

UNLOCKING THE POTENTIAL FOR CIVIC ACTION AND STRUCTURAL CHANGE: REFLECTIONS ON MOBILISING SOCIAL JUSTICE

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The situation of backyard-dwellers is a ticking time bomb waiting to explode ... if it remains unattended to. We are hopeful that as we pursue the matter in higher courts, a precedent, compelling positive action on the part of all duty-bearers to the right to housing in relation to backyard-dwellers, will be set.¹

1 CAPTURING THE SPIRIT OF SOCIAL JUSTICE

This book has attempted to capture the spirit of an international conference on *Mobilising Social Justice* in Johannesburg in November 2009, where complex issues around social justice were discussed in the framework of the Hivos-ISS Knowledge Programme on Civil Society Building. Inspired by similar experiences, the citation above by a South African human rights lawyer confirms that social and economic inequalities continue to undermine stability and democratisation issues in South Africa. These inequalities are indeed reaching boiling point; and social movement activists are working together with lawyers, faith-based and traditional leaders and community mobilisers to try and address massive and growing disparities between rich and poor. In trying to address these inequalities, the country's formal democratic institutions are being seriously tested, and there is a growing fear that the institutions are fast losing the legitimacy they acquired in the wake of democratic dispensations during the early to mid-1990s.

In this concluding chapter, we unpack the main objectives and questions of the Knowledge Programme. We take account of various reflections to the preceding chapters. We also suggest some areas for further reflection.

¹ South African attorney Louise du Plessis, reacting to the decision of the North Gauteng High Court in Pretoria to confirm the eviction of several hundred poor people living in shacks on a corporate-owned farm, 'High Court rules against Itireleng evictees', Press Release, Pretoria: Lawyers for Human Rights, 1 March 2010.



Drawing on our own experiences and extensive stakeholder consultation, and after consulting with numerous colleagues in Latin America and Southern Africa, ISS and Hivos developed a set of objectives for the knowledge programme in 2008. The objectives of the knowledge programme served as the starting point for a process that took almost two years to unfold. These were (1) to support innovative research, which led to the choice of the research projects that are reflected in this book; (2) to translate this research and generate useful material for dissemination among various audiences; and (3) to promote the exchange of knowledge to stimulate both a debate and dialogue, which led to the organising of this conference. The five research chapters that were developed and collected in this book, one of which was accompanied by a documentary film, still have much more to contribute. This book is merely the latest phase in a process that will continue to unfold as the emerging insights find their way into dissemination events, civil society deliberations, and follow-up projects for further research.

The programme was also informed by a number of research questions that framed the choice of research projects that would be supported and affected the organisation of the conference. How can we understand the dynamics of civil society formation and the role of local actors in this process? How does civil society-building as a process contribute to structural changes in the unequal balance of power in society? And how do external actors – donors as well as support or solidarity organisations – contribute to this process? This concluding chapter will reflect on all three of these research questions.

2 DYNAMICS OF CIVIL SOCIETY FORMATION

The dynamics of civil society formation is a multi-dimensional topic that cuts across every chapter that is included in this book. Power is clearly a central element in understanding and explaining these dynamics. In theorising the dynamics of civil society formation, it is important to understand *why* civil society or civic actors, of all descriptions, decided to embark on a particular campaign or other strategy. How did they go about doing so, and did this end up leading to structural change?

As one participant commented, civic strategies are essentially about ‘the art of the possible’. However, there is some dispute regarding how to define what civil society is. Is it any civic actor? Must they have a direct relationship with the state? Can it be, as some participants argued at the conference, those who set themselves apart from the state? Can it be *uncivil* society, which may decide to be confrontational in relation to the state? Are these even worthwhile questions, and does civil society simply define itself in relation to particular circumstances?

Notions of citizenship will also differ. For example, migrants are often missing from such discussions, even when these discussions concern the discrimination seen against them. Do civic actors include the ‘untouchables’, as Sharukh Alam asks in the epilogue? Do they include, in the South African

context, those who cannot access basic services, such as water? Although Dugard discussed the issue extensively in chapter five of this book, the quality of a poor person's citizenship remains a point of bitter contention.

The dynamics of civil society also speak to interactions with the state, as argued in chapter two in this book, especially in relation to legal activism advocating the accountability of the state. However, there are other forms of civic expression within the state, such as in cultural life. Some argue that civil society can also be seen to act *outside* the structures of the state; civic-driven change or action from below.² This also begs the question: what *is* the state? Is it, in the words of one conference participant, the 'vicious, uncaring state' or the 'cuddlier picture' of the state, as represented by courts, parliament and other, more formal features of the state? Jenkins' contribution reminds us that the institutions of the state are also a work-in-progress, and that there are spaces for constructive engagement that are underutilised.

Whatever one's relationship with the state, it is clear that the state, or features of it, has turned against the people, as confirmed by Dawson in chapter five and Dugard in chapter four. Police have stifled protest, often in violent ways. The city of Johannesburg has failed to deliver to the people of Phiri, and the constitutional court has failed to provide a remedy. Furthermore, as was mentioned in the conference debate, the people – especially social movements such as the Anti-Privatisation Forum – have turned against the state. Worse, people seem to be turning against each other in South Africa, with the outbreak of violence against migrants in Johannesburg being an especially horrifying example. Understandably, the dynamics of struggle still relate very much to interactions between different sections of society.

Jinnah's contribution illustrates an observation echoed widely among conference participants: that NGOs and social movements may be perceived as elitist in their representation of issues and communities. They may not necessarily possess the legitimacy that they claim in their relations with state institutions. On the other hand, this dynamic of representivity and legitimacy forces one to consider the politics of elites, as it is clear that the relationship between certain prominent representatives of civil society and representatives of the state can often lead to things getting done in a way that confrontational interactions cannot do them. At the same time, one must remain connected with the interests and demands of communities directly affected by social justice issues, and failing to do so is what often leads to charges of elitism.

Finally, there is a need to examine the rights consciousness of individuals and officials, both in government and in civil society, or as Sharukh Alam mentions, a 'cultural consciousness' which may transcend rights-based approaches. Alam elaborates on this theme in an afterword to this book, explaining the subtle but

² See, for example, Fowler and Biekart, 2008.

highly persuasive influences of culture in approaching social justice mobilisation in India.

3 STRUCTURAL CHANGE

As the conference revealed, the contributions of civic actors to structural changes in the unequal balance of power in society relate notably to gender inequalities, but also ethnic disparities, religious differences, and differences of class.³ Clearly, 'structural change' is a concept to be unpacked further, and social consciousness is an important part of this.

Some argued that structural changes were incremental, accomplished over a long period of time, while others argued that there was a need for a rupture, a dramatic event that gets the state's attention, the company's attention or broader society's attention. Therefore it is also important to reflect further on the nature of (and timeframes in which one wants to see) structural change taking place. Is civil society's participation in a government-led process, which may take several years, giving effect to a right? Is it better to focus on legal process in the courts, to participate in the budget process in parliament, or to contribute to a policy-making process led by a government department? What is the quality of civic participation in a government-led process? Does this participation advance rights, or does it amount to co-option? When is it appropriate to change one's strategy?

It is clear is that civil society organisations implicitly understand the dynamics of the processes they engage with, but it can be helpful, from a strategic point of view, if organisations articulate these dynamics more explicitly. The budget process in chapter four, for example, is complex and multi-layered, and requires careful analysis and timing at an early stage in the process for civic interventions to be successful.

There was much scepticism expressed at the conference about legal interventions, and in particular, their lasting effect. In some cases, government – whether represented by the police, or by administrative officials – simply fails to comply with a court order. In the case of non-compliance, the prospects of a legal remedy can feel rather hollow. Even worse, the goal of legal interventions, which have tried to promote respect for (and compliance with) economic and social rights contained in South African constitutions, can be felt to be rather meaningless.

However, quantifying the cost of delivering economic and social rights can be productive; not only for litigation purposes, but also in defining the position one might take in the budget process, and in explaining the costs of litigation in relation to an early, government solution to a problem. For example, the cost of producing a court record can be close to a million rand, money that – it could be

³ See also Crenshaw, 1991.

argued – should rather be spent on social service delivery. Yet, as Dugard’s contribution reveals, legal interventions should not only be evaluated by courtroom outcomes, but on their relationship to the broader struggles from which they originate.

A number of interventions at the conference highlighted concerns that the Constitutional Court was failing the people in a number of key decisions, especially in the area of economic and social rights; although as mentioned, the visibility that such high-profile trials gain in the media contributes to a public consciousness about such issues. This echoes studies from social movement theory, which suggest that the impact of collective action is as much about influencing the *climate of ideas* in the efforts of social movements to construct a collective identity and contribute to associational life, as it is about realising concrete policy changes.⁴ In South Africa, there are many relevant institutional frameworks beyond the courts and parliament with which one can interact, including ANC branches, ward councillors, local and national government-appointed committees, and others that filter much information through the ranks to local, provincial and national government. This is especially the case with the ANC, which has a broad, democratic structure. However, there are also co-operative platforms between municipalities and civil society groups, such as migrant groups, who have been included in broader notions of *city citizenship*.⁵

4 EXTERNAL ACTORS

Several of the chapters – and many contributions from participants – focused on the nature and quality of interventions from external actors. What defines an external actor? Some expressed concern as to whether there is an over-emphasis on impact. NGOs are often said to be mirrors of the external donors who support them. Such general statements may overlook the potential for more constructive engagement, and underestimate the genuine willingness to learn displayed by many donor agencies. Prominent representatives from major donors in the South African social justice sector, such as the Ford Foundation and the Foundation for Human Rights, attended and supported the conference.

As discussed (especially in chapter two), civil society organisations must contend with a constant tension between supporting the progressive policies and practices of government on the one hand, and maintaining their critical independence on the other. It is important to make certain processes accessible

⁴ Warren, M. (2001) *Democracy and association*. Princeton, Princeton University Press; Diani, M. and D. McAdam (eds) (2003) *Social movements and networks: relational approaches to collective action*. Oxford: Oxford University Press; Tarrow, S.G. (ed.) (1998) *Power in movement: social movements and contentious politics*, Cambridge: Cambridge University Press; Meyer, D.S., N. Whittier, et al. (eds) (2002) *Social movements: identity, culture, and the state*. Oxford: Oxford University Press.

⁵ Examples include the Local Government Working Group on migration issues, established in Johannesburg by the Forced Migration Studies Programme at the University of the Witwatersrand as a platform for organisations, local government officials, police and experts; and Tutumike, a civic-municipal government working group in the Cape Town area.

and transparent, both to donors and to the organisations and constituencies they support, as well as to development practitioners in general. These would include the legal process, the budget process and other processes for claiming rights.

Above all, one cannot adjust social justice issues effectively without bringing people to the process, a point remarked upon earlier. In other words, it is not only NGOs who ought to be part of these processes, but also people in the communities who are experiencing water cut-offs, who are experiencing xenophobic violence. They can speak directly to the policy-makers, with the potential for a much stronger impact than the NGOs. The attempts of the Civil Society Knowledge Building Programme to adopt an inter-disciplinary approach to addressing these issues was remarked upon by conference participants as a step forward, yet the studies discussed at the conference and reflected in this book merely scratch the surface of community dynamics at grass roots level. For example, the question: 'What was really behind the protests?', discussed by Dawson, continues to make headline news in South Africa as this book goes to press; but there is still a dearth of in-depth analyses of the realities experienced by ordinary citizens in South Africa.

5 UNLOCKING THE POTENTIAL FOR STRUCTURAL CHANGE

As we stated in the introduction, this book cannot offer a conclusive analysis of civic mobilisation strategies for social justice. The preceding chapters have offered various perspectives on civic strategies for change, to serve as food for thought for practitioners and as academic reflection on the dynamics of civic action. The next section shares additional reflections on civic strategies for social justice.

First, the studies seem to indicate that successful civic action requires a certain level of *long-term, strategic thinking*. Jenkins' research demonstrates that in-depth knowledge of governance processes may be a necessary ingredient for civic actors striving for more responsive governance. Handmaker argues that civic action requires thorough context-analysis, and a sound appreciation of the conditioning nature of structural boundaries, which is itself defined by a specific historical context. In the Mazibuko water case, civic actors combined broad-based social mobilisation with engaging the state in court through a long and expensive process – which offered few tangible results, but much inspiration to the activists; and considerable media attention. Not all NGOs involved in the complex dynamics of migrant rights seem to be getting this message, judging by the disconnect between migrants' realities and NGO programmes revealed by Jinnah and Haloday in chapter six.

In addition, the studies show that successful civic action most often involves a *combination of different strategies*. Dawson's impression, in chapter five, is that community protest on its own does not seem to have led to much progress. Dugard clearly illustrates the shifts that can occur as a result of a strategic



portfolio of strategies, including legal action, peaceful protest, public shaming, media and international networking, a conclusion echoed by Handmaker's case studies, discussed in a larger study that is summarised in chapter two. NGOs trying to influence the long-term cycles of the budget process risk a disconnect with the issues and people that they are working for, but also create opportunities for influencing the content of government budgets in a meaningful way.

The studies also reveal that *strategic networking* is a key ingredient for civic action. The Mazibuko case is a notable example: communities, social movements and specialised human rights NGOs joined forces with successful results. According to Jinnah and Haloday, a reason for the lack of progress on human rights accountability for migrants and refugees might be a relative lack of co-operation in the migrant sector. The strong implication of this is that organisations should avoid being too exclusive; linkages between existing networks, and the swapping of experiences and strategies, could be very productive. NGOs that tend to be wary of social movements and other broad-based civic groupings could potentially do more to engage with a broader sector of civil society that works outside of the formal structures to which NGOs are more accustomed. For example, Lawyers for Human Rights (LHR) and the Centre for Applied Legal Studies (CALS) have both demonstrated that it can be very productive to build partnerships between their NGOs and more informal community structures.

The cases discussed in this book also force us to *(re)think conventional conceptions of change*. Was the final ruling of the constitutional court in the Mazibuko case simply a defeat for the Phiri community, or a building block for the long-term process of constructing a more just society through law? Are violent protests random eruptions of irrational civic unrest, as the mainstream media tend to suggest, or do they reveal underlying patterns of civic energy that are not being drawn upon by civil society? There might be a need to explore new methodologies for supporting civil society groups working in the area of social justice, including groups that often fall *outside the radar* of most donor organisations.

In short, long-term, complex struggles may require different kinds of resources and connections. This is where donor institutions come in. The arguments in this book serve as a plea for long-term, flexible donor strategies that balance predictable funding with other sources of support, such as capacity development and international networking. However, with the exception of a few donors, donor practice points in a different direction; making persistent use of logical frameworks, adopting apolitical approaches to 'alleviate poverty' – in short, a tendency to aim for short-term results and a desire for quick, tangible benefits.

The processes that set external agendas could be critically questioned. Are agendas set in The Hague? In South Africa? Do these processes involve NGOs? Local communities? Social movements and other broad-based civic structures? Is this a meaningful involvement in setting an agenda?



The contents of this book suggest that a critical and pragmatic perspective is needed; and that new partnerships could be forged, not only between donors and the organisations they support, but also horizontally, between other external actors. One can listen to (and, potentially, involve oneself in) local debates – and in this regard, support for locally based and generated research is both necessary and valuable in the spirit of true solidarity, which is always a dialogic process. Well-grounded academic research is important as a starting-point, but it also needs to be *translated* for use by practitioners. It cannot merely be what Dr Patrick Matlou of the Africa Institute has termed *blue-sky research*, which serves little purpose on the ground.

6 KNOWLEDGE INTEGRATION OR CO-PRODUCTION OF KNOWLEDGE?

In promoting knowledge integration (or, in some instances, the co-production of knowledge), we acknowledge that there is often a *slippage* or overlap in relationships and agendas between development practitioners and researchers. Whatever the nature of these relationships, it is important to critically question *who* benefits from this knowledge, and what these supposed benefits are.

Researchers are always concerned with practice, even when their research is at an abstract level. Furthermore, it can be difficult to draw a line between the different roles one plays as an individual. There is not necessarily anything wrong with an activist working in an academic environment; but it is necessary for one to be clear where one is coming from in taking a particular position, and academics are under a greater obligation to argue the basis for coming to a particular conclusion, conceptually and empirically. Of course this does not mean there is no need to bridge the gap between the activism and academia.

The problem of research fatigue often arises within communities who are tired of being the subject of study, without being engaged in setting the research agenda, and seeing at least the limited impact of that research in the community's long-term welfare. There are numerous examples of students (as well as senior researchers) coming to a community, asking many probing questions, and then leaving to write up their findings without sharing them afterwards. Even worse, a different researcher may arrive in the same community a year later, asking the same questions and coming to similar conclusions, leading to little visible impact on the community.

Over-theorising is also a problem. For example, a great deal of time is spent on determining what *the people* actually are, without asking *what* they are doing, let alone *why* they are doing it.

In order for the goals of researchers to be meaningful to those outside the world of academia, those goals may need to be questioned; in particular, the terms and conditions under which knowledge is produced and disseminated. For example, knowledge is often trapped in a prestigious publication that few people



ever read, let alone understand. This speaks to the problem of career-oriented research. Does the involvement of small numbers of academics reading an article, or commenting at an academic conference, necessarily achieve a social justice objective? Should that be the sole purpose of research? Sharing one's research with others (especially development practitioners, and others in civil society) is part of the solution; but making it accessible in a relevant way, and in what another colleague of ours refers to as *human English*, is a far greater challenge, and a crucial one. Even more fundamental is the need to build strong, respectful and critical relationships with communities, from the setting of research agendas right through to their implementation and the dissemination of findings. The next step in this process, therefore, is to further demystify and share the findings contained in this book and in other academic studies of civic mobilisation and social change.

Methods and ethics of research are just as important as (more philosophical) ontological and epistemological questions that are asked with the aim of making research more objective.⁶ As Landau and Jacobsen have argued, also of concern is the way in which the 'dual imperative' is addressed, relating to, on one hand, producing research in a sound, objective manner and, on the other hand, being policy relevant.⁷ This is especially crucial when one is researching communities that are especially vulnerable or having a marginal existence. The Wits Forced Migration Research Programme, Centre for Sociological Research and CALS, whose researchers produced three of the chapters in this book, have set a good example in this regard, being doubly conscious of not only paying careful attention to ensuring high standards in their data-gathering and analysis, but also ensuring that the results of their research feed into public debates and especially policy discussions. In this way, one can hopefully contribute to changing or even eliminating the structures that lead to injustice.

7 GIVING DEVELOPMENT A MORE HUMAN FACE

This book cannot capture the total flow of ideas and the richness of the conference proceedings. Indeed, as noted in the preface, there is room for criticism of the conference itself, especially in terms of the stark challenges Pheko and Sebastien observe in transcending deep-seated racial, class and gender divisions in the country. The fact that the majority of presenters and participants at the conference were white is a discouraging representation of the face of academia and even of activism, not only in South Africa, but worldwide. We certainly agree that there needs to be far more effort in the future to ensure greater diversity. As Pheko and Sebastien argue, one must have a keen eye on history, but the old divisions of the past also need to be transcended.

National and global struggles for social justice are no longer exclusively framed by relations between the North and South, race or gender, although these

⁶ Ontology refers, generally, to the philosophical nature of being, while epistemology refers to the manner in which knowledge is gathered.

⁷ K. Jacobsen and L. Landau, 2003.

certainly remain as critical factors, as Crenshaw and others have written. Contemporary struggles relate so much more to the current economic and political world order.

As contemporary debates on development co-operation in The Netherlands have revealed, there are noted divisions between those who define the world order on the basis of interdependence, and others who are stuck with nationalist sentiments of isolation from the world order. These isolationists also advocate the exclusion of others (including refugees and other migrants) from the national community. Isolationists also reinforce crude and deliberate forms of legal and political exceptionalism, including a deliberate undermining of international law and the United Nations institutions. A more interdependent perspective may foster new alliances and strategies in the struggle against global apartheid.

At the same time, it is impossible to ignore the remaining vestiges of social and economic apartheid remaining in South Africa. As we were finalising this book, Eugene Terreblanche, the South African white supremacist leader and founder of the Afrikaner Resistance Movement (AWB) was allegedly murdered by two of his farm workers (one of whom was a 15-year old child), purportedly over a pay dispute, amid numerous allegations of exploitation and abuse by Terreblanche. Meanwhile, the South African courts and the ANC leadership have censured the ANC youth leader, Julius Malema, over his chanting of the anti-apartheid struggle song *Ayesab Amagwala*, which includes the line 'shoot the boer' (farmer). From another perspective, it was pointed out at the conference that, in a country with one of the highest incidences of rape in the world, issues involving gender relations did not receive enough attention.

Clearly, issues concerning race, class, gender and other power relations continue to permeate socio-cultural relations in South Africa. They also frame the public debate, including discussions about *Mobilising Social Justice*. And yet it is also encouraging that such issues are openly confronted in the public discourse, rather than being deemed irrelevant and simply ignored.

Ultimately, we believe that in order to be meaningful and relevant to development practitioners and civil society in general, both development research and development practice need to have a quality that sociologists such as Margaret Archer have humbly argued is simply part of *being human*.⁸ Her sentiments as a scholar are shared by Yasmin Sooka in the epilogue to this book. These sentiments are also shared by another well-known figure in South Africa, who fought for social justice at a time when it was difficult to be optimistic about the prospects for toppling the racist apartheid policies and regime of the day. And yet this man – Stephen Biko – managed to find inspiration, both for himself and for so many others; and so we close with his words:

⁸ M. Archer, 2006.

We have set out on a quest for true humanity, and somewhere on the distant horizon we can see the glittering prize. Let us march forth with courage and determination, drawing strength from our common plight and our brotherhood. In time we shall be in a position to bestow upon South Africa the greatest gift possible – a more human face.⁹

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⁹ S. Biko, 1996: 98.

