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Strengthening Citizenship: Social Grants and the State–Citizen Relationship in South Africa

Hannah Hudson

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Strengthening Citizenship: Social Grants and the State–Citizen Relationship in South Africa

Hannah Hudson

Summary

This study uses a citizenship lens to consider the extent to which social grants strengthen or weaken the state–citizen relationship, examining the case of the Child Support Grant in South Africa. There is a body of literature that stresses the importance of enforceable legal rights to social assistance for building a responsive and effective social assistance system. This literature suggests that there is potential for government-funded social grants to strengthen the relationship between citizen and state, but there is little research into the effect of social grants on this relationship. I argue that a rights-based framing of social assistance, although an important foundation, does not necessarily guarantee a strong state–citizen relationship. Although the theory of social grants in South Africa supports a concept of participatory, inclusive, dignified and justiciable citizenship for social grant recipients, there appears to be a gap between the policy framework and implementation. Aligning implementation with the policy documents would strengthen the relationship between state and citizen and the recognition of social assistance as a right.

Keywords: citizenship, social grants, social assistance, South Africa.

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Acronyms

| | |
|--------|---------------------------------------|
| BIG | Basic Income Grant |
| CCT | Conditional Cash Transfer |
| CSG | Child Support Grant |
| DSD | Department of Social Development |
| RSA | Republic of South Africa ¹ |
| SASSA | South African Social Security Agency |
| UCT | Unconditional Cash Transfer |
| UNICEF | United Nations Children's Fund |
| WPSW | White Paper for Social Welfare |

¹ Used within document referencing only.

1 Introduction

Government-led social assistance has been advocated as an effective way to strengthen the relationship between recipients and the state. In contrast to donor-funded social assistance schemes, government-funded schemes have the potential to support the state–citizen relationship when supported by a constitutional framework and effective accountability mechanisms (Devereux 2013). I question whether a constitutional framework is sufficient to strengthen this relationship. Participation, inclusion, respect and legal accountability can form the basis of citizenship, and can strengthen the bond between government and recipient if supported through social policies such as social assistance. I look at the Child Support Grant in South Africa in order to consider whether the grant supports these aspects of citizenship and thus strengthens the relationship between citizen and state.

The relationship between citizen and state can be conceptualised as one in which the state has certain duties to perform and the citizens have certain duties and rights. The strength of this relationship can be determined by how states and citizens interact in the exercising of these rights and duties. I identify four key aspects from the literature on citizenship that indicate how this relationship operates: participation, inclusion, respect, and justiciability. In Chapter 3, I explain how these four components affect the state–citizen relationship by shaping the ways in which governments perform their duties and citizens view their rights.

I use the term *social assistance* to refer to non-contributory provision to certain groups of society. Social grants, in the form of cash transfers, provide financial assistance to those who may need it due to poverty, disability or unemployment. There is a growing body of literature that considers social assistance to be a government’s duty and a citizen’s right, suggesting that there is potential for social assistance to strengthen the state–citizen relationship. Fombad considers social security to be a ‘basic responsibility’ of the government (Fombad 2013: 7). Devereux and White argue that social assistance can be a citizen’s right that is based on the social contract between citizen and state, when funded by government and secured through legislation (2010: 68). Hickey asserts that looking at this relationship is important due to the ways that politics can shape social protection in Africa (2008). I hypothesise that this legal framing of social assistance as a right is inadequate to strengthen the state–citizen relationship unless the key aspects of citizenship are supported within implementation. This study adds to the growing recognition of the importance of political relations in shaping the effectiveness of social assistance (Jones *et al.* 2016).

The extent to which social grants strengthen the relationship between citizens and government has important implications. If the state nurtures an environment of respect towards recipients, this is likely to strengthen the agency of the recipients as active citizens, which holds implications for whether or not recipients are likely to graduate out of poverty. If recipients use the financial benefits of the scheme to seek employment opportunities, this may lift them out of poverty or at least offer them better financial stability, reducing their dependency on the scheme and contributing to the economic development of the country. The relationship that can be built between state and citizen through social assistance can also serve to strengthen trust in government, which is necessary to ensure that eligible citizens continue to apply for government-funded programmes. Effectively implemented social assistance has the potential to reduce poverty and inequality, and with governments in Africa increasingly taking on the funding of cash transfer programmes, it is important to consider how they can be most effective in their implementation.

I have chosen to apply this study to South Africa because of its distinctive identity as an African country with an advanced government-funded social protection system. The development and coverage of social grants in South Africa is exceptional for a country with middle-income country status (Patel 2005: 122). Social assistance is framed as a legal right in South Africa through its inclusion in the Bill of Rights within the 1996 Constitution. The rights-based framing of social assistance in South Africa is upheld as exemplary, as this discourse is missing from other African countries (Nino-Zarazua *et al.* 2011: 171; Fombad 2013; Ministry of Foreign Affairs of Finland 2012: 26–7). South Africa therefore provides a good case study for considering whether government-funded social assistance schemes can lead to a strengthened relationship between state and citizen.

I focus on the Child Support Grant (CSG) as it is the most wide-reaching of the social assistance programmes in South Africa, providing grants to over 11 million recipients (SASSA 2015a). The CSG is offered to the caregivers of children below 18 years of age who fall below a certain income level. Evaluations of the CSG suggest that it has positive impacts on a range of outcomes including child nutrition and health, and has played an important role in reducing poverty (DSD, SASSA and UNICEF 2012). However, there has been little research into the effect of the CSG on recipients' entitlements of citizenship in South Africa (Neves *et al.* 2009: 26). An understanding of how the CSG affects the strength of the state–citizen relationship, and thereby the strength of government's recognition of its duties and citizens' recognition of their rights, can impart lessons on how government-funded social assistance can be designed and implemented in the most effective way.

In this study I question whether the CSG strengthens or undermines the relationship between recipient and state, comparing the theory of social assistance in South Africa with the practice of the CSG. I begin by introducing my case study with an overview of the background to social assistance in South Africa, focusing in on the CSG (Chapter 2). I then draw together the discourse on social assistance as a social right and develop a conceptual framework based on the literature around citizenship and social assistance (Chapter 3). I use this conceptual framework of citizenship to question the extent to which the state–citizen relationship is strengthened in South Africa through the government framing of social assistance and through the implementation of the CSG (Chapter 4). I then use this analysis to consider how social grants could be improved to play a role in strengthening rather than undermining the state–citizen relationship (Chapter 5).

2 Social assistance in South Africa

In South Africa, social assistance is delivered in the form of seven main social grants: the Care Dependency Grant, the Child Support Grant, the Disability Grant, the Foster Child Grant, State Old Age Pension, Grant in Aid and the War Veteran's Grant. This social assistance is embedded within the wider framework of social welfare (RSA 1997a: 1.5). *The White Paper for Social Welfare* (WPSW) defines social welfare as 'an integrated and comprehensive system of social services, facilities, programmes and social security' (RSA 1997a: 8). Social grants make up a significant commitment of social welfare in South Africa, and the Child Support Grant is the largest in terms of the number of beneficiaries.

Social assistance was introduced in 1919 in South Africa in the form of military pensions, but black Africans² were largely excluded from the emerging welfare system under the nationalist government. Before 1998, child-targeted social assistance was offered in the form of the State Maintenance Grant, which targeted single-parent families but largely excluded Africans. After the end of apartheid in 1994 and following a push from civil society, the new

² Hereafter referred to as Africans.

government recognised the need to reform its welfare system, as ‘poor black women have been particularly disadvantaged’ (RSA 1997a: 7.11). The CSG was proposed as an alternative to the State Maintenance Grant under the Lund Committee, as the cost of reforming the programme to include Africans would not have been sustainable (RSA 1998). The grant was designed to shift the focus of social assistance to the rural and African poor who had previously been excluded (Lund 2008: 78).

The CSG is implemented by the South African Social Security Agency (SASSA), which reports to the Department of Social Development (DSD). To be eligible, the applicant must be the parent or primary caregiver of a child and must be a citizen or permanent resident of South Africa, which includes refugees. They must also pass the means test, which currently requires the applicant to earn no more than R42,000 a year if single, or a combined income of R84,000 if married.³ The age threshold of the child has been extended over the years and currently stands at 18 years. Applicants must take a range of documents to their nearest SASSA office and fill out an application form.⁴

There appears to have been a distance between the initial policy intentions for the grant and its design, with the application process made unnecessarily complex (Lund 2008: 74). Lund suggests that initial administrative issues and application barriers may have been due to the rapid speed at which the grant was taken up during reforms following the change in government (Lund 2008: 75). The administrative system has developed since the introduction of the CSG, with the increase of staff and allocated budget (Proudlock 2011: 160). Administration has also been improved as a result of the *Mashavha v. the President of the Republic of South Africa* court case, which challenged the social grant delivery system after administration had been decentralised to provincial governments. This resulted in the establishment of SASSA in 2006, which simplified administrative processes under one body (*Mashavha v. President of the RSA* [2004]). While some of the studies examined within this paper (Budlender, Rosa and Hall 2005; Goldblatt, Rosa and Hall 2006) originate from before or around the time of SASSA’s introduction, studies carried out since suggest that issues in service delivery have continued despite this apparent simplification of processes (UNICEF 2008).

Policy discussions around social assistance in South Africa have focused on the argument for the introduction of a Basic Income Grant (BIG). This was proposed by the Taylor Committee in 2002 with support from civil society groups (Lund 2008: 115). Arguments in favour of the BIG stem from claims that the current welfare system in South Africa is not reaching certain groups, such as the working-age unemployed (Goldblatt 2014: 25) and lone mothers (Wright *et al.* 2014). Liziwe and Kongolo argue that a BIG would help to lift more people out of poverty (Liziwe and Kongolo 2011: 50). This discussion has framed some of the literature on the CSG, such as the studies by Goldblatt (2014) and Wright *et al.* (2014).

The 1996 Constitution reframed social welfare in South Africa as a right for all, and South Africa now serves as a global example of rights-based social assistance. However, the ways in which social grants are implemented can undermine their potential positive impact on the state–citizen relationship. In this study I draw from policy documents and evidence on the implementation of the CSG, and use my concept of the relationship between citizen and state in order to shed new light on how social assistance in South Africa could strengthen this relationship to build a more effective and responsive rights-based social assistance system.

³ These are the eligibility criteria as at August 2016.

⁴ Details of eligibility and the application process are found on the Republic of South Africa government webpage: www.gov.za/services/child-care-social-benefits/child-support-grant

3 Conceptual framework

The current literature on South African social assistance upholds it as an exemplary rights-based system that can serve as a global model (Fombad 2013; Devereux 2011), but there is a lack of research on the way that grants affect the relationship between citizen and state. Citizenship can be used as a conceptual lens to examine how the relationship between state and citizen operates. I draw from the literature that considers the relationship between social assistance and citizenship on a conceptual level in order to look at the case of South Africa.

The South African Bill of Rights states that '[n]o citizen may be deprived of citizenship', but does not elaborate on what this means (RSA 1996: 20). In order to operationalise the concept of citizenship in relation to social assistance, I developed my conceptual framework based on four main components found across the literature on citizenship: participation, inclusion, respect, and justiciability. These indicators allow me to measure the extent to which the CSG strengthens the state–citizen relationship. I have drawn together the literature on citizenship into this framework in order to focus it on this under-researched area.

3.1 Participation

It is widely agreed across the literature that participation is a key element of citizenship and an important component of the state–citizen relationship. Participation is a key aspect of political citizenship through voting and forms of participatory democracy. However, it can also be an aspect of social citizenship, in the shape of participation in public services, in social interactions and within the labour market and economy. T.H. Marshall (1950) emphasises the role that the education system and social services play in social citizenship, from which Leisering and Barrientos draw to define participation as a component of citizenship (2013). Increased participation in seeking employment may enable recipients to graduate out of poverty.

Ulriksen and Plagerson argue that we should see citizens as duty-bearers who play a variety of roles in society, and that social assistance can support this (2014). This emphasises the mutual responsibilities that state and citizens both hold within their relationship. These responsibilities of the citizen have been the basis of many Conditional Cash Transfer (CCT) programmes that require recipients to fulfil certain conditions, such as actively engaging with health and education services. Recognising this responsibility of the citizen to undertake certain duties within the state–citizen relationship suggests that the relationship can be strengthened through citizen participation in public services. Adato *et al.* identify how participation in public services through the El Salvador CCT *Red Solidaria* can affect citizenship (2016). Unconditional Cash Transfer (UCT) programmes like the CSG can offer ways for citizens to participate in public services through their own discretion, rather than purely to fulfil the requirements of the grant.

In theory, social assistance can lead to participation by providing resources for engaging in public services and the economy. The theory that social assistance enables increased participation runs counter to concerns that cash transfers can create dependency. Increased ability to participate in society could lead to recipients feeling like empowered, active citizens. The opening up of opportunities to participate can allow people to survive with dignity (Taylor 2010: iii). It may also encourage both the state and society to view recipients as deserving citizens rather than as dependents (Hickey 2008). Therefore, increased citizen participation in society can strengthen the state–citizen relationship by encouraging both state and society to recognise citizens as both realised duty-bearers and rights-holders.

3.2 Inclusion

Another key element of citizenship is the inclusion of marginalised groups. Lister (2007) emphasises the importance of including marginalised groups, such as women and the poor, whom she claims to have been largely ignored within citizen studies. Indeed, Leisering and Barrientos state that citizenship has often been elusive to the poor in the global South (2013: S50). Social assistance provides an opportunity to extend citizenship to marginalised groups by allowing them to claim the grants as their right.

The question of inclusive citizenship raises questions around how social assistance should be targeted, as it has been argued that narrow targeting of social assistance can lead to exclusive citizenship (Ellis 2012; Leisering and Barrientos 2013: S62). MacAuslan and Riemenschneider (2011) consider the effect of social grants on horizontal social relations, arguing that exclusion from grants due to targeting can create divisions and hostility within society. Leisering and Barrientos argue that social transfers 'create new stratifications of social citizenship' (2013: S65). Therefore, it is important to consider how inclusive the citizenship created by social grants is across society, as this also has implications for the relationship between citizen and state. If social grants strengthen the relationship between government and the included, the exclusion of members of society from this grant may also have the potential to weaken the relationship between government and the excluded.

3.3 Respect

The state should support a concept of citizenship that is built upon respect. Respect is considered a critical part of Narayan's ideal concept of citizenship, which she argues to be the product of 'a society that is responsive to the social dignity and worth of all who are members' (Narayan 1997). This component takes into consideration the influence of bureaucratic actors and agencies on the concept of citizenship. It is argued by Prior, Stewart and Walsh (1995) that public service delivery should promote citizenship. A lack of respect by government officials weakens the state–citizen relationship by damaging citizen opinion and trust of government. It is likely to also damage citizens' perceptions of themselves and others and their entitlement to rights.

In the case of social grants, the treatment of recipients depends on the officials who deal with the administration and applications for the grants. Hickey emphasises the role that political agencies and actors have in the implementation of social grants and how this affects citizenship (Hickey 2008: 249). He also stresses the influence of organisational culture (Hickey 2008: 254). It has been recognised that bureaucratic actors can hold 'entrenched' views on who deserves social assistance, which can serve to undermine a relationship of respect from the state towards the recipients (Devereux and White 2010: 63; Hickey 2008: 253). It has been stressed that in order for government-owned social protection to be possible, there is a need for a political discourse in which the poor are recognised as deserving of the assistance of the state (Nino-Zarazua *et al.* 2011: 171).

Respect is an area that has been particularly problematic in the context of social assistance, as there is often a stigma surrounding poverty and welfare recipients, which runs horizontally between citizens as well as vertically from state to citizens. This study aims to add to the discourse on ethical delivery of social transfers, considering not only citizens' rights to an economic floor and basic needs, but also a right to dignity (Devereux and White 2010: 69).

3.4 Justiciability

Alongside legal framing of social assistance as a right, the state must be held accountable in its responsibility to provide social assistance to citizens. Fombad (2013) and Devereux (2011) both argue that South Africa's legal framework of social assistance is exemplary, but also emphasise the importance of justiciability. Devereux describes rights as justiciable when they can be enforced by a court. For a right to be justiciable, the necessary

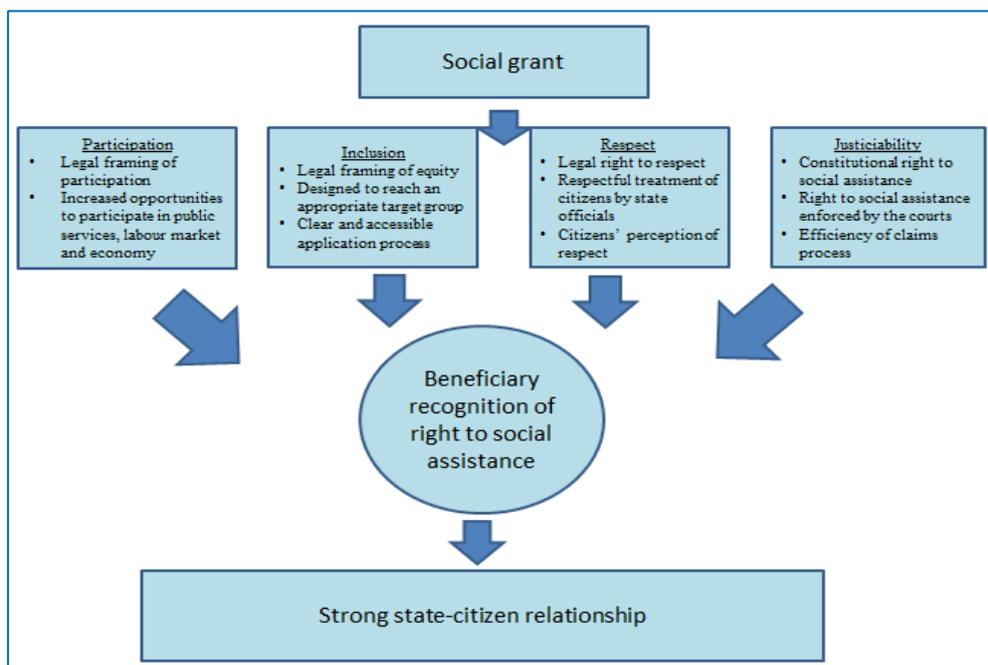
mechanisms to enforce and monitor this right should be in place (Devereux 2011: 419). Justiciability also requires sanctions on government violations of the right (Fombad 2013: 16). Piron also builds her rights-based framework on the principle that citizens should be able to enforce and make claims to social assistance (Piron 2004: 6–7). For citizenship to be built upon justiciability there must be a legal emphasis on the responsibility of the state to deliver social assistance laws, the ability of the courts to enforce this right, and efficient systems through which citizens can make claims. These systems can serve to protect the rights of citizens and ensure that the state–citizen relationship is built upon accountability.

It is important to consider how effective the mechanisms are through which rights can be protected and recipients can make claims, which hold government to account for their actions regarding social assistance. This includes appeals against application decisions and claims regarding the receipt or discontinuation of a grant. It is important to have an efficient appeals process (Devereux 2011: 422). There is also a need for citizens to recognise this right to make claims (Devereux and White 2010: 74). Although a consideration of the appeals system applies to non-recipients as well as recipients, it is part of the structure that contributes to the relationship between citizen and state, as it is reflective of the extent to which government is accountable for the service that it offers to the recipients.

3.5 Summary

My concept of the state–citizen relationship is a relationship of mutual roles and obligations on both the side of the citizen and the side of the state. Four elements of citizenship are important for ensuring a strong relationship: participation, inclusion, respect and justiciability. The citizen plays an active role through participation, and the state must uphold rights in a respectful way and support these through accountable mechanisms. These components are all interrelated and together have the potential to build a strong relationship between citizen and state, as demonstrated in my diagram (Figure 3.1). The four areas of participation, inclusion, respect and justiciability must all be supported through a legal framework of social assistance, which I look at through an analysis of South Africa’s policy documents on social assistance. This framework must then be followed through in practice, which I consider through an analysis of the implementation of the CSG.

Figure 3.1 Model for ensuring that social grants are supportive of the state–citizen relationship



Source: Author’s own.

4 Analysis of the Child Support Grant

This chapter is divided into four sub-sections, in which I look at participation, inclusion, respect and justiciability in relation to the Child Support Grant (CSG). In each section, I analyse how each respective indicator of the state–citizen relationship is used to frame the CSG in theory, and whether it is supported in practice, and then summarise my findings.

As the Child Support Grant sits within the framework of social assistance, which is one aspect of the wider structure of social welfare in South Africa, I use government documents on social welfare and social assistance to analyse how the Child Support Grant is framed by the government. My analysis includes a consideration of the rhetoric used in official government documents. I then examine secondary data from research reports, focus group discussions and key informant interviews with CSG recipients and grant applicants, to consider how the CSG is implemented in practice.

The CSG is designed to benefit the child but can also be used in varying ways to support the whole household. I use the primary caregiver as my main unit of analysis, as they receive the grant on behalf of the child and so interact in this relationship with government. The effects of the CSG on the primary caregiver reflect whether the government is putting the primary caregiver in the best position to support the child.

4.1 Participation

4.1.1 *Participation in theory*

Looking at how participation is framed in the South African government's approach to social welfare shows the wider context in which the CSG operates. Policy documentation emphasises the potential for social welfare to create active citizens who can contribute to society. The WPSW emphasises the ability of welfare to develop human capacity (RSA 1997a: 1.6). The stated vision is for a social welfare system that 'facilitates the development of human capacity and self-reliance' (RSA 1997a: 2.1). The paper takes social developmental welfare as its model, with the goal of creating a society which will 'release people's creative energies' and help them to 'participate fully in all spheres of social, economic and political life' (RSA 1997a: Preamble). It is also suggested that social welfare will increase the capacity of individuals to contribute to the economy. The WPSW states that South Africa must develop human capital in order to increase the productivity of the country (RSA 1997a: 1.4). It appears to link social development with economic development (RSA 1997a: 2.6., 2.15). This document therefore frames social welfare as a tool to create opportunities for individuals to participate in both the social and economic spheres of society.

Although the CSG alone is not designed to increase employment opportunities, there is potential for the CSG to act within the wider South African welfare framework to support child caregivers to seek employment. The social welfare system is made up of components that in practice can complement each other in providing opportunities for the poor (UNICEF 2008). People below the poverty line are targeted through a range of poverty alleviation programmes alongside social grants. If this ideal was realised, the CSG would work within the broader social welfare system to offer opportunities for participating in society. I consider below the extent to which the CSG plays a role in supporting this model of welfare by encouraging recipient participation in public services, the labour market, and the economy.

4.1.2 *Participation in implementation*

In South Africa, school attendance is compulsory for children from age 7 to 15. There are generally high levels of school enrolment and attendance, although attendance levels are lower with older children (UNICEF 2008: 37). School attendance was introduced in 2009 as

a 'soft conditionality' of receiving the CSG, which is encouraged but does not directly affect receipt of the CSG (SASSA and UNICEF 2013: 57). Those who fall below the income threshold for the CSG are eligible for school fee exemption, and in theory the grant could help to cover additional costs of education. Recipients have claimed that the grant helps to support child participation in school through providing money for school lunches and for transportation costs (DSD, SASSA and UNICEF 2011: 63-4). However, there is mixed evidence on whether receipt of the CSG increases school attendance. There is evidence that the grant reduces male adolescent absences from school and that pre-school and early grade attendance increased for the children of CSG recipients during the period 2002–04 (DSD, SASSA and UNICEF 2012: 86; Samson *et al.* 2008). However, another study found that grant receipt made no difference to school attendance levels within poor households (UNICEF 2008: 37). Although the civil society organisation Black Sash works to inform those below the income threshold that they are eligible for exemption from paying school fees, there needs to be more awareness of this right and of other developmental programmes which would complement the CSG (UNICEF 2008: 44–5). Therefore, the CSG does not necessarily appear to consistently increase citizen participation in education, perhaps due to a lack of awareness of complementary poverty alleviation programmes.

While the money is designed to be spent on the child rather than for seeking employment, increased employment would provide more resources to better support the child. Focus group participants in one study agreed that being a recipient of the CSG did not remove the incentive to seek employment (Surender *et al.* 2007: 39). A study by Eyal and Woolard (2011) finds that young women receiving the grant are 9 per cent more likely to participate in the labour market and 15 per cent more likely to be employed. Despite this, in other studies the relationship between receipt of the CSG and employment rates is not statistically significant (EPRI 2004; Samson *et al.* 2011). Recipient responses suggest that the grant does not give enough money for seeking employment, for example one recipient claims that '[y]ou can't take even a bit of it for your fare. Transport is expensive. Even to go and get the grant you have to borrow the money for transport' (male, Mdantsane in Surender *et al.* 2007: 20). Focus group discussions and interviews reveal the perception that the amount given is too little to use for seeking employment or for contributing to the economy outside of basic subsistence (Wright *et al.* 2014; Hunter and Adato 2007). Without strong complementary employment programmes, the grant does not reach its full potential in increasing labour market participation of recipients.

There is inconclusive evidence on whether the grant increases recipient participation in the economy. One recipient claims 'we are able to buy and sell small things like sweets so that when the CSG runs out before the end of the month, you have something to fall back on' (female, Mdantsane in Surender *et al.* 2007: 18). However, others claim that the money is too little to even save: 'My child has a social worker who is always telling me to save from the R270 and take some money to the bank for the child. Please tell me how to do this from R270' (Qumrha in Wright *et al.* 2014: 40). Although some recipients claim that the resources from the CSG allow them to engage in social reciprocity, resources do not necessarily enable recipients to overcome certain barriers within society, and therefore these exchanges can still be limited due to divisions of race and class (Neves *et al.* 2009: 25). There are also negative sides to participating in social reciprocity, as borrowers can find themselves vulnerable to loan sharks (Zembe-Mkabile *et al.* 2015: 843–44).

Despite the small amount of the CSG, interviews of female recipients carried out in Doornkob, Soweto in Johannesburg found that the women used a language of empowerment relating to the grant, appearing to view it as a means through which to improve their situation. This is reflected in a recipient's statement 'Get the money. You do something with it. Don't sit and complain and say it's not enough' (Mpho in Hochfeld and Plagerson 2011: 55). The variety of recipient perspectives demonstrates that the extent to which the grant increases participation in different aspects of society can very much depend

on the individual and how they choose to use it. The language of empowerment shows that recipients have the potential to use the grant to increase their participation in society. However, the lack of increased participation in schooling, the labour market and economy demonstrates that the way in which the grant is executed does not support this potential.

4.1.3 Summary

The legislation on social welfare presents the theory that social grants have the potential to foster recipients' capability to participate in society and the economy. However, in reality the CSG does not appear to consistently lead to increased citizen participation within these areas. Although it appears that the amount of money given to recipients through the grant is not enough to create a relationship of dependency on the government, it seems that the amount of the grant is also too little to fund increased participation in services or the economy. Participation in services could be increased through better coordination of complementary schemes such as school fee exemptions and the school feeding scheme, and encouraging recipients to take advantage of these additional programmes. This raises an important question about how the state perceives recipients. If the state effectively created the conditions for grant recipients to harness opportunities, this would go further in breaking down the divisions of apartheid, but the CSG fails to do this.

4.2 Inclusion

4.2.1 Inclusion in theory

The inclusion of marginalised groups is an important consideration within South Africa due to the exclusion of Africans from citizenship and social assistance in the past (Mamdani 1996). As the majority of the recipients of the CSG are black women, it allows us to question whether the grant allows for Africans, women and the poor to be included within the concept of citizenship in South Africa (Case *et al.* 2005: 472).

South Africa's policy documents frame social welfare as an inclusive right of all citizens. In the Bill of Rights, it is stated that everyone has the right to 'the full and equal enjoyment of all rights and freedoms' (RSA 1996: 9.2). The WPSW emphasises equity as a principle of the new national plan (RSA 1997a: 2.228) and as something that can be achieved through welfare (RSA 1997a: 1.7). The WPSW acknowledges the previous inequalities in the welfare system and the need to address these, recognising that welfare under the apartheid system was influenced by racial and urban biases (RSA 1997a: 1.13). It states that welfare programmes must reach the most vulnerable, including Africans, women, children and those living in rural areas (RSA 1997a: 2.27b). The government therefore appears to have extended the inclusivity of its definition of citizenship following the end of apartheid.

This inclusive ideal recognises that barriers to accessing social assistance must be removed. The WPSW states that access to welfare must be universal for all South Africans (RSA 1997a: 2.26). The document instructs that all institutions will be made accessible, and that '[a]ll barriers will be removed which have made it difficult or impossible for some people to participate equally in all spheres of life' (RSA 1997a: 2.22). Analysing the official documents demonstrates that the state rhetoric supports a social welfare system that is inclusive and accessible.

Reforms to the CSG have reshaped the grant to be increasingly inclusive in its targeting. Since its introduction, the CSG has been extended to a higher income level and to a higher age threshold, including more vulnerable households as recipients. This has been the result of research and advocacy by civil society groups, primarily the Children's Institute, Black Sash and Alliance for Children's Entitlement to Social Security (Proudlock 2011). In August 2008, a mechanism was introduced to ensure that the income threshold is increased in line with inflation (*ibid.*: 156). The age threshold has been extended to 14 and again to 18.

However, the current system of means-tested targeting offers the potential for exclusion in practice. Theoretically, universal targeting may be more supportive of social assistance as a citizen's right (Devereux and White 2010: 70; Hickey 2011: 16). There are arguments that the means test for the CSG may be unfairly targeted and should be abolished (Rosa, Leatt and Hall 2005: 33). During discussions around the design of the CSG, the Itala Think Tank opposed the idea of means testing, arguing that it would create exclusive categories within society (Lund 2008: 85–7). Targeting through means testing does not necessarily undermine the rights-based framework of social assistance, but the implementation of means testing can pose potential challenges for supporting inclusive citizenship. While the means test can be a good way to ensure that those most in need of assistance are reached, the way in which the testing is implemented could lead to both applicants and potential applicants feeling excluded from the system. The element of discretion in the implementation of means testing could undermine inclusive citizens' rights (Ministry of Foreign Affairs of Finland 2012: 40; Leisering and Barrientos 2013: S54).

The design of the CSG has therefore been adapted to be more inclusive by the extension of the income and age thresholds, but the implementation of the grant determines whether it reaches all eligible citizens in practice.

4.2.2 Inclusion in implementation

The accessibility of the application process can shape the recipients' experience of the grant and their perception of government. The application process has in some ways been improved since the start of the programme (DSD, SASSA and UNICEF 2011: 30). However, there still appear to be a number of barriers to the application process, undermining inclusive citizenship (Zembe-Mekabile *et al.* 2012). These barriers make it difficult for the eligible poor to apply for the grant. Firstly, there are the financial costs of travel to Home Affairs Offices for documentation and the cost of obtaining documentation. One recipient exclaimed 'I ended up spending more for the application than what we were going to get!' (DSD, SASSA and UNICEF 2011: 28). Secondly, there is the time taken to apply, which can be extended by multiple visits due to bureaucratic difficulties, such as difficulties obtaining the correct documentation from the Home Offices. Recipients report making multiple failed journeys to apply: 'Imagine waking up at four and queuing at the hall outside, then when you get there they tell you that your thing is wrong, go back and start afresh' (Zembe-Mkabile *et al.* 2015).

Although these barriers initially affected the extent to which the grant included the poor in rural areas, mobile outreach programmes such as SASSA's Integrated Community Registration Outreach Programme (ICROP) appear to have improved access for rural applicants (Lund 2008: 77; SASSA and UNICEF 2013: 70). Recipients from the Western Cape and Eastern Cape rated the application significantly lower than recipients from other regions (UNICEF 2008: 55). Non-recipients claim that difficulties in obtaining documentation, often linked to the underperformance of the Home Affairs Office and the lack of coordination between the Home Affairs Office and SASSA, are the largest barrier to their applications (SASSA and UNICEF 2013: 51).

It therefore appears that the application process is complex, creating a barrier to inclusive citizenship. Applicants claim to have encountered challenges in the application process, potentially limiting their perception of themselves as deserving recipients and of the grant as their right. The complexity of the process can exclude illiterate or poorly educated applicants, who find it more difficult to manage the system (SASSA and UNICEF 2013: 37). It is also particularly challenging for refugees who are not fluent in English, Afrikaans or any local languages (SASSA and UNICEF 2013: 62). Overall, the complex process leads to exclusion errors in targeting, as it deters eligible candidates from applying.

4.2.3 Summary

Although the legislation promotes the idea of social assistance based upon 'equity', this is undermined by the difficulties in accessing the grant. This is not necessarily due to the use of the means testing model itself, but due to the way in which it is implemented. The application process is unclear and inefficient, requiring excessive time and money. This not only limits the inclusion of eligible potential applicants, but again portrays a dismissive attitude of state towards recipients, and creates negative views of government among those in need of the grant. This negative view of the state can be further enhanced by a lack of respect from state officials, as examined in the following section.

4.3 Respect

4.3.1 Respect in theory

Article 22 of the Universal Declaration of Human Rights connects social security with the right to dignity. It states that 'every citizen has the right to social security' and the realisation of 'the economic, social and cultural rights indispensable for his dignity' (United Nations 1948). Social security is presented as a way to ensure dignity, and so the processes should not be detrimental to this dignity. Although the Universal Declaration of Human Rights is not legally binding, it has global influence on national laws. While South Africa abstained from voting on the Declaration under apartheid, the post-apartheid government may have taken this global definition of human rights into consideration when drafting the Bill of Rights in the 1996 Constitution of South Africa.

The right to dignity for citizens is enshrined within the 1996 Constitution in the statement that '[e]veryone has inherent dignity and the right to have their dignity respected and protected' (RSA 1996: 2.10). Within the WPSW, it is recognised that poverty in itself deprives individuals of dignity (RSA 1997a: 1.3) and that dignity and self-esteem can play a role in lifting people out of poverty (RSA 1997a: 2.27). Therefore, it is stated that social welfare programmes will not discriminate and will promote 'mutual respect' (RSA 1997a: 2.10). Welfare programmes will be developed 'to ensure that every member of society can realise his or her dignity' (RSA 1997a: 2.26).

In order for states to ensure that programmes promote dignity for recipients, public service officials must administer the grant in a respectful way. *The White Paper on Transforming Public Service Delivery*, known as the *Batho Pele White Paper*, instructed that the eight *Batho Pele* principles on service delivery be put into practice. It is stated in the foreword of the paper that '[p]ublic servants are expected to treat all citizens with courtesy, respect and dignity' (RSA 1997b: 5). One of the eight principles is 'Ensuring Courtesy', which states that public servants must treat customers with respect and that departmental Codes of Conduct must be established and monitored (RSA 1997b: 18). This appears to have influenced SASSA's own apparent principles, as it lists a 'customer-care centred approach' as one of its values (SASSA 2015b).

Therefore, the official documentation on welfare and public service delivery uses a language that is supportive of respect and dignity for recipients. It is emphasised that welfare, including the CSG, must be delivered in a way that encourages respect, and principles are outlined which promote respect in all public service delivery, including social assistance. However, there is room for interpretation of what constitutes 'respect' and 'courtesy', which allows for space in implementation.

4.3.2 Respect in implementation

If the above principles are not carried out in practice, then the supportive relationship between state and citizen is undermined. Ineffective public service can shape recipients' relationship with government by creating the impression that government does not think

them worthy of receiving good service. This is proposed by recipients with respect to queueing, with one recipient claiming that '[t]hey don't care that we are also human beings' (Nyanga participant, Wright *et al.* 2014: 22). A 2006 study also found that some recipients claim the civil servants managing applications to have been rude and to have shouted at them (Goldblatt, Rosa and Hall 2006: 14). This behaviour led one recipient to comment that '[t]hose officials who are rude to us need to get more training about how to treat a person if you work with the community' (DSD, SASSA and UNICEF 2011: 30). It therefore appears that recipients are not always treated with respect by officials, undermining the principles of *Batho Pele*.

The way that state officials interact with applicants and recipients can serve to support or undermine the concept of recipients as deserving citizens. Focus group participants in one study repeatedly mentioned feeling like they were 'begging' for the grant (Wright *et al.* 2014: 27–9). One respondent claims '[t]hey treat us like we're begging for that money, like it's theirs' (Khayelitsha participant, Wright *et al.* 2014: 27). Another respondent also commented '[i]t seems as if the money belongs to them' (Mitchells Plain participant, Wright *et al.* 2014: 27). These perceptions reflect the way that the grant can be used to support a relationship of government superiority rather than of mutual respect and responsibility, which undermines the concept of social assistance as a social right (Wright *et al.* 2014: 28).

Another aspect which appears to affect the extent to which grant recipients feel like respected citizens by the state is the amount of money given. Many focus group participants commented that they found that the grant is too small, and some even claim that it is not enough to afford them any sense of dignity (Wright *et al.* 2014: 38). This can make recipients feel that they are not cared for by the state. One recipient claims:

It's like government is looking down on our sense of dignity as poor people. It's our government, we voted them into power. We suffered under the apartheid government, now we suffer because government is not looking well after us as citizens.

(Nyanga participant, Wright *et al.* 2014: 39)

This shows how the design of social grants can undermine the relationship between state and recipient by suggesting that the recipient is not worthy of adequate support. When this is implemented in conjunction with poor treatment by officials, the CSG could undermine a relationship of mutual respect and responsibility between state and citizen.

Recipient perceptions of themselves as respected citizens can also be shaped by how they are perceived within the community. As well a stigma surrounding poverty, there can also be a stigma around recipients within societies (Ellis 2012). This dialogue of disrespect can be supported by the recipients themselves, perceiving other recipients as lazy and unworthy (Hochfeld and Plagerson 2011). This suggests that the vertical relations between state and citizen can shape horizontal relations amongst communities.

The interactions between recipients and state officials are lessened by the opportunity for cash to be transferred directly into bank accounts, which may also reduce the community stigmas surrounding being a recipient of social assistance. However, this option is not available to all people, particularly if they live in rural areas (UNICEF 2008). Recipients report encountering administrative issues at pay points, which present the opportunity for officials to continue to undermine principles of respect beyond the application process (DSD, SASSA and UNICEF 2011: 38).

4.3.3 Summary

State documentation presents respectful treatment of recipients to be a duty of state officials and a recipient's right. However, there is often a lack of dignity in the application process due to the difficulty of the process and the attitude of officials. The combination of the small amount given and the often demeaning process leads to recipients not feeling respected by the state. As the conduct of public officials depends on the actors involved, it is not something about which we can generalise. However, the fact that this issue has arisen across a number of studies suggests that it has weakened the state–citizen relationship in a number of cases. The presence of the *Batho Pele* principles in writing is not adequate if public service delivery is not monitored through clear accountability mechanisms. Efficient and transparent feedback channels would allow citizens to play a role in defining the otherwise ambiguous terms 'respect' and 'dignity'.

4.4 Justiciability

4.4.1 Justiciability in theory

I consider the extent to which the official state documentation frames social assistance, and thus the CSG, as a citizens' right that can be enforced by the courts. This determines whether or not the state can be held legally accountable in its relationship with citizens in regard to social assistance.

Social assistance has legal standing as a right under Section 27 of the constitution, in which it is stated that every citizen has the right to social assistance if 'they are unable to support themselves and their dependents' (RSA 1996: Chapter 27.1.3). The obligation for the government to provide the CSG itself is enshrined in the Social Assistance Act of 2004 (RSA 2004: Chapter 2.4a). Devereux argues that this enshrinement of the right to social assistance in the constitution and other legislation ensures that this right is justiciable in South Africa (2011: 415). Fombad also argues that the constitutional framing of the right to social assistance puts pressure on the government to enforce this right (Fombad 2013: 11).

The obligation of the state to enforce this right is stated in the assertion that '[t]he state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights' (RSA 1996: Chapter 2, Section 7.2). This right is also justiciable in the sense that the state is prevented from undermining the right through conflicting legislation (Fombad 2013: 12). The Constitution states that '[t]he state must respect, protect, promote and fulfil the rights in the Bill of Rights', which includes the right to social assistance (RSA 1996: Chapter 2, Section 7.2). Respecting and protecting this right prevents the state from passing legislation against it.

Citizens are also entitled to make appeals in response to the rejection of CSG applications. This right was stated in Section 10 of the 1992 Social Assistance Act, and again in the 2004 Social Assistance Act, which states that grant applicants may submit a written appeal to the Minister for Social Development if they disagree with a decision made by SASSA regarding the grant within 90 days of being notified of the decision (RSA 2004: Chapter 2.18). If the appeal is confirmed, then a tribunal is appointed to consider the appeal. Overall, as the largest example of social assistance in South Africa, the CSG is framed as a justiciable right.

4.4.2 Justiciability in implementation

Measuring justiciability in practice involves examining the extent to which the courts enforce the right to the CSG and the systems through which appeals and complaints are made. The obligation of the government to enforce social welfare can be held to account by the court. This was put into practice in the 2000 case of the *Government of the Republic of South Africa v. Grootboom*, in which the Constitutional Court found the housing programme in the Western Cape unconstitutional as it failed to provide immediate housing relief to those in

need. The Constitutional Court ordered the government to live up to the obligation to provide adequate housing plans for South African citizens. The court established a set of standards by which government programmes would be judged by the court, stating that programmes must be reasonably implemented (*RSA v. Grootboom* 2000). This demonstrated that the government's responsibility to realise the Bill of Rights is enforceable by the courts. In the case of the CSG, administrative issues have led to many court cases being brought against the government by grant recipients (Liebenberg 2002). The 2008 case *Cele v. SASSA* addressed cases where applicants had received no response from their applications and where grant payments had unexpectedly stopped (*Cele v. SASSA* 2008).

Alongside the courts, civil society can play a role in ensuring that the government realises the right to social assistance. Research units and advocacy organisations have monitored and advised the government, which has led to improvements in the delivery of the CSG (Lund 2008: 105). Civil society played a central role in raising awareness of the grant in order to increase take-up through partnership with government from 2002 to 2004 (Proudlock 2011: 151). The cases which were successful in extending the reach of the CSG demonstrate the power of civil society and the courts in shaping government interpretation of the right to social assistance.

However, where the justiciability of the CSG perhaps falls short is with regards to the accessibility and efficiency of the claims process. In this study, I have drawn upon evidence of CSG applicant and recipient grievances. With these grievances apparent, it is important that there are the necessary systems in place for recipients to make complaints about service delivery. SASSA have addressed some issues which have been indicated across a number of complaints, such as reviewing its proof of life system for all social grants including the CSG in July 2014. The CEO of SASSA stated: 'We're committed to provide effective and efficient social services to our recipients without any delays' (Petersen 2014). SASSA's role in commissioning and funding studies on the CSG also offers a way for the implementation agency to become aware of themes running across grievances. However, neither of these actions secures the right to have complaints addressed on an individual level.

Recognition of individual complaints is hindered by the lack of efficiency of the complaints system. In the *Cele v. SASSA* case, the High Court judgement recognised that bureaucratic issues in the CSG appeals process, including the absence of an appointed independent tribunal to deal with appeals, had led to a backlog of 5,000 appeals (*Cele v. SASSA* 2008: 16). The consistent backlog shows that the right to appeal must also be supported by the administrative capacity to address the appeals (Fombad 2013: 27; Lund 2008: 39). SASSA would be better held to account if there was more monitoring to track CSG appeals and their outcomes.

Another obstacle to the complaints system is the lack of awareness of a right to complain. It appears that recipients do not always consider that the state should be held accountable in its provision of the CSG. Recipients interviewed in Johannesburg appear to have perceived the grant as a kind gesture by government rather than as a citizen's right, reflected in one recipient's statement that '(i)t's something that is a present, you have been given, you cannot say maybe you are... you are complaining' (Nosipho in Hochfeld and Plagerson 2011: 57). This attitude has been reflected in the appeals system, as it has previously been found that not many applicants take the opportunity to make appeals (Goldblatt, Rosa and Hall 2006: 5). Offices across the districts of South Africa all claimed that the number of appeals made regarding the CSG were minimal (Rosa, Leatt and Hall 2005: 32). Therefore, there has been evidence that more could be done to make candidates aware of their right to appeal. This would strengthen recipients' perceptions of themselves as rights-bearers with the right to claim social assistance and the right to appeal if this is not delivered.

Civil society organisations do continue to play a role in informing citizens of their right to the CSG. One of the focuses of the civil society organisation Black Sash is on providing rights-based information on social assistance, particularly for women and children (Black Sash 2015). As well as providing information about rights to social grants on their website, they have a helpline for assistance. However, some eligible for the CSG still display a lack of knowledge of their right to the grant, hindered further by the closing of many paralegal and NGO offices in the communities (SASSA and UNICEF 2013: 59). Recipients' continued lack of perception of the CSG as their right suggests that there is room for civil society to promote this message more strongly, particularly to the rural poor who may not have internet access. Brockerhoff emphasises the need to develop tools for monitoring the implementation of socioeconomic rights in South Africa (Brockerhoff 2013: 42).

4.4.3 Summary

It appears that social assistance is upheld by a justiciable system in South Africa, through which other actors within the courts and civil society can support the state–citizen relationship. However, an examination of justiciability and the CSG in practice suggests that citizens are not necessarily aware of their ability to utilise this reciprocal relationship with the state, and the inefficiency of administrative systems undermines the appeals process. Further advocacy by civil society with government may foster the state–citizen relationship by strengthening the conception of entitlements to social assistance, which needs to be supported by more efficient claims systems.

5 Conclusions

In order to analyse the relationship between social grants and the state–citizen relationship, I framed citizenship around four components: participation, inclusion, respect and justiciability. As demonstrated by Figure 3.1 (see Section 3.5), when these aspects of citizenship are upheld, this can create empowered citizens who are aware of their rights, strengthening the relationship between state and citizen. In South African legislation, social assistance is framed as a citizen's right that can support these indicators of the state–citizen relationship. However, the findings suggest that the implementation of the Child Support Grant does not fulfil its potential in strengthening this relationship.

The way in which the state frames recipient citizenship has potential to restructure the divisions created during apartheid. However, the lack of accessibility of the grant, respect of state officials, increased participation, and efficient claims system all serve to undermine the inclusivity of the grant. All four of these indicators of the state–citizen relationship affect recipient self-perceptions, which affect recipient approaches to rights. Although rights may be secured through documentation, the failure to uphold them in practice limits the extent to which citizens realise their right to these entitlements. For example, if citizens are not treated with respect by government then their own self-worth as citizens is affected, which in some cases discourages them from feeling they have a right to access social assistance or to make claims related to social assistance.

The right to social assistance is strongly secured in practice through the courts, and civil society has played an important role in supporting this. However, the findings have an overarching theme: the state–citizen relationship is currently weakened by administrative issues. Limited administrative capacity impacts negatively on the extent to which citizens can access the grant and the extent to which they can effectively make claims. Proudlock (2011) argues that the implementation issues of the CSG can be seen as a result of the great deal of demand for the grant, which could demonstrate citizens' recognition of their right to social assistance. Yet the weakness of administrative systems appears to dent this perception of

rights, as citizens recognise that the application process and claims systems are inefficient. Difficulties accessing the grant and a lack of respect from state officials further hinder the extent to which recipients perceive themselves as having a right to the grant.

There are therefore limitations to citizenship that the rights-based framework fails to eradicate. When in theory government-funded social grants have the potential to strengthen the relationship between recipients and the state, care must be taken to ensure that this is not undermined by implementation flaws and lack of efficiency in practice. While improvements have been made to the implementation of the grant, these improvements seem to have particularly focused on targeting issues of extending the age and income thresholds. Where reforms have perhaps fallen short is in ensuring a simple application process (Schreiber 2014).

My study suggests that more could be done to strengthen the empowerment of recipients as entitled citizens. There is a need to align the rights-based language of the documents with the implementation of the CSG in order to strengthen the relationship between state and citizen. It is important to encourage a culture of respect and the upholding of *Batho Pele* principles throughout government bodies. Civil society has played a large role in advising upon the CSG in the Lund Committee, and in extending the targeting through litigation. Civil society actors should continue to play a role as watchdogs of government in order to support the relationship between citizen and state, and also to advocate and raise awareness of citizen rights to claiming social assistance. These measures would support citizens to play a stronger role in demanding opportunities, respect, inclusion and accountability from their government.

We must be careful not to make generalisations about cash transfer recipients globally, or even within South Africa, since this study has focused on only one social grant. However, this study discusses issues around administration and the attitudes of social service delivery officials which are likely to be relevant across the social grant spectrum in South Africa. Although the context of apartheid sets apart this case study as specific to South Africa, and each country differs with respect to culture and the current status of social welfare, examining this case study has presented a possible abstract model of the conditions required for social grants to strengthen the state–citizen relationship (see Figure 3.1). South Africa is often taken as model that other African countries should follow, as there is still a need to enshrine social assistance within constitutional rights-based frameworks in other African countries (Fombad 2013; Devereux 2011: 420). However, a rights-based approach should not be taken as an automatic assurance of social assistance rights in practice. We must not neglect to pay attention to ensuring that citizens' rights are supported in practice. Therefore, as well as learning from the strengths in South Africa's social assistance system, perhaps we can also learn from its weaknesses.

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