality and liberties from the brutal system of absolutism. The evolution of human rights has also influenced social compact and its impact on the reconstruction of society. According to Hamman and Schild, formalised human rights have been with us for over 800 years, starting with the English Magna Carta of 1215⁷. The first international laws on human rights came with the Geneva conventions, adopted between 1864 and 1949⁸. The other significant international development that promoted and encouraged the construction of social contracts between states and individual citizens was the Universal Declaration of Human Rights (UDHR), which was adopted in 1948⁹. The preamble of the UDHR recognized the «inherent dignity and of the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world». Article 1 of the UDHR provides that: «all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood».

Coincidentally, the very same year in which the UDHR was adopted, the National Party in South Africa introduced the system of racial segregation, which later became known as Apartheid – basically meaning institutionalised racism. This was the beginning of a social compact between the government, the minority white group, private business, and the far-right conservative group to benefit from the socio-economic construct of the time and, of course, at the expense of the majority of blacks, and Africans in particular. During this period, development was measured based on racial discrimination, and this was a violation of international law. To advance development for everyone, the United Nations paved the way for the adoption of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant

⁷ Hamman, and Schild (a), 2008, p. 5.

⁸ Hamman, and Schild (b) 2008, p. 5.

⁹ The UDHR is not binding in South Africa but is a very important customary human rights instruments which have inspired South Africa to have legislations and policies which are aimed at realising the UDHR objectives.

on Economic, Social and Cultural Rights (ICESCR) in 1966. Article 1(1) of both the ICCPR and ICESCR provides that: «all peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development».

The African Charter on Human and Peoples' Rights was adopted at the regional level in 1981. It is considered to be the founding document of the right to development in the sense that Article 22(1) explicitly provides that

All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.

This was followed by the adoption of the International Convention on the Right to Development of 1986, which confirmed in Article 1(1) that,

The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

Article 1(1) provides a universally accepted definition of the right to development and the main elements which are economic, social, cultural, and political upliftment.

2. SOUTH AFRICA'S POSITION ON SOCIAL COMPACT IN THE POST-1994 DISPENSATION

South Africa's present social structure has its roots in the apartheid legacy. It is this legacy which drew a colour-bar distribution of resources between the minority whites and the majority of black people. However, the adoption of the final Constitution¹⁰ in South Africa, 1996 signified a major post-democratic social contract between the State and the people. This is evident from the preamble of the Constitution, which asserts that:

We, the people of South Africa, recognise the injustices of our past; honour those who suffered for justice and freedom in our land; respect those

¹⁰ The Constitution of the Republic of South Africa, 1996.

who have worked to build and develop our country; and believe that South Africa belongs to all who live in it, united in our diversity. We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic...

In 1994, for the first time, South Africa had a Government of National Unity (GNU), which came as a result of the first election, which allowed all South Africans – black and white to elect the government of their choice, which represents the will of the people. Since then, the government has engaged in many projects promoting social compact and rebuilding a rainbow nation. South Africa has had many new economic policies which advocated for the implementation and enforcement of socio-economic rights by the Executive Authority, which includes amongst others the Reconstruction and Development Programme (RDP)¹¹, Growth, Employment and Redistribution (GEAR)¹², New Growth Path¹³ and the National Development Plan¹⁴ Vision 2030 addresses the way in which socio-economic rights will be addressed. Even at the local level, municipalities were obliged annually to have Integrated Development Plans (IDPs) on how they would serve their respective communities in the delivery of socio-economic rights. Even though the government (the executive) have good policies, the implementation of the policies has been a major problem. Despite the constitutional declaration, South Africa is currently without a comprehensive social compact to deal with the socioeconomic challenges facing the majority of people who are living in abject poverty. The social compact is implicitly an agreement between government, labour, civil society movement, and other stakehold-

¹¹ This policy was adopted in 1994 by the Government of the Republic of South Africa.

¹² This policy was adopted in 1996.

¹³ This policy was adopted on 23 November 2010. It is aimed at enhancing growth, employment creation and equity. The policy's principal target was to create five million jobs over the next 10 years (2020). This framework reflects government's commitment to prioritising employment creation in all economic policies. It identifies strategies that will enable South Africa to grow in a more equitable and inclusive manner while attaining South Africa's developmental agenda.

¹⁴ This policy was adopted in 2010. The NDP offers a long-term perspective. It defines a desired destination and identifies the role different sectors of society need to play in reaching that goal. It aims to eliminate poverty and reduce inequality by 2030. According to the plan, South Africa can realise these goals by drawing on the energies of its people, growing an inclusive economy, building capabilities, enhancing the capacity of the state, and promoting leadership and partnerships throughout society.

ers with the view to solve societal issues and draws its influence from the concept of the social contract. It is significant to note that this research study focuses on the social compact as the main focal point of the investigation, and it is centred on service delivery, labour strikes, and access to higher education campaigns. Peter Alexander et al observed the proliferation and turmoil in the service delivery protests between 2005 and 2017.¹⁵ The rise in service delivery protests was due to frustrations resulting from poor service delivery to the communities and lack of upholding the objective of socio-economic rights. In other words, these protests occur as a result of breach of the public duties by the bureaucratic officials to deliver services to the people of South Africa.

On the labour front, the Marikana strike, which began on 10 August 2012 and ended on 22 September 2012, presented itself as the most tragic post-democratic era blunder when the police shot and killed 34 miners on 16 August 2012. The significance of this strike carries both socio-economic and labour dimensions. This is due to the fact that the miners were complaining about low wages¹⁶ on the one hand, they were also concerned about the deplorable conditions under which they lived in terms of housing; lack of electricity, poor water and sanitation¹⁷. This event prompted renewed calls for a framework on social compact between government, labour, and the private sector in the form of mining companies to find a common solution to the plights of the working class.

In 2015, a nationwide protest for free and decolonized education emerged with the *RhodesMustFall* campaign and later culminated into the *FeesMustFall* campaign. The *RhodesMustFall* campaign aimed to dismantle the former colonial symbols and structural set-ups. In contrast, the *FeesMustFall* campaign was dedicated to forging access to free higher education at institutions of higher learning. At first, the Department of Higher Education and other stakeholders became critical of these campaigns. This resulted in several students being arrested and later prosecuted for their activism in the fight for free education. However, this strike forged the need to have a social compact on education. Prior to the emer-

¹⁵ Alexander, Runciman, *et al*, 2018, p. 27.

¹⁶ Botiveau, 2014, p. 129.

¹⁷ Hayem, 2016, p. 172.

gence of the *FeesMustFall* campaign, Bawa observed that «it is in this context that an argument is made for the public higher education sector as a whole to develop a contract between itself and the nation, in all of its social forms and formations»¹⁸. Bawa further argued that «it is an approach which may lead to a form of the social contract between the sector and its social, political and economic interfaces»¹⁹.

Against this backdrop, President Cyril Ramaphosa, while delivering an address at the Presidential Jobs Summit on 04 October 2018, stated that South Africa needs to develop a framework on the emerging social compact to grow an inclusive economy and fundamentally transform our society. Ramaphosa further asserted that:

One of the great difficulties we have faced in recent years is that cooperation between communities, labour, business and government has weakened, making it difficult to advance the collective interest. Countries that have succeeded in tackling economic challenges and social problems have had the benefit of getting all social partners to reach agreement on what needs to be done and to work together to ensure that it gets done²⁰.

Comparatively, this paper seeks to base its focus on the Nordic regional model of social development with specific reference to Sweden's social compact. The Swedish model of social compact is based on the relationship between the three cardinal pillars, that is: the labour market, social welfare, and economic policy. According to the Swedish Ministry of Finance document entitled *The Swedish Model*:

Labour market is aimed at facilitating adjustment to change should comprise an active labour market policy, an effective unemployment insurance scheme and support for adjustment when structural changes make it necessary for workers to adapt to new tasks. The welfare policy is based on universal principles by which all citizens have access to high-quality welfare services. Moreover, the social security system must give the right to financial security to everyone who has fulfilled their obligations. The economic policy is characterised by openness and embraces internation-

¹⁸ Bawa, 2001 (a), p.13.

¹⁹ Bawa, 2001 (b), p.13.

²⁰ Address by President Cyril Ramaphosa at the opening of the Presidential Jobs Summit, Gallagher Estate, Johannesburg. Available at <http://www.thepresidency.gov.za/speeches/address-president-cyril-ramaphosa-opening-presidential-jobs-summit%2C-gallagher-estate%2C> (accessed on 27 June 2025).

al competition while promoting economic stability and creating the conditions for a dynamic business sector²¹.

In light of the above background overview, this paper examines the possibility of developing a framework on social compact in South Africa. The paper further examines the impact of the social compact on the right to development.

3. PHILOSOPHICAL OVERVIEW OF SOUTH AFRICA'S SOCIAL CONTRACT

This paper begins its philosophical overview by examining Thomas Hobbes' concept of social contract. Hobbes believed that «man's fear in a state of nature was one of fear and selfishness and that life was solitary, poor, nasty, brutish and short»²². Hobbes further asserted that

To alleviate this condition, a social contract may be entered between the subjects and sovereign by the terms of which subjects surrendered their rights to the sovereign in return for the continuation of peace and security²³.

By this, Hobbes meant that the overseer of social contract was the absolute ruler. In other words, absolutism is the ultimate solution to the idea of the maintenance of peace and order in society.

On the contrary, John Locke differed fundamentally from Hobbes' fear that people are naturally evil. Locke believed that life is generally good and further asserted that life is enjoyable for everyone in society²⁴. In his essay entitled *The Second Treatise of Government*, Locke reasoned that «equality in a society is achievable if individuals living together in a state of nature are allowed to enter into a social contract of their own free will»²⁵. He observed that «it is in this idealist world that they [people] mutually agree to enter into one community and make one body

²¹ Government Offices of Sweden. *The Swedish Model*. Published on 20 June 2017 and available at <https://www.government.se/information-material/2017/06/the-swedish-model/> (accessed on 13 April 2019).

²² Keating, 2014 (a), p. 58.

²³ Keating, 2014 (b), p. 58.

²⁴ Tate, 2016, p. 664.

²⁵ Johnson, Pete, du Plessis (a), 1993, p. 121.

politic»²⁶. Although Hobbes' greatest fear was that people are evil and therefore cannot act on their own, Locke positively believed that people are rational. As such, they can control one another in a human manner²⁷. Locke based his philosophical reasoning on the preservation of three inalienable rights, and these rights include life, liberty, and property²⁸. Locke was of the opinion that life would be complete, equal, and enjoyable if the sovereign state protects these inalienable rights. Despite the fact that life was good and enjoyable in Locke's view, however he interrogated the absence of property security²⁹. To him, this absence is a result of the lack of regulatory mechanisms in the state of nature's pre-social contract era. He believed that equality is inevitable if there is some sort of property protection.

The other significant role player in the development of the theory of social contract theory was Jean-Jacques Rousseau. It is important to note that Locke's writings influenced Rousseau's idea of social contract. Rousseau, in his essay titled *The Social Contract*, gave a broader overview of the conceptual theory of social contract, which «considered how individuals might be governed as a group without losing their rights as individuals»³⁰. Therefore, Rousseau's assertion was a direction confirmation of Locke's idea that the

State of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions³¹.

Towards the end, all these philosophers agree that law remains an expression of power and that people should abide by it for as long as it is valid.³²

Having reviewed the works of the social contract theorists, this paper seeks to connect their ideas and reasoning to the South

²⁶ Johnson, Pete, du Plessis (b), 1993, p. 121. See also Locke, 1993, p. 121.

²⁷ Carens, 1987, p. 251.

²⁸ Siegan (a), 2018, p 34.

²⁹ Siegan (a), 2018, p 34.

³⁰ Etlin, 1997, Group Analysis, p. 49.

³¹ Johnson, Pete, and du Plessis (b), 1993, p. 121. See also Locke, 1993, p. 121.

³² Cotterrell, 1989, 58. See also Austin, 1832, p.361 (London: Wiedenfeld and Nicholson edn, 1955.).

African context. The starting point is the examination of the current socio-economic structure. The way the old apartheid governments structured South African society had left a huge vacuum of socio-economic inequalities. Even after the attainment of democracy in 1994, this gap was hard to fill. It is on the basis of this assertion that Joel Netshitenzhe has observed that social compacting should seek to address the socio-economic plight of the majority of South Africans in a process similar to that of the Convention for a Democratic South Africa (CODESA). This should not suggest that there should be the suspension of class conflict or mass and other pressures or the abandonment of skilful manoeuvres in negotiations³³. But Jeremy Cronin, responding to Joel Netshitenzhe's assertion, disagreed and contended that

We need to understand the very different character of a democratic, constitutional settlement and a strategy of action to overcome the crises of unemployment, poverty and inequality embedded in a reproduced legacy of socio-economic under-development.

Cronin went further to state that

From a progressive perspective the whole point of the new political space was (and is) to use the democratic power of majority-rule to address the (largely socio-economic) imbalances...Unless these imbalances are addressed, it is the new political space itself, our constitutional democracy, that will be (and is being) eroded³⁴.

To address these socio-economic imbalances, this paper remarks that socio-economic rights and affirmative actions should serve as the yardstick to South Africa, which is much more of a developmental state.

In light of the above two argumentative dimensions presented by Joel Netshitenzhe and Jeremy Cronin, this paper now seeks to present possible solutions based on the socio-economic construct framework.

³³ Netshitenzhe, 2014, p. 8.

³⁴ Cronin, 2015.

3.1. *Proposed framework on the socio-economic construct*

- In order to find solutions to the socio-economic inequalities in South Africa, this research study proposes that there should be another socio-economic dialogue similar to that of CODESA, which is aimed at addressing the inequalities.
- Negotiators in the proposed socio-economic dialogue should also look at the socio-economic mirror of the liberation struggle and try to address the question of what exactly the struggle for liberation was about. Indeed, the struggle for liberation was not only based on the political front but also on the need to redress the socio-economic inequalities created by the old apartheid order. The ANC's Freedom Charter, which was adopted in 1955, should serve as a guiding tool for the negotiators in this regard.
- Socio-economic rights such as the right to work, the right to have access to adequate health care, the right to have access to water and sanitation, and the right to have access to housing should take centre stage in the dialogue.
- There ought to be a majority-based settlement that has the characteristics of a socialist ideology. However, this settlement should not present the utopian elements of the fictional developmental state.

Towards the end, this paper acknowledges that a socio-economic revolution is inevitable in South Africa unless there is a lasting solution to the socio-economic inequalities.

4. IMPACT OF SOCIAL COMPACT IN THE SOCIETY

Social contracts may either be formally codified or tacitly found in the value systems in a particular society. That being said, South Africa had its own share of the social contract when it shifted from the British-influenced former apartheid government system of parliamentary supremacy to the current constitutional supremacy.

In the current constitutional dispensation, the social contract is seen as an agreement between the people of South Africa and the State. Since the adoption of the Constitution, more positive strides towards the progressive realization of the socio-economic rights in the Bill of Rights were achieved. This was evident with the

following landmark cases: (a) *Government of the Republic of South Africa and Others v Grootboom and Others* 2000 (11) BCLR 1169 on housing and (b) *Minister of Health and Others v Treatment Action Campaign and Others* 2002 (10) BCLR 1075 on health-related issues. However, despite the positive strides enshrined in the Bill of Rights, the majority of South Africans still face socio-economic challenges. These challenges amount to inequality, unemployment and lack of service delivery. The genesis of these challenges is threefold, and they will be examined as follows.

The first examination is centred on the former apartheid government's policy with regard to socioeconomic, cultural, and political set-up. The main aim of this policy was to segregate people along racial lines and also to ensure that there was an unequal distribution of resources. In other words, greater distribution of resources was done in favour of white minorities and at the expense of the black majority. To achieve this goal, the policy ensured that blacks were economically deprived of their property through the enactment and enforcement of the Group Areas Act of 1950. On the labour front, the apartheid regime was not so committed to addressing the recognition of trade unions by black workers. This non-committal exacerbated the unequal treatment of the workers within the labour force and led to mass labour protests between the mid-1920s and the early 1980s³⁵.

Secondly, CODESA negotiations failed to develop a tangible social compact on land distribution. This social compact was going to ensure that the land redistribution process was done more equitably and with the hope of redressing the economic imbalances created before the enactment of the Land Act of 1913. The other contributing factor was the compromise sunset clause, which ensured the continuation of civil servants from the old apartheid regime, hoping to create a bureaucratic transition for the new post-democratic civil servants.

Last but not least, the post-democratic government's reluctance to deal with corruption created a lack of trust and confidence between the society and other stakeholders – including the government. Most importantly, corruption negatively impacts the progressive realization of socio-economic rights. Moreover, failure to

³⁵ Wood, Dibben, 2008, p. 673.

deal with this type of scourge also impacts the principles of good governance. At the launch of the ANC's 2019 manifesto, President Cyril Ramaphosa argued that there is a dire need for a social compact to deal with corruption in South Africa³⁶.

Against this backdrop of challenges, South Africa needs a society where different stakeholders form a social compact with the ultimate view of solving socio-economic problems affecting most citizens. Therefore, the ultimate goal that this research study seeks to achieve is the total reconstruction of the society where everyone is equal to the person of another with regard to the distribution of socio-economic resources.

Sweden's social compact model presents to this research investigation «a very important prerequisite for effective interaction between the fundamental pillars is that the social partners, as key actors in the model, are strong, equal and perceived as legitimate»³⁷. This is due to the fact that the Swedish «conditions in the labour market, including wages, are regulated to a great extent by collective agreements negotiated and made directly between the social partners»³⁸. The paper further interrogates economic growth as a measure of development and also advances arguments to the effect that economic growth is a source of inequality in society. Furthermore, the paper explores the reconfiguration of the social compact based on economic growth but also on social, cultural, and political developments. Failure to understand this assertion often leads to misguided decisions by the political heads.

Over and above, the paper has amplified the impact of the social compact on the advancement of socio-economic rights and also the right to human development in society. In doing so, it demystifies the notion that for South Africa to move towards a developmental state, economic growth is solely the primary measurement for development. However, the ultimate goal is to convince the people and the State that economic growth is the only important issue, and social, cultural, and political factors are at the centre of development.

³⁶ The Presidency, 2019.

³⁷ Government Offices of Sweden, 2017.

³⁸ Government Offices of Sweden, 2017. See also Dølvik, and Fløtten et al, 2014, p.21.

5. CONCLUSION

Democracy allows the people to voluntarily choose who will lead and direct the affairs of a country. This is based on the promises made during the campaign and the promises made by the politicians canvassing for votes. These promises of what would be done if elected to govern are automatically concretised to agreements that must be delivered and fulfilled by the political party that eventually won. That is the beauty of democracy. After being elected, elected politicians automatically become the government and distribute responsibilities to those who become political office holders. The mandate given by the people to govern goes with the responsibility to deliver. Being elected to govern created a relationship between the government and the citizens, colloquially called a social contract. The government has a responsibility to uphold the Constitution and deliver the latter. The government must look out for and see to the citizens' overall well-being and ensure that there is sustainable improvement in their standard of living in all aspects of their social and economic concerns. This is non-negotiable. However, if the government is in the habit of breaching the aspect of the agreement, this will be tantamount to a breach of trust. In South Africa, examples of how the state has breached the trust abound and manifest in all aspects of the society and South Africa, post-apartheid 31 years, still faces huge triple socioeconomic challenges, namely unemployment, inequality and abject poverty. Sweden's model of social development, where the government upholds its agreement by broadly delivering socioeconomic goods and amenities to the citizens, is applauded, and useful lessons are drawn from them. South Africa should emulate this by using the model to reform its current practices and honour its own aspect of the agreement.

BIBLIOGRAPHY

- Alexander P., Runciman C., Ngwane T., Moloto B., Mokgele K., Staden N., 2018: *Frequency and turmoil: South Africa's community protests*, in "SA Crime Quarterly Frequency", 63, pp. 27–42.
- Austin J., 1832: *The province of Jurisprudence determined* reprinted in "The Province determined and the uses of the study of jurisprudence", pp. 1–361 (London: Wiedenfeld and Nicholson edn, 1955).

- Bawa A. C., 2001: *A social contract between the public higher education sector and the people of South Africa* in "South African Journal of Higher Education", 15, pp. 10–16.
- Botiveau R., 2014: *Briefing: The politics of Marikana and South Africa's changing labour relations* in "African Affairs", 113, pp. 128–137.
- Carens J., 1987: *Aliens and Citizens: The Case for Open Borders* in "The Review of Politics", 49, pp. 251–273.
- Cotterrell R., 1989: *The politics of Jurisprudence: A critical introduction to legal philosophy*, London, Butterworths, p. 58.
- Cronin J., 2015: *Why a second radical phase of the National Democratic Revolution is an imperative* in "Politicsweb," published on 01 July 2015.
- Dølvik J.E., Fløtten T., Hippe J.M., Jordfald B., 2014: *The Nordic model towards 2030. A new chapter?* in "NordMod", 2030, pp. 21–22.
- Ettin M., 1997: *Rousseau's Social Contract and the Functional Integrity of the Group-As-A-Whole* in "Group Analysis", 30, pp. 49–63.
- Everson S., 1988: *Aristotle on the Foundations of the State*, in "Political Studies", 36, pp. 89–101.
- Gordon W., 1993: *A Property Right in Self-Expression: Equality and Individualism in the Natural Law of Intellectual Property*, in "The Yale Law Journal", 102, pp. 1533–1609.
- Government Offices of Sweden, 2017: *The Swedish Model*, Published on 20 June 2017.
- Hamman R., Schild C., 2008: *Business and Human Rights in South Africa: Context and recommendations for pro-active engagement by the National Business Initiative*, p. 5.
- Hampton J., 1980: *Contracts and Choices: Does Rawls Have a Social Contract Theory?* in "The Journal of Philosophy", 77, pp. 315–338.
- Hayem J., 2016: *Marikana: Analysis miners' subjectivity and the crisis of representation* in "Journal of Asian and African Studies", 51, pp 171–185.
- Henkin L., 1987: *The United States Constitution as Social Compact* in *Proceedings of the American Philosophical Society*, 131, pp. 261–269.

- Johnson D., Pete S., and du Plessis M., 2001: *Jurisprudence: A South African perspective* (Butterworths Durban), p. 40.
- Keating A., 2014: *Jurisprudence* 2nd edition, Round Hall, p. 58.
- Locke J., 1993: *Two treatises of government*, Ed M Goldie (London: J.M Dent), pp. 121–122.
- Netshitenzhe J., 2014: *The Two delinks and the poverty of radicalism: A critique of the SACP Discussion Document Going to the Root – A Radical Second Phase of the National Democratic Revolution in "African Communist"*, 4/187, pp. 6–12.
- Riley P., 1978: *The General will before Rousseau* in "Political Theory", 6, pp. 485–516.
- Saunders D., 2003: *The Natural Jurisprudence of Jean Barbeyrac: Translation as an Art of Political Adjustment*, in "Eighteenth-Century Studies", 36, pp. 473–490.
- Siegan B., 2018: *Property Rights: From Magna Carta to the Fourteenth Amendment*, 1st edition, New York, Routledge, p. 34.
- Tate J. M., 2016: *Toleration, Scepticism, and Blasphemy: John Locke, Jonas Proast, and Charlie Hebdo* in "American Journal of Political Science", 60, pp. 664–675.
- The Constitution of the Republic of South Africa, 1996.
- The Presidency. *State of the Nation Address by President Cyril Ramaphosa, Parliament*. Published on 7 February 2019. Available at <http://www.thepresidency.gov.za/state-of-the-nation-address/state-nation-address-president-cyril-ramaphosa%2C-parliament>
- Wood G., Dibben P., 2008: *The Challenges Facing the South African Labour Movement: Mobilization of Diverse Constituencies in a Changing Context* in "Relations Industrielles / Industrial Relations", 63, pp. 671–693.