

## **(Re)imagining the future of society and the state**

In October 2016, the Nelson Mandela Foundation and the Earthrise Trust collaborated in hosting the first in a series of dialogues on the future of the Society and the State. Both organisations, aware of the multiple crises across the globe, sought to contextualise issues and create a dialogical space to interrogate the most pressing issues and to develop a way forward. The first focus group developed a number of key lines of inquiry for further dialogue to take place in an open setting and, on the 27<sup>th</sup> and 28<sup>th</sup> of June 2017, a dialogue event on the question of re-imagining State and society was held at the Nelson Mandela Foundation (NMF). Entitled “(Re) Imagining the Future of Society and the State,” and co-hosted by the NMF, Earthrise Trust, and the Hanns Seidel Foundation (HSF), this dialogue offered itself as an opportunity to reflect on the meaning of ‘civil society’ in the South African context.

Primary to this event was the question: “what role does civil society play in the reimagining of the State and its broader societal instruments and cultures?” In keeping with the dialogue’s ambitions for conversational diversity and inclusivity, a broad range of civil society members were included. These ranged from NGO actors, academics, artists, politicians, as well as business people. Two position papers, one by scholar and NMF researcher Thembelani Mbatha and the other by Earthrise Trust director Gino Govender informed the dialogue.

As a starting point, two keynote conversations were undertaken on the first day. The first was between activist Dr Mamphela Ramphele, Thembelani Mbatha and Gino Govender and the second between artist Prof Pitika Ntuli, and Joel Modiri of the law faculty at the University of Pretoria. Each session offered a different angle to approach the question of reimagining society. The first session, entitled “the people shall govern and sovereignty,” looked at the role of the Constitution as an instrument of the state or more broadly, the value of constitutionalism in the question of reimagining the relationship between the state and society. Mbatha opened his argument by reminding us that the act of “reimagining” the state calls for what he would call for both an “epistemic and ethical suspension.” By this he meant that in order to truly start reimagining society, it would also be necessary to bracket off whatever prejudices and conceptions we may have about the State and society. To Mbatha, this meant ultimately also putting the language of constitutionalism into, if not complete suspension, then certainly suspension by way of critical interrogation. His conviction here was that, like all instruments of the state, constitutionalism – represented, in part, by the Constitution – is neither beyond criticism nor should its centrality in the political and economic

activity of the country be taken for granted. In any other way, Mbatha finally cautioned, we risk interrupting the growth of this nation's political and cultural prospects by trapping them with an untenable "constitutional fundamentalism." To Mbatha, therefore, the call for a reimagined South Africa is also a call for a reinvention of both ethics and epistemes with which the state, and its constitutional mandate, is engaged.

Dr Ramphela differed with Mbatha, and advocated for the continual centralisation of the Constitution in all matters of the State. To Dr Ramphela, the Constitution of South Africa represents a concern for humanity and that current systems in place, like the Constitution, provide an adequate base from which to work toward social justice. However, the Constitution itself will not provide all solutions as it is only "one foot of a three-legged pot." Dr Ramphela, who sees present South Africa's juncture as a "post-conflict" moment suggested that the period calls more for a reimagination of state and society by way of "healing the wounds."

Gino Govender would remind us of the importance of adopting a "bottom-up approach" in this process of reimagining the state and society. His argument was that a more holistic approach would need to be preferred; one that respected the relation people should have with nature, and "the people with government." To Govender, the most important element to the project of reimagining state is the willingness to more meaningfully include people in the decision making and policy-making of society. The tragedy, to Govender, is that hitherto the functioning of the state has been the sole responsibility of the government and its institutional structures, and while this has had many positives outcomes, it has also had a few setbacks – like the reduction of influence of civil society from national decision making. The reimagining of state and society, therefore, also presents itself as an opportunity to recast this relationship between the citizenry and the state. This is an on-going process, but one that arguably cannot happen without a bottom-up approach to leadership.

The second session, which functioned as a continuation of the first, questioned the role of language in the building of "social consciousness." Joel Modiri was in conversation with Prof Pitika Ntuli, and both understood that language – both as literal expression of words and as discursive repository – determines a lot about how the state interacts with its citizens.

Modiri would automatically warn that the focus on constitutionalism – while important and unavoidable – should not be used in a way that overshadows the importance of colonial-Apartheid history of the country. With this recognition, Modiri argued, it then becomes important to see the reimagination of state and society as a direct counter-narrative to these histories and its residual maladies, of which the Constitution can be seen as a part. To Modiri, the issue then is less with the

Constitution (as this is only one instance of a broader historical violence) than it is with a continual historical and political hold of colonial-Apartheid ideology and practice on the psyche of many South Africans. The response to this should be not merely with the critique of the Constitution (though this is in no way trivial), but with the full acceptance that colonial taxonomies of structuralisation and institutionalisation continue to shape much of South African existence in such a way that ought to force us to more “honestly” and ethically revisit these histories.

Prof Ntuli reminded those in attendance that when engaging with concepts on the nature of state, such as constitutionalism, an entry point through the English language can create a difference from when that same entry is done through another language such as isiZulu. And because these differences exist, both etymologically and politically, it becomes important to recognise that the overreliance on the English language as a medium of expression and communication in South Africa risks curtailing the degree to which people, who don't speak that language, interact with their rights and constitutionality. Social consciousness, thus, was seen as question about language – where the language preferred in matters of the state also determines the nature of the nation's psyche and its general political practice.

Day two, which continued the focus of the previous day, was organised around the themes of cross-sectoral civil society engagement. Day two's facilitation was led by Jabu Mashinini who understood the importance of social criticism and civil society work in the imagination of a new South Africa State. The main lines of inquiry that emerged were threefold:

1. What is the role of civil society in relation to the growing hostility of the state? And how do we 'democratise' elite structures of civil society?
2. How can the intersectionality of civil engagement and the inherent capacity to achieve more be harnessed?
3. How is the state to be engaged meaningfully in contexts of 'capture ' and the emergence of parallel shadow states?

A few important findings emerged from here, and all pointed to an urgent need to reconsider not only state and society, but the nature of civil society itself. Through a series of small group discussions, the exact nature of civil society across many spaces – business, academia, social activism, etc. – was established. It would be the conclusion here that the work of civil society, especially as it relates to constitutionalism, cannot be performed fully without also a reimagination of the collaborative relation between civil society and the state. Echoing Govender's call for a “people-first” government, the proceedings of this day clearly demonstrated that 'civil society' alone

cannot solve the issues of the country, and that it would rather be more useful to recruit others sectors of society in the realisation of this vision.

Through these points of investigation, the day two group was able to understand and share the difficulties of civil society work when performed separately from each other and by way of rejecting the state. What would become obvious was that not only does civil society need to work across its many sectoral politics and values, but that it would also have to force the state to accept its expectations and codes without necessarily forgoing that relationship. Similarly, through this type of intersectoral culture, civil society manages to avoid repeating its errors because it would always be in conversation with others sectors. The work of civil society, finally, works both against the state as it does towards its own internal criticism; always challenging itself anew while also challenging the state and its structures.