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State Recognition of Traditional Authority

Authority, Citizenship and State Formation
in Rural Post-War Mozambique

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Helene Maria Kyed

Cover desing: Malene Kyed

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Chapter 1

Introduction

Dombe, Sussundenga District, 30 July 2002. It is early morning at Chief Chibue's homestead. The area was controlled by Renamo during the war, and is still today known as a stronghold of what is now an opposition political party. On this morning in July, numerous people from the neighbourhood have arrived and are busy preparing a grand visit from the District. The atmosphere is intense. A local state official is nervously running around, shouting instructions to everyone and telling them where to place chairs and tables and how to set up a flag-pole. Chief Chibue, a man in his fifties, smokes a home-made cigarette while explaining to Chief Kóa what all the tumult is about. Kóa has just walked for two days from his homestead and, it turns out, has absolutely no idea that he and Chibue will be recognised by the state today. "Chief Gudza should have been here too", Chibue explains to him, "but people say that he is sick because the spirits are angry. He is not the real chief. They are fighting over that, but the Government wants us to come forward now." A couple of hours later, the sound of a car breaks the busy atmosphere. A large white Land Rover arrives through the tall grass, while children are shouting "the *hurumende* [state] is coming! The *hurumende* is coming now!" The District Administrator steps out of the car, followed by the District Commander of Police and the First Frelimo Secretary. They are surrounded by police officers, carrying arms. People are promptly told to form a straight line behind the chiefs in order to shake hands with the official guests. Some people look terrified. Others just have a curious expression on their faces. No wonder! It is the first time ever that a district administrator has visited the chieftaincy. Is this a sign of a new beginning? A local teacher tells me that it is a sign of development. An elderly woman says it is a sign that the state is now in the chieftaincy, and a young man adds that it is the Frelimo party that has come to align itself with the chiefs. After the new national anthem has been sung by schoolchildren and the official guests – no one else knows the words – the District Administrator explains what it is all about: "We have come here today to celebrate that tradition is a profound element of the community. It is very important to the nation of Mozambique. The government sees that. For this reason, we have come here to recognise your chief. He will work with the state for the development of the community, for the elimination of poverty, for the end of confusion and crime, and for our nation to prosper." These words ring out as a sign of change. They are spoken under the shade of the very same mango tree where Chief Chibue's father was told by Frelimo-state officials in 1976 that chiefs and tradition no longer existed in independent Mozambique. In the name of the socialist revolution, the People had to be

liberated not only from the oppression of colonialism, but also from the constraints of traditional beliefs. During the 1980s Renamo tried to change that by reinstating the Dombe chiefs. On this day in July 2002, ten years have passed since the end of a brutal war between Frelimo and Renamo and the transition to liberal democracy began. The District Administrator reminds the people how the times have changed as he calls forward Chief Chibue and Chief Kóa to stand by his side. He asks them to sign a new contract with the state and to receive the outward signs of the state's recognition of their traditional authority. Solemnly the District Administrator hands over a national flag to each of the chiefs before carefully fixing a ribbon on their chests consisting of the colours of the flag. Two badges are pinned to their shirts, one with their new title, "Community Authority", the other displaying the coat of arms of the Republic of Mozambique. The District Administrator informs the audience that these symbols mean that the chiefs represent the community and the nation state. He tells everyone to celebrate, to clap hands, dance and sing, "as you do traditionally". Shortly afterwards he stops them and engages in a lengthy explanation of all the administrative duties of the chiefs. They have to collect taxes, help the police deal with criminals and solve problems, and ensure that the government's development programmes are implemented. He also informs the crowd that they must now learn to respect the government in power, the Frelimo party, and not fall prey to the oppositional ideas of the former rebel movement, Renamo. After this the District Administrator hands the word over to the First Frelimo Secretary standing next to him. The Secretary gives a long speech emphasising how much Frelimo values the beauty of the people and their traditions. He assures them that the Frelimo government represents the interest of the nation and is bringing peace and development. Finally, the state's recognition of the chiefs is completed with a small national ceremony. To the strains of the national anthem, the national flag is raised on a new bamboo pole. This is the first time that the flag of Mozambique has waved over Chief Chibue's homestead. The chieftaincy shows its gratitude by giving presents to the District Administrator and offering a feast of food and locally brewed beer to all the official guests.

The passage above sets the public scene for this study: state recognition of traditional authority ten years into the post-war democratic transition in Mozambique. It demonstrates how the formal recognition of the chief's authority was mirrored by the chiefs' recognition of the state. The key point is that the authority of each is *constituted relationally*, and as a result reshaped. State recognition of traditional authority shapes chiefs' practices and claims to authority, but by the same token it also shapes the operations and authority of the local tiers of the state. The present study is about this *productive tension* in rural Mozambique. It is about fixations, mutual transformations and relational constitutions of state and traditional authority.

The recognition ceremony in Dombe reflects the attempts of local state officials to fix and reorder existing chieftaincies as an element of state re-formation in general, and of consolidating the power of the ruling party, Frelimo, in particular. I argue that it represents a particular project to reproduce the post-independence party-state under the pretext of post-war democratisation. This process is not without its contradictions, however. Outside the public space of the recognition ceremony, other processes are at work. Chieftaincy and state institutions are both *transformed* in everyday practice and through mutual interactions. Repeated attempts by local state officials to fix a boundary between state and chieftaincy as distinct domains of authority are circumvented, and the chiefs' own tendency to define themselves in opposition to the state deflected. In fact, multiple practical fusions challenge the distinction between state and chieftaincy. Local police officers begin to take decisions on witchcraft accusations using official stamps and procedures, although they claim that witchcraft does not fall under their jurisdiction. Chiefs often refer to state law in conflicts over traditional authority and in dispute settlement, although they just as often flout the state law. These oscillations between distinction and fusion make up a *productive tension* that reconstitutes the particular authority of both state and chiefs. In fact, the very distinction is constantly at stake. This challenges the larger project of party-state consolidation through a simple incorporation and regulation of chiefs.

The key issue is that chiefs and local state officials claim and exercise authority in competition and negotiation, while also being caught up in a relationship of interdependence. Efforts to create distinct domains of authority are undermined by both groups' efforts to entrench authority. This is fuelled, at least partly, by competing claims to sovereign authority over various central fields of social life. In this dissertation, I focus on the policing of delinquency and the enforcement of justice in Dombe and Matica in Sussundenga District. These two fields are also marked out in the law on the state recognition of traditional authority, Decree 15 of 2000.

The result of the interaction between state officials and chiefs is high levels of uncertainty in the exercise of authority. Authority remains essentially precarious, but the scope of action differs between state officials and chiefs. Ultimately the outcome is a local state that relies on political exclusion and violence to deal with the uncertainty of Frelimo-state authority. Chiefs get the short end of the stick: they face the dilemma of sustaining their own authority while being at risk of becoming subject to state violence. For people in Dombe and Matica, the result is *conditional citizenship*. Access to services, recognition and

influence depend on the ability to negotiate settlements with chiefs and local state officials, which is ultimately conditional on allegiance to the Frelimo party, not on their formal rights as citizens.

My exploration of the recent state recognition of traditional authority in Mozambique has been designed to answer the following question: **What are the repercussions of state recognition of traditional authority for claims to and practices of *authority* and *citizenship* in the rural former war zones, taking place within the post-war democratic transition of Mozambique?** In addressing this question, the dissertation aims to contribute to the growing literature on the formal resurgence of traditional authority in the emerging democracies of Sub-Saharan Africa since the beginning of the 1990s (Ray and van Nieuwaal 1996; van Dijk and van Nieuwaal 1999; Sklar 1999; Skalník 2005; Oomen 2005; Englebert 2002; d'Engelbronner-Kolff et.al 1998; Mamdani 1996; Ntsebeza 1999; Rathbone 2000). It links this debate to another body of literature that explores post-colonial processes of state formation and the constitution of authority and citizenship "from below" (Hansen and Stepputat 2001; Das and Poole 2004; Lund 2006a; 2006b; Lentz 1998; Nugent 1994; Kabeer 2005; Halisi, Kaiser and Ndegwa 1998; Moore 1978; Gupta 1995).

The core argument of the dissertation is that state recognition of traditional authority reshapes not only chiefs' but also local state practices and claims to authority. This questions two key positions in studies of chieftaincy and the state in Africa.[1] On the one hand, studies of chieftaincy hold that chiefs have been reshaped by decades of interaction with the state but remain partly autonomous by straddling two distinct worlds, the 'traditional, local order', and the 'modern, state-bureaucratic order' (Ray and van Nieuwaal 1996; von Trotha 1996; van Dijk and van Nieuwaal 1999; Sklar 1999; Quinlan 1996). This position challenges the view that chiefs have become fully encapsulated by the state bureaucracy (Mamdani 1996; Herbst 2000; Jordan 1997; Ntsebeza 1999), but shares with this view a failure to ask whether state institutions may also be (re)shaped through interactions with chiefs. The result is a reification of the state as a fixed, homogeneous entity. On the other hand, studies of the state show how state institutions are reshaped by social forces, i.e. by 'African political culture', but fail to address the possibility of these forces also being reshaped by processes of state formation (Chabal and Daloz 1999; Santos

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[1] Notable exceptions include Oomen (2005), Van Binsbergen (1999) and Rathbone (2000).

2006). The result is reification of a distinct African political culture, represented, for example, by traditional authority.

The tendencies to rely on a fixed, reified conceptualisation of *either* the state *or* of traditional authority are problematic in view of the findings of this study. Implicitly or explicitly both positions fall back on an analytical model that sees (the modern) state and (traditional) society as each others' opposites. This model makes little sense in contemporary Africa (Griffith 1986; Oomen 2005; Geschiere 1999) and conspicuously downplays history. It also blinds us from seeing the possible ways in which state officials, chiefs and ordinary citizen-subjects, who are part of the same local arenas, mutually reshape and reconstitute each other. I suggest that the either/or reification of the state and traditional authority can partly be explained by the tendency to take for granted the state officials' and chiefs' attempts to assert difference, to claim distinct domains of authority as an element in legitimisation. While such assertions are certainly important to take account of, they should not, as is often the case, be studied in isolation from the everyday practices of chiefs *and* state officials.

In an attempt to overcome these limitations, this study refuses to conceptualise the state and the chieftaincy or rural society analytically as essential and fixed entities, and instead approaches such distinctions as the result of past and present political processes. It fills a gap in the existing literature by using an approach that combines ethnographic studies of *both* the practices and claims of state officials and chiefs, and how the mutual interactions between these and ordinary citizen-subjects influence the constitution of authority and citizenship. It links such ethnographically grounded research with a study of past configurations of state-chief-society relations in the areas under study and of the recent production of legislation in national arenas.

This entails an analytical framework that links the national and the local by focusing on *the mutually constitutive relations* between state-legal categories and local social realities (Merry 1992; Moore 1978). The basic assumption is that although the legislation on state recognition of traditional authority, Decree 15/2000, reshapes locally lived realities, the legal categories of "traditional authority", "state" and "rural community" are reinterpreted and transformed by state and non-state actors in local arenas. By implication I do not limit attention to authority and citizenship as state-legal categories, that is, as formal legal status, but also address these as a set of practices and claims (Isin and Wood 1999; Lund 2006a). Theoretically this is informed by a *processual* understanding of

social order and of the regulation of social life as never fixed and total. State law and other activities producing rules, categories and rituals that seek to create durable social and symbolic orders are viewed as being full of ambiguities and as continuously reshaped by adjustments in real life situations (Moore 1978). Past, historical configurations of state-chief-society relations are viewed in this study as significant for understanding the intertwined processes of order-making and situational adjustments.

The analytical framework of this study thus aims to broaden our understanding of the dynamic inter-linkages that exist empirically between state-legal categorisations and practices of authority and citizenship, while also acknowledging the significance of history. In order to include these different dimensions of study – history, national policy-making and local practices – the main research question is divided into three sub-sets of operational questions. These correspond to the three parts into which the dissertation is divided.

How did traditional authority become a subject of state legislation during the post-war democratic transition, and what historical processes preceded this? How were national interests in recognising traditional authority informed by the political context at the time, as well as by past configurations of the relationship between state, chiefs and rural populations? How were traditional authority and rural society defined in legislation, and what underlying assumptions and interests informed these definitions? How was this state-driven project influenced by past articulations of state institutions and representations of chiefs as the constitutive other of the state? **(PART I)**.

How was state recognition of traditional authorities implemented and received in Matica and Dombe? How were the key definitions and aims of Decree 15/2000 translated into practice by local state officials, and how was this shaped by particular political agendas, officials' ideas about chieftaincy and the state, and the existing forms of organisation in the areas under study? What practices, claims and contestations were at work in the quest for state recognition by chiefly claimants and other rural actors? What did this mean for local power relations and the role and position of citizen-subjects in legitimising authority? **(PART II)**.

How was the relationship between the local state authorities and the chiefs organised and practised around the shared tasks of policing and justice enforcement laid down

in Decree 15/2000? How were the areas of jurisdiction and collaboration of the state police and the chiefs organised, who defined the rules, and what issues of power were at stake? What everyday patterns of action and interaction resulted from this organisation? What role did the practices and perceptions of ordinary citizen-subjects' play in shaping the operations of chiefs and state police officers? Overall, what do these processes tell us about the form of state and chiefly authority that was constituted and the kinds of citizenship that were enacted? **(PART III)**.

In addressing these questions, the dissertation links the past and the present, the national and the local. The dissertation begins with the legacies of the past, focusing on the historical configurations of the chieftaincies in Dombe and Matica, and then travels forward in time to the national-level policy-making process in the 1990s, showing how this was shaped by local, national and even global conditions at the time. The journey then takes us to the marginal corners of Dombe and Matica in Sussundenga District, where Decree 15/2000 was implemented from 2001, and then returns in the last chapter to larger questions about authority, citizenship and state formation.

Before going into the details of the study, the remainder of this introductory chapter outlines the general debates in which it is located and the theoretical and methodological approaches from which it draws its inspiration. In Section 1, state recognition of traditional authority in Mozambique and my approach to it is situated within the broader debate on similar processes in other countries in Sub-Saharan Africa. Section 2 outlines my overall framework of analysis and addresses the theoretical discussions of state formation, citizenship and authority that I draw on. Section 3 is concerned with the methods and focuses adopted in the study. It describes the fieldwork sites, the choice of the fields of policing and justice enforcement, and the data-collection techniques I have used. Finally, Section 4 provides an outline of the chapters of the thesis.

1. Situating the Study: the Resurgence of Traditional Authority

State recognition of traditional authority in Mozambique was instigated by Decree 15/2000, passed by the Council of Ministers in June 2000. In a pervasive break with the past, this decree provides the first post-colonial legislation to recognise traditional leaders, who were officially banned for 25 years by the Frelimo (*Frente de Libertação de Moçambique*)

Government after independence in 1975. Its implementation has impacted on widely different local contexts. Across the country nonetheless, local chiefs have become subject to the same catch phrases that can also be heard in other corners of the world: community participation, cultural diversity, localisation of development, decentralisation and democratisation. In this study it would be insufficient to explore state recognition of traditional authority in Mozambique independently of similar processes in the rest of Sub-Saharan Africa and of the global changes and discourses of the post-Cold War period.

This section first situates the Mozambican case within the widespread conjunction between democratisation and the resurgence of traditional authority across Africa and reviews what has already been said about this in the existing literature. It then positions this study in relation to the existing literature on what state recognition means for traditional authorities locally.

Formal recognition and democratisation

The formal recognition of traditional authority in Mozambique bears comparison with a wave of resurgence of so-called traditional forms of leadership, both formally and informally, that has been going on in numerous Sub-Saharan African countries since the 1990s in particular (Englebert 2002; Oomen 2005; Kyed and Buur 2007). This wave has overturned the attempts of most newly independent African states to suppress chieftaincies as a pervasive element in the modernization and nation-building projects of the 1960s and 1970s. In Mozambique, as elsewhere, the post-colonial government presented chiefs as colonial bureaucratic inventions who had been used to suppress and exploit the native populations. Not all post-colonial governments banned chieftaincy altogether as was the case in Mozambique, but the majority tried severely to curtail the administrative and judicial roles that chiefs had played in colonial indirect rule (von Trotha 1996: 81; Lugard 1965; Mamdani 1996).[2] These attempts have proved unsuccessful: across the continent, traditional leaders have made a come back.

The resurgence of traditional leaders has taken place in countries with internal conflicts and a weak, or collapsing, state apparatus, but it has also occurred in countries with a relatively well-functioning state and where transitions to liberal democracy are taking place. In the first case, resurgence has happened largely by default and outside

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[2] Exceptions include Malawi, Nigeria, Zambia, Togo and Botswana, where some level of formal recognition continued even after independence. In Burkina Faso and Ghana, chiefs were only banned for a short period of time following independence (Kyed and Buur 2007 forthcoming).

the formal control of states (such as the Congo, Sierra Leone, Somalia, Angola and Mozambique in times of war). Here chiefs have bolstered their authority in local governance, in some contexts in competition with or overt resistance to state authorities, and in other contexts merely replacing or complementing state institutions where these have ceased to function (Englebert 2002, Oomen 2005). In the second case, the resurgence of traditional leaders has been recognized in state legislation and bolstered by national government interests (such as South Africa, Ghana, Namibia, Uganda, Nigeria, Zambia, Zimbabwe, Cameroon, Niger and Mozambique after the war). Here chiefs have been recognized by states as key counterparts of state institutions in local governance and development. Countries such as Ghana, South Africa, Namibia, Zambia and Uganda have also provided traditional leaders with political weight at the national level – in, for example, national houses of chiefs and traditional leaders (Englebert 2002). In some countries, state recognition of traditional authority has been boosted by the appearance of strong organizations and unions of traditional leaders that have been successful in increasing their influence in national politics (such as the Buganda of Uganda, the Asante of Ghana, the Lozi of Zambia, and the Congress of Traditional Leaders of South Africa) (von Trotha 1996: 89; Odotei and Awedoba 2006; Englebert 2002; Pitsch 1999; Williams 2000). In post-conflict countries, such as Mozambique and Sierra Leone, the recent legislations on traditional authority have been passed in the context of the continued informal roles played by chiefs in local governance during the war, in some areas through alliances with the insurgency parties, Renamo in Mozambique (*Resistência Nacional de Moçambique*) and RUF (Revolutionary United Front) in Sierra Leone (on Sierra Leone, see Fanthorpe 2005).

Notwithstanding country-specific differences, one intriguing commonality is that the switch to (increased) state recognition of traditional authority has coincided with the wave of democratisation that has rolled over Sub-Saharan Africa since the 1990s. In fact, Englebert's (2002) analysis of numerous country cases suggests that it is predominantly those countries that have embarked on comprehensive democratic reform that have been most concerned to increase the *de jure* status of traditional leaders. Mozambique is no exception. The law on state recognition of traditional authority, Decree 15/2000, was the result of a policy-making process that began with the transition to liberal democracy in 1991 and was subsumed under heavily donor-funded programs under the title 'democratic decentralisation'. Decree 15/2000 itself also promises, in the name of democratising rural

society, to enhance rural community participation in development and administration and to ensure that traditional leaders are indeed legitimised by these communities.

The timely convergence between liberal-style democratisation and state recognition of traditional authority in Mozambique, as in many other Sub-Saharan African countries, provides the broader context in which this study is situated. The question is how this convergence came about, how this was reflected in legislation, and most importantly what this implies 'on the ground'. In this dissertation, I argue that the liberal democratic ingredients of multi-party democracy, decentralisation and civil society resurrection provided an important context for the formal recognition of traditional authority, as well as a significant vocabulary in which such recognition has been cast and justified. This may seem surprising.

Should we not have expected, as Beall (2005) suggests, that the new institutional apparatus and models of state and society that accompany liberal democratic transitions would have eradicated traditional authority? To answer this question in the affirmative would necessarily require us to follow the view of scholars like Beall (2005) and Mamdani (1996), who claim that traditional leadership "operates on principles that are antithetical to liberal democratic ideals" (Beall 2005: 3). Being "a hierarchical and patriarchal system", chieftaincy enforces exclusionary rules and has limited scope for representation and downward accountability (ibid.). Mamdani (1996) has similarly argued that the failure to dismantle partly hereditary, partly appointed chieftaincies is antithetical to democratisation because it reproduces the kinds of despotism that characterised colonial-style indirect rule in the countryside. Despite such views, state recognition of chiefs in Mozambique and beyond has been carried out in the very name of democratization and popular participation (Englebert 2002). This has been supported by scholars like Skalník (1996), who argue that chieftaincies are genuinely democratic and may well act to increase democratic processes in Africa by providing checks and balances with regard to elected politicians and state bureaucrats. They can perform this role, he suggests, because of "the original consensual politics of chieftaincy", and because, "by sheer fact of their smaller size, they are more democratic than states" (ibid.: 5). Ray and van Nieuwaal (1996: 7) also present the chieftaincy as "an important vehicle for more or less authentic indigenous political expression", capable of contributing to democratisation by mediating the relationship between citizens and the state. Bennett (1998) follows up on this argument by suggesting that chiefs have an important role to play in local democratisation because they

"provide an adaptable form of local government which is more in touch with community sentiments than is the central state" (ibid.: xii). Similar, the key Mozambican academics behind the drafting of Decree 15/2000 held that traditional authority represented a genuine African form of democracy that deserved to be recognized by the state and that could contribute to post-war democratization and nation-building 'from below'.

In short, if critics like Mamdani and Beall have cast traditional authority as anti-democratic and state recognition of it as a path to continued despotism, proponents of traditional authority have found it relatively easy to state the opposite. In the Mozambican case, I suggest, democratization provided an important vocabulary for revised definitions of traditional authority in national policy circles, even if it is clear that chiefly status based partly on hereditary succession is at odds with the normative definition of democracy as formal elected representation. This is most eloquently exemplified by the new title of 'community authority' given to state-recognized chiefs, which implies a recognition that chiefs have democratic credentials as the legitimate representatives of local communities.

However, such revised definitions of traditional authority should not make us confuse the drive behind state recognition of traditional authority with the achievement of democracy *per se*, as scholars like Skalník (1996) suggest. On the other hand, it is too simplistic to view legislation on the state recognition of traditional authority as merely a counter-process or oppositional reaction to democratisation, such as proposed by Mamdani (1996), or as driven *only* by the desire of states to recover 'lost' legitimacy and control over territories and people, as argued by others (see Fanthorpe 2005; Herbst 2000; Baker 2000; von Trotha 1996). Rather, I suggest that we take seriously the openings and vocabulary provided by democratic transitions in addressing how legislation on traditional authority came about. At the same time, we should note that it is not the only game in town, and that democratisation is not "a unilinear process, a technical procedure with predetermined means and goals" (Englund 2004: 3). Democracy as a political ideal and vocabulary may be used for inherently undemocratic purposes, and may co-exist with other agendas and practical engagements by, for example, state officials, political parties, chiefs and donors. If this is the case for Sub-Saharan Africa more generally (see Englebert 2002), Mozambique is the case *par excellence* which illustrates this, as I will show in Chapters 3 and 4.

In Mozambique the definition of traditional authority as a democratic force to be reckoned with co-existed with other partly contradictory agendas, conditions and views of chiefs, which all played a role in laying the ground for state recognition of traditional

authority. The Mozambican case suggests that we need to go beyond single explanations for the recent wave of formal resurgence of traditional authority, as well as locate it within wider global processes of political liberation and the increased celebration of cultural diversity, 'the local', tradition and community. At the same time, we should also be aware of the particular national interests and local conditions that may partly draw on and partly be at odds with such processes.[3] These links are addressed in Chapters 3 and 4 of the dissertation, where I explore how 'traditional authority' became the subject of legislation.

Now one thing is the question of how and according to which justifications, the governments of transitional democracies like Mozambique embarked on state recognition of traditional authority in the twenty-first century. Another is local-level appropriations of legislations on the ground and what this means for rural populations, chiefs and local state officials. Both these questions are central to this study, and they need to be addressed together. Next I address the main positions in the literature on what state recognition of traditional authority has implied locally, as well as situating my own study within this debate.

Positions on state recognition of traditional authority

The studies of chieftaincy in Sub-Saharan Africa can roughly be divided into two opposing perspectives on what the different modes of state recognition have meant for the position of traditional leaders locally. In view of my empirical findings, both make important contributions, but also present limitations. I have therefore found it necessary to employ an alternative approach. But before outlining this, let me briefly describe the two positions.

The first position draws its inspiration from the top-down instrumentalist 'invention of tradition' position initiated by Hobsbawm and Ranger (1983). It holds that state-recognised chieftaincies are colonial bureaucratic inventions that transformed traditional leaders into despotic autocrats, charged with a host of non-traditional functions, to bolster the state's legitimacy (Costa 1999; Serra 2000; Mamdani 1996; Herbst 2000; Jordan 1997; Ntsebeza 1999). As a result, it is argued, traditional leaders have become distanced from their followers: since colonial indirect rule and codifications of custom, the traditional legitimacy of chiefs has been replaced by state-sanctioned authority; and the negotiated, pre-colonial practices of chieftaincy have been substituted by largely authoritarian rule in service of the state (mainly through coercive sanctions, forced labour

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[3] For a similar argument, see Oomen (2005) and Englebert (2002).

and tax collection) (Mamdani 1996: 54). By implication, this position views state recognition of chieftaincy as resulting in a transformation and co-optation of traditional leaders by the state, which is propelled by the state's interest in control, extraction and subordination. The emphasis here is on the social construction or invention of tradition and custom by state bureaucracies, which draws on some aspects of, but also creatively sculptures, the heterogeneous local orders (Mamdani 1996: 49). Tradition and custom are harnessed by the state to ensure the subjection of rural populations under an essentially "state-enforced customary order" (ibid.: 18). Although this position is based on the colonial experience, it has been employed to explain post-colonial state recognitions of chiefs as in the influential work of Mamdani (1996). Mamdani's main argument is that the failure of post-colonial states to dismantle traditional authority in the rural areas presents the most significant impediment to democratisation in present-day Africa. It reproduces colonial despotic rule and continues to position rural people as subjects, rather than as *de facto* citizens, because it prevents the emergence of an active civil society (ibid.: 21).

This first position, I suggest, presents an important contribution to the study of chieftaincy because it compels us to question the ostensible timelessness of traditional authority and unpacks the assumed dichotomy between African tradition and European modernity, which dominated earlier anthropological studies such as the *dual society* position (Ekeh 1975).[4] It also encourages us to question critically the seemingly benign recognition of 'existing' forms of traditional authority and community presented in state legislations of transitional democracies, such as Decree 15/2000, and to study the production of legal categorisations as being driven by attempts to reorder and regulate social life by state bureaucracies and/or party politicians. The warnings of critics like Mamdani (1996) also alerts us to the question of whether the state recognition of traditional authority in the name of democratisation and community participation *de facto* challenges unequal power relations and the kind of state authoritarianism that have characterised many colonial and post-colonial states. That said, I find that the first position's view of the effects of state recognition for the position of traditional leaders in local contexts is overly simplistic, as it grossly exaggerates the power of the state apparatus to transform

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[4] The dual society position rested on the assumption of a strict boundary between fundamentally distinct and autonomous 'systems' or 'logics' – the traditional and the modern. Although they contested the evolutionary modernisation theories that predicted the disappearance of tradition and religion with the advent of modernity, by emphasising the possible co-existence of 'tradition' and 'modernity' within the same societies, they did not account for possible overlaps of two domains (for a critique, see van Binsbergen 1999: 99).

chieftaincy to 'its' own advantage. Both are difficult to reconcile with the dynamics of local political configurations in places like Dombe and Matica.[5]

Although the implementation of Decree 15/2000 did reshape existing chieftaincies, and although local state officials, like their colonial predecessors, did attempt to fix and co-opt the chieftaincy to consolidate state as well as Frelimo authority, this was a negotiated and contested process. State authorities' dependence on chiefs to apply and legitimate rule limited the full control of the state apparatus, as well as reshaped the practices of state officials. Therefore it is important to pay attention to the possible ways in which colonial and post-colonial forms of indirect rule are governed by ongoing negotiations and compromises between rulers and ruled, as Spear (2003) also shows. The bottom line, I suggest, is that this first position fails to address such local-level negotiations because of a view of processes of state formation as unilateral and coherent, and state officials as automatic transmitters of state law and national political interests. The result is a reification of the state.

The second position, which deals more explicitly with post-colonial experiences, criticizes the invention of tradition stance for omitting the creative agency of chiefs to resist complete co-optation by the state apparatus. It also argues that chiefs have not lost popular legitimacy. Rather, it presents the argument that traditional leaders, despite being reshaped by colonial and post-colonial state interventions, have retained legitimacy rooted in a culture and tradition that derives from the pre-colonial past and follows a different logic than that of the modern state (Ray and van Nieuwaal 1996; von Trotha 1996; van Dijk and van Nieuwaal 1999; Quinlan 1996; Sklar 1999). While drawing on the recognition and resources flowing from the state, chiefs' capacity to sustain authority until the present day rests on their dual basis of power: "from tradition chiefs derive their sacred and other customary power. From the modern state, chiefs attempt to capture resources in the forms of development projects, taxes etc." (van Nieuwaal 1996: ibid.: 7). As a result, present-day chiefs are defined as hybrid authorities who straddle "radically different worlds" (i.e. academic titles, bureaucratic positions, national political and economic networks, and European dress from 'the modern world'; dispute settlement, allocation of land, elimination of witches and performance of rituals to sustain the local cosmological

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[5] See Gould (1997) and Spear (2003) for a similar argument in their discussion of the limitations of Mamdani (1996) and of the earlier invention of tradition position for addressing chieftaincy in post-colonial Africa.

order from 'the traditional world') (ibid: 24-5). This leads to a form of neo-traditionalism: chiefs are not longer merely 'traditional' authorities, but also 'modern' ones.

This position, I suggest, provides a useful contribution to understanding the creative agency of chiefs in situations of state recognition. By studying the everyday practices of chiefs in different fields, it compels us to question present-day chieftaincy as simply the result of purely top-down state interventions, and therefore to scrutinise the power of the colonial and post-colonial states to penetrate and transform chieftaincy completely. However, in view of my empirical findings, this second position also fails to ask whether the everyday operations of state officials may also be reshaped through interactions with chiefs, as well as with rural populations.

This is surprising, because the literature insists that chiefs' ability to remain influential is partly based on the state's dependency on chiefs to entrench authority (Ray and van Nieuwaal 1996: 27; van Dijk and van Nieuwaal 1999: 4). However, on the 'state side', the reliance on chiefs is confined to the delegation of administrative tasks to chiefs and to symbolic 'borrowing' in public gatherings such as the use of chiefly garments, ritual forms and celebrations of tradition in a folkloric form. The literature does not focus on the possible practical fusions on the 'state side'. The reason for this, I suggest, is that the basic understanding of chiefly authority rests on an presumed opposition between the state and rural society, each representing distinct ideological structures: 'the traditional' and 'the modern'.[6] Hence chiefs are defined as intermediary actors (Ray and van Nieuwaal 1996), double gate-keepers or brokers (von Trotha 1996) between the rural population and the state or "between the traditional local order and the world of modern economy and politics" (van Dijk and van Nieuwaal 1999: 5). In fact, a core argument is that chiefs have remained important in present-day Africa because antagonisms have persisted between the state and rural society. This has laid the ground for the "need of both the rural population and the government to dispose of a go-between" – the chiefs (Ray and van Nieuwaal 1996: 25).

How can this view of rural populations as entities isolated from the 'outside' with norms and beliefs fixed in time and space still continue to resound in present-day Africa? Can we assume that every 'contact' with the state or with that other world outside the local rural sphere goes through the mediating, hybrid chief? Obviously, the answers are negative. On the other hand, is it futile to view the state, in the form of its various

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[6] In this sense, the second position somewhat returns to the *dual society* position in earlier studies of the 1950s and 1960s, which the invention of tradition approach tried to challenge.

representatives, programs and laws, as a fixed entity, isolated from rural society? As shown by this and other studies, the answer here is also negative (see Bayart 1993; Chabal and Daloz 1999; Hansen and Stepputat 2001; Lund 2001).

In sum, the two positions outlined above leave us with two possible scenarios: state recognition of traditional leaders either results in a complete co-optation of chieftaincy by the state-enforced order or else gives way to the co-existence (if not the preservation) of two distinct orders or ideological structures, 'the rural-traditional' and 'the modern-state'.

In view of my study, both these scenarios fail to address the *mutual transformations* and *relational constitutions* of local state institutions and chieftaincy that resulted from the state recognition of traditional authority in Matica and Dombe. In particular, their shared view of the state leaves little space for addressing a key insight of this study: the practices and claims to authority of state officials were also reshaped in the process of attempts to fix and regulate chiefs as part of a larger project of consolidating Frelimo-state authority. In respect to the second position, the understanding of the 'go-between' position of the chief as based on a fundamental split between the modern state and rural-traditional society is also problematic in view of the findings of this study. If I had confined the study to the explicit representations of actors, to the public arenas of state-chief engagements, as well as to the state-legal categories of Decree 15/2000, I might have arrived at an understanding of the existence of two distinct ideological structures. However, by exploring *concrete interactions* between state officials, chiefs and rural populations, another insight emerged: mutual ideological exchanges and practical fusions between different rural actors, including state officials, constantly befuddled the ideal-type distinction between the modern state and traditional-rural society. It was not only chiefs, as suggested by the second position, who performed boundary-crossing: state officials and rural residents also engaged in such processes.[7] A significant insight of my study is that such boundary-crossing is itself constitutive of the remaking and re-creation of the conceptual boundaries between state and chieftaincy. It is the very boundary that is at stake in chiefs and state officials' claims to and practices of authority.

These key insights of the study have compelled me to suggest a different approach. My first suggestion is that a study of state recognition of traditional authority can benefit from drawing on the insights of recent studies of state formation, which draws our attention to how state institutions and the implementation of state law are reshaped by and

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[7] For a similar perspective, see Oomen 2005: 28; Spear 2003; Rathbone 2000; Vaughan 2000; Moore 1978.

reconstituted through interactions with other forces in society. This also means approaching the state as internally heterogeneous rather than as a coherent actor (Bayart 1993; Hansen and Stepputat 2001; Santos 2006; Moore 1978; Lund 2006a). To approach the state in this way is not, however, to concur with the position of some scholars that state practices and representatives become completely 'captured' by informal, traditionalist politics, to such an extent that the state loses 'its' distinctive properties (Chabal and Daloz 1999). This encourages a misleading reification of a particular African political culture or logic, represented, for example, by traditional authorities. It also fails to capture how state officials in Matica and Dombe were indeed engaged in *attempts* to enforce state law and consolidate state authority through the enforcement of rules that relied on distinctions between state and traditional authority. Thus to view the state as shaped by social forces is not to substitute a view of the state as inherently distinct from chieftaincy with one of complete fusion.

My second suggestion is therefore that we should approach the question of what state recognition of traditional authority means for practices and claims to authority by exploring the interrelationship between: a) the constant attempts to produce and conceptualise the state and chiefs as representing distinct domains of authority; and b) the practices of and interactions between chiefs, rural residents and state officials that often makes for a merging of categories and a blurring of boundaries. This way of addressing how state and chiefly authority is constituted is based on a processual analytical framework that addresses the *productive tension* between schemes of ordering (law, definitions and conceptual models) and observable actions (the practices of and interactions between chiefs, state officials and rural residents in local arenas).

This approach allows us to take seriously both the constitutive effects of state-legal categories or schemes for ordering chieftaincy (the first position), and the creative appropriations and enactments of such schemes by locally situated actors, including not only chiefs (the second position), but also state officials. It also helps us to grasp the apparent contradiction between chiefs and state officials' attempts to entrench authority both through claims to be distinct, and through multiple exchanges and practical fusions. Instead of approaching these distinctions as reflective of opposed ideological structures and practical fusions as situational boundary-crossing (the second position), I treat them as existing in a *productive tension*. It is a tension because conceptualisations do not necessarily mirror actions; it is productive because such a tension potentially creates change

at the conceptual as well as practical levels. This means taking seriously the conceptual boundaries between state and chieftaincy as *constitutive* of state and chiefly authority, but not to take these for granted as fixed ideological structures in the first place – i.e. of 'the traditional-rural society' and 'the modern state'. Rather, it is the very boundaries that are constantly at stake in the relational constitution of chiefly as well as local state authority. For this reason, I suggest, it is the creation, maintenance and remaking of the boundary between state and traditional authority that needs our scholarly attention the most.[8] The boundaries are not simply an inevitable 'background' that may or may not be straddled in practice. They are an aspect of ongoing activities, such as in the implementation of state-legal categorisations, chiefs and state officials' attempts to assert difference in claims to authority, as well as rural residents' practical engagement with and perceptions of chiefs and state institutions.

Approaching the boundaries between state and chieftaincy as negotiated and in a continuous process of remaking does not mean ignoring the significance of unequal power relations and historically embedded scripts (ideas, rules and practices). There are limits to what is negotiable, and actors are not equally positioned to define the terms. Thus I approach the creation and maintenance of boundaries as informed by historically embedded scripts and as inherently political processes of order-making in which issues of power are at stake. This position informs my choice of theoretical perspective, as well as of how I address the three main concepts of this study: authority, state formation and citizenship.

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[8] For a similar point, see van Binsbergen's (1996) study of chief-state relations in post-colonial Zambia.

2. Theoretical and Conceptual Issues

Field notes, July 2004. Today at the police station in Dombe three cases concerning witchcraft accusations were heard. This seems to be a growing phenomenon, although Samuel (the chief of police) still insists that this really is not the case and the state knows nothing of such matters, that don't have material evidence. It is only the chiefs that know. The police take care of crime, which the chiefs have no authority to do. The rules are at least very clear. Nonetheless, I begin to see a clear pattern in the way the police officers deliberate these cases. As if by routine they write down the cases on papers holding the official stamps of the police, that is, after they have listened to all the parties and they have discussed possible solutions. Also today there was another situation where a family came to the police to accuse a neighbour of witchcraft, and again the officer on duty gave them a letter, which said that the accused should appear at the station. The officer also told them that this person would be prosecuted if failing to turn up, because, he said "to disobey the orders of the police is against the law". So he was referring to the law – also in such cases, that the police say is outside the law. After the hearings today, the officer reminds me that he just helped these people to solve their problems. And then he says an interesting thing that I have heard many people in these areas say too: "it is important that we help with these cases, because, you know if they are not solved serious crimes, even murder….who knows. It happens." Perhaps this is also why many of the chiefs still settle so-called crimes, although the police hit hard on them when they do?

This extract from my field notes captures one of several examples of a key paradox in this study: while state officials invested enormous energy in communicating and enforcing rules that posited a clear boundary between the jurisdictions of chiefs and state institutions respectively (i.e. chiefs take care of the traditional cases *outside* the law, while the police have a monopoly on dealing with criminal cases *within* the law), both state officials and chiefs frequently exercised authority across these boundaries. The intriguing aspect was that such blurred boundaries were not just situational deviations from the rule: either they introduced new routine practices, as in the police hearing witchcraft cases and chiefs' reference to state law in deliberating non-criminal cases; or else they continued pre-existing practices such as chiefs' settlement of criminal cases. Another intriguing aspect was that, in the very same situations that chiefs and state officials engaged in boundary-crossing, they also articulated a clear distinction between chiefly and state authority.

The question is what theory of social life can help us make sense of this apparently paradoxical oscillation between distinction and fusions in representations and observable actions? Should it be understood as a discrepancy between ideology and social actions, between law/models of society and social reality? In one sense this was the case, because the boundary between state and chiefly jurisdictions did not mirror social practice. However, it should also be realised that the very boundaries between state and chiefly orders were constantly subject not only to negotiation, but also to remaking practices and representations, as noted previously. Attempts to fix and order the distinct domains of state

and chiefs were ongoing *activities*, existing in what I earlier referred to as a *productive tension* with activities that challenged such an order.

In trying to make sense of this productive tension, I have found it useful to use an analytical framework that draws on a process-oriented theory of social life inspired by the work of Sally Falk Moore (1978) and underlining more recent studies of state formation, citizenship and authority (Hansen and Stepputat 2001; Isin and Turner 2002; Lund 2001). Central to this framework is a *processual* understanding of social order as never fully fixed and total, but as constantly being made and remade through active processes of the regulation of social life. The latter are defined by Moore as *processes of regularisation* and refer to the enactments and representations of rules, categories, symbols and rituals that give form, order and predictability to social life and thus fix apparently durable social and cultural orders (Moore 1978: 6). State law or programmes are viewed as but one example of these processes, co-existing with other forms of order-making by state as well as non-state actors.[9]

The view of social order as active processes is based on the assumption that *indeterminacy* is an underlying quality of social life *and* that people are active participants in creating continuity as well as change (ibid.: 48). Social and cultural orders, the regulated, patterned aspects, are omnipresent in social life, but they "always leave gaps, require adjustments and interpretations to be applicable to particular situations" *and* "are themselves full of ambiguities, inconsistencies and often contradictions" (ibid.: 39). Central to this understanding is the view that social life consists of a variety of situations, and shifting sets of persons, that make the total regulation of all of social life utterly impossible: e.g. state-legal categories that seek to fix particular relationships are always a simplification of social reality, not a mirror reflection of it.[10] This implies openings and rooms for manoeuvre in social situations, in which rules and categories are the subject of potential negotiations, reinterpretations and remaking. By implication, processes of regularisation can be seen as struggles against *indeterminacy* in two senses: on the one hand, the explicit

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[9] This point about the co-existence of different modes of rule-generation and order-making within a political organization was a major contribution of Moore (1978) to legal anthropology, which had previously privileged the existence of a single legal field: Western state law. This contribution has since predominated within the more recent literature on legal pluralism, which argues that state law is not the only possible source of rule-generation, and that it co-exists with other sources, such as international, folk, customary and religious systems of rules and norms (see, for example, Griffiths 1986; Merry 1988; Moore 1978; von Benda-Beckmann 1997; Galanter 1981; Santos 1987, 1995, 2006; Pospisil 1971; for a critique see Tamanaha 1993, 2000). Thus the main claim is the existence of a plurality of legal orders outside or in addition to those of the state.

[10] See also Scott (1998) on this point.

attempts to fix social relationships, as exemplified by state law, are by implication a realisation that they are mutable; on the other hand, such attempts are at the same time matched by counter-activities – i.e. adjustments to particular situations, reinterpretations and manipulations of categories, distinctions and rules (ibid.: 40). The latter Moore (1978: 50) defines as *processes of situational adjustment*.

In this study, the factor of *indeterminacy* is used to grasp how state-legal categories were partly reshaped locally, as well as how the partly reshaped rules to fix chieftaincy as distinct from the state were challenged even by state officials themselves in adjusting to particular situations and expectations. Analogously, it also informs the way in which I approach the lack of fit that frequently obtained between enactments or representations of order and many everyday practices – i.e. the stated rules versus actual deliberations, as exemplified in the above excerpt from the field. Instead of viewing this lack of fit as a discrepancy between fixed, invariant social structures on the one hand and deviant, varied behaviour on the other, I approach it as reflecting a productive tension between processes of regularisation and situational adjustments. This understanding helps capture my earlier point that the boundary between state and chieftaincy as representing distinct orders was not a fixed given, or *the order* pertaining, which was then sometimes transgressed in practice: the boundary itself was the subject of active re-enactments and verbal representations, that is, of processes of regularisation.

Following Moore's view of *indeterminacy* as a central feature of social life positions me as a cautious post-structuralist, because indeterminacy does not rule out order, consistencies and repetition as omnipresent features of social life in observable actions and expressed ideas (ibid.: 38). The framework proposed does not imply substituting a study of order, repetition and continuity with a study of inconsistency, contradictions and change, but including both as features of social life.[11] This is captured by the view of processes of regularisation and processes of situational adjustment as two implicated forms of *behaviour* in social situations (ibid.: 50). The two kinds of behaviour do not rule each other out but

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[11] This perspective on the omnipresent co-existence of the regular and the indeterminate departs from two opposed theoretical models that privilege either structure/continuity or actor/change: on the one hand, the structural-functionalists model, which sees structure, congruence and durability as *the* central feature of social life, and views whatever discrepancies there may be between ideology and actions as deviance or momentary transitions (i.e. Radcliffe-Brown 1952; Morgan 1963); and on the other hand, the rational, actor-oriented perspectives (or methodological individualism), which emphasise individual rational transactions, inconsistency and change as *the* features that make up a society and down-play the limits that the cultural patterning of individual perception and social institutions place on actions and choice (i.e. Barth 1966; Bailey 1969).

exist in a *productive tension*: the very processes of situational adjustment that prevent total order also reshape efforts at partial ordering. Analogously, processes of regularisation, such as the rules that fix a boundary between chiefs and state police jurisdictions, also set the terms for boundary-crossing. Important to this understanding of *productive tensions* is that each of these processes may be concerned with and have the effect of stabilising and changing social order: regulation is not always concerned with maintenance of the *status quo*, and adjustments do not necessarily reflect individual change-oriented actions (ibid.: 52). This point is important for the present study because it sheds light on a) the legal *recognition* of traditional authority, as *de facto* employed to fix and reshape existing chieftaincies, and b) situational manipulations of this fixing as both reactionary and productive of new rules.

Finally, the view of regularity and inconsistency as co-existing in social situations is important because it emphasises the limits not only to order, but also to negotiations. Situational adjustments, as well as attempts to fix social order, take place within a larger political context and are framed by historically embedded ideas, role expectations and norms, which place limits on what is negotiable and in what ways ordering takes place (ibid.: 40). Because context and history matters, there is variety in the form and content of regulation and adjustments in particular settings, as well as in what issues are at stake. In this dissertation, I argue that sovereign authority was a key issue for chiefs and state officials, and that the situational adjustments and modalities of regulation were shaped in particular by two historically embedded scripts: the political script of the Frelimo party-state and the local script of evil-doing linking the visible and invisible dimensions of (dis)order (see Parts II and III).

This study makes two additions to the analytical framework of Moore (1978) outlined above: a) the central role of power; and b) the constitutive effects of representations. First, this study places power at the centre of the analysis of processes of situational adjustment and regularisation. Not all people are equally positioned or have the skill and ability to engage in negotiations and regulation, *and* some forms of regulation are more powerful and less negotiable than others, in particular those backed up by coercive sanctions and violent exclusions. Power is understood here in two senses, which are viewed as interrelated: impersonal power (i.e. relations embedded in institutions, laws, conventions and practices that are both restrictive and productive of behaviour) (Foucault 1991); and power as the act of persons to enforce their will upon others' behaviour (i.e. the power of

some persons over others) (Weber 1947). To include these two dimensions of power implies exploring *who* is able – under what wider conditions and according to what positions – to act and speak with authority, and against *whom* (Bourdieu and Wacquant 1992). In doing this, I pay attention to hierarchies and aspects of inclusion and exclusion from decision-making and negotiations.

Secondly, although practices and interactions in particular situations constitute a central part of this study, these are analysed in relation to *representations*, which I see as permeating the processes of regularisation and situational adjustments.[12] Representations in this study refer to people's expressed ideas, legitimisations and definitions of the order of the world as represented in texts, speech and symbols. In particular this study includes three forms of representations: a) text (state-legal categories, programmes and plans); b) speech acts (communication of law, claims to authority by reference to sources of legitimacy external to actions, and people's expressed ideas about social organisation, relationships and order/disorder, as well as about core concepts such as the state, authority, chiefs, citizenship and community); and c) symbolic displays (the display of material artefacts, power positions and social organisation in public meetings and ceremonies). The assumption is that there is a mutually constitutive relationship between representations and observable actions. Thus, the challenge here is not to privilege either dimension, but to realise their differences and how they permeate, affect and contradict each other. Next I address in more detail how the framework outlined in this section informs how I approach my three core concepts.

Concepts: Authority, State formation and Citizenship

The *processual* understanding of social order, the issue of power and the relationship between representations and actions are central to the way I approach the three key concepts of this study: authority, state formation and citizenship. The point of departure is that I approach the concepts in a non-essentialist way. This means that I do not take for granted the pure, fixed substance of these concepts, but approach them as socially made and remade in representations and actions. To suggest this does not mean that conceptual definitions and the substance they refer to are without importance, as noted earlier; but they are not necessarily abidingly instantiated in practice or understood the same way by different actors.

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[12] Moore (1978), whose primary focus is on actions, places little emphasis on what representations imply for actions (see Chanock 2000: xviii).

Against this background, the concepts are approached as having both a practical and a representational dimension: they are explored as ideas expressed in verbal, legal and symbolic representations and as sets of practices. It is the dynamic interplay between these dimensions that are central to this study's exploration of what state recognition of traditional authority implies for claims to and practices of state and chiefly authority, as well as citizenship. Cutting across these dimensions is the significance of *relations* in two senses: on the one hand the relationship between the concepts, and on the other the relational constitution of each.

First, state and citizenship are viewed in this study as twin concepts: the very processes of state formation, of consolidating sovereign authority, rely on the production of a political community of citizens (Hansen and Stepputat 2001; Agamben 2000). Authority on the other hand is viewed as a concept that cuts across and goes beyond state and citizenship. It can exist in claims and practices independently of the state, as it is a more universal analytical concept describing a relationship between rulers and ruled (Weber 1947). However, in this study, where the theme of analysis is the "*state* recognition of traditional *authority*" and where legal recognition is directly linked to the inclusion of rural community members *within* the nation state, the concept of authority becomes linked to citizenship and state formation too. Moreover, as noted above, an intrinsic element in processes of state formation is the constitution of sovereignty, that is, the claim to superior or final authority within a political organisation. Thus, when I address the concept of authority, this is not confined to chiefs, but also to the state and other potential actors' claims to authority.

Secondly, authority, state and citizenship are each approached as constituted relationally not only in the sense of actual interactions, but also of representations. The constitution of each is based on the assertion of difference from something 'other', i.e. a constitutive outside (Mouffe 2006: 15). For example, authority does not exist without a differentiated relationship between the ruler and the ruled: state and chiefly forms of authority are constituted in relation to each other through assertions of difference and mutual recognition, and citizenship is based on some form of we/they relation. These assertions of difference are part of what I referred to earlier as processes of regularisation. However, in line with the analytical framework used, I do not approach these assertions of difference, such as the distinction between state and chieftaincy, as fixed givens, but as the result of their continuous making and remaking in social situations.

These commonalities linking the three concepts analytically do not rule out the differences between them. Next, therefore, I give due attention to the distinctive features of each, and how I approach them in this study.

Authority

The interest of this study is to explore the constitution of state and chiefly authority as practices and claims in relation to, but also going beyond, *de jure* or state-legal status. This means that I want to arrive at an understanding of *de facto* forms of authority, that is, authority as vindicated and confirmed in interactions between chiefs, state officials and ordinary citizen-subjects. Inspired by a processual analytical framework, the underlying assumption is that limiting attention to legally attributed authority can blind us to how authority is not necessarily a fixed given in practice, but needs to be re-enacted and re-confirmed to endure (Lentz 1998: 47; Lund 2001). Although, as Lund asserts, the legal attribution of authority is important, it is not an absolute guarantee for the actual exercise and maintenance of *de facto* authority. Seemingly trivial actions by individuals can undermine the legitimacy of *de jure* authorities by, for example, not respecting them or taking their 'business' elsewhere (Lund 2001: 863).

Key to this understanding is that the practical involvement of ordinary people with authorities in different social situations impacts on how *de facto* forms of authority are (re)constituted. This means paying attention to the ways in which "authority is being constructed in the imagination, expectation, and everyday practices of ordinary people" (Lund 2006b: 696). Authority is therefore understood as constituted relationally through a process of dual-recognition: "when an institution authorises, sanctions or validates certain rights, the respect and observance of these rights by people, powerful in clout or numbers, simultaneously constitutes recognition of the authority of the particular institution" (Lund 2006a: 676).

This approach to the constitution of *de facto* authority follows a particular definition of authority. In line with Weber (1947), authority is viewed as a hierarchical *relation* of command and obedience, and as "an instance of power which seeks at least a minimum of voluntary compliance and thus is legitimated in some way" (Lund 2006a: 678). Viewing authority as a hierarchical *relation* means that authority does not reside alone in the particular attributes of a person, in legal categories or in claims to authority: authority is constituted when "a directive communication is accepted by one to whom it is

addressed" (Mandeville 1960: 117). Authority therefore "does not exist unless it is effectively executed" (ibid.): it depends on the willingness of *others* to grant recognition and legitimacy. This definition means that authority should be confused neither with pure coercion, nor with mere persuasion (Mandeville 1960; Arendt 1961).[13] Simple persuasion is different from authority because it presupposes equality and works through a process of argumentation. On the other hand, authority has failed when the demands of obedience rely exclusively on violent coercion (Arendt 1961: 92-3). The point is that authority is a hierarchical relation that requires a recognised legitimacy of the hierarchy between the rulers and the ruled.

This emphasis on *legitimacy* is important to this study because it draws attention to the mutually constitutive relation between representations and actions. The exercise of authority as a concrete interaction is accompanied by some reference external to the interaction itself, that is, to some source of legitimacy (e.g. 'the law', 'tradition', 'spirits', 'the nation', 'leadership skills') (ibid.: 96). The point is that representations of sources of legitimacy, state-legal or otherwise, are significant in the actual exercise of authority, but they do not (re)constitute authority on their own. To endure, authority must be continuously re-enacted, and claims to legitimacy reasserted.

In this study, therefore, sources of legitimacy are approached as part of processes of legitimisation, which permeate not only the achievement of *de jure* recognition by the state, but also the re-constitution of *de facto* authority in everyday interactions. Following Lentz (1998) on this point, legitimacy is therefore not presumed as something defined once and for all, but rather "a conflict-ridden and open process" in which different, more or less powerful actors intervene (Lentz 1998: 47). This also implies being open to the possible co-existence, overlap and complementarity between different sources of legitimacy, as well as the potential for different sources to be invoked in different situations (ibid.). In this study, I add to the perspectives presented about that legitimisation of authority is influenced not only by relations between rulers and ruled, but also by relations between different authorities (i.e. chiefs and state officials). This may be expressed both through competition over jurisdictions and mutual recognitions. But, as this dissertation shows, the relational constitution of state and chiefly authority is also exemplified by the

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[13] To assert that authority precludes pure coercion is not to deny that orders may be obeyed due to a fear of sanctions or punishments (Caporoso 2000: 9).

way in which sources of legitimacy are defined, are given substance, by the assertion of difference from another type of authority.

This way of approaching legitimacy departs from two widespread tendencies in many Africanist studies: first the studies that have identified patrimonialism, i.e. the accumulation and distribution of wealth, as the predominant 'matrix of legitimacy' in African politics, shared by chiefs and state officials (Schatzberg 1993; Chabal and Deloz 1999; Thomson 1999; van de Walle 2001); and secondly, the aforementioned position on state-chief relations, which views the constitution of authority on the basis of fixed Weberian ideal sources of legitimacy, 'the traditional' and 'the modern legal-rational' (cf. Ray and van Nieuwaal 1996).[14] I find it too simplistic to identify one singular source of legitimacy. Instead, I explore the possible influence of shifting and differently combined sources of legitimacy that chiefs as well as state officials may draw on (e.g. tradition, custom, magical powers, education and professionalism, state-legal office or position, economic wealth, age, gender, generosity and leadership abilities). Moreover, the representations of distinctions between chiefs and the state as embedded in different sources of legitimacy should not be underestimated, even if exercises of authority may often deny such distinctions. They do have constitutive effects for the ways in which authority is exercised, just as state-legal categorisations do.

To emphasise the significance of distinctions is not to concur with the view that 'traditional' and 'state-modern' sources of legitimacy are *a priori* static or imbued with a particular predefined substance. By implication, the 'traditional' is not approached as a predefined analytical concept by which to measure whether certain practices and institutions can be regarded as 'traditional' and as, for example, different from other types of authority, such as the legal-rational or that of the modern state. Rather, I approach the traditional as the result of ongoing processes of attempts to capture the term. Particularly valid here is Moore's (1986) view of 'the traditional' as internally contested and its manifestation at any given historical moment as the outcome of processes of redefinition

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[14] Weber (1947) famously defined three distinct ideal types of authority (traditional, charismatic and rational-legal authority) on the basis of differences in administrative structures and in the belief systems that legitimise authority (Blau 1963: 308). In the Weberian typology, chiefs have commonly been equated with traditional authority, legitimated by the sanctity of tradition or custom and a cultural belief in the divine right of the ruler to rule. The modern state and its bureaucracy has usually been likened to legal-rational authority, legitimated by a formalistic belief in the supremacy of the law as an impersonal body of legal rules produced in the rational pursuit of collective goals (ibid.: 313). It should be noted that Weber did not suggest that these ideal types existed in pure empirical form, but in various admixtures, hence the emphasis on the 'ideal'. He nonetheless saw them as distinctive features of politically and historically specific systems (ibid.: 310).

and reproduction. As Handler and Linnekin (1984) point out, this allows us to see present articulations of traditional legitimacy less as a question of simple continuity, and more as symbolic processes that take past equivalences for granted and produce them anew by reinterpreting them according to current requirements. Similarly, the state, as a type of authority, needs to be contextualised and scrutinised from an empirical perspective.

State Formation

In line with the process-oriented theory, this study views state formation as not simply "a top-down, from-the-centre-outward process" that produces predetermined results, but also as taking place "from below" (Stepputat 2001: 287). State operations, institutions and ideas about the state are viewed as being shaped and reshaped by the everyday practices of and negotiations between different actors in local settings. This becomes clear when an ethnographically grounded and decentred approach to state-formation is employed, as exemplified by a number of recent studies (Hansen and Stepputat 2001; Nuijten 1998; Nugent 1994; Gupta 1995; Tsing 1993; van Beek 1999; Wilson 2001; Das and Poole 2004).

Inspired by these studies, I approach state formation as shaped *both* by transnational features, i.e. particular 'languages of stateness', and by social forces in specific contexts. This means denaturalising the state as a coherent, homogeneous actor, detached from society, while still taking serious the constitutive effects of larger state schemes and programmes for the shaping of societies. By implication, I conceptualise state formation in terms of both processes of regularisation and situational adjustments at the micro- and macro-levels.

This view of state-formation departs from the state-centered and state-penetrative approaches which have predominated within political science (Jessop 1990). The first position views the state as a key independent factor in social explanation, as something that can be readily identified and is largely separated from the dynamics of society (ibid.: 278-9, 288). It thus produces a particular reified conceptualization of the state. The second position views state formation as an often violent, but relatively straightforward penetration of territory by army, bureaucracy, capital, law and governing programmes, which reduces people to the objects of a centralized sovereign power (Stepputat 2001: 285).

This study illustrates that the state recognition of traditional authority was in many ways appropriated by local state officials as part of what we could call *a larger*

project of state penetration of the rural hinterlands, exemplified by institutional-administrative presence, schemes of ordering populations, and attempts to consolidate state sovereign authority by regulating non-state authorities. However, this was not a straightforward process. It was mediated and reshaped by the realities on the ground, by interactions with chiefs and rural residents, as well as by the particular historically vested perceptions and political agendas of local state officials themselves. These affected how local state officials operated, enforced the law and attempted to constitute authority.

These observations suggest that the state apparatus itself is better viewed as the aggregate of partly autonomous and partly heterogeneous institutions and practices, rather than as a coherent entity. It also compels us to view state officials as creative 'translators', rather than as automatic transmitters of programmes, laws and schemes of ordering drawn up on the tables of ministries in the capital city (Wilson 2001; van Beek 1999; Stepputat 2001). [15] As Wilson (2001: 316-19) has pointed out, the extension of the state – ideas, practices, categories and symbols – across territorial space happens through layers of translation by locally positioned actors. It is therefore problematic to approach state formation as a totalizing process resulting in a kind of Weberian 'iron cage' in which people are reduced to mere objects of central power (Stepputat 2001: 285). Rather, we should pay attention to how locally situated state as well as non-state actors contribute to the making of the state, and hence how the state becomes locally grounded (Gupta 1995; Hansen and Stepputat 2001).

That said, as the findings of this study show, we are still confronted with a twofold paradox. First, even as local state officials' operations were reshaped locally, officials frequently invoked – in verbal and symbolic representations – the state as a homogeneous, abstract entity, elevated above society. These representations informed the distinction between state officials and chiefs and were expressed during public meetings and state-orchestrated ceremonies, as well as in legitimising more mundane exercises of authority. Secondly, in the particularistic, locally reshaped operations of state officials, there were also discernable elements of general, transnational scripts of state formation.

How do we capture these two apparently paradoxical dimensions of state formation? In this regard, I find the approach to the state by Abrams (1977) and Hansen and Stepputat (2001) useful. They suggest conceptualising the state as *de facto* the effect of a

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[15] In addition, it can be problematic to view state schemes of ordering and law as internally coherent, as if imbued with one rationality. Policies are not written by one hand or carried out by one actor, but are multivocal, internally contested and often internally contradictory (Moore 1978; van Beek 1999: 369).

set of dispersed *practices* and *institutions* of governing, but equally to take seriously the state as an *idea*, that is, as an ideological construction.[16] The state as an idea refers to the attempts to legitimise and render natural the state as the centre of sovereign authority and as a coherent, transcendental entity, embodying the common will of the nation (Abrams 1977: 76-7).[17] Central to this idea are representations of the state as an entity standing above society and separated from it (ibid.). To take seriously this *idea* of the state, Abrams suggests, is important because it forms part of legitimising the everyday governance, including the employment of violence, by state agencies. The point is that the constitution of state authority requires that state officials not only govern in technical terms, but also constantly reproduce an imaginary dimension that separates the actions of the state from those of any other agency (Abrams 1988: 77; see also Bourdieu 1999).

This view of the state compels us to attend to both the practical and symbolic-representational dimensions of state formation processes, just as I suggested we do with the study of the constitution of authority more generally. Following Hansen and Stepputat (2001), these two dimensions can be conceptualised in terms of two different 'languages of stateness': symbolic languages of authority, and practical languages of governance. I approach these as general, transnational scripts of state formation, while it is realised that they are differently combined, translated and disseminated in different national and local contexts (ibid.: 7).

The first set of languages of practical governance – or statecraft, as Scott (1998) terms them – has to do with how the state governs, i.e. with its practical and institutional dimensions. They may cover the following: the assertion of territorial sovereignty by the monopolisation of violence and permanent and visible military and police forces; the gathering and control of knowledge of the population – its size, occupations, production and well-being – of the territory; and the generation of resources

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[16] This perspective combines two apparently divergent approaches to the state. First, there is the Foucauldian view of the state, not as the centre of power, but as an effect of a wide range of dispersed techniques of governing, ranging from larger schemes of classification and ordering to everyday routine actions and micro-operations undertaken by state as well as non-state representatives. Foucault *denaturalised* the state – in his famous quote, 'beheading the King' – by stressing how power was not centred within one actor – the state – but consisted of disbursed practices of governance. However, this perspective undermines the potentially constitutive effects of the representations and enactments that invoke the state as the locus of sovereign power, and it does not pay much attention to how the state is rendered legitimate. These aspects are the focus of a second, more Gramscian inspired perspective on the state, which views it as an ideological construct that sustains particular power relations (Hansen and Stepputat 2001: 3-5).

[17] Abrams argues that the idea of the state as being above social relations and practice is a *mis*representation or a myth, which hides political and economic domination, as well as the fact that the state is, when demystified, a set of practices and institutions inhabited by real people – policemen, armies and so forth (Abrams 1988: 75).

and ensuring the reproduction and well-being of the population. In short, these languages denote the territorial extension of the state in terms of a dispersed set of institutions, personnel and schemes of ordering, classifying and stabilising larger populations by state bureaucracies (Scott 1998).[18]

The second, symbolic languages of authority have to do with how the state is rendered legitimate, that is, with the production of the state as an idea. These may cover the following: the institutionalisation of law and legal discourse as the authoritative language of the state; the materialisation of the state in series of permanent signs and rituals (stamps, uniforms, identity cards, state ceremonies, hierarchies of rank); and the nationalisation of territory and the institutions of the state through the inscription of a history and a shared community on landscapes and cultural practices (Hansen and Stepputat 2001: 7). Central to this set of languages is the production of a political community of citizens as members of the nation state, above other sources of identification. Another is the significance of ceremonial and ritual performances for (re)producing the idea of the state, such as through the display of hierarchies of rank, stateliness and pomp at larger state-orchestrated public meetings (see also Bourdieu 1999; Geertz 1980; Bell 1992). This aspect draws attention to the cultural-symbolic dimensions of state formation, beyond the legal, bureaucratic and mundane, technical sides of governance (Hansen and Stepputat 2001: 4; see also Steinmetz 1999). As this dissertation will illustrate, such dimensions were rendered explicit, for example, during the state-orchestrated recognition ceremonies of traditional leaders, as well as during national days of celebration (see Chapter 6).[19]

Studying state formation processes through these two sets of languages of stateness helps us grasp the inherent ambiguities of state operations from the vantage point of local settings: the representations of the state as distant, impartial and impersonal ideas,

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[18] The practical languages resemble what Foucault has defined as modern techniques of governing or governmentality, which have to do with how the conduct of a population is governed, disciplined and managed, often based on scientific knowledge-gathering techniques (for example, within the spheres of health, education, welfare, family planning, policing and censuses) (Gupta 2001: 67-8; Hansen and Stepputat 2001: 4). They can also be associated with a Weberian emphasis on the legal-rational conduct of state bureaucracies.

[19] Mbembe (2001) has suggested that public state rituals can be all the more important to state authority where the state apparatus is weak and less capable of securing control and citizens' rights, as in many post-colonial African states. However, this should not, as Abélès (1988) and Bell (1992) suggest, lead us to neglect the significance of state rituals as a more general feature of modern nation states around the world, including western democracies. In making this point, Abélès (1988: 391-2) criticises political theory for having over-emphasised the secularisation of modern politics and reduced the links between ritual and politics, and between power and the sacred, to a feature of governance in traditional societies. As an alternative, he illustrates the continued importance of rituals in legitimising political representatives.

as well as the state as a set of profane, localized and personified institutions and practices (ibid.: 5; Hansen 2001: 226). They also provide a useful analytical device for attending to the intersection of national and local processes. However, to focus on these languages as generalisable state scripts that local state officials draw on should not blind us to how these may be combined with other, partly contradictory scripts. As this dissertation will show, the activities of state officials in Matica and Dombe were permeated in particular by an extra-local political script, which reproduced Frelimo as *the* sovereign authority. This co-existed with other, more localised scripts of evil-doing and the belief in the spiritual power of chiefs as conducive to the administrative and developmental concerns of the state.

Moreover, we should be open in the analysis to how languages of stateness are not necessarily the preserve of official state representatives, but may also be drawn on by other actors such as chiefs (Hansen and Stepputat 2001: 9; Lund 2006a). For example, even though state officials may lay claim to sovereign authority, we cannot expect the performative aspects of sovereign power – such as the use of legitimate violence and final decisions over life, death and punishments – to be necessarily the monopoly of state authorities (Hansen and Stepputat 2005). As this dissertation will illustrate, a pervasive issue at stake in the production of boundaries between state and chiefly authority was exactly the precariousness of state sovereignty in various central areas of social life.

Finally, the findings of this study suggest it is useful to add to the umbrella of 'languages of stateness' the *relational constitution* of the state, that is, the consolidation of state authority through constituting 'its' exterior 'Other', its "constitutive outside" (i.e. chiefs and other non-state authorities). This aspect is not least relevant to include, I suggest, in studies of state recognition of traditional authority. But I will also suggest that it is applicable more generally, as exemplified by the constitution of state authority through attempts to produce a political community, i.e. citizenship.

Citizenship

The aim of this study is to arrive at an understanding of what repercussions state recognition of traditional authority has for *de facto* citizenship, that is, citizenship as a set of practices and claims. Inspired by a number of recent studies of citizenship, this means going *beyond* legal categories and formal models of citizenship (such as liberal, republican or communitarian models) (Isin and Wood 1999; Isin and Turner 2002; Cruickshank 1999; Kabeer 2005; Mouffe 2006; Halisi, Kaiser and Ndegwa 1998). Citizenship is analysed as

more than a legal status in the sense of *de jure*, contractual relations between state and people, and a set of equal rights (civil, political and social) granted to the members of a political community. It is also approached as a set of practices in the form of claims, recognitions and distributions of rights, as well as modes of producing membership and shaping conduct and attitudes. The key here is to explore the mutual constitutive relationship between citizenship as a legal category and as a set of practices, much as I have suggested doing with the concept of authority.

The importance of focusing on modern citizenship *beyond* legal status has emerged from a series of studies in the West and recently in Africa, which have illustrated the critical aspects of the modern concept of citizenship (Isin and Wood 1999; Isin and Turner 2002). From the perspective of practice, modern citizenship has proved to be unequally distributed. Legal status does not automatically translate into *de facto* and equal access to rights and substantive membership, even though this may be granted *de jure*. As Isin and Turner (2002: 3) point out, "While cast in the language of inclusion, belonging and universalism, modern citizenship has systematically made certain groups strangers and outsiders". Modern citizenship is an exclusionary category, in the generic sense not only of having relied on us/they categories of foreigners and nationals, but also of having produced *de facto* internal hierarchical differentiation of *de jure* included citizens (along the lines of, for example, gender, age, race, ethnicity, literacy, political affiliation etc.). This is expressed in terms of *de facto* differentiation of who in practice gains access to rights, resources and recognition.[20] Similarly a number of Africanist scholars have recently pointed out that post-colonial universal and individual-based models of citizenship have failed to translate into practice, instead reproducing different layers of citizen–subject positions (von Lieres 1999; Halisi, Kaiser and Ndegwa 1998; Werbner 2002; Wilmsen 2002; Hitchcock 2002). This has happened both as an effect of state institutions' incapacity to secure resources and rights for all its citizens, and/or as an aspect of the exclusionary politics of top-down 'ethnification', with national governments supporting some groups to the detriment of others (Halisi, Kaise and Ndegwa 1998). These perspectives hence underline a distinction between what can be referred to as *de jure* citizenship (legal status)

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[20] The critics of the modern concept of citizenship based on an individual and universalist model instead propose a concept of citizenship that includes the *de jure* recognition of group differences (for example, on the basis of gender, race, ethnicity and minority groups) and various forms of identification within the concept of citizenship (Isin and Wood 1999; see also Mouffe 1996; Young 1989). This is more conducive to genuine democratisation, they argue. In this thesis, I shall not go into a discussion of whether or not such a revised conceptualisation of citizenship is more conducive to democratisation or not. For a discussion of this in relation to Decree 15/2000 in Mozambique, see alternatively Kyed and Buur (2006).

and *de facto* forms of citizenship (actually enacted citizenship). The latter cannot be divorced from particular power relations and political practices of inclusion and exclusion (Isin and Turner 2002; Cruickshank 1999).

With these perspectives in mind, how do we then concretely study *de facto* citizenship? As in the case of the concept of authority, I explore citizenship as the product of legal categories, local representations and concrete practices of and interaction between subject populations and state representatives.

First, I explore how citizenship is constituted through the practices that relate to how people (here, rural populations) gain access to particular services from the state (here, justice and security), i.e. how (and if) they claim these and how local state representatives grant them such services (Isin and Turner 2002). However, in doing this, I take note of the issues of power and governance that permeate state-citizen interactions, as Cruickshank (1999) also suggests. The production of citizenship also covers what Cruickshank refers to as practical technologies of citizenship (ibid.: 1-2), that is, discourses, programmes and other tactics that centre on shaping and regulating the conduct of citizens (for example, ways of acting and organising, obeying rules, hygiene, education, and so forth). This may be induced directly by state officials or indirectly through, for example, chiefs, as was the case during colonial rule, and as is inscribed in Decree 15/2000 through the delegation of civic-educative functions to chiefs.

Secondly, I analyse citizenship as the production of membership of a political community, both as expressed in public representations and as enacted in state-citizen encounters. In doing this, I go beyond the formal criteria of nationality as defining membership, and instead explore from an empirical perspective what *de facto* substantive content categories of 'us' and 'they' are invested with: i.e. against what criteria are people included and excluded as citizens (such as race, ethnicity, political affiliations, rural/urban etc.). This follows the perspectives of Mouffe (2006) and Isin and Turner (2002) that 'us'/'they' categorisations *within* the nation state are a generic aspect of the production of citizenship as a form of collective identity formation. Every identity, Mouffe holds, is relational: the creation of a "we" can only exist by demarcation from a "they", that is, "the affirmation of a difference is a precondition for the existence of every identity, i.e. the perception of something 'other' which constitutes its 'exterior'" (Mouffe 2006: 15). Citizenship is therefore viewed as based on a fundamental division *internally* in nation states in which the definition of 'us' relies on a "constitutive outside" (Mouffe 2006: 15) or

the "included excluded" (Agamben 2000: 31). This division can be seen as core aspect of sovereign power, that is, as the capacity to define and enact who is included and who excluded (ibid.). Therefore the substantive content of 'us'/'they' categories can tell us something about particular power relations and the types of division on which sovereign power is reconstituted. As this dissertation shows, the substantive content that 'us'/'they' categories were invested with by local state officials bore a remarkable party-political dimension. This had consequences for *who* gained access to services and voice, but it was also part of constituting a particular form of state authority.

To focus on *de facto* citizenship is not to deny the significance of *de jure* models of citizenship and legal categories *per se*. Rather, like authority, it is the relationship between the two that is interesting (Isin and Wood 1999: 4). Therefore it does matter that there is today a constitution which legally grants equal rights to individuals in Mozambique, unlike during the period of colonial rule. Also it is not irrelevant that Decree 15/2000, along with an individual-based model of citizenship, at the same time recognises rural residents as communities or 'groups' within the nation state. The question that needs to be scrutinised from an empirical perspective is how these legal categories are translated into everyday encounters, and what kinds of power relations this (re)produces.

In doing this, I do not set out to measure whether reality fits with or is a pure mirror reflection of the formal model(s) of citizenship as inscribed in the Mozambican constitution or as pre-defined by scholars. Rather, this study is open to the possible overlap between different practices of and claims to citizenship, which may only be situationally enacted and negotiated as the rural population interacts with and is acted on by local state officials. In other words, I do not find it useful to limit the study to a view of citizenship as only occurring when it is fully in accordance with pre-defined formal models.

This position contrasts with, for example, that of Mamdani (1996), who strictly adheres, it seems, to a Tocquevillian conception of citizenship, which defines citizens as individuals who actively participate in politics and are imbued with autonomy and power. They are therefore the opposite of subjects who are subjugated to authoritarian power and are passive and powerless (Cruickshank 1999: 21-3). Adhering to this strict opposition between citizens and subjects, Mamdani (1996) concludes that rural Africans are exclusively subjects and not citizens because they are still under the rule of chiefs as groups or tribes. Using the either/or categories of citizen and subject blinds us to how there may be overlaps and different combinations of citizen-subject positions in contemporary Africa

(see also Geschiere and Gugler 1998: 315). It also blinds us to the possible co-existence of different practices of citizenship that do not in themselves provide a mirror reflection of formal models. They may nonetheless be significant for the mutually constitutive relationship between the chiefs, state officials and the rural population.

3. Methods and Fieldwork Sites

The theme of this study and the analytical framework chosen to address it calls for a research methodology that combines a range of different forms of data, which can address the mutual constitutive relations between local political dynamics and national polities, as well as between representations and practices in local settings.

Although this study is primarily about the repercussions of state recognition of traditional authority in two particular localities, Matica and Dombe, it also links these localities to the national, and even global, levels. This has necessitated a combination of long-term ethnographic fieldwork in the particular localities with a study of the wider political and historical contexts in which these are positioned. This is based on the assumptions that a focus on the outcome of a state law for practices of and claims to authority and citizenship requires that we look beyond locality. It is also based on the acknowledgement that, although marginal, rural localities may have spatial boundaries in people's minds and on maps produced by the state, they cannot be regarded in the classical anthropological sense as 'bounded cultural wholes' or as 'holistic legal systems' with a shared set of uncontested rules and norms (Gupta and Ferguson 1997: 1-5). Ideas, aspirations, laws, material resources and so forth from beyond these localities equally shape and sustain social life. Thus the task is consistently to have an eye on the dialogue between these localities and extra-local polities. In this study, the main extra-local polity is the state, which is approached in the various senses of its national and local institutions and personnel, its laws, and modalities of regulation. However, I also take into consideration how these are influenced by history, as well as by global tendencies and international actors, such as the donor community.

In practical terms, the linkages between the local and the national, the past and the present, have been addressed by combining different kinds of data-collection. One part of data-collection was focused in the area of national legislation, public discourse and debates, as well as wider past and present political developments. This involved secondary historical

literature, donor reports, ministerial documents, interviews with key national and provincial-level role players (ministry staff, NGOs and donors), and analyses of laws and newspaper articles. The bulk of these data are used in Part I of this dissertation, where I explicitly address historical reconfigurations of state-chief relations, as well as how the coming into being of Decree 15/2000 was shaped by the linkages between local conditions, the wider national political context and global trends at the time. However, the linkages between present local political dynamics and wider past and present polities also carry over into the rest of the dissertation (Part II and III).

Thus the first set of data has been triangulated with the different kinds of data that I collected during fieldwork in Matica and Dombe. These covered: participant observation of everyday practices and interactions, as well as public events, meetings and ceremonies using situational analysis; qualitative in-depth, semi-structured interviews (167 in total) with a wide range of different categories of actors; and case studies of leadership disputes between and within chieftaincies in the process of state recognition (6 in total), as well as of the settlement of disputes and delinquency (234 in total). A detailed outline of these data-collection techniques, as well as ethical considerations pertaining to the conduct of fieldwork, is given in Appendix I. Here it suffices to emphasise that the triangulation of these different kinds of data served the purpose of addressing the interrelationship between representations and observable behaviour as these unfolded both in public arenas and in more everyday social situations. Thus the fieldwork was designed to explore the interplay between the 'flow of action' – actual interactions and practices– and the 'flow of ideas', that is, the conceptualisations and representations of people about practices, positions, authority, state, justice, order, rules and so forth (Nuijten 2003: 11-12; Alvesson and Sköldberg 2001: 45-6). The way in which this was pursued was necessarily informed by the particular fieldwork settings, as well as being limited by my specific choice of the fields of policing and justice enforcement. The remainder of this section describes the fieldwork settings and then addresses the reason for choosing the fields of policing and justice.

Fieldwork Settings on the Margins of the State

A total of fourteen months of fieldwork was carried out in Dombe administrative post and Matica locality in 2002,[21] 2004 and 2005.[22] These areas form part of Sussundenga District

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[21] The fieldwork in 2002 was carried out prior to the commencement of my PhD project and formed part of my MA Honours programme. It was done in collaboration with Lars Buur (then a post-doctoral researcher at the Centre for Development Research, Copenhagen).

of Manica Province, which lies in the central part of Mozambique and shares a border with Zimbabwe in the east.[23] This district was one of the areas affected most strongly by the civil war, which began here as early as 1978, when Renamo troops began incursions from Zimbabwe (then Rhodesia). During the 1980s, Frelimo-state control was confined to urban and semi-urban areas surrounding the administrative capitals. The rest of the territory consisted of zones of combat or were controlled by Renamo. The war had devastating effects on the district, including massive destruction of infrastructure and the local economy, and it led to the displacement of huge numbers of people, as well as the emigration of many of those chiefs who had formed part of the colonial system of indirect rule. It also meant that state administrative and police presence was either sparse or fully absent in the rural hinterlands after the war and that the legitimacy of the state, and the ruling party, Frelimo, was highly contested. This was reflected in continuing pockets of resistance to the state in the mid-1990s and in the huge electoral victory of the opposition party Renamo in the first 1994 general elections. In the past two elections (1999 and 2004), Sussundenga District remained a Renamo stronghold.

My choice of Sussundenga District was based on these legacies of the war, which meet the criteria of what a number of scholars have referred to as 'the margins of the state': that is, spaces where state control of territory and people is incomplete and contested, where people are viewed as insufficiently socialized into the law and order of the state, and where practices of regulation and ordering are often taken care of by non-state actors (Das and Poole 2004; Worby 1998; Tsing 1993). To situate this study in an area on the margins of the state follows the assumption that these provide particularly privileged spaces for understanding often taken-for-granted processes of state intervention and the production of the state as an idea and a locus of sovereignty. This is because, in these spaces there is a continual need for the state's modes of order and law-making to be re-founded, as it meets with the practices and politics of life in the margins (Das and Poole 2004: 8).

The particular choice of the areas of Dombe and Matica was intended to have a comparative advantage because they represent two different scales of the margins of the state. This accorded with two main criteria of selection: first, geographical proximity to the district capital; and secondly, the scope of the state's presence and regulation during the

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[22] Administrative posts are the second lowest level of the Mozambican state administration, and locality the lowest. These fall under districts and provinces. Some fieldwork was also carried out in Mouha administrative post because this is where the paramount chief of those sub-chiefs residing in Matica lives.
[23] Sussundenga covers an area of 7,060 sq. km and, according to the 1997 census, had a total population of 92,622.

colonial, earlier post-colonial and war-time periods, with the latter corresponding to a division between the areas controlled by Frelimo and Renamo. This difference was also reflected in the extent to which existing chiefs and sub-chiefs had informally collaborated with Renamo militias (Dombe) and Frelimo-state officials (Matica).

Matica locality lies in the northern part of the district, bordering Mouha administrative post in the west and the district capital of Sussundenga in the east. The main village of Matica, where the head of the administration is located, lies only 22 kilometres from the district capital. According to the 1997 census, it had a total population of 7,841. During the civil war, the main village and its surrounding areas were under the control of the Frelimo-state administration, which managed to set up the new party-state structures, organised around communal villages, co-operatives and a state farm. The latter was established on the premises of the former Portuguese *Empresa Agrícola de Sussundenga* (agricultural business), which, since the late colonial period, consisted of private Portuguese-owned farms with high rates of agricultural production employing hundreds of local workers. In the last period of the civil war, the main village of Matica was turned into a concentration of refugees predominantly from Dombe, and it received large amounts of foreign aid for the provision of food and basic services. In addition, this period marked increased informal collaboration between chiefs and Frelimo-state officials, despite the official ban. This war history left its marks on the post-war period. First, it meant that the population of Matica at the time of my fieldwork comprised a mixture of the native Chi-Teve speaking group and those Chi-Ndau speakers from Dombe who had chosen not to return after the war.[24] Secondly, the re-establishment of a functioning state apparatus in areas outside the main village happened quickly and relatively smoothly after the war, which could not be divorced from the fact that the two main sub-chiefs of the area supported the ruling party and were willing to collaborate with it. Thirdly, by the time the Decree was being implemented, Matica too was experiencing various post-war government-launched (and donor-financed) development inputs (schools, health posts, agricultural associations), as well as settlements on the former privately owned farms by better off Mozambicans. Since the mid-1990s, Matica had also experienced a gradual influx of private investors and NGOs launching community-based development projects. From 2001 this also included white Zimbabwean and South African farmers looking for farming

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[24] According to data collected by Alexander (1994: 19), by 1993 there were a total of 12,615 former Dombe residents living in the *bairros* of Matica. No updated figures became available during fieldwork, but it was clear that at least half of these had returned to Dombe.

opportunities. Although the majority of Maticans lived off subsistence farming, this also meant increased labour opportunities and income from the selling of produce. In short, by the time the Decree was being implemented, Matica was not a new territory of state intervention, state collaboration with local chiefs and development investments. In all these respects Dombe differed from Matica.

Dombe administrative post lies in the southern part of the district, its main village being 80 kilometres from the district capital. It is the largest administrative post in the district in both territory and population (totalling 45,234 people in 2001 compared to 36,324 in 1997). Its main native population consists of the Chi-Ndau-speaking people. From the ministerial corridors of Maputo to provincial government officials, Dombe was referred to as *uma zona de confusão* (literally 'a zone of confusion') associated with insecurity, crime and backwardness. When contemplating doing fieldwork there, I was warned by various officials and academics in Maputo that this was too dangerous a place to work and that the chiefs would be hostile to any foreign encroachment. This perception of Dombe was intimately related to its history as a Renamo-controlled zone. It had been the 'provincial' headquarters of Renamo's military organisation in Manica Province from the beginning of the 1980s. Renamo's early arrival in the hinterlands of Dombe from 1978 meant that the area turned into a zone of intensive combat, leading to mass population displacements and the disintegration of the chieftaincies. Importantly, it also meant that the Frelimo-state presence was confined to the main village of Dombe and its vicinity from an early stage. None of the new post-independence development schemes and political structures was set up outside this area. In 1991 Renamo also managed to take over the main village and to establish its parallel system of governance throughout the territory of Dombe. This system also included intensive collaboration with the eight paramount chiefs of Dombe, which in the majority of cases included substitutes for those who had acted during colonial rule. Renamo control of Dombe village lasted until the end of 1995 (three years after the Peace Accord), when the state's administrative and police presence was re-established after several failed attempts caused by overt resistance from a number of chiefs, Renamo militias and the rural population. For similar reasons of hostility, the re-establishment of the state was not successfully achieved in the rural hinterlands until the period from 1999 to 2001, which in many areas coincided with the first initiatives concerning the state recognition of chiefs.

The history of Renamo control meant that post-war foreign-aid distributions, NGO projects, private business investments and infrastructural reconstruction only commenced from the late 1990s. Rather, besides subsidence farming, the local economy had been sustained by migrant labour to South Africa and Zimbabwe. The latter represented a legacy of colonial rule, under which Dombe provided a pool for forced migrant labour, rather than an area of Portuguese agricultural investment. In short, by the time of my first fieldwork in 2002, Dombe was still, relatively speaking, a new territory of state administrative and development intervention. In fact, state recognition of the chiefs marked the first visit by a post-colonial district administrator to the chieftaincies in the rural hinterlands.

Choices and limits of the study

This study is limited by the fact that fieldwork was carried out in two particular localities in Sussundenga District, a former war zone and Renamo stronghold. This necessarily compromises the breadth of the research and the extent to which it can be generalized. I therefore do not claim that my findings constitute a basis for generalisations about the repercussions of state recognition of traditional authority in Mozambique as a whole. Limiting fieldwork to two localities nonetheless reflected two key assumptions. First, it is imperative in winning the confidence of informants necessary to obtain in-depth information, even on sensitive issues such as politics, authority, power, conflicts and crime. Secondly, it is based on the idea that long-term involvement in particular localities is imperative if a researcher wants to obtain a profound understanding of local dynamics and the interdependencies between practices, representations and socio-political conditions.

Another limitation of the study is that, in addressing the third sub-set of analytical questions – i.e. how the relationship between state and chiefs was organised and practised following the formal recognition of chiefs – I chose to focus particularly on *policing* and *justice enforcement*. These are only two of the many tasks that chiefs are obliged to assist the state with according to Decree 15/2000. This choice involved omitting a detailed study of, for example, the tasks of tax collection, land allocation and development planning, although by being in these areas for a long time I did, of course, follow developments within these fields as well. I made the choice of policing and justice enforcement partly because I simply could not achieve the requirements of in-depth, qualitative ethnographic research if I covered equally all the prescribed areas of collaboration between chiefs and the state. Importantly, I had learned from fieldwork in

2002 that state officials gave a high priority to these fields, and that the chiefs themselves and many members of the rural population also identified chiefly authority with the ability to resolve conflicts and dispense justice. From an analytical point of view, I also expected policing and justice enforcement to be privileged fields of action and interaction in which to observe the exercise of authority and the enactment of the criteria for proper citizenship and community membership. This involved studying court sessions, police hearings, everyday policing activities, following a large number of disputes and criminal cases, and talking to people about ongoing practices and their notions of justice, order and disorder.

I assumed that these were privileged fields for two main reasons. First, policing and the enforcement of justice cover those social spaces and practices that explicitly revolve around the authority to regulate, sanction and enforce rules and norms (state-legal and otherwise) of proper conduct and social relationships.[25] In short, I assumed these to be spaces where *de facto* forms of authority enforcement and categorisations of human beings as members of a social order are explicitly at stake.[26] Secondly, these two activities provide social spaces in which rural residents directly address state and non-state authorities in pursuit of particular services. Their reasons and possibilities for doing so and the extent to which they abide by the judgements made can provide insights into the legitimacy of different forms of authority.

These assumptions are based on a particular understanding of policing and justice enforcement. In this study, policing is understood as a mode of ordering and

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[25] In this study, unlike much of the literature on legal pluralism, I do not use the concept of law as a broad cover term for all kinds of normative orders, including rules, patterns and processes of social ordering in social groups of whatever size (family and to the international level) (see, for example, Griffiths 1986; Galanter 1981). Instead I use the concepts of *rules and norms*, as well as rule- and norm-enforcement, as analytical categories covering both domains defined as state and non-state. At a general level, norms are defined as standards for right/good and wrong/bad behaviour, whereas rules are understood as prescriptions and proscriptions for conduct and action. Yet I distinguish between a) *lived* rules and norms as pertaining to everyday routine and habitual aspects of social life; b) rules and norms as *identified* and *represented* (verbally or in writing); and c) rules and norms as *enforced* by institutions within particular social spaces, including principles of enforcement and sanctions, which may or may not be backed by force. The concept of law (*lei* in Portuguese) is treated as a sub-category of rules and norms. In line with Tamanaha (2000), it is used in this study as what people in the fieldwork setting referred to as law (*lei*), which was always associated with the state. This included a) the rules codified by and embedded in the state legal order; and b) the non-codified rules communicated by local state officials as *lei* and enforced as such. By contrast, people used the concept of *mutemo* (literally 'to command' or 'to order', but also translated as 'tradition') when speaking about the rules enforced in the chiefs' courts.

[26] I realise that these are not the only spaces in which the regulation and ordering of society and individual conduct takes place. It is crucial to recognise that there are also more subtle and mundane forms of the 'conduct of conduct' – e.g. as shown by the work of Michel Foucault, such as the disciplinary forms of power in schools, prisons, the workplace etc., or as the forms of social ordering that take place in the family and in everyday interactions. However, as Oomen points out (2005: 209), courts nonetheless provide symbolically and materially distinct social spaces, where power relations are laid bare, and where rules and norms are explicated, negotiated and potentially reaffirmed.

regulation in accordance with some prior definition of order and disorder, and with the use of an array of possible instruments (surveillance, patrols, arrests, searches, inspection, and protection). These instruments may or may not be viewed by the subjects of policing as being in accordance with their own notions of order and disorder (Hills 2000: 6). Justice enforcement is understood as the application of moral standards in accordance with different, sometimes contradictory rules and norms of fair and proper treatment and the restoration of order (Maiese 2003).

The emphasis here on the differences and possible contradictions between notions of order and disorder, as well as the instruments applied to restore or enforce order, is important to this study. It is viewed as permeating the ways in which distinctions between state and chiefs are produced in representations and rules, *and* it is approached as influencing the practical engagements of ordinary people with existing authorities and vice versa. In paying attention to these aspects, I also soon discovered that, to understand how the relationship between chiefs and the state institutions was organised and practised, it was necessary to go beyond both Decree 15/2000 and chiefs and state officials. I also had to address other post-war legislation on policing and justice enforcement and the wider plural landscape of institutions in Matica and Dombe that also played a role in the provision of justice, conflict resolution and order-making. Some of these existed *inside* codified state-law and others *outside* it: for example, the semi-official community courts, the *secretários* of villages and suburbs – who used to form part of previous Frelimo-state structures, and who were also recognised by the state as community authorities in 2004 – the policing assistants and council of elders of chiefs' courts, and the *wadzi-nyanga* (traditional healers), who played an indispensable role in the many cases of witchcraft and spirit possessions. Although the main interest of this study is chiefs and state officials, these other kinds of institutions also shaped the way in which the jurisdictions between state and chiefs were defined and the authority of each reconstituted.

4. Outline of the Dissertation

This thesis is divided into three parts, addressing respectively: history and policy-making, *de jure* conferring of authority to chiefs; and everyday practices and modes of organisation within policing and justice enforcement. Cutting across these is a focus on the relational reconstitution of chieftaincy and shifting polities, as this is expressed in both

representations and practices. However, it should be clear that the bulk of this dissertation is concentrated on the post-war period in Matica and Dombe.

PART I attends to history and post-war policy-making. It deals with how 'traditional authority' as a local political figure and state-legal category has, over time, been reconfigured in relation to shifting polities in general, and as an element of the post-war democratic transition in particular. The part is divided into three chapters.

- *Chapter 2* is a historical chapter, which traces the changing configurations of the chieftaincies in Dombe and Matica in relation to shifting polity-formations, from the pre-colonial conquests to the peace agreement between Frelimo and Renamo in 1992. It shows that the relational reconstitution of local chieftaincies and shifting states or kingdoms has deep historical roots. Each polity-formation extensively reconfigured local chieftaincies, but each was also reshaped by compromises with the societies over which they sought to rule. This happened even when the *mambos* (local word for chief) were formally banned by the post-colonial Frelimo government. That said, the chapter also shows that every past mode of governing the rural areas provided no exemplary historical reference point for re-inserting 'traditional authority' into post-war democratic governance.

- *Chapter 3* and *Chapter 4* address *how* 'traditional authority' became an object of national policy-making and ultimately of legislation at the very moment of the post-war democratic transition. *Chapter 3* discusses the nine-year long policy-making process of the 1990s in which the category of *real* 'traditional authority' became the subject of intensive research and politically infused classificatory struggles. It shows that a multifaceted interplay between local, national and global conditions and varied actor positions impacted on how traditional authority became re-imagined and re-defined to fit with post-war democratic legislation. Importantly, struggles over defining *real* traditional authority extended beyond traditional authority itself. It formed part of reconstituting the power positions of other actors than chiefs, and these actors' models of rural society, the state, the nation and democratic governance: i.e. state officials, political parties, international donors and Mozambican academics. *Chapter 4* discusses the end product of the contested policy-making process, Decree 15/2000 and the categorisations of 'traditional authority', 'rural community' and 'local state' that informed it. It shows that Decree 15/2000 was a compromise between various, partly contradictory post-war agendas, but that this relied on a de-historicised, de-politicised simplification of the reality of chieftaincy and rural community that it sought to recognise.

This simplification of local reality becomes clear in **_PART II,_** where we return to Dombe and Matica. This part is divided into two chapters, which focus on how Decree 15/2000 was translated by local state officials in and around the official steps of identifying, legitimising and granting _de jure_ recognition to traditional, community authorities. It discusses how the decree was employed to stabilise, fix and regulate existing chieftaincies – the chiefs and 'their' communities – as an element in re-establishing state administrative presence and consolidating Frelimo-state authority.

- **_Chapter 5_** shows that the relational constitution of state, chiefs and community was not a straightforward process. It was shaped by the contested reality of community, conflicts between chiefly contestants, and by the intertwining of different scripts deriving from colonial and post-colonial state formation and from a culture of power related to secrecy and the family. Focusing on the activities of identifying and legitimising traditional leaders, Chapter 5 points to the reproduction of local power relations and the practical dimensions of state-bureaucratic intervention, which both sacrificed the democratic credentials of the Decree allowing ordinary citizens to participate in legitimising authority.

- **_Chapter 6_** explores the state-orchestrated recognition ceremonies at which chiefs signed a state contract and received paraphernalia, and the meanings that different people attached to state recognition. The chapter brings us into the symbolic-representational dimension of state formation in the form of the medium of political, state rituals. It shows that _de jure_ recognition of chiefs and 'the tradition' was accompanied by staged celebrations and displays of superior state authority. This relational constitution of state and traditional authority in a ceremonially staged form also relied on representations of an ideal-model relationship between state authority, chiefs and community citizens, in which notions of both shared nationhood and hierarchical distinctions were pervasive. Permeating these representations was a historically embedded political script of the Frelimo party-state. This was also reflected in the meanings that different people attached to state recognition of chiefs.

PART III takes us to the post-recognition period and addresses how the relationship between the state and chiefs was organised and practised within the fields of policing and justice enforcement. It looks at the productive tension between regulation, boundary-marking and adjustments, boundary-crossing, within public spaces, everyday practices and representations. The part consists of four chapters and ends by discussing, at a

broader theoretical level, what the productive tension teaches us about *de facto* authority and citizenship in Matica and Dombe.

- ***Chapter 7*** explores how the local state police tried to organise and regulate the local institutional landscape of policing and justice enforcement. It shows that such processes of regularisation took the form of a set of locally adjusted, extra-legal rules or 'models for practice' to fix the boundaries between distinct state and non-state jurisdictions. The chapter asks what issues of power were at stake in these forms of boundary-marking and what repercussions this had for the chiefs. It argues that state recognition of a distinct domain of traditional authority also criminalised those self-proclaimed mandates of chiefs that competed with the state police's claim to sovereign authority. Boundary-marking served to reconstitute local state sovereignty by incorporating the chiefs, yet setting them apart from the state.

- ***Chapter 8 and Chapter 9*** discuss the every-day patterns of action and interaction that I identified within various forms of case settlement, and the meanings people attached to these. It shows that different layers of situational adjustment constantly befuddled the state police's classificatory boundaries between distinct domains, and that even police officers engaged in this. Also chiefs' assertions of difference from the state were precarious. Contestations and negotiations of boundaries were constantly at stake. Practical and ideological fusions co-existed in a productive tension with articulations of distinctions. These two chapters ask why this was so and what was at stake. It argues that, for chiefs and state officials, authority and power were at stake. This both shaped and was reshaped by ordinary people's strategic manoeuvring and their preferences for justice, their perceptions of order and disorder, and their views of the state and the chiefs.

- ***Chapter 10*** discusses the wider meanings of the patterns of action and interaction for conceptualising *de facto* authority and citizenship, and in doing this reengages with the existing Africanist literature on state and chieftaincy. It argues that the productive tension between distinctions and practical fusions gave way to negotiable and hybrid forms of *both* state and chiefly authority. This also underscored *de facto* citizenship as situationally enacted, partially inclusive and conditional. The result is high levels of uncertainty in the exercise of authority. In the last part of chapter 10 I draw out a case from Dombe to discuss the flipside of this uncertainty for the prospects of political pluralism, citizen inclusion and democratic engagements. This surfaced during "exceptional situations" in which the

sovereign power of the Frelimo-state was directly contested, and negotiations were substituted by violent responses and political exclusions.

- ***Chapter 11*** concludes the dissertation by summarising the main results of the study, and by discussing their theoretical implications.

Part I

The Changing fate of Traditional Authority

Chapter 2

From Partial Invention to Feeble Banning

This chapter attends to the legacies of the past. It consists of a historical analysis of the changing configurations of the chieftaincies in Matica and Dombe in conjunction with past modes of governing the rural areas by shifting expansionary polity formations. The periods covered range from the pre-colonial kingdoms to the period of war-time governance until the peace agreement between Frelimo and Renamo in 1992.[27]

The aim of the chapter is twofold. First, it provides the historical background for exploring, in the remainder of this Part I, how 'traditional authority' became the subject of national policy debates and state legislation in the post-war democratic transition. Secondly, it is intended to provide a background to how Decree 15/2000 was implemented by local state officials and how chiefs and ordinary people reacted to it in the areas under study, which are dealt with in Part II and III. The main assumption is that the past is significant to the present in two different senses. The past is important as a "political symbol" (Keesing 1992: 19) in the sense of explicit references to the past in legitimising and de-legitimising practices and claims in the present, such as in chiefs' claims to legitimate authority and in the policy-makers' definition of the category of 'traditional authority' in Decree 15/2000. Equally significant is the past as a continuous historical process of cumulative activity and the slow alteration of practices and meaning-making. This meaning of the past refers to the 'spill over' of practices and ideas, irrespective of wider polity changes (Geertz 1980: 5). Although in Mozambique such changes have officially been cast as radical breaks from earlier polities, past modes of governing the rural areas have made an imprint on present-day administrative organisation, habits and styles of governing by local state officials and chiefs, as well as on ways of perceiving the state and traditional authority by the people in the areas under study (Santos 2006: 48).

To trace the legacies of the past, this chapter is divided into four sections. These deal with four main historical periods of the wider polity formations that I have identified as significant in reshaping the chieftaincies in Matica and Dombe: first, the pre-

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[27] The insights presented are based on a combination of secondary historical material and oral narratives obtained during fieldwork. For a remarkable and detailed account of Mozambican history, see Newitt (1995); Hedges 1993; Hall and Young (1997); Coehlo (1993); Alden (2001); Serra (2000).

colonial period (1400-1891), from the conquests of the Manica area by the Shona-Karanga *mambos* (local word for 'chief') to the subsequent attempts by the QuiTeve and Ngunis kings to centralise power and subordinate the *mambos* under a wider territorial polity; secondly, Portuguese colonial rule (1891-1975), which shifted from private Company rule in the Manica-Sofala area and an *ad hoc* use of chiefs (in Manica from 1896-1947) to direct administration by the Portuguese state and formalised indirect rule through chiefs (Manica from 1947-1975); thirdly, the first period of post-colonial nation-state formation by Frelimo (1975-1987), which replaced the chiefs with new party-state structures, to Frelimo's war-time compromises with chiefs in Matica; and finally, the period of Renamo war-time governance (1979-1992) of the Dombe area, which led to the re-insertion of the *mambos*.[28]

In each of these periods, I approach the concept of 'modes of governing' as encompassing three elements of polity formation: the organisation of territorial control and hierarchies of authority (e.g. centralisation or decentralisation of power, the military and the state administration); practices of governing (e.g. extraction of resources, labour and revenue, and regulation of human behaviour through coercion, rewards, conscription, categorisations and/or discipline); and ideological claims to a particular basis of legitimate authority (e.g. spirits, tradition, the law, civilisation, the people). The focus on these three elements makes it possible to compare the shifting polities, and it corresponds with my main approach to processes of constituting authority and consolidating power across territorial space as involving both practical and representational-ideological dimensions.

1. The Pre-colonial Reformation of Mambos

Present-day claims to an unchanging pre-colonial past of authentic 'traditional authority' neglect the fact that African forms of expansionary polity-formation preceded the European ones and considerably reshaped local forms of authority. This was also the case in what today are the Matica and Dombe areas of Manica Province. In fact, the *mambos* of these areas who were recognised in 2002 shared a common myth of origin in present-day Zimbabwe. The forms of socio-political organisation that were established with the invasion from Zimbabwe were later reshaped by two successive African polity-formations: the QuiTeve and Nguni kingdoms. The latter polities represented the first attempts to

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[28] It should be noted that there are considerable overlaps between these periods, which are distinguished here for analytical purposes: there were no total, abrupt shifts from one polity formation to another.

centralise power over a wider territorial space and to introduce a rudimentary repertoire of governing practices to extract tribute and labour. In this section, we shall trace these pre-colonial reformations of the *mambos*.

The Shona-Karanga: the origin of the mambo

The va-Ndau chiefs of Dombe and the va-Teve chiefs of Matica shared a common myth of origin related to the Shona-Karanga invasion from Zimbabwe sometime in the 1400s (Newitt 1995: 32-41). The story goes that Muriani, a descendant of the M'biri king, who had made himself independent of the larger Monomotapa kingdom of Great Zimbabwe, arrived with his clan members in search of cattle-grazing opportunities and fertile land.[29] Muriane gradually managed to establish the Shona-Karanga as the ruling clan over the native Tsonga populations, which consisted of smaller, dispersed family clusters with no centralised authority. Muriani did this, the story goes, by distributing his 'sons and 'daughters' across the territory of what are today Sussundenga and Gondola Districts (see also Newitt 1995: 32-41; Florêncio 2005; Artur 1999).[30] By 2002, the common ancestry from Muriani was still marked by the Dombe and Matica chiefs' identification with a common totemic clan (*dzinza*). A chieftaincy near Sussundenga district capital still has the name Muriani or Muribane.

According to Newitt (1995) and Artur (1999: 74-5), the invasion from Zimbabwe led to a relatively peaceful merger of the socio-political organisation of the Tsonga with the Shona-Karanga. This was probably, Florêncio (2005) and Newitt (1995) suggest, because the Shona-Karanga chieftaincies did not attempt to create a singular political-territorial structure under the control of a common centre, nor did they develop practices of governing that relied on the extraction of tribute and labour on a large scale. Rather, the period was characterised by small and autonomous territorial chieftaincies, where a *mambo* (chief) of the ruling family (*ucama*) of a given territory (*nyaka*) would share decision-making power with a council of elders (*matombo*) of the most important Tsonga families. A *nyaka* consisted of a number of families with one superior family (*ucama*), characterised by extended agnatic parenthood. The *nyaka* of a *mambo* was divided

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[29] With regard to the distribution of 'daughters', I shall return in Chapter 4 to the system of female chiefs that formed part of Muribani's political-territorial organisation (in Portuguese *rainhas* or queens, and in chi-Ndau and chi-teve *mambo we mukadzi* or female chief) and that still have significance today for claims to legitimate authority.

[30] On the Monomotapa kingdom, see Newitt (1995), Florêncio (2005).

into sub-chieftaincies led by a *mambo moducu* (later *sabuku*), and below these were smaller units overseen by *sagutas*. There was no superior authority over the *mambos*.

According to Florencio (2005) and present-day oral accounts the legitimate authority of the *mambos* was primarily attached to their ability to mediate between the *woku Wadzimu* (the world of the ancestral spirits) and the *wa Penhe* (the world of the living) in securing prosperity and protection.[31] The superiority of the *mambo* was attached to the notion that the ancestral spirits of the *mambo* clan were more powerful than the spirits (*vadzimu*) of the native families. According to Flôrencio (2005: 110-115), no *mambo* claimed superior spiritual authority over other *mambos*, which accords with the lack of any wider territorial centralisation of power. The QuiTeve king tried to change this situation approximately a century after the Shona-Karanga invasion.

The QuiTeve Kingdom: towards centralisation

From the mid-1500s to the 1820s, the QuiTeve kingdom gradually claimed territorial control over the wider area between the Revué and Búzi rivers (today the districts of Sussundenga, Manica and Mossurize). It differed from the Shona-Karanga chieftaincies by developing a centralised power base around the king's court and his immediate subjects, and by attempting to incorporate the smaller territorial chieftaincies of *mambos* under the superior authority of the king (Newitt 1995: 40-5; Florêncio 2005: 80-5). The king's claim to legitimate authority rested on spiritual superiority over the *mambos*. This was exemplified by attempts to monopolise the *woku wadzimu* through the use of spirit mediums concentrated at the central court (*zimbabwei*) of the king.

The main organisation of the kingdom rested on direct rule of the subjects in the immediate vicinity of the king's base of central power, and on indirect rule over the surrounding territories through the *mambos*. The dominant practices of governing combined the use of coercive power for the yielding of tribute with the delegation of ceremonial and tributary functions to the *mambos*. The latter were given material rewards for collecting tribute from amongst their subjects to sustain the king (Newitt 1995: 50).[32] This 'mode of governing' largely left intact the socio-political organisation of the territorial

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[31] This kind of mediation was facilitated by *mambos*' common use of the spirit medium *chad-Zviquiro*, who, according to oral accounts, originated from M'biri in Zimbabwe.
[32] In the eighteenth century, the QuiTeve kingdom also made the first contacts with Arab and Portuguese traders, from whom the king acquired tribute to bolster his economic power (Florêncio 2005: 80-1).

chieftaincies, but it expanded the functions of the *mambos* and tried to make them pledge loyalty to a superior, centralised authority.

Notwithstanding its influence, the QuiTeve kingdom's attempt to establish an enduring polity was never completed, and its claim to superior spiritual authority over the *mambos* remained contested. The territorial chieftaincies continued to be relatively autonomous, their connection to the central power unstable and fluctuating (Newitt 1995: 45-6; Flôrencio 1995: 80-1). The weakness of the QuiTeve kingdom, Newitt (1995: 46-47) suggests, was probably due to the lack of sufficient institutional backing for the control of territory, such as a permanent military force. That said, the QuiTeve-kingdom was relatively successful in blocking attempts by the Portuguese to establish permanent settlements in the interior (as they did, for example, from the 1600s in other areas of Mozambique such as present-day Tete, Zambezia, Angoshe and Sofala on the coast).[33] In fact the end of the QuiTeve kingdom in the 1820s (Florêncio 2005: 80-1) led to the surrender of the *mambos* not to the Portuguese, but to Nguni invaders from the south.

The Nguni kingdom: towards state-formation

The expansionary polity-formation of the Nguni kings, finally leading to the Gaza Empire, has been referred to by scholars like Newitt (1995) as the first form of state-formation in the area under study (1830s–1895).[34] In comparison with the QuiTeve kingdom, this was marked by the development of a much more pervasive form of centralised power under a singular ruler, with a military force capable of controlling resources and incorporating conquered people into the fabric of the polity. Like the QuiTeve, the Nguni relied on incorporating the smaller territorial chieftaincies under the sovereign authority of the king, but in doing so they developed a more extensive system of indirect rule over a much larger territorial space. The practices of governing *indirectly* through the *mambos* also expanded from the mere collection of tribute to the recruitment of slaves and soldiers to the king (ibid.: 257-9). As opposed to the QuiTeve, the Nguni kings made no claims to spiritual superiority over the *mambos*. The authority of Nguni kingdom was largely based on coercion, material rewards and military protection. According to Newitt (1995), the Nguni

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[33] The Portuguese did attempt to overthrow the QuiTeve king during their gold expeditions in the 1500s, but this failed in the sense of gaining control of the wider territorial-chieftaincies (Newitt 1995: 58).
[34] The Nguni emerged from the Zulus as a result of the disintegration of the Chaka kingdom in present-day South Africa. Newitt (1995) relates the Nguni invasions into present-day Mozambique to the Nguni's increased need for cattle to trade with the Portuguese on the coast, as well as to the drought in the 1790s, which made it increasingly difficult for Nguni leaders to support their subjects.

kingdom resembled a kind of tributary-military state (ibid: 261-2). Despite its influence, however, it was also fraught by internal struggles over power and by the increased competition over territorial control between itself, the Portuguese and the British. These factors also meant that the capital of the kingdom shifted location over time.

In the area under study, the Nguni invasion commenced in 1830s, with a military faction led by N'xaba. He managed to destroy the QuiTeve kingdom and for ten years consolidated his power over the existing territorial chieftaincies (Newitt 1995: 260-1). Like the QuiTeve, N'xaba allowed the pre-existing socio-political organisation of the *mambos* to continue, as long as they paid tribute, recruited soldiers and slaves, and recognised Nguni overlordship. N'xaba nonetheless introduced a new hierarchy amongst the *mambos* by crowning Muriani '*mambo* of *mambos*'.

In the late 1840s, N'xaba was defeated by his Nguni rival Soshongana (Newitt 1995: 260-1). Soshangane moved the capital of the kingdom from the central to the southern part of present-day Mozambique, establishing what is today is referred to as the Gaza state, which in the 1850 and 1860s covered the whole of what is today southern Mozambique (with the exception of Inhambane and Maputo ports, which were held by the Portuguese), western Zimbabwe and northern Transvaal) (ibid.: 261-2). The movement of the capital meant that the area under study became under less direct rule. As in the QuiTeve period, the central core of the kingdom (today Gaza Province) was under the *direct rule* of the king. The peripheral zones were governed *indirectly* through a hierarchy of Nguni chiefs, with below them the Shona-Karanga *mambos*. This system slightly changed again when Soshongana was succeeded by his son Umzila, who moved the capital back to the central part of present-day Mozambique (today Mussorize district just south of Dombe) (Florêncio 2005: 88-9).

During Umzila's rule, the Portuguese began to gain control of the northern part of Manica and the southern part of Gaza (Newitt 1995: 348-9), which considerably weakened the kingdom. Umzila's successor, Ngungunyane (from 1894), was nonetheless able to regain some of the lost territory through a strategy of shifting alliances and agreements with the British and the Portuguese, who during this period were themselves competing for territorial control and access to resources. In 1889, battles over the Manica area between the Portuguese, the British and Ngungunyane led the latter to return to the old capital in Gaza. He managed to hold considerable sway over the south until he was defeated

by the Portuguese in 1895, four years after the British and the Portuguese signed an agreement establishing Mozambique as a Portuguese colony (Newitt 1995: 351-2).

The Nguni kingdom's introduction of a hierarchy of chieftaincies, military-tributary practices of governing, and its movement of subjects considerably altered pre-existing forms of socio-political organisation and the functions of *mambos* in the areas under study. It also meant that the chieftaincies of the interior of today's Sussundenga District were, despite the contacts between the Nguni and the Portuguese, largely left untouched by Portuguese control. Importantly, as we shall see next, the Nguni's 'modes of governing' also created the conditions for, and were to a large extent imitated by, early Portuguese forms of colonial rule (Newitt 1995: 261).

2. The Colonial Invention of the Régulo

Like the Nguni, to begin with the Portuguese were preoccupied with widening their territorial control, subjecting local chiefs to their rule, and developing practices of governing to extract tribute and exploit indigenous labour, e.g. for plantations and the mines in South Africa.[35] In the areas under study, the fate of the *mambos* during colonial rule (1891-1975) was characterised by a contested and gradual process of increased incorporation, regulation and transformation. In fact, it was only from the 1930s that the Portuguese developed a formalised and extensive system of indirect rule of the rural population through *régulos* (the new title granted to the *mambos* by the Portuguese). This happened in conjunction with the gradual expansion of a uniform territorial and administrative organisation and an intensification of the practices of governing the conduct of the rural 'natives'. The latter was exemplified by a gradual move from Nguni-style forms of extracting tribute and labour to modern practices of statecraft (such as codified mappings and the classifying of territories and people) and finally modes of governing the conduct of populations (such as education, hygiene, development and habitation) (Scott 1998). All along, however, the attempts of the Portuguese to achieve superior authority 'internally' in the colony rested by and large on coercion and rewards, just as had been the case with the Nguni. Unlike the Nguni, however, the colony's basic claim to legitimacy was vested in European agreements and ideology.

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[35] The Portuguese colony was largely financed by migratory labour agreements with the mines in South Africa (see First 1983).

From the turn of the twentieth century, the ideology underpinning the colonial polity was marked by a gradual shift from an assimilationist to a segregationist ideology, which was partly tied to the quest for indigenous labour (Newitt 1995: 382-4). This was marked by the *indigenato* system, which introduced a racial-cultural division of the population into *indígenas* (Africans or subjects) and *não-indígenas* (Europeans or citizens).[36] Reflecting bifurcated polities in other colonies (see Mamdani 1996), the *não-indígenas* were granted full Portuguese citizenship rights, whereas the *indígenas* were defined as subjects under African custom and the specific laws of the colony.[37] This system laid the first seeds for a combination of direct and indirect rule (Mamdani 1996).[38] It was initially marked by the new territorial-administrative hierarchy established by law in 1907, which divided districts into *circunscrições* and *postos administrativos* in the rural *indígenas* areas and into *conselhos* in the urban *não-indígenas* areas (Coelho 1993: 100-1). In the rural areas, under the 1907 law Portuguese administrators of *postos* were to exercise control, recruit labour and collect hut taxes through indigenous *cabos*, and below these through local chiefs (now granted the new title of *régulo*).

In practice, however, this administrative organisation of the colony was not implemented straightforwardly across the entire colonial territory from the outset. This was not least the case in areas such as the interior of Manica, where the Portuguese had no prior permanent settlements. Here in the first forty years of colonial rule administration was outsourced to a private company before it came under direct Portuguese control. In the following we shall trace the development of colonial rule in the areas under study, focusing on how it increasingly reshaped the territorial chieftaincies of the *mambos*. We begin with the period of private company rule, followed by the intermediate and late periods of direct Portuguese administration and the increased intensification of indirect rule.

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[36] In 1917 a third category of Mozambican residence was introduced, the *assimilado* or assimilated, a category of citizen with inferior status. In practice it mainly included those with an Asian or mixed racial background, but it could also include native Africans who had obtained an education (O'Laughling 2000: 13).

[37] According to O'Laughling, the *indigenato* system was intimately related to the 'labour question': citizens were those who could move freely, contract their labour and acquire property; natives were those who could do neither of these, but were instead subject to forced labour (*chibalo*) (O'Laughling 2000: 12).

[38] As Mamdani notes (1996), many colonies developed a system that combined direct, centralised rule with indirect rule. The former was aimed at the exclusion of the 'natives' from civil freedoms, underpinned by bifurcated systems such as the *indigenato*. This co-existed with decentralised or 'indirect rule', by which the colonial administrations heavily relied on indigenous institutions or chiefs for the governance of the 'natives' (1996: 16-17). According to Mamdani, this system developed out of a common dilemma in the colonies: the ability of a tiny foreign minority to rule over a much larger indigenous majority.

Company rule: *ad hoc* use of the *mambos*

Mainly due to economic constraints and military weakness (Newitt 1995: 356), only some districts came under direct Portuguese administration from 1891 to the 1940s (Gaza, Tete and Island of Mozambique, where the Portuguese already had permanent settlements). The rest (Niassa, Zambezia, Sofala/Manica) were contracted out to private companies. These were entrusted with administrative and military functions, including the right to raise taxes, recruit labour and grant mineral and land concessions (ibid.: 368-9).

Thus the *Companhia de Moçambique* ruled Manica and Sofala provinces between 1896 and 1941. Its mode of governing largely mimicked the Nguni's. It was dominated by the use of coercive military strategies to 'pacify' the *indígenas* in order to make a profit from the taxation and recruitment of native labour for various business concessions (e.g. plantations, mines, railway construction). Initially the company did not rely on chiefs in these matters. Instead it proceeded by destroying the paramount Nguni chiefdoms, which were viewed as a threat to the incorporation of the indigenous labour force into the colonial economy (Alfane and Nhancala 1995: 53). It reached this goal in 1902. In line with the 1907 law, however, the company soon embarked on a re-invention of the very leadership structures that it had destroyed.[39] Realising that it could not secure labour through direct taxation and coercion (Serra 2000: 316-7), it increasingly compelled the *mambos*, who had formerly been subordinated to the Nguni chiefs, to assist in collecting taxes and recruiting labour. For purposes of defence and labour control, the company also recruited indigenous *cipais* or *ma-auxilliares*, a local police force, which had also served the Nguni chiefs. In this sense, the company mimicked the Nguni system of extraction and control. Also, it made no claims to legitimate authority over the areas it ruled, but basically relied on coercive measures. The chiefs were poorly compensated and punished with force or removed from office if they did not perform (Coelho 1993: 100-10).

In present-day Dombe and Matica, company rule was nonetheless incomplete in the sense of expanding territorial control to the hinterlands (such as Dombe). Modes of governing tended to be concentrated in and around the administrative-military posts of the company. This meant an *ad hoc* form of indirect rule, where only some of the territorial chieftaincies were loosely incorporated into the polity (Florêncio 2005: 129-30). This gradually changed with the end of company rule.

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[39] The company's strategy of pacification reflected colonial strategies elsewhere on the continent, where the disintegration of larger chiefdoms or African states into smaller, more governable units formed an intrinsic part of consolidating colonial power and quelling indigenous resistance (see von Trotha 1996).

Standardisation of indirect rule

The development of a much more elaborate and standardised system of indirect rule coincided with the 1933 Constitution, which aimed at the dismantling of Company rule and the introduction of a homogeneous, direct form of Portuguese administration. This coincidence may seem paradoxical, but as Mamdani points out (1996: 18), indirect and direct rule should not be viewed as opposites, but rather as complementary ways of governing the 'natives'. In Mozambique, a more uniform administration gave way to an intensification of modern statecraft (including the homogenisation of the mappings of subject populations, territories and local chiefs), which at the same time strengthened the effectiveness of indirect rule. Conversely a functioning system of indirect rule was significant for the consolidation of centralised power.

The intensification of indirect rule was reflected in the 1933 *Lei da Reforma Administrativa Ultramarina* (the Administrative Overseas Reform Act, known as the RAU). The RAU introduced three new elements: classifications of the territorial boundaries and hierarchies of the chieftaincies; an extensive list of chiefs' duties and prohibitions; and an emphasis on the popular authority of chiefs as a prerequisite for their position as state assistants. These elements underscored both the bureaucratisation of the *mambos* and a recognition of "the local customs and traditions', which had hitherto not been part of colonial indirect role (Ministério das Colónias 1933, Article 94). The succession of chiefs was to follow what the RAU defined as 'tradition', namely hereditary succession within a dominant lineage. Administrators could nonetheless intervene if the proper candidate did not suit administrative needs (Article 96). Emphasis in the Law was also placed on the need to secure a strict adherence to 'local customs' by the natives. Although customary law was not codified, as in the British colonies, this latter element exemplified an attempt to fix and enclose the *indígenas* under what Mamdani (1996: 18) refers to as a state-enforced customary order, ruled by a unitary tribal authority.

This process of enclosure was further sustained by fixing the territorial boundaries and hierarchies of the *régulos*. Each *posto administrativo* was divided into a number of *regedorias*, ruled by *régulos*. These were sub-divided into *grupos de povoações*, headed by a *chefe do grupo de povoação* and at a lower level into *povoações* (populations), headed by a *chefe da povoação* (Ministério das Colónias 1933, Article 91, 94). While these foreign classifications corresponded to the three-tier Ndau and Teve systems of *mambo, mambo muduco* and *saguta*, the act did not allow for the negotiability of boundaries and

shifting family alliances and places of residence that had occurred earlier (O'Laughlin 2000: 20). Residence and leadership were, at least at the level of the law, territorialized in an unprecedented way.

Securing territorialization became concretely bound to a whole range of new practices of governing the 'natives': population registration, tax registers, and native passes to control movement. While contained within a 'traditional order', the native population simultaneously became subject to some of the most common practices of modern statecraft that centre on making population units legible for state regulation (Scott 1998). Under the RAU, these practices, while overseen by the Portuguese administrator (*chefe do posto*), were to be enforced 'indirectly' through the *régulos* and their assistants such as the *ma-auxilliares* (a kind of local police force). Along with a formalisation of the tasks conferred on the *régulos* during company rule, namely tax and labour recruitment, the RAU also delegated policing and land allocation functions to *régulos*. These were combined with a new set of 'civilizing' functions: *régulos* were to ensure basic hygiene, compel *indígenas* to learn Portuguese and go to school, and denounce the manufacture of alcohol and promiscuity (Ministério das Colónias 1933, Article 99).[40] In short, the practices of governing moved towards more intensive forms of regulating the conduct of the 'natives'.

The intensified conferring of tasks on the *régulos* coincided with both increased rewards for them and measures to curtail their sovereign authority. They were remunerated with two percent of the hut taxes they collected, and from 1954 received a fixed salary and a uniform (Alves 1995: 72). At the same time, the RAU included a list of prohibitions delimiting the juridical and economic powers of the *mambos* (such as prohibitions on hearing cases of serious crime, fines on trespassers and the collection of revenues for their own ends) (Ministério das Colónias 1933, Article 108). Not unlike the Nguni kingdom, the RAU used a system that combined coercion with rewards as a way of tying chiefs to the colonial polity. One novelty, however, was that rewards were systematised and coercive control codified in a set of judicial punishments (imprisonment or public work) (Alves 1995: 75).

In the areas under study, the RAU, which was implemented from the end of the 1940s, led to mixed results. Indeed, as confirmed in oral accounts, the *mambos* became more closely tied to the colonial administration, and their everyday functions changed

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[40] To prepare the *régulos* for pursuing these tasks, a decree (36.885) was passed in 1948, which introduced 'Schools for the preparation of traditional authorities'. The *régulos* were to learn Portuguese, the history of Portugal, administration and policing, as well as issues about basic hygiene (Alves 1995: 79-83).

considerably. The codification of territories and hierarchies, attached to salaries, a uniform and specific tasks, at the same time had implications for the socio-political organisation of the pre-existing chieftaincies. Although the RAU aimed at drawing on existing territorial chieftaincies and rules of succession, there were in practice a range of manipulations. Besides numerous incidents in which the colonial administration re-placed non-compliant chiefs with more malleable ones (O'Laughlin 2000: 17), there were also cases of chieftaincies being split up, reduced or enlarged to fit colonial territorial-administrative divisions. In some cases this also meant that pre-existing hierarchies between chiefs and sub-chiefs were altered (Florêncio 2005: 126-30). This was, for example, the case with *régulo* Dombe, whom the colonial administration 'promoted' as a '*régulo* of *régulos'*. According to oral accounts, *régulo* Dombe was wrongly placed in that position, "because he lived very close to the Portuguese *chefe do posto*, but he was not part of the real *ucama* (family)."[41]

As regards other forms of classification by state bureaucracies (cf. Scott 1998), although the foreign titles and tasks granted to *mambos* did have concrete consequences, they were not fully observed in practice. On the one hand, the fixing of hierarchies and territories in colonial registers concretely influenced claims to succession and status related to remuneration (Florêncio 2005 127-35). On the other hand, there was also room for manoeuvre and manipulation, as oral accounts point out. Some chiefs continued to hear criminal cases to ensure that victims continued to receive restorative justice and that perpetrators did not go to prison.[42] Chief Chibue also recounted that his father seldom reported people who failed to pay taxes to the administration.[43] Others recalled that chiefs at times circumvented the recruitment of forced labour.[44] Along with this, the *mambos* also largely continued their pre-colonial role of maintaining the cosmological order by conducting annual ceremonies and consulting with spirit mediums and healers. These accounts suggest that, although the RAU did introduce intensified regulation and transformation of chieftaincies, colonial indirect rule did not completely encapsulate the chiefs.

Importantly, chiefs' actions in circumventing colonial regulation were not only related to personal gains, but also to questions of popular legitimacy. While the RAU

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[41] Interview, council of elders of Chief Chibue, July 2004; Interview with Chief Zixixe, August 2002.
[42] Interview, Chief Kóa, 2 October 2002.
[43] Interview, Chief Chibue, 10 September 2002.
[44] Interview, Snr. Elias, Gudza, Dombe, 3 September 2005.

pretended to guarantee the popular legitimacy of chiefs by supporting 'local usages and customs', this was attached to the conferring of inherently unpopular tasks on chiefs. In particular, taxation and forced labour and cultivation were fierce areas of contention between chiefs and their subjects. While colonial rule gave *régulos* a range of privileges, it also challenged their popular legitimacy. This aspect points to an important characteristic, I suggest, of colonial rule: the main mode of governing was still based on coercion, not on attempts to 'win the hearts and minds' of the *indígenas*, i.e. to legitimise colonial rule in the eyes of the rural population, such as through mutual relations of exchange. In the last years of colonial rule, provisions were made to change this negative relationship of exchange between the state and *indígenas*, but this coincided with the liberation struggle and counter-insurgency measures.

From community development to counter-insurgency

In the 1960s, the coercive character of Portuguese colonial rule came under heavy international criticism, leading to the abolition of forced labour and the *indigenato* system in 1961. This coincided with Portuguese concerns to bolster the economic development of the rural areas (O'Laughling 2000: 20-1). In many areas of the country this led to the introduction of 'community development' schemes and a policy of 'villagisation' (*aldeamento*), which sought to concentrate the native population in development clusters.[45] Although this policy promised better conditions (e.g. health, education, basic services) for the 'natives', it also exemplified an intensified technique of governing the conduct and social organisation of the rural population: moving people into village 'concentrations' would make it easier to tax, administer and conscript rural populations (Newitt 1995: 472). The scheme was also accompanied by quasi-scientific analyses of local cultural dynamics, which were aimed at improving the colonial administrators' understanding of the mindset of the 'natives'. Despite the abolition of the *indigenato*, the policy also underscored arguments for increasing the power of the *régulos*, who were now presented as the true custodians of rural community culture (O'Laughling 2000: 20-1).

That *aldeamento* was part of a new strategy of 'winning the hearts and minds' of the 'natives', both directly and through the *régulos*, became particularly clear during the nationalist struggle by the Mozambican liberation movement, the *Frente da Libertação Mozambicana* (Frelimo) beginning in mid-1960s. This was reflected in the work of the

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[45] For a remarkable account of colonial villagisation policies in Mozambique in general and Tete Province in particular, see Coelho (1993: 160-322).

'psychological-social service' workers, who, in the name of 'community development,' travelled around from village to village gathering intelligence and producing propaganda to prevent people from joining Frelimo (Coelho 1993: 151-8). Gradually *aldeamento* was turned into a counter-insurgency device in which villages were used as a way to isolate the population from Frelimo propaganda (Newitt 1995: 473). The forced removals of people that this led to were highly unpopular.

Country-wide, the power and influence of the *régulos* during the liberation struggle and *aldeamento* became highly ambiguous and could not be rigidly defined (Blom 2002: 145-6). While the Portuguese administration increased chiefs' salaries to ensure their loyalty to the colonial state, it also intensified the surveillance of chiefs out of fear that they would align themselves with the nationalist opposition. In practice, some chiefs informed the colonial security police about the location of Frelimo guerrillas, while others sided with Frelimo and relocated their subjects to Frelimo's 'liberated zones' (West and Kloeck-Jensen 1999: 472). These opposing practices revealed the ambiguity inherent in the relationship between the chiefs and the colonial state.

In the areas under study, the effects on chiefs of the liberation struggle and *aldeamento* were nonetheless meagre. This was conditioned by the very late arrival of Frelimo guerrillas and by the fact that the Portuguese were not successful in establishing 'villages'. In Matica at that time, the Portuguese had created the *Colonato de Sussundenga*, which led to the establishment of larger farms for the Portuguese and smaller ones for the *indigenas* (Alexander 1994: 9-11; Artur 1999: 61). In Dombe a similar system was established close to the head of administration. Rather than creating the grounds for resistance that resulted from *aldeamento* in other areas, chiefs benefited from these new measures in economic terms. In Dombe in particular, present-day chiefs also recalled having benefited considerably from organising labour migration to South African mines and from the remittances this involved.

The fact that Frelimo did not manage to establish 'liberated zones' as in other parts of the country also meant that the relationship of *régulos* to Frelimo was partial in some areas and non-existent in others. Only chiefs in Matica recalled that their fathers were contacted by Frelimo in order to obtain counselling, spiritual protection and food.[46] Frelimo

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[46] In the case of Boupua, the sub-chief was imprisoned by the Portuguese for 'collaboration with Frelimo'. Interview, Sub-chief Boupua, 18 September 2002.

never reached the more outlying parts of Dombe during the liberation struggle.[47] Thus, in the period preceding independence in 1975, there was neither a strong affiliation with Frelimo, nor any changes emerging from the colonial *aldeamento*.

By ways of summarising, colonial modes of governing, both direct and indirect, led to significant changes to the va-Ndau and va-Teve chieftaincies, and in particular to the roles of the *mambo*. Colonial rule intensified and significantly broadened practices of governing that had their roots in pre-colonial forms of polity-formation. However, not only did colonial rule gradually confer new practices of governing on the *mambos*, it also introduced unprecedented administrative codifications and ways of regulating people, territories and authorities in political and economic terms. Nonetheless, in the last instance, the basic coercive and segregationist character of the colonial state also posed a threat to chiefs' popular legitimacy, as to colonial authority itself. As West and Kloeck-Jenson suggest (1999), colonialism placed chiefs in a 'betwixt and between' position between the conflicting demands of the colonial state and the subject populations. Most chiefs tried to balance this relationship by circumventing colonial orders and exercising a dual mandate, on the one hand continuing their ceremonial and spiritual functions while on the other hand executing largely coercive administrative tasks for their colonial masters (Blom 2002: 141). For this reason, the *mambos* never became solely 'administrative chiefs' (von Trotha 1996) or purely colonial 'inventions' (Florêncio 2005: 159-60). However, as we shall see next, this was largely ignored by Frelimo after independence in 1975.

3. The Post-Colonial Exclusion of Mambos and Tradition

The formal exclusion of *régulos* from participation in local governance was one of Frelimo's first strategies in radically breaking with colonial rule and building instead a homogeneous nation and a party-state along Marxist-Leninist lines (O'Laughling 2000: 28). The decision to abolish all 'traditional structures' had already been made by the transitional government in 1974, and it was written into the new constitution after independence in 1975 (Hall and Young 1997: 51).[48] It formed part of an attempt not only to

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[47] Interview, Chief Cóa, 24 August 2004.

[48] As early as 1969, Frelimo's first president, Eduardo Mondlane, who died during the liberation struggle, asserted publicly that the authority of traditional leaders no longer derived from 'the original tribal structure', but rather from 'appointment by the Portuguese' (West 2005: 166).

do away with the bifurcated colonial system of citizen and subject, but also with those 'traditions' that had divided the Mozambican people and kept them in a backward, superstitious form of being - as Samora Machel, the then president of Frelimo, declared on his famous rally-tour from Ruvuma to Maputo in 1974 (ibid.: 49). The *régulos* were presented as colonial collaborators, their practices as feudal and backward. Abolishing everything 'traditional' and belonging to the magico-spiritual world view was seen as a means of modernizing society and creating national unity (ibid.: 55-8). Scientific socialism and national education were to replace spiritual beliefs. Thus, not only chiefs, but also traditional healers, spirit mediums and religious associations were deprived of any role in the public domain (O'Laughling 2000: 28).[49] Frelimo's vision of a Mozambican nation state was not a return to 'the old (pre-colonial) world', but the construction of an entirely 'new man' (*homen novo*) as the building block of the nation.

Frelimo's vision of 'a new man' built on the model of the 'liberated zones', which had been established in some areas of the country during the liberation struggle. These were described as areas where the people (*o povo*) could choose their own leaders, where popular power (*poder popular*) was exercised and where man had been freed from colonial exploitation and the bonds of race, tribe, tradition and religious-spiritual beliefs (Hall and Young 1997: 47-55). Colonial creations, including the *régulos*, and non-collaborators of Frelimo were presented as 'internal enemies', who had to be removed or re-educated (ibid.: 55).[50] This underscored the introduction of intensified practices of governing related to the education, disciplining and constant mobilisation of the people. These were aimed not only at changing and regulating the conduct of 'the population', as during colonial rule, but also at radically reshaping the mindset and beliefs of 'the people'.

The main ideology underpinning Frelimo's vision of transformation was a combination of Marxism and Leninism.[51] Marxism provided a secular vision of renewal in

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[49] Churches were not forbidden, but all religious activity outside the churches was forcefully prevented wherever possible (Hall and Young 1997: 86).

[50] While the Portuguese were removed from the power they had enjoyed, black Mozambicans who were considered 'internal enemies' were sent to 're-education camps' (Hall and Young: 47-9). As Hall and Young argue, the definition of internal enemies was often unclear, ranging from labels such as 'imperialists' and those representing the 'world capitalist system' to people defined as having a decadent and corrupt attitude. The re-education camps, formally established in 1974, therefore included not only Frelimo dissidents and opposition movements, but also prostitutes, drug addicts and Jehovah's witnesses (Hall and Young 1997: 46-8).

[51] This was formally institutionalized in 1977 when Frelimo declared itself a Marxist-Leninist party (Hall and Young 1997: 61). Reflecting the contours of the Cold War, this was also marked by economic agreements and support from Soviet-bloc countries and a general distancing from the West (ibid.: 112). Apart from

which new institutions would ensure progress, purity and national unity. Leninism provided new instruments of social progress in which the state would be the main agent of modernisation and the Frelimo party would direct the state and the people (Hall and Young 1997: 67-71). In line with these ideologies, the basis of the Frelimo leadership's legitimate authority rested on its claim to embody and represent 'the people' and 'the nation'. This significantly differed from any previous polity. It underscored a shift from superior authority or sovereignty being vested in either the spiritual domain (e.g. the QuiTeve) or in the overlord/king (e.g. Nguni and colonial rule) to 'popular sovereignty', in which the ultimate source of superior authority is vested in the 'people' or the 'national community' (Hansen and Stepputat 2005: 6-9). This was underscored by the concept of *poder popular* (popular power), by which Frelimo promised a radical break with colonial forms of subjection and lack of popular influence in decision-making. The Marxist-Leninist tradition was also reflected in the economic sphere, where promises of economic progress and social benefits for all were to be achieved through the nationalisation of land and businesses, as well as the development of state farms, collective peasant farming and cooperatives to modernise peasant agriculture.

The combination of popular power with the central role of the Frelimo party in directing the state and the people was significantly reflected in the overall territorial and administrative organisation introduced by Frelimo. Although Frelimo largely reproduced the colonial territorial and administrative divisions (ibid.: 79), it also created entirely new institutions of governance, with elected assemblies from the national to local village levels. These underscored the merger of state and party, with considerable power being vested in the national Frelimo leadership (ibid.: 69-71). Party assemblies directly elected at district and indirectly at provincial levels were subordinated to higher level assemblies and had to function as downward channels for central directives (ibid.: 71-2). Moreover, the highest ranking administrative official at district and *posto* levels was also the first Frelimo secretary and the president of the assembly at this level. This form of 'democratic centralism', linking state and party, was combined with new governance institutions at the levels below the district, which were to ensure the democratisation and modernisation of rural society (O'Laughling 2000: 27). The main framework for this was villagisation, involving the removal of dispersed populations into *aldeias comunais* (communal villages).

Scandinavian aid workers, who had assisted Frelimo during the struggle, aid from Western countries only began in 1982 (ibid.: 146-56).

These villages were envisaged as collective production units and sites for creating 'new men' who would govern themselves through the exercise of *poder popular* (Coehlo 1993: 338; West 2005: 168). The first move in the direction of *poder popular* came in the transitional period (1974-1977), when the *régulos* were officially replaced by *grupos dinamizadores* (dynamising groups or GDs), elected by the people.[52] These were to include women and youth, but not those who had collaborated with the Portuguese, including the *régulos*, who were excluded from standing. The GDs were intended to be gradually transformed into party cells, elected committees and people's assemblies, which would represent the interests of each village at higher national levels (O'Laughling 2000: 28-9). An executive council for each assembly, headed by a *secretário*, was to be in charge of political-organisational, economic, socio-cultural and security matters in the village (Coelho 1993: 346-7). In addition, the governance of villages was to be backed by popular vigilante groups, and the traditional courts were to be replaced by *tribunais populares* (popular tribunals) of elected lay judges (including women) (O'Laughling 2000: 29).

With the exception of villagisation as a mode of governing rural society, in theory this new organisation of rural governance provided a radical break with colonial rule: not only did it dismantle the system of indirect rule through *régulos*, it also dismantled the bifurcated society that had divided society along racial lines into citizens and subjects in order to democratise society and place it under a unitary polity covering the entire national territory and its people. The new popularly elected institutions provided increased room for local participation, albeit within a system of centralised party-state authority.

As with earlier polities, however, Frelimo's ideals of democratisation and its new modes of organising rural governance were not straightforwardly translated into practice in all areas of the country. This was not least the case in the areas under study, where the new policies were met with popular scepticism and where the early entrenchment of the Renamo rebel movement from 1979 prevented Frelimo from successfully establishing the new structures across the entire territory. In practice, this also meant that the ban on 'traditional structures' was incomplete. It is to these areas that we shall now turn, beginning with the initial period of post-colonial rule, and then the period of war-time governance by the Frelimo state.

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[52] At an early stage the GDs formed part of Frelimo's popular mechanism to expand its control into those areas that had not yet been 'liberated' or fallen under Frelimo control by 1974-77, as was the case in Sussundenga District (Alexander 1994). Their main task had been to mobilise and 'dynamise' the population in accordance with Frelimo's anti-colonial policy. They had also been compelled to exercise vigilance against sabotage by 'internal enemies', including the *régulos* (Coelho 1993: 328-9).

First Frelimo encounters: removing the *régulos*, restructuring society

Sub-chief Pampanissa, Dombe, 8 August 2004: When Frelimo came to power, they rejected the whole system that had come with the Portuguese. They [Frelimo] called a meeting with us chiefs and with the whole population. We were told to come in our uniforms. When we came to the meeting, [chief] Chibue and I had to stand in the middle of the crowd and on the right side of the Frelimo soldiers. They [Frelimo] told the people that they were now free and that there would be no more forced labour…and that they could choose their own leaders…and then…with a gun in our faces [chiefs], the Frelimo soldiers asked the population whether they should kill us chiefs. The people responded, 'Yes', because just before the Portuguese left they had told people to build a house for the *régulo*. But they did not kill us because they had been given orders not to. But they said that from today chiefs like me and Chibue were like nothing. We were just normal people like any other person…and then they asked the people to choose *secretários* and dynamising groups, who were now to be in charge with the people. They also said that the superstitious ways and the *wadzi-nyangas* [healers] had to stop, because this was contrary to our development.

The above account describes the so-called *offensivas* (mobilisation campaigns) of 1975-7, which marked the initial Frelimo strategy of expanding the new post-colonial party-state structures to the rural corners of Matica and Dombe. Although Frelimo guerrillas had been in contact with the chiefs and populations of Matica since 1973-4, neither in Matica nor Dombe were there any 'liberated zones' or already established *grupos dynamisadores* (GDs) on which to build the new popularly elected institutions and promulgate the vision of the 'new man'. As Alexander points out (1994, 1997), the *offensivas* illustrated an attempt to spread party-state structures very rapidly in the hinterlands outside the administrative capitals. This was essentially done by destroying pre-existing structures. this was confirmed by the memories of informants, who explained that the official transfer of power from the *régulos* to the GDs already occurred at these very first encounters. People had to choose their new 'people's representatives' on the spot and at the direct request of the visiting Frelimo officials, who were always accompanied by armed soldiers. The only criteria for (s)election was that the representatives could not be the *régulos* or their assistants (such as the members of the council of elders or *madodas*, the police of the *régulo* or the *ma-auxilliares*). By contrast, the *offensivas* publicly humiliated the *régulos* and presented them as a colonial creation that had made the people suffer. As noted in the quote above, this was combined with a general assault on the whole domain of the *vadzimu* (spirits) and the practitioners related to that domain (such as healers and spirit mediums).

From 1977-8, *offensivas* became employed as part of attempts to establish party cells, headed by *secretários*, to institute the people's assemblies at the village level and above, as well as to promote collective farming (Alexander 1997: 2-3). This coincided with the consolidation of state-administrative structures at the district and *posto* levels. In

both Dombe and Matica, the *offensivas* of the first period of post-colonial rule (1975-78), up until the beginning of the Renamo insurgency (1978-9), were effective in the sense that they rapidly introduced new representatives in the former *regedorias*. Beyond this achievement, however, Frelimo also faced a number of obstacles, which ultimately meant an incomplete territorial expansion of the new forms of organisation and practices of governing. In the first years before the war, this was related both to a lack of resources with which to expand social services effectively and secure the functioning of the new institutions, and to the mixed reactions that the new policies provoked amongst the population.

Not surprisingly, the *régulos* and their elderly male assistants reacted with discontent to Frelimo's abolition of everything 'traditional'.[53] For some women and younger male members, by contrast, Frelimo opened up new spaces of influence in the form of taking up the new positions of GD members and *secretários*. Again others viewed the removal of the *régulos* as a welcome end to forced labour and the coercive collection of taxes, whereas many were discontented with the onslaught on mechanisms for dealing with witchcraft and the bans on religious activity, *lobolo* (marriage payments) and polygamy. The collective farming schemes and cooperatives, established close to the Dombe and Matica *Sedes* in 1977, also sparked mixed reactions. While they created new opportunities for work, they were also subject to some resistance by people who wished to continue forms of production organised around dispersed family units (Alexander 1994: 11-16). Besides these mixed reactions to Frelimo policies, the overall modes of governing by the Frelimo party-state that came to dominate from 1977 also gradually lead to a reduction in the initial enthusiasm for the new institutions of popular power.

While informants in Dombe and Matica recalled that the GDs and *secretários* were very popular at the beginning, soon they were increasingly being seen as the 'puppets' of higher level party-state officials. Some informants stated that the *secretários* became increasingly oppressive in their concern for establishing popular alliances with the Frelimo-state officials who directed orders downwards but provided very few tangible benefits, such as development and services, in return. As one woman in Matica recalled: "Frelimo told us that they were telling us the truth of how we should live, and that what they said could not

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[53] The hostility between Frelimo and the chiefs cannot be fully generalised, even in the initial phase of post-colonial rule. Some sons and relatives of the former *régulos* did take up positions in the GDs and later in the Frelimo military (e.g. the sons of sub-chiefs Ganda and Boupua, as well as Pampanissa quoted at the beginning of this section).

be questioned. If you did not abide by their orders, they said, then we would be punished".[54] These views reflect a general point made by Alexander (1997) and Hall and Young (1997) about an apparent ambiguity in Frelimo's party-state model: "on the one hand, a commitment to popular power, mass participation and popular needs and, on the other hand, a puritanical and top-down vision of social progress and the hierarchical and centralized means to attain it" (Hall and Young 1997: 74). As Alexander (1994) points out for Sussundenga as a whole, at an early stage the ideology of *poder popular* came to co-exist with a strict party-state hierarchy that underscored inherently authoritarian styles of governing. In practice, these left little room for open criticism and consultation from below (Alexander 1994: 45). Her point is that the modes of governing both reproduced parts of the military ethos of the liberation struggle and some of the traits of colonial rule, in the sense of strict hierarchies, labyrinthine bureaucratic procedures and coercive treatment of those who did not obey the dictates of the Frelimo party (Alexander 1997: 2).

If the overall modes of governing the rural areas and the mixed popular reactions to them were similar in Matica and Dombe in the early period of colonial rule, then this changed considerably with the inception of Renamo insurgency from 1979. As described in the next sub-section, the war years not only militarised Frelimo-state modes of governing, they also introduced changed attitudes towards the *mambos* in Frelimo-controlled areas.

War-time Frelimo-state governance: informal re-inclusion of *mambos*

The post-independence war spread very early in the area under study, with the first Renamo fighters entering from what was then Rhodesia in 1979 into the southern part of Dombe. The war meant a gradual loss of territorial control from Frelimo to Renamo, leading in the late 1980s to the Frelimo state being confined to urban centres and areas around the communal villages created from 1980-1. Not surprisingly this had radical effects on the Frelimo state's modes of governing, including its ability to expand and sustain the new institutions and continue to deliver services and development. As Alexander shows (1994, 1997), the war meant the increased militarisation of party-state officials, but also a reliance on local compromises that undercut the official exclusion of *régulos* and magico-spiritual beliefs and practices. This was particularly the case in Matica, where Frelimo managed to maintain control. In Dombe, by contrast, the fate of the *mambos* was influenced by the fact

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[54] Interview, Madalena, Nhambamba I, Matica, 30 July 2005.

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that this area increasingly came under Renamo control. Below we shall explore war-time Frelimo-state governance, first in Matica, and then in Dombe.

MATICA: war-time compromises with chiefs

In the Matica area, the Renamo insurgency began around 1981-83 with attacks on party-state officials, the GDs and the communal villages that were being established in what today are the Ganda and Boupua chieftaincies. During the 1980s, the attacks gradually meant that the Frelimo state became confined to the district capital and the centre of Matica locality, with the communal villages in the surrounding areas being dissolved by massive population movements (including chiefs and their assistants). An important consequence of Frelimo's increased loss of territorial control was that party-state officials in Matica and Sussundenga *Sedes* became increasingly concerned with military defence and with the fear of losing people, whether literally or in terms of a transfer of their allegiance to Renamo. Practices of governing people through mobilisation and discipline became increasingly coercive, exemplified by the forced removal of people to communal villages and the organisation of local party-state officials into popular militias and self-defence commands (Alexander 1997: 4). While the communal villages in and around Matica and Sussundenga *Sede* were officially intended as centres for development, during the war it became a core strategy to concentrate refugees and displaced people who could potentially be lost to Renamo. This was accompanied by aid distributions, but also restrictions on movement, exemplified by the *guia da marcha*, a letter of permission necessary for travel. Initially the communal villages were viewed by the population of Matica with scepticism, but gradually they became the only option for some level of security and access to basic services in the face of Renamo (Alexander 1994: 11-18). For those ex-*régulos* (included chiefs and sub-chiefs) who still resided in and around the villages controlled by Frelimo, war-time governance intriguingly lead to a re-bolstering of their role in governance.

As Alexander points out (1997) – though it is little recognised in other academic writing or in Frelimo discourse – the militarization of the party-state coincided with negotiable compromises with the ex-*régulos* in Frelimo-held areas of Sussundenga District. The changed attitude towards the chiefs began as early as 1980, when the district administrator of Sussundenga initiated regular consultations and alliances with the ex-*régulos*, thus going against official Frelimo policy of the day (Alexander 1997: 5). The reliance on ex-*régulos* ranged from placing them and their relatives in Frelimo committees,

involving them in the mobilisation of people for communal villages and letting them resolve conflicts alongside the *secretários*. For example, *mambo* Muriani, referred to as the 'father' of the Shona-Karanga *mambos* earlier, took an active part in the formation of a communal village and was later nominated a secretary of Frelimo. Sub-chief Ganda in Matica was granted the authority to hear social and witchcraft cases and to participate in land allocations. Party-state officials also increasingly encouraged chiefs to perform rain-making ceremonies.

According to Alexander, the reason for informally bringing back the ex-*régulos* was predominantly a pragmatic response to party-state officials' lack of capacity to administer these areas or secure party-state legitimacy. But among some party-state officials, this was also a matter of belief, as well as of increased disillusion with Frelimo's exclusionary policies. Many party-state officials saw the official ban on lineage leaders, religious practices and the denial of witchcraft as absurd (Alexander 1994: 48-9).

The informal reliance on chiefs in Sussundenga preceded general changes at the national level after President Chissano came to power.[55] In 1987, he proclaimed official tolerance of chiefs and religious movements. This coincided with intensification of the war, but also with increased reliance on Western donors and a gradual transition from a socialist to a more liberal-democratic vision of modernity (Hall and Young 1997: 201).[56] These changes were hardly felt in the intense war zones of Dombe, and there was no space for negotiable compromises with the ex-*régulos*.

DOMBE: militarization of governance and confrontational attitude to chiefs

Beyond the initial mobilisation of GDs and secretaries, the territorial expansion of Frelimo-state governance in Dombe was very limited.[57] Already by 1979-80 its presence (including the GDs) was confined to areas in an approximately ten- to fifteen-kilometre radius around

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[55] Chissano took over from Samoral Machel, who died in a plane crash on South African territory in 1986, officially seen as an act of sabotage by the South African apartheid regime (Hall and Young 1997: 163).

[56] From 1984, the Mozambican government made agreements with the IMF and the World Bank, as well as a whole range of Western donors. This was partly a response to the economic crisis beginning in 1980 and partly due to the war: the Mozambican leadership sought support from the West for aid and in putting pressures on Apartheid South Africa, which was known to be financing the Renamo insurgency. In 1987 Mozambique also adopted an IMF/World Bank structural adjustment programme, which followed the mantra of political and economic liberalisation (see Hall and Young 1997; Hanlon 1991).

[57] In the mountainous areas of Zomba chieftaincy to the north, as well as in the area of Kóa chieftaincy to the west, Frelimo never managed to do more that launch dispersed *offensivas* with little effect. Nor were collective farming and co-operatives ever established in these areas. The memories attached to the early period of independence by people in these areas were that the ability to market local produce ended with Frelimo and that income from labour migration to South Africa was severely reduced.

Dombe *sede* (the administrative capital of Dombe). The main reason for this was that by that time Renamo rebels had moved over the border from Rhodesia, established bases in the south-western part of Dombe and begun to make inroads towards Dombe *sede*, around which intense battles were fought (see also next section). During the 1980s Frelimo was confined to control of the Dombe *sede* and the communal villages in its vicinity (present-day Gudza and Pampanissa chieftaincies). This area became an 'island' controlled by a government military force, surrounded by Renamo-controlled areas, and supplied by air and convoy. The ex-*régulos* of these areas had fled in fear of Frelimo attacks and taken refuge in Renamo areas or in the distant urban-centres. As opposed to Matica, this meant that governance in the villages was solely performed by Frelimo secretaries and GDs, who were subject to the government military force and its concerns. In other words, no negotiable compromises were made with *régulos* in Dombe.

If party-state modes of governing in Matica became increasingly militarised, then this was even more the case in Dombe. From the early 1980s, Dombe was essentially a battle zone for the control of people (Alexander 1997: 4). This was reflected in the complete merger between the creation of 'community villages' and military counter-insurgency strategies. Villagisation was characterised by forced removals using arms, due to resistance from the population. This is clearly reflected in the account below, which describes the first attempts at villagisation in the vicinity of Dombe *sede*:

"When we heard the first rumours of attacks by Renamo, Frelimo ordered us to live in villages along the river Lucity. But people did not want to leave their homes. So Frelimo threw hand grenades into the river to make people understand that they could not refuse to make a village. After this a village was established, but some people also moved away to other areas. Here in Chibue people just refused. When Renamo came here close by in, I think, 1981 or 1982, Frelimo soldiers came here and forced the people by arms to come and live in Dombe *sede*. We all had to go there. During the first night Renamo attacked Frelimo, and there was a huge battle. Three days later many of us managed to escape and go back home, but some also stayed."[58]

In the late 1980s, Frelimo lost control over the surrounding areas of Dombe *sede*. In the *sede*, the community village scheme was turned into a '*centro de recuperação*' (centre for recuperation) inhabited by those who had forcefully or voluntarily come to Dombe from Renamo-controlled areas. As explained by the then secretary of the centre, the task here was to "re-educate and discipline those people coming from the Renamo areas. They were

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[58] Interview, Resident of Chibue chieftaincy, Dombe, September 2004.

punished with death if they tried to escape".[59] Any person fleeing from the rural areas was potentially viewed as a Renamo supporter and treated with suspicion and tough disciplining. The fact that most of these people were va-Ndau further exacerbated coercive treatment, because Renamo had come to be identified with the va-Ndau, due to its leadership positions and use of the chi-Ndau language (Schafer 2001). Combined with the merger of the new policies with military practices of governing, this hostile and coercive treatment of Dombians further underscored a severe crumbling of Frelimo-state legitimacy in Dombe in general and in marginal zones in particular.

In brief, beyond a short-lived period mobilising the new people's representatives and abolishing the *régulos*, most Dombians experienced no positive benefits from independence. In comparison to Matica, Dombe was also characterised by a purely confrontational official attitude towards the *régulos*. As described in the next section, these factors considerably influenced Renamo's ability to establish Dombe successfully as one of its 'liberated zones', first in the rural hinterlands, and finally in Dombe *Sede* from November 1991, when Frelimo troops were successfully driven out.

By ways of summarising, this section has shown how Frelimo's ambitious agenda of social transformation, including promises of popular power and improved living conditions for the rural population, remained largely an ideal rather than a reality in the areas under study. Beyond the first *offensivas,* the new popularly elected institutions either vanished or became increasingly subject to hierarchical subordination to Frelimo-state control, which reproduced many of the traits of colonial modes of governing. This was exacerbated during the war when modes of governing became increasingly militarized and concentrated around urban centres. Combined with Frelimo's inability to secure economic development, these factors challenged the popular legitimacy of the party-state (on the country as a whole, see Hall and Young 1997; O'Laughlin 2000). In Matica, intriguingly this meant that the official ban on *régulos* and the onslaught on magico-spiritual practices and beliefs was weak and subject to local compromises. As during colonial rule, local state officials in Matica were encouraged to rely on chiefs to compensate them for their own weaknesses. In Dombe, however, this was not the case. As we shall see in the next section, it was Renamo that was credited with 'bringing back the *mambos*' in Dombe.

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[59] Interview, José Razão, Secretario do bairro de Mabaia, Dombe, 23 August 2005.

4. Renamo's Re-insertion of the Mambos

Renamo was first and foremost a military organisation, formed in 1976 in Rhodesia and supported by the white regime of Ian Smith.[60] It initially emerged out of a mixture of discontent with Frelimo's new policies by Mozambicans in exile and the Rhodesian government's interest in destabilising the newly independent Mozambique. The latter was partly due to Frelimo's support for the Rhodesian black liberation struggle and partly due to economic interests (Vines 1991). When Rhodesia gained independence in 1980 as Zimbabwe, Renamo began to be supported by the South Africa apartheid regime, for similar reasons as the earlier Rhodesian support.[61]

The first military operations of Renamo, beginning in 1977, were characterised by a combination of the destruction of infrastructure and the targeting of party-state officials with the often brutalised recruitment of new rebels from among the rural population (Hall and Young 1997: 119). In 1978-79 operations expanded in particular into va-Ndau areas, whose people were amongst the first to be recruited and also to fill the higher ranks of Renamo (Schafer 2001: 219). Important bases were set up in these areas, including the main base in Gorongosa in Sofala and the Sitantonga base in the south-west of Dombe. During the 1980s, however, Renamo's war-time strategies in the rural territories became more differentiated. In some areas such as Matica it continued its purely destructive activities. In other areas such as Dombe, it attempted gradually to set up alternative governing institutions based on the re-insertion of the chieftaincy, alongside its military command structure and some service provisions. As noted by Vines (1991), this difference could be likened to a distinction between areas that Renamo considered purely 'areas of destruction' and those that were denominated 'areas of control' and later referred to as Renamo's 'liberated zones' (such as Dombe and vast areas of Buzi, Mussorize and Machaze districts) (cf. Flôrencio 2005: 185).

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[60] Initially Renamo consisted of former elite black units of the Portuguese colonial forces and others who had been classified as 'internal enemies' by Frelimo. For a detailed account of the formation of Renamo from a number of movements to its development into a military force, see Vines (1991). The radio station *Voz da Africa Livre,* operating from Rhodesia and transmitting in Mozambique, pre-dated the establishment of Renamo as a military force. The messages accused Frelimo of having fallen sway to foreign communist usurpers and of excluding members of the Mozambican nation (Hall and Young 1997: 116-119).

[61] The support given to Renamo by South Africa reflected a complex set of issues. While South Africa had invested a lot in Mozambique in order to ensure access to Maputo's port and migrant labour, it was also discontented with Frelimo's support for the ANC (Hall and Young 1997: 122-3). The Nkomati Accord in 1984 between South Africa and the Frelimo government was also intended to have ended support and the hosting of organisations sabotaging each other's country. The agreement only lasted a short while, because South Africa continued to support Renamo (ibid.: 146-7).

Although the majority of the scholarly literature on the war (and naturally Frelimo) presented Renamo as 'a movement of excessive violence' which was neither ideologically motivated, nor concerned to win civilian support (Nordstrom 1995),[62] this applied less to the so-called 'liberated zones'. As Flôrencio (2005) and Schafer (2001) both show for va-Ndau areas close to Dombe, although the destructive activities of Renamo cannot be denied,[63] this did not preclude it winning some popular legitimacy among certain sections of the rural population.[64]

Moreover, although Renamo was dominated by military concerns, it did to some extent try to legitimise its military actions and rural control by appealing to an anti-Frelimo ideology that incorporated heavy criticism of Frelimo's anti-tradition, villagisation and collective farming policies (Schafer 2001: 221). Renamo claimed to represent both 'a return to tradition' and 'rural interests'. This was opposed to Frelimo who was criticised for having an urban-dweller's distain for 'those living in the bush' and for being against 'traditional' forms of dispersed habitation (e.g. by introducing communal villages) (Alexander 1997: 8). The Renamo leadership translated the emphasis on a return to 'tradition' into a restoration of the chieftaincy and a religious idiom that cast the insurgency as a 'war of the spirits'. Not entirely unlike the QuiTeve king, Renamo attempted to claim legitimate authority by capitalising on the spiritual domain that Frelimo had cast aside. This had both a rhetorical and practical dimension and was intimately related to military concerns. Rhetorically the Renamo leadership claimed attachment to the ancestral spirits (*wadzimu*) of the va-Ndau as a way to control and mobilise the rural population. In practice its soldiers made use of spirit mediums and *wadzi-nyanga* as a way to boost their strength in combat.[65] Drawing on the magico-religious symbols and practitioners of the va-Ndau lent a certain ethnic dimension to Renamo's claims to legitimacy in areas such as Dombe.

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[62] Renamo was presented predominantly as a puppet of Rhodesian and South African sabotage. Emphasis was placed on its brutal, barbaric and coercive measures of recruitment, banditry and violence against civilians. In order to explain why Renamo was able to gain support particularly in the rural areas of central Mozambique, the authors have emphasised how Renamo combined the use of fear with physiological subjection. See for example Nilsson (1993); Vines (1991); Wilson (1992); Nordstrom (1994).

[63] The war was indeed destructive and violent, leading to over one million deaths, over two hundred thousand orphaned children, the displacement of nearly a quarter of the population of fifteen million, and the destruction of one third of all schools and hospitals (Nordstrom 1995: 133).

[64] Geffray (1991), who did fieldwork in the Renamo areas of Nampula during the war, makes a similar point.

[65] For example, in the Sitatonga base in Dombe, there were several *nyangas* who treated illnesses and gave soldiers amulets and medicine for protection in combat. Interview, *Nyanga*, Dombe, 24 August 2005.

This was set against the often widespread idea that Frelimo favoured the south and the descendants of the Gaza (Nguni) empire, from whom the Frelimo leadership was drawn.[66]

As we shall see next, the popular appeal of Renamo's 'war of the spirits' and its claim to represent the *wadzimu* of the va-Ndau among rural Dombians is difficult to access fully. More significantly for those who recalled life in the Renamo 'liberated zone' of Dombe was the re-insertion of the *mambos*, which provided a means of survival vis-à-vis the risk of Frelimo violence. Below I give an account of the modes of governing used by Renamo in Dombe, and what this implied for the *mambos*.

The re-invention of indirect rule in Dombe

Sub-chief Mushambonha, Gudza, Dombe, September 2005: Renamo, when they came to this area, they called for the return of the *régulos*, the *wadzi-nyanga* and the prophets – all those whom Frelimo had thrown away. At the beginning of the war my family and I fled to Nhamussisua, where Renamo had soldiers and there was almost no war. It was a liberated zone of Renamo, where there were teachers, nurses and infrastructure. With Renamo I could solve conflicts and perform ceremonies. In 1991 Renamo won the whole of Dombe. They burnt the villages and asked the *régulos* to return to their homes. The people were also happy because they could leave the villages and go back to the homesteads that they had been forced to leave. Frelimo had forced them to concentrate in places where there was nothing to feed the children. When Renamo came, they said that 'We want to save you and help you be freed from being held in the village.

As in the quote above, some rural Dombians and ex-*régulos* recall Renamo as a liberating force and Frelimo as an aggressor. This was notably the case for those who resided in the hinterlands of Dombe *sede*, as well as those who remained in Dombe after Renamo established 'liberated zones' and brought back the *mambos* from around 1982-3. By that time, however, a large part of the population had fled to Zimbabwe, taken refuge in the Frelimo-held urban centres or been forced into refugee camps. Those who came to inhabit Renamo's 'liberated zones' were the people who had only fled temporarily into the mountainous areas of the north and south, where there was no combat. These diverse patterns of movement also included many of the ex-*régulos*, their assistants and family members, who were often split up. One example was the Chibue chieftaincy: while the *régulo* acting during colonial rule was captured by Frelimo (and never seen again by the people), his most important sub-chief joined the Frelimo army, and his half-brother remained in the area and later worked under Renamo. In fact, apart from the Kóa and

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[66] This led some Mozambican observers to discern underlying parallels to the past in the war: the 'people of the Mwenumatapa' versus the Nguni empire established in Gaza (Hall and Young 1997: 186).

Mushamba chieftaincies, there were no other cases in which the ruling *ucama* was left unchanged during the initial phase of the war.

The crux of the matter is that, in the initial phase of the Renamo insurgency, which was characterised by destruction and often brutal recruitment practices, not all *mambos* wished to or were invited to join Renamo. Rather, many viewed themselves as 'double targets of the war', potentially subject on the one hand to Frelimo's exclusionary control, and on the other hand to Renamo's violent abductions. According to informants, this changed in around 1983, when Renamo commanders called all the remaining *régulos* to a meeting at the Sitatonga base and announced that the *régulos* were to reassume all of their old functions. Chief Chibue recalled: "The *régulos* were told to return to resolve conflicts and deal with witchcraft and perform ceremonies. We were also told to mobilise the population so that they could help feed the soldiers."[67] This first meeting with the ex-*régulos* marked a change towards Renamo's development of a system of rural governance that gradually spread all over Dombe territory.

Renamo's methods of governing were vested in a dual system of part-politico-military rule under Renamo commanders and part-civilian rule under the *mambos*. This underscored the existence of two territorial spheres of governing: the Renamo military base, and the adjacent areas consisting of the civil population and the *mambos*. The latter were subordinated to the former, but also retained relative autonomy in daily life, such as in the administration of land, the resolution of conflicts and the organisation of production. In between these two spheres, Renamo also relied on the recruitment of a local police force known as the *mujhibas*. These functioned as *mensageiros* (messengers) between the Renamo soldiers and the *mambos*, instructing the latter to mobilise the population to provide food and shelter for soldiers, as well as to do brief periods of labour on the bases.

Towards the end of the 1980s, Renamo also developed a system of taxation, enforced by the *mambos*, as well as measures to control movement. The latter was part of a military strategy to secure 'wealth in people', just as the villages were to Frelimo. Such military concerns were bolstered by the gradual development of a certain system of rewards: chiefs received donations of cloth, sugar and salt from soldiers, while Renamo secured some basic services such as education and health for the local population. People formerly educated at the Dombe missionary school were recruited as teachers, and a great deal of attention was also paid to bolstering the local churches and religious leaders.

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[67] Conversation with Chief Chibue, 19 August 2005.

Renamo's *de facto* modes of governing through the *mambos* somewhat mimicked colonial indirect rule, but as noted by Alexander (1997), it also to a large extent resembled Frelimo's hierarchical ordering of authority and command lines. While pretending to be rooted in 'local traditional' systems and aiming to 'liberate' the people, as part of routine administration Renamo soldiers also gave orders to the *mambos*, who had to abide by them and mobilise the population in return (ibid.: 8-10). This contributed to a sense of subordination to the military command. In addition, the 'return to tradition' was in practice a pure resurrection of neither the colonial *régulos*, nor pre-colonial forms of organisation and bases of legitimacy. As already noted, all but two (Kóa and Mushamba) of the eight *régulos* registered by the colonial administration had fled the area before Renamo established its own system of indirect rule. As a result, the majority of those who acted as *mambos* under Renamo control were, if at all, members of the ruling *ucama*, the 'substitutes' of former *régulos*. Some of these were imposed directly by Renamo soldiers (e.g. Gudza), due to the absence of any members of the 'real family'. Others elevated themselves to the position (e.g. Sambanhe). In yet other instances (e.g. Chibue), Renamo devolved the power to appoint the *mambo* to the remaining elders. The majority of these substitutes were referred to by informants as 'relatives of chiefs', who had not properly attained chiefly office through succession. Moreover, due to population movements and changing lines of combat, neither civilians nor *mambos* necessarily resided in their 'traditional homesteads'. Many *mambos* (e.g. Chibue, Mushambonha, Kóa and Gudza) presided over territories that had originally been under the rule of another *mambo*.

These changing configurations of chieftaincy suggest that Renamo's re-insertion of the *mambos* did not alone grow out of a preoccupation with 'restoring tradition': it was also a highly pragmatic step. Like Frelimo in the Matica area, Renamo was forced to compromise with the societies over which it intended to rule and had little choice but to rely on the chieftaincy to keep some 'wealth in people' (Alexander 1997: 8). This was combined with militarised practices of governing that, as Alexander argues (1997), hardly offered an alternative to Frelimo's failed attempts to secure popular power.

Nonetheless, Renamo did succeed in maintaining administrative control of the vast territory of Dombe even beyond the General Peace Accord (GPA) in 1992 and the initial phase of dual administration.[68] In fact, Renamo remained *de facto* in power in

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[68] The section in the peace accord on local administration during the interim period until the first general elections provided for shared administration between Frelimo and Renamo, which followed the war-time

Dombe *sede* until the end of 1995, when the state's administrative presence was re-established after failed attempts. These failures were due to the open resistance of disgruntled members of the population and by a number of the *mambos,* who did not want the Frelimo state back in the area. Dombians also confirmed their support for Renamo at the ballot box in 1994, with approximately 90% voting for it.

By way of summarising, this section has shown that, although Renamo was predominantly a military organisation concerned to destroy everything built by Frelimo, at least in the va-Ndau 'liberated areas' such as Dombe it did attempt to institute a kind of alternative territorial-administrative polity and to make some claims to legitimate its authority. Yet notwithstanding its claim to represent 'tradition' and 'rural interests', its actual practices of governing (control of movement, coercion, taxation, extraction of labour and rewards) and its hierarchical organisation of authority reproduced many of the traits of colonial indirect rule and the evolving militarisation of the Frelimo state. Hence Renamo did not, as was also the case with Frelimo, *de facto* institute a genuine alternative to the lack of open consultation and democratic involvement by the rural population of earlier polities.

The question is to what extent Renamo's part-restoration of 'traditional' authority and its emphasis on spiritual practices and beliefs moulded its popular legitimacy, underscored by the electoral victory in 1994. The question begs mixed answers. While many of the chiefs who had lived in Renamo-liberated areas highlighted the fact that Frelimo's abolition of the *régulos* had led to the *wadzimu* revolting – exemplified by droughts, a lack of prosperity and above all the war – they did not equally emphasise Renamo as embodying the *wadzimu.* Conversely, the opinions of rural residents suggested that popular support for Renamo did not totally reflect traditionalist aspirations for 'a return the past' or a contempt for 'modernisation' (see also Alexander 1994: 49). If articulated at all, 'tradition' provided an idiom with which to criticise the failures of the Frelimo state to ensure development or *de facto* inclusion of Dombians within the nation state and its officials' gradual resort to oppressive practices of governing (including forced removals into villages). As other scholars writing on the va-Ndau areas have also asserted (Schafer 2001; Florêncio 2005), there seemed to be no straightforward correspondence between residing in Renamo's 'liberated areas' and embracing Renamo's political and ideological

occupation of administrative centres (districts and *postos*). Renamo was allowed to nominate administrators, employ local residents and use chiefs, but it had to adhere to the national laws of public administration. In Manica province, Renamo held six administrative posts, including Dombe (Alexander 1997: 11).

platform. To the majority of Dombians, this had been a means of survival and an alternative to the risk of being subjected to Frelimo's forced removals and often violent treatment of the va-Ndau people.

Nonetheless, on the national political scene Renamo was able to capitalise on its claim to a 'return to tradition' and its 'war of the spirits' when it was turned into a political party after 1992. This attitude also gained weight within the Frelimo leadership, who increasingly believed that Renamo's 'resurgence' of tradition had bolstered its ability to achieve such a forceful military expansion. As we shall see in the next chapter, this was also partly a background for why Frelimo increasingly became intent on the post-war state recognition of chiefs. In this sense, Renamo had indirectly won the 'war of the spirits', as Chief Zixixe noted in August 2002: "The war was bad, but at least it convinced Frelimo that it had done wrong in saying that there was no *mambo*, no God and no spirits".

Conclusion

Saguta of Chief Dombe, October 2002: The Mambos…the Régulos…they have always been like prostitutes of whoever had the force to be in power...whoever is in the big *hurumende* [government]…from the great Ngungunyane, the Caetanao [Portuguese]…to Frelimo who threw the *régulos* out at first and then Renamo who called the *mambos* back to work.

In 2002, not all *mambos* of Matica and Dombe entirely agreed with this view of a *saguta* from Dombe. Others highlighted that at least some *mambos* had retained a level of autonomy from the *hurumende*, the common word used in Chi-Ndau and Chi-Teve to describe the shifting wider polities.[69] The statement by the *saguta* does nevertheless capture a key lesson from this historical chapter: each of the successive polities, from the QuiTeve, Ngunis and Portuguese to Frelimo and Renamo, tried to consolidate superior authority and expand territorial control over the rural hinterlands by regulating, domesticating or partially extinguishing the smaller territorial chieftaincies of *mambos*. The core point is that the relational constitution of the chieftaincy and external polities has deep historical roots, *and* that this has been permeated by different layers of mutual transformations and continuities.

As this chapter has illustrated, with the exception of the first period of Frelimo rule, past modes of governing the rural areas relied, with varied success and

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[69] The word *hurumende* itself derives from the English word 'government' and can probably be traced back to the period of British-owned Company rule, as well as be explained by the proximity of the English-speaking Rhodesia (now Zimbabwe).

intensity, on *indirect* rule through the *mambos*. Indirect rule was based on some form of recognition of the authority and executive powers of the *mambos* over subject populations, and on the notion that these attributes could be converted into consolidating the political, military and economic power of a superior authority (king, state, party or military command). Recognition at the same time reconfigured the Shona-Karanga chieftaincies, in particular with the increased intensity and scale of territorial-administrative control and practices of governing populations by shifting polities.

What this teaches us for the rest of this dissertation is that any present-day definition of empirical forms of 'traditional authority' and 'rural community' as authentic, timeless and undisturbed are highly dubious: shifting polity formations and wars extensively reconfigured chiefly practices, population units, kinship lineages and claims to authority, not only when chiefs were banned, but also when they were recognised. It also teaches us that, whatever the claims to historical continuity, chiefs have for a long time been drawn into defining and constituting their authority in *relation* to wider polities, i.e. by drawing recognition and resources from them and/or by positioning themselves in opposition to external power-holders. This relational constitution of chiefly authority at the same time implied reconfigurations. Much the same can be said of shifting polities.

As this chapter has illustrated, shifting polities were neither fully coherent, nor fully comprehensive in their administrative and ideological expansion. Each polity formation was reshaped by compromises with the societies over which polities sought to rule, their modes of governing reconfigured by the ability of many chiefs to resist full subordination. For this reason, colonialism only partially invented and encapsulated 'traditional authority', Frelimo's banning of chiefs was more feeble than total, and Renamo's re-insertion of the *mambos* less 'traditional' than was claimed. Key to understanding this, I suggest, is that the *mambo/régulo* provided the constitutive 'Other' of the shifting polities, which mostly took the form of a process of both encompassment and hierarchical separation. Even when this took on oppositional form, such as Frelimo's first attempt to build a nation state by eliminating remnants of the past, 'traditional authority' prevailed as the constitutive 'Other' of the state, that is, in negative terms. This point, I suggest, is important in considering the legacies of the past for post-war definitions of and legislation on traditional authority.

Having said this, we need also acknowledge the common traits of hierarchical organisation, coercion and exclusion that dominated past modes of governing the rural

areas of Matica and Dombe. This will be important for understanding, in the coming chapters, how Decree 15/2000 was translated into practice by local state officials, and how chiefs and members of the rural population perceived the state, citizenship and the recognition of traditional authority. Although, as this chapter has shown, some polities recognised chiefs on the basis of beliefs in the spiritual power of ruling lineages (the Chi-Teve king, Renamo, and to some extent war-time Frelimo governance), reliance on chiefs was predominantly driven by pragmatic concerns for the often coercive control of people and extraction of resources. The important point is that, despite important ideological differences, no past polities left the people of Dombe and Matica with experiences of any enduring history of state-encouraged open consultation, democratic engagements or genuinely inclusive citizenship (Alexander 1997). As such, past modes of governing the rural areas provided no exemplary historical reference point for re-inserting 'traditional authority' into post-war democratic governance. As we shall see next, however, this did not prevent numerous people from imagining that this was indeed possible.

Chapter 3

Traditional Authority in the New Democracy

President Joachim Alberto Chissano: "We want traditional authority to exist" (quoted in *Notícias*, daily newspaper, 22 June 1995).

Luis Honwana, Minister of Culture: "We didn't realise how influential the traditional authorities were, even without formal power. […] We are obviously going to have to harmonise traditional beliefs with our political project. Otherwise, we are going against things that the vast majority of our people believe – we will be like foreigners in our own country. I think we are gathering the courage to say so aloud. We will have to restore some of the traditional structures that at the beginning of our independence we simply smashed, thinking that we were doing a good and important thing" (quoted in Hall and Young 1997: 164).

Minister of State Administration, Dept. of Administrative Development: "An important component of the process of national reconstruction within the context of democracy is reconciliation between brothers, but also the reconciliation of the Mozambican man with his proper culture. We feel that traditional authority represents the local culture of the communities. […] Traditional authority is important to the communities. They exist in the whole national territory and therefore constitute a fact of national unity. [...] From an administrative point of view, the state should find a way to interact with this [traditional] authority, because it represents a position of leadership in the communities, and can therefore become the best interlocutor between these communities and the state in order to secure local development in the current process of decentralisation" (quoted in *Notícias*, daily newspaper, 27 July 1996).

After the General Peace Accord (GPA) was signed in 1992, the vexed question of 'traditional authority' emerged as a matter of topical interest in diverse national circles – among academics, the media, politicians, donors and state functionaries.[70] By that time, Mozambique had embarked on a multiple process of transition (Artur and Weimer 1998: 3) characterised by enormous dependency on international donors.[71] The transition from war to peace took place within the context of far-reaching economic and political liberalization, which was already dawning in the second half of the 1980s. These reforms coincided with the dominating international donor discourse emerging at the time, in which aid was made conditional on having a market economy and liberal democracy. This was already marked in the 1990 Constitution, which transformed the one-party state into a multi-party democracy and introduced various icons of the Western liberal tradition – the rule of law,

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[70] On the process of the peace negotiations, see Hall and Young 1997: 205-16; Alden 2001: 13-68; Synge 1997.

[71] By 1993 foreign aid was accounting for two-thirds of GDP and over half of government expenditure (Hall and Young 1997: 231). On donor dependency and the externally driven character of the transition and reform processes, see Hanlon 1991; Hall and Young 1997; Plank 1993; Synge 1997.

rights, equality, the freedom of the citizen and pluralism of opinion (Hall and Young 1997: 211). These new principles were accompanied by donor-financed programmes promoting 'decentralisation and democratisation', which aimed to reform the centralised state administration and build democracy by creating locally elected governments, revitalizing civil society and strengthening local institutions in decision-making. At an early stage, 'traditional authority' was considered one of these local institutions, and was even granted its own 'projects' (VeneKlasen and West 1996: 1). Throughout the 1990s, the role of 'traditional authority' in such diverse matters as the socio-economic, political, administrative and cultural life of Mozambique was a key objective of intensive research and heated public debates. However, from the first government-hosted research project on this subject, initiated in 1991, nine years were to go by before Decree 15/2000 was passed.

The aim of this and the next chapter is to explore *how* 'traditional authority' became a subject of policy-making and ultimately of legislation at the very moment of the post-war democratic transition. To answer this question, in this chapter I first explore the nine-year-long policy-making process of the 1990s, and ask what actor positions and wider conditions influenced the interest in and definitions of 'traditional authority'. This is followed in Chapter 4 by an analysis of the Decree 15/2000 and the definitions of 'traditional authority' that in the end informed it.

This chapter's findings are based on an analysis of the wider political context and of the public debate on 'traditional authority' as reflected in newspaper articles, published and unpublished research results and consultancy reports from the 1990s.[72] The main assumption is that, to understand how 'traditional authority' was envisioned and defined as an object of state recognition in the democratic transition, we need to go beyond legislation itself and address the political processes preceding it. This involves keeping in mind the historical background discussed in Chapter 2, as well as asking what actor interests lay behind definitions of 'traditional authority', and what wider conditions and agendas of the 1990s informed these. In doing this, it is important to ask *who* managed to set the agenda and assume the power to define 'traditional authority' as a policy field, and against whom.

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[72] A newspaper database of all articles on the topics of 'traditional authority' and decentralization since 1990 has been made by Carlota Mondlane, a research assistant of Lars Buur (DIIS) and myself, in 2002. I am greatly indebted to Rufino Alfane (Ministry of State Administration or MAE) for providing access to unpublished material on the topic held by MAE, and Harry West and Bernard Weimer for access to consultancy reports. I am aware of the limits of textual analysis alone for exploring a policy-making process, as it naturally does not include data on the various micro-practices and negotiations that take place in closed meetings and in more informal settings (on this point, see Mosse 2005). Therefore it should be kept in mind that the focus of this chapter is on *public* debates and the opinions expressed in these.

To include these questions in the analysis is based on understanding policy- and law-making as processes of regularisation in which power relations are at stake (Oomen 2005; Shore and Wright 1997; Moore 1978).[73] Laws and policies are seen as the product of contestations over the 'power to define' a policy issue, and of attempts to render natural particular classifications of social order. These contestations, I suggest, revolve around actors' interests in maintaining or enlarging their influence within a wider arena of power, which extends beyond the singular policy issue itself (e.g. traditional authority).

This chapter is divided into three sections. In Section 1 an overview of the main activities of the policy-making process is provided, together with a consideration of how 'traditional authority' as a policy field became framed in relation to the democratic transition, and who set the agenda to begin with. Section 2 discusses the public debate on traditional authority, and what turned out to be politically infused classificatory struggles over definitions of *real* traditional authority. It identifies six key groups of actors who managed to enter the stage of public debate: academics, international donors, state officials, Frelimo, Renamo, and chiefs or ex-*régulos*. The section asks *how* these actors defined 'traditional authority', what future formal role they envisaged for 'it', and what interests lay behind their definitions. However, their definitions and interests could not be understood independently of wider local, national and international conditions and agendas; these are discussed in Section 3. Based on the analysis in Section 2, four main underlying agendas and conditions are identified, which extend beyond the historical background discussed in Chapter 2: the international reform framework of political liberalisation; global discourses on cultural particularism and the rethinking of individual-based citizenship; party-political competition in a multi-party democracy; and the dilemmas of post-war state reformation in rural areas.

1. The Policy-Making Process: An Overview

In Mozambique, the national policy-making process on traditional authority did not take off from 'below', but in the ministerial corridors of the capital, Maputo, assisted by international donor funding. Although chiefs had made an informal comeback in local governance during the war, the policy-making process was not sparked by the result of

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[73] To argue that policy-making is an inherently political process is not to deny that policies are often depoliticised and cast in a technical and neutral scientific language that removes inherently politically contested issues from the realm of politics (Shore and Wright 1997; Ferguson 1992).

chiefs' organising themselves to call for legislation that would formally recognise them. The actors identifying themselves as chiefs only entered the public stage of policy debates in the mid-late 1990s when they were invited to do so.

Instead the first seeds of a policy-making process began in 1991 as a donor-funded research project on 'traditional authority', which was hosted within the Ministry of State Administration (MAE) in Maputo (Lundin 1995: 15). This project set the first agenda for identifying 'traditional authority' as a knowledge field and as a common category to be inserted into possible future legislation. The decision to launch the project within the MAE reflected a more positive attitude towards 'traditional authority' among some members of the Frelimo leadership, notably the then Minister of MAE, who was a key promoter of the value of traditional authority and culture for the new democratic transition (ibid.: 3-5). This was supported by a number of Mozambican researchers, as well as by the Ford Foundation, which funded the project. Thus the first seeds of possible legislation on traditional authority emerged from the interests of other actors, beyond the existing chiefs themselves.

The aim of the first research project was to provide fieldwork-based evidence of whether 'traditional authority' actually existed and was legitimate in 'the communities' – the label used to describe rural populations (ibid.: 8). In contrast to the claims of some that 'real' traditional authority had withered away under colonial rule, the results of the research project produced another 'truth': "The truth is that local African Authority exists, as present and as recognised as important in the communities. […] despite the differences that exist from region to region, traditional authority is important in the whole national territory" (ibid.: 10, 7, my translation). This 'truth' laid the basis for what became a protracted policy-making process characterised by the co-existence of intensive media debates, more donor-funded MAE research projects and workshops, the drafting and redrafting of new laws on decentralised local government, and ambiguous statements and decisions by the national Frelimo leadership on 'traditional authority'. Key here was the question of where to position traditional authorities within the new democratic transition.

Following the MAE researchers' declaration that traditional authority did indeed exist, the positioning of 'traditional authority' as a policy field became directly linked to the ongoing donor-driven agenda of democratic decentralisation, which aimed at decentralising the state administration and establishing locally elected governments. This was initially reflected in the title of the first national seminar on the topic in 1993: 'Local Government Reform and the Role of Traditional Authority in the Decentralisation Process'. At this

seminar, the preliminary results of the MAE research were discussed with academics (Mozambican and foreign), donors, national, provincial and district state officials, and religious movements (Lundin 1998: 33).[74] It was established at the seminar that 'traditional authority' was indeed suited for insertion into a coherent national law on democratic, decentralised governance, which at the time was under preparation (Lundin 1995: 151). This was based on the argument that kinship-based chieftaincy "demonstrates a decentralised model of the exercise of authority" and that the appointment and regulation of the power of chiefs represents local "democratic exercises" (Lundin 1995: 25-6).

The recommendation of the 1993 seminar was realised in the 1994 Legal Framework for Local Government Reform (Law 7/94). This law was produced by donors and the Frelimo government just before the 1994 multi-party elections. In accordance with the donor-agenda of 'democratic decentralisation', it provided for the devolution of a variety of governmental functions to locally elected governments in urban and rural districts (Braathen and Orre 2001: 213).[75] These were to 'listen to the opinions and suggestions of traditional authorities recognised as such by the communities' and to liaise with such authorities over local development, conflict and land issues (Artur and Weimer 1998: 5). Thus Law 7/94 provided the first post-colonial official recognition of traditional authority, and framed it directly in relation to local democratisation.

However, Law 7/94 did not provide closure to the policy-making process on 'traditional authority'. In fact it was never implemented. In 1997 it was amended under Law 2/97, which implied a severe reduction in the role of 'traditional authorities' and the extension of locally elected governments (*autarquias locais* or municipalities) to 33 urban areas only (Bornstein 2000; Soiri 1999). As a result, the rural areas were omitted from local government reform. This followed the first general elections in 1994, which were won tentatively by Frelimo, but confirmed Renamo's strong support in many rural areas. This led some observers to suggest that the amendment of Law 7/94 was due to Frelimo's fear that autonomous municipalities in the rural areas would constitute a danger to national unity and the coordination of state administration, and above all that the party would loose

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[74] Three ex-*régulos* also participated, but otherwise the seminar was basically not intended for the wider participation of chiefs (Macia 1997: 93).

[75] The seeds of the 1994 municipal law were laid in the World Bank-sponsored Programme for Administrative Reform (PROL), adopted by the government in 1991. In line with the 1990 Constitution, this programme envisaged a quite extensive devolution of political decision-making to locally elected authorities, as well as the devolution of administrative functions and responsibilities from central to provincial and district-level state administrations (Braathen and Orre 2001).

power to Renamo (Baloi and Macuane 1998; Bratten and Orre 2001).[76] This fear was also reflected in the indecisiveness of the Frelimo government approving legislation on traditional authority. It did not, however, stop at this.

In the time-frame between the 1994 elections and the policy closure provided by law 2/97, a series of new initiatives on traditional authority ensued: more donor-funded MAE research projects, intensive media debates reflecting different opinions, high profile meetings with ex-*régulos* conducted by President Chissano across the country, and deliberations back and forth within the Council of Ministers. Indeed, in the 1995-96 period a Pandora's Box was opened on the vexed question of 'traditional authority'. It was also then that those who identified themselves as 'traditional authorities' – i.e. chiefs or ex-*régulos* – entered the public debate and were invited to participate in numerous stakeholder workshops.

The opening up of a wider public debate in 1995-6 was facilitated partly by the active role of the print media, and partly by the novel principles of consultative, participatory policy-making promoted by two new MAE-hosted projects (Fry 1997). One of these was the 'Decentralisation and Traditional Authority' (D/TA) project, based on USAID funding of the African American Institute's (AAI) Democratic Development project. Its overall aim was to "contribute to Mozambique's efforts to build democracy by revitalizing civil society and strengthening local institutions for decision-making" (Veneklasen and West 1996: 1). In particular, the D/TA component aimed to "strengthen the role of traditional leaders in mediating between citizens and the state" and to lay "the foundation for reconciliation between government and traditional authorities and for incorporating the latter into administration and governance at the local levels" (ibid.). Hence it continued the earlier agenda-setting by linking 'traditional authority' to democratic decentralisation, but now also adding a more explicit focus on their role in local state administration.[77] The same was the case with the other MAE-hosted research project on

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[76] The official reason for the amendment of the 1994 municipal law was 'gradualism', meaning that only those areas with a certain level of infrastructure and institutional capacity were regarded as ready for the devolution of functions. The changes to the 1994 law were criticised by the Renamo leadership, who subsequently boycotted the 1998 local government elections, resulting in a Frelimo majority and only 14 percent electoral participation (Baloi and Macuane 1998).

[77] Apart from research and workshops, the project was also aimed at creating educational material on 'traditional authority' to distribute amongst local state and party officials, who were also to come under a training programme so that they could learn about 'traditional authority' (Veneklasen and West 1996; Fry 1997). Hence the aim of the project was indeed to prepare for the *de jure* interaction between 'traditional authority' and the state. However, whereas five training material brochures were published in 1996 (more on these in Chapter 4), the training programme itself never materialized (Fry 1997: 23).

'Traditional Authority and Local Administration', which fell under the GTZ-financed 'Project on Decentralization and Democratization' (PDD) (Artur and Weimer 1998: 2). Both projects were centred on deepening the research-based knowledge of existing forms of 'traditional authority' in the rural areas and on feeding the results into policy decision-making.

The USAID-funded D/TA project in particular was also credited for provoking a lively public debate on traditional authority amongst a range of stakeholders (Fry 1997: 22). This was facilitated by the launching of numerous workshops (*círculos de trabalho e discussão* or CTDs) in the rural districts, which saw the participation of chiefs, local state officials, religious leaders, political party members, local/international NGO members and business leaders.[78] Media coverage and evaluation reports on the workshops confirmed that participants indeed agreed that traditional authorities were important and legitimate in rural communities, and that they were worthy of state recognition. Chiefs themselves also pledged to assume a key role in local state administration (VeneKlasen and West 1996; Fry 1997). This further legitimised the voices of those national academics and politicians who were in favour of legislation on traditional authority. Presented as a 'national consensus' on 'traditional authority, the results of the D/TA workshops also fed directly into the policy decision-making process at the national level.

In March 1996, a draft law on traditional authority was submitted to the Council of Ministers. It covered the state recognition of 'community chiefs' – a new term introduced indicating that chiefs represented rural communities – as key role-players in the local state administration (such as tax, health, censuses, justice enforcement, environment and development) (Fry 1997: 17-18). However, the draft also came with a small reservation: the D/TA team argued that there could be a danger in "curtailing the flexibility of the [chieftaincy] institution by 'freezing' it into a bureaucratic mould" (ibid: 17). This small reservation had implications. It was appropriated by the Council of Ministers as a legitimate excuse for disapproving the draft legislation.[79]

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[78] A total of eight workshops were held in Zambézia, Tete, Gaza, Manica, Niassa, Cabo Delgado and Inhambane provinces (Fry 1997: 7). On average they saw the participation of 125 people. The CTDs were nonetheless criticised for not having ordinary citizens on the board (Veneklasen and West 1996: 7).

[79] Fry (1997: 12) suggests that the decision not to legislate on traditional authority had perhaps already been made before the initiation of the D/TA project. He bases this on the fact that the MAE Minister, Aguiar Mazula, who was one of Frelimo's most ardent promoters of 'traditional culture', was transferred to the Ministry of Defence and later voted off the Political Committee, which he himself believed was due to his position on the traditional authority issue.

Thus in December 1996, the Prime Minister publicly declared that the draft legislation was being rejected because "traditional authority varies according to each individual's own tradition, with different manifestations across the country. How can we then make a law that is the same from Rovuma to Maputo? [i.e. in the whole country]"[80] In the name of respecting the different traditions in the country, the Prime Minister instead promised that the Government was going to recognise traditional authorities as "important cultural-symbolic figures of African society", rather than as having a role to play in local government administration.[81]

While the D/TA team ended up supporting this policy closure as communicated by the Prime Minister (Fry 1997: 18-19), many other key stakeholders were dissatisfied with the decision not to pass legislation that would clearly define the mandates of traditional leaders in local state administration. Dissatisfaction was shared not only by chiefs and Renamo, but also by many local-level Frelimo cadres and state officials. Also the members of the GTZ-funded research team criticised the Council of Ministers' decision as yet another way of excluding the rural populations "from decision-making and participation in programmes" (Artur and Weimer 1998: 19). They saw the decision not to legislate as less a genuine 'respect for tradition' than a sign of continued scepticism and fear within the Frelimo leadership of further empowering those chiefs who supported Renamo (ibid.).

Dissatisfaction with the policy closure provided by the Prime Minister was reflected in the public debates and the practices adopted following the December 1996 declaration. The official closure of the policy-making process was not reflected outside the national government in Maputo: on the contrary, the public debates over 'traditional authority' that had been fuelled from 1995 continued. Importantly, the official promises of legislation, the media attention and the workshops had also sparked increased practical engagements between chiefs, local state officials and political parties. It also raised chiefs' claims to recognition. In some rural areas promises of legislation had also fuelled ongoing conflicts over areas of jurisdiction, for example, between the secretaries of GDs and ex-*régulos*, between different claimants to the chieftaincy, and between Frelimo-state officials and Renamo (Fry 1997: 9).

All these issues underpinned, I suggest, both why the policy-making process was so protracted, and also why, in 2000, the Council of Ministers 'changed its mind' and passed

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[80] *Domingo*, 08.12.96.
[81] Ibid.

Decree 15/2000. The key to understanding this was the different actor positions on traditional authority, reflected in the public debates of the mid-to-late 1990s. As I shall deal with next, these were marked by struggles over the 'power to define' what is 'real' and 'unreal' traditional authority, which were informed by political interests beyond traditional authority itself, as well as by wider conditions and agendas.

Figure 3.1.: Overview of the policy-making process.

Period	Activities
1991-1994	Ford Foundation funded research project on 'Traditional Authority' hosted by the MAE (fieldwork conducted in six provinces in 1992-3).
1993	Seminar in Maputo on 'Local Government Reform and the Role of Traditional Authority in the Decentralisation Process' with academics (Mozambican and foreign), donors, provincial and district level authorities, and religious movements to discuss the results of the MAE team's study. Intensive media coverage of the topic follows the seminar.
1994	Traditional leaders inscribed in draft law on municipalities (7/94), based on recommendations by MAE team.
1995	President Chissano conducts high profile meetings with traditional leaders in most of the provinces, promising a statement on their future role in local governance in 1996.
1995	MAE and Ford Foundation-funded research published in two-volume book.
1995-1997	USAID funds the African American Institute's (AAI) Democratic Development project, including a 'Decentralisation and Traditional Authority' (D/TA) component' hosted within MAE. New set of studies, training-program, educational material and workshops (CTDs) in the provinces.
1995	Eight CTD workshops, conducted by MAE officials and researchers in each of the provinces (apart from Maputo).
1995-1997	GTZ-funded research project on 'Traditional Authority and Local Administration', falling under the GTZ-financed 'Project on Decentralization and Democratization (PDD)', hosted within the MAE. Field research carried out in three provinces, resulting in numerous reports discussed with national, provincial and district-level state officials and two final academic publications in 1996 and 1998.
1996	In March draft legislation for the Traditional Authorities is submitted to the Council of Ministers by the D/TA project staff, including criteria for the nomination of chiefs and a list of tasks for them to collaborate in with the local state administration (such as tax, health, censuses). In July MAE Minister declares legislation to be on the door-step. In December the Prime Minister declares that there will be no legislation integrating traditional authority into the local state/government administration.
1997	Final law on Municipalities (2/97) instituting locally elected governments only in 33 urban centres and in none of the rural areas (elections are held in 1998). Substantial reduction of the formal role to traditional authorities in local governance and no formalised relationship with local tiers of the state administration.
1998	Stalemate in the national government's debate on traditional leaders' role in local governance and in terms of legislation.
1999	Committee on the revision of the 1991 Constitution reaches a consensus on an article that recognises traditional leaders' participation in the economic, social and cultural life of the nation (later inscribed in the 2004 Constitution). It does not define traditional leaders as part of the state administration. Media debate on traditional leaders, reporting arguments about the 'urgent need' to provide clear legislation from provincial and district-level state officials and political parties.
1999	National elections and prior campaigns in which both parties draw on traditional leaders.
2000	Decree 15/2000 is passed in June by the Council of Ministers, resembling the draft legislation for traditional authorities submitted to the Council of Ministers in March 1996 by D/TA project staff.

2. Actor Positions and Struggles over Definition

As Fry has pointed out (1997), the final evaluator of the D/TA project, the public debates facilitated by the MAE projects did a good deal to convert "even the harshest critics of 'tradition'" into acknowledging that 'traditional authority' "is a force to be reckoned with" (ibid.: 22). However, even if "the question was no longer whether 'traditional authorities' were important", then *what* exactly was to be reckoned with and *how* remained disputed (ibid.). These disputes took place in the mid-to-late 1990s, until the final policy-closure provided with Decree 15/2000. The questions that dominated were: Who are the 'real' traditional leaders? What should their roles be in local government, democratisation and development? How should they relate to party politics in the new multi-party system? And what are their roles in national reconciliation and nation-building?

This section focuses on the positions of the key actors who proved capable of entering the public debate on 'traditional authority' and to varied degrees influenced the policy-making process. In doing this, the section discusses the often conflicting definitions of 'real' traditional authority presented by these key role-players in *public* representations and what interests these underscored.[82] The emphasis on key role-players and their public representations is important to note, not only because I do not pretend to cover *all* Mozambican voices on the topic of 'traditional authority', but more significantly because not all voices were in fact present. Some actors proved more influential than others. Earlier this was already hinted at in terms of *who* set the policy-agenda – i.e. the MAE and the donor-funded research projects – and *who* made the final decisions on successive policy closures, namely the Council of Ministers. Added to these were other actor positions that proved to be particularly influential. Based on the material I have had access to, six key role-players could be identified: Mozambican academics; international donors; state officials; Frelimo; Renamo; and chiefs or ex-*régulos*.[83] Conspicuously absent from the public debate and research results were ordinary rural people. This may seem a paradox,

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[82] Because the actor positions described in this section represent public statements, they do not necessarily capture the personal or insider opinions of the actors.

[83] By including chiefs as key role-players, I am not pretending that all those who identified themselves as chiefs participated equally in the public debate (or at the D/TA workshops. The same can, of course, be said of the other key actors.

given that the MAE research teams placed much emphasis on the 'wish' of rural communities to see a formal return of chiefs in local governance.[84]

While I can provide no ready-made answer as to why this was the case, this absence does hint at the issues of power involved in the policy-making process. The ability to enter and influence the public debate on 'traditional authority' reflected and nurtured particular positions of power in the wider context of the post-war democratic transition. As this section will address, the 'struggles over defining' and monopolising classifications of what *'real'* 'traditional authority' is, was intimately related to interests beyond chiefs themselves. This was expressed in different perspectives on 'traditional authority', which were sometimes combined and sometimes opposed: i.e. the 'culturalist', 'administrative', 'developmentalist', 'democratic' and 'apolitical' perspectives.[85] We shall begin with the positions of Mozambican academics, who tended to represent the culturalist perspective.

Mozambican academics: the culturalist perspective

It would be a gross exaggeration to assert that all Mozambican academics shared a common view of 'traditional authority' or celebrated the formal recognition of it equally in the mid-to-late 1990s. As Artur and Weimer note (1998: 8), there certainly were some who positioned themselves right at the opposite end, holding on to a kind of 'invention of tradition' perspective: they cast present forms of chieftaincy as colonial inventions in the service of foreign interests (see, for example, Serra 1997). Nonetheless, these were in the minority when looking at the academic voices that dominated in the media and that fed into the policy-making process. Rather, the most pervasive academic position in the public

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[84] I was only able to encounter four newspaper articles in which a number of rural residents gave their opinions about 'traditional authority': three in which they were in favour of a 'return' of the *régulos* (*Notícias* 19.06.97; 14.09.96; *Domingo*, 09.04.95), and one in which they complained about the violent methods of the *régulos* (*Notícias*, 23.10.96).

[85] In dividing the positions into these different perspectives I question the tendency in many studies to narrow down actor positions of traditional authority in present day Africa to an opposition between 'modernists' and 'traditionalists' (see Blom 2002; Oomen 2005; Artur and Weimer 1998; Macia 1997; Mamdani 1996). The modernist position, in defence of rights and civil society, has been treated as opposed to 'traditional authority' because the latter is supposedly anti-democratic and what might be regarded as 'real' tradition disappeared through colonial inventions. Conversely the traditionalist perspective, in favour of the localisation of African politics at the level of the local community, is commonly associated with a celebration of 'traditional authority', which its protagonists define as a manifestation of African civil society and as inherently democratic (see Artur and Weimer 1998: 8; Mamdani 1996: 3). While I do not deny the analytical value of this distinction, it fails to grasp how the dominant actor positions in the Mozambican debate crystallised into different mixtures of these two perspectives in the mid-to-late 1990s. Although a distinction between 'tradition' and 'modernity' was at work, the struggles of definition centred predominantly on different ways of reconciling or making the two co-exist according to different interests.

debate was what could be referred to as the 'culturalist' perspective, which was in favour of the recognition of traditional authority as representative of traditional cultural values and beliefs (Artur and Weimer 1998: 8). It was culturalist because, rather than pledging the return of the chieftaincy to state administration, it linked 'traditional' authority to questions of identity, personhood and national reconciliation or unity. The main proposition was that 'traditional' values and culture should be recognised as existing manifestations of African civil society and as endemic in reconciling the state and citizens of Mozambique and in reasserting nationhood (ibid.: 8-9). This perspective was represented by the MAE research team, coordinated by the Brazilian-Swedish scholar, Lundin, and by African scholars like Kulipossa (1997), Ngoenha (1994) and the deans of the Catholic University and the Eduardo Mondlane University.

Underpinning the culturalist perspective was a particular reading of the post-war situation and a claim to an authentic pre-colonial culture that could be revived as the building-block of 'real' Mozambican identity and citizenship. It was argued that not only the war, but also the earlier modernist onslaught on traditional values, practices and institutions, had meant that rural communities in particular lacked a sense of national identity and had become alienated from the state and the urban elite.[86] The overarching argument was that the occidental, modernist ideas about society and the state that had permeated post-colonial ideology had both failed to eliminate fully the traditions of rural communities, as well as creating a dual society separating the (urban) modern elite from the rural people.[87] The failure to reconcile exogenous modernity with endogenous African culture, it was argued, had also confused many urban Mozambicans. Fundamental norms and moral values had been disrupted, resulting in a loss of personal identity.[88]

Against this background, it was argued that post-war nation-building depended not only on reconciling the two warring parties, but also on reconciling the two societies in Mozambique - the traditional and the modern[89] - and on the reconciliation of each individual with his/her proper culture.[90] As Pengapanga, a Mozambican intellectual, wrote

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[86] See António Gasper and Martinho Chachiua, two Mozambican researchers involved in the MAE studies (*Notícias*, 02.11.96; 04.11.96). Other academics also presented this view in the media (*Notícias*, 02.11.96; 11.11.96; 01.05.97; *Domingo*, 21.01.96; *Demos*, 17.01.96).

[87] On this perspective, see Augusto Celistine, a Ministry official, who wrote a historical thesis on the history of culture and governance in Niassa (*Domingo*, , 21.01.96).

[88] See *Demos*, 17.01.96; *Notícias* 04.11.96; *Demos*, 13.12.95.

[89] The deans of Eduardo Mondlane University, and of the Catholic university, in *Notícias*, 11.11.96. See also other academic's arguing the same point, *Notícias*, 02.10.96.

[90] Researchers involved in the MAE studies, quoted in *Notícias*, 27.07.96.

in a newspaper article: "it is necessary as a first premise to rediscover the fundamental personality, vest it in the past and recreate a spiritual and cultural consciousness. Not until then can a project of socio-economic development be launched'.[91] Alfane, one of the MAE researchers, similarly argued: "first we had to accept that we are black people, we are Bantu and we have our traditions that we should accept and use the good values of it".[92]

These views underpinned a view of Mozambican national identity that placed the emphasis on a cultural, rather than a purely legal and individual form of citizenship. National identity was presented as a question of finding common roots in African values and culture that, despite external disruptions, were still to be found in rural communities In this the 'local community' was presented as a 'cultural core' on which to build a shared imagined community (Lundin 1995: 31). This clearly embodied a critique of Frelimo's vision of the 'new man', though it was not cast in opposition to liberal-democracy. Rather, it was held that democratisation implied recognition of the cultures and traditions of the country.[93]

Underpinning the culturalist perspective was that 'traditional authority' could be of great value in national identity formation, because they represented authentic pre-colonial African 'traditional values' and "a symbolic-religious world view, which touches the personality of many Mozambicans, urban and rural" (Lundin 1995: 38).[94] The version of the state recognition of 'traditional authority' that emerged from this view was sceptical of a reintegration of chieftaincy into the state administration and also as an element of locally elected government. The latter, it was argued, would turn traditional leaders into colonial-style state officials or into modern-style politicians, which would disrupt culture and tradition (ibid: 39). Traditional authority should rather be "respected as a symbol of the African symbolic-religious world view" and as performers of traditional cultural activities (ibid: 41). As we saw in Section 1, this was largely the view that the Prime Minister adopted in 1996 when he provided for the first policy-closure.[95]

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[91] *Demos*, 17.01.96.
[92] Interview, A. Rufino, researcher participating in the MAE research on traditional authority, May 2002.
[93] See *Domingo*, 08.12.96; *Demos*, , 06.12.96.
[94] See Gaspar and Chachiua in *Notícias*, , 02.11.96; 04.11.96.
[95] This culturalist perspective was criticized by the Mozambican scholar Macia (1997), not for drawing attention to the importance of 'traditional authority' in present reforms, but for relying on a reified and homogeneous conception of *a* Mozambican culture vested in an equally reified, timeless and romantic understanding of pre-colonial history and culture. Also, he criticised Lundin (1995) for neglecting the profound impact of colonialism and pre-colonial forms of expansionary politics on the chieftaincy. Macia (1997) viewed the reconstruction of pre-colonial culture as an ideological re-writing of history to fit with the aim of recognising 'traditional authorities'.

Donors: the democratisation perspective

The position of the international donor community on the issue of 'traditional authority' is difficult to access fully because its members (including those who financed the MAE projects) did not directly participate in the public debate.[96] Once projects had been framed, they largely left the power to define 'traditional authority' in Mozambican hands.[97] That said, donors indeed represented powerful role-players in setting the policy agenda on 'traditional authority', both by financing MAE projects, and by framing the topic as an aspect of the process of 'decentralisation and democratisation', as noted in Section 1.

According to West and Kloeck-Jenson (1999: 460), the MAE studies and the observations of scholars like Geffray (1991),[98] both of which produced evidence that 'traditional authorities' still existed and were important in rural society, convinced many donors and NGOs that 'traditional authority' could at least prove temporarily capable of filling the gap of a lack of civil society, which was viewed as endemic to the democratisation of rural areas.[99] Added to this was the underlying assumption that 'traditional authority' could itself somehow be democratized. As West and Kloeck-Jensen argue, the donor commitment to the double agenda of 'democratic decentralisation' and the empowerment of 'traditional authorities' was based on the assumption that an extension of democracy (i.e. locally elected governments) to the rural areas would not only help resurrect civil society, but also repair the divide between the ¨traditional' and 'modern' forms of authority: "if people were permitted to elect local authorities, and if 'traditional authorities' were indeed considered 'legitimate' by the local populations, people might then elect their chiefs to local office" (ibid.: 461).

Hence, unlike the culturalist perspective, the donors were less concerned with cultural preservation or resurrection than with democratizing existing forms of chieftaincy – i.e. by gradually integrating them within a system of elected local government. This was partly underscored by Law 7/94, as noted in Section 1. As we shall see later, the

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[96] When I speak of the international donors in Mozambique, I am referring to international financial institutions (IMF/World Bank), international NGOs and bilateral donors. Although there were differences in the orientation of these members, they largely agreed on the liberal-democratic transition agenda.

[97] VeneKlasen and West (1996: 13) also point out in their mid-term evaluation of the DTA project that USAID was generally reluctant to state its own position on what 'traditional authority' is and what role it should play. This might have been the case for other donors as well.

[98] Geffray (1991) argued that the domestic cause of the civil war was strongly related to Frelimo's abandonment of the *régulos* and that Renamo benefited from this in terms of popular support.

[99] The development of a civil society that could effectively and democratically represent community interest had been quashed by successive regimes, whose forms of rule had been strong disincentives to the formation of organisations independent of the Frelimo party-state (West and Kloeck-Jensen 1999: 461).

'democratization' perspective of donors was nonetheless contested not only by the chiefs, who resisted being the subject of ballot box-style elections, but also by Frelimo, Renamo and many state officials. These all shared the view of 'real' traditional leaders as apolitical players who should be kept out of electoral politics. State officials nonetheless agreed with donors that chiefs could be important in rural development and decentralization.

State officials: culturalist, developmentalist and administrative views

With a few exceptions, from the mid-1990s higher and lower ranking state officials increasingly agreed that "*régulos* exist. Many of them enjoy huge prestige with the population, and they are the ones that guide important aspects of traditional life."[100] They also shared the view that chiefs could be important agents in development.[101] Apart from this, state officials at provincial, district and sub-district levels nonetheless disagreed on the role that 'traditional authority' should play in local state administration. This was reflected in different definitions of 'real' versus 'unreal' traditional authority, vested in various conceptualisations of authentic, past versions of the chieftaincy. Let me begin with the view of provincial officials.

The dominant position of provincial officials resembled the 'culturalist' perspective. It was that 'real' traditional authority belonged to a 'traditional' domain of the pre-colonial past that was inherently different from the modern state. This underscored the perspective that "traditional and institutional [state] authorities are completely different structures", which should be kept separate.[102] As the Manica provincial governor noted: "The traditional role of chiefs was a question of solving conflicts among families, ceremonies of the community and family, dealing with plagues, rain, harvests […] I don't want chiefs to be an extension of the state, of formal power […] I'm very much against any kind of return to a colonial rule style adulteration of traditional authority".[103] He also maintained that the granting of state uniforms and salaries to chiefs would be an offence against the ancestral spirits.[104] The provincial definition of 'real' traditional authority hence embodied a distancing from colonial rule and presented those *régulos* who had been imposed by the

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[100] District administrator in Chibuto District, Gaza Province (*Domingo* 21.05.95). One exception to this view was the Governor of Gaza, Eugènio Numaio, who in 1995 strongly argued that 'traditional power' had been completely corrupted by the colonial regime (see *Notícias* 18.11.95).

[101] I have chosen to separate the category of state officials from the Frelimo party, although it should be noted that many state officials were for historical reasons also members of Frelimo and provincial governors appointed by the central government.

[102] Provincial Governor of Manica, *Notícias* 16.05.95.

[103] Provincial Governor of Manica, quoted in Alexander (1994: 45).

[104] *Notícias* 16.05.95.

colonial administration as 'unreal' forms of traditional authority: "the real régulos are not appointed, nor conferred with power from the outside. They already exist".[105] This position underscored the co-existence of, 'traditional authority' and the 'modern state', rather than one of integration. Traditional leaders should perform religious-spiritual ceremonies, resolve minor disputes, and help in the "preservation of culture, tradition and society", but not perform state administrative tasks.[106] However, governors also took the view that 'traditional' leaders could be important as development agents, in particular in the "mobilisation of the population for the tasks included in the government's five-year development plan".[107]

District-level state officials agreed on this 'developmentalist' perspective on traditional leaders, but they differed from their provincial superiors in envisaging a central role for chiefs in the state administration. As a rule, district administrators' (DAs') definitions of 'real' traditional authority drew not on the culturalist perspective, but on a colonial-era version of an administrative form of chieftaincy.[108] To them, the 'unreal' traditional authorities were not the colonial *régulos*, but those imposed by Renamo or who engaged in party politics. DAs viewed the chieftaincy as a revivable set of structures which could be put to good use in re-establishing the fragile state administration in rural areas (Alexander 1994: 46): "In times past, people only knew the *régulo* so it's easy to go back to this thing. [...] They should work as a link to the administration, they should be responsible for the tranquillity of their zone, they should help in reconstruction [and] tax collection should be as in the colonial era."[109] The DA of Sussundenga equally held that chiefs could be of good use in policing activities and that the state should return salaries to them: "[...] because *régulos* had salaries in the colonial period, it wouldn't make sense not to pay them now."[110] In emphasising the re-integration of chiefs into the state administration, DAs tended at the same time to devalue their religious-spiritual roles, emphasised by provincial officials as the 'true' traditional domain. 'Spiritual beliefs' were represented by DAs as being detrimental to administration and development (Alexander 1994: 46).

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[105] Sofala provincial director of government administration, *Domingo* 21.05.95. For a similar view, see Felícios Zacarias, Governor of Manica Province, *Notícias* 08.02.99
[106] Governor of Manica, *Notícias* 16.05.95.
[107] Governor of Nampula, *Notícias* 22.02.97.
[108] There were also critical voices among district administrators (DAs). One was the DA of Homoíne, who in 1995 told *Domingo* that a return of the *régulos* to power would represent a recycling of colonial totalitarian governance and be an offence against democratisation, *Domingo* 09.04.95.
[109] District Administrator of Barúe, Manica Province, quoted in Alexander (1994: 45-6).
[110] Quoted in Alexander (1994: 49).

This latter view was not shared by sub-district officials, *chefes* of posts and localities. These tended to merge the 'developmentalist', 'administrative' and 'culturalist' positions of their superiors. To them there was not an opposition between chiefs' religious-spiritual and colonial-style administrative roles (ibid.: 46). Chiefs were viewed as being capable of fulfilling a dual mandate: they could both play what were regarded as traditional roles (i.e. speaking to the ancestors, asking for rain and good harvests, protecting sacred places, solving cases of witchcraft), as well as fulfilling tax collection, census-taking and policing roles (ibid.: 47).[111] Sub-district officials' conceptions of 'real' versus 'unreal' traditional authority did not rely on making a distinction between the pre-colonial and colonial pasts – indeed, they did not distinguish between the two. Like the DAs, a distinction was drawn rather on the basis of party politics: 'real' traditional leaders were apolitical figures, serving the 'common good' and not party political interests (ibid.: 54).

The de-politicisation of the category of 'real' traditional authority was in general shared by state officials, irrespective of the roles they envisaged for the chiefs. This could be seen as being vested in the interests of securing that administrative concerns were not disrupted by party political conflicts, as in fact was the case in many rural areas in the 1990s (see Section 3). This was not least so in Renamo-controlled areas where chiefs were reported by state officials as sabotaging tax collection and government development projects.[112] Against this background the de-politicisation of 'traditional authority' could also be viewed as a shared desire to de-link chiefs from Renamo. By lower ranking state officials a pledge for legislation that would clarify the apolitical role of the chiefs in the state administration could equally be seen in this light and as underscoring the belief that such legislation would pave the way to the re-establishment of the state in Renamo held areas. This desire to de-link chiefs from Renamo was shared by Frelimo party cadres.

Frelimo: 'real' traditional authority is anti-colonial and apolitical

The Frelimo government's agreements to host research projects on 'traditional authority' within the MAE, both prior to and after the 1994 elections, including its passing of Law 7/94, clearly indicate that the ruling party's attitude towards 'traditional authority' had

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[111] On these views, see *Domingo* 09.04.95; 21.05.95.

[112] For Murrumpula district, Sofala, see *Notícias* 17.02.96; 21.02.97; for Mossuril District, Nampula, where five *régulos* allegedly sabotaged government development projects, see *Notícias* 24.08.96; for Homoíne District, Inhambane, where chiefs were accused of sabotaging tax collection, see *Notícias* 10.05.97; 18.07.97; for chiefs' alleged involvement in sabotaging tax collection in Alto-Molócuè, Zambezia, see *Notícias* 08.03.99; and for Chibabava District, Sofala, on chiefs' resistance to state control, see *Notícias* 30.09.96.

become much more positive after the war. In addition, although rarely stated explicitly, media coverage during the 1994 election campaign demonstrated that Frelimo officials recognised that "figures who claimed authority over kin-based institutions could powerfully influence voter behaviour" (West and Kloeck-Jenson 1999: 461). The ruling party, it seemed, was increasingly convinced of the argument presented by a number of academics that its fragile legitimacy in rural areas was due to the history of banning 'tradition', and that Renamo's rural support had been achieved by restoring the chiefs (Artur and Weimer 1998; de Brito 1995; Abrams and Nilsson 1995; Geffray 1991). That said, the decision not to legislate, announced by the Prime Minister in 1996, also indicated that there was still scepticism within the party regarding the integration of 'traditional authority' into the local state administration. According to West and Kloeck-Jenson (1999: 468), Frelimo's fear was that legislation could potentially empower figures who tended to reside in the opposition camp, and create discontent among those who were Frelimo loyalists in the rural areas.

In media debates of the mid-to-late 1990s, this fear was reflected not in a negative attitude towards 'traditional authority' *per se*, but in the drawing up of distinctions between 'real' and 'unreal' chiefs or ex-*régulos*. Apart from Sergio Vieira, a Frelimo deputy to the national assembly, who explicitly claimed that colonialism had completely destroyed pre-colonial African institutions, most were convinced that 'real' traditional authority could be identified.[113] In line with the views of MAE minister and the General-Secretary of Frelimo in 1996, 'real' traditional leaders were presented as "those who belong to the real family lineages" of a pre-colonial past, and who had not been 'imposed' by outsiders.[114] This followed the argument that colonialism had left behind two types of chief: the 'false' *régulos*, who had been created by colonial law, and the 'real' traditional leaders of 'real' family lineages. The difference between them had been demonstrated during the liberation struggle, when the 'real' traditional leaders had fought on the side of Frelimo and the imposed *régulos* had supported the Portuguese government.[115] Hence 'unreal' traditional leaders were the *régulos*, who had not only been imposed by the colonial regime, but also had not supported independence.

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[113] On Vieira, see *Domingo* 27.10.96.
[114] See *Savana* 28.07.96.
[115] MAE Minister Alfredo Gamito, *Savana* 28.06.96. To justify Frelimo's actions after independence, Gamito also defended the fact that 'Frelimo abolished the *régulos* who cannot be considered 'genuine' (*genuía*) traditional authority, but an authority created by colonial law', and that it did this believing that all those 'real' chiefs who had supported the liberation struggle had been killed by the Portuguese.

Added to this, many Frelimo officials also defined 'unreal' traditional leaders as those who had been imposed by Renamo during the war and who, in the post-war period, enacted the politics of Renamo.[116] This was cast in a language that opposed the party politics of Renamo to development and the common good. 'Unreal' *régulos* were those who engaged in party politics and who sabotaged the government's plans for development: "a real *régulo* would never create confusion in the population and be against development."[117] In statements like this, Frelimo secretaries explicitly blamed Renamo for 'politically manipulating' *régulos* into sabotaging development.

Frelimo's definition of 'real' traditional authorities as apolitical actors in the service of the common good, I suggest, was intimately linked to the party's attempt to position itself also as the party representing the common good vis-à-vis Renamo. Rather than distancing itself from 'traditional authority' *per se*, the apolitical definition of 'real' chiefs could be seen as a way of converting local forms of power into the power of the party as a representative of the whole nation.

In practice, however, the apolitical definition of 'real' chiefs did not always hold sway. During the 1999 elections, newspaper articles had local Frelimo secretaries proudly reporting that chiefs in Renamo areas had now converted to Frelimo and had helped the party secure its victory.[118] Frelimo at the same time claimed that Renamo's use of chiefs in voter mobilisation was a "violation of democratic principles".[119] Nonetheless, Renamo actually agreed with Frelimo that 'real' traditional leaders were outside party politics.

Renamo: chiefs are representatives of rural Interests

As opposed to Frelimo sceptics, Renamo members of parliament held on to their electoral promises to promote the unconditional re-integration of 'traditional authority' into the state administration. Officially this was cast not as 'a return' to colonial rule, but as a prerequisite for the democratic inclusion of the marginalised rural populations in development and the nation state.[120] In making this claim, Renamo did not draw any distinction between 'real' traditional authorities and 'unreal' *régulos*, but unconditionally

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[116] Provincial-level Frelimo secretaries, *Notícias* 05.07.97; 31.12.97; 28.02.00.
[117] First Frelimo secretary of Sofala, *Notícias* 05.07.97.
[118] On eleven régulos in Sofala claiming to have converted to Frelimo, see *Notícias* 02.09.99. For Inhambane, on chiefs openly stating that they had assisted Frelimo in campaigning, see *Notícias* 06.11.99. For Zambézia, see *Notícias* 02.11.99. In Homoíne District, Inhambane Province, a local state functionary also proudly told the *Notícias* that the *régulos* had agreed to campaign for the Frelimo presidential candidate, Chissano; see *Notícias* 29.10.99.
[119] *Notícias* 29.10.99.
[120] *Notícias* 18.07.95; *Savana* 28.07.95.

emphasised the continued, undisturbed historical existence and legitimacy of 'traditional authority' in rural society. However, Renamo's definition of 'traditional authority' did not only represent the 'culturalist' and 'administrative' perspectives. It combined these with a 'democratic' and 'developmentalist' vocabulary that linked 'traditional authority' to rural community participation in development. Chiefs were cast as representing an authentic form of African authority and as *genuine* representatives of rural community interest:

their [chiefs'] existence is a question of history and culture. […] In the rural areas it is principally the *régulo* and other traditional structures that constitute the true local power. […] This is a power that always existed in the African countries. […] They constitute a structure that is inherently Mozambican and represents the ideas and interest of the communities they lead. [The *régulos*] constitute the real African authority and represent above all the culture and customs of our continent. […] The *régulo* is the individual who has most prestige and respect in rural areas. He is the one that has a dialogue with the people and helps the population solve their problems. It is for this reason that they [*régulos*] can help the government to develop actions for the improvement of the living conditions of the population.[121]

Renamo also linked its vision of the chieftaincy to liberal democracy. This was expressed by Alexander Faite, a Renamo member of the national assembly, in explaining why *régulos* had supported Renamo: "the big promise that we made [to the *régulos*] is that we were fighting for democracy, social justice and equal rights and these promises were attained."[122] Renamo thus laid claim not only to the re-insertion of 'traditional authority', but also to the achievement of liberal democracy on the basis of the interests of the *régulos*, who, it was held, represented the interests of rural communities.

This definition of 'traditional authority' as the genuine representative of rural community interests, defended by Renamo, also involved a definition of chiefs as apolitical actors in service of the common good of all Mozambicans.[123] In claiming this, the Renamo leadership rejected Frelimo's allegations that Renamo had politically manipulated *régulos* into sabotaging state intervention and government development projects.[124] They justified this by explaining that disobedient chiefs had just reacted, in defence of their people, to the Frelimo government's incapacity to "create conditions and infrastructure for restoring the living conditions of the population that continue to be discriminated against and

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[121] Raul Domingos, *Notícias* 18.07.95. Raul Domingos was the head of the Renamo team that negotiated the 1992 peace agreement. From 1994 to 1999, he was the head of the Renamo parliamentary group. His prominence in parliament led to speculation that he might mount a challenge to Dhlakama's leadership if Renamo was ever to hold a congress. In 2000 he was suspended from Renamo. Later he formed the Party for Peace, Democracy and Development (PDD).
[122] Alexander Faite, *Savana* 28.07.95.
[123] See *Savana* 28.07.95.
[124] On this position, see *Savana* 28.07.95.

forgotten".[125] Likewise, the government's reluctance formally to recognise traditional authority was criticised as the government's reluctance to serve the interests of the rural population.[126] In this sense, the de-politicisation of 'traditional authority' by Renamo can be interpreted as forming part of Renamo's political strategy of claiming to represent and defend rural interests and to cast Frelimo as the opposite of this. However, as was the case with Frelimo the apolitical definition of chiefs did not always hold sway in practice. Also Renamo heavily relied on chiefs during the election campaigns of 1994 and 1999.

Chiefs: culture, administration, development and community

The engagement of chiefs in the public debate took the form of claims to recognition raised individually or in small groups by chiefs in the media and at the D/TA workshops. It did not, as in for example South Africa, take the form of a nationwide association of 'traditional leaders' sitting at the negotiating table with the government to lobby for collective claims to recognition and privileges. In Manhiça, Maputo Province, in 1995 one attempt had been made to do this by a number of ex-*régulos* loyal to Frelimo, but the intention of extending this to the whole country never materialised (Macia 1997).[127]

Rather, the D/TA workshops and the media could be credited for inserting the demands and wishes of ex-*régulos* into the policy-making process. They also provided chiefs with a pool of information on which to draw in order to strengthen their pledge for recognition within the context of the democratic transition. This was the case because the D/TA workshops always began with the MAE staff presenting their research findings and explaining to the participants the reform agendas of decentralisation, democratisation and community participation (VeneKlasen and West 1996: 8; Fry 1997).

In defining 'traditional authority' and making suggestions for legislation, chiefs were able to capture the language of these new reform agendas, while at the same pledging a return to colonial-style administrative functions and benefits. Chiefs defined themselves interchangeably as development agents, custodians of tradition and custom, state-administrative figures and apolitical representatives of community interests – much in line with the views of Renamo and local-level state officials. In agreement with all the other key

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[125] Raul Domingos, *Savana* 28.07.95.

[126] *Notícias* 18.07.95.

[127] As discussed by Oomen (2005: 95-8), CONTRALESA – the Congress of Traditional Leaders of South Africa – was a very powerful nation-wide association of chiefs in South Africa that played a significant role in pushing for legislation. The reason for the lack of such a nation-wide association of chiefs in Mozambique might have been due to the historical repression of chiefs, the lack of a culture of autonomous association in the rural areas, and political divisions among the chiefs themselves.

role-players, with the exception of the donor community, there was a broad consensus among chiefs that traditional authority should not be part of a representative democratic system – i.e. stand as candidates for political office – nor be supporters of any political party. This, however, did not mean that chiefs represented themselves as anti-democratic.

At workshops chiefs argued that they had their own internal mechanisms to ensure the legitimate exercise of power, and that these were more effective than electoral politics (VeneKlasen and West 1996). In the media, this argument was coupled with the claim that chiefs catered for the well-being of the whole populations, rather than servicing particular (party) interests. In this chiefs opposed themselves to self-interested party politicians. For example, a chief of Niassa defined chiefs as "the basis for the formation of a dignified society and its identity", and politicians as "those who provoke war […] live comfortably and only think about assuming the seats of power".[128] Or as another chief put it, "it is our obligation to work not with one party, but to mobilise the population for their participation in the reconstruction of Mozambique".[129] Chief Matola, based near Maputo, had a similar view: "I am neither with Frelimo nor with Renamo. My party is work and development";[130] "tradition does not have political colours";[131] "*régulos* think about people, not political votes".[132] Invoking the language of liberal democracy, he also claimed that "traditional authority is not opposed to democracy, because democracy means the rights and liberties of the citizens, which traditional leaders support".[133] A chief of Beira also stated: "I do not belong to any party. I only think about the problems of the people. […] If the government gives us power, it is not for the sake of power, but for the sake of the people."[134]

This self-definition of chiefs as above particularistic interests was coupled with the argument that chiefs were important agents in development: "we contribute to the social well-being of the population, such as ensuring that pregnant women are brought to the hospital […] cleaning of schools and construction of infrastructure";[135] and "We are ready to facilitate the program of the government if this means that the benefits do not end with

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[128] Chief Mataka, Niassa province, quoted in *Demos* 13.12.95
[129] Chief Mabalane, Gaza Province, quoted in *Notícias* 22.12.97.
[130] Chief Matola, *Demos* 30.07.97.
[131] Chief Matola, *Demos* 26.07.95.
[132] Chief, Matola, *Demos* 28.05.97.
[133] Chief Matola, *Demos* 26.07.95.
[134] Chief Luís, Beira, *Demos* 11.12.96.
[135] Chief Cheringoma, Sofala Province, *Notícias* 13.06.96.

the ministers, governors or the administrators, but with our sons, our wives and ourselves. We are making a cry for the development of the country".[136]

While able to draw on the emerging vocabulary of development and community representation to strengthen their call for recognition, chiefs' vision of legislation was based on 'a return' to colonial-style integration within the local state administration. In fact many chiefs made explicit references to the colonial past: they wanted back their administrative, judicial and policing functions, as well as the benefits and outwards signs of recognition provided by the colonial state, such as a salary, a means of transport, a uniform and the right to hoist the flag (Artur and Weimer 1998: 20).[137] Noticeably, many chiefs presented this model of state recognition as equal to restoring traditional authority itself: "It is necessary for the government to give us back all the competences, because only then can we function correctly and fortify the traditional power".[138] Or, as another chief claimed: "it is necessary for us to have back the uniform in order for us to be recognised by the communities as an authority", adding that "we are the structure of the state".[139] The point is that state recognition was not presented as opposed to, but as consistent with chiefs' role as custodians of tradition and providers of peace, social order and prosperity: "the *régulos* are those that know the reality and the tradition of the communities";[140] "we organize our rituals to alleviate the sufferings of the communities…for that reason the state should recognise us as part of the administration".[141] This view, I suggest, of state recognition as equal to bolstering the position of chiefs as 'traditional' authorities, reflected the long history of the constitution of chiefly authority in *relation* to shifting wider polities.

Thus, although chiefs also spoke the language of the 'culturalist' perspective, they were not satisfied with the recognition of 'traditional authority' as a separate symbolic-cultural domain in Mozambican society. Rather, the place envisioned by chiefs for 'traditional authority' within the new democracy was one in which they became part of the state apparatus and as role players in community-based development. Instead they distinguished themselves from the system of representative democracy, which they associated with self-interested politicians.

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[136] *Notícias* 09.02.00.

[137] For similar claims made by chiefs, see *Notícias* 27.06.96; 30.04.96; 05.06.96.

[138] Chief of Gorongosa District, Sofala Province, quoted in *Notícias* 27.06.96.

[139] Régulo Dondo, Sofala Province, quoted in *Demos* 13.12.95.

[140] Régulo of Sofala province, quoted in *Demos* 13.12.95.

[141] Ibid.

3. Wider Agendas and Conditions

The different actor positions presented above all contributed in one way or the other to a resurgence of 'traditional authority' in Mozambique, even if this underscored the call for different forms of recognition: for example, chiefs as an integrated element of the state apparatus, as part of democratic local governments, as agents of community participation and development, and/or as cultural-symbolic figures in nation-building. The core issue at stake was that each of the actors had an interest in producing a certain definition of *real* traditional authority, which went beyond 'traditional authority' itself: for example, academics' celebration of pre-colonial culture as a way of reasserting a common Mozambican identity; international donor's calls for the localisation of democracy and the resurrection of a civil society; local state officials' pre-occupation with re-establishing the state administration; and the main political parties' competition for rural votes and their attempts to assert the position as representatives of the common good.

In pursuit of official recognition chiefs on the other hand defined, 'real' traditional authority in such a way as to 'satisfy' relatively well the various interests of the other actor positions. Overall this suggests that the relational constitutions of traditional authority and the position of other influential actors, which had dominated in the past, were replayed in post-war public representations. Particular definitions of real traditional authority formed part of asserting particular actor positions, and these actors' models of post-war society, state, nation and democratic governance.

Having said this, the different actors' definition of 'real' traditional authority and the role they envisioned for 'it' cannot be understood independently of the particular conditions and agendas of the 1990s. The latter, I suggest, provided both a context and vocabulary for imagining particular roles and definitions of traditional authority in the democratic transition. Based on the analysis of the actor positions in Section two, I have identified four significant agendas and conditions, which will be dealt with in this Section. The first two are global and international in nature, whereas the second and third have to do with the national party-political climate and the local dilemmas of state reformation in the rural areas after the war.

Political liberalisation: decentralisation and democratisation

Apart from the transition to a multi-party democracy and the holding of 'free and fair' elections, the international donor community praised the fact that democratisation in

Mozambique also included "developing a political culture attuned to pluralism", "extending democracy to local and provincial levels", "strengthening civil society" and "broad-based participation in decision-making" (Alden 2001: 70; Veneklasen and West 1996: 1). 'Decentralisation', including a curtailing of the powers of the centralised state through the establishment of locally elected governments and the devolution of functions, powers and resources to them, was seen as one of the means to achieve such democratisation (West and Kloeck-Jensen 1999: 461; Braathen and Orre 2001). Above I noted how international donors in Mozambique financed projects on 'traditional authority' as part of this wider agenda of 'democratisation' and 'decentralisation'. This link, I suggest, cannot be understood without taking into consideration the wider reform agenda of political liberalisation, which was among the aid conditionalities of the Western bilateral donors and the Bretton Woods Institutions (IMF/World Bank) from the 1980s, and adopted by the Mozambican government in the late 1980s.[142] In their turn, these reforms need to be seen against the background of the wider global neo-liberal turn that considerably influenced international development thinking from the 1980s (McMichael 1996).

Most pervasively, the neo-liberal ideological turn included a critique of state-driven and state-centred development, as well as calls not only for 'freeing the market' from state regulation, but also for 'the freedom of the citizen' within a liberal democratic polity (Schuurman 1997: 155). State centralism was criticised for threatening individual freedom and inhibiting democracy: the role of the state was not to govern the market and its citizens, but to facilitate and create optimal conditions for the self-government of 'autonomous actors' (McMichael 1996: 134; Leftwich 1996: 13-16). In this respect, as Ferguson notes (1998: 6), democratisation came to mean "making more space for (civil) society" and "less space for and control by the state". In international development thinking, the neo-liberal ideology influenced policies of 'rolling back the state' through decentralisation and privatisation, the promotion of NGOs and the strengthening of an autonomous civil society (Schuurman 1997: 163-4). This was further supported by the argument that the failure of development in Africa was caused by the centralisation of power and by the 'bad governance' practices of African states, formulated in terms such as corrupt, inefficient, and unaccountable government (Oomen 2005: 110).

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[142] In Mozambique the first seeds of liberalisation reforms had already been sown in the IMF/World Bank-driven Structural Adjustment Program (SAP) adopted in 1987, followed by the 1990 new democratic constitution and the World Bank-sponsored Programme for Administrative Reform (PROL), adopted from 1991. For a critical analysis of the first structural adjustment programme in Mozambique, known as the PRE, see Plank 1993; Marshall 1990, 1992; Hall and Young 1997.

The first of such neo-liberal inspired policies were the Structural Adjustment Programs (SAPs) (adopted in Mozambique in 1987), which implied a strong emphasis on 'freeing the market' from state control and of down-scaling the state apparatus in service delivery. Around the time of the signing of the Mozambican Peace agreement, the radical belief in the free market of the first SAPs had become less pervasive, largely because it had already shown itself as not benefiting the poor in African countries.[143] This was reflected in the poverty-reduction agendas of bilateral donors and UN agencies in the 1990s. In addition to the liberal democratic critique of state centralization, these also emphasized the need to 'localize development' by including the participation of the poor and of social forces in general in development and decision-making. Instigating the 'global values' of liberal democracy, good governance and human rights was combined with an advocacy of 'popular participation in decision-making', 'community-based development', 'accommodation of ethnic, cultural and religious pluralism', and above all a strong and pluralistic civil society capable of putting political pressure on the state (Schuurman 1997: 163-4).

This wider turn in development thinking departed from the state-driven development of the 1960s and 1970s by recasting the idea that local social forces in the Third World necessarily comprise practices and beliefs that inhibit development (Ferguson 1998: 5-7). Emerging donor discourses on 'social capital' and a re-focus on the local 'community' as ways of tapping into the social field exemplified this turn (Delanty 2003). Community as a 'natural' sphere of social relations of trust, solidarity and shared values gained prominence in international development thinking. This might seem to contradict to the received wisdom of liberalism as giving primacy to individual rights and liberties, but as Englund points out (2004: 7), the accommodation of community can also be viewed as a means to bring alienated groups into the mainstream of the (liberal) political community.

In Mozambique, as elsewhere in Sub-Saharan Africa, the 'localization' aspect of the political liberalization agenda and the emphasis on community underlined the attention given by donors to 'traditional authority' as a social force to be reckoned with.[144] Even if the international donors thought that 'traditional authority' could be democratised as part of decentralisation policies, the emphasis on 'popular participation' and 'community-based

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[143] In Mozambique as elsewhere, in general SAPs failed to reduce poverty and resulted in increased economic inequality because of the removal of social safety nets and the increase in economic competition (McMichael 1996: 180; for Mozambique, see Plank 1993; Marshall 1992).

[144] The link between liberal reform and the resurgence of traditional authority mirrors developments in other African countries (see Englebert 2002; Oomen 2005; Kyed and Buur 2007 forthcoming).

development' provided a vocabulary through which the role of 'traditional authority' beyond elected local governments could be envisaged. This was reflected in the intensive focus of the MAE research projects on defining 'traditional authority' as the legitimate representatives of rural communities and in both chiefs and Renamo's emphasis on 'traditional authority' as capable of securing rural participation in development. This emphasis gained in strength, in particular after the passing of Law 2/97, which deprived rural areas of locally elected governments and thus any formally recognised representative bodies. The renaming of 'traditional leaders' as 'community authorities' in Decree 15/2000, as we shall see in Chapter 4, helped fill this gap in 'representative bodies' that could cater for the 'localization' aspect of political liberalization. However, the more intensive focus on the local 'community' as a cultural core on which to re-create a Mozambican national identity was influenced by other global trends of the 1990s.

Global discourses: cultural particularism and citizenship

The 'culturalist' perspective of Mozambican academics was in no way unique to Mozambique in the 1990s. Its emphasis on reconciling endogenous 'tradition' with exogenous 'modernity' and on vesting nationhood in African values and culture, I will suggest, mirrored and drew on two interrelated 'global trends': the increased articulation of cultural particularism as a by-product of globalisation, and a rethinking of the liberal, individualist concept of citizenship.

First, it has been widely acknowledged that globalisation – the increased flow of goods, people and information around the world, and the consequent interconnections between peoples and polities – has not simply given way to increased cultural homogenisation. Globalisation equally sparked processes of localisation, including an "affirmation of cultural differences and belonging" (Geschiere and Nyamnjoh 2000: 424), and a general celebration of the local and cultural particularism (Appadurai 1996; Ceuppens and Geschiere 2005). This was also felt in southern Africa, most notably in Mozambique's most influential neighbour, South Africa. Here transitions to liberal democracy were, as Oomen argues (2005: 107), paralleled by "the deeply felt need, reinforced by global culture, to 'localise democracy', to brand it a home-grown product instead of a Western import, and to link it firmly to African values". This was captured by the South African President's, Thabo Mbeki's discourse on the 'African Renaissance', which aimed to show the rest of the world that African solutions were not backward but could ensure the

development of genuine and stable democracies (ibid.: 109). It underscored the search for a specifically African form of nationhood no longer building exclusively on either the Western Enlightenment or socialism, which was often combined with a pervasive 'finding back to our roots' rhetoric (Geschiere and Nyamnjoh 2000). Proponents of the recognition of the chieftaincy, including the chiefs themselves, capitalised on this rhetoric by presenting 'traditional authority' as representing the survival of a very pervasive and rooted institution representing African values and culture.

Secondly, the emphasis on cultural particularism and the local community as a 'cultural core' on which to build nationhood mirrored an emergent rethinking of the liberal, individual-based concept of citizenship in other corners of the world. Globally this rethinking was fuelled from the late 1980s by the rising number of groups claiming recognition in the language of cultural rights, and supported by UN declarations on the special rights of indigenous people and cultural and ethnic minorities (Isin and Wood 1999: 1-4). This embodied a critique of the liberal, individualist concept of citizenship, not only for having denied cultural differences, but also for having obscured the *de facto* inequality between citizens by postulating a homogeneous public (ibid.: 19-21). The alternative proposition was a concept of citizenship that accommodated multiple forms of identification, cultural particularism and group-based claims to rights (Isin and Turner 2002: 2; Sassen 2002: 277-92; Ong 1999; Kymlicka 1995). In the African debate on citizenship, the post-colonial employment of individual-based versions of citizenship was similarly criticised for denying culture and for contributing to the exclusion of poor and marginalised groups, thereby reproducing colonial distinctions between citizens and subjects (Halisi, Kaiser and Ndegwa 1998; von Lieres 1999; Wilmsen 2002). Whereas the communitarian perspective, argued that the solution was to locate citizenship at the level of African communities, others put forward a concept of citizenship that could negotiate individual rights and collective identities, as well as dismantle the dichotomies of culture/rights and individual/community (Halisi, Kaiser and Ndegwa 1998; von Lieres 1999; Wilmsen 2002; Hitchcock 2002). Nonetheless, both emphasised the inclusion of 'culture' and 'community' within the concept of citizenship. As reflected in the culturalist academic perspective, this provided a vocabulary with which to promote 'traditional authority' as representative of local communities and culture.

In sum, the 'localization' aspect of the political liberalisation agenda and the discourse on cultural particularism strengthened a place for 'traditional authority' in

development and nation-building. Likewise the calls for decentralisation of power also provided a context for a renewed focus of traditional authority. This however did not erase the dilemma facing the quest for re-claiming lost state sovereignty in the rural areas of Mozambique. This dilemma, I suggest, underpinned the 'administrative' perspective on 'traditional authority', represented by many local state officials.

The dilemmas of state re-formation in the rural areas

The expressed need of local state officials to work with chiefs was, as noted earlier, related to pragmatic administrative concerns. This, I suggest, could not however be divorced from an inherent dilemma of post-war state re-formation: political liberalisation, which was aimed at downscaling the state apparatus and decentralising functions to non-state bodies, was still premised on the existence and legitimacy of the state as a sovereign authority in the first place (i.e. for effectively enforcing legislation). In the rural areas of the country, and in particular in Renamo-controlled areas, this was hardly the case when 'traditional authority' became a topic of policy-making: if not entirely absent, as in for example Dombe, then state institutions governed in a very restricted manner in rural areas in the mid-1990s.

The 1994 elections should have paved the way for re-extending a uniform state administration and security forces across the entire territory, including a dismantling of Renamo-controlled areas, but this was a protracted and conflict-ridden process. Not only did the state lack resources, manpower and organisation, it also faced a crisis of legitimacy, nurtured by the many years of militarised Frelimo-state governance, as discussed in Chapter 2. This was exemplified by the subtle resistance of rural residents and chiefs to engage in government-launched development and reconstruction projects, pay taxes or send their children to state schools (Alexander 1997: 11-13).[145]

In addition, the state faced a situation of 'decentralisation by default', in which governance was taken care of by non-state actors operating outside the sovereign power of the state. In those areas where Renamo had created 'liberated zones', such informal sovereigns comprised *mambos*, Renamo officials and the *mujhibas*, which, as shown in Chapter 2, had been shaped in opposition to the Frelimo state. In government-controlled areas, on the other hand, state sovereignty was challenged by the presence of development

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[145] See also *Noticias* 04.01.96; 17.02.96; 24.08.96; 21.02.97; 22.02.97; 10.05.97; 18.07.97.

and emergency relief NGOs, as well as by *ad hoc* forms of governance performed by GD secretaries and ex-*régulos* (Artur and Weimer 1998: 6-9; Alexander 1997: 11).

In looking at the attempts to re-establish state administration in rural areas in the post-1994 period, it can be seen that district-level state officials regarded ex-*régulos* as both the problem and the solution to the dual crisis of state administrative capacity and legitimacy. In government-administered areas, ex-*régulos* were increasingly used by state officials to bolster administrative capacity, but these also sparked local-level conflicts over power between the former GDs, the *secretários* and the ex-*régulos*.[146]

In Renamo-controlled areas, chiefs were understood and depicted in the media as a main reason why Renamo was able to remain in power and why the state faced difficulties in re-penetrating these areas. The case of Dombe was held up by the media as a paradigmatic example. In July 1995 the newspapers reported that 44 chiefs and 400 members of the rural population of Dombe had literally thrown out twelve police officers who had tried to re-establish the presence of the state police in the area. Whereas Frelimo maintained that the chiefs had been induced by Renamo's national leadership to sabotage the state, newspaper articles had Dombe chiefs stating that it was because the population did not want to see armed Frelimo police after the end of the war.[147] They also stated, however, that they were not against the state police, provided the chiefs were given the privileges that they had been promised by the government.[148]

These acts of resistance, cast in the name of chiefly demands for state recognition and privileges, reflected, albeit less extremely, events in other areas of the country.[149] They also set the agenda for state solutions to the problem of repenetrating Renamo-controlled zones: in Dombe as elsewhere, bicycles and radios were handed over to chiefs by provincial governors, accompanied by the delegation of tasks and the promises of state recognition.[150] The results were diverse in the former Renamo areas: while state institutions were re-established in areas like Dombe (November 1995) and the media reported numerous cases of chiefs collaborating with the state administration,[151] there were also cases where chiefs

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[146] On the delegation of taxation powers to chiefs in Manica, Nampula and Inhambane, see *Notícias* 17.02.96; 13.06.96; 27.07.96, and *Domingo* 21.05.95. On the use of chiefs for various forms of population mobilisation and in the resolution of land conflicts, see *Notícias* 23.07.96; 08.02.96; *Domingo* 21.05.95. See also Juergensen 2001.

[147] See *Notícias* 17.07.95; 19.08.95; *Savana* 28.07.95.

[148] Interview, Chief Chibue, Dombe, 19.08.05; see also *Notícias* 18.02.95.

[149] See *Notícias* 03.11.95; 13.06.96; 27.06.96.

[150] Dombe and Chibabava and Marrumeu in Sofala, *Notícias* 18.01.96; 30.09.96, 31.01.97.

[151] Dombe, Chiringoma, Gorongosa, Chibabava, Tambara, *Notícias* 22.08.97; 27.06.96; 30.09.96; 23.07.96.

operated in a grey zone, drawing interchangeably on their alliances with the state and Renamo.[152] In addition to the conflicts over local authority in government-controlled areas between GDs, *secretários* and ex-régulos, this state of affairs supported those actors who were in favour of legislation to regulate chief-state relations. From the perspective of local state officials, this also underscored the pragmatic need to re-integrate chiefs into the state administration and give them the benefits that would prevent resistance such as occurred in Dombe in 1995. Overall, this suggests that the background for the 'administrative' perspective on 'traditional authority' emerged in the interface between demands for decentralisation and the contested quest to re-claim state sovereignty in rural areas. As the Dombe case shows, however, this could not be separated from party political competition between the former warring fractions, Frelimo and Renamo, in rural areas.

Party political power

As elsewhere in southern Africa, the transition to a multi-party democracy in Mozambique created a new environment of competition for power marked by achieving 'wealth in voters'. It also marked an increased interest in 'traditional authority' as a route to rural votes (Englebert 2002; Oomen 2005). As noted in Section 2 this was also the case in Mozambique where both Frelimo and Renamo used chiefs in the election campaigns of 1994 and 1999 – that is, despite their emphasis on 'real' traditional authority as being outside party politics.

For Frelimo the use of chiefs was more progressive in the second elections of 1999, which foreshadowed the passing of Decree 15/2000 six months later. This shift cannot be understood without recognising that the 1994 election results provided quantitative proof of Frelimo's crumbling legitimacy in rural areas, in particular in those parts of the country where Renamo had been in control. The election results had a clear rural-urban dimension, corresponding to the geographical divisions of the war: Renamo gained the majority of votes in the central provinces (Manica, Sofala, Nampula, Tete and Zambézia) and 41 percent of the total number of rural votes. Frelimo gained most support in the southern (Gaza and Inhambane) and northern (Cabo Delgado and Niassa) provinces, and 40 percent of the total rural votes (Juergensen 2000: 15).[153]

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[152] *Notícias* 23.09.95.
[153] After the 1994 elections, the 250 seats in Parliament were divided as follows: Frelimo had 129 seats, Renamo 112 seats and União Democrática 9 seats (Artur and Weimer 1998: 5).

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These results emphasised the divisions in the country and set the scene for an intensified focus on chiefs as the gate-keepers to the rural population, as well as being an aspect of the party-political competition between Frelimo and Renamo. However, they also had an impact on why legislation on 'traditional authority' was so slow in the making. As noted earlier, while Frelimo was cognisant of the potential political value of alliances with traditional authorities, it also feared the risk of further empowering figures who had a history of residing in the opposition camp. The decision not to legislate in 1996 can be seen in light of this risk: as a separate 'traditional' and 'symbolic-religious' form, traditional authority was perhaps less of a risk in directly challenging national and sub-national balances of power. But why, then, did the Frelimo government change its mind in 2000 when its' Council of Ministers passed Decree 15/2000?

I suggest that the answer can at least partly be found in the election results of 1999, which largely reproduced those of 1994. Although Frelimo and its presidential candidate, Chissano, won the election, the results reconfirmed the continuing weakness of Frelimo's hold over the rural areas and the centre of the country. Only a few months after these results the Decree 15/2000 was passed, placing traditional leaders as apolitical counterparts of the local state administration. This type of legislation linking chiefs to the state should, I suggest, also be seen as part of the stakes that the Frelimo government had in reversing the dilemmas facing state re-formation in the rural areas. As noted earlier, the re-establishment of the state administration could not be understood independently of the party-political competition between Renamo and Frelimo over the control of the rural areas. This was intimately linked on the one hand to the fact that Renamo had remained with administrative control in some of the areas it controlled during the war and on the other hand to the fact that Frelimo after the 1994 elections and subsequently had rejected a power sharing agreement with Renamo. This meant that only Frelimo members held the positions of ministers, governors and district administrators, thereby reproducing the *de facto* link between state and party (Juergensen 2000: 15; West and Kloeck-Jensen 1999: 461). In light of this, the disputes over the domain of 'traditional authority' between Renamo and Frelimo could be seen as a question not merely of 'voter behaviour', but also of struggles over the state-administrative control of the rural areas. As noted in Section 2, this was exemplified by each party's attempt to depoliticise traditional authority as part of its claim to represent the common good, beyond particularistic interests. In the end, I suggest, this further

underlined why the Frelimo government became convinced that traditional authority should be brought into state legislation, as well as carry the outward signs of the state.

Conclusion

This chapter has sought to answer the question of *how* 'traditional authority' became a topic of interest and a field of policy-making within the context of the post-war democratic transition in Mozambique. It has shown that the resurgence of 'traditional authority' did not emerge exclusively from any one single factor determined by a single group of actors. Nor was it confined to local and national issues alone, but also informed by wider global changes. This questions the tendency of a number of scholars to view the resurgence of traditional authority within democratic transitions as either exclusively a sign or resolution of 'state failure' (Herbst 2000; Skalnìk 2004), a result of party-political competition for votes, or simply as a result of failed democratisation and counter-reactions to it (Mamdani 1996).[154]

In Mozambique, at least, the democratic transition provided an important vocabulary for revised definitions of traditional authority in public representations, as well as a new political climate for more open public debate and consultation. Even though the policy-making process was not initiated 'from below', this climate opened up an intensive debate and politically infused 'classification struggles' over what *real* traditional authority is and what roles 'it' should play in a post-war democratic polity. The result was a multifaceted intertwining of partly interlinked and partly contradictory local, national and global conditions and agendas, which were reflected in different actor positions on the vexed question of 'traditional authority': e.g. democracy, decentralisation, multi-party politics, state administrative concerns, African values and culture, and community participation. These provided both a context and a vocabulary for different ways of re-defining and re-imagining the role of 'traditional authority', for example, as counterparts of the state administration, as development agents securing community participation, and as cultural-symbolic figures in nation-building.

Importantly, as was the case in the past, the different actor positions on traditional authority reflected interests beyond traditional authority itself. Each of the actor groups' definitions and support of traditional authority as a force to be reckoned with was

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[154] Exceptions to these singular explanations include Oomen (2005) and Englebert (2002).

intimately related to reconstituting the power positions of other actors and/or their particular models of post-war society: for example, academics' celebrations of pre-colonial culture as a way to reassert a common Mozambican identity; international donor's calls for the localisation of development; local state officials pre-occupation with re-establishing rural state administration; and the chief political parties' competition over votes and the claim to represent the common good. Thus the complex question of 'traditional authority' could be made to fit very different agendas, at least at the level of public representations.

I suggest that the possibility of different definitions of traditional authority reflected overall a contested history and the heterogeneous reality of the chieftaincy 'on the ground'. However the varied agendas and interests also made it more difficult to arrive at a *closure* to the policy-making process – i.e. to fix a particular definition of 'traditional authority' within legislation. This difficulty was reflected in the indecisiveness of the Frelimo government in passing legislation. As I shall deal with next, the varied agendas and interests were also reflected in the final legislation. In essence, Decree 15/2000 became an ambiguous compromise between these.

Chapter 4

Classificatory Closure and Decree 15/2000

This chapter addresses the classificatory closure to and end product of the protracted policy-making process regarding 'traditional authority', discussed in Chapter 3. This includes first asking the question of which classifications of 'traditional authority' and 'rural society' were ultimately included and excluded from the final legislation, and how these were defined in relation to the state and the democratic transition. Secondly, the content and underlying assumptions of the final legislation itself, Decree 15/2000, are discussed.

The aim of the chapter is thus to address how the highly contested concept of 'traditional authority' was caught, fixed and frozen as a common state-legal category to fit a nationwide law, and what models of society this supported. Law-making can in this sense be understood as processes of regularisation, of order-making, that centre on fixing particular relationships and making them appear as reflecting particular social orders (Moore 1978; see Chapter 1). This does not mean that we should not pay attention to possible contradictions and ambiguities in the law and in state-legal categories. As this chapter will address, the final classifications of traditional authority and rural society were based on a great deal of historical dissimulation regarding the empirical forms of the chieftaincy, and Decree 15/2000 mixed and merged a potpourri of aims and tasks that sought to satisfy the widely different agendas of the 1990s. This left unresolved a number of potential contradictions, which need to be kept in mind when, in Parts II and III, I turn to the implementation of Decree 15/2000 in Matica and Dombe.

1. The Classificatory Closure

When it came to deciding which versions of the much contested concept of 'traditional authority' was to be caught, fixed and frozen into written legislation, the classifications that proved the most powerful were those produced by the MAE-hosted research team first funded by the Ford Foundation and later USAID. This research team consisted of a number of younger Mozambican researchers and the coordinator, Irêa Baptista Lundin, a Brazilian-

Swedish Scholar. Although compromises were made with the Frelimo government in the final drafting of the Decree 15/2000, the main classifications of 'traditional authority' and 'rural community' produced by this team were maintained in the Decree. One possible reason for this was that a number of the former members of this team were later employed as state functionaries within the MAE to draft Decree 15/2000.[155] However, I also suggest, that the strong influence of the MAE's research results owed to the fact that they provided classifications of 'traditional authority' and 'rural community' that both qualified the disjointed rural realities for a coherent legislation as well as made these quite successfully fit in with the various post-war agendas: democracy, decentralisation, community participation, nation-building, and preservation of traditional culture and community.

Paradoxically, the MAE research project facilitated the opening of what, as we saw in Chapter 3, was a contested debate over the meaning and role of 'traditional authority', but used this to provide a rigid classificatory closure. The intention of the research was to show "the actual reality" without "making value judgements of the traditional institutions [and] simply write about what is said, felt and how people live" (Cuehela 1996: 5), but the published results conspicuously produced objectified 'ideal model' definitions of Mozambican 'traditional authority' and 'traditional society'.[156] As a result these concepts were disembedded from the historical and particular regional contexts in which empirical forms of chieftaincy and rural society existed and had developed. This was reflected in a two-volume publication on *Traditional Authority and Power*, describing the topic in the past and the present (Lundin and Machava 1995), and in five brochures providing a detailed mapping of the roles, structures, rules and values of 'traditional authority' and 'traditional society'.[157]

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[155] Personal communication from Rufino Alfane and Ambrósio Cuehela, two of the MAE research team members who were later employed as technicians within the MAE to draft Decree 15/2000.

[156] The knowledge produced in the publications was claimed to be based on fieldwork-based empirical analysis, to which its authors consistently made references. VeneKlasen and West (1996: 10), in their mid-term evaluation of the project, nonetheless point out that field research prior to publication of the brochures was very meagre. The knowledge produced, they held, was mainly based on colonial-era studies written by colonial administrations: "as a consequence the brochures present traditional institutions in a way which reflects their status prior to 1975 more than their present situation" (ibid.)

[157] The brochures covered the following themes: "I. Traditional Authority" (Cuehela 2006), "II. Social Organisation in Traditional Society" (Fernando 1996), "III. Civic Education in Traditional Society" (Alfane 1996), "IV. Land and Environment" (Macusette 1996), V. Norms, Rules and Traditional Justice: How to Prevent and Resolve Conflicts" (Nhancale 1996). They were intended to "educate and create dialogue at the local/district level" and above all to teach local state officials and NGOs about what 'traditional authority' and 'traditional society' is all about (Fry 1997: 12).

Next I address in more detail these publications' main definitions of 'traditional authority' and 'traditional society', followed by how these were cast in a language that made them fit with the post-war democratic transition.

The basic definitions: 'traditional authority' and 'traditional society'

The MAE brochure, with the title "Traditional authority in Mozambique", begins by asserting that "society is dynamic", "culture is in a continuous process of change" and that the concept of 'traditional authority' has shifted with the times (for example colonialism, the single-party state, the wars, market economy and cultural interchange) (Cuehela 1996: 5). However, it then goes straight on to assert that "nevertheless traditional authority never disappeared, because it still constitutes an everyday reality of the communities of our country within the different socio-cultural contexts" (ibid.: 6). It further holds that traditional authority is part of the shared national culture of Mozambique: "along with the differences that exist from region to region, traditional authority is present and it is important in the whole national territory […] the similarities that exist show that all of us have a lot in common. This shows the unity of all of us in being Mozambicans" (ibid.: 6-7).

Thus if the aim of the MAE research had been to "insert the similarities [of traditional authority] in models that can help to understand its extreme value for the construction of national unity" (Lundin and Machava 1995: 3), then this was presented as a fait accompli in its published results. By implication, the claims that differences existed across the country and that "society is dynamic", were in the last instance undermined by the representation of a homogenous and timeless model of 'real' traditional authority and society. At the same time, it was claimed that this 'model' corresponded to the realities found in the rural areas. In the publications this was exemplified by the use of the present tense to describe the various features of traditional authority and society, as if these corresponded to no discernable historical period (West and Kloeck-Jensen 1999: 473). (rules of succession, hierarchy, functions, symbolic values, social organisation etc.).

Although analyses of the different historical periods were included, such as the Nguni period, colonial indirect rule and post-colonial abolition, the publications essentially de-historicised traditional authority. Thus it was claimed that "traditional power was seriously disturbed at various moments", but this was followed by the claim that "traditional authority exists in the communities and has its origin in the period that preceded all these disturbances" (Cuehela 1996: 24). By implication, the internal dynamics

of 'traditional society' was undermined, and change processes presented as the result of relatively unsuccessful 'external disturbances' (Lundin 1995: 10-12). This informed a particular definition of 'traditional society'. It was described as consisting of essentially harmonious, bounded wholes that were held together by kin ties and a common cosmological order, overseen and secured by the institution of traditional authority. In explaining those instances in which conflicts and the disintegration of the local "communities" had occurred, this was interpreted as being due to the external 'disturbances' of 'traditional authority' and as caused by "the treatment that this authority [traditional] has received from the established powers in the past years" (ibid.: 14). This supported a view of traditional authority as a 'total social fact' (Mauss 1990) or as the glue holding a given social order together. Lundin (1995) described this order in words redolent of British structural-functionalist anthropology:

The real existence of this (traditional) authority in the communities and the perception of the legitimacy of its existence, is directly related to its maintenance of social order. […] The truth is that the cosmological aspect that rules in the societies, in this case the African local society, is part of a socio-cultural totality, which is intrinsically related to the socio-economic and socio-political expressions of the communities, such as processes and forms of production, and the structures of perception informing the exercise of authority/power. (Lundin 1995: 10)

This basic conceptualisation of 'traditional authority' and 'African local society' was also reflected in the MAE brochures' more detailed descriptions of the functions of the chiefs and the socio-political organisation of rural society. Apart from emphasising differences between groups organised according to matrilineal and patrilineal descent, the brochure on "The Social Organisation of Traditional Society" described the common existence of lineage-based groups comprising a 'community', ruled by a "*chefe tradicional grande*" (a superior traditional chief). These communities shared both a common territorial space and a common "cultural space" of moral values, religion and customs that "regulate the socio-political, socio-economic and socio-cultural life of the communities" (Fernando 1996: 9). In this sense, the publications produced an unproblematic correspondence between 'territory', 'community', 'culture' and a 'traditional chief'.

The category of 'traditional authority' was itself described in the brochure on this topic as comprising a 'traditional chief', a 'council of elders' and 'diviners and healers'. Together these were defined as: "a traditional African socio-political institution, which forms part of our culture and tradition" (Cuehela 1996: 10). The 'traditional chief' was

defined as the head of the wider institution of traditional authority within the lineage-based territorial space: "in every territory we encounter a real lineage that assumes hegemony, or in other words, full power over some things, and enjoys certain special rights in relation to others. Its legitimacy is given by all the community [i.e. all the lineage groups] of the respective territory" (Cuehela 1996: 19).

The 'traditional chief' was defined as the main figure responsible for maintaining "social equilibrium in accordance with tradition and custom" (Ibid.: 31): "the chief is above all a councillor who mobilises the elders within his territory to ensure that their children are educated about the customs and rules of conduct in order to maintain social order" (Rufino 1996: 22). The chief, it was held, could do this because "it is the chief that knows of the tradition of the lineage" (Ibid.). Further emphasis was placed on the following functions of the traditional chief: to secure peace and harmony in the communities, control the territorial limits of the lineage, solve conflicts in the community according to custom, ensure that land is properly distributed for the use of the whole community, and arrange ceremonies for the participation and in the interests of the community (Cuehela 1996: 25). It was further held that the ability of the chief to exert such "traditional power" "is based on the chief's special attachment to the ancestors, the most profound basis of the communities" and his ceremonial responsibilities for establishing "a permanent relationship between the living and the dead" (ibid.: 10-1). In these descriptions emphasis was again placed on the commonalities across the country and on the timelessness of tradition: "these functions are common in all the communities in the country and for all the traditional chiefs" (Ibid.: 26). Similarly, "tradition is in the end not of the past, but what is done today, what our grandparents did yesterday, and what our children will do in their lives tomorrow" (MAE Brochura II 1996: 38).

The descriptions of 'traditional chiefs' also reflected a romanticised version of tradition as by nature non-violent and in service of the common good of the community. The references made to slavery, the use of violence, executions, forced tribute and so forth were explained as "not part of the tradition" (Cuehela 1996: 32). They were cast as colonial inventions employed by those *régulos*, who had been imposed by the Portuguese and had not been legitimized by the community (ibid.). 'Tradition' and 'traditional authority' were also defined as undisputed in local communities. 'Traditional authority' was for example described as a symbol ingrained in the socio-cultural order, "equally held by all rural individuals, independently of their socio-economic position, gender and age" (Lundin 2005:

19). 'Traditional authority', Lundin held, "is a symbol because it expresses something more, something sacred, within the specific common values of a group that share the same values. The symbol is a symbol, and therefore is perceived and transmitted to future generations in the process of social reproduction" (ibid.: 20). This definition of 'traditional authority' as a symbol was both used to explain why "traditional authority continued to exist after colonialism" and why there were indeed conflicts in some areas of the country: "The attempts to suppress the symbol, concretely in this case, the power of traditional authority, brought social instability, disorder and conflicts in the communities" (ibid.).

Based on these definitions the task for post-war rural peace was then to revive, where it had been disturbed, 'traditional authority', including the internal mechanism for solving conflicts. The latter were described in detail in the fifth brochure on "Norms, Rules and Traditional Justice". It outlines, equally in the present tense, a common system of 'traditional justice' comprising the 'traditional chief', 'a council of elders' and 'diviners and healers', which resolves everything from murder to minor family disputes in order to "maintain the social order" (Nhancale 1996: 15-16). The descriptions of this system of 'traditional justice' again underscored the notion of 'traditional society' as integrated, self-sustainable wholes, which functioned best for the whole community when not subject to outside disturbances. Irrespective of this the publications also produced definitions of 'traditional authority' that fit with the national policy-agendas of community participation, democracy, decentralisation, and national unity.

Legitimate community representatives

The publications defined the authority of 'traditional chiefs' as vested in the power of a territory's superior lineage, but at the same time it was held that chiefs were indeed apolitical figures serving the common good: "once enthroned he [the chief] does not belong to any particular lineage, but is able to represent and defend the interest of the whole community of his territory" (MAE Brochura I 1996: 24). 'Real' forms of 'traditional authority' were, besides representing community interests, also defined as community legitimised: "traditional authority holds a legitimacy that he is given by the community and only by the community" (Cuehela, 1996: 10). This was combined with the assertion that 'real' traditional authority was entirely created from within local communities, and not by any external polity: "This institution of the community is a reality that manifests itself before the state and its juridical system. They are not created by the law, but are generated

by the respective communities" (Lundin and Machava 1995: 151). This underscored a strict distinction between state and chiefly authority, which it should be noted, was claimed to be perfectly identifiable 'on the ground'. A distinction was thus drawn between real traditional authorities and those *régulos* who had derived their authority solely from the colonial administration.

To underpin the community legitimised and representative nature of real traditional authority, the MAE research team introduced the term 'community leader' (ibid.: 37), and later the concept of 'community chief'. The latter was inserted into the first draft law in 1996 (see chapter 3). The new concept of 'community chief' both satisfied the preservation of "traditional forms of community organisation based on the cultural roots of the people" (Fry 1997: 17) as well as donor calls for community participation. It also did this by defining 'community chiefs' using the vocabulary of democratisation and decentralisation.

Democratic and decentralised forms of authority

In the MAE's publications "community norms" of choosing a leader were defined as inherently democratic, the political organisation of chieftaincy as decentralised. The procedures of the succession and enthronement of a 'traditional leader' were labelled an inherently "local form of democracy" (Lundin 1995: 27):

No chief is a chief if he is not legitimized. The approval [of a chief] functions like a local democracy. It is a process of legitimization of a traditional chief, which is related to the good care that he can take of his community […] besides being part of the real lineage, the lineage of succession, he should have the capacity to solve problems in the community and be a person of good heart (Cuehela 1996: 27).

The approval of a traditional chief was further described as "a process of election between candidates" in which "the most competent is elected by a body of the eldest of the community [council of elders], which comprise what could be called a *Colégio Eleitoral* [electoral college]" (Lundin 1995: 28). Broad-based consensus in the community was also emphasised: "in the election there cannot only be a minimum consensus. That is, everyone should approve the election" (Cuehela 1996: 27).

In addition, the exercise of authority was defined as democratic. It was maintained that traditional authorities and the Council of Elders form a system of popular checks and balances which restrain and monitor power so that it cannot be abused. Emphasis was also placed on a mechanism for removing badly performing chiefs (Lundin 1995: 26-7). This, Lundin held, was vested in the inherently decentralised character of 'traditional authority',

in which decision-making powers and administrative functions are distributed between the superior chief, a council of elders and the sub-chiefs of particular lineages (ibid.: 26): "all power exercised is decentralised in lineages with different types of relation to the dominant lineages" (ibid.: 25) and "within the socio-political structure of traditional authority and its territoriality, Mozambican tradition is one of decentralisation" (ibid.: 4).

Based on these definitions of the MAE research team, the recognition of 'traditional authority' did not contradict with the development of a system of local democracy and decentralised governance demanded by the donor community. However, the MAE research team did not envisage this in the form of making 'traditional authority' subject to ballot box-style elections, nor as an integral part of the state apparatus. Rather it recommended a future model of state-chief relations in which 'traditional forms of community organisation', represented by a 'traditional authority', was preserved and co-existed as a separate domain from the state apparatus (Macia 1997: 88-9; Fry 1997: 17). This proposal rested on a juxtaposition between 'traditional society'/'traditional authority' and 'modern society'/'modern state', not far removed from colonial representations. Nonetheless, the view was that this duality of structures could co-exit in a harmonious relation of interaction and collaboration within a democratic polity. The community-legitimised and democratic nature of traditional authority represented by the MAE researchers made this possible. The model proposed was also held out as perfectly consistent with national unity and post-war state formation.

It was held that "[traditional authority] should be valorised at the same time as a symbol of Mozambicanness for the enforcement of a unitary state" (Lundin 1995: 30), and that "their importance is so huge a value of the culture of all of us that it can consolidate national unity" (Cuehela, 1996: 7). Furthermore, the publications emphasised that a harmonious relation of interaction between the 'traditional' and 'modern' domains of authority would 'disturb' neither of them and even be favourable to the state:

The traditional authority, in front of the formal power, should not be understood in the context of a zero-sum game where any reinforcement of local chiefly authority means the weakening of the authority of state power in the communities […] a correct coordination or articulation with the traditional chiefs will permit the state to enforce its legitimacy and strengthen its prestige in the communities (ibid.: 6).

Thus the MAE publications clearly envisaged that state recognition of traditional authority would also be capable of reconstituting the state in the post-war rural areas. However it

omitted any possible change of the state and the chieftaincy as a result of recognition and collaboration. These perspectives of the MAE publications were also reflected in the 1996 draft law, and later in a MAE-concept paper of March 2000, which laid the basis for Decree 15/2000. Here, as we shall address next, extensive collaboration between 'traditional authority' and the state administration was presented as perfectly consistent with a non-integration of chiefs within the state apparatus, that is, "in order to maintain their cultural identity as traditional chiefs" (MAE March 2000: 17).

2. Decree 15/2000: A Compromise

The MAE research projects provided definitions that made 'traditional' authority and community legible for national legislation. Their definitions also satisfied relatively well the various post-war agendas of democratisation, decentralisation national unity, and state formation, while also promising to preserve 'tradition'. At the same time the definition of traditional authority as an inherently local form of democracy that deserved recognition as a separate domain of Mozambican society, also justified the government's decision in 1997 not to extend locally elected governments to the rural areas. The rural communities were best left to identify their own representatives from among the 'traditional authorities', and were believed to be truly capable of doing so in a democratic manner.

This basic proposition also underlined Decree 15/2000, passed in June 2000. When it was passed it provided the only legislation catering for non-state popular representation in the *rural* areas, co-existing with the locally elected governments in the *urban* areas.[158] The Decree 15/2000 reproduced the basic definitions of traditional authority and community provided by the MAE research team, but it also reflected a compromise between different agendas. In particular noticeable were two additions to the MAE research teams' recommendations. First, the Decree extensively conferred upon the state the authority to define and regulate traditional authority, although maintaining that 'traditional leaders' should be legitimised by the community and *not* be an integrated part of the state. Secondly, it did not consider 'traditional authority' as the only rural form of authority, but also the former Frelimo *secrétarios* of the dynamising groups and 'other leaders' as

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[158] This changed with the passing of the Law on local state organs in May 2005, which also included consultative forums in the rural areas comprising a broad-based representation of community members in development planning. However, in Matica and Dombe these were only being implemented at the end of my last period of fieldwork in 2005, and therefore had little bearing on my results.

community authorities deserving state recognition. The seeds to these two additions were laid in the revised draft Constitution of 1999 and in a March 2000 concept paper produced within the MAE. The former produced the following article:

The State recognises and values traditional authorities, *legitimised by the populations*, according to customary law […] The *State defines the relationships* between traditional authority and other institutions, and accommodates their participation in the economic, social and cultural life of the nation, *in accordance with the law* (República de Moçambique, 2004: Chapter III, Article 118, my emphases).

This constitutional mandate of the state to define "the relationships between traditional authority and other institutions" was taken further in the March 2000 concept paper that laid the basis for Decree 15/2000. It emphasised "the urgent need of the state to clearly define the areas of jurisdiction of the local tiers of the state administration and of *all community institutions*", including the development of "uniform principles, which leaves clear the coordination between community and administrative institutions in political and administrative matters" (MAE March 1996: 18, my emphasis). According to the concept paper the task was to develop a common state-defined, system of community leadership, while also withholding "the non-intervention of the state in traditional and customary matters" (ibid.: 19). The emphasis on "all community institutions" also underlined the inclusion of the former Frelimo *secretários* under the new common category of community leadership. The official argument was that these indeed existed as community legitimised authorities alongside 'traditional leaders' in many rural areas of the country. If they were excluded from state recognition, it was held, this could bolster conflicts over authority in the rural areas (ibid.: 11). However, I will also suggest that this sudden, last-minute inclusion of Frelimo *secretários* reflected a compromise within the Frelimo government, underpinned by party political motives. As suggested by Forquilha (2007) it was a way to accommodate those voices within the Frelimo party, who feared that recognition of chiefs would empower the opposition party, Renamo.[159] Thus it was to secure that figures who had a history of loyalty to the ruling party would remain with power in the rural areas and possibly counterbalance the Renamo loyal chiefs.

The different recommendations of the March 2000 concept paper fed directly into Decree 15/2000, which introduced the common category of '*autoridade comunitária*'

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[159] Forquilha (2007) builds this argument against the background of a newspaper article of 1998, which quotes the central committee of Frelimo for stating that if the government should approve recognition of traditional leaders, it should also secure a prominent space for the former Frelimo secretaries.

(community authority). As we shall address in detail next the Decree represented a clear compromise between the different post-war agendas discussed in Chapter 3, including the last minute accommodation of Frelimo *secretários*. At the same time it reproduced, albeit ambiguously, the MAE research team's juxtaposition between 'traditional authority' and 'the state'.

State assistants and community representatives

That Decree 15/2000 tries to cover simultaneous the many post-war agendas is apparent in the excess of words of its main objective:

> For the process of *administrative decentralisation*, for the affirmation of the *social organisation of communities* and for the improvement of the conditions of their [communities'] *participation* in public administration for the *socio-economic and cultural development* of the country, it is necessary to establish forms of *articulation* between the local tiers of the state and the community authorities (Decreto 15/2000, Introduction, my emphases); the areas of articulation between the local tiers of the state and the community authorities are centred on those activities that are in accordance with the consolidation of *national unity* and on the production of good benefits and services that can satisfy basic livelihood needs and *local development* (ibid. Art 4, my emphases).

In this formulation, the Decree both satisfies the local state officials' 'administrative' preoccupations, the donor calls for 'decentralisation', 'community participation' and 'localisation of development', and the 'culturalist' appeal for the recognition of 'local community organisation' and 'national unity'. The emphasis on *articulação* (interaction) between the local state institutions and community authorities, rather than integration of the latter within the formed, also adheres to the MAE research team's pledge for the preservation of a separate domain of community authority.[160] Finally, article 1-2 gives a democratic ring to Decree 15/2000 by promising that the state will only recognise those leaders who are indeed legitimised and chosen according to the will of local community members. Moreover, it in principle allows for any kind of leader to be legitimised as a community authority. In the *regulamento* of the Decree, this latter element covers three categories of possible community authorities – traditional chiefs, "*secretários* of suburbs and villages" and "other legitimate leaders" – corresponding to three models of community legitimisation.

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[160] This was confirmed in public statements by MAE staff and President Chissano himself after the passing of Decree 15/2000: "community authorities are not state functionaries. We should not confuse it with state authority. It is community authority" (*Notícias*, 11.08.00. For a similar statement by the MAE minister, José Chichava, see *Notícias*, 10.06.00.

'Traditional chiefs' should be legitimised "according to the traditional rules of a given community", *secretários* through "*escolha* [choice/selection] by the population", and 'other leaders' through "approval by the social groups they belong to" (Regulamento do Decreto 15/2000, 2000: Art. 1). In this sense the Decree allows the communities to choose any leader they consider legitimate, but at the same time satisfies the MAE research's pledge for state recognition of "the traditional rules of the community" as the basis of the legitimacy of traditional leaders. In line with the MAE research's definition of such shared traditional rules as inherently democratic, the *regulamento* of the decree presupposes that legitimacy conferred on a 'community authority' is indeed broad-based, including the whole population within a given territory. This is reflected in its definition of 'community' as "the totality of the populations and collective persons, which are joined together in a fixed territorial-organisational unity" (Regulamento do Decreto 15/2000: Chapter I, Art. 1, 5). By implication, state recognition of 'community authorities' was indeed represented as capable of catering for broad-based community representation, that is, in the absence of locally elected governments in the rural areas.

The community representative role is nonetheless combined with the positioning of community authorities as assistants of the local state institutions. This is reflected in a very extensive list of rights and duties conferred upon 'community authorities', which centre predominantly on what they can do to assist the state in administrative, developmental and security matters. This list resembles the colonial tasks and benefits conferred upon *régulos* (i.e. the 1933 RAU discussed in Chapter 2), but also differs by including novel elements corresponding with the varied post-war agendas discussed in Chapter 3. Broadly speaking the Decree covers six different areas of interaction between 'community authorities' and the state.

State administration. The Decree provides for an extension of the state apparatus to levels below the 'locality' by obligating 'community authorities' to enforce the law, ensure social harmony, and carry out an extensive list of administrative and security-related tasks: taxation, census/registration, justice enforcement, policing, land allocation, community labour and food security (*Regulamento do Decreto* 15/2000: Section II, Art. 5). The list clearly resembles the 1933 colonial RAU for indirect rule. This is also true for the rights granted to 'community authorities' in return for their state administrative duties. They are

granted the right to a subsidy based on a percentage of tax collected and a uniform or corresponding paraphernalia (ibid.: Section III, Art. 6).[161]

Civic education. Equally reminiscent of colonial indirect rule, the 'community authorities' are obliged to ensure the nurturing of proper, well-behaved, law-abiding community members. They should communicate state law (*Regulamento* Art. 5a), prevent of crime and maintain peace and social harmony (Art. 5c), as well as perform a number of tasks for governing the conduct of the population: personal hygiene, for example by mobilising communities to build latrines (Art. 5j), the prevention of premature marriages (Art. 5l), the prevention of epidemics and administering vaccinations (Art. 5o), encouraging payment of taxes (Art. 5q), and mobilising parents to ensure that children go to school (Art. 5s).

National unity and nationhood. Unlike colonial law, the community authorities are obliged to engage actively in nation-building and the 'fostering of a patriotic spirit'. First, the activities pursued by community authorities should be "in accordance with the consolidation of national unity" (Decreto 15/2000, Art. 4c). Secondly, they should contribute symbolically to nation-building by displaying the national flag at their residences, display the emblems of the republic on their clothing, and ensure community participation in days of national celebration (Regulamento do Decreto 15/2000, Art. 4c).

Tradition and culture. In line with MAE research team's pledge for a preservation of the traditions and customs, the 'traditional' community authorities are obliged to maintain local customs, uses and cultural values (ibid.: Art. 5b), and to participate in preserving local traditional dances, food, songs, music and ceremonies (Art. 7d-f).

Rural development. In line with the 'localisation of development' perspective community authorities are obliged to "mobilise and organise the participation of the local communities in the understanding and implementation of the economic programs and plans in pursuit of local development" (Decreto 15/2000 2000: Art. 2). They are also obliged to engage in facilitating labour opportunities, agricultural production and environmental sustainability. In line with the MAE research's definition of 'traditional leaders' as promoters of the

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[161] Neither the Decree nor the *regulamento* spell out the level of this percentage of the subsidy, nor draw up procedures for how it should be enforced.

common good of the communities, the recognised community authorities are envisaged as representatives of the development needs of rural communities. This is on the one hand to be secured by the right of community authorities to be consulted on development matters by the state administrative officials. On the other hand they are envisaged as 'entry points' or 'mediators' when rolling out donor aid, state provisions and private businesses in rural communities (Regulamento do Decreto 15/2000: Section III, Art. 6a).

Community participation. The Decree promises to ensure local community participation in public administration and development. Under the list of rights and duties, it is not spelled out how this should concretely be ensured or what form it should take. Only two hints are given. First, the community authorities are granted the right to present the problems and needs of local communities to the local tiers of the state. Secondly, the involvement of members of the community in the various duties conferred on community authorities is to take place through the 'mobilisation' and 'education' of the former by the latter. This suggests that responsibility for community participation is being left in the hands of the community authority.

This extensive list of rights and duties presents an amorphous and multifaceted cocktail of tasks, which tries to straddle diverse aims: community and state interest; the use of 'community authorities' in state intervention; the maintenance of a separate domain of community authority from the state; and the preservation of rural community culture and traditions. With all these aims, one would therefore expect a clear description of the concrete steps to be taken. However, this is not the case.

In particularly, the decree gives little clues as to how the double-role of community authorities as both community representatives distinct from the state and as state assistants can be performed and balanced in practice. Closer examination of the legislation reveals that the focus is predominantly on what community authorities can do for the state: i.e. to execute state administrative tasks and mobilize communities for participation in government development programs. Only scant attention is given to how the community authorities should perform their representative role and how community participation should be ensured. The legislation seems to leave the responsibility for ensuring these aims in the hands of the community authorities themselves. This suggests that, once they have been legitimised by the community, the community authorities will automatically secure

community participation and cater for the needs of community members. At the same time the decree presupposes that this will be perfectly consistent with the state assistance role of community authorities, *and* with that fact that it is the state that grants formal recognition and the outward signs of the status of community representatives.

I suggest that the scant attention paid to ensuring 'community representation' is a result of the decree's reproduction of the MAE research's assumption of an unproblematic correspondence between a rural community, the traditional leader, and a set of shared values and interests existing within a given territorial space. Next I discuss how the decree's reproduction of this basic assumption about 'rural community' also underpins a perpetuation of the juxtaposition between rural/traditional authority and urban/modern state as distinct domains within Mozambican society.

Assumptions: community, tradition and rural society

The Decree 15/2000, helped along by the MAE research, indeed managed to capture the varied agendas and vocabulary of the post-war democratic transition, but its definitions of 'community' and 'community authority' also fixed and justifying a rural-urban differentiation. As is the case with most communitarian perspectives (Delanty 2003: 72-91), the concept of community in the Decree presumes a social ontology of unproblematic group ties that emphasise the tenets of shared values and consensus, resulting in an uncontested convergence of territory, people, leadership and interests. Communities in this view come "to exhibit homogeneity; members behaving similarly and working together towards common aims, in one environment" (Barnard and Spenser 1996: 115). The assumption that a 'community authority' can represent community interests, as well as enforce, mobilise and ensure participation, is therefore perfectly valid. However, it also has repercussions.

In the Decree, this applies particularly to traditional leaders in *rural* areas: while *secretários* should be selected by the population of a suburb or a village, i.e. by what could be referred to as semi-urban citizens, traditional leaders residing in the rural areas should be legitimized on the basis of the 'traditional rules of the respective community'. The legislation does not spell out what these rules are, but seems to assume, in accordance with the MAE research, that such rules exist and are unilaterally agreed upon by the members of local communities. The implication is that, by virtue of holding the title of traditional leader, the latter unquestionably represents the interests of a given community and derives

legitimacy from this very representation. This assumption, I suggest, is on the one hand premised on the claim put forward in the MAE research that the meanings and functions of 'traditional authority' are undisputed – i.e. agreed by the 'community'. On the other hand, it is based on the presumed existence of a 'community' that can express itself, have interests, be represented and legitimise an authority.

By implication, I suggest, little thought is given in the decree as to how the community representative and the consultative role of the 'community authorities' should be secured. It takes this for granted, and in doing so leaves out any serious considerations of the differences (gender, age, family affiliation, class etc.) and potential conflicts within a community. Another implication is that it reproduces a colonial-style rural-urban differentiation. This was concretely exemplified by (and further legitimised) the fact that locally elected governments – i.e. implying each individuals' right to vote for his/her representative – were not extended to the rural areas, but confined to urban zones.[162]

The point seems to be that the idea of rural Mozambique as comprising coherent groups adhering to the same (traditional) values and interests equally produced the rural areas as separate spheres to be governed differently from the urban, not to say modern, areas. It underscored, as the MAE research so eloquently claimed, the need for another, form of democracy. In one sense this reproduced the colonial-era differentiation between modes of governing the rural and urban population, but it also differed from this. The recognition of rural communities as *groups* represented by a traditional, community leader coexists with the constitutional recognition of *individual* citizens as *de jure* entitled to the same rights *and* with a system of representative democracy. As a matter of even more complication, the Decree 15/2000 also promises that state recognition of and conference of tasks to traditional authorities would simultaneously strengthen and preserve two presumable distinct domains of Mozambican society: traditional authority and the modern-state. How these seemingly paradoxical relations were played out in practice in Matica and Dombe is the subject of discussion in the rest of this dissertation.

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[162] This perspective was expressed to me by the then minister of MAE in June 2002, "there is no need to make municipalities in the rural areas, because decree 15/2000 caters for democratisation of the rural areas in accordance with the communities there."

Conclusion

This chapter has addressed the classificatory *closure* of the protracted policy-making process on 'traditional authority'. It showed how this closure involved moulding and defining a common category of 'traditional authority' to fit a national law that corresponded with the different agendas of the democratic transition. Decree 15/2000, helped along by the MAE research team, was indeed a compromise between the partly contradictory actor positions of the policy-making process in the 1990s, which at the last minute also included accommodating the Frelimo party *secretários*, along with the various other interests in promoting traditional authorities.

This compromise at the same time relied on a simplification of the reality that the legislation aimed to recognise. While Decree 15/2000 clearly emerged from a historically complex and politically contested field of authority (see Chapters 2-3), it relied on de-historicised, de-politicised and inherently reified notions of 'traditional authority' and 'community' that were represented as existing 'on the ground'. Legislation depended on disembedding 'traditional authority' from its historical and political contexts and elevating it to a static, indisputable domain of Mozambican 'tradition', in order to make 'it' fit with the 'modern' agendas of development, national unity, democratisation, state administration and decentralisation. The same can be said of rural populations, relabelled 'traditional society' and then 'community'. Despite the historical shifts, wars and mass displacements of population, the rural community was presented as existing in a pure, almost undisturbed form of being, characterised by an intimate correspondence between a particular territorial space, people, leadership, values and interests. This definition gave the impression that all the state needed to do in order to implement the Decree was to go out and identify the community in order to legitimise the 'real' traditional or other community leader.

Following the insights of Scott (1998) and Moore (1978), such simplifications of social reality and of the disembedding of complex social phenomena from their historical and political contexts is not peculiar to the legislation on community authority in Mozambique, but an intrinsic aspect of state law and schemes of classification more broadly. This is premised on the state bureaucracy's need for discrete identities that can be mapped and rendered legible, in order to regulate populations within a larger territorial space (Scott 1998). It is therefore important to pay attention to the ways in which such state schemes of classification seek not only to recognise, but also to regulate and reorder particular social relationships. Thus, I will suggest approaching the policy closure as an

element in processes of regularisation, which does, at least at the level of representations, have particular implications.

In the case of Decree 15/2000, the classificatory closure, while clearly drawing on the new vocabularies of the democratic transition, at the same time reproduced two classical dichotomies, reminiscent of colonial era rule: modern-urban individualism versus traditional-rural communitarianism, and traditional authority versus the modern state. This legitimised the Frelimo government's decision not to extend locally elected governments to the rural areas, which had clear party-political underpinnings. It also carried the implication that very little attention was in fact being given to how legislation could ensure that 'community authorities' were indeed legitimised by the whole community and representative of its interests: the classifications produced made this appear as pre-existing the implementation of legislation. Finally, the Decree underlined the assumption that 'community authorities' could perfectly well assist and bolster the state apparatus, while still being preserved as a distinct domain *outside* the 'modern' state. In this sense, Decree 15/2000, helped along by the MAE research results, reproduced past representations of chiefs as the constitutive 'Other' of the state or wider polity, while ignoring the mutual transformations of chieftaincy and state institutions that this had led to in the past.

Now, one thing is how and according to what state-legal classifications and justifications traditional authority was inserted into legislation during the democratic transition – another is how Decree 15/2000 was appropriated locally and translated into practice. In other words, how was the ideal model relationship between community authority, local communities and the state put into practice? Did those communities and authorities labelled in the Decree actually exist – despite the war, conflicts and population movements – and how were they recognised? And what did the dual-role granted to the community authorities as both state assistants and as a distinct domain of traditional, community authority imply for practices and claims to authority and citizenship? It is with these questions in mind that we shall now travel both back and forwards in time to Matica and Dombe in Sussundenga District.

Part II

Recognition of Chiefs and State Formation

Chapter 5

Mutual Constitutions - State, Community and Community Authority

With the Decree, we are saying that there is nothing new besides that the government has to recognise those persons that the communities indicate as their representatives. […] Under no circumstances can the government intervene in the process of legitimisation. […] This position of the government permits a more efficient decentralisation process and what we in English call 'empowerment', that is, to create opportunities for the communities to take power and participate actively in development. We also call this process a process of inclusion. (Minister of State Administration, interview, June 2002)

In principle Decree 15/2000 is a formalization of what already exists…only there was no uniformity in the relationship between the state and the traditional authorities in the country. (District Administrator of Sussundenga, interview, August 2002)

The official claim that Decree 15/2000 was simply a piece of legislation recognising, empowering and including 'what already exists', namely 'communities' and 'traditional authorities', did not mirror social reality. This will become clear in this second part of the thesis, where I explore the first phase of implementing Decree 15/2000 in Matica and Dombe. This first phase took place from mid-2001 to late 2002 and covered the three official steps of identifying, legitimising and granting *de jure* recognition to community authorities. The present chapter deals with the first two steps and Chapter 6 with the third.

The aim of this chapter is to explore how traditional authority, community and state institutions were constituted and enacted in and around the identification and legitimisation of community authorities. In doing this, the chapter addresses three interrelated questions: How were the aims and key categories of Decree 15/2000 appropriated and translated into practice by local state officials? How did claimants to traditional authority and other local actors react to the activities of local state officials, and what sources of legitimacy and practices of legitimising chiefly authority were at work? And finally, what did the different activities mean for local power relations, and the role of ordinary community-citizens in legitimising traditional authority?

In addressing these questions, the chapter attends to the interplay between the practices and representations of local state officials, chiefly claimants and other local actors. It pays attention to the influence of past and present scripts in the form of ideas and practices, and the power relations they support, for the ways in which legislation was put

into practice and reacted to. Paying attention to these dimensions is based on the assumption that state-legal categories are seldom abidingly instantiated, but appropriated and adjusted by actors in particular local settings (see Chapter 1).

This chapter is divided into three sections. Section 1 explores how the first step of *identification* was concretely translated into practice by local state officials. It examines how the activities of these officials were adjusted to local social realities, as well as shaped by the officials' particular agendas and historically embedded ideas of chieftaincy and state formation. Section 2 addresses the step of *legitimisation* of community authorities. It considers how the Decree's categories of "community", "the traditional rules of the respective community" and its emphasis on broad-based community participation were interpreted, enacted and labelled in the context of deciding leadership positions. Here we shall pay attention to *who* in fact participated in legitimisation, that is, who *de facto* constituted *the* community, and how this was shaped by existing forms of organisation and ideas about power, authority and community. Section 3 takes the insights of the first two sections a step further. It provides a more detailed discussion of the contestations, negotiations and contradictions that surrounded the settlement of individual leadership positions in Dombe and Matica. In doing so, it focuses on the different sources of legitimacy that were invoked to justify particular chiefly candidates in pursuit of state recognition. These are discussed in relation to the practices of legitimisation that were at work – that is, the human agency involved in justifying a given leaders' legitimacy, and the power relations and interests that underlined these (Lentz 1998). It should be kept in mind that the analysis of these dimensions will tell us something about the constitution of traditional authority in *relation* to achieving *de jure* or state-sanctioned authority. It does not necessarily reflect the *de facto* forms of authority that are recognised and constituted in everyday practice, which we shall address in Part III. The same can be said of the enactment of community as a modality of citizenship, and of the practices and representations of local state officials.

1. Identification: Rectifying the State and the 'Real' Lineages

In Sussundenga District, implementation of Decree 15/2000 began in May 2001, approximately a year after it was approved. Implementation was divided into three official steps of state intervention: 'identification', 'legitimisation' and 'recognition' of community

authorities. These figured in a *guião* (guide) produced by the Ministry of State Administration (MAE/DAL, December 2000). This three-page guide specified that the District Administrator (DA) was responsible for implementing the Decree: he was to proceed first by *identifying* the communities of the respective zones, whose members should, secondly, *legitimise* a community authority at public 'legitimisation meetings' in the presence of district-level state representatives. Thirdly, the DA should organise public recognition ceremonies, at which the legitimised community authority should be registered, sign a contract with the state and receive a uniform or equivalent paraphernalia (ibid.).

Apart from a brief paragraph laying down that the state could not recognise a leader if there was uncertainty about his or her legitimacy, the guide did not specify in any detail how the responsible state officials should proceed with the first two steps. The guide seemed to reproduce the Decree's taken-for-granted notion of the pre-existence of 'communities' which could easily be identified by the state and be asked to legitimise a leader. In addition, the state officials in Sussundenga District only received a detailed briefing on the MAE's intended meanings of the guide and the Decree itself at a seminar held *after* identification and legitimisation had been carried out.[163] In Sussundenga District, as elsewhere in the country, these gaps in communication created considerable room for creative translations of the aims and key categories of Decree 15/2000 by local state officials.[164] However, I suggest that such creative translations were also shaped by the ambiguous reality of community and traditional leadership that local state officials faced and by historically embedded understandings of the state recognition of chiefs.

These gave way to quite unintended consequences, as also reflected in the final outcome of the first two steps of identification and legitimisation. In August 2001 the district administration of Sussundenga forwarded a register to the MAE containing no less than 88 "legitimised community authorities". Replicating the colonial labels, these authorities were divided into 13 *régulos* and 52 sub-chiefs (*chefes do grupo* and *chefes da*

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[163] This seminar took place on 25 October 2001 in the provincial capital of Manica. Similar seminars were held at around the same time in the rest of the country. The aim of these seminars was, according to the MAE, to "correct the mistakes that have been committed in the interpretation of the Decree … and to prevent more mistakes from happening." The 'mistakes' reported for the country as a whole included party political manipulation of the leadership by both Frelimo and Renamo; a failure to ensure community legitimisation; intense, sometimes violent conflicts between claimants to the leadership; and the registration of (and thus promises of recognition to) far more leaders than had been planned (internal communication MAE/DAL, 28 June 2002).

[164] On the process of implementing these three steps in Machaze District, Manica Province, Bùzi and Chibababva Districts, Sofala Province and Govuro District, Inhambane Province, see Dava, Macia and Dove 2003.

povoação) as well as 23 *secretários do bairro*. The registers also provided the individual names and areas of jurisdiction for each of the leaders, also using the colonial label of *regedoria*, not 'community'. In Dombe this covered the registration of 8 *régulos*, 14 sub-chiefs and 2 *secretários*, and in the much smaller locality of Matica, 1 régulo, 4 sub-chiefs and 6 *secretários*. This excessive number of 'community authorities' came as a general surprise to the MAE.[165] Its officials had not expected the category of community authorities to include all *secretários* as well as all the sub-chiefs, carrying the colonial labels of *chefes do grupo* and *chefes da povoação*.[166] If this was an unexpected side-effect of the implementation of the Decree from the perspective of the MAE, it also reflected how local state officials understood the Decree and went about putting it into practice. Next we shall address the initial step of identification, and how this too was appropriated as a pervasive aspect of re-constituting the state in the rural hinterlands in the sense of territorial-institutional outreach, practices of governing and the creation of alliances.

Reviving the colonial register

One notable feature of *identification* was that local state officials did not, as intended by the MAE, begin with the 'communities' but with the leaders, the chiefs and *secretários*. With regard to the *secretários*, local state officials interpreted it as implying the registration of all those already existing in the government-controlled areas of Matica and of appointing new ones *by* the officials themselves to fill the positions left vacant during Renamo control of the main village of Dombe. For the category of 'traditional leaders', they interpreted the Decree as a rectification and stabilisation of the *régulos verdadeiros* (the real chiefs) of the *linagems reais* (the real or ruling lineages) with the colonial names of the *regedorias*. They did not see it as a process whereby a given community was asked to identify whichever leader they found legitimate. The decree's categories of 'traditional leaders' and the 'traditional rules of the respective community' were rather represented as a revivable set of kinship-based, inherited positions of authority, against which a real heir could be identified. This emphasis on the 'real heir' was tied to particular understandings of the chieftaincy.

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[165] Interview, R. Alfane, MAE, April 2004.

[166] This excessive number of community authorities was also reflected in other parts of the country, leading to no less than 13,080 registered community authorities. These authority figures were eventually accepted by the MAE as the second and third scales of 'community authority' and phases of implementing the Decree (DAL/MAE, February 2003). In 2002 it was also decided that sub-chiefs should also be recognised and given a uniform (Interview, R. Alfane, MAE, 2 April 2004). Despite this being promised to sub-chiefs, it had still not happened by October 2005, due to resource constraints (i.e. for the purchase of uniforms).

However, it was also shaped by pragmatic concerns and the contested reality of chieftaincy. According to the *chefe* of Dombe post:

We knew that some of the chiefs were not the real chiefs because some abandoned their areas during the war. If those who were the real ones from that time [before the war] had died, then it should be those with inheritance from the real ones that the state should recognise. Therefore, to implement the Decree we had to begin by finding out who is the *régulo verdadeiro* [real chief].[167]

The above comment reflects the reality of uncertain leadership and area boundaries that prevailed by the time of identification in the rural chieftaincies of Dombe in particular. This is not surprising when we consider the reconfigurations of chiefly positions that had taken place during the war, including the deaths of previous chiefs and movements out of these areas.

In Dombe, for example, only Chief Mushamba had survived and remained in his area as a chief since colonial rule. In the remaining seven chieftaincies, the former *régulos* had died in exile (Gudza and Zomba), died in their home areas during the war (Chibue, Kóa, Dombe and Muoco), or been in exile and only returned some years after the war (Sambanhe). In addition, at the time of identification many family members of the former chiefs, and hence their potential heirs, had returned only recently. For these reasons, many of the chieftaincies were still in the process of resettling leadership positions and areas of jurisdiction by the time of the identification process. In some areas, this was also marked by intensive disputes over leadership positions. This state of affairs meant that local state officials could not just go 'out there' and easily identify the 'real chief'. It also meant that, even if the state officials had understood the MAE's intentions, they could not simply ask 'the community' to identify and legitimise a leader. The Decree's definition of a community did not pre-exist legislation in any purely practical form, i.e. as a neatly mapped and organised collective actor (see further, Section 2).

Intriguingly, the 1961 colonial register of *régulos* and sub-chiefs became the pragmatic tool that local state officials used to deal with this 'messy' reality. At the same time, it was represented as indeed containing the names of the real ruling lineages:

When we began to identify the traditional leaders in order to register them, we first had to find the colonial registers from 1961 where all the real names are classified. Then we went to make a comparison between the colonial registers with the present authorities. That is, we went to

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[167] Interview, Chefe do Posto, Dombe, 2 September 2002.

investigate until we found those that were the real *régulos*, *chefe do grupo* and *chefe da povoação*.[168]

If the colonial register, or *o livro* (the book), as it was commonly referred to, was what the local state officials had to begin with, then it also turned into a powerful tool for actually deciding which chiefly lineages were the legitimate ones. As reflected in the August 2001 register of 'community authorities', the reliance on *o livro* led to a *de facto* resurrection of the colonial three-tier hierarchy of chiefs and sub-chiefs, who had identical colonial classifications of *regedorias*, types of leaders and lineage names.[169] Only the individual first names were changed during the implementation of Decree 15/2000. The concrete procedures for arriving at this revised register happened in two ways, which reflected the different histories of state–chief relations in Matica and Dombe.

First, in Matica, where informal collaboration between chiefs and the local state administration had been going on for some time, the local state official in charge, the *chefe* of locality, simply certified whether the lineage names of existing chiefs corresponded to *o livro* and then recorded them in a new register. In other words, at this stage there was no 'legitimisation meeting' held with the wider population.[170]

Secondly, in Dombe, where state officials were unclear about leadership positions outside the administrative capital, identification took the form of so-called *brigadas de mobilização* (mobilisation brigades) consisting of state officials and the First Frelimo Secretary. These travelled out into the different areas and called for meetings with the *famílias reais* (the ruling lineages of chiefs), corresponding to the *regedoria* name catalogued in *o livro*.[171] As one *chefe* of locality explained:

The *brigada* read out the names of the register, and then we told the family that now it was the moment for the state to recognise the real chiefs…we no longer wanted chiefs who were imposed by force. The *régulo* had to be within the real principles of tradition…he had to be within the

[168] Interview, DA of Sussundenga, D. Matikiti, 02 August 2002.

[169] This revival of colonial classifications also occurred in other parts of the country (see Dava, Macia and Dove 2003: 31-6). The use of the decree to revive the *regedorias* was received negatively by the MAE, who saw it as a "re-creation of the colonial state", but also noted that, if it was the leaders registered as *régulos* in the colonial register that the communities found legitimate, the state would have to accept this (DAL/MAE internal communication, November 2001). Interestingly, when one compares the registers of community authorities held at the district and provincial levels, the label *régulo* is used, but at the level of the MAE this has been changed to *chefe tradicional* (traditional chief).

[170] Interview, Chefe da Localidade, Matica, 30 August 2002.

[171] Interviews with Chefe do Posto, Dombe, 2 September 2002; First Secretary of Frelimo, Dombe, 14 October 2002; Chefe da Localidade, Bunga, 26 September 2002; Chefe da Agricultura, Dombe, 19 August 2002; Chefe da Localidade, Matarara, 2 September 2002.

lineages in *o livro*. Some said that those who called themselves *régulos* had been imposed. In those areas we left the families to work out who the real one was according to the names in *o livro*.[172]

O livro, in other words, set the framework for and limited the scope of candidates who could claim the position of traditional 'community authority' where this was not entirely clear. Any claimant or his or her supporters had to prove inheritance from the *régulo* or sub-chief catalogued in *o livro*. In short, *o livro* became the beholder of the truth of the 'real' tradition against which to verify and create a revised register of individual 'community authorities'. Added to this, the state officials authorised the members of those 'families' whose name was in *o livro* to 'work out who the real one was'– not, it should be noted, the whole population. This reliance on *o livro* presented a compromised interpretation of the Decree's emphasis on community legitimisation. Importantly, it also conveyed authority to the state as the proprietor of the names of the 'real' chieftaincies, given that the register was in the hands of the state administration. This centrality of the state administration in the identification process, however, extended beyond the state-bureaucratic artefact of *o livro*. The colonial register, as well as the promises of *de jure* recognition, also proved useful in the pursuit of state-administrative concerns other than the identification of the real chiefs.

Reconstituting the state

When the Decree came, we [state officials] could begin to penetrate the difficult zones that before we could not do because some sympathisers of Renamo tried to impede our *fixação* [permanent establishment]. Before that we had had some meetings with the *régulos*, but not with those in the zones held by the opposition. The *brigadas* were sent to talk with the *régulos*…telling them that they would be recognised…and that there was going to be a governmental authority that would take care of the local populations and bring development…after this it was much easier to for us to be in the zones.[173]

As this comment indicates, the identification of 'community authorities' in Dombe was appropriated by local state officials as part of a larger post-war project of re-establishing the territorial-institutional outreach of the state in the hinterlands, where Renamo had been or still was influential. Real promises of state recognition to chiefs were used by local state

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[172] Interview, Chefe do Posto, Dombe, 2 September 2002

[173] Interview, *Chefe* of Locality, Bunga, October 2002. It should be noted that the term *brigadas de mobilização* relates to a military concept that derives from the post-colonial socialist period of initial mobilisation of GDs in hinterlands where Frelimo was still not present. The historical legacies of such naming were also reflected in the fact that the First Frelimo Secretary was part of the *brigadas* in 2001.

officials to create alliances in hitherto contested areas, which could nurture the legitimacy of state authorities, as well as lay the basis for pragmatic governance concerns.

After the initial *brigadas* had taken place, this was concretely manifested in the opening up of state-administrative offices in four out of five localities (the lowest tier of the state administration) of the hinterlands of Dombe (Javela, Muoco, Matarara and Darué).[174] As the Dombe *chefe* of post noted, "this we could not have done without the *régulos*, who talked to the people after they had been promised recognition."[175] Also the registration of the wider three-tier hierarchy of chiefs and sub-chiefs was viewed as part of the wider process of consolidating the state-administrative presence:

Why we registered the smaller chiefs? Well this made sense, because…the *régulo* does not work alone, he has his subordinates…the *chefes do grupo* and the *chefes da povoação*. This is a way to control the persons under him…collect taxes, solve conflicts…because the territory is very extensive. Also therefore there are provinces, districts, *postos*,…for the government to administer the national territory better. This is what the Decree 15/2000 is also about.[176]

The resurrection of the colonial *regadorias* therefore went beyond a particular understanding of 'traditional authority' as corresponding to the lineages listed in *o livro*. It was also handy in the establishment of a wider system of alliances and of fixing hierarchies of authority across space. These were attached to a pragmatic vision of how future state functions could be ensured. Similarly, in Matica the registration of *secretários* and chiefs was used to expand further and establish a hierarchically ordered system of leadership to the whole territory of the locality, including also the mapping of spatial population units. For example, during the identification of 'community authorities', 10 new *bairros* of *secretários* and 8 *zonas* of sub-chiefs were established by the state administration and were registered as falling under the two *regedorias* listed in *o livro*, Boupua and Ganda. Much in line with the Dombe administration, this territory-based hierarchical system of intermediate leaders was, according to the Matica *chefe* of locality, intended to ensure future downward lines of command from the state through the different layers of leadership and upstream information about the whole population from the leaders to the state. In short, the Decree was appropriated to improve future forms of state intervention.

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[174] This was true of localities in Sofala Province too, as reported by the DAL/MAE: "the Decree contributes to the coming into being of functionaries, such as *presidentes das localidades* [presidents of localities] of new localities." Internal communication, DAL/MAE, 28 June 2002.
[175] Interview, Chefe do Posto, Dombe, 2 September 2002.
[176] Interview, Chefe da Localidade, Bunga, 1 October 2002.

In Dombe the establishment of alliances through promises of state recognition of chiefs and sub-chiefs was also represented as a means to bolster state legitimacy among the people in the rural hinterlands, which were formerly under Renamo control:

The armed conflict here destroyed some of the ideas of the people…some believed that another government [Renamo] had taken over the nation. The Decree, we said, could make the *régulos* more active in changing this. The *chefe da localidade* could work with them [*régulos*] to *sensibilizar* [sensitize/affect/move] the communities for them to recognise the state and for them to know that the state lives with them.[177]

Thus local state officials saw Decree 15/2000 as enabling a double recognition: state recognition of 'community authorities' was envisaged as enabling community recognition of state authority. More broadly the representations and practices of local state officials in the identification phase underpinned a process of mutual constitution of state and traditional, community authority. On the 'state side', this covered attempts both to (re)constitute the state as a legitimate authority, and to ensure territorial-institutional expansion and the fixing of hierarchies across space, that is, what I referred to as the practical languages of stateness in Chapter 1. These attempts were intimately related to the resurrection and fixing of existing chieftaincies, though, it should be noted, in the form of a bureaucratic re-inscription of the 'real' traditional leaders, whose names existed in a colonial register. As we shall see in Section 3, this was not a straightforward, uncontested process. There was room for manipulation, and contradictions also arose between purely state administrative concerns and local state officials' own beliefs in the spiritual power of the ruling lineages. However, before we turn to these issues, I shall first address the next step of legitimisation. Here we shift from a focus on the mutual constitution of the state and traditional authority to the constitution of 'community'.

2. Legitimisation: The Constitution of Community

The Decree's definition of community as "the populations and collective persons joined together in a fixed territorial-organisational unity" denotes community as both a spatial category – the sum of people within a given territory – and a social category – denoting a sense of groupness or shared belonging and of collective agency. With respect to the

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[177] Interview, Chefe do Posto, Dombe, 2 September 2002.

legitimisation of traditional leaders, the Decree also emphasises a shared set of "traditional rules of a given community" and a community's capacity to legitimise a representative according to such shared rules. Finally, the main purpose of the Decree also underscored community as a site of state intervention, that is, as a governmental category (Delanty 2003). The question is how these different layers of community were enacted during the implementation of the Decree.

The insistence of local state officials on a revival of the colonial classifications of chiefs *de facto* excluded the wider rural population from identifying whatever leader they found legitimate. In fact, the Decree's category of 'community' was only named and enacted through the activities of local state officials at the legitimisation step. However, even here community as a social category did not cover the whole population as envisaged in the Decree. It was not until after the 'real' authorities had been legitimised that the 'community' as a spatial category was identified, mapped and named. Next I address these aspects by focusing on the second step of legitimisation and the reasons behind the particular ways in which community was constituted.

Modalities of legitimisation and enactments of community

In Sussundenga District, legitimisation followed three different modalities, underlining the enactment of different conceptualisations of 'community'. One commonality was that nowhere did it involve broad-based participation by the people residing within a given territory, as promised by the Decree.

First, in Matica, where there had been prior collaboration between chiefs and the state administration, legitimisation ended with identification. 'Community authority' was determined exclusively between already existing chiefs and the *chefe* of locality, and hence without any consultation with the inhabitants of the areas. Public consultation only took place at the state-orchestrated recognition ceremonies in 2002.

The second and third modalities of legitimisation took place in Dombe, where the uncertainty over individual leadership positions made legitimisation more complicated. It also involved slightly more people than in Matica. Initially legitimisation happened internally in the chieftaincies in the form of often intensively disputed settlements of individual leadership positions between candidates and their supporters (see further, Section 3). Key here were attempts to prove inheritance from the names catalogued in *o livro* and to provide registers to the state administration of the inhabitants living within each

chieftaincy in order to "prove that they had a population."[178] Both of these aspects followed the orders of the state *brigadas* mentioned earlier. Once they had been settled, the name of the candidate was forwarded to the *chefe* of post, who checked that the lineage name of the candidate corresponded to *o livro* and then entered the new individual name in a revised register of *régulos* and their sub-chiefs. This was followed by a third modality of legitimisation: state-orchestrated 'legitimisation meetings'. These took place at the homestead of the registered candidate, who had been asked by the *chefe* of post to invite the "whole community to a consultation".[179] At the meetings, the *chefe* of post asked the participants to confirm whether the registered candidate was indeed considered the real one and was thus legitimate. If not, the participants were asked to name someone else, but only someone whose name corresponded to the *regedoria* names catalogued in *o livro*. As such the state officials left no space for diverging from *o livro*, only for contesting the individual candidate. This apparent state-controlled aspect of legitimisation was nonetheless justified in the name of 'the tradition': "The legitimisation meetings were not like an election or votes. Because the people know the tradition, there is no need for votes. They just need to indicate the real one according to the tradition".[180] This representation of 'the tradition' may seem paradoxical considering that *o livro* – a state artefact – had laid out the framework for legitimisation in the first place. It nonetheless reflects, I suggest, a fusion of "the traditional rules of the respective community" figuring in the Decree with particular state-administrative concerns and conceptualisations of community.

This fusion was reflected in how 'the community' was named and enacted during the different modalities of legitimisation outlined above. Here a differentiation emerged between using the label 'community' to designate the wider population (*povo* or *populacão*) of a given *regedoria*, and using it to describe a relatively small and exclusive group of people who were authorised by the state officials to participate in the internal settlement of leadership positions. This latter group of mainly elderly men comprised those claiming membership of a given lineage, catalogued in *o livro*; members of the council of elders (*madodas*), who advise and assist the chief in governing matters; and the *chingore* (nephew) of the chiefly family, who assumes ritual and advisory functions. In short, when it came to certifying the *régulo verdadiero*, 'the community' constituted what we might call the central organising unit of a chieftaincy. This unit was represented by local state officials

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[178] Interview, Chefe do Posto, Dombe, 2 September 2002.
[179] Ibid.
[180] Ibid.

and beyond as "those who know the tradition", due to their particular relationship to the *ucama we mambo* (family of the chief). In the eyes of state officials, this justified the exclusive participation of this small group of individuals in settling questions of leadership. In fact, the Dombe *chefe* of post labelled this group the "genuine community" when he explained the legitimisation process:

According to the Decree, the *régulos* are not imposed by the state, but by the community and according to the tradition. So therefore those who impose [the chief] are *the genuine families*…it is *the genuine community*…it is the principal family and the elders, because they know the origin of this traditional power.[181]

Intriguingly, this 'genuine community', attached to ideas about ruling families and knowledge of the tradition, did not just reproduce pre-existing relations of power within a chieftaincy. The very quest for legitimising community authority in fact led to a process of reactivating and reorganising the individual members of the organising unit. The crux of the matter is that the constitution and labelling of the 'genuine community' did not pre-exist in any pure, stable form prior to state intervention. The same can be said of the constitution of community as a spatial and governmental category, that is, as the total population within the territory of each chief. However, this served other purposes, and was clearly distinguished from the 'genuine community'.

During the process of legitimisation, chiefly candidates were asked by the state administration to provide registers of their inhabitants. The official argument for this was that, to be a *régulo*, one needed to have a *população* (population), which local state officials also labelled a 'community'. However, it also served concrete state-administrative concerns:

In order to facilitate our process of legitimisation, we [state officials] had to produce administrative books of censuses…of the populations that had the name of this and that *chefe da povoação, chefe do grupo* and *régulo*. After they [chiefs and sub-chiefs] had been registered, we asked them to register each inhabitant, according to sex and age. Because what justifies a chief is that he has population…that he has a community…and these books showed it. They show how many can pay taxes….and to plan the building of schools and health posts. This is our system of controlling….and for development. And it is also important to the state, because the people….is what makes the state exist, because without the *povo* [people], without persons, there is no state…then the government cannot function.[182]

Thus state officials' emphasis on "having a population or a community" as source of chiefly legitimacy implied chiefs proving this statistically, rather than actually being (s)elected for office by the sum of the inhabitants of a given territory. By implication, the

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[181] Interview, Chefe do Posto, Dombe, 2 September 2002.
[182] Interview, Chefe do Posto, Dombe, 2 August 2002.

wider communities, which were ideally to be the point of departure for implementation, only became visible to the implementers *after* their leaders or 'representatives' had been registered and certified by the organising unit of the *regulado*. Turning the matter on its head, it was the registered leader and his closest assistants, the 'genuine community', who proved the existence of 'the community' at large, not the other way around. At the same time, the constitution of 'the community' as an element in legitimising traditional authority provided the state administration with registers of the population to serve future state interventions.

The wider implication of these modalities of legitimisation was a *de facto* scale-differentiated constitution of community. On the one hand, community as a spatial and governmental category designating the total sum of the inhabitants, of tax-payers, voters and recipients of health, education, water supply and so forth. In short, they were counted and mapped as subjects of state intervention governed by a *régulo*. On the other hand, community was a social category, describing the 'genuine family' of the chief who actively participated in legitimising a given leader. We could also translate this differentiation into a separation between the passive subjects and active members of a spatially defined unit. By local state officials, the former was considered statistical proof of a *régulo*'s authority, whereas the latter were regarded as those who, "according to tradition", had the authority to legitimise leadership.

This scale-differentiated constitution of community was also reproduced at the 'legitimisation meetings' in Dombe. While referred to by local state officials as "a participatory consultation with the whole community", the meetings only saw the participation of somewhere between 100 and 300 people.[183] When compared with the population registers drawn up by the chiefs prior to the meetings, this figure corresponded to approximately 5-20 percent of the total population. According to informants, those who participated were the organising unit of the chieftaincy, close neighbours of the chief, and in some places schoolteachers. The *chefe* of Dombe post was well aware of this discrepancy between the community as the total sum of the population and the relatively small number of participants at the meetings. However, he accepted the sum of participants as "a kind of representative of the whole community…a sort of representative of the whole population of

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[183] Minutes from the 'legitimisation meetings', held by the Dombe Administrative post.

the *régulo*."[184] This further underscored the scale-differentiated enactment of community during the process of legitimisation and showed how this was authorised by state officials.

The wider implication of these constitutions of community in and around the legitimisation of traditional authority was not only that it compromised the democratic credentials of the Decree. It also re-constituted particular power relations *within* the chieftaincies, as well as served to re-establish state administrative presence and effectiveness. This mutual constitution of chieftaincy and state institutions was carried out in the very name of 'traditional rules of the respective community'. And it was in fact widely accepted, or at least, never openly criticised. The question is why this was the case. One obvious answer is that local state officials did not encourage the wider population to participate in legitimising a representative from the outset. However, I suggest that we also need to look beyond this gap in communication by turning to a deeper historically embedded culture of power, as well as the concrete reality of social organisation and groupness.

Community as a theoretical group

I suggest that the lack of broad-based participation in the legitimisation of community authorities can partly be explained by the absence in Matica and Dombe of communities as *de facto* existing *practical groups* (Bourdiue 1991). That is, practical groupness, in the sense of members consciously acting and viewing themselves as part of groups defined in the decree, did not pre-exist the implementation of the decree (i.e. equating territory, population, shared values, agency and representation). Community was rather what Bourdieu (1991) refers to as theoretical groups. This concept refers to groups 'on paper' or abstract groups, classified by experts and policy-makers according to objective criteria of individuals' common position in a social space (e.g. territory, language, ethnicity, religion, class), and sometimes with reference to subjective properties (such as feelings of belonging). These can exist without group members necessarily acting as or viewing themselves as part of these groups (Bourdieu 1991: 226).

That community was by and large a 'theoretical group' at the time of implementing the Decree was exemplified by the seemingly trivial issue of how the term was used (or rather not used) by chiefs and rural residents and by the existing practical modalities of groupness. First, the concept of community (*comunidade* in Portuguese) was not part of the

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[184] Interview, Chefe do Posto, Dombe, 2 August 2002.

ordinary vocabulary of chiefs and rural residents *prior* to the implementation of the Decree. It was only put to use by local state officials in the process of implementing the Decree, as noted earlier. Instead, people used different terms in both local languages and Portuguese to describe respectively spatial-territorial units, social organisation, and family and clan relations: for example, the concepts of *nyaka* or area and *regedoria* or chieftaincy were applied to describe a given territorial space, whereas the concepts of *ma-populacão* or *wagari* – both denoting population – were used as an abstract category for the sum of people living either within a whole state administrative area or within a chieftaincy. However, the latter was not used to describe an organised and closely-knit entity of social relations with common values and interests. Instead, this was captured by the terms *okama* (family) and *dzinza* (clan), designating respectively the nuclear family and the wider relations of a given clan. Both these, it should be noted, expanded beyond a given territorial space. Lastly, *okama we mambo* (family of the chief), and *tchicuata we mambo* (the people organised around a chief) were used to describe the ruling organisation of a given area. The point here is that there was no common umbrella term equating a territory, a population and a set of shared values, as in the Decree's definition of community. This was secondly reflected in the practical modalities of groupness.

By the time of the implementation of the Decree, the inhabitants of the *regedorias* listed in *o livro* comprised a mixture of families. Some originated from the chieftaincies, but had been absent for long periods of time during the war. Others were entirely new settlers from other administrative and chieftaincy areas, which followed diverse movements of people after and during the war. Added to this, interviews and the observation of practical involvement by individuals at various events (such as public state meetings, chiefly court sessions and fertility ceremonies) indicated that many, if not the majority, displayed no sense of practical groupness corresponding to a registered territorial space. This was reflected in a lack of knowledge of the exact boundaries of the *regedoria* that a person inhabited to a lack of involvement in collective activities that went beyond immediate family matters. Despite widespread knowledge that a *madzi mambo* (paramount chief) existed in a larger imagined space then when conflict settlement, witchcraft or land distribution were involved, it was a nearby sub-chief (*sabuku* or *saguta*) or important nearby male elders who were turned to. Moreover, kinship ties extended beyond administrative and chieftaincy boundaries in matters regarding the settlement of cases of adultery and witchcraft, performing fertility ceremonies, and arranging marriages.

In short, notions of belonging to a wider, spatially defined community, in which its members act collectively, make use of a common authority and enjoy the benefits of a representative promoting their interests, for example, to the state, did not have any concrete reality. Rather, different family networks across different spaces and the use of nearby authority figures were the norm. This was particularly the case in the hinterlands of Dombe, where people lived in scattered family clusters, kilometres away from the homestead of a given *régulo*, and where there had been no or only an extremely short-lived period of state-sponsored popular consultation and representation, such as the Frelimo GDs.

Against this background, therefore, it is not surprising that rural residents in 2002 were unsure how they understood the concept of *communidade*. Most commonly the answers were "I don't know", "I have never heard that word before" or "I heard the *chefe* [of post] say it, but I have not been told what it means. Ask the *madodas* or the *hurumende* (government people)."[185] When a more exact answer was given, it was commonly: "I think that it might be the *régulo* and those people working with him" or "maybe it is those people of the family of the *régulo*".[186] What is particularly notable about these latter answers is that they corresponded to how 'community' was constituted in and around the activities related to implementing the Decree, namely those who had managed to organise themselves in settling the *regulo verdadeiro*. This was also reflected in how the *madodas* and members of the chiefly families understood the term. Whereas some referred to the organising unit of the *regulado*, others considered the 'community' to consist of those who had participated in the state-arranged public meetings (such as the legitimisation and recognition meetings), in short, the organising unit of the chieftaincy and the near neighbours and family members of a given chief or sub-chief. In this sense, 'community' came to mean those who had presented themselves before the state at public events and who had displayed some form of power through their active engagement in the process of settling questions of leadership.

The crux of the matter is that 'community' as a label used for a practical group of organised, active members came into being, if only momentarily, through state-orchestrated public meetings and activities. Community in the perceptions of chiefs and ordinary people existed only *in relation* to the state. At the same time, the meanings of 'community' also reproduced the local concepts distinguishing the population from the family of the chief and his assistants, and thereby also particular power relations. This, as noted earlier, could

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[185] Interviews with two male residents of Gudza and a female resident of Chibue, August 2002.
[186] Interviews with a male and a female resident of Kóa, October 2002.

not be divorced from the active role played by the state officials themselves. They did not begin by merely recognising 'what already exists' or end with this. They were active agents in producing the reality of what was to be recognised – the community and its leader. As addressed next, this reality, inhibiting broad-based legitimisation, was also underscored by a relatively broadly shared 'culture of power'.

A Culture of Power: the family and secrecy

Although some residents of Matica and Dombe expressed discontent about a number of the individual candidates who had been legitimised, no one questioned or criticised the ways in which they had been chosen. The lack of broad-based community participation was not a matter of dispute. Instead, people represented the appointment of chiefs as an "internal family matter" to be settled by the chief and his family, and ultimately between this family and the *hurumende* (state/government). The dual-role of the 'family' and the *hurumende*, I suggest, was attached to two dimensions of a culture of power that have become merged over time: one nurtured by colonial and post-colonial modes of governing, and another related to more specific, localised understandings of power as involving secrecy.

The first dimension has to do with how "the culture of power [in Mozambique] has, ironically, remained relatively consistent, while names, and the titles, and the hierarchies into which authority is embedded have changed several times over" (West and Kloeck-Jenson 1999: 479). The culture of power referred to here has to do with the way in which the legitimacy and power of intermediate authorities, such as chiefs and *secretários*, have since the colonial era depended on recognition by higher authorities. Their authority, as we also noted in Chapter 2, has been constituted in relation to the state, and, thus to a much lesser extent, has depended on some form of model tradition of legitimate authority to which people can equally refer, enact or make claims in the name of. As a result, when it comes to legitimising authority, rural Mozambicans "have in large measure observed the 'traditions' they have been instructed to observe by those more powerful than they rather than simply enacting a coherent 'tradition'" (ibid.). Thus "the traditional rules of the respective community", as inscribed in the Decree, have for a very long time been the monopoly of the exclusive few, and often as an aspect of being sanctioned, if not defined, by the state. As noted above, this was clearly reflected in the use of a state register as a point of departure for legitimising authority, which fused the authority of the 'genuine community' to settle unclear leadership with the state's authorisation of this community. I

suggest that we also need to relate this dimension of the culture of power to the lack of any historical experience of broad-based democratic consultation and participation in the hinterlands of a district like Sussundenga.

These aspects too merged with the second dimension of the culture of power: the notion of leadership as an "internal family matter" attached to ideas about family secrecy. Concretely, when people spoke about the appointment of chiefs, 'the family' included the ancestral spirits and the living members of the chiefly lineage. It also included the *madodas* (the council of male elders), who advised the living members of the chiefly lineage. However, 'the family' also had broader significance as a metaphorical expression of a common register of power that naturalises and gives meaning to where and how decisions should be taken and what knowledge is best kept secret to prevent conflict and misfortune.

Thus people would talk about particular power-holders and their immediate subordinates as 'the family' (*okama*), whose internal affairs such as decision-making and spiritual consultations were best kept secret from people outside it. To interfere in these matters was not only regarded as beyond other people's scope of influence, but also as a risky business. It could result in open conflicts, and worse, in cases of misfortune caused by the invisible sources of *uroi* (witchcraft/sorcery) and *vulí* (angry spirits).[187] These meanings, attached to the family, power and secrecy, extended beyond the chieftaincy too. The family as a metaphorical expression of power was also employed by people in Matica and Dombe when speaking about the national leadership as the 'family of Frelimo' and when explaining that government decisions were beyond the range of their influence.

Importantly, this script of the family was also employed by local state officials when they authorised 'the family of the chief' in settling the leadership, and also when they spoke about the government at public meetings. In official speeches, local state officials frequently conveyed an image of the Frelimo leadership as a lineage of fathers and sons as a way of naturalising power and representing its leadership as beyond dispute. Often this was followed by the message that "just as the *régulo* of a certain family lineage always ruled in his area, members of the family of Frelimo have and will always rule in Mozambique." In this sense, the particular script of 'the family' underlined a shared culture of power, which allowed for no space outside 'the family' – of chiefs and of the *hurumende* - for participation in the appointment of leaders or in decision-making more broadly.

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[187] I return to the wider meanings of *uroi* and *vulí* in Chapters 7 and 8.

Along with the lack of a widespread sense of practical groupness, this script of 'the family', I suggest, underlined the popular acceptance of the appointment of chiefs by the exclusive few and the active role of the state officials in setting the framework for this. More broadly, this informed the reconstitution of particular power relations in the process of implementing the Decree. This was exemplified by the enactments of scale-differentiated community in the process of legitimisation, which reactivated and conferred authority on the chiefly family, i.e. 'the genuine community who knows the tradition'. At the same time, it also conferred authority on the *hurumende*, whose representatives set limits to who could claim to be the 'genuine community' and define 'the tradition' – i.e. those holding the names in *o livro*. However, as I focus on next, this relational constitution of the traditional authority and the *hurumende* was not without its contradictions and manipulations. This will become clear when addressing how those who managed to position themselves as the 'genuine family' responded concretely to the state's quest for the *régulo verdadeiro*, and what role state officials played in this.

3. Proving the 'Real' Traditional Authority

The state officials' quest for the recognition of the *régulo verdadeiro* corresponding to the lineage names listed in *o livro* certainly framed the legitimisation process, but it did not immediately resolve questions of leadership in all areas. In some areas, the promises of state recognition intensified already existing conflicts over the leadership, while in others areas new conflicts were sparked off. *O livro*, although a significant linchpin, could be manipulated, and different candidates could be proved to be the real chief or sub-chief. Such succession disputes between possible candidates were nothing new but have existed for a long time. Although the Ndau and Teve do have a prescriptive rule for proper succession (i.e. the eldest son of the first wife of a *mambo* belonging to the areas' ruling lineage), this rule contains a built-in uncertainty. It allows for alternative candidates within a limited pool, which can be adjusted to fit specific circumstances or requirements.[188] Added to this, we have already noted the long history of situational manipulations of chiefly positions in relation to colonial as well as pre-colonial interventions (see Chapter 2). These aspects were also present during the internal settlements of leadership in 2001-2.

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[188] This is not peculiar to Mozambique: on South Africa, see Oomen 2005; on the Tswana, see Comaroff 1975.

This section explores in more detail how the *régulo verdadeiro* was arrived at where this was not entirely clear, and the forms of manipulations, conflicts and creative manoeuvre that this sometimes involved, including those of local state officials. In doing this, the section focuses on the different sources of legitimacy that were invoked and the practices of legitimisation that were at work in attempts to justify particular chiefly candidates. First, I give an overview of the different settlements of leadership in Dombe, and then a more detailed analysis of one particular case from the Gudza chieftaincy that sums up the shifting sources of legitimacy and practices of legitimisation that could be involved. Secondly, it considers a case from Matica, which illustrates an attempt to manipulate *o livro* by a local state official due to discrepancies between different sources of legitimacy (spiritual/lineage and state administrative) and areas of jurisdiction (chieftaincy and state-administrative).

Dombe: reshuffling leadership and different sources of legitimacy

In Dombe, no less than five of the eight paramount chieftaincies experienced the reshuffling of individual office-holders during the first phase of implementing the Decree. Four of these (Zomba, Dombe, Sambanhe and Muoco) were settled before the 'legitimisation meetings', and the fifth (Gudza), analysed in more detail below, was still ongoing at the time of the planned 'recognition ceremony' in 2002. Apart from the lack of any broad-based community participation, two other common aspects characterised these cases of re-settling the leadership. First, they were influenced by the state officials' quest for the settlement of leadership positions within a relatively short time-frame. This fuelled and reframed already ongoing re-settlements conditioned by the war history of shifting leadership configurations. In short, the framework for recognition set by the state coincided and merged with internal processes re-stabilising the chieftaincies.

Secondly, each office-holder was justified on the basis of the names listed in *o livro*, but these names were also represented as indeed corresponding with "the tradition" (*mutemo* or *ma-tradição* in the local languages) of each area. Thus all protagonists invoked "the tradition" as the most significant source of legitimacy in justifying an individual candidate. This was attached to the claim of a pure, indisputable domain of tradition or "that which has always been". However, how "the tradition" was arrived at, and the substantial content 'it' was invested with, differed from chieftaincy to chieftaincy and was sometimes the result of a conflict-ridden process. "The tradition" was both the result of

redefinition and reproduction in response to particular requirements of the state, and power interests internally in the 'genuine family'. Practices of legitimisation also varied from peaceful changes of leadership to open and violent conflicts between candidates.

In the case of Zomba, for example, the shift in leadership was characterised by a violent conflict between two brothers: José, the youngest, who had recently returned from exile during the war, and André, a former Renamo soldier, who had assumed the position during the war. By the time of state identification, both brothers were claiming to be the 'real' heir. In an attempt to secure his position, André killed José's wife. A resolution was reached by the *madodas* in support of José, who expelled André from the area with threats to report him to the police. José was recognised in 2002. Although André was the eldest son, the *madodas* supported José because they regarded André as an unsuitable candidate for state recognition, given his use of violence and history as a Renamo soldier. Hence the prescriptive rules of succession were sacrificed to concerns over future governance related to political affiliation and methods of rule. It was nonetheless held out as "the tradition".

The case of Chief Dombe followed a similar pattern of conflict between two brothers, but it differed in the sense that the final settlement ended in a mysterious death surrounded by secrecy. The brother who had ruled during the period of Renamo control died during the process of legitimisation in 2001, officially due to suicide, but according to various informants due to the invisible sources of *vulí* sent by someone who had wanted him removed. Although no one publicly stated that this 'someone' was his brother, Augostinho, it was widely believed that the conflict over leadership between them was the reason behind the death. Irrespective of this, Augostinho was legitimised by the *madodas* in agreement with the *chefe* of Dombe post. As opposed to his brother, the *madodas* held, he was a good candidate because he had no prior history of activity on either side in the war.

In the case of Sambanhe the change of office-holder was peaceful, but also reflected concerns for future collaboration with the state: when the ex-*régulo* returned from exile, his brother had assumed the position under Renamo, but voluntarily given it up. By the time of identification, the ex-*régulo* felt he was too old to be a state assistant and instead indicated his second eldest son Samuel. Although his eldest son was the rightful heir, the old *régulo* considered Samuel more suitable to be a state assistant because he had received seven years of education and served in the military (on the Frelimo side).

In Mouco, the shift in leadership also began with concerns for future state collaboration, but this was in the end overruled by the invocation of kinship and spiritual

power as the most significant sources of legitimacy. The chief in power after the war was a heavy drinker, who "did nothing for the people". Officially, however, the *madodas* deposed him on the grounds that he had been "imposed by Renamo" and was not the true heir. Instead a 24-year-old man, Róbate, was legitimised. He was, the *madodas* held, the true heir of the last *régulo* listed in *o livro* and imbued with the spiritual power of the ruling lineage. However, the choice of Róbate represented a sacrifice of performative capabilities. He had no experience of governing, nor any formal education.

What these cases indicate is how the particular histories of each chieftaincy and ideas about state collaboration could lead to different representations of "the tradition" in which the lineage name listed in *o livro* often merged with other sources of legitimacy, i.e. spiritual power, performative skills, education and political affiliation or neutrality. As opposed to the MAE research and the Decree's definition of 'tradition' as a fixed domain separate from the modern state, claimants to 'traditional authority' could merge sources of legitimacy from both domains. The result was that the settlement of leadership in some cases appealed to the requirements of the state administration and in others was at odds with them. In the case from Gudza, discussed in more detail below, we shall see how such potentially contradictory combinations of sources of legitimacy did not necessarily reflect the fixed rules of a given chieftaincy, but could also change *within* the same chieftaincy over a relatively short period of time. Although this case is exceptional because it led to the recognition of a female chief, it brings us deeper into the various practices of legitimisation that were at work more generally.

Case 1: Gudza

The chieftaincy of Gudza is part of Javela locality and is situated ten kilometres from Dombe *sede*. During the war, the area was a fierce combat zone. In the area surrounding the homestead of the ex-*régulo*, Frelimo managed to establish an *aldeia* from 1983 until 1989, when Renamo took control. These shifting configurations in the war implied different patterns of population movement in and out of the area, including by the ex-*régulo* and his family, which was split up in different directions. This history was also reflected in the leadership disputes that affected implementation of the Decree.[189]

At the 'legitimisation meeting' in August 2001, the chief, João Gudza, an elderly man who had been acting as chief for some time and been registered by the state earlier the

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[189] See Buur and Kyed (2006) for an analysis of the dispute that also existed between sub-chiefs in the Gudza area.

same year, was replaced by a young man called Benjamin Gudza. However, on the day of state recognition a year later, Benjamin never turned up to sign the contract with the state. The official reason was that he was ill. It later emerged that his illness was due to a conflict between him and João. The *chefe* of Dombe post was aware of this and instructed 'the family' to resolve the matter quickly so that a new recognition ceremony could be held within the time-frame set by the district administrator. Six days later a new ceremony was staged, though no new 'legitimisation meeting' was held. As a result, it came as a big surprise to people outside the family that it was Benjamin's 27-year-old sister, Concessão, who signed the state contract and was inaugurated as *rainha* (queen) or *mambo we mukadzi* (female chief). João and Benjamin were stripped of their formal power, and Mateus, another member of the family, was made the new queen's assistant.

Digging more deeply into the case, it became clear that this settlement of leadership was not the result of a powerful young woman who had managed to overthrow the contending male members of the family. Rather, the choice of Consessão was a pragmatic solution to a long history of shifting leaders, deaths caused by *uroi* (witchcraft) and disputes involving individual power interests and conflicting notions of good leadership. However, these were not matters for public discussion outside the chiefly family and the council of elders, who, after the recognition ceremony, clung to the official story that proved Consessão's indisputable legitimacy as a resurrection of *the* tradition. This story was meanwhile challenged by two other versions, presented respectively by those who supported João and those who supported Benjamin. These three different stories brings to light conflicting notions of sources of legitimacy and the strategies involved in arriving at an indisputable 'tradition'.

The official story: the return to the 'real' tradition
The group that had ensured the enthronement of Consessão included four of the *madodas* and the *chingore* of the family (the closest assistant of a chief in spiritual consultations and ceremonies). They claimed that the choice of Consessão was "a return to how things have always been".[190] In practice this implied a reconstruction of the official genesis of the Gudza chieftaincy, which in fact took place during the six days between the two recognition ceremonies, as the *chingore* confirmed: "No one knew that Consessão would be

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[190] Interview with Madodas, 4 September 2002.

recognized. This we found out through a study we did after we had consulted the ancestral spirits."[191] The official story went as follows.

For as long as the Gudza chieftaincy existed, a queen with supreme spiritual power (*nhacuaua*) had ruled. She was assisted by a man of her lineage (a 'brother' or an 'uncle') to take care of non-spiritual tasks (e.g. collecting tribute, conflict resolution and labour recruitment). The first queen was M'mera, who was descended from M'biri, Zimbabwe. When the Portuguese came, M'mura made her nephew Offisse an assistant to take care of non-spiritual tasks. Offisse was the father of João and Mateus. After the death of Offisse and M'mera, Offisse's eldest son Faife and eldest daughter M'pinde came to power. Faife, however, was replaced by Jemusse (the second eldest son of Offisse) because he fell into conflict with the colonial administration.[192] Jemusse was the father of Benjamin (by his second wife) and of Consessão (by his first wife). He reigned during the last years of colonial rule, but died in exile during the war between Renamo and Frelimo. No queen ruled during this time, the war and Consessão's infancy being given as the reasons for this. Consessão was the true heir, but because she was a child, Jemusse decided before his death that Benjamin should assume the position until she was an adult. The latter did so when he returned to the Gudza area after the war, but because he was a young man he needed help from João, his uncle. This is why João was acting as chief at the time of the 'legitimisation meeting'. The reason why Benjamin fell sick on the day of state recognition was because the *wadzimu* (spirits of the ancestors) had revolted. This was discovered at a spiritual consultation at which the spirit of M'mera had informed Benjamin and the *chingore* that "the *mambo* is Consessão. She has the spiritual power, *nhacuaua*, and also she is the eldest daughter of the old *mambos'* first wife."[193] Upholding the indisputability of the line of succession and the female spiritual source of legitimacy, this official story presented the enthronement of Consessão as a return to "the tradition" (*mutemo*) and the restoration of normality. As the *chingore* claimed, the return to the tradition meant that the spirits would now be satisfied and an end could be put to the ills that had inflicted the area – namely war, floods, sickness and a lack of prosperity. However, this revival of "the tradition" was challenged by those who supported João as the real heir.

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[191] Interview, Joachim, 5 September 2002.

[192] All these male *régulos* were listed in the 1961 colonial register, but there was no mention of a queen, nor of how the different *régulos* were related.

[193] Interview, Madoda, Gudza, 4 September 2002.

The second story: a queen re-invented and tradition re-negotiated

The second story was presented by Mateus, João, two *madodas* and three sub-chiefs. Although these actors in the end agreed to the enthronement of Consessão, they began by favouring João and later insisted that it was Mateus, not Benjamin, who should be Consessão's assistant. Their story suggested that the enthronement of Consessão was a negotiated compromise between different claims and pragmatic concerns for settling leadership. Their story went as follows.

The disruption of 'tradition' began when Faife fled to South Africa, and the colonial administration replaced him with Jemusse. Jemusse, the new *régulo*, was not part of the real lineage. He was the son of the youngest brother of Offise's father, who, when Offisse's father died, married the latter's wife. Thus Jemusse had the same mother as Offisse, but not the same father. According to tradition Jemusse was just a substitute, because the remaining biological sons of Offisse, João and Mateus had not been present at the time. When Jemusse died, João, the eldest living son of Offisse, should have assumed the position "in accordance with the tradition", but by that time he had fled to Beira due to the war.[194] Mateus, on the other hand, was absent because he had been captured by Renamo and become a soldier. Therefore it was decided that Benjamin (then 25 years old) should act as substitute. However, when Benjamin returned from exile in 1991 during the period of Renamo control, he was not able to assert his position because Manguindi, a nephew of Jemusse, had been installed by Renamo and refused to resign. Benjamin was able to do nothing because he did not have the spiritual power of a real heir. As a result, Benjamin called João to return from Beira and help restore the real leadership. When João came back in 1992, he was installed as chief by the *madodas* because he was the real heir and was registered by the state in 2001. There was just one problem: João turned out to be a heavy drinker and was greatly disliked as a ruler by the people. For that reason, Benjamin was pointed out at the 'legitimisation meeting' and sanctioned by the state officials and the *madodas*. But as Benjamin's illness showed, this change of position had been wrong according to "the tradition". As a result, a compromise was reached between the emphasis on "the real lineage" and João's unpopularity. The *madodas* re-invented a queen as the real heir (albeit not of the real lineage) and ensured that Mateus (of the real lineage) would be her assistant instead of Benjamin.

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[194] Interview, Madodas, 3 September 2002.

This second story shows how different claims to the 'the real tradition' could be quickly changed and negotiated in response to the practical problem of a badly performing leader. However, the third version of the story, which supports Benjamin, suggests that there were more issues at stake than bad performance and the real line of succession.

Figure 5.1.: The Gudza lineage according to the second story.[195]
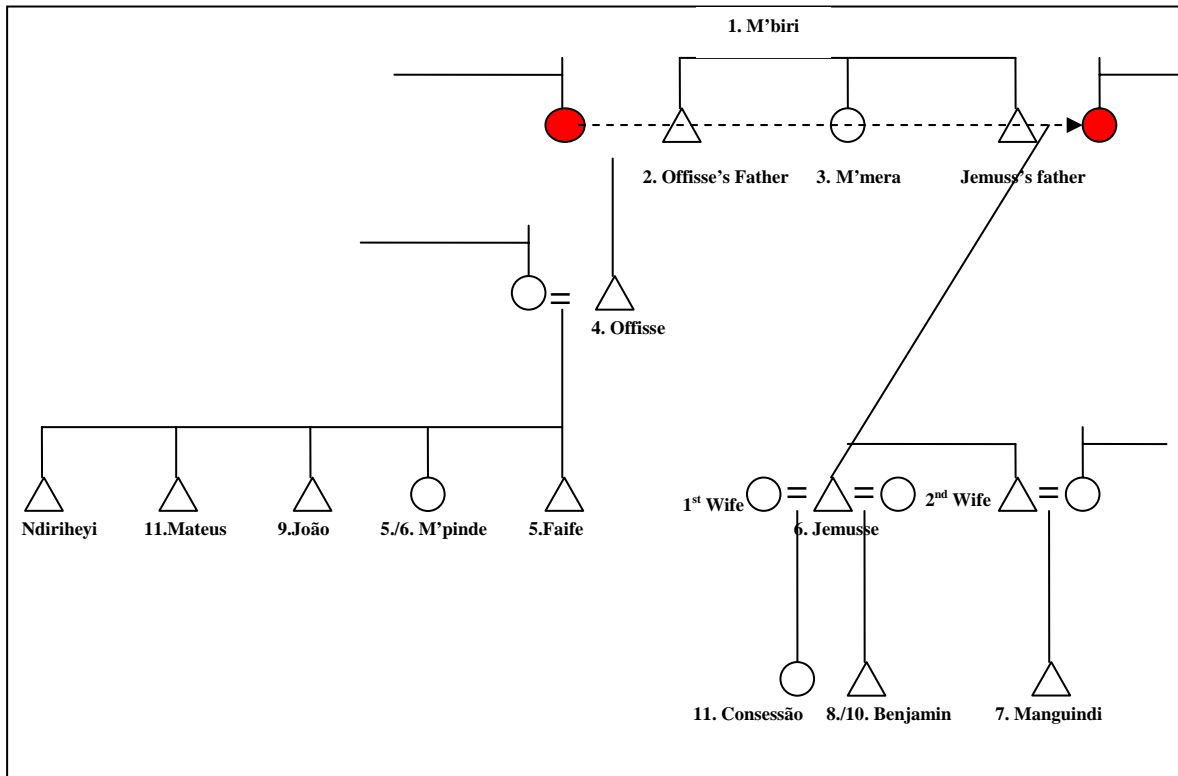
The third story: conflicting sources of legitimacy and power interests

The third version of the Gudza dispute was held by people who did not have a position in the group organised around the chiefly family. It circulated in rumours among some people of the chieftaincy and was explicitly articulated to us by a couple of teachers and Gabriel, the local Red Cross representative, who was also a native of the area. These protagonists supported Benjamin and were fully convinced that the recognition of Consessão was not an inevitable outcome of the revival of tradition or a matter of spiritual belief *per se*: it was above all a pragmatic solution to a long-standing conflict of power interests within the Gudza family, which too had involved *uroi* (witchcraft). However, these were not matters

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[195] The numbers in the figure indicate the chronology of persons who assumed the position of chief.

that the Gudza family and the *madodas* could speak openly about for fear of losing their own lives or those of their dear ones. Their story went as follows.

When Benjamin encountered problems with Manguindi (the nephew ruling during Renamo control), he called João for help "because João knows about the *botanica*" (meaning that he knows how to use poisonous plants used in *uroi*).[196] Soon after João's advent, Manguindi died, allegedly due to *uroi*, and Benjamin was expelled. Troubles arose again when Benjamin returned from migrant work in South Africa in 1996. João used threats of *uroi* to keep Benjamin at bay. Even the *madodas* were afraid to intervene. João also played the political card in order to remain in power. During 1995 he was one of the prominent figures in expelling the police from Dombe *sede*. He also participated in the settlement of the conflict with the provincial governor, Canana. João used this as a negotiating power during state identification in 2001. He went straight to the *chefe* of Dombe post and stated that, if he was not registered, he would make problems for the government. While these strategies helped João remain in power, he was very unpopular among the population at large. This was also the main reason why Benjamin had been pointed out at the legitimisation meeting. People did not want João removed because the line of succession was wrong or because of his lack of spiritual power, but because he had ruled badly. Besides being a heavy drinker, he was inconsiderate of the needs of the general population. For example, he had failed to turn up when food relief was distributed after the 2000 floods, resulting in the loss of emergency packages for the Gudza population. As a leader, he was also seen as highly immoral. He was an ambitious person (*um ambitioso*) who wanted all the power, at any cost, who ruled by fear and engaged in party political bargaining. He used his status as an elder and his capacity to engage in *uroi* for his own ends. People widely feared him for these capacities.

In contrast, Benjamin was chosen because, besides belonging to the Gudza family, he had leadership and personal qualities that people viewed as legitimate. He was seen as a hard worker and a good leader on moral grounds. He was neither egotistical nor greedy for power, but an open-minded, generous person who consulted people and was able to cater for the needs of the population. Notably consistent with criteria conducive to collaboration with the state, Benjamin was also seen as someone who would be able to speak and negotiate with state officials, as well as resolve conflicts. The reason why Benjamin was not recognised was because he was afraid of João and because the *madodas* were not able

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[196] Interview, Gabriel, September 2002.

to deal with João within the time-frame set by the state. João had allegedly killed Benjamin's mother with *vulí* as an act of revenge after the legitimisation meeting, and on the day of the recognition ceremony, Benjamin was suffering from *uroi* caused by João. Therefore Benjamin no longer wanted to be *mambo*, and the *madodas* had to find an alternative quickly. They chose Consessão, probably because they believed that, as a woman, she would be less at risk from the conflicts that had persisted between the men. However, this pragmatic stand was kept 'secret' by the family and the *madodas* in order to cover up for their inability to keep the popular Benjamin in power.

This third version of the story suggests that the state-organized legitimisation meetings could indeed open up a space for replacing a 'poor' (João) with a 'good' performing leader (Benjamin), although still from within the lineage name registered in *o livro*. The choice of Benjamin indicated how other sources of legitimacy than the real line of succession and spiritual power could be emphasised as significant, but also that this depended on who was asked and when: for example, sources of legitimacy attached to the ability to perform, be popular and have moral attributes such as generosity and unselfishness (Benjamin), versus rule by fear, use of *uroi* and selfishness (João). The third version of the story also suggests that the final settlement of leadership was conditioned not only by the different audiences that intervened, but also on the tactics of power involved in the dispute. One example was João's use of and threats to use *uroi*, as well as his ability to convince the state to register him by threatening them. Such tactics and the pragmatic solutions to them were nonetheless concealed and kept 'secret' by those who, in the final instance (*madodas* and the Gudza family), defined "the tradition" and in doing so made claims to an uncontested, pure source of legitimacy. This aspect reflects the specific culture of power referred to earlier. In this case of the Gudza chieftaincy, however, it not only sacrificed the popular legitimacy of a candidate (Benjamin), but also, it turned out, the performative qualities conducive to state administrative concerns. Seemingly paradoxically, this was too sanctioned by state officials.

Stabilising leadership: secrecy and the sacrifice of performative skills and popularity
Legitimacy according to authentic spiritual power and line of succession, which justified the recognition of Consessão, did not correspond to the other sources of legitimacy that had informed the choice of Benjamin. Consessão completely lacked the performative skills and knowledge that were required for practical rule. Her lack of aptitude not only applied to the

delegated tasks of the Decree, but also to what were defined as traditional functions —court sessions (*banjas*), annual rain-making ceremonies and spiritual consultations. Her supreme spiritual status was not recognised in public either, but only by the *madodas* and the state officials. When moving round the area she was treated like any ordinary young woman, and not treated with any particular respect like other (male) chiefs. In addition, she explicitly stated that she was not interested in doing men's work or in 'talk[ing] politics', as she termed those tasks that lay outside domestic work.[197] She just wanted to take care of her baby boy and cultivate her fields. Her authority, it seemed, was purely *de jure* and ascribed, as she indicated herself: "I am only the queen because the *madodas* and my uncles told me that was what I was supposed to be."[198]

Everything about her case seemed to point to her inauguration having been a compromise. This, as we saw, was nonetheless kept secret in public representations. While we should not reject the significance of spiritual beliefs, it does seem probable that such secrecy also had something to do with the interests of the organising unit of the *regulado* in stabilizing an indisputable order. Not only did their own position depend on such an order, it was a necessary prerequisite for state recognition and its possible benefits. These immediate goals attached to achieving state recognition cannot, however, be understood independently of the culture of power mentioned earlier, in which the secrecy of 'the family' works to naturalise power. In Gudza's case, this was exemplified by the official story's emphasis on an indisputable, almost sacred domain of "tradition" which justified the enthronement of Consessão, but also the power of the organising unit. This involved concealing the human agency that had been invested in and had influenced the settlement of the leadership.

Importantly, local state officials also played a significant role in this concealment and naturalisation of order. Not only did they authorize *de jure* the official story of "the tradition" by recognizing Consessão, they also contributed to keeping the secret of the family. In the state register of persons legitimized and recognized, Consessão's name also appears on the date of legitimization in 2001, although it had in fact been Benjamin on that date. This clearly points to attempts by local state officials to downplay discrepancies that had occurred in the process of recognition.[199] Like the *madodas*, it also reflected state-administrative concerns for stabilising leadership. Although the local state officials

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[197] Interview, Concessão, August 2002.
[198] Ibid.
[199] Interview, District Administrator, Sussundenga, August 2002.

explicitly acknowledged the potentially negative effects of recognizing a less capable leader for carrying out administrative tasks, the important thing, they held, was that the conflict had ended so that the recognition ceremony could be held within the time-frame set by the district administrator and that administrative work could begin.[200] This aspect further underlines the point that the stabilisation and fixing of chiefly positions and "the tradition" was directly attached to the reconstitution of the state administration itself. In the case of Gudza, this was further underpinned by a merger of state administrative concerns with the local state officials' own beliefs in the spiritual power of the ruling lineage:

Their norms and beliefs…their tradition is like that when there are problems. They interpret the following: when it is not the real one [leader] there are many contradictions with the spirits in the area and we [state officials] also acknowledge that as important in pursuing development and administration. We have to respect the ancestral spirits so that conflicts do not arise.[201]

The intriguing aspect is that *o livro* – a state artefact – was used by state officials as the point of departure and ultimately as evidence of such spiritual power, understood to be determined by the lineage names catalogued in it. This merger of ideas about spiritual power and *o livro* further underlines the intimate relationship between the state and the legitimization of the real traditional leader. However, it also points to the potential contradictions that could arise between the state's certification of "the tradition", popular legitimacy, and chiefly leadership qualities immediately conducive to the performance of administrative tasks. These latter aspects are also present in the case from Matica that I discuss below. Here, however, contradictions surfaced not due to conflicts over leadership *internally* in the chieftaincies, but because of interventions by state officials.

Matica: state manipulation and conflicting versions of leadership

In Matica locality, as noted earlier, the state administration did not face the same conflicts over leadership as in Dombe. The process of identification and legitimisation was also less complicated due to the longer history of state collaboration with chiefs. Perhaps this also underpinned why the wider population and influential elders were never consulted by the

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[200] Added to these immediate pragmatic concerns, the *chefe* of Dombe *post* was also rather thrilled that it was a woman who had been recognised. In this he saw an opportunity for Dombe and himself becoming known outside the area: "Now Dombe will be famous, maybe come on the radio…now that there is a queen. It shows that the *senhoras* can also come to power…and people will say that the *chefe* here can secure that the women are also given power…this is development." Indeed, on a countrywide basis the recognition of Consessão was an exception to the rule. Out of the 11,933 persons legitimised as community authorities (including sub-chiefs and *secretarios*) there were only 10 *rainhas* (queens) (internal communication, DAL/MAE, 28 June 2002).
[201] Interview, CDP, Dombe, 2 September 2002.

local state official, the *chefe* of locality: he simply registered the already existing chiefs. There was, however, another problem: Matica did not have a paramount chief (a *régulo maximo* in Portuguese or *madzi-mambo* in the local language). As we shall see in Case 2 presented below, this particularly became a problem when, in late 2001, the provincial government decided that it was only the category of 'traditional leaders' of highest rank, not the *secretários* or the sub-chiefs, who would receive official recognition and paraphernalia in 2002.[202]

Case 2: Ganda, Boupua and Zixixe

On 9 July 2002, a 'recognition ceremony' was staged in Matica for Chief Ganda, who was to be the traditional, community authority of the locality. The district administrator (DA) arrived with his group of assistants and with the new contract and emblems to be granted to Ganda. After the speeches of welcome, the DA called out for the *régulo* to be recognized. Ganda stepped forward. The DA asked: "Are you *régulo* Ganda?" Before Ganda could answer, someone else got his feet. The DA burst out: "Who are you?" to which the person answered: "I am *régulo* Buopua". After a few moments of silence, the DA looked at the audience and asked "Which of them is the *régulo*?" Ganda looked down and said nothing. Buopua looked straight at the DA, and repeated, "I am *régulo* Buopua". After a while, comments slowly started to flow from the audience, some supporting Buopua, others Ganda. The *chefe* of the locality, who was in charge of the state register of community authorities, retreated to his office together with the DA. When they returned, the assistant DA began to question Buopua, Ganda and the audience in chi-Teve. A heated discussion followed. It emerged that neither Buopua nor Ganda was the *régulo verdadeiro*, but Zixixe, who lived forty kilometres away, in Mouha administrative post. In the end, the DA stated loudly: "I have to consult *o livro* [of chiefs], so we know who the *régulo verdadeiro* is".

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[202] In other parts of the country, *secretários* were also recognised in 2002 (totalling 614 as against 818 'traditional leaders'), but there were none in Manica Province. I was never able to get a straight answer as to why this was the case here, but according to the Sussundenga District Administrator and responsible personnel within the provincial government, they believed it was because there was only a limited amount of state paraphernalia available from the MAE to distribute to the legitimised community authorities (namely 2,500, which was far outnumbered by the total number of 13,080 leaders: 2,222 covering the *régulos*, 3,420 covering the *secretários*, and the rest sub-chiefs). Thus the Manica government chose to recognise only those traditional leaders with the colonial rank of *régulo*. Interestingly, with the exception of Maputo and Niassa, there were more secretaries than traditional leaders recognised in 2002 in those provinces that had a stronger history of Frelimo-state governance. The picture was the reverse in areas where Renamo had established control and gained most votes (Register of April 2003, DAL/MAE). As Buur and Kyed note (2006), the choice of only or predominantly recognising 'traditional leaders' in Renamo strongholds could be interpreted as a way for the state administration to expand alliances with those leaders who had previously resided in the opposition camp.

Two weeks later, Zixixe was recognized as the 'community authority' under the category of *régulo maximo* (paramount chief) with both Ganda and Buopua at his side. They were now formally established as *chefes do grupo* or sub-chiefs of Zixixe.

The crux of the matter was that the *chefe* of locality had somehow managed to have Ganda registered as *régulo* for Matica. When the administrator went to consult *o livro* in order to clarify Ganda's status, he therefore had to go further than the new revised register of community authorities. He consulted the 1961 colonial register, in which Ganda and Boupua were catalogued as sub-chiefs of Zixixe, and declared that "by mistake Ganda was registered as a *régulo*. But we have now corrected the mistake by recognising the real *régulo* who is Zixixe".[203] Thus the colonial register became the final arbitrator, here enforced by the DA himself. The question is why and how Ganda had appeared as the real *régulo* in the register drawn up by the *chefe* of the locality, and why Boupua had not been considered.

As opposed to the Gudza case, the (failed) attempts to change leadership had nothing to do with either internal disputes over the leadership or conflicting sources of legitimacy among members of the chieftaincies. Rather, it was connected with particular concerns of the *chefe* of locality, which made perfect sense from the perspective of the state's administration. However, these concerns were intriguingly undermined when the DA intervened in the name of preserving "tradition", or rather the tradition catalogued in *o livro*. Let us briefly consider these aspects further.

Governmental concerns invoked and recast in the name of 'tradition' and o livro
It turned out that the *chefe* of locality was very well aware of the superior status of Zixixe. However, at the beginning of the identification stage, he had registered both Ganda and Boupua as *régulos* and promised them recognition and state regalia. Thus both Boupua and Ganda were surprised when, at a meeting held for *régulos* at district level at the beginning of 2002, Boupua was told to leave because he was not a *régulo*. Ganda was allowed to stay. Boupua complained to the *chefe*, but the *chefe* refused to hold a meeting where the matter could be discussed in public. It turned out that the *chefe* had changed the classifications of the new register at his own initiative. This happened after he heard from the district administration that only 'traditional leaders' of the highest rank (*régulos maximos*) could be

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[203] Interview, District Administrator, Sussundenga, 2 August 2002.

officially recognised in the first round.[204] As he later confessed to us, he thought that each locality could only have one *régulo maximo*. Because of this, he went to the district administration and ensured that only Ganda was listed as *régulo*. Why he favoured Ganda over Boupua he did not explain, but it could hardly be due to issues related to ability to govern or loyalty to the state: Boupua was a well-organised leader and was already very actively engaged in collecting taxes for the state administration and mobilising people for meetings by 2001. Like Ganda, he also spoke and wrote Portuguese and had a history of serving in the military on the Frelimo side. Both were also members of Frelimo. Rather, Boupua and Zixixe thought that the *chefe* had favoured Ganda because he had a private mill and some other small businesses close to Ganda's homestead.

These possible personal interests in having Ganda recognised did not, however, rule out other state administrative concerns. It was also concerns for the future status of the locality that had led the *chefe* to manipulate the new register, as he later confessed when he was asked about the aborted recognition of Ganda: "Now we are going to lose out on development…because now there is no community authority when the NGOs come".[205] His remark reflects a specific understanding of the Decree, to the effect that development provisions by state and aid agencies would be channelled through the new governmental grid of a *régulo* (community authority) in charge of a territorially defined unit that ideally should fit inside the state's administrative boundaries. Rightly or wrongly, he assumed that his locality would not benefit from the Decree because the *régulo maximo* belonged to a different administrative territory, namely that of Zixixe, who lived in the neighbouring administrative post of Mouha. However, this was not the only problem.

From the perspective of the kin-based hierarchy and spiritual power, the status of Zixixe as *régulo* was undisputed. He had power (*uno simba*), as people living in Matica and Mouha framed it, but in terms of public administrative abilities he was a disaster. Zixixe was not interested in any engagement with state administrative tasks because he did not trust 'them' (the Frelimo Government).[206] He was very old and could not read or speak Portuguese. He lived 74 kilometres away from the administrative capital of Mouha, to which he formally reported. There was no road to his homestead, and when he was told by the DA to have one made, he ignored him. As opposed to Ganda and Boupua, he held no

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[204] As noted earlier, this message from the DA originated in the provincial government's decision to recognise only 'traditional leaders'.
[205] Interview, *Chefe da Localidade*, Matica, 30 August 2002.
[206] Interview, Chief Zixixe, September 2002.

regular court sessions (*banja*), did not enforce any tax collection, nor draft manpower for the maintenance of schools, and only rarely turned up for public meetings arranged by the state administration and the police. In short, as in the case of Gudza, the DA's authorisation of Zixixe as the *régulo verdadeiro* and the decision not to recognise Ganda or Boupua represented a clear sacrifice of administrative concerns to the listings in *o livro*.

Seen from the perspective of the *chefe* of Matica locality, the fact that Zixixe was not interested in involvement with the state and belonged to a different administrative area of jurisdiction also presented a concrete dilemma: the *chefe* had to rely on intermediate leaders in everyday governance, but was not able to assure them of formal recognition and the outward signs and privileges that came with it. However, *o livro* had spoken, sanctioned by the DA, and there was not much the *chefe* could do about it.

The consequences of this dilemma for governance concerns became eloquently clear in the months following the recognition of Zixixe. While Ganda and Boupua were allocated more and more state tasks, they were furious that they received nothing in return for their hard work. Boupua stressed that, lacking any outward signs of formal status, he had problems in collecting taxes: "Some people just refuse paying taxes, because they say: how can we know that you are the *régulo*? You might be lying."[207] According to Boupua, the lack of recognition also fuelled conflicts over the leadership. His uncle Simão – who, when Boupua was given the position by his father in 1997, had tried to claim it for himself – got back at Boupua after Zixixe was recognised by spreading rumours in the *regulado* that Boupua was too young to rule. This severely impeded Boupua's ability to govern. To Boupua, the main issue at stake was state recognition "or even just a paper that I can show from the state that proves that I am the real leader".[208] Boupua saw the state, not Zixixe, as the judge that should intervene and resolve the matter. In any case, it was the state that had conferred authority on Zixixe, as Boupua reminded me.

This perception of the state, as imbued with the power to confer authority upon chiefs in *relation* not only to the state administration but also to subject populations, further underpins the actual fusions of the ideally separate domains of 'the tradition' and 'the modern state', represented in the Decree. However, as this case from Matica illustrates, this did not mean that representations of 'the real tradition' were unimportant in settling leadership or that this was free of contradicting immediate state-administrative concerns,

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[207] Interview, André Boupua, 19 May 2004.
[208] Ibid.

i.e. a lack of correspondence between leadership skills and spiritual power or *o livro* and between chiefly and state-administrative jurisdictions. The intriguing aspect is that local state officials, in this case the DA himself, actively contributed to creating such potential contradictions by rigidly interpreting the Decree as a resurgence of "the tradition" inscribed in a state register. The same can be said of the Gudza case. Overall this suggests that an intertwining of different, partly diverging scripts was at work, ranging from purely state administrative concerns to historically embedded ideas about the significance of the spiritual power of chiefs for state officials' ability to govern.

Concluding the cases: diverging governance concerns

The material presented clearly indicates that Decree 15/2000 was appropriated by local state officials as a mandate to extend the spatial ordering of the nation state by wrapping spaces, populations and intermediate leaders within hierarchical administrative divisions. Reflecting processes of state formation elsewhere, this was exemplified by the mapping out of sub-zones within state localities and administrative posts, and by the registration of the population and leaders residing within them. These aspects had clear administrative aims in terms of future divisions of labour, lines of command and interventions.

On the other hand, the Decree was also taken as a mandate to rectify the real traditional authority figures, even when this did not correspond to state administrative jurisdictions (Matica) and tasks (Gudza and Matica). Although this mandate was *de facto* limited by *o livro*, it could not be divorced from the particular ideas of state officials (with perhaps the exception of the Matica *chefe* of locality) of the spiritual power of the ruling lineages. According to the district administrator, this was the crux of the matter when he decided not to proceed with the recognition of Ganda, just as it had been when the Dombe *chefe* of post authorised the legitimisation of the Gudza Queen. While the DA emphasised the potential future problems of the discrepancies between chieftaincy and administrative boundaries, he asserted: "This problem of borders is very difficult, but it is the reality. We cannot intervene in the traditional hierarchy…go against the *régulo máximo* [the paramount chief]…that would be to go against tradition and the spiritual power. That can create big problems for the government."[209] Hence, while downplaying the power of *o livro* as the point of departure for rectifying the 'traditional' leadership, the DA emphasised the

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[209] Interview, District Administrator, Sussundenga, 2 September 2002.

significance of the spiritual power of the *régulo máximo* in preventing conflicts and problems in the pursuit of state administrative tasks and development projects.

What this points to more broadly is that the domains of the state and traditional authority were not understood as strictly isolated entities. One form of authority complements the other in respects that go beyond, but can also contradict, the actual ability of individual chiefs to perform strictly administrative duties. This was clear in the process of identification and legitimisation in which the state officials were constantly present, if not directly in the appointment of leaders, then at least in terms of setting the framework for and authorising "the tradition" – in short, in re-constituting traditional leadership. Another powerful image of this was the ways in which chiefly candidates and their supporters fused the state register of *régulos* with other sources of legitimacy defined as "the tradition", such as kinship and spiritual power, and also with different performative skills that corresponded with ideas about the state's administrative requirements. In short, how the 'real' tradition justifying a given chief was arrived at defied any generalised Weberian dichotomy between 'traditional' and 'modern' or state-bureaucratic types of authority.

Having said this, ideal representations of "the tradition" as being beyond either internal dispute or state interference were also an important feature of constituting both state and chiefly authority. This was underlined by a particular, but relatively broadly shared culture of power, which both state officials and the organising unit of the chieftaincy tapped into. As exemplified by the Gudza case, public representations of "tradition" as *the* source of legitimacy downplayed and kept secret the human agency and pragmatic strategies invested in settling the leadership. The former was rationalised in ascriptive terms, vested in the invisible realm of the ancestral spirits, but also attached to the lines of succession listed in the state register or *o livro*. Given that no one in the general population had ever actually seen *o livro*, it, like the ancestral spirits, belonged to an invisible domain from which authority could be certified. It was situated beyond popular influence and criticism. This conferred authority on the state officials as the proprietors of the (visible) register, who in turn conferred authority upon those individuals who were able to claim the authority of "knowing the tradition of the ancestral spirits". The wider implication of this dual conferring of authority was that very little space was opened up for the intervention of the wider population in legitimising leadership.

Conclusion

This chapter has explored the initial process of implementing Decree 15/2000, covering the formal steps of identifying and legitimising 'community authorities'. It showed that the Decree led neither to a simple 'recognition of what already exists', as claimed in the official national discourse, nor to an automatic transmission of new state schemes of classification in and on to lived reality. Rather, its implementation was a negotiation between 'what (in fact) already existed' – disputed leadership positions, unclear, differentiated population units and a weak, contested state apparatus – and attempts by local state officials and chiefly families to stabilize, fix and re-order 'real' traditional authority and community. In short, processes of regularisation, of establishing a particular order, were infused with situational adjustments to the particular local contexts.

These adjustments were the case partly because social reality did not fit neatly with the Decree's underlying assumption of an intimate relationship between a traditional leader, a community and a territorial space. The 'unified territory-based communities', organised around a traditional authority figure and sharing a set of 'traditional rules', did not pre-exist the Decree in any purely practical form. This was some-*thing* that was *attempted* in response to a legal paper. However, much the same could be said about the state administration – the main institution responsible for implementing the decree.

The key point is that the constitution of community and traditional authority was intimately related to a re-constitution of the state itself. The very activities of identifying and legitimising community authority were fused with the expansion of the territorial-institutional presence of the state administration, with practices of statecraft to fix and order population units, and with the creation of alliances to bolster state authority. As in the past, the re-constitution and expansion of the state administration in Dombe and Matica was attempted through the constitution of the state's other: the community authorities and 'their' communities. By the same token, settlement of chiefly positions and the organising unit of the chieftaincy were constituted in relation to state administrative requirements; representations of 'the tradition' as a pure, undisputable domain were defined in relation to a state register.

This relational constitution was not a straightforward process driven alone by purely state administrative scripts – or practical languages of stateness. Rather, it was shaped by the merger of partly overlapping, partly diverging scripts in the form of ideas and practices

deriving from different historical periods. The most powerful image of this was the merger of a colonial register with ideas about and claims to 'real' traditional authority attached to an undisturbed domain of kinship and spiritual power. Another was the influence of a relatively broadly shared culture of power related to notions of the family and secrecy, as well as state officials' ideas about the significance of the spiritual power of the ruling lineages in bolstering state governance. Even if these scripts could be at odds with immediate concerns related to the performance of state-administrative tasks and territorial-administrative jurisdictions, such discrepancies did not derive from a profound clash between 'the modern state' and 'traditional authority': it was because local state officials insisted on a revival of the hierarchies of authority and lineage names catalogued in the colonial state's register, *o livro*. This not only reproduced colonial classifications, but also supported the fixing of a pure, indisputable domain of 'tradition', which was understood as also conferring authority upon the state. The point is that state and traditional authority did not in practice represent isolated and separate domains, and that ideal representations of a pure domain of 'the tradition' were important in the reconstitution of the authority of each.

The flipside of this mutual constitution, and the scripts informing it, was a sacrifice of the Decree's promise of popular, broad-based community participation in the legitimisation of leadership. Instead it lead to the reconstitution of particular power relations within the chieftaincies. This was exemplified by the constitution of community as *de facto* scale-differentiated: i.e. a distinction was produced between the community as the population of passive subjects of chiefs and state intervention, and the community as the 'genuine family' of active members of the chieftaincies imbued with decision-making power. This distinction was not exclusively the result of local state interventions, but it was certainly bolstered by state officials, who, in the name of 'the traditional rules' and *o livro*, authorised and reactivated the power of the exclusive few to decide leadership. What this points to more broadly is that the mutual constitution of state, traditional authority and community was not simply a benign form of recognition. It also produced elements of exclusion and unequal power relations. In the next chapter, where I turn to the recognition ceremonies, we shall see how this conditional form of recognition was also merged with a particular political script of the Frelimo party-state and by public representations of a strict hierarchy between the state and the chieftaincy.

Chapter 6

State Recognition - Staging the Ideal Order

This chapter rounds off the analysis of the first phase of implementing Decree 15/2000. It explores the state-orchestrated 'recognition ceremonies' of the traditional authorities that took place in Dombe and Matica in July and August 2002, and then discusses the meanings that different local actors attached to state recognition.[210] The overriding aim of the chapter is to address *how* the recognition of chiefs was officially staged, and by implication *how* the relationship between state, chiefs and community was conveyed in public representations. Thus, whereas the last chapter focused primarily on the dispersed practices and claims that were articulated in identifying and legitimising community authorities, this chapter takes us to the symbolic-representational dimension of state recognition in the form of the medium of public state-orchestrated ceremonies. Concretely this means analysing different forms of ceremonial representations (speech acts, display of symbols, bodily performances and spatial organisation), and then how the messages these convey are articulated in the meanings local actors attached to state recognition of chiefs. In line with my overall analytical framework, the main assumption is that public representations comprise a significant, albeit not the only register employed in the attempts to constitute authority in general, as well as being a dimension of state formation processes in particular.

In the MAE *guião*, the recognition ceremonies rounded off the first phase of implementing the Decree through the signing of a contract between the state and the community authority and by handing over state paraphernalia to the latter. Closer examination, however, revealed that the ceremonies went beyond the material conferring of *de jure* authority on the legitimised chiefs. They also provided a 'theatrical space' or 'ritual moment' in which the ideal relationship between the state, traditional authority and community citizens was staged and discursively outlined by state officials. Reminiscent of rituals described in the anthropological literature, the ceremonies involved the staging and representations of ideal models *for* society, including of displays of power and hierarchies of authority (Geertz 1980; Turner 1969; Gluckman 1963; Bell 1992). In this light, I

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[210] The analysis in the chapter is based on participant observation of five recognition ceremonies (three in Dombe, one in Matica and one in Mouha), using the method of situational analysis (see Appendix I), as well as on interviews with different local actors in 2002.

suggest, the recognition ceremonies resembled what Bell (1992: 128-9) calls a political ritual: "those ceremonial practices that specifically construct, display and promote the power of political institutions (such as kings, state, the village elders) [and] define a community of ordered and legitimate power relationships". Political rituals are thus seen as significant elements in processes of regularisation in the sense of representations that centre on legitimising, fixing and naturalising a particular order. Paying attention to these representations can tell us something about the power relations that are *attempted* produced in the state recognition of chiefs and their communities. Given that the recognition ceremonies were state-orchestrated, this also draws to our attention the cultural-symbolic dimension of state formation processes, i.e. the symbolic languages of authority, referred to in Chapter 1.[211] Having said this, it should be noted that I do not, as in structural-functionalist understandings of ritual, approach ceremonial representations as a mirror reflection of social reality or as deterministic for everyday practices and meaning-making. Rather, in line with the understanding of social order as process, I approach them as indeed ideal models *for* society, and as important registers of authority, which have the *potential* to generate change, but which only partially guide actions in everyday social situations.

The chapter is divided into two sections. Section 1 provides a detailed analysis of the recognition ceremonies. Section 2 addresses the meanings that five groups of actors attached to state recognition of traditional authority following their participation in the recognition ceremonies (or exclusion form them), namely local state officials, chiefs, members of the rural population, Frelimo secretaries and Renamo delegates. It focuses on these actor groups' representations of the wider meanings of state recognition of chiefs, and the perceptions of the state, official power and chiefs that these reflected.

1. Recognition Ceremonies: a National Celebration

The first recognition ceremonies of community authorities across the country were held on Mozambique's Day of Independence on 25 June 2002. It was staged as part of the public ceremony that state and Frelimo party officials organise every year in the administrative

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[211] On the analysis of public state rituals and their importance for the production of state authority and state-citizen relations in Latin America, see Stepputat (2004), Taussig (1992), Knight (1985). On Africa, see Mbembe (2001) and Worby (1998).

capitals of the country, from Maputo down to the level of *posto administrativo*.[212] This symbolised how the *de jure* conferring of authority on traditional leaders was from the very outset linked to a national celebration and drawn into the wider political-historical repertoire of Mozambican public state rituals.[213] As every year, 25 June 2002 was marked by a uniform repertoire of ceremonial representations: the highest ranking state and Frelimo officials at each administrative level held speeches, rites celebrating the founding fathers of the nation were performed, hierarchies of rank were displayed and parades were performed by police officers, together with flag-waving, singing of the national anthem and cultural events such as dances and sports competitions. The only difference in 2002 was that, in the district capitals, June 25 also included the signing of a contract between the state and community authorities and the handing over of national emblems and the flag to the chiefs.

Independence Day also provided a kind of model for the other recognition ceremonies, which were held in the administrative posts and the *regulados* in July-August 2002. June 25 differed in its sense of splendour, scale and official representation. It also marked out particular hierarchies in terms of state administrative levels and community leaders. Recognition only covered an exclusive group of traditional leaders presiding over the areas covering the district capitals. In Sussundenga it included the recognition of *mambo* Muribane, who lives close to the district capital and is historically regarded as the paramount chief of the Shona-Karanga invaders. After June 25 this hierarchical dimension was replicated at *posto administrativo* level, where the chief living closest to the state administration was the first to be recognised. These ceremonies saw the attendance of the chiefs residing in the hinterlands, who had been invited to observe how a proper recognition ceremony should be performed. As the district administrator of Sussundenga remarked, this was important in order to secure uniformity and proper performance during the remaining recognition ceremonies, which later took place at the homesteads of chiefs outside the administrative capitals.

It is these last ceremonies that the analysis of this section is based on, including of the chiefs Zixixe (July 23), Mushamba and Zomba (July 26), Kóa and Chibue (July 30) and

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[212] When the community authorities received a full uniform in 2004, this also happened on an important national day of celebration, August 7, the day of the Lusaka Accord, marking the moment when Frelimo signed an agreement with the Portuguese for the achievement of independence.

[213] During fieldwork in 2002, 2004 and 2005 I followed numerous public ceremonies, including national days of celebration and official state visits by the district administrators and provincial governors of Dombe, Sussundenga *Sede* and Matica. Thus comparison with the recognition ceremonies draws on participant observation of these events.

Gudza (August 6).[214] As explored more in detail below, the elements of hierarchy and uniformity characterising the sequence of recognition were also apparent *within* these ceremonies. Despite minor variations, the ceremonies were, in a miniature version, modelled on the ritual formula of national days of celebration and officials state visits, in addition to following the official programme for the 'Recognition of Community Authorities' produced by the Ministry of State Administration (MAE). The former included various ceremonial representations that fell outside the official programme, such as specific greetings, slogans, displays of hierarchies of authority, and speeches by state officials centred on nurturing notions of shared nationhood. At centre stage was a celebration not only of traditional leaders, but also of state authority itself, and, as it turned out, of the Frelimo party. Added to this aspect, each of the ceremonies marked the first-time visit of a post-colonial DA to the homesteads of the chiefs. Together these elements demonstrated a wider point about the recognition ceremonies: they were appropriated by local state officials as yet another element in reconstituting state presence in the areas outside the administrative capitals, though here they took a ceremonially staged and politicised form. During the ceremonies local state officials also took a leading in timing and structuring the different steps of the ceremonies. These are decpicted in Figure 6.1:

Figure 6.1.: Steps of the Recognition Ceremonies

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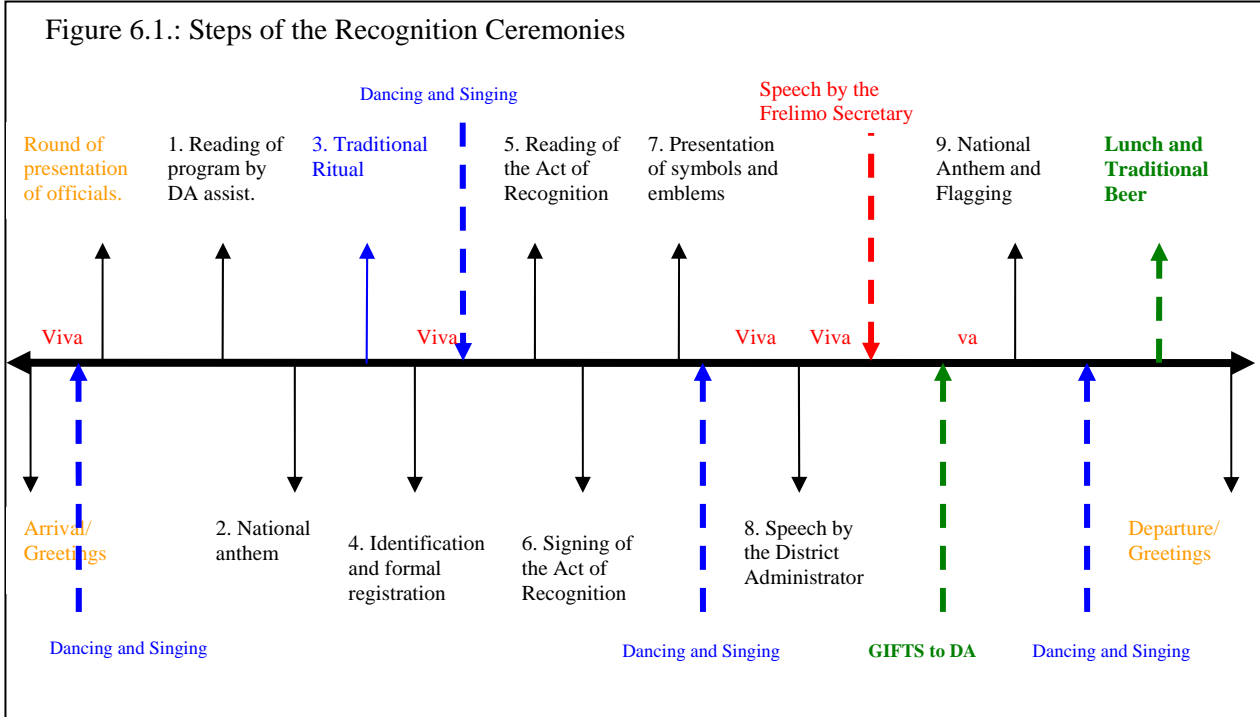
[214] Unfortunately we were not present at the ceremonies that took place in the administrative capitals, as these happened before the beginning of fieldwork. Also it should be recalled, as noted in Chapter 5, that there were no *secretários* recognised in Sussundenga until 2004 and before I returned to the field.

The steps in Figure 6.1 cover both the formal activities, written in the official MAE programme for the 'recognition ceremonies' of community authorities (marked by numbers 1- 9), and those performances that fell outside this programme. These were first, the *arrival and departure* of the visiting state officials involving displays of power and hierarchies (marked in orange); secondly, *traditional performances* (marked in blue, including number 3), which involved the staged celebration of 'tradition' and chiefly authority; thirdly, acts of *hospitality and reciprocity* (marked in green); and finally, the *party political elements*, including a speech by the Frelimo secretary and the 'Viva' slogans of the party (marked in red). Cutting across these were five types of ceremonial representations that conveyed particular meanings to the messages of the different steps: speech acts, displays of material symbols, slogans, bodily performances and spatial organisation.

As shown more in detail below, the steps and ceremonial representations together conveyed five partly overlapping messages that, I suggest, reflected different dimensions of languages of stateness: 1) an institutional-hierarchical dimension, in the sense of the displays of hierarchies of authority, as well as a delineation of the ideal-model relationship between the state, community authority and community; 2) a bureaucratic dimension, in the sense of the inscription, incorporation and disciplining of 'tradition' by the state officials; 3) a cultural-symbolic dimension, in which nationhood was celebrated and state authority was elevated as superior, as distinct from society and as beyond everyday modes of governing; 4) a disciplinary dimension, in the form of the verbal outlining of the proper conduct of community-citizens; and 5) the party political injections reproducing the link between Frelimo, the state and the nation, and underlining particular definitions of proper citizenship. In common to these dimensions was a continuous oscillation between distinctions and hierarchical separations of the Frelimo-state, chiefs and community citizens, and enactments of togetherness and shared nationhood. This, I suggest, was intimately related to attempts by local state officials to enact and legitimise the Frelimo-state as a superior authority, distinct from society, yet claiming to embody the people and the nation. Below I begin with the organisation of the ceremonies and the arrival of the official visitors, which particularly illustrated the institutional-hierarchical dimension.

Organisation: the staging of hierarchies and displays of power

The preparation of the recognition ceremonies in the *regulados* was closely guided by the lowest ranking state official, the *chefe* of locality. He would typically arrive a day before

the ceremony and, in minute detail, instruct the legitimised chief and his close assistants how to prepare the ceremony in the proper manner. This included instructions on how to make a pole for the flag that the chief would receive and how to organise the ceremonial site for the official guest. He ordered the chiefs to provide chairs and a table with a proper tablecloth for the state officials – material artefacts that none of the chiefs possessed in the right quantity and quality, and therefore had to procure from the school or nearby shops. The *chefe* also instructed the chief's assistants to prepare good food, *doro* (locally brewed beer for ceremonial purposes), dance groups and traditional rites to entertain the official guests. He insisted very forcefully that all these things had to be in place because that was the right way to honour the DA and to recognise the chiefs.

This strict control by a state official was replicated during the early morning hours of the day of the ceremony. The atmosphere was intense and filled with high levels of activity. While the family members and neighbours of the chief were busy preparing food and bringing chairs for the ceremony, the *chefe* was nervously running around, shouting instructions in a very commanding voice, telling people to hurry up and ordering minor changes to the ceremonial site. As opposed to the previous day, everyone was dressed in their finest clothes. In short, everything signalled a separation from everyday life, but also preparation of the ceremony according to the ideal ceremonial model of state officials.

These aspects were accentuated with the prompt change of scene that followed the sound of the district administrator's vehicle. While young children ran towards the crowd shouting "They are coming; the *hurumende* [state/government] is coming", the *chefe* of the locality quickly reacted by shouting to people that they should form up in a straight line at the entrance to the homestead in order to greet the official guests. The chief was told to stand first, followed by the men with the most important positions in the *regulado*, and after them the women. Schoolchildren and youngsters were told to stay at the back of the line. The line demonstrated visually how the *chefe* understood the hierarchies of rank, gender and age within the *regulado*. This display of hierarchy was also replicated by the official delegation and combined with a particular script for displaying state authority.

The Land Rover carrying the official delegation arrived with flashing headlights and tooting on the horn. This imitated a miniature version of how the President and other higher ranking state representatives arrive when making official state visits. It forms part of the display of official power, marked by distinguishing – in sound and appearance – people of state rank from ordinary people. Another similarity to other official state visits was that the

DA arrived with the First Secretary of Frelimo and the District Commander of Police at his side in the car. The joint representation of these three men was a constant aspect of the ceremony. They represented what could be called the 'trinity of official power' in Mozambique: the state, the party in government and the police. This trinity should not, however, be understood as representing the constitutional separation of powers into the executive, legislative and judiciary. At the ceremonies and other public events, they were ritually staged as one joint body, thereby conveying a sense of the continuity of the post-independence party-state.

Along with this trinity of official power came a large group of lower-ranking state and Frelimo officials. They arrived with the delegation sitting in the back of the Land Rover: line ministry directors, the DA's assistant, the *posto*-level Frelimo secretary and chief of police, the *chefe* of post, and two or three police officers with machine guns to provide security for the official guests. When the DA stepped out of the car and began to shake hands with the members of the *regulado*, this group of officials formed a line in rank order behind the DA. After the DA had shaken hands, the same act was performed first by the *chefe* of post, then the First Frelimo Secretary and the Police Commander, and lastly the line ministry officials. The physical enactment of rank on the part of the *hurumende* was mirrored in the ordered line of *regulado* members receiving handshakes: first the chief, then the sub-chiefs and *madodas*, and finally a slightly separate line of women. The children and young people standing behind the lines received no handshakes.

This form of display of hierarchies on the state and the community sides was also replicated in the spatial organisation of the ceremony, into which people were seated immediately after the greetings. As Figure 6.2 below illustrates, the spatial organisation also framed a separation between spaces for the state, the community and the community authority. The highest ranking DA was seated at the table with the tablecloth, on the most comfortable chair, and facing the open circular space around which those belonging to the state apparatus and the *regulado* or 'community' were structurally seated. Next to the DA were the First Frelimo Secretary and the police commander, expressing the trinity of power. At another table, without a tablecloth, sat the DA's assistant, keeping track of papers. Next to him were the *chefe* of post and the *chefe* of locality, and then on each side the line-ministry representatives. After this line of officials came the *madodas*, sub-chiefs and male members of the chief's family. Young men were placed around the other half of the circle, in front of the officials and the women, who were sitting behind the inner circle on mats on

the ground. The women only went inside the ceremonial circle when dances were being performed. Schoolchildren were located outside the ceremonial circle. At the beginning of the ceremony the chiefs were seated amongst the *madodas*, but after signing the state contract, they moved to sit on a chair in the middle of the circle. This conveyed the chiefs' formal position between the state and the community.

Figure 6.2.: Spatial organisation of Recognition Ceremony

POLICE

District Administrator, First Frelimo Secretary, and Police commander

POLICE

Assistant DA, Chefe do Posto, and chefe da localidade

School Children

Table (with table cloth)

Table (without table cloth)

Posto Frelimo Secretary, Posto police chief (on chairs)

District and Posto directors of line-ministries

CHIEF(s)

Madodas (elderly men), and traditional police assistants

Sub-chiefs and male members of chiefly lineage

(anthropologists)

CHIEF(s)

Young men

POLICE

WOMEN

POLICE

Overall the spatial organisation depicted in Figure 6.2. can be seen as a physical display of the ideal future relationship between state, community and community authority. While it clearly marked off the official guests as separate from the community, it also visibly illustrated how the relationship between community and state should be approached in the future and how communications and orders were to be effected, namely by the community authority sitting in the inner circle. In addition, the spatial organisation also recognized local hierarchies as part of the organising unit of the *regulado* and separated this from those who were mere commoners.

This institutional-hierarchical dimension was further accentuated by the performances and speeches of state officials that followed the seating. As noted in the initial activities, this dimension nonetheless oscillated with moments in which the structured seating was dissolved by joint celebrations or when state officials verbally conveyed togetherness and shared nationhood between state, chief and people. The latter began with a short dance performance in which a group of women entered the ceremonial circle, thus disrupting the structured seating. This was then disrupted by speeches of welcome that followed the rank order of state officials, beginning with lowest ranking *chefe* of locality and then the *chefe* of post. Both spoke in chi-Ndau or chi-Teve, thus making themselves familiar to the audience. As if emphasising a notion of togetherness, they stated that the ceremonies were a joint celebration intended to bring together the community and the *hurumende* (government). This was followed by statements like "this ceremony belongs to the community and is for the community to enjoy together with the official guests" and rounded off by the shouting a series of Viva's wishing long lives to the *comunidade* xx, the *posto administrativo* xx and President Chissano respectively. The hierarchical order was then restored again when the *chefe* of post made a round of presentations, outlining the hierarchy and functions of the visiting officials.

This emphasis on hierarchy was also reproduced by the assistant DA when he stepped forward to read the official programme (step 1 in Figure 6.1.). He spoke entirely in Portuguese, which very few of those present understood a word of, and also used a highly formulaic way of speaking. In a firm voice, he stated that the ceremony had to follow the proper steps laid down by the state administration. Replicating the reading of programmes on other national days of celebration, in a very monotonous voice he then reminded the audience of the territorial-administrative hierarchy of the state (now also including the *regulado*): "Republica de Moçambique, Provincia de Manica, Distrito de Sussundenga, Posto administrativo de X, localidade de X e regulado de X". This was followed by reading aloud the nine formal steps of the programme (see Figure 6.2).

Added to the hierarchical seating of the ceremony, the DA's assistant's repetitive, highly routinized and formulaic speech act, performed in an idiom (Portuguese) that only the official guests and two or three of the members of the *regulado* understood, gave the ceremonies a sense of formality. Given his familiarity with a Shona dialect – which is easily understood by the Ndau and Teve – it might have seemed superfluous for the DA assistant to speak in Portuguese. However, had he done otherwise, his speech act would

have fallen short of imitating the uniform model laid down by the MAE. At the same time, it also conveyed a separation between the literate state officials from the mainly illiterate members of the *regulado*. Overall, this conjured up the appropriation of the recognition ceremonies as a 'ritual moment' at which hierarchies were articulated and enacted by state officials. Immediately after the DA's assistant had spoken, this separation was again momentarily disrupted when everyone was asked to join in the singing of the new national anthem (step 2 in Figure 6.1.).[215] That this shift between messages conveying hierarchical separation and togetherness around a shared celebration was also employed to convey a particular state-defined 'tradition' became apparent in the next set of activities.

Celebration and bureaucratic inscription of tradition

Immediately after the singing of the national anthem came the *oracão tradicional* or traditional rite (step 3 in Figure 6.1.). The purpose, the DA told the audience, was to inform the ancestral spirits that the chief would be recognised by the state. Indicating that the government was not only intent on granting *de jure* status to chiefs, but also on recognising 'tradition', he added: "This is a way of respecting the tradition that is so important to Mozambique. The Government is here to recognise this importance".

Despite the DA's insistence on the rite as a traditional way of doing things in the community, it did not entirely mirror how chiefs were usually inaugurated. As the chiefs explicitly stated, the rite was performed because they had been instructed to do this by the *chefe* of the locality. The *real* consultations were performed in the month of September as part of the annual fertility ceremony. In short, the rite was purely staged *for* the state or *hurumende*. This shows how the recognition ceremonies, even when it came to celebrating 'the tradition', were also appropriated as a celebration of the state authority. However, the rite also included some familiar elements.

After the DA's assistant had stated that it was now time for the traditional rite, six to eight people proceeded to the house of the spirits (*nhumba we mudzimu*), which is used for spiritual consultations at the chiefly homestead.[216] The people who entered the hut differed

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[215] The national anthem was a new one that had been agreed at the end of 2001. The old one was changed as part of a constitutional promise because its chorus – 'viva Frelimo, viva Frelimo' – was biased towards Frelimo.

[216] In Sussundenga the house of spirits is indistinguishable from the other huts in appearance, but it is usually situated a little apart from them. In the cases of the Ndau chiefs (in Dombe), the female spiritual leader of the chief (*mambo we Mukadzi*) resides in this hut on her own and with her children if she has any. Her husband, if she has any, is only allowed to pay visits and, as opposed to the norm in the patrilineal groups of the Ndau, she is not allowed to live with her husband. If she does, it will cause problems with the ancestral spirits.

from ceremony to ceremony, but were always referred to as those who always participated in spiritual consultations. While in all cases the chief, the *chingore* ('nephew' of the chief with special ceremonial functions) and two or three of the chiefs' closest kin entered, the female spiritual leader of the chiefly family also participated in the case of the Dombe chiefs. Once inside the house of spirits, the remaining male assistants of the chief moved forward and sat down on the ground outside the hut, facing the entrance. So far these aspects resembled the rite performed at the annual fertility ceremony. This changed when the 'trinity of official power' and an ordered line of inferior officials suddenly got up and moved towards the hut. They sat on the ground with their backs to one side of the hut.

After people had been seated, there were five to ten minutes of silence during which offerings were made to the ancestral spirits *inside* the hut. Calabashes of *doro* were then passed around *outside* the hut, first to the official guests, and then to the *madodas*, who each took a sip from the same calabash. While among the Ndau and Teve *doro* is used in offerings to the ancestral spirits, the act of drinking it from the same calabash also symbolises a common element of both hospitality and reconciliation such as after the resolution of conflicts. Through their participation, the state officials thus drew themselves into a particular symbolic act of togetherness. This was noted with amusement by the members of the *regulados*. As many of them reminded us, this was the first time that any state official had appeared at a rite performed by the house of spirits. In this sense, the rite did have the effect of materially displaying the *hurumende's* recognition of 'the tradition', albeit in a ritualised and state-orchestrated form. The joint celebration during the rite also co-existed with a distinction between the visiting state officials and the chieftaincy.

A difference appeared between those who were respectively inside and outside the house of spirits, as well as between those facing the entrance to the house (the *madodas*) and those with their backs to it (state officials and members of Frelimo). The hierarchical seating of the ceremonial circle was also reversed. The chief and his closest kin were those now filling the most central and superior role, marking their closeness to the ancestral spirits. Symbolically this conveyed the spiritual power of chiefs, referred to in Chapter 5, as a significant source of chiefly legitimacy, which was recognised by, yet distinguished from, the state officials. In the next step of the ceremony (step 4 in Figure 6.1.), referred to as 'Identification and Formal Registration', this distinction between traditional and state authority turned into an encompassment of the former by the latter. It marked the

bureaucratic inscription and fixing of traditional leadership, as well as the strict control and disciplining by state officials of so-called 'traditional performances'.

This fourth step again involved a change of scene as the participants resumed their previous structured positions in the ceremonial circle. It began with the DA's assistant calling forward the chief, who was asked to demonstrate an ID or birth certificate while sitting on a chair in front of the assistant's table. The assistant DA carefully scrutinised the documents and then registered the personal data (name, age, places of birth and residence). This was followed by a series of 'Vivas', led ahead by the *chefe* of post (for example, "Viva *Régulo* x, Viva *regulado* x"), and then by words like: "Now you must celebrate. You must dance and sing…. You must perform traditionally". Some women reacted to the request by entering the circle and dancing and singing very briefly before they were firmly told by a state official to resume their seats and be quiet. The firm control by state officials as to when *regulado* members should begin and end what the officials themselves called 'traditional performances' conveyed a sense of folklorisation to the kind of 'tradition' that the state officials recognised. Added to the state-bureaucratic inscription of traditional leaders, it gave the sense of a fixing of 'the tradition' within a state-defined order. This was also the case with the next step, the 'Reading of the Act of Recognition' (step 5 in Figure 6.1.).

The Act was read by the DA's assistant, who again began with the monotonous repetition of the words "*República de Moçambique, Provincia de Manica* etc." In a similar formulaic tone of voice, this was followed by: "On day x, month x, in 2002 in the district of x, province of x, in the presence of the Senhor District Administrator of District x, with the name x, as representative of the State, is to preside over the formal act of State recognition of the community leader, with the name of x, with the title of x [traditional leader]." After these words, the chief and the DA signed the new contract or *acta* (step 6 in Figure 6.1.) between the 'community authority' and 'the state'. When the DA, signed the official guests automatically stood up, while a *chefe* of post told the rest to do so in order to show respect for the superior authority. After this the audience was again told to 'celebrate traditionally' and again stopped promptly when the DA got up and for the first time during the ceremony stepped forward into the circle. He placed himself next to the chief. It was now time for the 'Presentation and Exhibition of the Symbols and Emblems of the Republic' (step 7 in Figure 6.1.).

If the signing of the new contract provided for a re-inscription of traditional leadership in the state's bureaucratic records, the seventh step could be seen as the outward inscription of the nation state on the body of the traditional leader (now the community authority) and his *regulado* (now the community). The latter was carried out in a very serious manner by the DA himself. He carefully tied a sash (*faixa*) with the five colours of the national flag around the body of the chief. He then pinned a rectangular badge (*emblema*) on the right side of the chief's chest reading "*Autoridade Comunitária*", under which a round badge (*crachá*) with the state's coat of arms was placed. He then gave the name of each item and with a raised finger told the chief to be careful to keep them intact. Lastly the national flag was given to the 'community authority'. Almost like a priest baptising a believer, the DA spoke loud and clear to the audience: "In this way the state recognises that xx is the Community Authority." He repeated this sentence three or four times, and then added: "This flag signifies that xx is the leader of xx". Then he shook hands with the chief to seal the contract. This was followed by handshakes by the First Frelimo Secretary and the police commander as if conveying the merger of the trinity of power with the state-chief contract.

Then the structured scene and serious atmosphere were dissolved again. The chief was told to move around in the circle and show off his new paraphernalia, and the crowd was again told to "celebrate traditionally". The ceremonial circle became packed with people dancing, singing and ululating. As opposed to previous 'traditional performances', on this occasion the state and Frelimo officials joined in, dancing around with the people, laughing, smiling and singing. Hence another moment of togetherness dissolved the hierarchical distinctions, this time, however, signalling a joint celebration in which state and community, men and women, young and old participated on an equal footing. Again, this was brought to an end when the DA firmly told people to be calm and resume their seats. It was now time for his words, and what I have referred to as the cultural-symbolic dimension of the ceremonies.

Celebrating and elevating state authority: people, nation and law

The DA's speech took between one and two hours to deliver and was translated for the audience by one of the lower ranking state officials. Apart from explaining to the audience what the state's recognition of the chief implied and how the paraphernalia should be used, the DA took the opportunity to inculcate ideas about proper citizenship and to celebrate nationhood and the superior authority of the state. These were particularly apparent in the

first part of the DA's speech and in the flagging rite towards the end of the ceremony. After shouting out a series of 'Viva's' (*República de Moçambique, Presidente da República, Distrito de Sussundenga*), the DA began by stating:

This recognition of the chief by the state is a national movement which has taken place in all parts of the country. It began on our Day of Independence, which gave national sovereignty to all the people of Mozambique and ended the brutal period of colonial subordination. This happened because the fathers of our nation fought for all of us and gave us peace and liberty.

He thus drew the recognition of the community authority into a wider celebration of national unity and of the founding fathers of the nation, the Frelimo leadership. This was coupled with repeated words that conveyed and legitimised the state as encompassing the Nation, the Common Good, the People, the Law and Tradition. Thus after the first words he explained that the government had never abandoned "our traditions", but merely tried to find ways of changing the colonial system in which *régulos* had been used "to oppress and maltreat the people of Mozambique." While denying the post-colonial ban on traditional authority, the DA used negative descriptions of colonial rule to paint a positive picture of the present state apparatus: "Now the chiefs will work alongside the state, which ensures the development of the country and the equal rights of its citizens. The chief, together with the government, will continue the fight against the absolute poverty of the communities of Mozambique."[217] This was usually followed by references to the Law, the Nation and Tradition, in which the latter was represented as encompassed by the former: "The chief represents tradition, which is very important to the Mozambican nation. From today he will work with the state within the law of the country, which guarantees the well-being of the people and that there is unity, democracy and development."

These links between the recognition of traditional leaders, the Law and the Nation was also repeated when the DA subsequently spoke about the paraphernalia that the chiefs had received. In what can best be described as an attempt to nurture notions of nationhood and respect for state authority, the DA explained in minute detail how the community authority should wear the paraphernalia on national days of celebration and on official state visits and that the latter should ensure that the whole community joined in celebrating these days. Knowing that most *regulado* members in Dombe in particular usually did not

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[217] This emphasis on the 'fight against poverty' drew on the widespread official discourse of the Frelimo government where *a luta contra a probeza absoluta* (the fight against absolute poverty) has become a key slogan of the party, which can in addition be likened to the high profile donor emphasis on 'poverty reduction or eradication'. On the other hand, it is at times coupled with the translational socialist slogan *a luta continua* – adding 'against poverty'.

participate on such days, the DA explained in detail the meaning of Independence Day, the Day of the Lusaka Accord, the Day of the Armed (liberation) Struggle, and the Day of the Rome Peace Accord. This was combined with a more elaborate praise of the founding fathers of the nation, i.e. the former presidents of Frelimo, who were named by the DA one by one: Eduardo Mondlane, Samora Machel and Joachim Alberto Chissano. Like the physical display of state authority in the form of the trinity of power, the DA's speech accorded a particular position to the Frelimo leadership as encompassing the state and the nation, beyond particular political interests. This also became apparent when the DA turned to speak about "(dis)respect for authority". Here he drew an analogy between chiefly authority and the Frelimo leadership. The former was represented as the father of the community and the latter as the father of the whole nation:

I have heard of disobedience here…you have to learn to respect the authorities like you respect your father. The chief is like your father…he is the father of the community, that has existed always and will always exist from generation to generation…the chief is the representative of the state, of our nation before the community. The chief has to respect the law of the state…and the heroes that brought our nation to independence. They are the fathers of all the people [*o povo*], whom you have to respect like you respect your own father.

The DA used the image of the father as a metaphorical expression for the relationships between chief and community and community and state. By emphasising 'what has always been and will always be' as expressive of the perpetuity of authority within given families, the DA also tapped into the specific 'culture of power' discussed in Chapter 5. Here it was especially employed to naturalise a particular order of authority relations, in which the Frelimo leadership was represented as embodying the nation. In the subsequent talk about the national flag, this representation was also conferred on the chief: the flag, the DA asserted, "symbolises that the chief now represents the nation in the local community." However, he also made it clear, in a firm voice, that if the chiefs did not use and respect the flag in a particular way, and by implication what it represented (i.e. the Frelimo-state), he would cease to be a 'community authority':

This flag symbolises our nation and our sovereignty. It must be respected with good care. It should be raised everyday at 6 o'clock in the morning and be taken down at exactly 6'oclock when the sun sets, as we do everywhere in Mozambique where there is a flag. You must also learn to raise it in the right way and to fold it properly. The commander of police will show you how to do this today…. You must see that the flag is very valuable and important. The chief must take good care of it and keep it in a safe place during the night so that nothing bad can happen to it…it must be kept clean…. If something bad happens to the flag…if it is lost or torn…then you must know that the chief can go to prison and be punished…and the emblems will be taken away from him.

This message, conveying the flag as a kind of sublime referent above human action, tapped into the wider cultural-symbolic dimension of conveying authority to the (Frelimo) state at the ceremonies. The DA also tried to insinuate that the *de jure* authority of chiefs as representing the nation in the communities implied the ability of chiefs to submit to and perform particular state-defined practices – in this case around a national symbol. If these things did not happen, the chief would lose *de jure* status. The wider symbolic meaning of the flag also indicated that the chief was now a new member of the *hurumende* (the trinity of power). This was ritually staged at the end of the ceremony, when everyone gathered around the new flagpole (step 9 in Figure 6.1.) and the newly inaugurated community authority was placed next to the 'trinity of power'.

At this moment a small national celebration was performed. It began with the police commander demonstrating to the chiefs how to hoist the flag in the proper way, including the specific military steps and salutes to be used when approaching the flagpole. People were also told by the lower ranking state officials to stand up straight and be quiet with their hands folded behind them in order to "respect the flag". Then the national anthem was performed again. This small rite replayed a moment of togetherness between the official guests and the community. At the same time it displayed hierarchies of rank and included a strict disciplining of the conduct of the participants in the presence of the national symbol. In this sense, this small rite conjured up a core message underlying the first part of the DA's speech: the recognition of traditional authority was also appropriated to ensure recognition of state authority by nurturing shared nationhood and by disciplining the chiefs and their communities. Next this disciplinary dimension of community citizens is addressed more in detail, as expressed in the second part of the DA's speech.

Discipline and loyalty: outlining the ideal citizen community

The DA's talk about the flag and "respect for authority" was usually rounded off with a warning to the audience in words such as: "If you do not respect the authorities and the law, the chief will expel you from the community to a place where there is no law." Where this place is he never explained, but the people in Matica and Dombe considered expelling a person from the *regulado* a very severe form of punishment.

In the DA's speech, this potential exclusion from the community formed part of outlining the proper conduct and morally appropriate attitude of citizens as members of the national community and of the *regulado*. This usually began with the themes of

development, hard work and the need to pay taxes. In a disciplinary, didactic tone, he explained to the audience: "your area is full of riches…but look here there is poverty", "you must work hard and not sit on your behind and wait for someone to come and help you", and "you should pay taxes for the development of the country". To these words, he added that people should send their children to school, not let their daughters marry too early, and teach their young people to be respectful of the elders and the authorities. Usually looking at the young men, the DA linked the lack of development to crime, uncivilised behaviour and the consumption of *soruma* (a form of marihuana) and alcohol:

"I know that here there is a lot of *soruma*...there is a lot of crime because of *soruma*...people who smoke *soruma* are lazy…they are *malandros* [bad persons]. They are thieves and do not respect anything or anyone. *Soruma* helps a person be like an animal…. Together with the chief, we will ensure that people who have *soruma* go to prison. […] And I tell you, you should only drink at the weekends…. If you come drunk to a public meeting, your chief must send you away."

Noticeably, the DA's somewhat scolding words were always mixed with references to the last war, which he represented as the reason for uncivilised behaviour. For example: "*Soruma* is the food of the war, of the people who make confusion and destabilise the country…now we have peace and development…we want to have no *bandidos*", followed by sentences like "The chief has the power to fight against these bad things because now he works with the police…he works with the state." Although Renamo was never named explicitly, there was no doubt that it was the point of reference whenever the words 'war', 'confusion', '*bandidos*' and 'destabilisation' were used. If anyone doubted that this was the case, then it was made explicit when the DA ended with a series of slogans following the talk about drugs and alcohol: *Viva* 'discipline', 'authority', 'education' and 'the government' – *Abaixa* (down with) 'indiscipline', 'confusion', '*bandidos*' and 'those who began the war'. The key point here is that the DA's disciplinary, moralizing representations of the proper conduct of citizens was not only focused on the need to obey the law, but was fused with a political dimension. Morally good and civilised citizens, worthy of inclusion in the local and national community, were defined in opposition to an uncivilised 'other', namely the opposition party and former rebel movement, Renamo. This oppositional rhetoric, defining Renamo (supporters) as the constitutive 'outside' of the good citizen, fused with attempts to legitimise and nurture obedience and loyalty to the Frelimo-state. Thus the previous celebration of the Frelimo leadership as embodying the nation was here taken further in a politicised definition of citizenship.

The DA also tried to convey obedience and loyalty to the Frelimo-state by sometimes drawing in the audience and explicitly asking them to affirm answers (yes/no) to specific questions. For example: "Are you not in favour of the development that the government is bringing?"; "Do you still want war and confusion?" or "Do you want me to say that xx area is inhabited by war *bandidos*?" If people answered, which they did not always, they would affirm what the DA wanted to hear. Otherwise the DA provided the answer himself. The DA also concretely demonstrated what he meant by proper, civilised citizens by ridiculing or firmly putting in their place disobedient individuals at the ceremonies, such as people who looked as if they had been drinking or who made critical comments. For example, at the ceremony of Chief Chibue, there was a drunk old man who several times made comments in chi-Ndau about the DA. At one point he even stated that "This thing they are doing [recognition] is all the politics of Frelimo". He was immediately put in his place by the *chefe* of locality and had the DA's finger pointed at him when he spoke about alcohol and the war: "Those people like this old *papa*, who come drunk to meetings, should be thrown out by the chief. This represents a lack of development and respect for the authorities". He then looked at the old man, stating with a smile: "Look at him; he is a *maluco* [crazy person]…he must be one of the *bandidos* of the war". After this the DA laughed, followed uneasily by the audience (many of whom in fact supported the 'bandidos' of the war, i.e. the opposition party).

This and similar examples provided the DA with vivid illustrations of 'the disobedient individuals of the *regulado*', who would be disciplined or even excluded if they failed to abide by the rules and proper conduct laid down by the state. Significantly, the consistent use of war rhetoric in such representations also conveyed a distinction between 'good' citizens and loyalty to Frelimo, and those who supported the Renamo party. These distinctions, underpinning a clear reproduction of the party-state, were further accentuated in the DA's closing words, and then in the speech by the First Frelimo Secretary.

The party-political dimension: Frelimo as State and Nation

At the ceremonies, the DA explicitly described himself as the representative of the state and also explained to the audience that "The community authority represents the state and is not working for any particular party". In this sense, he tapped into the relatively new constitutional separation of powers between the ruling party and state. However, as we have already noted, there were several ceremonial representations that constantly dissolved this

separation: for example, the continuous shouting of 'Viva' slogans for the Frelimo party, the joint representation of the trinity of power, the celebration of the Frelimo leadership as the founding fathers of the nation, and the link drawn between proper citizens and Frelimo loyalty. If these representations implicitly conveyed an impression that the recognition ceremonies were also about bolstering support for the Frelimo party, then this was made more explicit in the last part of the DA's speech. It was also marked by the fact that the First Frelimo Secretary held a speech *before* the flagging ritual and thus *within* the time-space of the official steps of the ceremony, and that no other political party was officially represented.

In his closing words, the DA turned to the theme of 'Peace and Democracy', and in doing this credited Frelimo for achieving these goals. Referring to the 1992 peace agreement, he began by asking the crowd: 'Who brought peace to Mozambique?' A moment of silence followed, after which we could hear one or two of the local state officials whispering 'President Chissano', while looking a bit anxious as if fearing that someone would say 'Dhlakama' (the leader of Renamo). To their relief, one or two members of the *regulado* repeated the name 'Chissano'. The DA responded by saying, "Yes, that's right…one person liked conflict and wanted to resolve it with force, but there was also a person who used calmness to end the conflict and create democracy. This person was *Camarada* Chissano of Frelimo." He also told the crowd that "Democracy means respecting the winner" and "not disobeying and opposing the winner…because then you can go to prison". In underlining that there was no room for criticising the 'winner' (i.e. Frelimo), the DA again warned that this would be treated like disrespecting the chief: "If anyone does not obey or creates opposition to the chief and the government, he will be thrown out of this zone". Following a series of 'Vivas' again praising the President Chissano, the speech-making passed to the First Frelimo Secretary.

The secretary stepped forward in the ceremonial circle while dancing and singing lines like: "We came to see the beauty of x. We came to see the *povo* of x and this is good." This was followed by a line of 'Vivas' for Frelimo, Chissano, Guebueza (Frelimo's new presidential candidate) and Chief x. Unlike the DA, the secretary spoke in the local dialect, thus making himself familiar to the audience directly. His speech did not centre explicitly on electoral politics. Instead he tapped into a historically embedded political script of the Frelimo party-state that conveyed the Frelimo party as the natural embodiment of the nation and the state, as if standing above democratic and electoral scrutiny. In doing this, he first

articulated the kinship-based analogy between the chiefs and official power that the DA had also used. However, this time explicit references were made to Frelimo and its new presidential candidate, Guebuza:

President Chissano is now tired and wants to rest. He is an old man and has worked for Mozambique for many, many years. He wants to hand over the position to his son, whose name is Armando Emilio Guebuza. He is the son born in the files of Frelimo. He, together with Samora Machel and Chissano, formed Frelimo as the only unity that could give Mozambique independence. It was also he who went to Rome to give us peace. He is one of those who fight every day for the development of our country…like the traditional power, this power [of Frelimo] is from generation to generation. Therefore Chissano will hand over the position to Guebueza as a new President of the Republic because he is of the same family, of one party, that has been in government for a very long time.

In a clear re-articulation of the 'culture of power' discussed in Chapter 5, the Secretary drew on the semantic universe of the 'family', in which there is no space 'outside' the family in the succession to the leadership. This he linked to a particular moral message in which disrespect for and the disintegration of the 'family' was opposed to morally good behaviour and national unity. Renamo was referred to as the immoral Other, "which expels its family members…it threw out Raul Domingos (former member of Renamo), and a lot of others. If a man always expels his women, his sons, is this a man of dignity and trust? Logically he is not. He is a bad person who will lie and tell you that you will receive a lot of benefits, but there is nothing to give…. He does not respect the women, but rapes them or throws them out." The rest of the secretary's speech replicated the oppositions between 'Frelimo' and 'Renamo'. *Inter alia* Renamo was associated with negative words such as 'people who rape women', 'confusion', 'illiteracy', 'people who disrespect the family', 'liars', '*mafiosos*' and 'thieves'; and Frelimo with positive words such as 'democracy', 'peace', 'development', 'education', 'rights of women', and 'respect for the family'.

Immediately after the secretary had finished speaking, the crowd was guided towards the flagpole for the performance of the miniature national celebration (step 9 of Figure 6.1). This was followed by gifts from the community to the DA and a lunch for the visiting officials. During the lunch, the recognised chiefs were asked to sit at a separate table next to the Frelimo Secretary and the DA, thus re-marking their new membership of the *hurumende*.

In sum, as a participant observer, the party-political dimension, running implicitly and explicitly like a red thread through the acts, speeches and displays of official power, gave the impression that the recognition of the chiefs was also appropriated as part of

Frelimo's own agenda of political mobilisation. The question that is still unclear is whether this agenda was part of a cleverly crafted national party-political strategy or more reflective of the routine repetition of a common post-colonial script for how to perform public state rituals and represent official power. The striking similarity between the recognition ceremonies and other state-orchestrated public events suggests that the party-political dimensions should at least be seen as conveying a wider reproduction of the historical link between the state and the Frelimo party. This had implications for the messages conveyed by state officials at the recognition ceremonies. It gave a particular political substance to the ideal relationship between state, community-citizens and traditional authority, as outlined and staged by the state officials.

As this section has shown, the recognition of traditional authority was matched by the constitution of state authority itself, i.e. through the displays of hierarchies and representations denoting a disciplining and bureaucratic inscription of traditional authority and community citizens within a state-defined order. During the ceremonies, this relational constitution was conveyed by representing chiefs and their communities as the constitutive 'Other' of the state, that is, as recognised and included, yet hierarchically separated from state authority. This was marked by a continuous oscillation between hierarchical distinctions and togetherness around shared nationhood, celebrations of 'the tradition' and articulations of a shared 'culture of power'. However, the party political dimension also signalled that inclusion within the nation state was ultimately conditioned upon a recognition of Frelimo as *the* superior authority, embodying the state and the nation. This also informed representations of Renamo as the constitutive 'outside', the entirely excluded, of the national community in general, and of the new contract between traditional authority, community and the (Frelimo) state in particular.

The question remaining to be asked is how the different representations at the ceremonies were understood by the people who participated in them (and some who did not, like Renamo delegates), and how this was reflected in the meanings they attached to state recognition of the chiefs. This question is addressed next.

2. The Meanings of Recognition

This section discusses the views of state recognition that were presented to me by five groups of actors in Matica and Dombe: sub-district level state officials, chiefs, members of

the rural population, and local Frelimo and Renamo representatives.[218] As we shall see, the representations underlying a continued merger of state and Frelimo during the recognition ceremonies fused with deeper historically vested conceptualisations of official power in general and chief–state relations in particular. Below I begin with the perspectives of local state officials.

State officials: chiefs are the government

Sub-district level state officials agreed that state recognition meant that chiefs (still referred to as *régulos*) were now an integral part of the administrative hierarchy. They saw them as representing the lowest tier of the state apparatus. This stemmed from the tasks they had to perform (tax-collection, policing, censuses and so forth). It was also symbolised by the flag that the chiefs had received: "In Mozambique the flag is only placed in front of our state institutions…the people, because of this flag that the *régulos* have been given, are now beginning to understand that, when they see the *régulo*, they are standing before a government authority."[219]

Notably, when sub-district level state officials described the incorporation of chiefs within the administrative hierarchy, they tended to merge the performance of state tasks with assisting the (Frelimo) government in power: "The *régulo* now has the very important task of promoting the government's programmes. The *régulos* are a form of door from the national and local government to the population […] now they represent the government in each population…they exercise the governance of the Mozambican state."[220] Hence officials tapped into and confirmed in interviews the merger of state and party, as staged and outlined at the recognition ceremonies.

Nonetheless, when officials were asked directly whether, as "government representatives", the *régulos* also had to be members of the Frelimo party, the answer was ambiguous. All firmly held that the *régulos* were not allowed to engage in voter campaigns for any political party, but in doing this they often drew a distinction between the public and private persons of the *régulo*. Apparently reflecting a mixture of the languages of one-

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[218] The views of the rural population presented in this section do not necessarily reflect the whole population, as they are based exclusively on interviews with people who participated in the recognition ceremonies.

[219] Interview, *Chefe* of Matica Locality, 26 September 2002. Unlike, for example, my own country, Denmark, where private individuals habitually hoist the national flag, the national flag in Mozambique is only placed in front of state institutions such as police stations, ministries, administrations and schools – and only since 2002 also at the homesteads of community authorities. During colonial rule it was only a few *régulos* who were granted a flag by the administration, namely those considered the most superior.

[220] Interview, *Chefe* of Javela Locality, 1 October 2002.

party rule and of the liberal democratic right to freedom of political association, this distinction was expressed in phrases such as:

The *régulo* is an arm of the government, but in private he can also belong to the opposition…because as a person, as any other citizen…he has the right to be a member of any political party. But in public he is assuming a function of the government…he is not allowed to boycott the programme of the government and to promote the politics of another government in opposition [i.e. Renamo].[221]

Comments like these indicate that state recognition of chiefs implied restrictions on the public performances of chiefs, while also reproducing the merger between the government in power and the state administration. Restrictions also applied to what the officials referred to as the 'traditional' roles of the chiefs such as the performance of ceremonies and the resolution of disputes and witchcraft. Local officials represented such roles as what distinguished chiefs from ordinary state functionaries and, as noted in Chapter 5, as also conducive to state governance. However, these 'traditional' roles of chiefs, officials held, needed to be regulated, and chiefs educated, in order to ensure that they did not "contradict the law and the development programmes of the government".[222]

More broadly, this reproduced the bureaucratic inscription and disciplining of traditional authority conveyed at the recognition ceremonies. It underpinned an understanding of state recognition as an incorporation of chiefs, based nonetheless on distinctions between state officials and chiefs, i.e. conveying a hierarchically ordered boundary regulated by the state administration. This perception of state recognition clearly contradicted the official MAE discourse promising that the domain of 'traditional authority' would not be disturbed by state recognition. Local officials did not unconditionally endorse any kinds of 'traditional' leadership practices. They also envisioned changes, or at the very least state the regulation of chiefly practices. This came as no surprise to the chiefs.

Chiefs: obeying the government and giving it power

All the chiefs shared the views of local state officials that the *purpose* of state recognition was to incorporate them within the state apparatus, or rather within what they referred to as the *hurumende*. This concept of the *hurumende* was used in chi-Ndau and chi-Teve as a common label to describe both the state institutions and the party in government, which are not differentiated in the local dialects. It was also used to describe the colonial

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[221] Interview, *Chefe* of Dombe post, 2 September 2002.
[222] Interview, *Chefe* of Javela locality, 1 October 2002.

administration, and therefore can be seen as reflecting deeper historical roots in the conceptualisation of official power. In this sense, it was perhaps not surprising that chiefs made direct comparison with colonial rule when explaining the present *hurumende*'s concern with recognition. As one chief noted: "This recognition is to make the *régulos* the arm of the *hurumende*…it means that the *régulos* are to be the executors of the law and have to obey the *hurumende*. It is basically the same as during colonial times. The *régulos* are the parrots of the *hurumende* …they depend on the wishes of the *hurumende*."[223]

At the same time, the majority of the chiefs also added that recognition meant that "*ma-hurumende* is now realising the importance of the tradition for securing rain, peace and the well-being of the communities."[224] This double-meaning of recognition – chiefs' incorporation within the *hurumende* and the *hurumende*'s acceptance of 'tradition' – was explained as a two-way conferring of power on both the chiefs and the *hurumende*. For example, in explaining the meaning of the national flag at his homestead, Chief Kóa asserted: "This flag shows that the *régulo* has power…that he is different from any ordinary person…and the flag also symbolises the *hurumende* because it is the flag of Frelimo. This means that the *régulos* have to comply with the *hurumende*…and that the *régulos* have given powers to the *hurumende*". This perception of state recognition replicated the mutual constitution of state and traditional authority present throughout the recognition ceremonies and the activities that preceded them. It also reproduced the merger of the state with the Frelimo party: Frelimo was the *hurumende*, and the flag was its property.

While some stressed that *ma-administrador* (the DA) was the main person in charge of recognising the chiefs, this was typically followed by phrases such as "Who recognises the *régulos* is the *hurumende* of Frelimo" or "Who recognised the *régulos* is Frelimo, which is in power."[225] These perspectives underscored the legacies of the post-colonial single-party state, but also deeper historically embedded understandings of unitary official power (i.e. *hurumende*). The latter came to light particularly when chiefs expressed their vision of how the incorporation of chiefs within the *hurumende* would be enforced in the future. Here they drew on legacies of colonial rule.

Incorporation was associated with subordination attached to a set of punishments, which allowed no disobedience of the orders of the *hurumende*. This was captured in statements such as: "If we do not follow the orders of the *hurumende* we can go to

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[223] Inteviews with Chief Kóa and Chief Chibue, August 2002.
[224] Interview, Chief Zixixe, September 2002.
[225] Interviews with Chief Zixixe (September 2002) and Chief Kóa (October 2002).

prison…just like our fathers could" or "If the *régulos* do not abide by the laws of the *hurumende*…iiiihh that is very dangerous…we will be punished *maningi* [a lot]…just like the administrator said when he was talking about the flag [at the recognition ceremony]".[226] In such comments, a number of chiefs also drew a link with the coercive powers of the colonial administrators and past experiences with the Frelimo government: "The *caetano* [colonisers] gave the *régulos* power but could also remove it…just like Frelimo removed the power of the *régulos* before and now they are giving it back."[227] These comments pointed to a particular understanding of state recognition: the two-way conferring of power was viewed as inherently hierarchical and ultimately relying on the wit and will of official power-holders. However, while all the chiefs shared the notion that the official *purpose* of state recognition was to subordinate the chiefs to the orders of the *hurumende*, they differed as to whether they saw themselves as completely fulfilling that position.

In general, a distinction could be drawn between those chiefs and sub-chiefs who had a long history of Frelimo loyalty (Sambanhe, Boupua, Ganda and Pampanissa) and those who had collaborated with Renamo in Dombe (Chibue, Kóa, Mushamba, Gudza, and Mushambonha). The former unconditionally presented themselves as an integral element of the *hurumende*, though they also distinguished themselves from state functionaries and Frelimo cadres by stating that they represented the 'traditional' dimension of the unity. The latter group of chiefs drew a similar distinction, but emphasised more autonomy from the *hurumende*. This was expressed in words such as: "The *régulos* will obey the orders of the *hurumende*…collect taxes and the like…but we are *mambos*, not the *hurumende*…we represent the tradition and we can assist any person in the *regulado*…women, men, young, old and those of Frelimo and also Renamo."[228] Some were also more explicit about what they saw as party political motives behind recognition:

All that recognition is to win the people to their side of the *hurumende*. We know that this is what it is about. But we have to be quiet because we know that it is them who are in the government. If I speak today, I will go to prison or be killed tomorrow.[229] [Or] Frelimo wants to work with the *régulos* because Renamo said the *régulos* were important. Frelimo wanted the *régulos* as a form of propaganda to win the elections…the *régulos* will work for the *hurumende*, but we will not be part of this politics.[230]

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[226] Interviews with sub-chief Boupua (September 2002), and Chief Chibue (August 2002).
[227] Interview, Chief Kóa (October 2002).
[228] Interview, Chief Kóa, Dombe, October 2002
[229] Interview, Sub-chief in Dombe, 5 October 2002.
[230] Interview, Chief in Dombe, 8 September 2002.

Comments like these were never expressed in front of state officials or in public more generally. This could clearly not be divorced from the dominant view of chiefs, even Frelimo loyal ones, that state recognition was too attached to submission to the *hurumende*, which was backed by sanctions – a view that the messages conveyed at the recognition ceremonies also confirmed.

The rural population: the *hurumende* is back in the *regulados*

Those members of the rural population who had participated in the recognition ceremonies shared the double meaning of recognition expressed by chiefs: the *hurumende's* recognition of tradition, and the incorporation of the chiefs within the *hurumende*. In highlighting this double meaning, the majority referred in particular to the paraphernalia that the chiefs had received: "The flag shows that the chief is the superior *mambo* in the *regulado*…and it shows that the chief represents the *hurumende* in the *regulado*".[231]

The rural population had only previously seen the national flag in front of government buildings when visiting administrative capitals. It is therefore not surprising that they equated the flag at the homestead of the chief with *hurumende* representation. Recognition and the paraphernalia as such were also associated with Frelimo, captured in statements such as: "Recognition of the chiefs and the things that he was given means that Frelimo now likes the *régulos*, which it did not before."[232] However, in such statements, only a few people, namely local Renamo delegates, referred explicitly to recognition as part of an overt strategy of Frelimo to mobilise votes. The majority made no distinction between Frelimo as a political party and the wider re-presence of official power and state institutions in the *regulados*. This was captured under the common term *hurumende*.

The merger of state, Frelimo and government was also reflected in how the people in the hinterlands of Dombe envisioned what the recognition of the chiefs would mean for their lives in the future. While most were uncertain as to what it would imply in concrete terms, they shared the view that recognition signalled that the *hurumende* was now going to be present in those areas where hitherto it had been absent due to Renamo control. The first visit of the DA to the homestead of the chief was consistently referred to as symbolising this change. By some this was associated with a wider re-inclusion of the hinterlands within the nation state, as indicated by a woman from Gudza:

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[231] Interview, female resident of Gudza, 26 September 2002.
[232] Interview, male resident of Gudza, 25 September 2002.

I don't know really what it [recognition] meant. What I know is that to us it was important that the administrator was here for the first time, because we had hoped that one day we would see an official of the *hurumende* of high rank such as the administrator…. With his arrival we re-discovered that we are Mozambicans…with the visit the name of Gudza is going to be known far away, across these borders, because he [the DA] will tell his father about Gudza.[233]

Similar views were expressed in the area of Chief Kóa, which hitherto had experienced no enduring presence of state institutions due to the early commencement of the war there. Here references were particularly made to a new road that had been constructed for the DA's visit. According to one resident of Kóa, this signalled that: "The recognition of the *régulo*…well…before there was no road to Kóa and now there is one…and the administrator for the first time came to Kóa, which has been sort of isolated. You know, the people had never seen a superior come here in a car…and they have never seen the flag here. It meant that the people feel important…that they are not forgotten…and that the *hurumende* recognised the existence of the *regulado*."[234]

However, these apparently positive views of state recognition as symbolising a wider recognition and inclusion of the people in the hinterlands did not amount to an understanding of the new state-chief contract as a democratic model of community participation. This is perhaps not surprising when one recalls that the DA said nothing about this official goal of Decree 15/2000 at the recognition ceremonies. Hopes were certainly raised that the new contract would bring development benefits to the *regulados*, but the dominant view was that chiefs would return to performing the administrative tasks of the *hurumende*, just like during colonial rule. Two exceptions were the (by that time the only) NGO workers in the Gudza and Zixixe areas. While equally emphasising that the chiefs were now 'representatives of the government', they also spoke the language of community participation: "The recognition of chiefs means that the communities are represented before the government…it means that the chief can now bring the problems and preoccupations of the community to the representatives of the government".[235] These raised hopes for the future were meanwhile opposed by the critical voices of Renamo.

Renamo: it's all Frelimo politics!

Unsurprisingly members of Renamo in Dombe in particular and at the district level in general were furious that their party had not been officially invited to participate in the

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[233] Interview, female resident of Gudza, 27 September 2002.
[234] Interview, male resident of Kóa, 2 October 2002.
[235] Interview, AFRICARE representative, Zixixe, 29 August 2002.

recognition ceremonies. While still agreeing that state recognition of traditional leaders was right, they heavily criticised the way in which recognition and legitimisation had taken place. They represented the process as a strategic move by the Frelimo party to gain votes and to monopolise the state and chieftaincy institutions – elements, as we have seen, that were not far from some of the messages conveyed at the recognition ceremonies.

Renamo criticism was cast in an idiom of democratic inclusion and the constitutional separation of powers. Its local delegates represented the implementation of the Decree as undemocratic and exclusionary. They also accused local state officials of falling prey to Frelimo party politics and of failing to recognise the chiefs as state representatives rather than puppets of the old party-state. While blaming local state officials, the Renamo delegate in Dombe nonetheless presented this party-political hijacking as a larger national project:

The Council of Ministers of Frelimo decided on the Decree without including the other parties in parliament…and then what we saw here in Dombe was that the *chefes* [local state officials] went together with the Frelimo secretaries to identify and recognise the *régulos*…without inviting the other political parties. This is against democracy. It is a strategy to exclude everyone outside the Frelimo party.[236]

Also the paraphernalia given to the chiefs was represented as an aspect of the wider national project of reproducing the Frelimo party-state:

This whole recognition is for Frelimo to win the chiefs…it is all wrong…the *régulos* have not been given a uniform and a salary…just this emblem that does not say that he is a *régulo* but that he is a 'member' [of the Frelimo party – referring to the badge reading *autoridade comunitaria*]…and this flag they have been given…it is of Frelimo, it symbolises discrimination and does not represent all Mozambicans. Its meaning is that the *régulos* work for Frelimo and not the public.[237]

This comment reflected Renamo's wider condemnation of the national symbols being biased towards Frelimo, which was present in the national media and parliamentary debates during the time of recognition and beyond.[238] That this bias indeed presented a problem for Renamo's position in the rural areas was also hinted at in the meanings that the rural population and the chiefs attached to the flag and to the recognition of chiefs more broadly.

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[236] Interview, Renamo Delegate, Dombe *sede*, 3 September 2002.
[237] Interview, Renamo delegate, Gudza, August 2002.
[238] Debates over the change of the national flag were still going on in the media in 2005. Renamo argued that the yellow star and the Kalashnikov (AK 47), which feature as symbols in the flag together with a hoe and a book, symbolise Frelimo and the one-party, Marxist, revolutionary state. Frelimo, on the other hand, replied that the AK 47 symbolised the defence of the country and the star solidarity with other African countries.

Renamo's criticism of Frelimo's monopolisation of state and chieftaincy institutions was matched in practice by oppositional reactions. During the time of the implementation of the Decree, Renamo delegates did a good deal, behind the backs of state officials, to keep the Dombe chiefs and the population on their side. For example, one delegate told us that they had encouraged people to boycott the recognition ceremonies, and informed the chiefs that: "This recognition is a way for Frelimo to try and win over the population. But it is all lies, because it is Renamo who ensured the importance of the traditional leaders in the country. And the chief and the people know this."[239] The delegates also asserted that the chiefs would continue to support Renamo in mobilizing votes and assured us that "the *régulos* did not take the flag with their hearts, but only because they were afraid to be imprisoned by the Frelimo police"[240] – a factor that many chiefs also confirmed. This apparently contradictory emphasis on the need to separate powers and the political instrumentalisation of chiefs was something that Renamo delegates shared with Frelimo secretaries.

Frelimo: the ruling party created this traditional authority

The meanings attached to state recognition of chiefs by Frelimo secretaries merged the political languages of the past and the present, creating a fuzzy boundary between the politically intentional and deeply embedded understandings of the unity of state, party and government. While explicitly claiming that "the *régulos* have the freedom to be members of any political party because we now have a democracy", and that "recognition means that the *régulos* are the basis of the state administration, and not of any party", this merged with continuous references to the recognised chiefs as part and parcel of the Frelimo government.

For example, when answering why he, and not a representative of Renamo, had given a speech at the recognition ceremony, the First Frelimo Secretary asserted: "Logically, I was there because who recognised the *régulos* was the government, which is Frelimo. The creation of this community authority at the lowest level was the idea of the government. We did not elect the *régulos* to be part of the party, but only recognised in public the representatives of the communities."[241] When asked explicitly, lower ranking Frelimo secretaries also said that recognition was not about using chiefs in party political

[239] Interview, Renamo delegate, Javela, Kóa Chieftaincy, 24 September 2002.
[240] Interview, Renamo delegate, Dombe *sede*, 3 September 2002.
[241] Interview, First Secretary of Frelimo, Sussundenga, 14 October 2002.

campaigning. Yet when they explained in more detail what the contract between the state and community authorities implied, they merged the words of party, state and government:

Recognition means that the *régulo* represents the state…he is the base of the administration…the flag shows this. It shows that the *régulo* now really works for the state…that he has to do everything in order to comply with the objectives of the government (*governo*)…because the flag is a national symbol, and in this case it serves to identify anything that is an element of the government…you know it is the flag of Frelimo. This is because Frelimo is the party in government. Frelimo has its programme, and the state for its part has to take this programme and comply with it...so these ceremonies [of recognizing chiefs] they were programmed by Frelimo, and then the state was the executor.[242]

This comment replicates a core message of the ceremonies namely, the representation of Frelimo as the *ultimate* authority embodying the state and by implication the recognised chiefs. If this representation supported the position of the Frelimo party, it could not be separated from historically embedded perceptions of the unity of official power, which were shared by many members of the rural population and chiefs. As we saw, this was captured under the common label *hurumende*, which derives from early colonial rule.

The important point here is that little was done at the recognition ceremonies to change embedded perceptions of official power. Indeed, the speeches and the ritually staged displays of power tapped into such perceptions and left little space for understanding state recognition as separate from Frelimo. As this section has illustrated, people only differed in the extent to which they viewed this merger as a natural given or as part of Frelimo's overt political strategy to win votes and use chiefs to exclude the opposition politically. Irrespective of this difference, all five groups of actors, including also Renamo, envisaged the recognition of traditional authority as indeed an incorporation of chiefs *within* the state apparatus and as an element in bolstering state authority. They only differed as to whether they criticised the lack of separation of state authority from the Frelimo party or not. This common view of recognition as incorporation differed significantly from the official representations of national and provincial level officials. These maintained the MAE's official position that the Decree would only institute an interaction between chiefs and the state institutions, while preserving traditional forms of leadership and community as distinct domains. Even if chiefs and local state officials maintained a distinction between the *hurumende* and the *régulos* in public representations, they shared the view that recognition, whether the chiefs liked it or not, was meant to obey the orders of those with

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[242] Interview, First Secretary of Frelimo, Dombe, 20 August 2002.

official power. To chiefs this too related to experiences of colonial rule and the sanctions attached to state recognition-cum-submission of traditional authority.

Conclusion

The analysis of the recognition ceremonies in this chapter has further underlined that implementation of Decree 15/2000 went beyond simply recognising traditional, community authority and the communities they ideally represented. It was equally appropriated by state officials as a pervasive process of re-constituting state authority in the rural hinterlands, and, as it turned out, of a continued Frelimo state. If the steps of identifying and legitimising community authorities, discussed in Chapter 5, underlined the territorial-institutional extension of the state administration, state-bureaucratic modes of regulating the population and attempts to constitute state authority through alliances, then the ceremonies compounded these elements in a symbolic-representational form. The ceremonies ritually staged the relational constitution of state and traditional authority, conveying a double meaning to recognition. At centre stage was the celebration and recognition not only of traditional, but also of state authority. However, this chapter has also underlined that this relational constitution was conceived as inherently unequal. In representations it was underpinned by hierarchy and political exclusion.

The recognition ceremonies were appropriated by state and Frelimo officials as sites at which to stage and outline the ideal-model relationship between state, community-citizens and traditional authority, which ultimately centred on constituting and naturalising a particular state-defined order. This included representations of particular hierarchies of authority and of proper community citizens, i.e. of the national, political community. Recognition and inclusion were conditioned on incorporation, disciplining and inscription within a state-defined order, which at the same time conveyed distinctions between the state, chiefs and ordinary community citizens.

These representations lent themselves to comparison with the cultural and symbolic-representational dimensions of state formation in the form of political state rituals, analysed by scholars elsewhere (Bell 1992; Hansen and Stepputat 2001). This dimension centres on producing the idea of the state as a superior, sovereign authority and as a transcendental entity that is distinct from society, yet embodies the national community (Hansen and Stepputat 2001). State authority in this sense is constituted in *relation* to a constitutive

other, i.e. society, and in this case also traditional authority. At a broader analytical level this suggests that, in understanding how state authority is constituted, we need to go beyond the Weberian the legal-rational character of state practices and the Foucauldian notion of the state as the effect dispersed practices of governing. The constitution of state authority implies that state representatives not only govern in technical terms, but also engage in attempts to produce an imaginary dimension that separates the state from its 'other', i.e. society (Abrams 1977: 77). Political state rituals, I suggest, can in this sense be seen as one dimension of processes of regularisation, and as a significant register of authority.

Having said this, it is important to realise the significance of particular historically embedded ways of representing and perceiving the state and official power more generally. As this chapter has shown, the perceptions of the unity of official power, i.e. *hurumende*, associated with orders, obedience and coercive sanctions, invested the representations of the state and its 'other' with a particular *substance*. It also informed the meanings people attached to state recognition of chiefs. The flipside was not only a clear reproduction of the party-state, privileging Frelimo as embodying state and nation, but also political exclusion. Representations of the new contract between the state, traditional authority and community citizens relied on Renamo, as the constitutive 'outside', the entirely excluded. State recognition and inclusion as a result came at a price. Not only did chiefs have to 'obey the orders of the *hurumende*'. Citizenship was also conditioned on people's submission to a particular version of the proper community citizens, based not on equal rights, but on loyalty to the Frelimo party. At least this was implied in the representations of the local state officials at the recognition ceremonies. The question that remains to be addressed is how the ideal-typical relationship between the (Frelimo) state, community citizens and traditional authority was played out in everyday interactions and in the performance of the shared tasks laid down in Decree 15/2000. This is the theme of the next part of the dissertation.

Above: Greetings after arrival. The DA shakes hands with the Queen of Gudza, following him the *chefe* of Dombe post, the Frelimo Secretary and the Police commander. On the left side of the Queen, the *chefe* of locality. On her right side, Mateus, Struba and two *madodas*.
Below: Welcome by *chefe* of Dombe Post (standing up). On the left side the 'trinity of power' – police commander, Frelimo Secretary and the DA. On the right side (table without table cloth) the *chefe* of locality and the DA assistant.

Above: *Oracão Tradicional* (traditional rite) by the house of the ancestral spirits. In front, the *madodas* and at the side of the hut, the official guests. Walking, sub-chief Struba who is active in the organization of the event.

Below: Identification and formal registration of the Gudza Queen sitting by the table of the DA assistant, who is writing down her personal data. Next to her, standing up is Struba. From the left: police commander, Frelimo Secretary, DA, *chefe* of dombe post, *chefe* of locality (standing up).

Above: Signing of the Act of Recognition by the DA, while people are standing up.
Below: Presentation of Symbols and emblems. The DA is placing the ribbon on the body of the Gudza queen. Standing up from the left: *chefe* of Dombe posto, DA assistant and sub-chief Struba.

Above: Speech of the District Administrator. Next to the DA, the *chefe* of locality who translates the speech to chi-Ndau. In the circle, between the state officials and the *regulado* residents sits chief Kóa and Chief Chibue wearing their new regalia.
Below: The chief of Dombe police explains to a traditional police person from Gudza chieftaincy how to treat the flag and perform the flag rite. Next to the chief of police, the District commander of Police.

Above: Flagging ceremony. From the left, Police Commander, DA, First Frelimo Secretary, traditional police, the Gudza Queen, the *chefe* of Dombe Post and a group of women.
Below: Gifts from the community. From the left, First Frelimo Secretary, DA, *chefe* of Dombe post and DA assistant.

Above: Lunch. Left row, director of education (district level), *chefe* of Dombe post, and DA. End of table (back), assistant DA. Right row, me, First Frelimo Secretary, and Police commander. End of table (front), the Gudza queen facing her back.
Below: Departure of the DA's Land Rower.

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PART III

Policing and Justice Enforcement

Chapter 7

Law, Institutions and Models for Practice

So far this dissertation has addressed history, national legislation and the granting of *de jure* recognition to traditional leaders and 'their' communities by local state officials. We have seen how state recognition was also appropriated locally to reconstitute state-administrative presence and authority in the rural hinterlands. Decree 15/2000 did not simply imply a benign recognition and inclusion of 'what already existed', as conveyed in official national representations. At least in the public representations of local state officials, recognition and inclusion was conditioned upon incorporation within a state-defined order, which also conveyed hierarchical distinctions between state and traditional authority.

The question that remains to be explored in this third part of the dissertation is how the relationship between state institutions and the recognised authorities was actually *organised* and *practised* in relation to the shared tasks laid down in the Decree. To address this question implies entering into the spaces of everyday practices, modes of organisation and interactions between state officials, chiefs and the rural population. In short, it means going beyond codified law and the immediate acts of granting and claiming *de jure* authority by state officials and chiefs respectively. Going beyond these dimensions is based on the assumption that authority and citizenship exist beyond *de jure* status and as conveyed in ideal, public representations. They are also reconstituted through everyday practice, interactions and *de facto* modes of organising practice and relationships, which do not necessarily mirror the law or ideal representations (see also Chapter 1). Here the particular focus of analysis is on policing and justice enforcement as two of the shared tasks laid down in Decree 15/2000.[243]

The analysis in this chapter begins by addressing how the relationship between state institutions and recognised authorities was *organised* within the fields of policing and justice enforcement. This is followed in Chapters 8 and 9 by an exploration of the everyday *practices* of policing and justice enforcement pursued by the state and non-state institutions, including how these interacted and how members of the rural population

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[243] See Section 3 of Chapter 1 on the reason for choosing these fields and how I approach policing and justice enforcement as comprising social spaces and practices that explicitly revolve around the authority to regulate, sanction and enforce rules and norms of proper conduct.

made use of them and why. Chapter 10 rounds off this third part by discussing the implications of the everyday practices and modes of organisation for conceptualising *de facto* authority and citizenship.

The main focus of this chapter is to explore the rules and regulations that were *de facto* developed and communicated to *organise* the relationship between the state-recognised authorities and the official state institutions within policing and justice enforcement. This means paying attention to how the areas of jurisdiction, mandates and collaboration of the different authorities were defined and enforced locally. In doing this, it is also important to ask *who* defined the rules, against whom and what issues were at stake. As this chapter shows, it was primarily the local tiers of the state police at *posto* level who appropriated the authority to organise and regulate the fields not only of policing, but also justice enforcement. The overall aim of addressing how this was done is to arrive at an understanding of what it implied for the position and authority of chiefs in *relation* to official state authorities. In short, what system of co-existing authorities was developed, and what interests and positionings of local state and traditional authority did this support?

The question of how the relationship was organised cannot, however, be addressed without taking into consideration the plurality and legal grey zones of past and present national legislation on policing and justice enforcement, which co-existed with Decree 15/2000. Moreover, it was also conditioned by the plural landscape of local institutions that, in one way or another, engaged in the provision of justice, conflict resolution and order-making in Matica and Dombe. In other words, community authorities and official state institutions were but two important authorities in the fields. Whereas some of the local institutions and their practices were recognised in different types of post-war legislation, others were entirely *outside* the law. Against this background, the chapter begins in Section 1 with an overview of codified law within the policing and justice sectors. This is followed in Section 2 by a mapping of the local institutional landscape in Matica and Dombe. Here I address the self-proclaimed rules, principles and compositions of the different institutions that existed both *inside* and *outside* the codified law, and which laid claims to partly overlapping areas of jurisdiction: chiefs and sub-chiefs, *secretários*, community courts, *wadzi-nyanga* or traditional healers, the state police and the official district court.

Sections 1 and 2 form a background to Section 3. This last section outlines the particular, locally adjusted rules that were communicated by the local state police to

organise the plural landscape of local institutions, existing both *inside* and *outside* codified law. This took the form of a secondary body of uncodified law – of locally applicable rules, prohibitions and obligations – that both expanded and filled out the grey zones of codified law. The force behind these nonetheless lay in the fact that they were enforced by the state police as *lei do estado* (state law). In the chapter, I refer to this secondary body of law as 'models *for* practice'. This is to indicate that we are dealing with prescriptive rules *for* actions and interactions, rather than descriptions *of* observable practices. The crux of the matter is that these models did not simply recognise 'what already existed', but centred on re-organising, re-defining and drawing a boundary between the jurisdictions of state and non-state authorities. The 'models *for* practice' in this sense reflected both processes of regularisation and situational adjustments of codified law to the particular local contexts. The questions that will be addressed are what issues were at stake for the local state police in communicating these models in general, and what this implied for the position and authority of chiefs in particular.

1. Codified Law: Justice and Policing Reforms

The regulation of Decree 15/2000 states that community authorities should assist the state police in locating troublemakers and collaborate with the other local community courts in resolving conflicts of a civic nature. How these tasks should concretely be put into practice and shared between the state police, the community authorities and the community courts remain unanswered. Added to this legal grey-zone, Decree 15/2000 co-existed with a range of other post-war legislation that aimed to create and regulate state and non-state institutions in policing and justice enforcement. At the level of codified law, these were de-linked and fell under different ministries.

This state of affairs emerged from the wider post-war reform process of the justice and security sectors, which since the beginning of the 1990s had centred on adjusting these sectors to the perimeters of the 1990 democratic constitution: i.e. the separation of powers, individual rights, and the definition of the state as based on 'the rule of law'. As in other transitional societies at the time this reform process was characterised by a gradual, but ambiguous, shift from exclusively focusing on 'getting right' the official state institutions

in the 1990s towards a focus also on informal justice and community policing in the new millennium. [244]

In Mozambique, as elsewhere, the initial reform of the 1990s largely consisted of Western legal transplants, supported by heavy donor-funding and -coordination: i.e. the principles of jurisprudence, human rights, the rule of law, and formalistic-bureaucratic style operations. This was combined with the creation of and donor support for a new set of NGOs, which adhered to liberal-democratic models of 'civil society' and which could serve as check and balance mechanisms for securing 'the rule of law' and 'human rights' (de Tollenaere 2006: 13-15). Moreover, laws sustaining the use of authoritarian measures were abolished. This for example included the 1983 law of flogging (*lei de chicotada*), which had allowed courts to inflict corporal punishment. In the 1990s the predominant focus on reforming official state institutions and creating new human rights NGOs took place to the detriment of popular non-state and informal policing and justice institutions. This gradually changed towards the new millennium: justice enforcement moved towards legal pluralism, policing towards outsourcing. This gave way to a growing number of partly state-recognised and state-created local institutions.[245] Below I first address in more detail these developments within the justice sector.

Justice sector reforms: towards legal pluralism

The tendency of the 1990s to exclusively focus on reforming official state institutions was exemplified by a removal of the sub-district level popular courts (*tribunais populares*) from the formal justice system. These had functioned exclusively with non-professional judges and decided cases according to common sense and local usage. As a result the four-tiered

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[244] This shift reflects a mixture of wider developments within international assistance to look beyond formal institutions with the increased realisation that Mozambican state institutions lacked the resources and capacity to provide justice and security on their own. On the former, see Lindholt and Schaumburg-Müller 2005. This process is also paralleled in other corners of the world, including the West, where informal justice has experienced a revival during the past decade. This follows a period of pessimism towards so-called informal justice, which otherwise saw a period of formally recognised expansion in Britain and the US in the 1970s (Mathews 1988).

[245] Since 2003 there have also been novel policies regarding local governance and administration, such as the 2003 Law of Local State Organs (referred to as the LOLE law), which ensures increased deconcentration of government functions and development planning. While the LOLE law still ensures that state officials are centrally *appointed* and not locally elected, it does include the principle of active citizens' participation in the solution of community problems. Since mid-2005 these principles have, after being donor-tested in a few provinces, given way to new community-based institutions across the country, the so-called *Instituições de Participação e Consulta Comunitaria* (IPCCs). The IPCCs should comprise a mixture of local state officials, community authorities and (s)elected community members. They should function as consultative forums to enable the inclusion of rural voices and needs in the drafting and approval of district development plans. Hence the IPCCs provide an additional kind of 'representative organ' to the community authorities, though now including a broader representation of community members (see Orre 2006; Buur 2006).

system of *tribunais populares* was replaced by a three-tiered judicial court system consisting of the supreme court, provincial courts and district courts (Trindade and Santos 2003: 536-9). The previous sub-district courts were re-labelled 'community courts' (*tribunais comunais*) by law in 1992, but were entirely separated from the official system. They were given the status of informal bodies of local conflict resolution. The official reason for this separation was the primacy of 'the rule of law' and professionalisation of the judiciary. Because the community courts decide cases not according to the law but "usages and customs" (ibid.: Art. 2-3) and because they *only* have locally elected judges, they could not be part of the judicial system (Santos 2006: 56). The lack of formally established links to the official courts for example means that there are no established procedures for appeal. Moreover, although the community courts are administered by the Ministry of Justice, there are no resources allocated to them or any legislation regulating their operations (such as monitoring the elections of judges, sanctions imposed, forms of resolution and so forth) (ibid.).

The position of the community courts reflected the general undermining of non-state forms of justice enforcement in the 1990s. This came under heavy criticism around the turn of the new millennium, which was in particular supported by a comprehensive donor-funded study of the 'administration of justice in Mozambique' (Trindade and Santos 2003).[246] A main argument of the study was that the system of formal courts was inadequate for ensuring that the majority (in particularly rural) citizens gained access to justice. It also held that the types of justice enforced by the formal courts, in accordance with the Penal Code, did not satisfy the needs of the rural population, who preferred resolution based on reconciliation and mediation (ibid.: 539-40). The study recommended that the judicial system be altered in order to ensure a legal and functional interaction between the formal courts and community justice. The latter also included traditional authorities. This supported a *de jure* system of legal pluralism, i.e. a system were different legal orders were recognised by the state, including technical-professional and informal, common sense forms of justice (ibid.: 581-2).

This recommendation of the study supported the article in Decree 15/2000 that recognises the roles of traditional leaders and *secretários* in conflict resolution. It also made donors and the government more positive towards recognising the non-state provision

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[246] This study took place between 1996 and 2002 and covered both a historical and contemporary study of the formal justice system and informal forms of conflict resolution, including of traditional leaders. It was funded by DANIDA and the Portuguese Institute for Cooperation.

of justice in light of the inadequacy of the official system to provide justice to (in particular rural) citizens. This was reflected in Article 4 of the 2004 revised constitution, labelled 'legal pluralism': "The state recognises the various normative systems and the resolution of conflicts that co-exist in Mozambican society, as long as they do not contradict the fundamental values and principles of the constitution" (República de Moçambique 2004: Art. 4).

This constitutional recognition of legal pluralism has not, however, been paralleled by laws that legally regulate and link the official and various non-state courts and conflict resolution mechanisms. The draft law to ensure this had still not been passed at the time of writing (2007). Moreover, although Decree 15/2000 obliges traditional leaders and *secretários* to solve conflicts in cooperation with the community courts, their courts are not recognised by law. As opposed to the community courts, they are also fully detached from the Ministry of Justice and instead regulated under the Ministry of State Administration. Added to this the role of traditional healers (*wadzi-nyanga* in chi-Ndau and chi-Teve) in local level conflict resolution, for example, as a kind of institution of appeal particularly in witchcraft cases, has not been official recognised (Meneses 2004). In 1989 the ban on traditional healing was lifted and in 1998 associations of traditional healers, such as AMETRAMO (*Associação Moçambicano de Medicina Tradicional*), were officially recognised. This legal recognition was further endorsed in a 2004 resolution approved by the Council of Ministers. The aim was to integrate traditional medicine into the national health system and incorporate traditional healers under the Ministry of Health (República de Moçambique, Resolução, n. 11/2004). However, due to the fact that official law does not recognise the existence of witchcraft, recognition of healers has solely occurred in the biomedical sense of traditional medicine for the cure of illnesses, *not* as an aspect of conflict resolution (West 2005: 210; Meneses 2004: 21-3). Notably, they also fall under an entirely different ministry than the community courts and community authorities.[247]

Police sector reforms: towards outsourcing

In accordance with the 1990 constitution, reform of the national police force was aimed at democratising and demilitarising police operations, as well as (re)expanding its presence in the rural hinterlands. This aim faced an enormous challenge. Not only were the police force understaffed and under-resourced, it had simply ceased to operate in many parts of the

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[247] For a comprehensive analysis of the recognition of traditional healers, AMETRAMO and how these were officially de-linked from witchcraft and sorcery, see West (2005) and Meneses (2004).

country, especially in those areas controlled by Renamo. Where it had still existed during the war, its operations had taken on a paramilitary character, exemplified by the standardised use of violence and torture. It worked in collaboration with the Frelimo army, and by and large adhered to an enemy-versus-friend ethos, which legitimised acts of brutality against enemies of the state (Baker 2002: 108). Moreover, the police force was notoriously partisan, in the sense of serving the interests of Frelimo, an aspect that was not nurtured by the civil war alone, but also by Law 54 of 1975, regulating the police. This meant that its legitimacy in Renamo-dominated areas was highly contested after the war.

Post-war reform sought to change all these legacies of the past and turn the police into a force that would adhere to human rights and follow the principle of serving the public rather than the powerholders (Baker 2002; Seleti 2000). These principles were enshrined in Law 19 of 1992, which created the *Polícia de República de Moçambique* (PRM). One major *legal* change was from a predominant emphasis on the defence of the state and national unity – including the repression of tribalism and regionalism – to the protection of individual rights and liberties (República de Moçambique, 1992b; Governo de Transição de Moçambique, Decree-Law 54/1975). In line with these changes, the constitution also demanded an impartial police force to underpin the depoliticisation of police operations (República de Moçambique, 2004: Art. 254). It also prohibited any form of torture and inhuman treatment by the police, stricter regulations for detention and imprisonment, the principle of *habeas corpus* and legal prosecution of police officers offending the law (ibid.: Art. 64-7).

As with the justice sector, reform of the police initially took the form of ensuring that the provision of security was solely taken care of by professionally trained law-enforcers. By implication the popular vigilance groups and militias that had been created during the socialist regime were official abolished. These had comprised ordinary citizens, who, in tandem with the police and Frelimo's party-state structures, had operated as law-enforcers and defenders of state security.[248] As opposed to the popular courts, no substitutes were initially created in their place. This changed as the new millennium dawned and the reform of the PRM had produced meagre results in the sense of effectiveness, adherence to human rights and popular legitimacy. Moreover, self-policing or

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[248] Interview, General Macamo, MINT, 12 October 2005.

informal vigilantism had not decreased, but rather increased *outside* the domain of (formal) state control (Baker 2002: 110-18).[249]

The official response to the failures of reform was a return, under new headings, to citizen participation in providing security and to outsourcing of policing tasks to community authorities as exemplified by Decree 15/2000. In the 2003-2012 Strategic Plan for the police, these initiatives were taken further, and labelled Police-Community Links (República de Mocambique (MINT) 2003: 42). Along with Decree 15/2000, these links were established through the introduction of 'community policing forums', which began in 2002 with urban-based donor-funded pilot projects. In 2005 the forums were incorporated into a national strategy (not a law) for the whole country, including the rural districts. Echoing the recent wave of community police programmes in the West and other developing countries (Brogdon 2004), the aim of the community police forums was to secure community participation in debating how to prevent and solve crime, as well as to create relations of trust between the police and the citizens. Hence, in line with the justice sector, one of the main features of the police reform was a gradual move to non-state, community-(s)elected, forms of policing and crime-prevention. However, by the time of fieldwork there were still no codified laws in this sector regulating these non-state bodies and their relationship to the state institutions.

In sum, despite the gradual move towards a renewed focus on and recognition of non-state bodies within the justice and policing sectors, legislation left legal grey-zones. Having been elaborated by different ministries, the recognised non-state institutions are not only de-linked at the level of the law, but also characterised by unclear mandates. In addition, legislation does not cover all non-state institutions that play a role in conflict resolution in many rural areas (for example, the courts of the chiefs and the *wadzi-nyanga*). How this legal grey zone was dealt with in Matica and Dombe is discussed in Section 3. First, however, it is necessary to map out the existing institutional landscape of the areas of study.

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[249] The media also reported the continued politicisation of policing, exemplified by several incidences in 1999-2000 in which the PRM employed excessively violent and extralegal measures against Renamo demonstrators (Baker 2002: 113-115).

2. The Plural Institutional Landscape

As I followed the developments in Sussundenga District from 2002 to 2005, the new legal framework outlined in Section 1 translated into the gradual enlargement of a pluralism of partly state-created and partly state-recognised institutions. The recognition of the chiefs in 2002 was followed by the recognition of *secretarios dos bairros* in 2004, a gradual increase in the membership of AMETRAMO, a strengthening of already existing community courts and the creation of new ones, and finally, in 2005, the formal launch of community policing. These developments happened in direct conjunction with the expansion of state police posts and operations in the rural hinterlands.[250] The enlarged recognition of non-state institutions thus continued the process of extending the territorial outreach and functioning of official state institutions that had begun with the identification and legitimisation of community authorities, explored in Part II.[251] This relational constitution however took place in a local context where legally recognised institutions, *inside* the law, co-existed with self-proclaimed elements of local institutions that were not covered by, but were *outside* state law.

Figure 7.1. Institutions in Sussundenga District[252]

Inside the Law			
Ministry of Justice	**Ministry of Int. Affairs**	**Ministry of State Adm.**	**Ministry of Health**
District court	Locality, Posto, District, Police (PRM/PIC)	Locality, Posto, District, administrations.	Locality, Posto, District, health institutions.
Community courts (1992)	Community Police forums (2005).	Community Authorities (chiefs/2002) (secretaries/2004)	AMETRAMO (1998) with the function of healing/curing recognized.
Outside the Law			
Chiefs/sub-chiefs' and *secretários'* courts (council of elders)	Police assistants (*ma-auxilliares*) of chiefs/sub-chiefs	Sub-chiefs and *secretários* (only state-registered)	*Wadzi-Nyanga* solving witchcraft and revealing perpetrators of theft, homicide etc.

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[250] Alongside these developments, the areas saw the arrival of the first NGOs in 2003-4 that were not exclusively focused on food relief and infrastructure. Their aim was to create community associations for income generation, the initial entry point for mobilisation being the community authorities. Also in 2004 extension officers of tobacco companies were moving into the chieftaincies, beginning by asking the chiefs to mobilise possible participants for their micro-credit schemes.

[251] In Dombe the re-expansion of state police operations was paralleled by a process in which Renamo representation was increasingly removed from the public sphere. When I returned to Dombe *Sede* in 2004, the Renamo flag had been removed from its original place at the centre of the village, where it had fluttered but a few metres from the Frelimo office and the police station. The official reason was that Renamo had failed to pay rent for the house, which, the *chefe* of post held, was state property. Similarly in the localities, the official representations of the Renamo party had been 'pushed' back to places that were not visible from the main road. I return to these points in Chapter 10.

[252] The year depicted in parenthesis indicate the time when the institutions were recognised and/or established by the state in the district.

Figure 7.1. illustrates the separation of different state and non-state institutions under the different ministries, but also the that *only* some of the functions and role players of the different non-state institutions are recognised by state law. I use the concepts *inside* and *outside* the law to describe this latter difference. It should also be noted that a difference existed between those institutions *inside* the law, which represent actors who existed prior to post-colonial state legislation (*wadzi-nyanga* and chiefs), and those which are entirely created by law (community courts, community policing, and *secretários*), either as a result of new post-war legislation (community policing) or as a matter of historical legacy from the post-independence socialist period (*secretários* and community courts as a substitute for the former *tribunais popularesi*). In short, the latter have a history of being part of and former Frelimo-state structures.

These differences are important when we consider the actor compositions and the self-proclaimed mandates and principles of the different local institutions, which is the main focus of analysis in this section. The local institutions that had been created by post-colonial law did not as a rule overlap with the principles and mandates of the official state institutions, and most of their actors had a history in the former party-state structures. These two aspects could *not* be generalised for chiefs, sub-chiefs and *wadzi-nyanga*, whose self-proclaimed mandates and principles both overlapped considerably with the official state and the other non-state institutions. This is illustrated in Figure 7.2. below, which summarises the principles of the different types of courts according to the representations of the actors making up these institutions, *inside* as well as *outside* the law. These principles range from the types of rules, punishments, costs for accused or offenders and modes of resolution (representation, participation in determining verdicts and documentation) that were employed, to what types of transgressions or cases each institution claimed to settle. By looking at these aspects differences as well as various overlaps between the institutions appear. These are important when considering the 'models for practice' communicated by the PRM, as discussed in Section 3.[253] In particular, it is important to note the overlaps between chiefs and the official state institutions: the enforcement of non-negotiable or fixed rules, which leaves no space for contenders to negotiate a verdict; chiefs' claim to settle transgressions that were also covered by the Penal code; and the chiefs' application of punishments that challenge the state's self-proclaimed monopoly on the use of force and

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[253] The overlaps and differences of principles are also significant as a background to understanding the everyday practices of case settlement discussed in Chapters 8 and 9, because the different principles had a bearing on where rural residents decided to take their cases.

expulsion (i.e. prison in case of the state). Apart from these three overlaps, the modes of resolution related to participation, documentation and costs differed from the official state institutions, and instead overlapped with the community courts and the *secretários*. The point is that there co-existed a plurality of potentially competing institutions, giving way to different, but partly overlapping 'rooms of justice' (Galanter 1981).

Figure 7.2. Rooms of justice[254]

Principles	Official district court	Community courts	Secretaries' courts	Chiefs' courts		
Application of Rules	Law (non-negotiable rules)	- Negotiable Rules and Norms	- Negotiable Rules and Norms	-Negotiable rules and norms - Non-negotiable Rules (Mutemo).	**A M T R A M O** Solve uroi accusation	
Level of written documentation	High	Medium	Medium – Low	Medium – Low – None (variable)		
Verdict/punishment	Prison, fine to the court.	Compensation, public work,	Compensation, public work	Fine to the chief, compensation, public work, corporal punishment (only Dombe chiefs), expulsion from the chieftaincy.		
Cost for parties	None	Mzm 20,000 – 50,000	Mzm 40,000-45,000 (Dombe) Mzm 10,000 (Matica)	Mzm 35,000-75,000		
Level of Participation by accused/offended parties in resolution/verdicts.	None	Medium	Medium	Medium-high (variable)	**N Y A N G A** Uroi Theft Debt Death Etc.	
Representation	Individual-based	Collective/*baba*	Collective/*baba*	Collective/*baba*		
Types of cases /transgressions	Those covered by Law (Penal and Civic code)	Those not covered by Law (Penal Code).	Those not covered by Law (Penal Code).	All kinds of conflict and transgressions, including *uroi*.		
Composition	- Judge - Elected judges (including women) - State attorney - *Escrivão* (secretary)	- Judge - Assistant judges (including women in Dombe) - *Escrivão* (secretary) - Police assistant	- *Secretário* - Madodas (Dombe) - Community police (Dombe from 2005).	- Chief/Sub-chief - Madodas (council of male elders) - Police assistants - Secretary (variable)		

Next I outline in more detail the principles of each of the institutions and how the local tiers of the PRM were positioned within the landscape of the courts. I begin with the official state institutions.

Official state institutions: the district courts and the PRM

In Sussundenga District there was one court, the *tribunal judicial*, which formed part of the official legal system. It was situated in the district capital and had been established in 1986

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[254] It is important to note that the principles outlined in figure 7.2. are based on how the different actors of each of the institutions described their principles. They reflect the representational models of the actors, and therefore not necessarily the actual practices of the institutions, as will also be seen in Chapters 8 and 9.

as a popular court. In 2004-5 it still had the same judge as in 1986, as well as three elected judges (including two women) who had been elected by the *assembleia popular* (popular assembly) during one-party rule. Another five lay judges were in addition chosen by the District Administration in 2004. Two commonalities of the court personnel were that none of them had any professional judiciary education and that they were all members of the ruling party. Hence, despite the separation of the judiciary from the executive, there was still a link between the court and the ruling party in the sense of the composition of the court's personnel.

The vast majority of the cases solved in the district court were criminal offences, involving prosecution according to the Penal Code, and covering penalties such as imprisonment (up to two years) and fines to the state.[255] According to the judge, civic cases were rarely treated by the court, but when they were, they included only cases of divorce.

The actual trial of cases within the district court was characterised by systematic references to the law, typewritten documentation of all the words spoken and the formality of the proceedings. The latter ranged from the strict rules pertaining to seating, movements and uniform speech acts to the formal dress of the court personnel. Moreover, verdicts were issued solely by references to the Penal Code and left no room for the active participation of the parties involved or the audience in discussing the verdict. Cases were judged using an individual-based model, rather than cases being treated as conflicts between collective parties.[256] The latter principles, as we shall see, differed a great deal from those applicable in the community and chiefs' courts. Added to these differences, the judge of the district court made it very clear that there were no formally established links with the community and chiefs' courts because the latter did not enforce the law or settle criminal offences: for example, there were no formalised or routine procedures for transferring cases from the latter to the former or vice versa.[257] By contrast, the judge stressed that whatever collaboration existed between the state and these non-state institutions in justice enforcement occurred indirectly through the sub-district levels of the PRM. By implication the district court collaborated only directly, as is formally established, with the state police – the PRM and the PIC (the criminal investigation unit of the police) – as well as with the

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[255] In cases in which the penalty is higher than two years of imprisonment such as rape, homicide and larger thefts, the cases should be sent to the provincial court.

[256] In Sussundenga no cases were encountered of legal representation of the victim or the accused, which can be linked to the costs related to using attorneys, but also to the very recent history of legal representation as in the country as such.

[257] Interview, Judge of the *tribunal judicial*, Sussundenga, 20 May 2004.

state attorney (the *procurador*). The procedure was that criminal cases were channelled through the *posto* or district level PRM. The latter was supposed to receive the victim(s) and on the basis of their statements make out a report, which was then analysed by the PIC and examined by the state attorney. If the state attorney decided that the case is a crime, the PIC forwarded the case to the *tribunal judicial*.

Hence, from the perspective of the district court judge, the formal justice system was entirely separate from its informal variants. The PRM had quite another view of this when it came to policing and investigation activities. This could not be divorced from its recent presence in the rural hinterlands and its general lack of capacity and resources.

The PRM and the PIC were strongly represented in the district capital, and to a much lesser extent in administrative posts and localities, where police posts were only re-established in the mid-1990s and 2000 respectively. Whereas in Dombe there was in 2004 one PRM officer per 6,450 persons, in Matica there was one officer for 7,800 people. At the level of administrative post, the police could investigate crimes because they were equipped with a PIC officer and a small cell for keeping suspects (officially up to 48 hours). At locality level there was only one PRM officer, which could only do patrols and arrest suspects or offenders who had to be forwarded to the *posto* or district level. The lack of motorised transport meant that this work was done on foot or with the help of willing drivers passing by (distances were up to 40 km in Dombe and 25 km in Matica). A similar situation held for the police in Dombe whenever it needed to forward suspects to the district court (a distance of 80 km).

According to the PRM officers themselves, the lack of transport and insufficient staff meant that the police could not control and investigate crime in the rural hinterlands on their own. Unlike the official court, sub-district level police officers explicitly claimed that they needed to directly collaborate with non-state actors. In Dombe this was coupled with the argument that the PRM faced problems of legitimacy and trust amongst the people living in the rural hinterlands, which often inhibited them from operating effectively. This aspect of legitimacy was intimately related to the many years of war and Renamo control of these areas, marked in the mid-1990s by pockets of resistance to the PRM (see Chapters 2 and 3).

The sub-district levels of the PRM had dealt with this situation prior to the recognition of the community authorities by gradually relying more and more on local institutions and actors *outside* the law. For example, in the areas surrounding police posts it

had relied on a number of chiefs and sub-chiefs and their police assistants to locate criminals and suspects. In Matica this also included *secretários*. In Dombe, the police had also relied on a group of informal police messengers, referred to as *Pessoas da Confiança* (people whom the police feel they can trust), who were local residents that had previously formed part of Frelimo structures. These were used in the secret collection of information about criminals and potential troublemakers. After the recognition of the community authorities, the use of non-state actors was gradually expanded to the rural hinterlands. Besides chiefs and sub-chiefs, it included the formation in 2003 of a group of young men who were recruited by the police to help perform arrests and patrols. This group was referred to as *policiamento comunitário* (community policing), but only from 2005 did they become part of the official policy of community policing. Hence community policing was introduced informally before it became formalised.[258] When the latter happened, the formation of groups of young men was expanded to the rural hinterlands. Each chief and sub-chief was asked to select eight individuals they considered trustworthy in performing policing tasks. Their task was to do shifts at the locality and *posto* police posts and, when not on shift, to work for the respective chief/sub-chief.

This new set-up signalled the first concrete attempt to link the already existing police assistants attached to each chief, yet *outside* the law, with the official policy of community policing and Decree 15/2000.[259] Before addressing how this system was organised by the PRM in relation to justice enforcement, it is, however, necessary to consider first the composition and principles of the non-state institutions. I begin with those created by the state.

State created institutions: community courts and *secretários*

By 2004-5, the community courts were not equally distributed across the territorial-administrative divisions of the district. The five existing courts were situated in Sussundenga *sede* (head of district)*,* Rotanda administrative post, Matica locality, Dombe *sede* and Matarara locality of Dombe. During 2004-5, two additional courts were established in the locality capitals of Javela and Muoco in Dombe. Whereas the courts in Sussundenga *sede* and Matica were a direct continuation of the former *tribunais populares* of the Frelimo party-state structures, the rest of the courts were created since 1999. The

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[258] According to the Dombe chief of police, he used the concept of *policiamento comunitário* because he had learnt about it at a donor-financed seminar in Chimoio when, until late 2002, he was working at district level.
[259] I discuss the Dombe PRM's formation and use of community policing in more detail in Kyed 2007b.

reason for this late establishment was that the war had either meant that the former courts had been destroyed by the Renamo occupation, as in Dombe *sede*, or that the war had not permitted their expansion. The same could be said of the two *secretários* in Dombe *sede*, who were only instituted in 2001 as an element of implementing the Decree. For this reason the community courts (four in total) and the courts of *secretários* (two in total) were still in the process of establishing their operations during fieldwork. In Matica by contrast the history of government control meant that there were ten well-established courts of *secretários* as well as a community court which had operated since 1986 when it was established as a *tribunal popular* during villagisation.

Irrespective of these differences, the community courts and the courts of *secretários* shared three common characteristics in both Dombe and Matica: first, they were, as opposed to the chiefs and sub-chiefs, only situated inside or very close to the semi-urban areas of the *posto* or locality administrative capitals; secondly, they were regarded by their members, local state officials and the population in general as integral components of the *hurumende* (state/government/Frelimo); and thirdly, they were composed entirely of people who had a history of activity in the old party -state structures or in the military (on the Frelimo side).

In Matica the community court this link to the *hurumende* was reflected by the fact that it's sessions took place within the same building as the *chefe* of locality and the PRM. Its members comprised one presiding judge, who was the same person as the one elected by the Frelimo party in 1986, one police assistant and one secretary (*escrivão*). The latter was one of the *secretários* who were recognised in 2004. He had previously been a Frelimo secretary in Dombe before fleeing to Matica due to the Renamo occupation in 1991.

In Dombe, the newly established community courts were situated next to the PRM and the state administrative offices. Its members had been (s)elected by the local state administration. This had in essence implied a re-activation of former members of the *grupos dynamizadores* (GDs) or others who had been active within the Frelimo structures before the Renamo occupation. For example the presiding judge in Dombe *sede* and two of the assistant judges were former GD members. The community court police officer had formerly been part of a popular vigilante group in Matica when he was a refugee there. The two *secretários*, Snr. José and Snr. Francisco, who were recognized in Dombe *sede* in 2004, also had a long history within the party-state structures. During the 1980s, Snr. Francisco had been the commander of the military police in Dombe. Snr. José had been

first a *secretário da celula*, then the *secretário* of the *centro de recuperacão* for refugees and captives from Renamo zones (see Chapter 2), and lastly a *secretário do bairro* during his exile in Sussundenga *sede*.

These mergers of the membership of the community and *secretários'* courts with local state (s)election and party histories were also reflected in how members of the court viewed their positions in the wider system of justice enforcement. The *secretários* considered both the First Frelimo Secretary and the head of the administration to be their superiors. The community courts, on the other hand, presented themselves as institutionally linked, not to the official district court, but to the head of the local tiers of the state administration and the PRM. Their judges reported to the administration and the PRM, and received orientations from them. The respective state official (locality or *posto*) was also the person considered as having (and who in practice took) the authority to hire and fire community court personnel. In short, the members of these courts considered themselves a subordinate element of the *hurumende*. This was confirmed by local state officials. For example in Dombe they presented the reconstitution of the community and the *secretários'* courts as an integral part of re-establishing and strengthening state institutions, and as noted, implicitly the Frelimo party.

The fact that these non-official courts were created by and aligned with the *hurumende* at sub-district levels may also explain why their self-proclaimed mandates and principles did not compete or overlap with the official state institutions. They did not claim to solve cases that are covered by the Penal Code, i.e. crimes settled by the official court in collaboration with the PRM/PIC. Also, they did not claim to impose punishments and use procedures that are considered the monopoly of state institutions, such as expulsion (prison) and the use of force in situations of resistance to arrest. Rather, the self-proclaimed principles and mandates of the community and *secretários* courts tended to overlap considerably with those of the chiefs, as well as with each other. Witchcraft (*uroi)* cases aside, they claimed to resolve all kinds of cases that had to do with disputes between and within families (for example, adultery, debt, marriage payment, divorce and land disputes). Possible verdicts covered fines to the judge, material compensation to victims and public work in the administrative capital. As opposed to the district court, they both charged parties in a case for hearings. However, the *secretários* tended to be slightly cheaper than the community courts, which related to the notion that the community courts were a more superior institution. Another difference from the official courts was that they resolved cases

on the basis of a collective rather than an individual model. This meant that the hearing of a case required the offended and accused to be represented by a *testemunha* (testimony) – usually by a senior member of the family. This testimony – or *baba* as it was called in chi-Ndau and chi-Teve (literally 'father') – was regarded as someone who would take responsibility for the individuals' statements as well as his/her verdict (such as pay the amount of compensation to the victim).

Although the judge or the *secretário* always made the final judgement in cooperation with the assistant judges or council of elders, the courts allowed some room for the two (collective) parties to debate the verdict against the facts presented. This aspect of participation was partly made possible because judgements were not made on the basis of codified law, but by oral reference to rules and norms, which were negotiable. Another reason was that resolution followed the principle of reconciliation, which supports the aim of achieving some level of consensus between the parties. The community and *secretários'* courts were also characterised by less formality and documentation than the official court. Although the judges of community courts did document the names of parties and the verdicts in a book kept by the judge, this did not include every word spoken. The level of written documentation in the *secretários'* courts tended to be slightly lower, depending on the individual *secretário*.

All of these principles described above resembled many of those of the chiefs' *banjas* (courts). This also included the *secretários'* use of a council of elders, which like the chiefs, they labelled *madodas*. By implication, there was a co-existence of a quite large number of potentially competing non-state institutions within the same territorial spaces, also claimed by chiefs or sub-chiefs. For example, in the small area of Dombe *sede*, which falls *within* Chief Dombe's area of the jurisdiction, state recognition of *secretários* and the re-establishment of the community court resulted in the existence of no less than six courts by 2004 (1 *banja* of the chief, 2 *banjas* of sub-chiefs, 1 community court and 2 courts of *secretarios*). The same figure applied to the locality capital of Matica (1 community court, 1 *banja* of a sub-chief and 4 of *secretários*). Each of these held court sessions 1-2 days a week. In the rural hinterlands, however, chiefs, sub-chiefs and *wadzi-nyanga* were alone, and also covered other principles that the state-created courts, just described.

The courts of chiefs and sub-chiefs

As opposed to the community courts and *secretários*, the *banjas* (courts) of chiefs and sub-chiefs were more evenly dispersed across the territory. With the exception of Chief Dombe, they were located in the rural hinterlands and at the homesteads of the chief or sub-chief. In 2004-5 there were 48 *banjas* in Dombe (8 of chiefs, 16 of *chefe do grupo/sabuku* and 24 of *chefe da povoação/saguta*). In Matica there were 6 *banjas* (2 of *chefe do grupo/sabuku* and 4 of *chefe da povoação/saguta*).

Apart from the chief or sub-chief, the composition of the *banjas* included the council of elders (*madodas*), ranging from four to ten members, one to three *ma-auxilliares* (police assistants of chiefs), and in some cases a secretary (always a literate person). All the members of the *banjas* were exclusively men, aside from the Queen Gudza, but she never acted as a judge, just listened. As a general rule the *madodas* took a leading role in hearing the parties to a case and in proposing resolutions. The chief played the role of authorising the final judgement, but as a rule was rather inactive during the hearings. This differed from the community court judge. It indicated, according to the chiefs, a higher decree of power-sharing with the *madodas*, who were held to possess knowledge of the rules and norms of the chieftaincy and of representing the different family lineages inhabiting it. Thus the role of the *madodas*, it was held, was to ensure a fair treatment of all the families within the *nyaka*, and not privileging the chief and his immediate piers.

The function of the *ma-auxilliares* was to await instructions if a person or persons in a case were to be notified or arrested (with the use of rope) in order to appear in the *banja*. For this task, the *ma-auxilliares* were paid Mzm 10,000 to 50,000 (or an equivalent in kind) by those notified or arrested. In a witchcraft case, they could also be sent with the parties to a *nyanga* if the accused did not plead guilty. In these situations the police assistant was a *baba* (testimony) to the verdict made by the *nyanga* (i.e. whether the accused was guilty of witchcraft or not). For this task, the police assistants were also paid by the two parties, the amount depending on the distance from the *nyanga* to the *banja* (MZM 10,000-50,000). The police assistants were aged between twenty and forty and had been chosen by the chief or sub-chief in collaboration with the *madodas.* As a rule they had to be trustworthy and physically strong natives of the area, preferably a son or close relative of a *madoda* and with prospects of becoming a *madoda* in the future. However, around one third of the *ma-auxilliares* in fact descended from other areas as a result of war-related migration. In Dombe this applied in particular to police assistants chosen against their

history as Renamo combatants or *mujhibas*. This aspect marked a key difference from the Frelimo-related histories of the members of community and *secretários'* courts.

The role of the secretary, where these in fact existed, was to write down the main particulars of each case and the names of the parties. This level of written documentation, resembling the community courts, was applied by the *banjas* of the chiefs and sub-chiefs, who had some level of education (sub-chiefs Boupua, Ganda, Struba and Pampanissa and Chief Sambanhe). In the remaining *banjas*, the level of documentation was confined to letters notifying other *banjas* to accept a case.

The main principles of resolution in the *banjas* had much in common with the community and *secretários* courts, such as the collective-based representation, the application of non-codified rules, and room for the parties to participate in the negotiation of verdicts that related to compensation payments and reconciliation. Payment for a resolution was also required from both parties, ranging from Mzm 25,000 to 75,000, with the *banjas* of sub-chiefs being slightly cheaper than those of the chiefs. This marked out the hierarchy between chiefs and sub-chiefs, and also reflected the fact that the *banjas* of the chiefs were seen as appeal institutions in cases when sub-chiefs failed to arrive at a settlement.[260]

Significantly, the *banjas* of the chiefs and sub-chiefs adhered to three main principles that differed from the community and *secretários'* courts. First, they claimed to be capable of settling *all* types of conflict and transgression. This included criminal offences according to the Penal Code (for example, theft, physical assault, arson), all those cases covered by the other non-state courts (for example, adultery, marriage payments), and *uroi* (witchcraft). In addition, they covered transgressions of particular rules referred to as *mutemo yo passe chigare* (the rules or traditions of the ancestral spirits). These extended beyond those transgressions dealt with by the other non-state institutions, but overlapped with some of those considered criminal offences in the penal code (for example, homicide). Hence as a matter of principle the *banjas* potentially competed not merely with the other non-state courts, but also with the official justice system in prosecuting criminal offences and with the PRM in arresting and policing criminal offenders. This aspect of competition with the official state institutions also related to the second distinguishing feature of the

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[260] In all *banjas* the payments received for resolving cases was shared between the chiefs (fifty per cent) and the *madodas* (and *secretário*, if any).

banjas: the use of punishments that went beyond public work and material compensation to victims.

Punishments applied in the *banjas* could also include expulsion from the chieftaincy, fines to the chief and, in the case of Dombe, corporal punishment. The application of physical force and expulsion was regarded as the monopoly of the paramount chiefs, which marked out their superior or sovereign authority vis-à-vis inferior sub-chiefs. Force could be used to discipline people misbehaving in the *banja*, when the victim explicitly asked for such a verdict, or when the accused resisted arrest. Expulsion was the harshest form of punishment a *banja* could issue and was as a matter of principle very rarely enforced: it could be imposed only in situations where a person threatened the authority of a chief or repeatedly transgressed the *mutemo yo passe chigare* and failed to repair the wrong he or she had done. This aspect of transgressing the *mutemo yo passe chigare* brings me to the third significant difference between the *banjas* and the community and *secretários'* courts.

Like the Penal Code in the official district court, the *mutemo yo passe chigare* represented a set of non-negotiable rules, attached to a set of non-negotiable verdicts. It included transgressions such as violating sacred places, having intercourse in the bush, insulting the chief, the spilling of blood on the land (i.e. physical aggressions), and the taking of life either physically or invisibly by means of *uroi* and *vulí* (evil spirits). These transgressions were described as the most severe forms of delinquency because they violated the very *nyaka* itself (the land of the ancestral spirits). During the settlement of such transgressions there was no room for the offender or victims to participate in negotiating a verdict, as was otherwise the norm in relation to other cases (such as theft, adultery, land disputes and marriage payments). It was in relation to these transgressions that a fixed fine to the chiefs was imposed (Mzm 20,000-200,000). According to the chiefs this symbolised an act of apology to the ancestral spirits. If such fines were not paid, it could cause the spirits to act malevolently, resulting in misfortune for the whole chieftaincy. In the case of taking life (physically or invisibly), the offender was also required to pay a non-negotiable sum (in 2004-5 1.5 million meticais) to the family of the victim, which was referred to as *soro u mundo* (price for life). This symbolised a pardon to

the spirit of the diseased. If not paid it could cause future misfortune for the family of the offender.[261]

These non-negotiable rules and chiefs' impositions of force and expulsions represented significant areas of overlap with the official state institutions. Although the rules were uncodified, being defined differently than and *outside* state law, they underlined practices that competed with the state's sovereign claim to have a monopoly of force and on decisions regarding life, death and exclusion of members from the community. This provided a significant difference from the community and *secretários'* courts. Added to this difference was the *banjas'* significant role in settling cases of *uroi* and in being able to deal with the link between the visible and invisible dimensions of delinquency that most people in Matica and Dombe subscribed to. This brings me to the role of the *wadzi-nyanga*.

Wadzi-nyanga and AMETRAMO

In Matica and Dombe the *wadzi-nyanga* comprised an indispensable institution in facilitating the resolution of *uroi* cases, which amounted to over half of the cases settled by the *banjas*.[262] According to informants these cases received by chiefs or sub-chiefs covered only a minority of the manifestations of *uroi,* with the majority being treated alone by the *wadzi-nyanga*. Hence the *wadzi-nyanga* could be considered a partly autonomous institution vis-à-vis the chiefs, and indeed a very powerful and numerous one: for example, in Dombe there were no less than 122 *wadzi-nyanga* registered as members of AMETRAMO, and according to its president there were about as many who were not members. The powerful role of the *wadzi-nyanga* had to do with the scope and character of *uroi* itself.

Uroi (literally 'to do evil') belongs to the domain of the invisible, yet is always linked to visible manifestations. In principle all manifestations of illness, death, misfortune and madness can be explained as *uroi*.[263] However, whereas the original perpetrator of these manifestations, the *muroi* (equivalent to the word 'witch' or 'sorcerer' in English), can be traced back to a person who is known to the victim, the link between the

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[261] I return to such cases in Chapter 8, as well as how they relate to people's general notion of a link between visible and invisible dimensions of delinquency and misfortune.

[262] This high amount of *uroi* cases is based on conversations I had with chiefs and rural residents. It is also confirmed by the cases I came across during fieldwork. These indicated that 60-70% of the cases settled by the *banjas* were defined as *uroi* (on this, see further, Chapter 8)

[263] This aspect of *uroi* has led scholars to regard witchcraft as a way of explaining the inexplicable. As such, it can be considered an attempt to answer the question of 'why' the visible manifestations of illness and misfortune afflict one person and not another (Evans-Prichard 1937; Moore and Sanders 2001).

muroi and the sources of *uroi* is always invisible to the naked eye of an ordinary person.[264] The motives behind *uroi* may nonetheless vary from being the result of an *umroi* who "just makes bad without reason" to *uroi* as the result of a disagreement or envy between two parties, within a family or between families (for example, over land, debt, theft and adultery). To inflict the manifestations of *uroi* on another person the immediate perpetrator need not be an *umroi*, but he or she would need the 'help' of someone who is. This could take the form of the person explicitly consulting (and paying) an *umroi* or merely uttering an intention to use *uroi*, which could then be appropriated by an *umroi* without the person concerned knowing it. In this sense, to resolve cases of *uroi* could both be an aspect of merely dealing with an *umroi*, but also an aspect of restoring social relationships between parties who for various reasons resorted, consciously or unconsciously, to the assistance of a *muroi* in dealing with a specific problem. These different aspects of *uroi* means that inflictions cannot be resolved by way of (material) evidence and a witness-based model of resolution such as in the official courts, nor can it be resolved by way of argumentation as in the *banjas* of chiefs. It requires the assistance of *wadzi-nyanga*, who in the areas of fieldwork had a monopoly over the means to reveal the invisible sources of *uroi* through divination (*cuxo cuxo*). They could also cure the harm inflicted on persons through exorcism or by returning the sources of *uroi* to the perpetrator.[265]

However, the role of *wadzi-nyanga* extended beyond curing illnesses allegedly caused by *uroi*. Many also claimed to be capable of facilitating the resolution of the visible transgressions dealt with by the non-state courts (such as adultery) and covered by the Penal Code, such as theft, arson and homicide.[266] They could do this by revealing the unknown perpetrators through divination and by 'returning' misfortune to them so that they would repair what they had done wrong. For example, in cases of theft or debt the *nyanga* could make the perpetrator fall sick so that he would return the stolen items or pay the debt when he realized, after consulting a *nyanga*, that his sickness was due to the misfortune he had caused the victim. Thus by invisible means, the *wadzi-nyanga* could help

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[264] Sources of *uroi* could be invisible *vulí* (a bad spirit that can be 'sent' by a person to possess another), or visible amulets and bio-medicine that were accompanied by a spell, which activates the material items that are placed in or close to the intended victim.

[265] *Cuxo cuxo* is the word used in Chi-Ndau and Chi-Teve for divination. In all the cases I observed, it involved the throwing of smaller animal bones. By reading the positioning of the different types of bone, the *nyanga* could answer the problems afflicting those who had consulted him, as well as reveal its original source.

[266] Added to the functions related to conflict resolution directly, some *wadzi-nyanga* were also known to be able, using spells and medicine, to ensure different fortunes, such as material wealth, power and access to jobs. Others also claimed to be able to protect people from misfortune, theft and assaults – in short, security.

settle visible transgressions and ensure material reparation. Such forms of resolution were referred to as *justiça* ('justice' in Portuguese) or *mapipi* ('*uroi* with a reason' or a justifiable form of counter-witchcraft). I return to these aspects in more detail in Chapter 8. Here it suffice to note that the clever *nyanga* could play a role in the resolution of a wide spectrum of cases that were not limited to the invisible realm of *uroi*, not recognised by law. Their specific power lay in the fact that they were capable of linking the visible and invisible dimensions of transgressions and conflicts that formed part of the world view of most people in Dombe and Matica. For this reason, the *wadzi-nyanga* were also a significant institution of appeal for the *banjas*.

It should be noted that chiefs only received *uroi* cases when victims chose to publicly accuse the perpetrator revealed by a *nyanga* and when they wanted compensation. In principle the latter could only be enforced by a *banja*. As a rule, this covered the cases in which *uroi* resulted in a death or when a *nyanga* held that the perpetrator needed to pay a fine to the victim in order for the latter to be cured. During the resolution at a *banja* the *wadzi-nyanga* were resorted to when the accused did not plead guilty. Given the invisible dimension of *uroi*, divination by a *nyanga* was used as a kind of evidence to support a resolution. The *wadzi-nyanga* were in this sense indispensable actors, both in the process before the case arrived to the *banja* (i.e. in identifying a case as *uroi* and in revealing its source), and in the resolution process itself (i.e. in providing evidence of *uroi*). Overall this also meant that the knowledge of *uroi* claimed by the *wadzi-nyanga* was an intrinsic part of keeping *uroi* alive: only the *wadzi-nyanga* could prove that an illness or death was caused by *uroi*.[267]

This power of *wadzi-nyanga* also comprised a very significant economy of its own. All consultations with *wadzi-nyanga* were chargeable, ranging from MZM 40,000 to 3 million per party consulted. Given the high amount of *uroi* cases, it is therefore not surprising that the *wadzi-nyanga* were amongst the wealthiest people I met in Dombe and Matica. The most outstanding was the Dombe president of AMETRAMO, whose material wealth extended even beyond that of the richest businessman in Dombe.[268] In Dombe the economy and power of *wadzi-nyanga* also comprised a significant aspect of competition

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[267] This knowledge of the *wadzi-nyanga* led some of my informants to call them *mambo we muroi* ('the chief of sorcerers'). The label was used to describe how a *nyanga* shared the same body of knowledge as the *muroi*, this enabling him to identify and treat *uroi*. Hence the borderline between *umroi* and *nyanga* was precarious.

[268] The president of AMETRAMO was famous beyond Dombe, regularly going to South Africa, where he treated high-ranking ANC members, including two governors. He also received visitors from South Africa, Malawi, Maputo and Zimbabwe, who paid him dearly for the results he provided: security, wealth, fertility and power.

within the domain of conflict resolution. For example, during 2004-5 the growing members of AMETRAMO were beginning to challenge chiefs' role in settling the payment of fines in *uroi* cases. Its president argued that it was AMETRAMO, not the chiefs, who had the legal mandate to settle *uroi* cases publicly. Paradoxically, taking into account the fact that *uroi* is *outside* the law, he justified this by referring to the state law recognising traditional healers.[269] As a result, the chiefs faced not only potential competition from the official state and state-created courts, but also from their historically related and indispensable 'counterparts', the *wadzi-nyanga*, who were now also partly *inside* the law.

In conclusion, this section has pointed to the co-existence of a multiplicity of institutions *inside* and *outside* the law, which, according to different but partly overlapping mandates and principles, engaged in resolving conflicts, dealing with trespassers, enforcing justice and thus also in (re)producing different rules and norms. Most profoundly, the *banjas* of the chiefs laid claims to rules and principles that underlined practices of authority, which challenged the official state institutions' claim to a monopoly on the use of force and the making of decisions on life, death and expulsion. This did not concern the state-created courts, which *only* potentially competed with the *banjas*. How the local tiers of the PRM dealt with these overlaps and areas of competition is dealt with next.

3. Models for Practice: State Incorporation and Separation

The grey zones of codified law and the pluralism of local institutions, outlined in the previous two sections, did not prevent local state officials from trying to organise the wider landscape of institutions. On the contrary, the local tiers of the PRM invested enormous energy in publicly communicating and enforcing a secondary body of law that both filled out the grey zones of codified law and expanded codified law by recognising also some of

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[269] Another growing type of institution competing over the domain covered by the *wadzi-nyanga* was the churches, which had grown tremendously since the war. While the majority – with the exception of one church known as Zione – officially disregarded the existence of *uroi*, in the practices of regulating behaviour and of dealing with evil forces, there were numerous overlaps with the *wadzi-nyanga*. This was exemplified by the growing number of prophets, who, like the *wadzi-nyanga,* consulted people in cases of illness, misfortune or possession by demons, using divination and healing. The prophets of Johane Marange and Sabhata were also known for exorcism. The level of *de facto* competition between prophets and *wadzi-nyanga* was complex, and unfortunately the time frame of the fieldwork did not permit me to go more deeply into this question. However, I did come across cases of *uroi* in a *banja* where the victim had visited both a prophet and *wadzi-nyanga* before ending in court. An important difference between prophets and *wadzi-nyanga* was that the former did not compete with the official justice system because they were not capable of engaging with the identification and treatment of criminal acts such as theft, arson and homicide.

those institutions and practices that existed *outside* the law. This consisted of a set of uncodified rules, prohibitions and obligations that centred on establishing a system linking the different justice enforcement and policing actors to each other and to the PRM. In the introduction to this chapter, I referred to this secondary body of law as 'models for practice' to indicate that it implied not a simple recognition of the self-proclaimed mandates of the non-state institutions described in Section 2, but also an attempt by the PRM to regulate, reorganise and redefine them.

Resembling the public representations of state officials at the recognition ceremonies, the 'models for practice' were overall characterised by both an *incorporation* of non-state authorities under the local state's command hierarchy and a hierarchical *separation* of these authorities from an exclusive domain of state authority. This kind of boundary-marking between different domains of authority was captured by three sets of rules, which are dealt with separately below: First, a set of rules that underlined juridical-institutional boundaries, defined on the basis of the types of transgressions that each institution was permitted to settle in accordance with the PRM's own classification of three categories of cases (criminal, social, traditional); secondly, a set of procedures for how the different categories of cases should be passed between the hierarchy of institutions, and what punishments they were allowed to issue, and: thirdly, a set of prohibitions, obligations and sanctions for how chiefs/sub-chiefs should assist the PRM in policing activities. The force behind these three sets of rules was that, although never written down nor mirroring codified law, they were publicly communicated by the local tiers of the PRM as *lei do estado* (state law). Like state law they were also attached to the threat of sanctions enforceable by the state. This status of the models for practice as *the* law was made possible by the oral character of the communication of law in the areas of fieldwork. This for example took place at public meetings in the chieftaincies and at closer meetings between the PRM and the non-state authorities in the administrative capitals. The immediate implication of this oral aspect was that it left local state officials with a monopoly on making and remaking the 'law', that is beyond codified or official law.

The question is why the PRM invested so much energy in organising the institutional landscape of policing and justice enforcement, including *outside* the law, and what stakes lay behind the communication of the un-codified rules. Another is what the PRM's 'models for practice' implied for the position and authority of chiefs. These questions are central to this section. Overall, I suggest, the 'models for practice' can be seen

as a *de facto*, but localised, state recognition of 'legal pluralism' – i.e. the existence of a plurality of legal or normative orders and spaces of justice enforcement within the same political organisation (see von Benda-Beckmann 1997; Griffiths 1986). However, the issue at stake for the local tiers of the PRM went beyond this. The boundaries drawn between distinct domains of authority, I suggest, centred specifically on attempts to claim and constitute state sovereignty *within* a context of competing forms of "local sovereign power" (Hansen and Stepputat 2005: 30). This was exemplified by rules that criminalised those claims and practices of chiefly authority, outlined in Section 2, which challenged the state police' claim to a monopoly on the use of force and on making final decisions on the 'land', the 'citizen body' and 'public authority'.

Sovereign power, it should be noted, is conceptualised here not exclusively as *formal* state sovereignty vested in the constitution and in international recognition of the self-determination of nation states. It is also approached as particular claims and practices that may be a dimension of different forms of authority, including also non-state ones (Hansen and Stepputat 2005; Schmitt 1985; Agamben 1998, 2000). This encompasses the claim to superior authority within a given political organisation (whether a nation state or a chieftaincy), that is, to make final decisions on central areas of social life. By implication it also covers the capacity to define and enforce the normal situation of a particular order, i.e. *the* rules applicable, and the exception here to, i.e. to suspend *the* rules when the order is threatened. Based on this definition, I suggest, the local police's appropriation of the authority to make and remake the 'law', implied that the 'models for practice' not only underlined the constitution of state sovereignty in the abstract. More specifically it positioned the local tiers of the PRM as a kind of local sovereign power in *relation* to their non-state counterparts. Below we begin with how this was marked by the first set of un-codified rules of the PRM: the making of a juridical-institutional boundary.

Juridical-institutional incorporation and separation

The widespread idea among the people in Matica and Dombe, that state recognition indicated the chiefs becoming the extended arm of the *hurumende* and being subjected to its orders had become a reality by 2004. At least this was observable in the public encounters between the local state officials and the chiefs, as well as evident in the rules communicated by the state officials. For example at public meetings in the chieftaincies local state officials communicated the law and programmes of the government and made clear that chiefs were

responsible for adhering to these and ensuring that they materialised. The closed monthly meetings held in the locality and *posto* capitals between state officials and community authorities also indicated the *de facto* incorporation of the chiefs within the command hierarchy of the state administration. Here the chiefs delivered taxes, received orders to perform particular tasks and were required to record all problems in their areas, according to what the local state officials defined as of state interest (for example, troublemakers, non-tax-payers, food insecurity and a infrastructural problems). Information from below was recorded by the local state official and forwarded to the district administration. Information from above was disseminated downwards by the non-state authorities. In short, as *secretários* had been for some time, the chiefs were drawn into the state's hierarchical system of top-down command lines and of upward recording of occurrences in areas that were beyond the immediate purview of the local state officials.

A similar kind of state incorporation characterised the PRM's organisation of the fields of policing and justice enforcement. It also went beyond this. Incorporation *within* the state police hierarchy was accompanied by rules prescribing a separation of chiefs from the particular domain of state police authority. This separation was marked by the first set of rules that prescribed juridical-institutional boundaries between the jurisdictions of the state and the different non-state authorities engaged in settling cases and dealing with trespassers. These boundaries were defined according to the PRM's classification of three categories of cases: criminal, social and traditional transgressions. Only the official state institutions were permitted to settle the criminal cases. The *banjas* of the chiefs had the exclusive authority to settle the traditional cases, and the social cases were to be settled by chiefs, community courts or the *secretários*. Failing to abide by these separate categories, the chiefs and others were told by the PRM, would be treated as criminal offences – i.e. as law-breaking. This aspect reflected how the PRM communicated the 'models for practice' as having the status of official state law, albeit this was not exclusively the case. They also extended beyond codified state law.

According to the chief of police in Dombe, the aim of fixing separate categories of cases was to ensure that "all questions of crime are the monopoly of the police….and that all cases and conflicts that are not crime, such as the social and traditional cases, should be taken care of by the *régulos*, the *secretários* and the community courts".[270] This comment indicates how the 'models for practice' were communicated to reconstitute

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[270] Interview, Chief of Police, Dombe, 31 August 2004.

not only the state institutions' sovereign authority to settle crime, but also to ensure that *only* those authorities that were recognised by the local police handled conflicts and misconduct. At public police meetings this was accompanied by a general prohibition on any kind of self-redress and order-enforcement *outside* the system recognised and defined by the local police. This was captured in repeated statements by PRM officers, such as: "according to the law you [the general population] are prohibited from settling cases on your own. It is your obligation to take your problems and cases…also those minor disputes, to your chiefs, the *secretário* or the community court." This prohibition on self-redress can be seen as a kind of *de facto* recognition and bolstering of the authority of the non-state institutions by the PRM. Taking a closer look at how the PRM defined criminal, traditional and social cases, however, reveals that this kind of recognition was accompanied by a re-definition of 'the traditional', the *mutemo yo passe chigare*, and by implication a criminalisation of certain practices of chiefly authority.

The PRM's definition of criminal cases, claimed to be the monopoly of state institutions to decide, covered those acts that violated state property, including the land, and that inflicted violence on human bodies.[271] In short, this meant acts that were physically destructive, covering *inter alia* homicide, fights in which blood is spilt, rape, stabbings, larger thefts involving the use of weapons and violence, the use and production of drugs and arson. All these acts were defined by the PRM officers as *crimes contra o estado* (crimes against the state) and thus as punishable by the state, and the state alone. These categories of transgressions corresponded to the Penal Code, the so-called public crimes, but to these the local tiers of the PRM added a special category of *desobediência às autoridades* (disobedience of the authorities), covering also the non-state authorities.[272] Legally this category only covers slander against and disobedience of state authorities. In Matica and Dombe, however, the local tiers of the PRM claimed the authority to prosecute offenders of this category of "crime against the state" when it regarded disobedience of chiefs and the other non-state authorities.[273] This exemplified one aspect of the PRM's

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[271] In Mozambique all land is still state property, albeit it can be leased out to private owners for a 99 year period.

[272] In judicial language *crimes públicos* or public crimes means that prosecution is independent of the victim and where it is the state that lays the charges. These crimes also cover the highest penalties. They are different from *crimes particulares* (particular crimes) – such as minor slander and minor thefts – which, for prosecution by the formal court, depend on the victim taking the case to court him- or herself (personal communication, lawyer in Chimoio, August 2005).

[273] In Dombe, for example, the chiefs were told that, if a person notified by the chief failed to show up at a *banja* or for a hearing at the PRM post, then the chief had the right to accuse this person of disobedience of the authorities, an accusation that s/he had to forward to the PRM in Dombe *sede*.

expansion of official criminal law into a secondary body of rules, that is, here by publicly taking on the "tariff of guaranteeing the authority of the *régulo*."[274] This local state protection of chiefly authority can be viewed as a benign aspect of the PRM's recognition of the chiefs as part of the state apparatus. From the perspective of chiefs it nonetheless reflected an attempt by the state police to monopolise decisions regarding matters of authority. The same can be said of the PRM's monopolisation on settling the other criminal acts outlined above, and of strictly prohibiting the chiefs from doing so.

The definitions of criminal cases overlapped considerably with those elements of the *mutemo yo passe chigare*, which underpinned the chiefs' authority to make decisions on the taking of life, insulting of chiefly authority, the spilling of blood and in general the violation of the *nyaka* as a whole. An important consequence of the claim to a state monopoly on settling "crimes against the state", was that the PRM re-defined what counted as "traditional" cases: the category covered, according to the PRM, those kinds of conduct that chiefs considered to be against "the tradition" (*mutemo*), but excluded those acts defined as a "crime against the state". If this can be seen as a general affirmation of codified state-law, then the PRM also defined *uroi* as part of the category of traditional cases. Hence, while the PRM criminalised the authority of the chiefs to enforce significant elements of *mutemo yo passe chigare*, it *de facto* recognised *uroi*. In doing so, the PRM also recognised the role of the *wadzi-nyanga* as an institution of appeal in the settlement of *uroi* cases by the *banjas*. This recognition of *uroi*, the *banjas* and the *wadzi-nyanga* reflected a key characteristic of the PRM's extra-legal rules: they recognised institutions and practices *outside* the codified law, but at the same time prohibiting chiefs from entering the domain of what the PRM defined as *inside* the law. Broadly speaking the PRM's rules thus marked a boundary between the domains of traditional and (local) state authority. This was accompanied by a rule that prohibited the other non-state institutions from settling what the PRM defined as traditional cases.

According to the PRM, traditional cases were the monopoly of the *banjas* of the chiefs. Community and *secretários'* courts were *only* permitted to solve the so-called social cases. They were thus both distinguished from the official state institutions and the chiefs. Social cases were defined by the PRM as conflicts and minor transgressions *not* covered by the category of "crimes against the state", and which could, but need not, end up in the official district court: adultery, beatings without bleeding, minor threats and slander,

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[274] Interview, Chief of Police, Dombe, 26 September 2005.

divorce or marriage payments, debt, and land disputes between neighbours. This definition corresponded with the self-proclaimed mandates of the community and *secretários'* courts. As such the PRM did not as a matter of principle criminalise any of the practices of these state-created institutions. By allowing chiefs and sub-chiefs to settle social cases too, the PRM nonetheless reproduced potential areas of competition between the three non-state institutions. This was addressed by the second set of rules communicated by the PRM.

Procedures: hierarchies, transfers and permissible punishments

The second set of rules of the PRM's models for practice comprised procedures for how the different courts should transfer the three categories of cases within the system of local institutions. They also covered procedures for settling cases such as permissible punishments, written documentation and costs. As depicted in Figure 7.3, the local tiers of the PRM communicated a hierarchical system that linked the different courts at sub-district level to each other and to the local tiers of the PRM. The arrows reflect the rules for the transfer of the three different categories of cases, as defined by the PRM. As shown, he PRM recognised the three-tier chiefly hierarchy (*mambo/régulo, sabuko/chefe do grupo* and *saguto/chefe da povoação*) in respect of traditional cases, as well as the chiefs' exclusive link to the *wadzi-nyanga*. On the other hand, the *banjas* of the chiefs and *secretários* were made inferior to the community courts when it came to the settling of social cases. This meant that community courts were given the authority to make final decisions on social cases and that they were considered higher institutions of appeal.

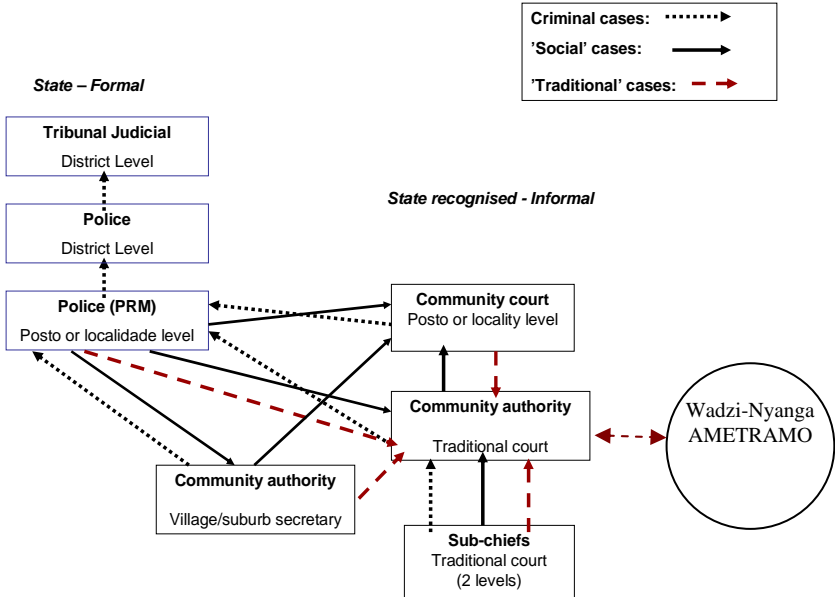**Figure 7.3: Institutional hierarchy and transfers of cases.**

Figure 7.3. also reflects how the 'models for practice' supported a relatively closed system of justice enforcement and crime-control at the sub-district level. All criminal cases should be sent directly to the closest PRM office at locality or *posto* level, since these had the sole authority to decide whether these should be forwarded to the official district court. Chiefs were thus prohibited from forwarding criminal offences directly to the district level police or to the district court. Similarly, the PRM's rules also reproduced an institutional separation between the community courts and the district court by discouraging community courts and their clients from directly forwarding social cases to the district. This closed system had the implication of positioned the local tiers of the PRM as the only institutional link with the district. Given that this was prescribed by the local police's own extra-legal rules it also positioned the local police as *the* regulator of and superior authority over the non-state institutions.

The self-positioning of the local tiers of the PRM as regulator of the sub-district level system of justice enforcement was also underlined by a set of rules for regulating the prices of the non-state courts and how cases should be transferred and documented. The latter included a standardisation of the use of written documentation. The non-state authorities were required to document each case and to write notifications (*notificações*) systematically when transferring a case to another court or to the PRM, including the names of the accused and victims, the verdict issued and a general description of the case. This system of documentation was intended to ensure that each authority in the chain of transfers had knowledge of the initial resolution, the location of a case and the histories of offenders to which they could return for additional information. For the PRM it also provided a system of gathering information that could be put to use in tracking down troublemakers and investigating crimes. It also provided the PRM with a means to control whether the non-state institutions were adhering to the PRM's rules, such as the types of cases they were permitted to settle and the verdicts they were allowed to issue. In short, the rules were intended to enable the local police to further regulate its non-state counterparts.

Finally, the PRM communicated a set of rules for permissible punishments. The recognised authorities were allowed to enforce public work and monetary compensation, but they were strictly prohibited from using any kind of corporal punishment, physical discipline or expulsion. This had particular consequences for the chiefs, whose self-proclaimed mandates covered these latter kinds of punishments. Police officers were aware of this and therefore at public meetings particularly stressed: "the

régulo can no longer use force of any kind…this is against the law…it is a crime…and your *régulo* will be disciplined by the police if he does this."[275] The application of force by chiefs, as noted in Section 2, was a significant marker of a chiefs' superior authority, as well as a means to regulate the behaviour of those who insulted that authority. Thus the prohibition can be seen as another element of criminalising those aspects of chiefly authority enforcement that had to do with any form of physical or bodily violations and disobedience of authority – i.e. final decisions on the 'citizen-body' and 'authority'. These were claimed the monopoly of the (local) state-police. Similar, restrictions were placed on chiefs' authority to expel people from the chieftaincy, but this was more precarious. The PRM fully prohibited chiefs from expelling people who had committed "crimes against the state" (including disobedience of chiefs), but allowed them to ban people who had repeatedly been charged with what the PRM defined as 'traditional cases' (such as *uroi*). This latter mandate was not recognised by law, and as such provided another example of how the extra-legal rules of the PRM recognised practices *outside* the law. To ban people by chiefs, nonetheless required prior authorisation from a chief of police. By implication, the restrictions placed on chiefs' capacity to exclude people from the chieftaincy equally granted the local tiers of the PRM the final authority to regulate decisions on who were worthy and unworthy members of the chieftaincies. Because this was partially *outside* the official law, it marked how the models for practice centred on the self-positioning of the local police as a kind of local sovereign power. It imbued the local police not only with the monopoly on making decisions on bodily violations, and on regulating non-state authority, but also on including and excluding people from the local community. This underpinned a partial and restricted recognition of chiefly authority, which as addressed next was highly precarious for chiefs.

The regulation of chiefs in policing and crime control

In accordance with Article 5 in the regulation of Decree 15/2000, chiefs were obliged by the local tiers of the police to inspect and locate criminals or suspects and to forward this information to the PRM. However, the third set of rules communicated by the PRM went way beyond this article, *de facto* positioning chiefs and sub-chiefs as the extended arm of the PRM itself in the rural hinterlands. In contrast to Decree 15/2000, the PRM also obliged chiefs to arrest law-breakers and suspects and bring them to the police station. Refraining

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[275] Extract from speech by the Dombe chief of police at a police meeting in the chieftaincy of Chibue, 18 August 2004.

from collaborating with the police in these ways would be regarded as a crime, the chiefs were told. The same applied to concealing information about criminals. Chiefs were also allowed to tie up criminals or suspects if they resisted arrest, but to use force that resulted in physical injuries would be regarded a crime. Only the PRM officers, chiefs were told, were allowed to use force. In these activities, the PRM recognized the role of the police assistants of chiefs (*ma-auxilliares*) in detaining and handing over violators, but when they dealt with criminals they were prohibited from receiving the usual payment from trespassers.

The point is that chiefs were, as a matter of obligation, drawn into the PRM's domain of crime control and law-enforcement. This included also the outsourcing of practices and the recognition of chiefly police assistants that lay *outside* the codified law. At the same time chiefs were set apart from the state police, as marked, for example, by the PRM's claim to a monopoly of force. Outsourcing was accompanied by criminalisation. Chiefs were considered law-breakers if they did not assist the police and also if they challenged the particular mandates of the (local) state police. This was backed by the threat of a set of local state-enforced sanctions that were equally *outside* the law: i.e. neither Decree 15/2000 nor any other law included a list of sanctions for disobedient community authorities.[276] The implication of this for chiefs' position vis-à-vis the state police was precarious. The PRM's rules placed chiefs in an anomalous position as state agents, but not really as the state. They were strictly obliged to act as if they were the state police in spaces outside the physical presence and purview of the PRM, yet to do so without enjoying adequately sanctioned sovereign authority. This reflected how the PRM's reliance on chiefs to perform policing tasks was predicated upon a strict regulation of the conduct of the chiefs themselves. As also explained by a chief of police, this was enabled by state recognition, i.e. by incorporating the chiefs under the superior authority of the state and the 'law':

The *régulos* are very…very important for the police because they know the people out there in the areas where there are no police. They know the criminals, so they can help us and bring them [criminals] to us…. But if we [the police] hear that the *régulos* educate people with the hands…or they punish someone with force…or if they hide criminals from the police…then this is a crime. And then we will call in the chief and bring him into line…talk with him and tell him that this is illegal…. […] Before it was not really like this, but now, with the recognition of *régulos* and in particular with the existence of Decree 15/2000…now we can procure the *régulos* and discuss with

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[276] This lack of sanctions in Decree 15/2000 differs from colonial legislation on *régulos* (the RAU discussed in Chapter 2).

them what are the reasons for this bad behaviour…because no citizen is above the law. Also today the *régulo* is not above the law, so if he commits a crime he has to respond to what he has committed…. Because if the *régulos* deal with crime on their own, it means that the police are not in control of crime.[277]

The point is that recognition of the indispensable role of chiefs in improving state-police operations could not be divorced from a concern with reconstituting the sovereign authority of the PRM to control crime and violence. If this was reflected in the rules and representations of police officers, then it was also physically demonstrated in the punishment of those chiefs who were caught flouting the PRM's rules. Like these rules, punishments also took place *outside* the law – i.e. none of them involved legal prosecution.

While the chiefs' failure to abide by the rules of the PRM by no means always came to the knowledge of police officers, they were, when discovered, dealt with in a particularly brutal manner.[278] During fieldwork in 2004-05, I encountered four such incidents and was told about six more. In one incident a sub-chief had solved a case of fighting between two men that had resulted in severe physical injuries. When the PRM learnt about this from the person who lost the case, the sub-chief was arrested, *chambokeado* (beaten with a rubber stick) and put in the cell for two days. This happened three months after the sub-chief had been called to the police post accused of "hiding producers of *Suruma* [an illegal drug]" from the police. After this warning, as the chief of police said, it was "necessary to educate him a little bit".[279] In the second incident, a chief had ordered local residents to catch and beat up a young man who had burnt down three huts in the neighbourhood. The chief referred to this as "a normal practice", but when a police officer heard about it, the chief was taken to the police at *posto* level, beaten, and then fined for having failed to inform the police about the crime. In the third incident, another sub-chief was punished by the locality police on the grounds that he had failed to prevent a *muroi* (witch) killing, which had supposedly been committed by two people from his area. When the brother of the murdered *muroi* informed the police at locality level about it, the sub-chief was arrested together with two suspects because, as the officer declared to me, "the *régulo* is responsible for reporting crime to us". According to the sub-chief, all three were beaten at the police stations they passed through on their way to the provincial

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[277] Interview, Chief of Police, 31 August 2004.

[278] In Chapter 9 I return to how and why chiefs flouted the rules of the PRM, such as settling criminal cases.

[279] Interview, Chief of Police, 18 August 2004. When the word *educar* (to educate or discipline) was used by the police or about the police, it was commonly understood as the use of physical force in the form of *chambocos* (beatings with a rubber stick).

capital, where they were kept in prison for a year. The case never went to court. The fourth incident happened in 2005. A chief had settled a case of arson in which the offended party agreed to material compensation. When the PRM officer of the locality heard about this through local rumours, he notified the chief as well as the two young male offenders. During the two weeks that I spent in this area, the chief was seen in public struggling alongside the two young offenders to build a new office for the locality police. In contrast to the two offenders, however, the chief was not beaten in public. The police officer gave the following reason for treating the chief in this way:

Why I keep the chief here for a few days? Well it is not really a punishment…that is for the *tribunal* [district court]…. It is like a way of education and demonstrating that he has committed an act of indiscipline…you know, the *régulos* need to understand that arson is a crime and that crimes must go immediately to the police…they have to know what is crime and what is not crime…. This is the law, and it is my job to enforce the law…it is not because we have to punish the *régulos*…but discipline them as an example for the others to see what can happen if they do things illegally…if they step out of line.[280]

As the police officer noted, the disciplining of chiefs in public spaces visibly demonstrated to the other chiefs and the population at large the severe consequences of violating the PRM's rules. More broadly, the incidents of punishing chiefs by force and with temporary deportation also visualised the attempts to reconstitute the superior authority of the state police vis-à-vis the chiefs and what this superiority implied. As this section has illustrated, superiority was defined by the official state institutions' monopoly of making decisions on "crimes against the state", the use of force and the regulation of authority – in short, what can be conceptualised as sovereign authority within key areas of regulating a social order. The punishment of chiefs, I suggest, can be read as a particular way of concretely performing the sovereign authority of the state police. It physically marked the hierarchically ordered boundary between the distinct domains of state and chiefly authority, which the rules of the state police attempted to fix and congeal. As such the punishments conjure up the key issue at stake for the local state police in organising the wider institutional landscape of policing and justice enforcement: the reconstitution of state-police sovereignty through first the recognition and incorporation of chiefs, followed by their separation from the particular domain of state authority.

The question is what immediate implications this boundary-marking had for the position and authority of chiefs and the local state institutions. I suggest that, in the

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[280] Interview, locality chief of police, 29 September 2005.

performance of sovereign authority on the very bodies of those authorities that the police relied on the most to control crime, the police officers positioned chiefs as what could be conceptualised as *domesticated sovereigns*. Chiefs were relied on to exercise functions that could bolster the sovereign authority of the police, yet through these very functions they were always potentially at risk of being subject to the performance of sovereign authority. Importantly, this precarious positioning of chiefs by the local police emerged from a particular tension: chiefs' self-proclaimed mandates represented a domain of authority that challenged the proclaimed sovereignty of the state to make final decisions on physical violations of the 'land', the 'citizen body' and 'authority'. It was for this very reason that the PRM was so dependent on chiefs in re-constituting state sovereignty in the rural hinterlands. As in the past, chiefs were the significant, constitutive 'Other' of local state authority. However, as this section has demonstrated, state sovereignty took on a particular localised form, which had the immediate implication of positioning the local tiers of the PRM as a kind of local sovereign power. Local police officers constantly claimed authority by referring to official state law, but *de facto* operated *outside* it.

The point is that the attempts to constitute state sovereignty were most pervasively pursued, and in fact seemed to depend on, a set of uncodified, extra-legal rules that were in reality *outside* the law. This included not only local state recognition of resolution mechanisms that were *outside* the law (for example, *uroi*, the *banjas*, the *wadzi-nyanga*), but also extra-legal rules and practices both to protect the authority of the chiefs and to punish them. These rules of the PRM can be seen as an aspect of filling the grey zones left open for interpretation in codified law, but this does not capture the whole picture. The local police's enforcement of its rules also involved a *de facto* suspension of codified law in particular situations. For example, in punishing chiefs the police suspended the law by using corporal punishment and by issuing sentences without due process through the official justice system.

It may seem contradictory that the local police flouted the law in the very name of enforcing it. The point is that, by producing a secondary body of law, the local tiers of the PRM positioned themselves as endowed with the authority both to make and suspend the law. This aspect, I suggest, is exactly what signalled the self-positioning of the local tiers of the state, not only as representatives of the state at large, but as *the* sovereign in the rural hinterlands. To conclude, this necessarily follows my conceptualisation of sovereignty as certain practices and claims that exist beyond the official sovereign authority inscribed in

the Constitution and in international recognition of independent states. Following Hansen and Stepputat's (2005) interpretation of Schmitt (1985), sovereignty can be seen as originating in the exception, that is, in the capacity not only to define the 'normal' order and the law regulating it, but also to define the exception and suspend the law or the norm. The exception is characterised by the sovereign applying exceptional means on the bodies of those individuals who threaten the order or normal situation as defined by the sovereign. The substances of such exceptional means may vary from physical violence to exclusion, but are characterised by excess. This latter aspect was expressed in the PRM's enforcement of the third set of rules mentioned above, and particularly in the brutal punishment of disobedient chiefs that these allowed for.

The self-positioning of the local tiers of the state police as *the* sovereign in local areas should, I suggest, be understood in light of the historical conditions of the former war zones of Sussundenga District, that is, as margins of the state, characterised by competing forms of sovereign power captured in particular by the figure of the chief. As noted by Das and Poole (2004) for the margins of the state elsewhere in the world, such conditions mean that the operations of official state representatives are premised on their ability continuously to re-found and re-perform state sovereignty by acting above and *outside* the law. Hansen and Stepputat (2005: 29) add to this point the particular visible and violent character of the performance of sovereign authority in the margins. With these general observations in mind, I suggest, the PRM's models for practice can be understood as more than localised inventions. They also reflect the tensions and violence underpinning the quest to constitute state authority, which seem to more generally characterise state-formation processes in contested terrains.

Conclusion

This chapter set out to answer the question of how the relationship between chiefs and local state institutions was *de facto* organised around the shared tasks of policing and justice enforcement laid down in Decree 15/2000. It showed how the local tiers of the PRM appropriated the authority to define the rules for regulating the plural institutional landscape that existed both *inside* and *outside* codified law, and asked what immediate implications these rules had for the position and authority of chiefs and local state institutions.

The chapter has taken us a step further in understanding the state recognition of traditional authority as *de facto* a mutual, relational constitution of local state and chiefly authority. It took this point further by highlighting the precarious consequences of this mutual constitution for the position of chiefs and their capacity to entrench authority. Not only did state recognition imply that chiefs now had to follow the orders of the *hurumende* as a subordinate element of the state apparatus. Recognition and incorporation were accompanied by the criminalisation of important claims and practices of chiefly authority. This denoted that constituting (local) state authority in *relation* to the chiefs was predicated on transforming chiefly authority and on re-defining 'the tradition' (*mutemo yo passe chigare*). At least this was expressed in the extra-legal rules communicated and physically performed by the local tiers of the PRM, namely what I referred to as 'models for practice'.

Central to the models for practice was boundary-marking, namely fixing distinct legal orders and domains of authority: i.e. the state (law/crime), the chiefs (tradition/traditional and social cases), and the community courts and *secretários* (community rules and social cases). If this reflected the local PRM's pragmatic concerns to fill out the legal grey zones of codified law and *de facto* to recognise the plurality of local institutions, it also reflected attempts to claim the superior validity of the law and state institutions. Scholars like von Benda-Beckmann (1997) and Griffiths (1986) have conceptualised this form of state recognition of informal justice institutions as "weak legal pluralism", that is, when other legal orders are recognised through their subjection to state law. They contrast this with 'strong legal pluralism' or the undisturbed existence of various *de facto* legal systems. While these conceptualisations are useful, they do not capture how the PRM's 'models for practice' recognised non-state domains of justice enforcement, not by placing them *under* state law, but by separating them from the very domain of the law. This aspect underlined the self-positioning of the local police as a local sovereign authority, itself operating partly *outside* the law. The key to understanding this was that the state police operated, and attempted to constitute authority, in contexts in which the use of force and the claim to make final decisions on 'the land', the 'citizen body' and 'authority' were not *de facto* a monopoly of the state. It was equally claimed by chiefs. This underscored a particular tension: the police depended on the authority of chiefs to reconstitute their own authority, but to do this required the congealing of distinct domains of authority. The result was a precarious positioning of chiefs as domesticated sovereigns.

The question that remains to be addressed is the extent to which the local tiers of the PRM were actually successful in enforcing the models for practice in everyday practice and interactions between chiefs, police officers and members of the rural population. Already this chapter has addressed how chiefs did not always obey the rules of the local police. The question is why this was the case even in light of the severe consequences that flouting the PRM's rules could involve. As will be seen next, the domestication of chiefly authority was precarious, but so too were the boundaries marking the sovereign authority of the local police. The result was a mutual transformation of *both* local state *and* chiefly authority.

Above: Police officers on official visit in a chieftaincy together with the District commander.
The aim is to inform the chiefs and the population about the division of labour and collaboration
between the PRM, chiefs and the population in dealing with crime.
Below: the PRM delegation greets the paramount chief Sambanhe and his sub-chiefs before the
beginning of the public meeting.

Above: welcome and greetings at the beginning of the meeting. On the left: police chief of Dombe, First Frelimo Secretary of Dombe, Chefe of Locality, District commander of police, chief Sambanhe and the Community court judge. On the right: residents of the chieftaincy.

Below: speech by the District Commander of Police where he informs what according to the law is illegal, how the PRM and the chiefs should collaborate and what the chief is and is not allowed doing.

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Above/below: prisoner from district level jail is demonstrated as an example of what can happen when a person trespasses the law.

Chapter 8

The Intricacy of Boundary-marking

In Matica and Dombe, the classificatory boundaries of the PRM's 'models for practice' discussed in Chapter 7 were continuously breached in everyday practice by rural residents, non-state authorities and even by local police officers themselves. Along with increased collaboration with the police, chiefs continued to solve what the PRM defined as crimes, and rural residents regularly took their cases to the 'wrong' institutions. Spending days at the local police stations was puzzling because it became clear that the PRM were hearing an ever-increasing number of *uroi* (witchcraft) accusations and cases classified as social. This happened as police officers continued to communicate publicly the separate domains of each type of authority and to discipline chiefs for flouting the prescribed boundaries. Conversations with chiefs and rural residents also revealed widespread knowledge of the PRM's 'models for practice'.

In short, there was a constant oscillation, if not an outright tension, between representations and enactments of the boundaries between the state and the non-state domains of authority on the one hand and multiple ways of breaching these boundaries in practice on the other. In line with insights drawn from Moore (1978; see also Chapter 1), I conceptualise this oscillation in terms of the two countervailing processes of regularisation and situational adjustments, that is, acts of ordering social reality into neat categories and acts of manipulation, manoeuvring, and exploitations of the indeterminacies that exist in concrete situations.

The question is *how* the simultaneous assertion and breaching of the classificatory boundaries produced by the local tiers of the PRM took place, *why* they did so, and what this implied for the evolving relationship between the state officials, chiefs and rural residents in particular, and emerging practices and claims of authority and citizenship in general. This chapter and Chapter 9 engage with these three interrelated questions by exploring everyday practices and interactions, as well as the meanings people attached to these. In doing this, I move from a specific focus on the ordering- and rule-making practices of local state officials, explored in Chapter 7, to the everyday spaces of policing and justice enforcement in and around concrete cases of disputes and transgressions. I nonetheless leave a deeper interrogation of the third question for Chapter 10.

The analysis of this chapter takes its point of departure in the 243 cases that I came across by talking to people, taking part in hearings at the *banjas* of chiefs, community courts and police stations, and being part of everyday life in the chieftaincies and administrative capitals.[281] These cases are used to explore the question of *how*, in everyday practice, the various types of cases, placed into distinct categories by the PRM, were actually dealt with by the different authorities outlined in Chapter 7. They also help to explore how different authorities actually interacted with one another. Importantly, they also illuminate how and when members of the rural population brought their cases or problems to the different authorities. In analysing the total number of cases, I have been able to discern particular significant patterns of observable actions and interactions that emerged in the wake of the PRM's communication of the 'models for practice'. These patterns are outlined in Section 1 of this chapter. This is followed in Sections 2 and 3 by a more in-depth analysis of two of the significant patterns that emerged. A third pattern is explored in Chapter 9.

The in-depth analysis of the patterns of action and interaction is conducted here by combining the insights from observable practices, through the illustration of a selected number of cases, with the meanings different people attached to ongoing practices. The latter serves to address *why* people did what they did and what underlying perceptions of justice, order-making, transgressions and the different authorities informed practices and interactions. This aspect is based on conversations and discussions with the different state and non-state authorities, as well as with sixty rural residents.[282] Against this background, this and the next chapter explore the interaction between the *flow of action*, i.e. concrete cases of disputes and transgressions, and the *flow of ideas*, i.e. the representations that

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[281] Of the 243 cases I collected, 163 were narrated to me by rural residents, PRM officers, chiefs, community court judges and *secretários*, while the other 80 I followed during fieldwork. This involved my following the whole or part of the process, including observation of court hearings and interviews with those on opposite sides in a case.

[282] Of the 60 interviews with rural residents, 39 were conducted in Dombe (11 in Dombe *sede*, 28 in Javela locality covering 3 *regulados*) and 21 in Matica (9 in the *bairros* of Nhambamba and 12 in the two *regulados*). I conducted these interviews *after* the cases had been subjected to an initial analysis, which gave me some tentative ideas about what informed practice and the patterns of action and interaction that could be identified. The interviews were used to solve some of the puzzles that emerged and to assess the significance of the findings from the cases. All the interviews were semi-structured and of 40–120 minutes duration. They were structured around thirty common questions, asked during the interviews. These covered interviewees' perceptions of the mandates of the different institutions (the types of cases they solve, punishments, hierarchical position vis-à-vis other institutions), a range of possible scenarios of preferences for resolution (e.g. 'if you discovered that you have been robbed, what is the first thing you would do?), ideas about the reasons for crime, *uroi* and conflicts, and preferred forms of justice or punishment in different types of case. Finally, I asked people to describe a case (if any) that they had been involved in and discussed with them the course it took. The selection of interviewees was done on the basis of gender, age and residence in terms of relative proximity to a chief and/or an administrative capital.

people make about practices and rules/norms of case settlement. Including these two dimensions is based on the assumption of a mutually constitutive relationship between observable actions and representations, and the view that processes of regularisation and situational adjustments are conditioned both by ongoing practices and the ideas that inform these (see Chapter 1). As this and the next chapter show, historically embedded scripts in the form of ideas and practices of the dispensation of justice and restoration of order set limits to and reshaped the enforcement of authority by chiefs and state police officers. It also set limits to the police's ability to enforce the classificatory boundaries of the 'models for practice' in a straightforward manner. The point is that the practical involvement of ordinary people with the different authorities and the ideas that informed these are crucial for grasping how *de facto* authority was (re)constituted, that is, beyond the rules communicated by the PRM. Having said this, the classificatory boundaries produced by the local tiers of the PRM did have a number of implications for evolving patterns of action, not only of chiefs, but also of ordinary people. It is the precarious interaction between the implications of boundary-marking and different layers of situational adjustments that form the bulk of this and the next chapter.

1. Patterns of Action and Interaction: An Overview

This section gives an overview of the total number of cases I followed.[283] It analyses the cases quantitatively on the basis of the type(s) of authority who solved them and which categories of transgressions they related to. The aim is to identify the most pervasive patterns of action and interaction that can be drawn from the cases and relate these to the classificatory boundaries of the PRM's 'models for practice'.

Figure 8.1 shows the total number of cases according to how they were classified by the parties and/or institution(s) involved in hearing and settling them. I have added in italics how the cases were categorised ('traditional', 'crime' and 'social') according to the PRM's 'models for practice'. Added to this is a fourth category ('political'), which falls outside the official classifications drawn up by the PRM. This category was partly dealt with in

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[283] In this chapter I shall use the word 'case', not as an analytical concept as applied in case studies, but as equivalent to the word *caso* in Portuguese, which the chiefs, rural residents and the PRM in Sussundenga generally used to describe a dispute or conflict between two parties, whether this involved a criminal offence, a social dispute or transgression, *uroi*, or a combination of these. In chi-Ndau and chi-Teve the equivalent word for *caso* is *ndava*, which was directly translated to me as 'problem' or 'case'. This word was most commonly used in the *banjas* and community courts, but often interchangeably with *caso*.

Chapter 7, and I will return to it in Chapter 10. For now we shall concentrate on the other official categories.

Figure 8.1: Classifications and number of cases collected

Classification	Number of
'Traditional' (total: 96)	
Violation of 'Mutemo yo passe chigare'/ 'Ma-tradição'	10
Witchcraft (20 of which involved other types of cases)	82
Crocodile breeding and killings by crocs (all Dombe)	4
'Crimes' (total: 134)	
Homicides	17
Knife stabbings (not resulting in death)	5
Murder threats	7
Rapes	6
Domestic violence (not resulting in death)	7
Arms	4
Thefts	48
Arson	11
Beating or violent fighting	24
Incest	1
Drugs	4
'Social' (total: 70)	
Marriage disputes	6
Marriage payment (*lobolo*)	9
Adultery	29
Divorce	6
Debt	5
Land disputes	15
'Political' (total: 26)	
Chiefs disciplined/punished by the PRM	11
Political – arrest/detention of Renamo supporters by the PRM	3
Leadership disputes (Chiefs/Secretários)	12
TOTAL (326 out of 243, meaning that 83 cases involved another type of case/offence and/or were re-classified as a different type).	**326**

In reading figure 8.1., it should be kept in mind that the cases were not systematically selected according to type of case (e.g. against the basis of a conscious choice to select x number of criminal cases, x number of social cases and so forth within a given time-space frame) or type of authority solving x number of cases. Rather, they were collected on the basis of my presence, at a given time, at the *banjas* of chiefs, police stations, and other rooms of justice, as well as on the basis of the cases that people chose to tell me about.[284] Against this background, Figure 8.1 only provides a tentative idea of what types of cases were the most frequent.[285] Triangulated with conversations and interviews, the figures do, however, reflect what was highlighted as the most frequently occurring disputes and transgressions. Most notable was the prevalence of *uroi*, theft, adultery and fights.

[284] Some of the cases I was able to follow from beginning to end, hence following the flow of action from one point to another. In other cases, due to the time-space limits of fieldwork, I was only able to follow part of the case. When possible I would follow up on a case through conversations with the people involved and/or who had heard of the case.

[285] Given that many cases were not documented systematically by chiefs, secretaries and community courts, and that the PRM only had archives for cases that resulted in a criminal trial at district level, it was impossible for me to obtain any estimate of the exact number and types of cases over a given period of time.

Of greater interest to the analysis is the question of how transgressions and disputes were classified and who actually resolved which types of cases. Taking a closer look at the total number of cases, three different patterns of action and interaction stand out as particularly significant. Importantly, a core commonality is that these challenge the PRM's models for practice. The first two patterns challenge the ability to fit cases strictly into the PRM's official categories of distinct types of transgressions (social, traditional and criminal), ideally to be settled by different authorities. The third pattern contradicts the strict boundaries between distinct domains of authority in case settlements, i.e. the different authorities were frequently addressed with and resolved the 'wrong' cases when compared with the models for practice. I look at these patterns separately below.

Patterns one and two: classification of cases and transgressions

Figure 8.1 illustrates that the total number of 243 cases involved 326 transgressions, leading to a surplus of no less than 83 transgressions. This surplus reflected the first two patterns of action. First, over the course of time many cases (68 in total) covered two or more of the official categories of transgression (criminal, social and traditional). For example, a criminal offence either emanated from or resulted in a social dispute or in *uroi*. The second pattern, explaining the surplus of transgressions, reflects how one single transgression was either given a double classification or re-classified as another type of transgression during the process of its resolution (15 in total). For example, criminal offences were in many instances simultaneously defined by the parties involved as a 'traditional' case of *uroi* (witchcraft/sorcery) or *vulí* (evil/bad spirit possession). Added to this, social or traditional cases were at times re-classified during the process of resolution as a criminal offence and vice versa.

Common to these two patterns of action was the fact that they blurred the boundaries between the PRM's official categories of cases, illustrating how, in practice it was difficult to determine neatly which type of authority should settle a case between two parties. For this reason, these patterns also underlined how the resolution of a particular case very often involved more than one type of authority. In fact, as shown in Figure 8.2, over half of all cases that reached an authority were at some point in the process heard or resolved by more than one type of authority (police, community court, chief, official court, *secretário* and *nyanga*).

Figure 8.2: Number of institutions involved in the resolution of a single case.

No. of Institutions	0	1	2	3	4	5	6
Cases (243)	11	105	95	22	8	1	1
Distribution		(48: chiefs) (8: c.court) (28: PRM) (21: nyanga)	(14: chief/nyanga) (32: chief/PRM) (18: chief/c.court) (1: chief/off.court) (7: PRM/off.court) (3: PRM/c.court) (11: PRM/nyanga) (2: PRM/sec.) (3: c.court/sec.) (4: c.court/ off.court)	(3: chief/c.court/ off.court) (2: chief/PRM/ off.court) (2: chief/nyanga/ PRM). (2: chief/sec./ PRM). (12: chief/nyanga/ c.court) (3: c.court/PRM/ off.court)	(5: chief/ nyanga/ c.court/ PRM) (2: chief/ sec./PRM/ nyanga) (1: chief/ nyanga/ PRM/ Off.court)	(chief/ nyanga/ sec./ PRM/off. court)	(chief/ nyanga/c.cou rt/ sec./ PRM/ off. court)

The involvement of more than one type of authority was either the result of people's use of a second, third and so forth authority as an institution of appeal, or because a case moved between different categories of transgression.[286] This challenged the PRM's rule that cases should be resolved neatly within and by separate domains of authority. Figure 8.2 also shows how chiefs were involved in the resolution of the majority of cases and were the type of authority which alone solved most cases.[287] Closely following were the PRM at *locality* and *posto* levels, the *wadzi-nyanga* and the community courts. The official district court and the *secretários*, by contrast, were engaged in the resolution of very few cases and resolved none on their own. These figures do not, however, tell us what types of cases the various authorities were involved in resolving and which categories of transgression tended to be solved by more than one authority. Exploring these questions illuminates the third pattern.

Pattern three: transgressing jurisdictions and domains of authority

According to the PRM's 'models for practice', social cases were the only ones that could be resolved by more than one type of institution (i.e. chiefs, community courts and *secretários*). However, as shown in Figure 8.3, a mere 36% of the cases classified as social were solved by more than one authority, whereas no less than 68% of the cases that the PRM classified as crimes also passed through the courts of non-state authorities. Moreover,

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[286] We may also note in the figure that there were some cases (11 out of 243) that never actually reached any judicial authority, but were either resolved within the family, between families or individuals, or never resolved.

[287] This result, it must be noted, may be affected by the fact that the cases I collected were predominantly from areas outside the district capital, and it may also be due to the fact that the chiefs represented the largest group of all types of authorities. However, as I show in Chapter 9, this also reflected a widespread notion among rural residents that they had to bring their cases to the chief first, before any other authority.

contrary to the PRM's rule that only chiefs, with the assistance of *wadzi-nyanga*, should solve traditional cases, 73% of these also reached the police, the community courts and/or the *secretários*.

In other words, the PRM's rule that the different categories of transgressions should be confined to separate domains of authority was less the rule than the exception. Each authority frequently engaged in solving the 'wrong' transgressions. As Figure 8.3 shows, this was particularly the case for chiefs and the PRM itself.

Figure 8.3. Percentage of total number of types of cases solved by different institutions

	Social Cases	Criminal cases	Traditional cases
Chiefs	41% (alone 21%)	74% (alone 21%)	49% (alone 6%)
Police	24% (alone 11%)	59% (alone 7.5%)	26% (alone 0%)[288]
Community Courts	21% (alone 6%)	19% (alone 3.5%)	32% (alone 2%)[289]
Secretários	18% (alone 0%)	9% (alone 0%)	10% (alone 0%)[290]
Wadzi-Nyanga	6% (alone 0%)	9% (alone 0%)	75% (alone 61%)[291]
Official Court	2.8% (alone 0%)	13.5 % (alone 0%)	1% (alone 0%)

Chiefs were still engaged in resolving a very high number of criminal cases (74% of the total number), and even concluded some on their own (21% of the total number). This co-existed with the general notion among chiefs, the PRM and rural residents that chiefs now increasingly passed on criminal cases directly to the PRM in accordance with what they had been ordered to do by the *hurumende*. Hence chiefs appeared both to adhere to and to breach the boundaries captured by the 'models for practice'. This reflected both continuities and changes in chiefly practices of case settlement when compared with the self-proclaimed mandates of chiefs outlined in Chapter 7. If this is to be expected, it came as a surprise to me to find that the PRM at *locality* and *posto* levels engaged just as much in blurring the boundaries of their own 'models for practice'. They did so by receiving and hearing an increasing number of so-called traditional and social cases during the period 2004-2005. As Figure 8.3 indicates, the PRM in fact formed part of resolving a quarter of the total number of both traditional and social cases, including 11% of the total number of social cases

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[288] All the cases classified as 'traditional' solved by the PRM were categorized as *uroi*.

[289] All but one of these cases, classified as 'traditional' and solved by the Community Courts, were categorized as *uroi*. The one case that was not *uroi* was what was referred to as a *pringaniso*, in which a wife sleeps with another man in her husbands' house, which can lead the husband to vomit blood and die from it if the case is not solved.

[290] All but two of these cases, classified as 'traditional' and solved by the *secretários*, were categorized as *uroi*. The two cases that were not *uroi* were *pringaniso* (see note 9).

[291] All of these cases, classified as 'traditional' and solved by *wadzi-nyanga*, were categorized as *uroi*.

without the involvement of other institutions. In short, the PRM itself heard the 'wrong' cases, thus breaching its own rules. Added to this, the local tiers of the PRM also engaged in the resolution of criminal offences without the involvement of the official courts at district or provincial levels.

As Figure 8.3 shows, a very low proportion of the total number of criminal cases (13.5 %) that are *legally* supposed to end in the official justice system of courts actually did so. This did not mean that all the criminal cases were left unresolved: 66 of the 134 such cases did lead to the perpetrator being convicted. Only 27% of these were concluded in the official court. The rest were by the *banjas* of the chiefs (21%), in the community courts (3.5%) or by the local tiers of the PRM (48.5%, two thirds of which had previously passed through the courts of non-state authorities). These figures emphasise that the official courts did not have a monopoly over concluding criminal cases. They also point to the *de facto* development of a relatively closed system of dispensing justice at sub-district levels, that is, as detached from the formal justice system. As also noted in Chapter 7, the PRM's models for practice supported this detachment. In practice this was further underpinned by the fact that the local tiers of the PRM convicted many criminal offenders at the local police posts, and thus *outside* the formal justice system. This was particularly the case for Dombe, amounting to 80% of the criminal cases concluded.

It should nonetheless be noted that the criminal cases concluded by the local tiers of the PRM excluded homicide. These were always passed on to the PIC, which, if there was sufficient 'evidence', sent them to the district capital. The same held for chiefs. Whereas two cases of homicide were concluded by chiefs, they tended to pass such cases directly on to the PRM.[292] Besides this, the types of crime heard by the chiefs were similar to those heard by the PRM, i.e. theft, arson, violent beatings, rape and domestic violence. In terms of the criminal transgressions that were concluded *outside* the official justice system, there were therefore still significant areas of overlap between the chiefs and the local tiers of PRM, that is, despite the efforts by the PRM to change this. Intriguingly, this continued overlap increasingly co-existed with a new layer of blurred boundaries between chief and state police jurisdictions, namely in respect to the so-called social and traditional cases.

In sum the three patterns of action and interaction identified illustrate that the classificatory boundaries captured by the PRM's 'models for practice' were more often

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[292] The two cases of homicide that were concluded by the chiefs do not include the 27 cases of death caused by the invisible means of *uroi* heard by them. Hence, when I speak of homicide here, it is in the sense defined by the Penal Code, namely where there is direct physical evidence available.

than not blurred in practice. This applied to both the strict separation of different categories of cases ('traditional', 'social', 'criminal'), and the boundaries between distinct domains of authority in the settlement of cases. The patterns indicated that 'processes of regularization', or the attempts to fix and order social reality by the PRM, discussed in Chapter 7, were not straightforwardly achieved. Rather, case settlement was very often unconfined to separate domains of authority enforcement following the 'traditional', 'social' and 'criminal' categories, or the state and non-state distinction. This underpinned both continuities and changes in settling cases, and the co-existence of both increased collaboration and competition between the state police and the chiefs. Noteworthy, chiefs' continued resolution of crimes challenged the PRM's capacity to domesticate 'traditional authority' fully. At the same time the PRM began to challenge the autonomous domain of chiefly jurisdiction by engaging in the resolution of 'traditional' cases.

The question remaining to be addressed is why the most significant patterns of action and interaction consistently blurred the classificatory boundaries of the PRM, how this concretely was played out and what implications it had for different actors. Was it for example because chiefs and people in general did not know of or resisted the law communicated by the PRM, as was often argued by higher ranking state officials, or because local police officers did not have the power to enforce their rules? How can this explain why the PRM officers themselves flouted their own rules and chiefs and rural residents indeed did, at times, adhere to the models for practice? To address these questions, it is necessary to go beyond analysing the sum of cases quantitatively, based on the questions of what types of transgressions were solved by what types of authorities. It is also important to address how the different authorities *de facto* resolved cases and interacted with each other, as well as how cases were actually classified or re-classified. Moreover, to grasp the reasons behind the three patterns of action, it is necessary to explore the preferences and strategies of the offenders and victims who addressed the different authorities, and what ideas underlined their preferences.

In the remainder of this chapter, I explore these questions in relation to the first and second patterns. I do so by illustrating a number of cases, which are discussed in relations to the meanings people attached to ongoing practices. As addressed, the patterns of action did not reflect a lack of knowledge of the PRM's rules. Rather, they reflected inconsistencies between the PRM's rigid separations of different types of cases and how cases in reality developed and were perceived. Moreover, it was influenced by people's

capacity to manoeuvre strategically between the different authorities. The inconsistencies and strategies were informed by particular notions of justice, ideas about the visible and invisible sources of conflicts and misconduct, and by the enforcing power of the various authorities.

2. Pattern One: Multiple Transgressions and Authorities

This section explores those cases that, over time, involved different categories of transgressions (social, criminal, traditional) and how this laid the ground for the involvement of different types of authorities in the resolution process. Examples abounded of criminal transgressions (32 in total), usually in the form of self-redress, resulting from or leading to what the PRM categorised as social and traditional transgressions. By far the most common of these were adultery and *uroi*. Furthermore, many social conflicts merged with *uroi* accusations or with both manifestations of *uroi* and criminal transgressions (25 in total). According to the PRM's 'models for practice', these cases should ideally be split into two or even three categories of transgression, with each being resolved within distinct domains of authority, and according to different principles of sanctions. Hence these cases pointed not only to the intricacy of boundary-marking with regard to the different categories. They also challenged the ability of any one authority, such as a chief, to settle a case by reconciling the parties or issuing a verdict relating to a perpetrator. By illustrating two cases and drawing on conversations with people, this section draws attention to how and why this was so and to the possible consequences of the 'splitting up of cases' for the authorities, victims and perpetrators involved in them. Below we begin with those situations in which social cases merged with criminal transgressions.

The merger of social and criminal transgressions

Of the types of social cases that merged with criminal transgressions, adultery by wives was by far the most common. According to the rules of the *banjas* and the community courts, such cases should be resolved by reconciling the contending parties through compensation payments to the victim. However, no less than 18 out of the 25 cases of adultery resulted in a criminal act of self-redress committed by the wronged husbands. Redress took the form of 4 incidents of arson, 2 stabbings, 2 incidents of beating where blood was spilled, 4 incidents of domestic violence, 1 murder threat and 5 incidents of

homicide (3 of the wife and 2 of the perpetrator). In a quarter of these, self-redress was the first action taken by the victim. In all other cases where redress was prominent, it happened because formerly agreed monetary compensation did not materialize after one or more *banja* and/or community court hearings. Another reason was simply that the victim did not believe he would achieve justice in a court. In short, it happened because the authority to whom the victim of the adultery applied did not have or was believed not to have the ability to enforce a penalty.

The case material below presents an example in which the authority approached could not enforce a penalty. The point of using this case as an illustration is that it brings to light how the outcome of cases involving different types of transgressions often depended on the ability of the contenders in a case to exploit different types of authorities strategically.

Case 1. Crossing multiple boundaries

In April, 2004 we paid a visit to the elderly Chief Zixixe, the superior of sub-chiefs Boupua and Ganda of Matica locality (see Chapter 5). He lives in Mouha administrative post, a different administrative area from Matica, falling administratively under Sussundenga *sede*. On the second day of our visit Zixixe receives two younger men from the village of Mussessa, who have come to present an *ndava* (problem). They are accompanied by two of the *madodas* who work with Zixixe, and to whom the alleged victim, Jeu, has brought the case. After greeting Zixixe with the three rounds of hand-clapping that is appropriate when meeting a chief, Jeu begins to explain that the other man, Antonio, has slept with his wife. Jeu is accusing him of adultery and wants him to pay compensation. When Antonio is asked by one of the *madodas* to give his version of the story, he rejects the accusation.

After a short break for the *madodas* and Zixixe to discuss the dispute, Jeu is told that the case cannot be solved without the testimony of his wife, Maria, and her *baba* (her father) or an equivalent testimony from her family. This is necessary, one of the *madodas* adds, "Because if not, this case can become very dangerous". Jeu responds that he cannot bring his wife. A week ago she ran away to her parents' house in Nhambamba, the locality capital of Matica (and the chieftaincy of sub-chief Ganda), because Jeu beat her up for sleeping with other men. Jeu is first told off by a *madoda* for taking matters into his own hands by beating his wife instead of bringing the case to the chief, but nonetheless agrees to continue with the case. Zixixe asks one of the *madodas* (who literate) to write a letter to sub-chief Ganda, calling Maria and her *baba* to appear before Zixixe a week later. The letter is given to Snr. Coffee, a member of Zixixi´s chiefly police, who is made responsible for taking the letter to Ganda. However, before this happens, and on the fourth day of

our visit, a letter from the community court of Matica arrives with a member of sub-chief Ganda's police.

The letter summons Jeu to appear before the community court on the 5th of August. He is accused of beating his wife. Zixixe sends the letter to Jeu with Snr. Coffee with the words that Jeu has to do what the letter says and that Zixixe can do nothing because now the case '*está mais enfrente*' (an expression used when people refer to cases that have moved upwards in the system). Wanting to follow the flow of action, we arrive in Matica a day before the community court hearing. We ask about the case, and soon learn that it is an old acquaintance of mine, Fillippe, the father of Maria, who has brought the case before the community court. Fillippe is a well-known and influential person in Nhambamba, a former soldier in the army of the Frelimo government and a day-to-day assistant of the *chefe* of Matica locality. He frequently assists the community court with his writing skills and often participates in hearings. Against this background, it is therefore not surprising that he has chosen to bring the case to the community court and not to Sub-chief Ganda or Chief Zixixe. Fillippe explains to us that, when they received the letter from Zixixe, he became very furious because he believed his daughter to be innocent and Jeu to be the real problem in the marriage. He wants Jeu to pay a fine at the community court for having beaten Maria, as well as the remainder of the *lobolo* (marriage payment). So far Jeu has only paid 2 million out of the 3.6 million meticais that he had agree to pay in *lobolo*. Fillippe reminds us that, according to the rules of the community court (and the *banjas* of the chiefs), a husband is not allowed to beat his wife until the whole *lobolo* has been paid. Hence the case that Fillippe wants resolved at the community court is not one of 'domestic violence' as such (i.e. a crime according to the penal code), but of a failure to make *lobolo* payments (i.e. a case that the PRM would classify as 'social').

On the day of the community court hearing, Jeu fails to turn up. The community court judge reacts by asking his secretary to write a new notification to Zixixe, calling Jeu to a hearing two weeks later. When we return to Matica for the next hearing, Fillippe tells us that the case had turned very serious and even ended up in the hands of the police. In turns out that, on the 7th of May, Jeu had gone to Fillippe's home, where he destroyed household belongings, stole some clothing and beat up Helena, Fillippe's second wife. Helena was so severely beaten that blood was running from her head and Fillippe had to take her to the hospital in Sussundenga *sede*. Knowing that 'the spilling of blood' is a crime, Fillippe took the case straight to the PRM officer in Matica, who reacted by sending a letter through Sub-chief Ganda, ordering Jeu to appear at the police post in Matica. But again Jeu did not turn up. As a result the PRM officer in Matica forwarded the case to the PRM in Sussundenga. Another notification, this time with the official stamp of the commander of police, was sent to Jeu through Chief Zixixe.

This time Jeu turned up. For the first three days he was put in the *primeiro andar*, the first floor, and the name of the cell in Sussudenga police station where suspects are detained while

awaiting a possible criminal trial. On the third day, Fillippe and Helena were called for a hearing at the police station. They were asked by the interrogating officer if they wanted the case to go to the district court (i.e. a criminal trial to be opened). But Fillippe declined because as he later told me, this would mean that "Jeu would go to prison for a long time and then he will not pay me the *lobolo* and fines for the beatings". Fillippe was able to convince the officer that he needed payment for the expenses they had incurred at the hospital and a fine for the beating of Helena. After Jeu had promised the PRM officer that he would pay Fillippe, he was released. Before Jeu left the police station, he tried to convince the police to call in Antonio, who, he claimed, was the original cause of the problem. But the police officer replied that this was a totally different case to be solved by the *régulo*. According to Zixixe, this never happened. Instead Jeu was called to another community court hearing in Matica. This was about the payment of *lobolo* to Fillipe. But again he never turned up. In 2005 Jeu had still not paid the rest of the *lobolo*. Fillippe told us that he had given up claiming his money.

The material presented above illustrates how a particular case could move between different categories of transgressions, across administrative boundaries, as well as between different types of authority. Here a social transgression becomes a criminal offence because Jeu, the original 'victim', turns to self-redress when he realises that the case he has brought to the chief in his own area has been overruled by his father-in-law's ability to re-classify the case as involving *lobolo* payments and to bring it before another authority, i.e. the community court. This is an authority he is well positioned to exploit and is familiar with.

In short, self-redress happens because Fillippe tries to exploit the plural landscape of non-state authorities in his favour, and within this landscape to re-classify the case to his advantage. As a result, the case moves out of the domain of chiefly authority. The problem for Fillippe is that the resolution of the case still depends on the chiefly network of communication and the power of the chief to make the accused appear at the community court. This fails, and Jeu instead turns to self-redress. As a result, the case moves from having two different forms of classification that can both be resolved by the chiefs and the community court, to becoming a criminal transgression that should, according to the PRM's rules, be sent to the police station. When Fillippe adheres to this rule and the police become involved, he is fortunate that Jeu finally turns up. At the same time he risks not achieving the kind of justice that he was striving for in the first place: monetary compensation for the beatings and *lobolo* payments. He is nonetheless fortunate that the PRM officer allows a criminal case to be resolved without it going to the district court. In short, the PRM officer

adjusts to the victim's own notion of justice. Jeu, on the other hand, is not so fortunate when he tries to make the PRM officer call in Antonio in relation to the act of adultery. In fact, as a result of the case being split up and handled by three different authorities, the original case of adultery is never solved and the original accused, Antonio, goes free. The same applies to the case of *lobolo* payments, which Fillippe never receives.

A core point is that adherence to the PRM's 'models for practice' still left considerable room for manoeuvre. It also left a high level of indeterminacy with regard to the actual outcome of a case. This also related to other cases that were split up into different types of transgression. In general, the way the cases were settled depended on the ability of the contending parties to use to their advantage the plural landscape of authorities. It also depended on the enforcing power of the authorities in question and these authorities' willingness and ability to adjust to the victims' preferred kinds of justice. In other words, it could be risky to move a case out of one domain of authority and into another. This could mean the accused not turning up and resorting to self-redress. It could also imply the victim not receiving the kind of justice that s/he desired or that the entire case between two parties was not fully resolved. In many cases splitting the case up meant that the categories of 'victim' and 'perpetrator' shifted around and the original victim (e.g. of adultery) was the one who was punished (e.g. for criminal self-redress), while the original perpetrator went unpunished. In these situations, the success of the victim or perpetrator depended on the individual's ability to convince the authority in question to adjust to their preferred notion of justice. For example, in Case 1, Fillippe was fortunate to receive any compensation at all, because the PRM officer was willing to hear his case *outside* the formal justice system. The original perpetrator (Antonio), on the other hand, went unpunished. Similar insights related to the frequent merger of *uroi* with criminal and social transgressions. However, as addressed next, this merger underpinned another significant aspect of the difficulty of boundary-marking: the links that people drew between the visible and invisible dimensions of transgressions and dispensations of justice.

The merger of *uroi*, crime and social transgressions

The merger of *uroi* with other categories of transgression was complex because, unlike adultery, it could not only lead to, but also result from a crime. In addition, *uroi* could also form an integrated part of resolving a crime and/or social conflict. These links could not be divorced from the fact that the sources of *uroi* were invisible, although its manifestations

were entirely visible (illness, death, madness, misfortune; see Chapter 7). More broadly, the links between *uroi,* criminal acts and transgressions of social norms have to be understood against the background of how people in Matica and Dombe conceptualised transgressions. They did not use separate words, as the PRM did for criminal acts and other sorts of transgressions, but the common word *kushaisha*. This word was used as an umbrella term for different types of acts of doing bad, inflicting harm, transgressing rules and initiating a conflict. It was translated into Portuguese as *fazer mal* and into English as 'evil-doing'. The translation of *kushaisha* as evil-doing rather than, for example, 'misconduct' or 'wrongdoing' is significant to take note of. It reflects how transgressions were explained not only as the commitments of visible acts by a given perpetrator, but also as caused by invisible, evil sources that lead the perpetrator to transgress a given rule.

Like adultery, a number of *uroi* manifestations resulted in criminal self-redress committed by the victims of *uroi* against the accused person. For example, of 8 incidents of *uroi*, 3 led to homicides, 1 to destruction of housing and burglary, 1 to arson and 2 to stabbings. This happened because the person accused of inflicting harm or doing evil (death or illness) did not, as determined by a *banja*, undo the harm s/he had inflicted by removing the source of evil-doing or by compensating the victim. In other incidents, *uroi* resulted from a prior criminal act, for example 3 incidents of theft, 2 of homicide and 5 of beating "where blood was spilt". This led the perpetrators to fall ill and accuse the original victims or the members of his or her family of having caused this by "sending *uroi*". The same happened with other social conflicts: 6 incidents of adultery, 5 involving *lobolo* payments and 4 land disputes.

The commonly held explanation for these types of cases was that the original victim resorted to *uroi*, consciously or unconsciously, because appropriate justice had not been dispensed. This could be the failure of the perpetrator to pay compensation to the victim of theft or to the victim's family in cases of homicide. This form of *uroi* was referred to as *mapipi*, which was translated to me as "*uroi* with a reason". It was seen as a justifiable form of self-redress when appropriate kinds of justice had not been dispensed. People contrasted *mapipi* with the kinds of *uroi* that were exclusively acts of evil-doing or "*uroi* without a reason" committed by an *umroi* (witch or sorcerer). *Mapipi* was also contrasted with those situations in which resorting to *uroi* or accusations of it became integrated into the perpetrators' attempts to re-direct the resolution of a criminal or a social transgression to his or her advantage. For example, I encountered eight cases of victims falling ill during the

trial of three criminal offences and five social transgressions in which the original perpetrator was accused of resorting to *uroi* as a way of avoiding prosecution. Finally *mapipi* was contrasted with those situations in which the perpetrator of a crime or a social transgression falsely accused the victim of inflicting *uroi* in order to avoid being convicted.

In short, manifestations of *uroi* in relation to crime or a social dispute could be explained both as a result of the lack of proper justice and as a way for the original perpetrator of a crime or of a social case to avoid a conviction by resorting to *uroi* or accusing the victim of doing so. The visible manifestations were the same (illness, misfortune, madness and death), and the invisible sources identical (medicine or *vulî*), but the ways in which they were explained and justified varied, depending on prior actions and social relationships. The crux of the matter is that visible manifestations of *uroi* could always be traced back to a particular person with whom the victim of *uroi* had a prior or ongoing case or conflict (*ndava*). In other words, visible transgressions, whether social or criminal in the sense defined by the PRM, could always potentially be linked to invisible acts of *uroi*.[293] For the purpose of the discussion in this section, it is significant to note that this link challenged the ability of a given authority actually to end a case between two parties by treating it simply as a single or isolated category of transgression such as adultery or theft.

Ideally, the *banjas* of chiefs could put an end to cases in which *uroi* emerged from a crime or social transgression by sending the parties to the *wadzi-nyanga*. The purpose was to verify whether the person suspected of *uroi* was guilty or whether he or she had been falsely accused. Either way, thereafter the conflict could be settled at the *banja* through compensation payments (in cases of death) or by ensuring that the source of *uroi* was annulled (in cases of illness). The original social or criminal transgression could be solved at the same time, thus ideally preventing a case from resulting in criminal self-redress and a future spiral of new *uroi* accusations. However, in the majority of such cases, this holistic form of resolution by a *banja* was the exception rather than the rule. Instead, cases were split into separate types of transgression, which were heard by different authorities. The case below exemplifies the possible implications of such a splitting up of cases.

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[293] As I shall show further in Section 3, this link between visible transgressions and invisible acts of making others suffer (whether as *mapipi* or justice, exclusive evil-doing and revenge) can only be understood as forming part of a wider world view in which the visible realm of mundane affairs is always linked to the invisible realm of productive, fantastic and destructive forces (for a similar observation with respect to northern Mozambique, see West 2005: 43).

Case 2. From transgression of mutemo *to* uroi *and crime*

In July 2004, two neighbouring families, the Magaro and the Chauque, bring an allegation of adultery to Queen Gudza's *banja*. Two days prior to the *banja* proceedings, João Magaro accused his neighbour, Mateus Chauque, of having slept with his wife. João arrives at the *banja* with his wife, Luisa, and his uncle, Tomas, who is representing him as his *baba*. Mateus also brings an uncle, Lucas, as his *baba*. As is the usual practice at the *banjas*, the victim is asked to give his testimony first – that is, after each party has paid the *banja* for the resolution (today 20,000 per party). João sits on the ground facing the *madodas* and the Queen's assistant, Mateus Gudza, who is to judge the hearing. The Queen, who has to approve the final verdict, is sitting on the ground a little apart from the others. After a small ritual of clapping, João begins to explain that he has for a long time suspected his wife of sleeping with other men while he was working in Zimbabwe over the past five years. On his return a week ago he started vomiting blood, which is the same as saying that his wife is sleeping with another man in the husband's own house. This was referred to as *priganiso* in chi-Ndau, and regarded by the *banjas* as one of the possible transgressions of *mutemo yo passe chigare*. João points to Mateus as the offender, and to prove his point he explains that three days ago he saw his wife coming from the river together with Mateus, who was wearing no shirt. He believes they had sex at the riverside. When Luisa, João's wife, is asked by the *madodas* to speak, she confirms that the act took place, but also excuses herself by adding that Mateus forced her to have sex with him by threatening her with a big knife. Although Mateus also confirms the act of sexual intercourse later, he rejects the accusation that he had threatened Luisa with a knife.

After the three statements have been made, the *madodas* and the Queen's assistant, Mateus Gudza, begin a long debate about how the case should be resolved. They agree that Mateus has to be punished for sleeping with a married woman. Two of the *madodas* furthermore insist that both Luisa and Mateus should pay a fine to the *mambo* because "having sex in the bush" is a transgression of the *mutemo yo passe chigare* – i.e. it "dirties the land and can make the spirits revolt". At the end of the hearing it is agreed that each party should pay 50,000 as a fine. As regards the act of adultery the *madodas*, as it the practice in such cases, leaves it to Luisa to decide how the resolution should proceed. She is asked which of the men she wants to be married to. She replies that she wants her husband, and João agrees. As a result, Mateus has to pay a fine to João. The *madodas* arrive at a sum of 600,000, half of which they determine should be paid at the *banja* two weeks later.

After this decision, the *madodas* discuss the knife threats. One of them suggests that this is a crime and that maybe the case should be sent to the police. When this is discussed, the male representatives of the two families begin a heated debate, the Chauque shouting that the story about the knife is all a lie and that there is no proof that it actually took place. The Mateus's uncle shouts back that the Magaro family is "very bad" because they always "accuse other people". In response

João's uncle says that they should take care in saying such things because "one day something bad could happen to you". After this threat Mateus Gudza intervenes, stating that it is very important that the payment is made at the *banja*, so that no further problems will arise, implicitly warning against self-redress. This is exactly what happens, first in the form of a suspicion of *uroi*.

Although the Chauque turn up with 300,000 at the subsequent *banja*, the Magaros refuse to receive the money. The reason is that João feels very sick. He is convinced that the Chauque has caused this with *uroi* because they want to take revenge for the payment. It is out of fear of João becoming more sick or even that he might die that the Magaros refuse the money. Another heated debate between the parties takes place, the Magaros accusing Mateus's uncle of being an *umroi*, which the Chauque reject. The *madodas* try to convince João to receive the money, but fail. Instead of sending them to a *nyanga*, as is the usual rule of the *banjas*, the *madodas* agree that the case has got out of hand and decide to send it to the community court in Dombe. The Magaros are given a notification to give to the community court. The community court reacts by calling Mateus Chauque before the court two weeks later, where he is accused of adultery, not *uroi*.

We arrive in Dombe the day before the community court hearing, where by coincidence we meet the Chauque family outside Dombe police station. It turns out that all the huts in their homestead have been burnt down. When they are attended by the chief of the PIC, they accuse Tomas Magaro, João's uncle, of the crime of arson due to his threats at the *banja* of Gudza. The PIC officer, however, decides that he needs to investigate the case further before he can arrest the suspect. To my surprise, the case of adultery is still heard the next day at the community court, where the same testimonies as in the *banja* are made. João Magaro, who is still sick, also accuses the Chauque of *uroi*. The judge, however, ignores this accusation, which, as he realises, he is not mandated to hear, and instead concentrates on the adultery case. He first tells the Magaros off for refusing to receive the payment at the *banja*, and then firmly tells Mateus that it is wrong to sleep with a lot of married women. Mateus in the end admits that he has done wrong and then places the amount of 600,000 on the ground before the judge. This time the Magaros agree to receive the payment.

After this payment, which rounds off the case of adultery itself, the Magaros insist that João's illness still needs to be resolved. They want the community court to decide that the parties should go to a *nyanga* to determine who has caused the illness in order for it to be removed. However, the judge rejects this and suggests that they should try the hospital first, adding that it could be "this thing of *tradicão*" ('tradition', here meaning *uroi*). But to assume this could be very dangerous, because then the talk will be about *uroi* and there will be further problems. At this point the judge briefly mentions the arson case, stating: "You, Magaro, you have to listen to the resolution…go to the hospital…and do not try to solve the case on your own. Because now a house has been burnt and people might think that it is you who did it…because you promised things there

in the *banja*…and then because of this suspicion of *uroi*". The Magaros in the end agree to travel to the hospital, and the judge tells the parties that they should return to the community court with the results of the hospital's examination. The judge ends by asserting that the arson case is now with the PIC and that his job is only to see to it that the parties agree on the case of adultery.

Upon leaving the community court, we wonder why the Chauque did not bring up the arson case. When we ask them later, they reply that they wanted to make the payment for adultery to make peace with the other family in order to avoid future problems. Moreover, they had been told by the PIC that the case of arson should be dealt with by the police and not the community court. When we explore the issue with the people from the Gudza area, we are told that João is greatly disliked in the area because he has slept with a lot of married women. Although he has been accused before the *banja* four times before, he has never paid the fine to the victims. While some of the people we speak to reason that he has failed to do so because *mambo* Gudza is too weak to force him to do so, others think that it could be because João's uncle, Lucas, is a person "who knows of the plants" (i.e. can bewitch people). Using this phrase, they are indicating that the victims might have been reluctant to push for payment because they feared to be the subject of *uroi*. Regarding the case of arson, our informants reply that it could be anyone who is fed up with João's continuous "stealing of their women", his failure to pay compensation and his family's use of *uroi* – in other words, because justice had not been dispensed by the available authorities. Two weeks after the last community court hearing, the parties have still not returned to the community court with the hospital results and the arson case is formally closed. The PIC arrested João's uncle and kept him in a cell for two days, but then released him due to "lack of evidence". By the end of my fieldwork Mateus has recovered and the Chauque have moved to the neighbouring district, "due to problems with the neighbours".

This case further shows how *uroi* adds complexity and indeterminacy to the movement of a singular case between different transgressions and types of authority. A crucial point in common with Case 1 is that the splitting up of a case in accordance with the PRM's rules could mean that only one of the transgressions was resolved or that none of them were. The case also adds two additional dimensions to the implication of adhering to the PRM's rules: the limits of chiefs's *banja* to enforce decisions, and the potential neglect of the importance people attributed to the longer-term history and moral reputation of contenders.

First, the case shows how the inability and reluctance of the chief to resolve a social transgression, which merged with *uroi*, is one reason why the case gets out of hand and leads to a criminal transgression. When the Gudza *banja* decides to send the parties to the community court, the *uroi* aspect is undermined and the perpetrator gets away with paying

compensation for the adultery alone. It is important here to take into account the fact that the prohibition placed on community courts not to hear criminal cases meant that the act of arson was resolved without taking into consideration the wider history of the transgressions in the case. Moreover, the existence of a plural institutional landscape, allowing chiefs to forward cases, undermined their ability to resolve the entire case in the sense of fully restoring the social relationship between the contenders.

Secondly, the suspicion of *uroi* and the subsequent incidence of arson could not be divorced from the longer history of the Chauque family. In the Gudza area, they had a reputation for possessing knowledge of *uroi* and using it against their opponents in a case. This had made prior victims of adultery fear to push for a final resolution and rendered the Gudza *banja* incapable of enforcing its sanction. Ultimately the reputation of the Chauque was used to explain the incident of arson as an act of (criminal) self-redress, that is, as caused by the long-term failure of the Chauque family to engage in efforts to restore social relationships. The act of self-redress placed a family member of the victim of adultery and *uroi* at risk of being prosecuted for a criminal act. He was nonetheless fortunate because the PIC (the police's criminal investigation unit) did not have evidence or witnesses. The act of self-redress, by contrast, led to the ultimate sanction of the Chauque, albeit indirectly, in their being banned from the *regulado*. As such, the Magaros implicitly 'won' the case.

This fortunate result for the Magaros was not always the fate of the original victims. Because cases were split up into different transgressions that were treated separately by different authorities, the outcome could be that the original victims were punished more severely than the original perpetrators. This happened because the wider history of a case between two parties was not taken into consideration by the PRM when it resulted in a criminal offence. For example, in two cases from Dombe in 2004 the victims of *uroi* killings were sentenced to long terms of imprisonment. This happened because, after many failed attempts to be compensated for the *uroi* killings, they had resorted to criminal self-redress. In other cases the merger of *uroi* with a social or criminal case did not lead to (criminal) self-redress, but to no justice for the victims. For example, in 13 cases the victim of *uroi* (originally of 3 crimes and 10 social transgressions) refrained from having the case re-tried by an authority. The explanation given was that they feared future *uroi* against them, i.e. an escalation of evil-doing.

The key point is that the always potential merger of *uroi* with other types of transgressions *within* the same case challenged the PRM's neat separation of social,

traditional and criminal cases. An implication of this was that when people did abide by the PRM's models for practice it could mean that a case was not fully settled or even that it escalated. Next I address the second pattern action, which in more depth brings to light how this potential escalation of cases was intimately related to conflicting forms of justice, and to the links that people drew between the invisible and visible dimensions of evil-doing (*kushaisha*).

3. Pattern Two: Double-classifications, Conflicting Justice Forms

This section explores the second pattern of action: situations in which, during the resolution process, the same transgression was re-classified as another type of case or where it simultaneously entered two of the PRM's categories of cases. Double classifications, in other words, took two main forms. First, the section addressed cases such as *lobolo* payments, marriage disputes and *uroi* killings with medicine that, during the resolution process, were reclassified as crimes such as rape, domestic violence and homicide. Secondly, it explores crimes such as theft and homicide that were classified as criminal by the PRM and/or the involved parties, but were simultaneously explained as manifestations of *vulí* (evil spirit possession). What distinguishes this second form of double classification is that the same transgression was explained as both having a visible and an invisible dimension of evil-doing.

Common to the two forms of double classification was that they resulted from situations where a case moved between the state police and the non-state authorities. As a result different forms of punishments, dispensed by different authorities, became possible. This could have different implications. The re-classification of a case (for example, from social to criminal) could be an asset for victims in achieving justice because it allowed them to manoeuvre strategically between the PRM, the chiefs and the community courts. But when the case reached the police or the official court, the dispensation of conflicting forms of justice could be made manifest, often with very unfortunate consequences for the victims.

Re-classifications of a single case

In this sub-section I address the first form that a double classification assumed. I begin by turning to the police station in Dombe in 2005, where a so-called social case was

reclassified as a crime when the victim chose to take it to the PRM. This happened after failed attempts to settle the case in a *banja*.

Case 3. Rape or marriage payment?

It is an early morning in September 2005 at the police station in Dombe *sede*. I am sitting together with my assistant, Noé, outside the station among a group of seventeen people. They have come to the police station with an *ndava* [problem] to present to the police or have been notified to come here. When the chief of police arrives, he greets the people sitting outside and asks if there are any urgent cases he should attend to. A middle-aged couple and a young woman, who turn out to be parents and daughter, approach the chief of police, and after exchanging a few words they enter his office. When they come out again the chief of police calls over two community police persons and hands them a set of handcuffs and two *sjambokos*. We overhear them being ordered to travel to Muoco to arrest a young *criminoso* with the name of Jojó. It turns out that the husband and wife, the Mutowas, are accusing Jojó of having "taken the virginity" of their fourteen-year-old daughter.

The chief of police had immediately classified the case as "rape against minors" (under eighteen years of age) and therefore as a crime. Because of this classification, the accused needs to be arrested. Three hours later the arrest has become a reality. The community police arrive with Jojó and his parents, who are asked to wait outside the police station. Then a PRM officer orders the young girl to proceed to the hospital for a medical examination, 'in accordance with the Law'. An hour later, a letter from the hospital confirms that the girl has indeed been raped. Despite this, neither the victim nor the accused are sent to the PIC, as is the usual practice when a criminal case is dealt with. Instead the uniformed officer asks them to proceed to the *sala de permanência*, the room in the police station which is used when 'social problems' are heard.

Once inside the room, the people involved in the case are asked to take a seat before the officer, who sits behind a big desk. As in the *banjas*, the offended party is asked to give its testimony first. Snr. Mutowa explains that two weeks ago Jojó "took the virginity of my daughter without my permission" and before asking to marry her. He took the case to a nearby sub-chief of Muoco, where the *banja* fined Jojó 4,000,000 Mtz for having taken the girl's virginity without permission and also ordered him to pay 400,000 Mtz as *lobolo* to the Mutowas. Jojó and his parents had agreed to this resolution of the case, but when the payment fell due they refused to pay, arguing that the young girl was flirting with another man: "This is why we are now here with the case", Snr. Mutowa explains to the officer. When Jojó is asked by the officer to speak, he confirms what Snr. Mutowa has said. After hearing the parties, the officer looks at Jojó and says: "What you have done is a crime…the hospital proves that you have raped this young girl…now you have to go to prison…we must open a criminal trial". At this point in the process, Snr. Mutowa asks permission to talk. He tells the officer that he does not want Jojó to go to prison. The police officer reacts by

asking, "What is it you want, then?", and before anyone can answer he looks at the two young people and asks "Do you want each other…do you want to marry?" They reply 'Yes', and Snr. Mutowa adds that he wants Jojó to pay the fine and the *lobolo*. The officer repeats that Jojó could be sent to prison in Sussundenga for what he did, but then asks the accused party whether they can now agree to make the payments. They immediately state that they agree.

The case illustrates how a single transgression could be classified both as a crime (rape) and a violation of a social norm (proper marriage arrangements). Reclassification happened because the case was taken to the PRM and moved out of the chiefly domain. The immediate consequence was that the accused was now treated as a criminal (i.e. arrested as a rapist) and that the potential form of penalty shifted from compensation to imprisonment. Intriguingly, the offended party did not take the case to the PRM because they wanted it to be treated as a 'crime', i.e. the perpetrator going to the official court and then possibly to prison. Instead they wanted the police to ensure that the sentence passed by the *banja* materialised. Turning to the police in this case was possible because the transgression could be reclassified as a crime.

Reclassification was used as a tool to achieve justice when and if this had not materialised at a *banja*. The outcome, to the advantage of the offended (and for that matter of the perpetrator), nonetheless depended on the PRM officers' willingness to return the case to its original classification and in so doing to adjust to the parties' preferred form of justice. In short, reclassification could form part of the strategic manoeuvring or 'situational adjustment' of the rural population, but the success of such strategies depended on the PRM's willingness to also engage in adjustments.[294]

In Case 3 the possibility for reclassification did not lead to any conflict between official state-legal sanctions and the victim's notion of proper justice. Neither did it challenge the sentence that the chief had handed down to begin with. It only underscored the chief's inability to enforce a sanction. This was not always the outcome. In numerous other cases double classifications had unfortunate results from the perspectives of both the victims and the perpetrators. This was due to conflicting forms of justice exemplified by a discrepancy between the state-legal sanctions and local ideas of how to properly restore social order.

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[294] The reasons why the PRM engaged in such adjustments are discussed in Chapter 9.

For example, in an identical case from the chieftaincy of Boupua in Matica, a case of *lobolo* payment ended up as a conviction of rape in the official district court because the *banja* and the community court had failed to enforce a fine: the victim achieved no compensation, and the accused was imprisoned. In yet other cases, double classifications and the involvement of the PRM not only made the victims lose the opportunity to achieve the kind of justice that they were striving for, it also challenged the *de facto* authority of chiefs to restore order. This was especially the outcome in cases of arson and the kinds of *uroi* that involved lethal poisoning, and thus material evidence for the PRM.

One example was a case of arson in Dombe, where two boys mistakenly burnt down a neighbour's maize field. The victim took the case to the chief, who, in accordance with the victim's request, ordered the two boys to provide compensation. Because the arson was involuntary, the sub-chief did not regard it as a 'crime'. However, when a local PRM officer heard of the outcome, he notified the boys and the chief, reclassifying the act as a crime. The chief was told off in public for solving a crime, the boys were sentenced to public work and the victim received no compensation. Another example was the death of a young teacher. He died after drinking locally brewed beer together with a number of male members of a chieftaincy. The teacher had at the time a case pending at the chiefly *banja* because he had been "sleeping with a married woman". Due to this case and the fact that the teacher was the only person who had died from the beer, the chief and other nearby residents classified his death as an *uroi* infliction.[295] They therefore held that this was a case to be settled in the *banja* with the assistance of the *wadzi-nyanga*. However, when the PRM learned that a "government employee" had been killed, they classified it as homicide caused by lethal poison, which provided concrete evidence for it to be reclassified as a criminal offence. The end result was that the case was never resolved: the PIC did determine that the teacher had been poisoned, but was not able to identify the poisoner. According to the statements of a number of rural residents, the intervention of the PRM had detrimental consequences. Not only did it mean that the perpetrator went free and the chief's authority to enforce justice was questioned. Most seriously, it also meant that the *umroi* – the original source of the death – was not identified (i.e. by a *nyanga*), and as a

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[295] The reason why this was seen as *uroi* and not merely poisoning was that the beer had only caused the death of the teacher, not the other people consuming the same beer from the same calabash. This was a commonly held explanation for the death of people following joint consumption of beer in Dombe. To have caused the death *only* of the teacher meant that the poison had been accompanied by a specific spell to alone kill the teacher.

consequence that the spirit of the deceased had not been compensated (i.e. by paying the teacher's family in money or kind).

The failure to dispense these forms of justice could have severe consequences in the future. It could, I was told, make the spirit of the deceased rebel in the form of *vulí* (evil spirit) possessing a family member of either the victim or of the perpetrator. This would manifest itself in the form of illness, madness, or even death, as well as potential new acts of *kushaisha* (evil-doing). Such manifestations could only be annulled through exorcism performed by a *nyanga* and by identifying the original source of the *vulí* (i.e. the murderer). In short, it was widely held that failing to compensate the victim of *uroi* killings could set off a vicious circle of evil-doing, which, as noted above, could include acts of criminal self-redress. Importantly, this perception also extended beyond *uroi* killings. Visible types of homicide (i.e. crimes), using force or weapons, were also coupled in many incidents with the manifestation of *vulí* when and if the spirit of the diseased was not compensated. This, for example, happened when the perpetrator was *only* imprisoned and not sentenced by a *banja*. One example was a case of homicide with the use of physical force in Dombe in 2004. In accordance with the 'law of the *hurumende*', the case was forwarded by a chief to the PRM and then to the official provincial court. The perpetrator was sentenced to imprisonment. Two months later the deceased's brother lost a child. A *nyanga* divined that the death was due to the angry spirit of the deceased, who wanted material compensation for the death. Since the perpetrator was in prison, this was not possible. Instead the brother had to convince the family of the perpetrator to pay the spirit so that no more deaths occurred. However, the lack of compensation also left the parties involved in fear of a future chain of evil-doing and misfortune.

These cases illustrate how the reclassification of a transgression from *uroi* to a crime, thus moving the case from the domain of the *banjas* to the state police and courts, could contradict both the principle of material compensation, as well as the notion of a link between a visible and an invisible dimension of justice (or lack thereof). As addressed below, this link formed part of a wider understanding of the sources of evil-doing (including crime) and the particular ways in which they could be undone.

Two classifications in one: visible and invisible dimensions

This sub-section explores the second form of double classification to which crimes such as theft or homicide could be attributed, namely, an invisible, spiritual dimension, and a

visible, criminal dimension. I begin with a case from the Chibue chieftaincy in Dombe, where a minor dispute between two neighbours turned into a criminal act, which was equally understood as having been caused by *vulí* possession. The case illustrates the tensions between different forms of justice, here because the perpetrator of the crime ended up in prison.

Case 4. The merger of vulí *and criminal activity.*
At the *banja* at Chief Chibue's homestead in August 2004, we encounter a minor dispute between two neighbours, Snr. Boca and Snr. Mafinquinje and his wife Maria. At the first hearing, Snr. Boca had accused his neighbours' goats of having eaten his fields. At the same time the accused family counter-accused Snr. Boca of having stolen one of their goats. At the second hearing, the Mafinquinjes paid Snr. Boca 2 bags of sorghum, equivalent to what the goats had eaten. However, Snr. Boca refused to admit to the theft at this hearing and at two subsequent *banjas* where the case was discussed. This left the two neighbours in an uneasy relationship.

When I return to the Chibue *regulado* in 2005, Snr. Boca's son has just come out of prison in Sussundenga. Chief Chibue explains to me that the imprisonment had to do with the old case of the goats. Surprised to hear that the case had gone that far, I initially thought that the Mafinquinjes had given up at the *banja* and taken the theft of the goat to the police. But it is more complicated than that. It turns out that, at a fifth *banja* in 2004 (after my fieldwork), Snr. Boca was found guilty of theft, but refused to pay compensation. In the end the Mafinquinjes gave up on the case. However, a couple of months later the son of Snr. Boca, Lucas, went *maluco* (crazy). When this happened Snr. Boca informed Chief Chibue, who recommended that the son be consulted by a *nyanga,* because suddenly turning *maluco* could be a sign of *vulí*. A *nyanga* divined that Lucas was possessed by the ancestral spirit of the deceased father of Snr. Mafinquinje, who was the original owner of the disappeared goat. The spirit was angry because the case had not been solved properly (i.e. compensation paid). Without calling upon the Mafinquinjes, the *nyanga* treated Lucas with exorcism.

Notwithstanding the treatment, Lucas again turned *maluco* a couple of weeks later. This time Snr. Boca decided to go to Mussone, a sub-chief of Chibue. He wanted to see if this would work better than with Chibue. Mussone, who knew about the goat case, called in the Mafinquinjes for a hearing. Both parties were sent to another *nyanga*, where they were told that the spirit had made Lucas crazy again because Snr. Boca had failed to pay compensation for the goat. Snr. Boca now agreed to pay compensation, but before he did so something else happened. The day after the *nyanga* consultation, Lucas went to the house of the Mafinquinjes, destroyed their stored food and stole money (100,000 Mtz) and a sack of fish. Furious at how the case had developed, Snr. Mafinquinje went straight to the PRM in Dombe, which notified Snr. Boca and Lucas to appear at

the station. The theft case was not sent to the PIC, but heard by an ordinary PRM officer. At the request of the Mafinquinjes, the officer agreed not to open a criminal process and simply ordered Lucas to return what he had stolen. The next day Lucas returned the sack of fish to the police station, but not the 100,000 Mtz. Without the money, the PRM officer decided to open a criminal process. Lucas ended up in Sussundenga prison for three months, but was released without a trial because the Mafinquinjes never took the case to the official court.

When I ask if the case then ended (understanding the imprisonment to be punishment for the theft and for the goat case), the answer is no. Chief Chibue explains that the imprisonment did not solve the problem of the *vulí*. Quite the contrary: Lucas was still *maluco*, because *vulí* do not disappear when a person goes to prison. Sometimes it can even become worse. And so it did. A week after the imprisonment Snr. Boca's wife went *maluco* too, and the two parties again went to a *nyanga*. They were told that, for things to go right with the son and wife of Snr. Boca, the spirit wanted two goats – one for the stolen one, and another for all the damage that Snr. Boca's family had caused the Mafinquinjes. Snr. Boca delivered the goat at the subsequent *banja* of Chibue, and his wife got well again. There was just one problem: Lucas had not repaid the 100,000 Mtz because he was in prison. After his release the Mafinquinjes tried to convince him to pay, but Lucas refused, stating that he had now served his time with the *hurumende* and had a letter proving this. At the end of my fieldwork, Lucas had still not paid his debt. According to Maria they had given up on getting the money, stating that "We don't want any more problems with the neighbour". She also reminded me that the case had already cost them dear, in total amounting to two sacks of sorghum and 630,000 Mtz (i.e. payments to 3 *nyangas*, 3 *banjas* and 3 traditional police who took them to the *wadzi-nyanga*). Conversely Snr. Boca told me that he regretted that his son did not want to pay the money, because this could mean that he remained *maluco* and that more bad things might happen.

The material presented above brings us further into the role that the invisible, spiritual dimension played in the rural population's explanations of transgressions and what their notions of appropriate justice were. *Vulí* not only became entangled with a criminal transgression as a second act, as was often the case with *uroi* (see Section 2). It completely merged with a criminal act: the theft and destructive acts were explained as a sign of *vulí* possessing the son of the original perpetrator of a theft who had failed to compensate the victims. *Vulí* was explained as an invisible dispensing of justice, and in that sense resembled the concept of *mapipi* ("*uroi* with a reason", or a justifiable form of self-redress). But it also differed from *mapipi* by setting in motion another spiral of evil-doing, which had very visible dimensions. These explanations could not be divorced from wider, commonly

held local notions of justice, which clearly conflicted with imprisonment, as Case 4 also shows.

When I discussed *uroi*, *vulí* and forms of justice with people in Dombe and Matica, justice was commonly conceptualised as the ability to restore the social relationship between two contending parties through compensation. This could be ensured by returning an equivalent for what had been taken (virginity, wife, material items, the eating of produce etc.) or by removing or annulling what had been given or sent (*uroi* or *vulí*). Whereas the former can be seen as a kind of reconciliation between the parties, the latter was also explained as a cure or restoration of the person inflicted by *uroi* or *vulí*. The latter was important, irrespective of whether the person inflicted was merely a victim or also a perpetrator of, for example, a criminal act understood to be caused by *vulí* (such as Lucas in Case 4). In contrast to these forms of justice, only in extremely few situations did people regard the removal of the perpetrator from the chieftaincy through, for instance, expulsion or prison as a desirable form of justice. This was only considered appropriate in situations of repeated insults or *uroi* inflictions of a chief, or repeated criminal transgressions and *uroi* killings (see also Chapter 7).

Against this background, imprisonment of the perpetrator conflicted not only with the principles of compensatory justice and reconciliation: it also potentially reinforced a spiral of evil-doing. The source of evil-doing remained with the perpetrator, but worse still, it could also inflict a family member (such as the mother of the perpetrator in Case 4). Imprisonment did not mean that justice was achieved. It neither cured the perpetrator not reconciled the parties. As reiterated time and again by people in Matica and Dombe, imprisonment was not seen as a way to avoid future crimes: i.e. "prison is only payment to the *hurumende*" or "when people come out from there [prison] they just continue to do even more bad things."[296] Imprisonment both signalled the lack of compensatory justice and aggravated the state of the perpetrator and his kin. As shown in Case 4, to end the chain of evil-doing, the parties had to return to the non-state domain of justice enforcement, the *wadzi-nyanga* and the *banja*, because only here could both the visible and invisible dimensions of the particular transgression be dealt with. The problem remaining was that,

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[296] Geschiere (1996) mentions a similar perception of imprisonment in eastern Cameroon, but more precisely in regard to the imprisonment of witches and sorcerers, which followed the involvement of the official courts in prosecuting people accused of being witches. The point he draws is that, when these offenders return from prison, they are even more feared and suspected than they were before. This is due to the perception that the state can only punish witches, not cure them: the state cannot neutralize their powers, as the healers (known as *nganga* in Cameroon) can (ibid: 321ff.).

by serving time in prison, the perpetrator of the second act of theft could, entirely in accordance with state law, refrain from compensating the victims after he had been released. As made clear by Snr. Boca himself, this could potentially re-situate the perpetrator in a future chain of evil-doing. This underscores the point made earlier about the always potential link between the invisible sources of evil-doing, criminal activity and the lack of appropriate justice.

In sum, this section has shown how the blurring of the PRM's classificatory boundaries between different types of cases was related partly to the ability to (re)classify a single act as two or more types of transgressions and partly to deeply embedded local perceptions of transgressions as having both a visible (criminal) and invisible (non-criminal) dimension. These forms of double classification became explicit when the resolution process moved from the *banjas* to the PRM either because the former failed to enforce a resolution and/or because it was prohibited from resolving it. The immediate implication was that different forms of sanctions and interpretations of a transgression were set in play, when and if the involved parties adhered to the PRM's models for practice. Potentially this could conflict with the parties' preferred forms of justice, but it could also be used strategically. Case 3, for example, showed that the very ability to classify a transgression as both 'social' and 'criminal' could be an asset in the victim's strategic manoeuvring between different types of authority as a way of achieving justice. By contrast, Case 4 also showed that taking a case to the PRM could be risky business. A core point is that, from the perspective of the victims, a satisfactory resolution depended on the individual PRM officer's adjustment to the victims' own notions of justice. In the majority of cases this meant the police refraining from adhering to the principles of a 'criminal process' (i.e. with imprisonment as the result). This point is important to keep in mind, when I in the next chapter, address the third pattern of action, namely how and why the state police and the chiefs frequently settled the 'wrong' cases.

Conclusion

This chapter has taken a first step in exploring the everyday patterns of action and interaction within the field of policing and justice enforcement that emerged in the wake of the PRM's attempt to organise this field. A key insight of the totality of cases I collected is that the classificatory boundaries of the PRM's 'models for practice', discussed in Chapter

7, were more often than not blurred and challenged in practice. Overall, this points to the intricacy of boundary-marking, of the local tiers of the PRM's attempts to regulate and fix distinct domains of authority and to compartmentalise social reality into distinct forms of transgressions of norms and rules. By implication, the local tiers of the PRM's attempt to constitute a particular domain of sovereign state authority was not totalizing and straightforwardly achieved but matched by situational adjustment, by negotiations of the PRM's rules and schemes of classification. Therefore, if the 'models for practice' were themselves the result of creative translations of official law by the local tiers of the PRM, then these also became subject to adjustments in everyday practices and interactions. In this chapter I have shown how this was reflected in the difficulty of enforcing the separate classifications of cases ('social', 'traditional', 'criminal'), which provided the background against which the PRM drew up distinct domains of authority.

Importantly, the intricacy of boundary-marking happened not because people in Matica and Dombe were unaware of the PRM's models for practice: people were very well aware of where they should or could bring their cases. In fact, they frequently took their cases to the 'right' authorities, sometimes travelling between different ones as the case developed from one type of transgression to another or as an aspect of reclassifying a case. Rather, the impossibility of fixing separate categories of transgression arose because such rigid distinctions did not well match how disputes between parties often developed. Nor did they correspond to people's perceptions of different forms of transgression as part of a common category of evil-doing (*kushaisha*). The key to understanding this was the always potential links that people in Matica and Dombe drew between the visible and invisible dimensions of evil-doing and the means to undo these (i.e. to achieve appropriate justice). Because this also included acts that the PRM classified as criminal transgressions, adhering to the 'models for practice' could be at odds with people's notions of appropriate justice and of the restoration of order in general. Paradoxically, the wider implications of how the 'models for practice' were adjusted to and appropriated in everyday practice was not increased regularity in the enforcement of justice, as intended by the PRM, but instead high levels of indeterminacy. This is the key point: despite efforts to fix a particular order, people were never sure whether they would achieve the kinds of justice they desired and the authorities who were implicated remained in a precarious position.

It is clear from the cases presented that the plural landscape of institutions of justice enforcement, as well as the ability to reclassify cases, could be an asset for people in

achieving a desirable outcome. This nonetheless depended on the ability of individuals to manoeuvre strategically between the different authorities and to convince them to adjust to their preferred forms of justice. Taking a case to the police in particular could be a risky business. This risk reflected the tension between local notions of appropriate justice and the dominant form of punishment dispensed by the official justice system, namely imprisonment. Conversely, the 'splitting up of cases', which the PRM's rules underpinned, also placed chiefs in a precarious position. It meant that they were not permitted to settle the different categories of transgressions that could be implicated in a single case. The police officers, on the other hand, were not able to satisfy people's preferences for justice if they strictly adhered to the law. These different tensions are important to keep in mind when, in the next chapter, I turn to the many situations in which both chiefs and police officers flouted the rules of the PRM. Here we shall also address why many people in Matica and Dombe chose to bring *uroi* accusations and social cases to the PRM, despite the risks involved.

Chapter 9

Beyond Mandates - Mergers and Distinctions

This chapter explores the third pattern of action and interaction that was identified in Chapter 8, namely the pattern which indicated that the chiefs and the local tiers of the PRM in particular frequently received, heard and engaged in the settlement of the 'wrong' types of cases when compared with the 'models for practice'. This means addressing how and why chiefs and police officers went beyond their 'official mandates', and also why people in Matica and Dombe at times took their *wa-ndava* (cases) to the 'wrong' authorities. It thus follows the same approach as Chapter 8, asking both *how* the pattern unfolded in practice by drawing on concrete cases, and *why* this was so, based on the different reasons that rural residents, chiefs and police officers gave me.

The continued settlement of criminal cases by the chiefs, despite the risks involved, and the police officers' increased engagement with settling *uroi* and social cases, despite the PRM's own rules preserving these for non-state authorities, indicate that the PRM's attempts to fix distinct domains of authority were precarious. To understand what this meant for the constitution of *de facto* authority implies asking a number of questions: What issues were at stake for chiefs, the state police officers and contenders in a case? What perceptions of chiefs and the state police informed the ways in which people chose to take their cases to the 'wrong' authority? What did the preferences of contenders mean for the practices of authority enforcement employed by chiefs and the state police? And overall, did the practices of going beyond official mandates mean that the state police and chiefs were *de facto* perceived as, and turned into, identical forms of authority in justice enforcement? In other words, did the apparently blurred boundaries between distinct domains of authority, communicated by the PRM, slip into complete practical fusions?

To address these questions, the chapter is divided into two sections. The first deals with the continued resolution of criminal cases by chiefs, but also how this continuity merged with new evolving practices in *relation* to the state police. Secondly, I address the developing action patterns of the local tiers of the PRM in settling *uroi* and social cases, as well as their conclusion of criminal cases *outside* the formal justice system. The latter is drawn in as another example of how and why police officers went beyond their official mandate.

1. The Chiefs: Reconfigured Continuity, Precarious Legitimacy

As noted in Chapter 7, chiefs regularly continued the practice of settling criminal cases, despite being aware of the risk of punishment by the PRM for flouting the law of the *hurumende*. This could not be divorced from the fact that people continued to bring criminal cases to chiefs or sub-chiefs. In fact, in two thirds of the total number of cases that, according to the PRM, should be classified as criminal, the victims chose a *banja* of a chief as their first option for settling the case. Over half of these were resolved by chiefs. When some cases were transferred to the PRM, it was either because the *banja* failed to enforce a penalty (29%), because the chief feared punishment by the PRM (18%), or because the case was discovered by the PRM (6 %).

Among both higher and lower ranking state officials, the continued solving of crimes by chiefs was seen as being due to "ignorance", "lack of knowledge of the law" and "low education", often followed by the argument that "the war has made it like that" and that "it is a matter of transition". This explanation conflicted with the chiefs' widespread knowledge of the 'models for practice'. Similarly, interviews suggested that the vast majority of the population possessed the same knowledge. In the sixty interviews I conducted, 80% confirmed the 'models for practice' with regard to what types of cases chiefs were allowed or not allowed to solve, according to *ma-lei we hurumende* (the law of the state/government).

However, when posing different scenarios of where people would actually prefer to take different types of criminal offence, there was a great discrepancy between what they considered were the official mandates of the chiefs and what their actual preferences were. Apart from homicide and stabbings, the vast majority preferred to have a criminal case heard either alone by a chief (30-50%) or by a chief as their first option. In the latter case people were only prepared to take a case to the PRM when a *banja* resolution had not materialized (17-50%).[297] This indicated that the PRM was considered a last resort or an institution of appeal.

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[297] For example, in the case of robbery 32% of respondents preferred a chief *alone* to hear the case, and 50% that the PRM should only be involved if the chief gave up trying to solve the case on his own. Conversely only 15% said that they wanted the case to be taken directly to the PRM to be resolved, and only one respondent spoke of the official district court and one of the *secretário*. In cases of arson the figures were strikingly identical, though with slightly fewer people who preferred to take the case directly to the police (8%) and with two respondents who preferred to take the case to no authority at all due to fear of *uroi*. In cases of violent fights in which blood was spilled the figures were slightly different, with 24% wanting to take the case directly to the PRM, and 48% wanting the chiefs alone to solve the case. Only 11% preferred to use

The question is why chiefs and people in general supported the continued settlement of crimes by chiefs, despite knowledge of the PRM's rules, and how this was actually done. As addressed next the answer lies not only in a desire for continuity, but also implied changes of chiefly practices in *relation* to the state police.

Flouting and drawing on the Law of the *Hurumende*

The settlement of criminal cases by chiefs (such as theft, domestic violence, beatings with the spilling of blood and arson), typically began with a victim (and his/her family members) informing the nearest *saguta* or, if they were closer, a sub-chief or chief about the case. This practice was confirmed in interviews. All but two people held that *all* kinds of cases should always be taken first to the *mambo* (higher or lower ranking), and then it was up to the *mambo* to decide the next step. This was also the case when the perpetrator was unknown to the victim or his/her nearby neighbours. In these situations people said they would rely on either the chief (26%) to help them find the perpetrator or on the *wadzi-nyanga* to divine who it might be (18%). When the perpetrator was known or suspected the chief or sub-chief would send a police assistant to notify the accused of the subsequent *banja* hearing.[298] In a fewer cases, such as more serious thefts and arson, a police assistant would be sent to arrest the accused and bring him or her straightaway to the home of the chief or sub-chief.[299] It was at this moment that the PRM, according to its 'rules', expected chiefs to pass on the suspect to the police station.

In the majority of the cases encountered, the chief or sub-chief did not, however, transfer a suspect directly to the police. This was in accordance with the dominant preferences of rural residents. Instead chiefs would delay giving a decision until they had consulted the offended party (including one or more family members) either during a *banja* or with the presence of at least one of the *madodas*. In the vast majority of cases I observed, this led to often heated debates over whether the matter was serious enough to be sent to the

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the PRM as an institution of appeal when a *banja* resolution did not materialize. Conversely there were no less than 17% who preferred to solve cases outside any court. In cases of rape no respondent mentioned the PRM, whereas in cases of homicide all but two respondents preferred to go to the PRM as a first option.

[298] There were exceptions to this. For example, in cases of beatings with the spilling of blood, there were eight respondents (and four cases encountered) where the victims preferred to do nothing about the case. The reason given was that they feared future problems with the perpetrator – such as *uroi* - if the case was taken to court. The same applied to cases of arson.

[299] Only in four cases encountered did this involve the accused actually being tied up (i.e. with rope). As a general pattern this only happened when the accused had failed to come to the *banja* or had resisted being escorted to the *banja* of their own free will.

PRM, and with both the wronged and accused parties giving their opinion about how the case should be settled. These debates always revolved around preferred forms of sanction, sometimes coupled with the argument from the parties or the chief that "it is better to settle this right away", adding "if we can agree on a resolution". To have the case settled by the *banja* also depended on whether the parties could agree to pay the *banja* for the resolution. The key point is that the decision to settle a crime in the *banja*, as opposed to sending it to the police, was not a sovereign decision of the chief, but the result of relatively open negotiations between the members of the *banja* and the parties involved. That this was intimately related to the victims' preferred forms of justice and their reluctance to go to the PRM is illustrated in the case below.

Case 5: When a chief solves crime and uses force

In 2004 two young married women, who were neighbours in the Pampanissa sub-chieftaincy of Dombe, were accused by their husbands of sleeping with two men who were seasonal workers in a timber business. The husbands took the case to the *banja* of Pampanissa as a case of prostitution, demanding that the young men pay compensation. However, on the day of the *banja* the accused men failed to turn up because they had left the area. During the hearing the two wives pleaded guilty to prostitution, after which the *banja* decided that they should be sent back to their parents for consultation. One of the couples returned at the next *banja*. The husband told Pampanissa that the parents-in-law wanted Pampanissa to deal with their daughter. Pampanissa asked the husband what he wanted him to do now that the perpetrators had disappeared. He told Pampanissa that he wanted him to "educate the woman so that she will not repeat what she has done". Pampanissa first said, 'Ahh, but we [chiefs] are not really allowed to do that anymore…this is the law". However, after thinking a moment, he agreed and then ordered one of his police officers to give the woman five strokes with a whip made of a tree branch. After the punishment the situation got out of hand. The husband got up, took the whip and, shouting that the woman needed more punishment, hit her very hard several times until she bled.

In the end two of Pampanissa's police officers managed to stop him and tied him up with two pieces of rope. The members of the *banja* then had a long discussion about what they should do with the husband. Two of the *madodas* argued that he should be sent to the PRM because he had committed a crime by making his wife bleed. However, in the end they agreed with Pampanissa that they should first ask the woman's parents what they wanted to happen to the husband. One of the *madodas* added that "Maybe they don't want him to go to prison…they want him to pay a fine to her parents…because he has violated their daughter". At the next *banja* the husband paid compensation to the parents-in-law, as well as a fine to the *banja* for having violated the *banja*'s

order when he took hold of the whip and began beating his wife. After these payments were made the case was finally closed.

At the same *banja* the second couple involved in the original case of prostitution was also present, together with the wife's parents, who had actually brought the case to the *banja*. They did so because, four days earlier, the husband had beaten up their daughter severely. He had done this when he found out that she was pregnant, believing that the father was one of the workers. When this transgression was discussed Pampanissa very firmly concluded: "This is a crime that should be taken to the police…this is *ma-lei we hurumende* (the law of the state), because it is these things that can end with murder". Upon hearing this, the accused begged Pampanissa not to send the case to the Dombe police. His excuse was that he was drunk when he beat his wife and that he had not done it on purpose. He also promised that he would never do it again. Pampanissa the turned to the woman and her parents, asking them what they wanted to happen. In a timid voice, the woman replied that she did not want her husband to go to the police because then he could end up in prison. She was afraid that if he went to prison, his family will blame everything on her, because she had been sleeping with another man. What she wanted was for her husband to promise not to beat her up again. Her father supported this view and added: "If he goes to prison he will not be able to support my daughter and her two children". The father also asked the *banja* to make the husband pay compensation to him for physically injuring his daughter. After reiterating that "this case is a crime that should go to the police", Pampanissa nonetheless agreed to the requests of the victim's party. He closed the case after the perpetrator had promised never to beat his wife again and to pay compensation to his father-in-law: "If you do not do this", Pampanissa promised him, "I will personally take you to Dombe [the police]".

This case from Dombe, because it led to corporal punishment, was rather exceptional. Besides this aspect, the case is illustrative of more general and increasingly evolving patterns of how chiefs continued to conclude criminal cases. Continuity in the sense of the types of cases solved, penalties imposed, and procedures for resolution, merged with novel practices related to state recognition and the PRM's 'models for practice'. Penalties were imposed even though the *banja* members explicitly defined the cases of physical aggression as 'criminal offences', which they were well aware should officially be passed to the PRM. The same applied to the administration of corporal punishment. Chiefs, in other words, continued to settle criminal cases, not because they were unaware of the fact that they in doing so were flouting '*ma-lei we hurumende*'. Rather it resulted from adjusting to victims' explicit preferences, taking place through a negotiated settlement. But this was not all. As illustrated in the case above chiefs paradoxically made references to the law of the

hurumende as an integral part of flouting that law. In this sense chiefs exploited the classification of cases of physical aggression as 'crimes to be sent to the police' as an asset in enforcing sanctions. The use of threats of sending the parties to the police, i.e. by drawing on the 'law of the *hurumende*', was an increasingly emerging practice used by chiefs when they engaged in flouting the law. The possibility of 'being sent to the police' both explained why people preferred the *banja* to hear crimes and why it was used by the *banja* to convince the guilty party to accept the *banja's* verdict. In other words, knowledge of the chiefs' formal connection with the police became an asset when *banjas* settled criminal cases. It bolstered the authority of the chief to enforce decisions. Flouting *ma-lei we hurumende* merged with discursively drawing on references to this 'law' and the formal relationship of the chiefs to the state.

These evolving patterns of chiefs bring to light a further dynamic aspect of the relational constitution of state police and chiefly authority. Whereas chiefs in settling crimes clearly challenged the police's attempt to fix distinct domains of authority, as part of constituting the particular authority of the police, chiefs at the same time drew on these distinctions to constitute their own authority. Importantly, this relational constitution also gave way to significant transformations of the way that authority was enforced by chiefs. That the authority of the state police and the chiefs was indeed constituted relationally, was also reflected in the reasons that people gave for why the chiefs continued to solve crimes and why people often preferred the *banjas*.

Why do chiefs still settle criminal cases?

When posing this question to people in Matica and Dombe, only a very small minority (5% of respondents) gave a conservative answer. For example, arguing that they wanted all *wa-ndava* to be solved by the *mambo* simply "because this is how it has always been and should be."[300] This corresponded to the view of higher ranking PRM officers that preferences for chiefs in settling crime could be dealt with through education and development.[301] The vast majority did not share this view, however. Instead they provided answers that intimately related choosing a chief to hear criminal cases with their views of and experiences with the state police. In short, as in Case 5 presented above, preferring a chief was seen as a choice between alternatives, the state police or the chief, and as

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[300] Interview, male resident, approximately 70 years old, Gudza, August 2005.
[301] Interview, Chief Commander of police, Sussundenga, August 2004.

reflecting a reluctance by both the victims and the perpetrators to be sent to the police. This reluctance could be seen under two different perspectives.

First, the victims' reluctance to be sent to the police was directly linked to their preferred type of sanction and form justice enforcement. In line with the insights of Chapter 8, choosing to go before the *banja* was related to both victims and perpetrators' disregard of imprisonment, which they knew was a possible consequence of a case being sent to the police. This was contrasted with a general preference for monetary compensation, the dominant kind of justice dispensed by the *banjas*.[302] For example, "I prefer the *régulo* with these kinds of thefts and fights because he will ask the accused to pay. With the police you cannot be sure that this happens and the thief can be beaten and then sent to prison…and then you will loose everything and just remain poor".[303] Added to the insights of Chapter 8, imprisonment was therefore also viewed as detrimental to the economic survival of the victims.

The second perspective had more specifically to do with fearful ideas about entering the domain of the state police. Over half the people I interviewed, and 80% of those in Dombe, stressed the "fear of becoming known to the police" as a reason for having crimes resolved by a *banja*. Intriguingly, this applied not only to the guilty parties, but also the victims. This was captured in statements such as "When a person goes to the police and the case is a crime, he becomes someone who is involved in crime…someone who is seen as involved in *ndava yakaxata maningi* [very severe problems]…and then another day you can be accused…or even on that same day you can be punished."[304] In both Matica and Dombe, this was explained as the fear of victims being registered in the books of the *hurumende*.[305] In Dombe, it was also related to the history of the war and to ideas about the continued partisanship of the PRM. Whether in reality or just perceived, people with a history as Renamo supporters or worse, as soldiers (which included many a resident, particularly men, of Dombe) were widely held to be at a high risk of being punished especially severely by the police. This not only applied to the perpetrators: there was also a notion that victims

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[302] The preference for monetary compensation in criminal cases and the notion that this was the dominant form of justice dispensed by chiefs and the *banjas* was confirmed in the sixty interviews I conducted with rural residents: 80% of respondents preferred monetary compensation in criminal offences such as theft, arson and violent beatings, while 70% replied that monetary compensation was the dominant form of justice dispensed by the *banjas*.

[303] Interview, male resident, 25 years old, Boupua chieftaincy, Matica, June 2005.

[304] Interview, male resident, approximately 60 years old, Gudza Chieftaincy, Dombe, August 2005.

[305] This fear of the victims taking a case to the police – i.e. as someone known to be involved in *ndava* – cannot be divorced from the already mentioned notion of an always potential link between prior and present chains of evil-doing in which the categories of victims and perpetrators can be shifted around.

who were identified as Renamo supporters would not be treated fairly by the PRM, or worse still, would themselves be accused of crimes.[306] The point is that the continued resolution of criminal offences by chiefs could neither be divorced from the forms of justice that were officially dispensed by the state institutions, nor from wider, historically embedded experiences with and ideas about state police practices. It was much less a question of sustaining continuity *per se*, that is, of maintaining 'how it has always been' versus the 'new' rules of the PRM.

Having said this, people's choice of the *banjas* was also weighed against the *de facto* authority of individual chiefs to enforce sanctions. For example, half of the interviewees thought that, if the chief failed to enforce sanctions, the police could be used as a last resort. It was always a matter of situationally weighing the different opportunities and potential consequences of being sent to the police. Complaining to a chief about a crime was no guarantee that compensation would be paid. Success depended on the chief's *de facto* authority to enforce sanctions. Importantly, it also depended on individual chief's willingness to respect victims' preferences, and to take the risk of potentially being caught by the PRM and facing punishment himself. The question is why chiefs took this risk at all. When I discussed this question with chiefs, the answer was not a conservative desire for the continuity of 'old' practices either, nor was it cast as overt resistance to the state police's rules. As noted earlier, chiefs did not reject, but in fact drew on these 'rules' when settling crimes. The main reason given was rather to ensure chiefs' legitimacy among the subject population:

Really we as *régulos* no longer punish criminals….this is prohibited by the police…it is only sometimes, yes, in some particular cases, if they are not so bad…that we do take care of crimes, because the people with problems want it…those who have been offended beg us to do so…and they don't want to go to the police…the thing is that we do not want people to suffer with the police…because maybe the person who did wrong against another one is a family member or a neighbour…and then when he goes to prison or is *chamboceado* (beaten) by the police, then that family will suffer…and they will be cross with the *régulo*…or say that he is weak…not a real *régulo*.[307]

Hearing criminal cases was, as indicated by this comment, cast not as a challenge to the PRM *per se*, but as situationally adjusting to people's specific requests in order to ensure that people were satisfied with their chief. This kind of assurance of legitimacy was

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[306] As I address in Chapter 10 the idea about the partisanship of the police was also based on concrete reference points, such as the random arrest of Renamo supporters. Here it suffices to note how it informed the preferences and practices of rural residents in their choice of a given type of authority.
[307] Interview, Chief Chibue, Dombe, 20 August, 2005.

precarious, because it depended on chiefs being able to demonstrate power, i.e. "show that the *régulo* is not weak", in contradiction to the prohibitions that the PRM had laid down. The same could be said about the continued use of force by some chiefs. Although only three chiefs admitted still to administer corporal punishment, all the chiefs considered their potential to use force to be a significant back-up usually in the form of a threat. If as noted in Chapter 7, corporal punishment could be applied on those who threatened or insulted the authority of the chiefs and the *madodas*, then the PRM's prohibition was the more precarious because, as shown above, it could also result from a specific request of the victims in a case. In short, the administration of corporal punishment could also underpin the popular legitimacy of a chief.

By implication, the flouting of the law by chiefs needs to be seen in light of the precarious situation chiefs found themselves in, between the demands of rural residents and the PRM. Chiefs clearly risked punishment by the PRM when solving crimes or using force, but if they fully respected the prohibitions of the PRM they could undermine their own authority. They could face the wrath of their own 'communities' – the very source of their *de facto* as well as *de jure* legitimacy. The result was that chiefs had to balance different requirements according to the situation. In practice, this was done by, within the very same situation, breaching the boundaries of the PRM's 'models for practice' and by redrawing these boundaries by referring to *ma-lei we hurumende* when enforcing a sanction. This underscores the point made earlier that the continued resolution of criminal cases by chiefs was not expressive of the simple continuity of past practices. Their practices were reshaped in relation to the law of the PRM, whether in the form of a threat or a promise for not transferring crimes to the police station. Importantly, such practices were also shaped and reshaped by the preferences and action patterns of rural residents, who oriented themselves in relation to the very distinctions between the chiefs and the police, even as they took part in manipulating the boundaries drawn between them. As addressed next, much the same could be said about the local police officer, that is, when they went beyond their 'official mandate' and situationally entered the domain of justice enforcement that the PRM had officially reserved for chiefs.

2. The State Police: Locally Adjusted, Uncertain Authority

There were two main ways in which *posto* and locality level police officers went beyond the official mandate of the PRM: first, the increased hearings of cases categorised as *uroi* and social cases; and secondly, the resolution of criminal cases *outside* the official justice system, which also included the application of sanctions that the local police itself defined as confined to the *banjas* and community courts. In this Section, I begin with the first.

The police hearings of *uroi* and social cases is remarkable, not only because it implied the very actors who communicated the 'models for practice' also transgressing the classificatory boundaries in everyday practice. It completely contradicted the shared view among chiefs, police officers and the population in general that the state police does not know of *uroi* nor has the mandate to deal with it, and that the police do not interfere in 'social' problems. For example, 85% of my sixty interviewees confirmed that the police should *only* be summoned in cases of crimes (theft, homicide, knife-stabbings, arson etc.).[308] The fact that the police did deal with *uroi* and social cases was not a matter of continuity with past practices. Rather it was an increasingly developed action pattern that paradoxically resulted from the local police's increased collaboration with none-state authorities and its attempt to congeal separate jurisdictions. In 2004 the PRM in Dombe received and heard one or two such cases a day. In 2005 this had increased to between three and five cases a day. In Matica the number was slightly lower.

Why was there this discrepancy between stating firmly that the police could not hear *uroi* and social cases, and the increased practices of turning to the PRM with such cases? And why did the PRM actually receive and hear such cases at all? In exploring these questions, I begin by illustrating how the police officers received and dealt with such cases.

Localisation of the state police

Spending days at the local police posts was remarkable. Over time, I observed an ever increasing crowd of people sitting outside, from early in the morning, waiting to be seen by an officer with any type of *ndava*. In Dombe from 2004 a special room was even reserved for people who came with non-criminal cases. Police officers did not just listen to the problems that people brought before them and then sent them on to the chief, the community court or a *secretário* nearby, as prescribed by its own rules. Rather they over

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[308] Only two women in Matica and three in Dombe asserted that the PRM had the mandate to solve *uroi* if the "case got out of hand" or "the accused got nervous" at a *banja*.

time developed set routines for receiving accusations, notifying the accused and facilitating resolutions of non-criminal cases. In doing this they blurred the very boundaries between distinct domains of authority, produced by the PRM's own rules. However, entering the domain of chiefly jurisdiction did not preclude that the officers acted as distinctive state authorities. The description below of a fairly ordinary day at the Dombe police post is illustrative of the routine practices developed.

Case 6-9. A Day at the Police Post in Dombe

In September 2005, at the police station in Dombe, four cases were heard by a subordinate officer inside the *sala de permanencia*, which is reserved for non-criminal cases.

Case 6. The first case concerned an old divorce case, in which the families of the divorcees disagreed who should have the custody of the couple's ten-month-old baby boy. Since the divorce the baby had been living with his father's parents, because, according to them, the mother's family had caused the child to fall ill due to *vulí* within that family. During the police hearing the mother's parents rejected this accusation, and stated that they wanted the boy back. In support of their request they referred to a prior community court hearing at which they had won their case. However, the other party had not obeyed the resolution, so the mother's parents had brought the case to the PRM. After the parties had each spoken, the officer stated that, "According to the Law a baby of this age has to be with the mother", adding that the parties should have obeyed the resolution of the community court. When the father's parents heard this they defended their position and claimed that the baby would fall sick if it were returned to its mother. The officer first responded by telling them off for handling the case in an uncivilised way, but then himself hinted that future *uroi* might emerge if they did not return the baby: "You have to give it back, because if something bad happens to the baby you [the parents of the baby's father] could be accused of *essa coisa de tradição* [these things of tradition]". In the end they agreed to hand over the baby.

Case 7. In the second case, the PRM was also resorted to as a kind of institution of appeal. It concerned the failure of the accused party to pay "the price of life" (*soro u mundo*) of a child who had died due to *uroi*. The case had initially been resolved at the *banja* of Queen Gudza four months earlier, but the compensation decreed to the victims had still not materialised. They now wanted the PRM to enforce the compensation that had been agreed. After hearing the two parties, the officer convinced the accused family that they had to pay. Indicating that he was well aware that such cases can end in self-redress, he added: "It is very important that you pay…because these cases can become very dangerous and then one of you might end up in prison". However, he refused to enforce payment at the police station, saying that "We the police cannot do this with pay". Instead he sent a letter notifying Chief Dombe to oversee the payment.

Case 8. After this a father and his son, João and Elias, entered the room. They had travelled around fifty kilometres on foot from the area of Xixão in the *regulado* of Zomba each to bring a case before the PRM. Elias, the son, was the first to speak, interminably describing a case that had begun two months earlier, when his nephew (the son of his sister) fell sick. The parents of the sick child, Tobias and Maria, had been told by two *wadzi-nyanga* that it was Elias' wife, Inês, who had bewitched the child. After this Elias agreed to take his wife with Tobias and Maria to a *nyanga*. Inês was accused, but the *nyanga* added that, without consciously knowing, she had been given a medicine by an old woman to kill the nephew. Tobias had then decided to take the case to the police post in Chimcono, a small village forty kilometres from Dombe *sede*. The police notified the parties and, after a hearing, the officer ordered Inês and the old woman to remove the medicine. The old woman denied the accusations and said she wanted to go to a *nyanga*. The officer decided to send the parties to the Sub-Chief Sanguene (of Chief Zomba), because only a chief can send people to a *nyanga*. At the *nyanga* the old woman was acquitted and Inês accused instead. Back at the *banja*, the sub-chief imposed a fine of MZM 900,000 on Elias for falsely accusing the old woman. Elias did not want to pay the fine, arguing that the *nyanga* had been 'a liar'. Two weeks later the nephew died. Tobias informed the Sub-Chief Sanguene about this, who reacted by sending two of his chief's police to arrest Elias (with rope). Elias was also charged the disproportionate amount of 300,000 as the price for bringing him to the sub-chief.[309] The father of Inês also arrived at the *banja* of the sub-chief. During the hearing, he insisted that they consult another *nyanga* before any compensation was paid. He wanted to make sure that Inês really was an *umroi*. But the sub-chief refused his request. Elias and his father-in-law left the *banja* angry and without paying anything. Subsequently Elias was threatened by Tobias and the old woman, who want the money.

After this last information the PRM officer intervened, asking "What are you trying to bring forward here? Who are you accusing?" Elias responded: "We are accusing the *mambo* of solving the case badly…that he refuses to send us to the *nyanga*". The officer responded by writing a notification to the Sub-chief Sanguene, stating aloud that "You have to appear here together with *chefe de povoação* Sanguene, Snr. Tomas and Senhora Maria this coming Friday the 26th of August and solve this case here at the police station. Is there anything else?" Elias's father, João, stated that he also had a case.

Case 9. João explained that his fifteen-year-old daughter was asked a year ago by a man to marry her. But he refused because his daughter was too young. However, one day she ran away to the man and got pregnant. Two weeks earlier, she had been expelled by her parents-in-law. After hearing this, the officer asked: "Why have you come here with this case?" João wanted the man to take responsibility for the pregnancy and pay *lobolo*. The officer asked for the man's name, wrote

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[309] The usual price for bringing a person to the *banja* was in Dombe in 2004-5 usually between 10.000 to 50.000.

another notification and ended by stating: "You can tell him [the accused] that if he does not appear here on the 26th of August, then he will have two cases. One for making a young woman pregnant, and another for abusing the police [failing to turn up at the police station]…if he does not come we will arrest him and educate him [moving his hands to show that he meant using the *sjamboko* or baton]. That's all. You can now go". After the hearing we spoke with Elias and João at a local restaurant. We especially wanted to know why they decided to travel all the way to the police in Dombe with cases of *uroi* and marriage problems. Elias believed the police could put pressure on the sub-chief to allow the parties to visit another *nyanga* and that they could make Tobias stop threatening him. When we asked whether the PRM could end the case he responded: "No, the police cannot solve *uroi*…the police can help bring the case to an end by telling Sanguene to solve it well." Knowing that the paramount Chief Zomba was the superior of *chefe* Sanguene, we asked why they did not complain to him. Elias replied: "This will be mean more money from my pocket…at the Police they don't take money". With regard to the marriage problems, João added that he was convinced that when the accused received the notification he would comply, because "He will see that it [the notification] comes from the *hurumende*…and then he will be too afraid not to turn up…you know, as he [the officer] said there the police will *chambokear* him [beat him with a baton] if he does not come".

The cases reflect the three main situations for taking *uroi* and social cases before the PRM. As Cases 6-7 show, the PRM was most commonly used as an appeal institution when a resolution issued by a *banja* or the community court had not materialised. On other occasions, as in Case 8, the accused in a case went to the PRM because she or he was dissatisfied with a verdict provided by a *banja*. Finally, as in Case 9, victims in fewer cases turned to the police as a first option because they did not believe that a *banja* could make the accused turn up for a hearing, but believed the PRM could. As the above description shows, the fact that people went to the PRM in these three types of situation could not be divorced from the ongoing, evolving action patterns of police officers. It made sense to take an accusation of *uroi* or a complaint about a failure to pay *soro o mundo* and *lobolo* to the PRM because the police officers *de facto* respected the requests of the complainants by facilitating the resolution process. Such facilitation can be divided into two steps: first, ensuring that the accused was brought to trial; and secondly, that a verdict materialised. A common characteristic of these two steps was that police officers combined resolution mechanisms that they officially identified with their non-state counterparts, with the use of state bureaucratic artefacts and references to the state police's monopoly on force.

The first step in *facilitating* the process was to issue a notification after a party had presented a case to the PRM as a victim. These notifications obliged the accused to appear at the police station for a hearing. This practice also resembled a common practice of the non-state courts. It nonetheless differed in the sense that the notification came from the *hurumende* and was authorised with the official stamp of the *Polícia de República de Moçambique*. As noted by João in Case 9, this marked a clear difference from the chiefs. Even though social or *uroi* cases, as opposed to criminal ones, did not give way to the conventional policing practice of arrest, the notifications were presented as an *order*, an obligation, attached to the threat of state-police enforced sanctions. Notably this threat was attached to the use of force. This is exemplified in Case 9 above: failing to abide by police notifications was treated as "abusing the police authorities", for which the abuser would be "educated", that is, treated with force, as indicated by the gesture of the officer and understood as such by João, the accuser. That police notifications were effective was underscored by the fact that in only one of the incidents I came across did the accused completely fail to turn up. There were also concrete examples to draw on. For example, in 2004 I encountered three incidents in which the accused (two of *uroi*, one of *lobolo* payment) were punished with the *chamboko* because they only turned up at the police station after a second notification.

These developing action patterns of the police suggest that, while entering the chiefly domain of justice enforcement, the police's capacity to facilitate resolutions of *uroi* and social cases was founded on simultaneously enacting the distinctive authority of the police as state representatives. This was also apparent in the actual hearing of cases: the second step in facilitating a resolution. The PRM did not explicitly hand down sentences, as judges in the official courts do, by reference to articles in the law, the obvious reason being that such sentences in respect to the non-criminal cases dealt with did not exist in the law. During the hearings the police rather played the role of mediators in affording resolutions, and in doing so drew both on references to the 'state law' and on local discourses of *uroi*. They listening to the parties to a case and concluded the hearing by supporting one of their proposals for a resolution. The police officers thus adjusted to the parties' own notions of what was appropriate justice (such as compensation payments), while interchangeably referring to the state law and the potential risks of future *uroi* inflictions when trying to convince the parties to abide by a resolution (see, for example, Cases 7-9). These practices strikingly resembled the negotiated resolution procedures in the *banjas*, albeit the police

allowed the parties less time for vivid discussions. In actually helping ensure that a verdict materialised, the police officers nonetheless differed from the chiefs by drawing on the artefacts of the state bureaucracy and refusing actually to enforce their verdict. Police officers' support ended with writing police notifications containing the names of the parties, the verdict and the official stamp. The notifications were nonetheless valuable because they gave the 'winning' party written proof and state-police authorisation of a verdict. As Cases 7 and 8 illustrate, notifications were issued as 'tickets' to be 'cashed in' at the *banja* of a chief or in other cases at the community and *secretários'* courts. Even though the notifications provided no guarantee that money would be handed over, they did put extra pressure on a specific non-state authority and on the accused party to settle a case. Moreover, a notification could always be used by the victim to return to the police for assistance.

The police's new patterns of action simultaneously breached and adhered to the 'models for practice': the police facilitated the resolution of non-criminal cases, but did not directly enforce verdicts that were defined as *outside* their mandate. They 'returned' *uroi* cases, which required (another) *nyanga* consultation, to chiefs, because, as was explained, "only a chief can send people to a *nyanga*" (see Case 8). Similarly, verdicts on monetary compensation were sent to either of the non-state authorities because "the police cannot do this with pay" (see case 7). By referring cases to the non-state authorities, the PRM redrew the boundaries between distinct domains of justice enforcement. In one sense this supported the particular authority of the chiefs, *secretários* or the community court. However, the practice of redirecting cases to non-state authorities for the enforcement of sanctions could also challenge the authority of individual chiefs. This was so because as a rule the police always sent the parties to a different individual authority than that which had resolved the case in the first instance (see Cases 6-7). Typically this also meant that it was a chief or the community court and *secretários* which was in the vicinity of the police post who were resorted to. The reasons given were either that this was easier or that it was because the PRM did not trust the same authority to be able to handle the parties. In this sense the PRM played a powerful intermediary role between the different non-state authorities, engaging in *de facto* authorising and not authorising the latter, irrespective of their *de jure* status. This role was also manifest when, as in Case 8, the police officers were directly addressed by rural residents to correct a badly-performing chief.

If this latter aspect, further accentuates the precarious position of chiefs in relation to the police, then I suggest that the evolving action patterns of the police *outside* its official mandate, also reflected the limits of the police to enforce its rules. It reflected the uncertainty of state-police authority in the rural hinterlands. Instead of straightforwardly consolidating a distinct and hierarchically defined domain of state-police authority vis-à-vis the chiefs in particular, the local tiers of the PRM became localised, and their practices of authority enforcement transformed. By localised, I mean processes through which state representatives are compelled to operate partly *outside* the law, exemplified here by their practices becoming embedded in local discourses of evil-doing, and fused with modes of order-making that are defined as distinct from the state – i.e. those of chiefs in particular. The intriguing part is that the extra-legal, localised practices of the police were at the same time made effective because of officers' ability also to act as representatives of the state and to draw on state bureaucratic artefacts. In this sense, entering the domain of chiefly authority co-existed with articulations of the distinctive authority of the state police vis-à-vis the chiefs. This accentuates how the very distinctions were constantly at stake in the relational constitution of authority, for police officers and chiefs alike. But the settlement of the 'wrong' cases it also brings attention to the transformative aspects of this constitution. These points were also reflected in the reasons given for why the police facilitated the settlement of non-criminal cases, and why people took these cases to the police station.

Why did the police assist the settlement of *uroi* and social cases?

When discussing this question with people in Matica and Dombe, it became clear that the choice of going to the PRM was weighed against the alternative: the chiefs. This line of reasoning resembled the explanation for preferring the chiefs in solving crime. In the case of the police, however, it was not a question of avoiding the chiefs *per se*. Rather it had to do with the relative authority of individual chiefs to actually enforce sanctions and make the accused appear for hearings vis-à-vis historically rooted ideas and experiences with the enforcing power of the state police. For example, when asked why people brought *uroi* and social cases to the police post, 85% of my sixty interviewees stated that "it is because the police are quicker than the chief". Of these, 68% added that "it is because the police do not take money [for resolutions] as the chief does".[310]

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[310] The remaining 15% claimed that it was because 'people were ignorant', i.e. they did not know that the PRM does not solve crimes. These respondents had never taken such cases to the PRM and were all residents of administrative capitals with higher levels of education.

The view that "the police are quicker" was given two explanations: the police's habit of providing quick hearings without as much delay and discussion as in the *banjas*; and the police's ability to make accused persons appear for hearings and pay compensation. Both explanations were tied to the state police's instruments of force, and, it should be noted, with the widespread knowledge that these 'instruments' were frequently used by police officers. This was captured in statements such as: "People here believe that the police are very quick…because they can beat people and put them in the cells"[311] or "When people get a notification from the police they are afraid…because the police will *chambocear* that person…and also if people don't pay".[312] It is clear, as we saw above, that these historically rooted ideas about the police could not be divorced from the ongoing, evolving action patterns of police officers: i.e. that the police lived up to the expectations of rural residents, but also that its officers acted *outside* the law by applying force. The question is why the police officers flouted their own rules and the official law in general, as well as spend so many hours hearing cases, writing notifications, and then referring the enforcement of verdicts to chiefs.

My material suggests that the answer lies not with economic concerns. Even though there were a few examples of police officers receiving gifts (chickens, goats and in one case money) for facilitating a resolution of non-criminal cases this was the exception, not the rule. Observing the practices of police officers and conversing with them suggested, rather, that the handling of non-criminal cases had to do with the precarious authority of the state police from the outset. When I discussed it with police officers they typically began by explaining that it was due to "a transitional phase", because "the people here lack knowledge of the law…they do not know how to distinguish between what is crime and what is not…and where to go with their problems…this is due to the war and the lack of education."[313] This however followed by a particular justification for why the police actually heard such cases: "We cannot just send people away …we need to show that the police are there for the people…this is very important in these areas, you know…were some of the people have had this thing of not collaborating with the police because of the war."[314] This argument suggests that flouting the law was intended to address the precarious legitimacy of the PRM, that is, in light of a longer history of war and resistance

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[311] Interview, male resident of Gudza, approximately 60 years old, August 2005.
[312] Interview, female resident, 46 years old, Dombe *sede*, September 2005.
[313] Interview, Chief of Police, Dombe, 25 July 2004.
[314] Interview, Chief of Police, Dombe, 25 July 2004.

to the police, most notably in Dombe. As held by the Dombe police officers it was necessary to do what they did to "regain the trust of the people" (see Chapter 2).[315]

Settling non-criminal cases provided a concrete space for addressing the precarious authority of the police. When rural residents took an *uroi* or social case to the police, this in itself was an act recognising the particular authority and enforcing power of the state police. Similarly, in facilitating a resolution *outside* the law, the police used the same situation to demonstrate, usually in the form of threats, the sovereign power of the state police to apply force. Having said this, police officers' justification for engaging in the settlement of *uroi* cases was also presented as a kind of crime-prevention strategy. Although always a bit reluctantly, police officers also acknowledged the locally embedded notations of the always potential mergers of *uroi* with criminal self-redress and social disputes. This was captured in statements like:

It is true that today many cases come here as *feitiçaria* [Portuguese for *uroi*]…and then the police write [a notification]…but we do not solve them. But we assist, because if someone is inflicted [with *uroi*] and it is not solved it will create problems of crime…the victim [inflicted] will beat up the accused and there will be death…so that is why we assist these cases…we educate the people and tell them not to take the law into their own hands…because we know that it is from these social… traditional…cases that crime arises. This is the problem we face."[316]

This statement underscores the point made earlier about the 'localisation' of the police.[317] It underlines clear resemblances with chiefs in terms of the ways that the police officers conceptualised transgressions. However, this did not erase the articulation of distinctions. By contrast police officers consistently articulated how distinct they were from chiefs when explaining why rural residents addressed the PRM and not the chiefs, and why the police had to respond. They did this by accentuating the 'instruments' and 'force' of the police:

It is clear that people do this [take *uroi* and social cases to the PRM] because the police have instruments that can ensure obedience to law and order. When a person is notified by the police, they become very scared because he knows that if he does not obey he will end in prison…or be educated…and the chiefs do not have any instrument really to make the undisciplined fear them…we, the police, are the ones who have the power to deal with those [who are] undisciplined.[318]

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[315] The chief of police in Dombe during fieldwork was in fact one of the officers who were thrown out of Dombe in 1995. He still used this as a frequent reference point in relation to current police strategies.

[316] Interview, Chief of Police, Dombe, 15 July 2004.

[317] Also the Chief Commander of Police, who firmly stated again and again to me that the police cannot deal with *uroi* but, while stressing this point, suggested that: "Really, if the practices of *feitiçaria* diminish, then I also think that crime will diminish. But this *feitiçaria* is for the chief to resolve, because it is outside the law" (Chief Commander of Police, Sussundenga, 31 August 2004). At the same time he took no measures to discipline officers who did settle *uroi* disputes.

[318] Interview, Chief of Police, Dombe, 26 September 2005.

Hearing non-criminal cases, in this sense also provided police officers with the opportunity to demonstrate their superior authority vis-à-vis the chiefs. Despite clear practical fusions, the very blurring of the boundaries between state police and chiefs was accompanied by articulating the distinctive authority of the state police. That this indeed, emerged from a precarious process of order-making was reflected in how police officers always ended a conversation by stressing that their involvement in *uroi* and social cases were exceptional practices. They were applied in "a transitional phase until the people and the chiefs learn what is crime and not crime…until they realise what is law and what is not". This, of course, did not explain away the fact that police officers indeed established new, routine and locally adjusted practices to settle non-criminal cases. This underlined not only how police officers were compelled into operating *outside* the law to constitute the law and the authority of the state police, but also how this at the same time transformed state police practices.

Resolving crimes outside the Justice System

Close to half the total number of criminal cases that led to the punishment of the perpetrator were concluded by the PRM without the parties ever ending up in the official courts. Eighty per cent of these penalties were inflicted in Dombe. These practices exemplify another aspect of the police going beyond their official mandate by operating *outside* official law. The way in which this was done has already been touched on in the cases presented in Chapter 8 (see Cases 1 and 3). Here it was shown how the local tiers of the police concluded crimes as another aspect of adjusting to the victims' preferences for compensatory justice, rather than pursuing a state-legal process that could result in imprisonment. This reflected a common pattern. In fact, in half of the crimes resolved locally by the PRM, the sanction enforced *within* the confines of the police station was compensatory in nature. Hence when it came to crimes, the PRM broke its own rule of "the police does not do this with pay" as applied to social and *uroi* cases. This reflected another dimension of how the police drew on types of sanctions which officially belonged to the domains of the chiefs and the community courts. The difference lay in the fact that the issuing of compensatory forms of justice was always combined with types of punishments

that rural resident generally associated with the state police: corporal punishment during or after interrogation, public work for the police and/or detention in the cells.[319]

These additional, extralegal punishments only conformed to the preferences of rural residents in some instances. While some held that one reason for bringing a crime before the PRM rather than a chief was that the police could help enforce sanctions through their potential use of force and short-term detentions in the cells, the majority resented the police's application of public works for the police and the use of force during interrogations. This was because these could give the perpetrator a reason not to pay the victim, or worse, it could lead to self-redress following release from the PRM. In fact over half of the criminal cases settled locally by the PRM ended up leaving the victims empty handed (a point also noted in Chapter 8). The question is why, then, the PRM resolved crimes locally when, as was the case, there was not always an element of adjusting to the victims' demands and thereby securing legitimacy?

When officers were directly asked about this, a common answer was that "all crimes have to be sent to the PIC officer, and then he will forward them to the District". However, when I discussed with local police officers the many cases that disconfirmed this official rule, the answers given again referred to "crime prevention" and the existence of "a transitional phase". The main reference point and justification was the war: "In these areas…you know, where there was war and confusion…it is important that we show examples, that we show that the police reacts here and now…for people to see…it is to show that the police can control those undisciplined".[320] This comment accentuates the point made about the police's involvement in social and *uroi* resolutions: the extra-legal practices of the police officers were an intrinsic aspect of demonstrating the sovereign authority of the local tiers of the PRM, that is, in a context where this was often challenged by chiefs. Conversely, had police officers always followed the official law and sent people to the district, they would have risked loosing face vis-à-vis chiefs and in other situations the legitimacy of the people who preferred to avoid imprisonment. Even if the extra-legal practices of the police were justified as necessary, but exceptional and transitional means of enforcing law and order in the former war zones, they also reflected the precarious authority of the police in this endeavour. This further underlines the point made in Chapter

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[319] When I asked the sixty rural residents in my sample directly what types of punishment the police enforced, all replied prison, but 75% also added *chambokear* (beatings), 50% public work for the police, and 55% that sometimes it could also involve a compensatory payment, but that this was outside the real law of the *hurumende*.

[320] Interview, Chief of Bunga police post, Bunga, September 2005.

7, namely that the 'models for practice' were themselves predicated upon a context where state-police monopoly on order-making was contested.

Conclusion

This chapter has dealt with the third pattern of action and interaction outlined in Chapter 8. It explored how and why chiefs and the local state police went beyond the official mandates prescribed in the models for practice. The chapter has taken a step further in understanding the dynamics underpinning the relational constitution of state (police) and chiefly authority. It has done so by illustrating how the relational constitution gave way not to a simple fixation of distinct domains of authority, as intended by the PRM, but to a mutual transformation of *both* chiefly *and* local state police practices of authority enforcement. These transformations by the same token redrew and redefined the boundaries between the distinct authority of chiefs and the local state police.

Chiefly practices were indeed reshaped by interactions with and regulation by the police, but by the same token the police became localised. While the PRM attempted to regulate its non-state counterparts and, in the name of 'law and order', to fix distinctions, its officers situationally adjusted their operations to the local context. If not directly flouting the official law, localisation of the police gave way to new routine practices that lay *outside* the law and which drew partly on the procedures of resolution, sanctions and local discourses of evil-doing that the police officially confined to the chiefly domain of authority. Chiefs, on the other hand, began to refer to the state law and their formalised relationship with the PRM as an intrinsic and effective element in flouting the law (i.e. in continuing to settle crimes).

These developing action patterns point to multiple practical fusions. They challenged the police's attempt to fix clear boundaries, but also gave way to important transformations of authority enforcement. Most significantly, practical fusions did not extend to complete convergence: they were part and parcel of attempts to re-constitute the distinctive authority of the state police and chiefs, of re-defining the boundaries between them. The key to understanding these processes of mutual transformation in everyday practice and interactions was the precarious legitimacy and authority of both chiefs and the state police. This emerged in a context of competition over areas of jurisdiction, of unclear boundaries from the outset, and because of the rural population's particular expectations of

chiefs and the state police and their preferences for particular forms of justice. As this and the last chapter have demonstrated, the action patterns of rural residents and the perceptions informing them considerably (re)shaped the action patterns of the different authorities and vice versa. Thus the relational constitution of chiefly and state authority was at least partly influenced by each authority's attempt to ensure popular legitimacy, even if this involved taking risks and flouting the law.

In conclusion, I suggest that the relational constitution of local state and chiefly authority be conceptualised as resulting from a *productive tension* between processes of regularization or boundary-marking and processes of situational adjustment or boundary-crossing in which different actors, including the state police, were mutually engaged. This tension was productive because it gave way to new routine patterns of action and rule-enforcement and, mostly importantly, to continuous redefinitions of and negotiations over the boundaries between distinct domains of authority. The wider repercussions and meanings of this tension for conceptualising *de facto* authority and citizenship are discussed in the next chapter. This also involves exploring the political script of the Frelimo party-state that underpinned this tension in exceptional situations.

Above/below: settlement of cases within the *banja* (court) of Chief Chibue.

Above/below: State police hearings of non-criminal cases within the police station of Dombe.

Chapter 10

Emerging Forms of Authority and Citizenship

This chapter rounds off this third part of the dissertation by addressing the broader question of how to conceptualise the *de facto* forms of authority and citizenship that emerged from the evolving patterns of action and interactions of the local tiers of the state, the chiefs and ordinary people in Matica and Dombe. In line with my overall analytical framework, this means asking what the analyses in the foregoing chapters can tell us about emerging expressions of chiefly and local state authority as a set of practices and claims, that is, as more than just their *de jure* status. On the other hand, it also implies asking what kinds of citizenship were enacted, that is, as a set of ongoing practices in the form of modalities of inclusion in and exclusion from access to state services and recognition.

In addressing these questions, the chapter takes as its point of departure the main insight gained from Chapters 7-9: the *productive tension* between boundary-marking and boundary-crossing that permeated the enforcement of chiefly and local state authority in policing and justice enforcement. This tension was reflected in the ongoing negotiations and situational adjustments of different actors that continually challenged the local state police's attempt to fix distinct domains of authority, and to regulate the conduct of chiefs and rural residents. The productive result was that the boundaries between the state police and the chiefs were re-defined and re-drawn, and that new patterns of action emerged. The question is what we can make of this productive tension for conceptualising *de facto* authority and citizenship. In line with the insights of Chapters 8 and 9, this chapter suggests that, from the perspective of everyday interactions, what emerged were negotiable and hybrid forms of *both* state and chiefly authority. These also underscored *de facto* citizenship as relatively inclusive and as the result of the spaces left open for situation-specific negotiations with the local authorities.

Having established this it is necessary, I suggest, to take a step further and ask to what extent authority and citizenship were negotiable, and what were the wider implications of the scope of negotiability for citizens, chiefs and the local tiers of the state. The previous chapters have already shown that the immediate repercussions of everyday negotiations were high levels of indeterminacy in rural residents' access to preferred forms of justice, and considerable uncertainty regarding the ability of either chiefs or local state

police officers' to entrench authority. In this chapter, I explore these repercussions and the limits to negotiability in greater depth. In doing so, I attend on the one hand to the more subtle limitations on negotiations in everyday interactions, which produced internal distinctions between citizens and between individual chiefs. On the other hand I address the more pervasive limitations to negotiations that were underpinned by two historically embedded scripts, which have already been referred to earlier: first, the political script of the Frelimo party-state, distinguishing the included 'friends' and the excluded 'enemies' of a unitary order; and secondly, the local script of evil-doing, linking the visible and invisible dimensions of (dis)order.

To address these issues, the chapter is divided into two sections. In Section 1 I begin by re-visiting the Africanist literature on state-chief relations as a background to discussing ways of conceptualising *de facto* authority and citizenship in everyday interactions. I also address how, in more subtle ways, the two underlying scripts created distinctions between people and framed the everyday negotiability of authority and citizenship. In Section 2 I move on to what I refer to as 'exceptional situations' enacted by local state officials, where the pervasive significance of the political script for *de facto* authority and citizenship becomes particularly apparent. These were situations in which limits to negotiability were explicitly performed and distinctions overtly articulated by local state officials. Concretely, they emerged from occurrences that were seen by local state officials as overtly contesting the sovereign authority of the local state and of the Frelimo-defined order more broadly. I have already addressed how this was expressed in the excessive punishment of chiefs. In this chapter, I draw on a case of the burning of state property in Dombe in 2004 as a way of discussing this more broadly. The section brings us a step further in understanding the flip-sides for chiefs and rural citizens that partly resulted from the continued uncertainty of local state sovereignty in the everyday negotiations over authority and the politically exclusive and violent responses this gave way to in exceptional situations. More broadly, it also draws attention to the reproduction of historically embedded ways of constituting (Frelimo) state authority, its significant others, the political community and chiefs, and its constitutive outside, Renamo.

1. Negotiated, Hybrid Authority and Situational Citizenship

The material from Matica and Dombe contests a conceptualisation of *de facto* chiefly and local state authority as either arising from (in the recent past) or as leading to (in the present) a co-existence of pure typologies of authority in the sense defined by Weber (1947): i.e. the state as representing a legal-rational type of authority, legitimated alone by a formalistic belief in the supremacy of the law, and the chief as equated with traditional authority, legitimated alone by the sanctity of past customs and cultural beliefs in the divine right of the ruler (Blau 1963: 308-313). Although these characteristics were present in certain claims and practices, the typologies fail to capture the practical and ideological fusions that permeated the everyday action patterns of chiefs and local state officials. Moreover, chiefs and state officials drew on different sources of legitimacy and practices of authority enforcement than those captured by the main characteristics of these typologies. As Chapters 7-9 illustrated, typologies, or distinct types of authority, did not form an inevitable background but were an ongoing issue continually subject to negotiations. They were part of contested processes of regularisation, manifest in representations, certain enactments and rules, in which the constitution of hierarchies of authority and order were at stake. As shown throughout the chapters, the key to understanding these processes was that the authority of chiefs and the local state were and have been for a long time constituted relationally, not in an of themselves.

This section addresses what we can make of these processes, first in conceptualising emerging *de facto* chiefly and state authority in everyday interactions, and secondly in conceptualising *de facto* forms of citizenship.

Negotiated and hybrid authority

As a point of departure in conceptualising *de facto* chiefly authority in Matica and Dombe, I find useful the concept of *hybrid authority*, which is used to describe present-day chiefs or 'neo-traditional authorities' in some of the more recent literature on chieftaincy in Africa (see Chapter 1; Ray and van Nieuwaal 1996; von Trotha 1996; van Dijk and van Rouveroy van Nieuwaal 1999; Quinlan 1996; Sklar 1999). In this literature, chiefs are conceptualised as hybrid authorities because they draw on 'the state', even becoming state-like, while at the same time remaining distinct from the state. The concept therefore captures how chiefly authority is re-configured through interactions with state institutions by being partly drawn

into state-bureaucratic modes of governing and recognitions, while never becoming fully encapsulated by the state apparatus and its modes of representing traditional authority (van Dijk and van Nieuwaal 1999: Spear 2003; Ranger 1993; Ray 1996; von Trotha 1996). In the literature, *hybridity* is concretely applied to describe the mixture of the sources of legitimacy that chiefs draw on (state law, ancestral spirits, kinship); the blending of tasks they perform (state-bureaucratic, ceremonial, religious, dispute resolution according to custom, engagement with witchcraft); and the different material resources they draw on to sustain a power base (taxes, state salaries, external donor funds, local tributes, personal/kinship networks of exchanges) (see Ray and van Nieuwaal 1996: 22).

These mixtures denote that present-day chiefs do not represent a single typology of authority – such as 'traditional' or 'legal-rational' – but a hybrid mixture, which at the same time underpins transformations (van Nieuwaal 1999; Ray and van Nieuwaal 1996). The core argument of the literature is that the re-constitutions and endurance of chiefly authority are conditioned by chiefs' ability to adapt to changes and to engage in ever-changing and dynamic forms of hybridization (van Dijk and van Nieuwaal 1999: 5). These modes of hybridization are continually changing the chieftaincy, but they are also what make it enduring (ibid.). In this sense, the concept of hybridity contests the existence of a fixed type of chiefly authority. Broadly speaking, the concept challenges "the belief in invariable and fixed properties which define the 'whatness' of a given entity" (Fuss 1991: xi), by contrast highlighting the "interweaving of elements" which create "something familiar but new" (Meredith 1998: 2). Hybridity, in short, denotes "a wide register of multiple identities, cross-over, pick-'n'-mix, boundary crossing and [as a result] erosion of boundaries" (Pieterse 2001: 221).[321]

Defined in this way, I suggest, the concept of hybridity is useful in conceptualising the *de facto* forms of chiefly authority in Matica and Dombe that permeated everyday patterns of action. However, in using this concept, I depart in three important ways from the literature on chieftaincy presented above. These have to do with the way in which the concept of hybridity is employed when compared with my empirical findings. First, my material suggests it is useful to expand the concept of hybridity to conceptualise local state authority also, instead of confining it to chiefs. By implication, I depart from a tendency in the above literature to construe state authority as a relatively fixed entity, representing a

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[321] See Pieterse (2001) for a comprehensive discussion of the concept of hybridity and its various disciplinary uses, including its equivalents of *bricolage* in French academic literature (cf. Claude Lévi-Strauss) and syncretism in the earlier anthropology of religion.

particular typology of authority. As discussed in Chapter 1, this emerges from a conceptualisation of hybrid chiefly authority as conditioned by chiefs' role as *intermediaries* and *brokers* between 'the state' and 'the rural population', which are seen as representing distinct ideological structures and radically different world views: "the traditional local order and the world of modern economy and politics" (van Dijk and van Nieuwaal 1999: 5; see also Chapter 1). By confining the concept of hybridity to chiefs, the literature ends up falling back on the fixed existence of pure and separate orders, which chiefs straddle. This fails to capture how, in Matica and Dombe, the very boundaries that were crossed were themselves the subject of active remaking and negotiations in the *interactions* between local state officials, chiefs and rural residents. Against this background, secondly, I propose to approach hybridity as a mode of boundary-crosses which co-exists with, and in fact is conditioned by, the ongoing processes of boundary-marking that have been discussed throughout. Thirdly, by drawing out some differences between chiefs in Dombe and Matica, I suggest that the power dynamics involved in hybridization and the distinctions these produce be taken more seriously. This implies acknowledging that not all chiefs were equally able to engage in hybridization, and it means addressing the limitations to boundary-crossing and negotiations. Below I deal separately with each of these three additions.

State authority as hybrid

The literature on chieftaincy referred to above does not apply the concept of hybridity to the state authority or to the everyday operations of local state officials. Although examples are given of how, in public representations, higher ranking state officials borrow chiefly regalia, symbols and ritual forms as an aspect of bolstering state institutions, there is no mention of such 'borrowing' in the more mundane, everyday practices of state officials. Instead the tendency is to present the state as a pure domain of bureaucratic-legal authority or to speak of state operations in terms of deviances from this type of authority, for example, by using terms such as the privatisation of state authority, neo-patrimonialism, corruption, etc.[322]

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[322] Ray and van Nieuwaal (1996: 23) do emphasise how "the state in Africa has undergone in the last hundred years an enormous development", emphasising the changes from feudal kingdoms to colonial states, political movements inspired by struggles for independence, one-party systems, military regimes and multi-party democracies. However, the emphasis here is on differently *imposed* ideological structures that are inherently *different* from the chieftaincy. While warning against too static and rigid an interpretation of the chieftaincy

My material from Matica and Dombe presented in Chapters 8 and 9, by contrast, suggests that the local state police officers also engaged in hybridisation in their everyday operations. Local state authority became hybrid when, for example, in the very same situation local state officials employed the local script of evil-doing and drew on state bureaucratic artefacts effectively to facilitate the resolution of *uroi* cases. Similarly, the cases presented illustrated how the police's settlement of criminal cases *outside* the official justice system involved the issuing of sanctions that the police confined to non-state authorities, as well as how this was done by references to state law and the instruments of detention and force.

To argue that the local tiers of the state were constituted as hybrid forms of authority resonates with another body of literature on the African state and politics (Bayart 1993; Chabal and Deloz 1999; Schatzberg 1993). This can be distinguished from the literature on chieftaincy referred to above because it emphasises how state operations become deeply embedded in and shaped by social forces, rather than representing a distinct type of authority. For example, Bayart (1993) has emphasised the political hybridization of post-colonial African state institutions and operations. This, he argues, has given way to a state that reflects a mirror image of neither the Western, Weberian ideal-type of rational-legal and bureaucratic authority, nor a pure continuity of 'traditional' governance. Instead it is a mixture resulting in a specific African state that operates according to the principles of patron–client relations, rather than simply according to an impersonal body of legal rules. Chabal and Deloz (1999) take this point a step further, arguing that formal state institutions in Africa in the sense defined by Weber have become little more than empty shells. The operations of state officials are dominated by a general disregard for formal rules and by private, personalised networks of vertical exchanges of favours between the rulers or patrons and the ruled or clients (ibid.: 42-3). This, they argue, underscores the informalisation of politics, i.e. the absorption of the state bureaucracy by social forces. The predominance of informalism, they argue, is conditioned by a particular 'African political culture' (ibid.: 40-1) where the dominant source of legitimate authority is based on the distribution of wealth, and where the main avenue to power is the accumulation and demonstration of riches (ibid.: 36; see Thomson 1999; van de Walle 2001; Schatzberg 1993).

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and the 'traditional', they do not deconstruct the state in the same way when it comes to discussing it *within* these different 'ideological structures'.

These authors' suggestion that the state's actual operations are shaped by societal forces, in this sense becoming localised, captures well how the local police's 'models for practice' – the secondary body of law – as well as the everyday action patterns of police officers lay partly *outside* the codified law as an element of adjustment to the local context. Also, the point that the local tiers of the state and its operations are not a mirror image of an ideal Weberian type of state-bureaucratic authority but also operate according to other scripts is well taken. However, my material suggests that it is too simplistic to understand the localisation of the state as resulting in a single predominant source of legitimate authority, vested in a particular Africa political culture: the redistribution and accumulation of wealth.

Rural residents and chiefs in Matica and Dombe did to some extent engage with the local state officials in the hope of development inputs, and political campaigns did centre on such promises. However, the everyday action patterns of the state police officers and the negotiations between them and rural residents in settling cases did not convey forms of legitimacy based on a vertical network of material rewards. Rather, the legitimacy of the local state police was conveyed through local police officers' ability to adjust to and facilitate the kinds of justice that people preferred. In doing this they adjusted their everyday operations, and to some extent their extra-legal rules, to the local script of evil-doing, including how to deal with the evil sources of transgressions through compensation payments *between* rural residents. If these kinds of adjustments reflect the informalisation or localisation of the state police, then we have also seen how rural residents involved police officers in *uroi* and social cases because they expected them to act as distinctive state authorities. We have also noted how local police officers, even when they acted *outside* the law, consistently invoked the state law and state bureaucratic procedures in legitimising and effecting their enforcement of authority. This suggests that, in the case of Matica and Dombe, at least, the extent to which Chabal and Deloz (1999) speak of the informalisation of state operations seems overemphasised. This, I suggest, lies at the focus on a single predominant source of legitimate authority, vested in a distinct African political culture. In the last instance, this means that the concept of hybridity loses its original meaning.

Rather, I suggest, the hybrid character of the local state in Matica and Dombe should be understood as reflecting the fact that local state officials draw on a mixture of sources of legitimacy and modes of operation, which are vested in different local as well as past and present extra-local scripts. Santos (2006) captures this point well when he speaks about the Mozambican state as hybrid and heterogeneous. This is exemplified, he argues,

by the intertwining of different historical layers of political cultures within the state apparatus as a whole (traditional/pre-colonial, colonial, post-colonial socialist-revolutionary, civil war-time governance and present-day democratic culture), but also by the prevalence of different *micro-states* within the same state. These micro-states are characterised by having their own combination of different local and extra-local, historical layers of operational logics and styles of behaviour because local state officials "exert their own personal differences on them [the operational logics]" (ibid.: 50). Microstates have developed, Santos argues, because of the inability of local state institutions to guarantee their own efficiency by relying alone on formal procedures and the codified law existing in the present (ibid.: 54). In Matica and Dombe, the most pervasive scripts (or 'logics' in Santos' sense) that local state officials drew on were the local script of evil-doing, including the procedures of resolution exercised by chiefs, and the extra-local political script of the Frelimo party-state (on the latter, see Section 2). If these scripts shaped the operations and rules of the local state officials, they also lay *outside* the present law. They were nonetheless combined with consistent references to the law, the use of formal bureaucratic procedures and invocations of a larger national project of state-formation. These observations suggest that hybrid local state authority should also be understood as characterised by a continuous oscillation between the informal, acting *outside* the law, and the formal, acting with reference to the law, as well as between localised and wider national projects to constitute state authority.

Das and Pool (2004) capture this point when discussing state operations in the 'margins of the state'. They highlight how the "legal and the extralegal runs right within the offices and institutions that embody the state" (ibid.: 14). The point is that the extra-legal practices of local state representatives in the margins are made effective by their ability simultaneously to "act as representatives of the state" and to refer to the "supposedly impersonal or neutral authority of the state" (ibid.). On the other hand, the application of extra-legal practices also reflects the precariousness of state authority in the margins, as noted earlier. They "represent at once the fading of the state's jurisdiction and its continual refounding through its appropriation of private justice" (ibid.). The result is not that local state authority becomes completely indistinct from non-state forms of authority, such as chiefs. Alternatively, as Das and Poole argue, local state officials in the margins "do not so much embody 'traditional' authority as a mutation of traditional authority made possible by the intermittent power of the state" (ibid.: 14).

These perspectives of Santos (2006) and Das and Poole (2004) help us conceptualise the hybrid character of local state authority in Matica and Dombe, as conditioned by the precariousness of state authority and the negotiated character of authority in the margins in general. Authority is in a constant process of reconstitution, as local state officials adjust to the preferences of rural residents and interact with the chiefs. Much the same can be said of chiefs, who, like the state 'in the margins', where there is no *de facto* hegemonically established institution of authority, have to be actively engaged in re-constituting authority through "an active and contested process of assertion, legitimization and exercise" (Lund 2006a: 679). This underscores emerging forms of state and chiefly authority as not only hybrid, but also as negotiable. Negotiability and hybridity do not mean indistinctiveness between chiefly and state forms of authority, nor as resulting in a single source of legitimate authority. Hybridity co-exists with and is conditioned by active processes of boundary-making. This brings me to the second point.

The relationship between hybridity and boundary-marking

The definition of present-day chiefs as *hybrid* authorities in the literature on chieftaincy discussed earlier relies on a notion of the empirical existence of pure, fixed domains of legitimacy, one traditional-rural and another modern-state, between which chiefs can convert, translate and be double gatekeepers. This is expressed in terms such as 'radically different worlds' (van Dijk and van Nieuwaal 1999), 'antagonistic orders' (von Trotha 1996), 'dual bases of power' (Ray and van Nieuwaal 1996) and 'distinct political systems' (Hatt 1996). The implication is a notion of two types of distinct authorities: hybrid chiefs, situated between the state and rural society, and the modern state as separated from rural society.

My material from Matica and Dombe alternatively suggest viewing distinct domains of authority as the result of ongoing interactions, representations and processes of regularization, rather than as fixed structures, as an inevitable background for hybridization. This also includes viewing both distinctions and hybridity as emerging from direct interactions between rural residents and the local tiers of the state, not simply through a mediated relationship between the state and rural society, with chiefs situated as gatekeepers in the 'middle'.

People in Matica and Dombe continually drew distinctions between the state and chiefly authority, but no fixed and pure empirical domains of authority were given at the

outset. One can take as an example the overlap of functions between the police and the chiefs in solving crimes that existed prior to *de jure* recognition of the latter. Another example is the discrepancy between the distinct categories of social, traditional and criminal cases produced by the local tiers of the PRM, and the multiple links between these in practice and in rural residents' notions of evil-doing. Purity of domains and distinctions between them (i.e. the PRM's 'models for practice') resulted from the active work of state police officers. These were then later taken up – confirmed, disconfirmed, redefined and negotiated – in concrete interactions and actions. My material therefore suggests that, instead of viewing hybridity as forms of conversion between already existing, historically fixed, distinct domains, it is more useful, as Pieterse also points out (2001: 220), to view hybridity as activities that co-exist with the active production of boundaries between essentially different entities. This means recognising that boundaries and forms of hybridity are relational and that they reshape each other. Hybridity is only noteworthy when fixed categories and boundaries are being produced, and boundaries are only produced and notable because there are always patterns of hybridity and border-crossing (ibid.: 234).

Viewing hybridity in this way, I suggest, captures how the hybrid character of *both* the state *and* the chiefs, exemplified by various practical and ideological fusions, existed in a *productive tension* with articulations of distinctions. As shown in Chapter 9, the breaching of boundaries (such as going beyond official mandates) was part and parcel of constituting the distinct authority of chiefs and the local state police. The result was not a permanent fixation of distinct domains *per se*, but also mutual transformations of the practices of authority enforcement. Key to understanding this is that *both* chiefly *and* state authority (not only the authority of chiefs in relation to the state) were constituted relationally.

In arguing this, it is important to recognise the historical specificity of both hybridity and boundary-marking, as Pieterse (2001) also points out. He stresses: "We can think of hybridity as layered in history, including pre-colonial, colonial and postcolonial layers, each with distinct sets of hybridity, as a function of boundaries that were prominent, and accordingly different pathos of difference" (ibid.: 231). He further adds that boundaries themselves are often the product of hybridity, pieced together from different hybrid sources in time and space (ibid.: 238). This captures well the mixture of different elements in the PRM's 'models for practice', as well as in chiefly claims to and practices of authority. But the historicity of hybridity and distinctions also draws attention to the limits to possible

modes of boundary-crossing and boundary-marking. This means that there are limits both to what is negotiable and to what can be distinguished. In addition, the use of *hybridity* should not lead us to side-step the significance of power differences (ibid.: 236). On the contrary, like boundary-marking, hybridity involves the mixing of elements, but some of these may be more dominant than others, and some actors have the capacity to engage more successfully than others. This brings me to the third point, namely how the hybrid and negotiated character of authority in Matica and Dombe also resulted in differentiations between more or less successful chiefs.

The power dynamics of hybrid and negotiated authority: differentiations of chiefs
The third of my revisions regarding the literature on chieftaincy referred to above has to do with the dynamics of power that underpin hybrid and negotiated authority. In view of my material, the literature grants too much equality of agency and creativity to chiefs, failing to capture the differences between individual chiefs' abilities to engage in hybridization "to their own ends" (van Dijk and van Nieuwaal 1999: 7). It also overlooks the limitations to negotiability and hybridization that particular historically embedded scripts underpinned: the local script of evil-doing and the extra-local script of the Frelimo-party state. I return to the latter in Section 2. Here I address how, in more subtle ways, the negotiated and hybrid character of authority produced distinctions between individual chiefs and sub-chiefs in Matica and Dombe. In other words, not all chiefs and sub-chiefs were equally successful in re-constituting *de facto* authority. This became clear after the *de jure* recognition of chiefs.

The negotiated character of authority underscored the requirement of much agency, skill and will on the part of chiefs and sub-chiefs. Sustaining *de facto* authority depended on the capacity actively to combine different sources of legitimacy and practices. It also required an ability to balance the demonstration of allegiance to the state police and the Frelimo party on the one hand, and a certain level of subversion of the rules of the *hurumende* on the other (see Chapter 9).[323] Finally, the *de facto* authority of chiefs and sub-

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[323] Notably, when compared to the points made by Chabal and Deloz (1999) and the general literature on neo-patrimonialism referred to earlier, the *de facto* authority of the chiefs in fact depended very little on the direct accumulation and distribution of wealth. I do not have a ready-made answer for why this was the case, but one simple answer could be that chiefs and sub-chiefs had little to accumulate from and hardly any wealth to distribute. Due to a long history of war, official banning and their having few avenues of access to resources, chiefs were in fact among the poorest of the rural population. Although *banja* sessions were a source of income, relatively little went to the chiefs because it had to be redistributed amongst the *madodas*. Also no material benefits came from the state, as the promised subsidy from tax collection had still not materialized by 2005. So far, as chiefs themselves argued, working for the state and serving the population was a route to poverty rather than wealth because it prevented chiefs from spending time on income generation. There was

chiefs also depended on their ability to manage the invisible domain of evil-doing, a domain of forces from which they were not themselves immune, but which set limits to their ability to re-constitute authority.

In some areas, these requirements led, if not to direct forms of competition between and within chieftaincies, then to a differentiation between *de facto* authority and the *de jure* status of chiefs and sub-chiefs. This was reflected in policing and justice enforcement, as well as paralleled in other fields of action (such as taxation, development project inputs and land distribution). The *de facto* differentiations between chiefs and sub-chiefs took place alongside forms of competition that arose between some of them and the recognised *secretários*. Also, this happened in conjunction with state police officers privileging some chiefs over others when calling on their assistance or turning *uroi* cases over to them.

The case of Chief Zixixe and his two sub-chiefs, Ganda and Boupua, in Matica is illustrative. While in 2004 Zixixe was still regarded as the superior chief in spiritual terms, corresponding to his *de jure* status, this did not match his *de facto* authority. He was very rarely addressed by members of the chieftaincy and relied on less and less by state officials. In practice his two sub-chiefs, Ganda and Boupua, had reversed the *de jure* hierarchy of authority. This was reflected in the spheres of justice enforcement and policing, but also in taxation and in attracting community-based development projects. Not only did the sub-chiefs work with the state administration independently of Zixixe, they were also more successful in bolstering their *de facto* authority among the population. This was partly the result of Boupua's and Ganda's willingness to collaborate with the state officials and the Frelimo party, and partly due to individual leadership skills in attracting NGO projects, mobilizing the population for public meetings, enforcing sanctions and keeping track of bureaucratic artefacts such as population registers, tax receipts and notifications. Zixixe simply did not have the enforcing power and will to perform these tasks. His weekly court sessions had become a question of "solving cases when people come along"[324] – which they often did not, because the majority chose to have their cases settled by sub-chief Boupua, who lived relatively close to Zixixe. Also, the PRM and the state administration had given up working with Zixixe. As a result, Boupua was the person on whom the state *de facto* relied to transfer criminal suspects and to mobilize the population for development projects.

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nonetheless a hope that some day material benefits from the state would become a reality and not merely a promise.
[324] Interview with Chief Zixixe, 20 August 2004.

Another example was the Gudza chieftaincy in Dombe. By 2005 it was more or less non-operational. This was partly due to continued leadership disputes and *uroi* afflictions within the chiefly family, and partly to the Queens' fear of and lack of skills to engage with the state and conduct *banjas*.[325] As with Zixixe, in public representations the Queen was recognized as the *madzi-mambo*, which corresponded to her *de jure* status. However, in practice a sub-chief of Gudza, Struba Mushambonha, had taken over the majority of 'clients' in court sessions. In 2004, and to an ever greater degree in 2005, people in the Gudza chieftaincy simply by-passed the Queen and her *banja* and addressed Struba directly with their problems. Others went directly to the PRM in Dombe with *uroi* and minor disputes. Even at the annual rain-making ceremony, which is the high point of offerings to the ancestors to maintain the well-being of the chieftaincy, only fifteen people participated in 2005 (including a couple of near neighbours, the *madodas* and their wives, and myself and my assistant, Noé).[326] Struba, by contrast, was able to bolster his *de facto* authority with both the state officials and the rural population. This was because he was able to balance the requirements of each. He regularly subverted the *lei we hurumende* by solving crime on the spot, and he also transferred 'criminals' and 'suspects' efficiently to the PRM when this was required of him.[327] He was also the person on whom the PRM relied most when on the lookout for criminal suspects, and the person the administration trusted with taxation, the launching of development projects and land allocation to commercial farmers from 2004 onwards. Struba was in short *de facto* – not *de jure*, nor when presented at public meetings next to the Queen of Gudza – the individual the state officials trusted most with tasks in the Gudza chieftaincy. At the same time it was also he on whom rural residents relied when they did not want to 'be known by the police'. Finally, Struba also pledged loyalty to Frelimo, at least in public, in 2004, when he became a member. He nonetheless kept in his house a much older membership card – that is, of Renamo.

These cases illustrate how the inherently negotiated character of authority could increase the opportunities for some chiefs to bolster their *de facto* authority, while decreasing the scope for others. The point here is not that competition within chieftaincies

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[325] When Mumera, the Gudza queen, was called to meetings with the *chefe do posto* or to larger public state meetings, she always said that she or her son was sick. She feared the state officials, she told me, but also *uroi* from her rivals within the family if she attended.

[326] Even in 2002, when conflicts over leadership in the Gudza *chieftaincy* were very intense, at least eighty people participated in the ceremony.

[327] Struba indeed took his policing tasks very serious. By the end of fieldwork in 2005, he had just commenced the construction of a small prison, where suspects and trespassers could be kept overnight before being taken to the PRM.

is new. It is rather that, despite the *de jure* congealing of hierarchies, the interactions with the state officials and the delegation of state functions to chiefs and sub-chiefs have reconfigured the arenas for re-constituting *de facto* authority. In the cases cited above, the result was that chiefs with *de jure* and spiritually superior authority became merely symbolic figures to be displayed at public meetings, dressed in a uniform and covered with a set of national emblems. They were not necessarily leaders with *de facto* authority in the sense of being relied on in practical terms by rural residents and the state officials. To be a chief with *de facto* authority depended on the ability to go beyond *de jure* status, speak the languages of the state in public, perform state duties efficiently and at the same time have the courage to flout the law when rural residents required this. In short, it depended on the capacity to engage in the wider arena of the negotiated, hybrid constitution of authority.

To these abilities should be added the wider significance of the invisible domain of *uroi* and *vulí* for the reconstitution of *de facto* chiefly authority – in short, what I have referred to as the local script of evil-doing. As already noted in Chapters 8 and 9, the *de facto* authority of the chiefs depended on their capacity to facilitate the resolution of *uroi* cases efficiently. This same capacity was also an aspect in how the state police recognised the *de facto* authority of some chiefs and sub-chiefs over others when they made a choice of where to 'return' an *uroi* case. Here I wish to add the limits that the fear of *uroi* afflictions, which chiefs were not at all immune from, placed on their room for manoeuvre and negotiations. In the case of the Gudza Queen, it constrained the extent to which she engaged with the state officials and conducted *banjas*. For others the fear of *uroi* hampered the extent to which they enforced sanctions on perpetrators and bolstered their positions vis-à-vis others.

As Geschiere has noted (1996), witchcraft can be seen as a 'levelling force' in society because "it can serve to keep ambitious leaders … within bounds" (Geschiere 1996: 314). This was acutely felt by Struba in early 2005 and Ganda in late 2004, when they fell severely sick and were out of action for three to four months: Struba allegedly due to *uroi* sent by his opponent Jossias, and Ganda supposedly because of *vulí* sent by someone who was furious about the settlement of his case.[328] The local script of evil-doing was, as in the rural population's understandings of transgressions, an ever-present, underlying grammar that influenced the scope of actions of chiefs. This was because, as Chief Chibue stated,

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[328] In 2004-5 there were also other examples of chiefs being inflicted by *uroi*, such as Chibue, Dombe and Kóa.

"*uroi* is the invisible that we [chiefs] can never fully control. We always have to be aware because people are jealous of chiefs…. The *mambo* is always in danger…the ancestral spirits cannot protect us fully…and the state can do nothing."[329]

The point is that chiefly authority was not above *uroi*, but intimately tied to it: their *de facto* authority depended on their capacity to ensure that perpetrators of *uroi* were judged, but also that they themselves did not become the victims of *uroi*.[330] This aspect of chiefly authority adds another important limitation to the negotiability of authority: in reconstituting *de facto* authority, chiefs had to balance their relationship not only with the state officials, to avoid excessive punishments, and with the particular expectations of their populations, but also with the invisible domain of evil-doing, from which they were certainly not immune. If only implicitly, the constitution of local state authority in *relation* to the chiefs, and as partly dependable on adjusting to the expectations of rural residents, was also drawn into this local script of evil-doing. At least it both set limits to as well as shaped the local police's attempt to constitute superior authority by establishing distinct domains of authority. This was exemplified by their involvement in settling *uroi*, but also in the 'models for practice' which recognised the local script of evil-doing, existing *outside* the law.[331] As I address next, this script also set limits to and shaped the ways in which rural residents (dis)engaged with state institutions.

Situational Citizenship

What do the negotiated, hybrid forms of authority prevailing in everyday governance, discussed above, imply for how we should conceptualize emerging forms of *de facto* citizenship in Dombe and Matica? Based on the analysis of Chapters 8-9, I suggest that the everyday negotiability of authority underpinned *de facto* citizenship as relatively inclusive, but also as constituted through the situation-specific, negotiated ways in which rural residents gained access to state services and state officials adjusted to their preferences. The

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[329] Interview, Chief Chibue, August 2004.

[330] This also made a chief highly dependent on *wadzi-nyanga* in settling *uroi* cases brought to the *banja*, in protecting themselves from *uroi* and in removing its sources when afflicted.

[331] In Matica and Dombe, state officials were not perceived as falling victim so easily to *uroi* because they came from 'the outside' and were not tied to family or close personal relations. The question is whether this will change over time as a result of the state police's active engagement in facilitating the resolution of *uroi* cases and in linking *uroi* with crime and thus, albeit not as directly as chiefs, entering the domain of the invisible. Other studies have pointed in this direction, as well as showing how the power of state institutions is popularly perceived as being intimately tied to the use of occult forces and/or the assistance of witches (see West 2005; Fisiy and Geschiere 1990).

implication was that modalities of inclusion co-existed with high levels of indeterminacy and did not preclude differentiations.

Citizenship: situation-specific and negotiated inclusion

The PRM's 'models for practice' underlined the coexistence of a distinction between rural residents as ruled by community authorities in some matters ('social'/'traditional') and rural residents as citizens of the state in other matters ('criminal'/'legal process'). This roughly corresponds to recent distinctions in Mozambican legislation: on the one hand, Decree 15/2000, which recognises rural residents on the basis of their community membership, represented by a chief or other community authority; and on the other hand, the Constitution's individually based model of citizenship, recognizing universal political, civil and social rights for all nationals. This means that rural residents have formal access to *some* rights as individual citizens (e.g. political rights in the form of voting for general elections, education, health and a legal process), but that they have to be members of a group or community to gain access to other sorts of benefits (e.g. political representation at the community level, access to development programmes, local conflict resolution, and land) (Kyed and Buur 2006).

These different legal conceptualisation and their locally adjusted variants (i.e. the models for practice) suggest that the rural population did not fall into either of the categories of citizens or subjects in the sense defined by, for example, Mamdani (1996): 'subjects' as those ruled by customary law under chiefs and treated as *groups*, who do not participate in the institutions of government; 'citizens' as those ruled according to modern law and a universal set of rights to *individuals* secured by the state, as well as being active participants in civil society. Rather than being either citizens or subjects, the people of Matica and Dombe were both to varying degrees.[332] This came to light in the everyday practices of and interactions between the state, the chiefs and the rural population. Although here *de facto* forms of citizenship were not a mirror image of a strictly *de jure* conception of citizenship rights granted equally to all (such as inscribed in the Mozambican constitution and defined by scholars such as Mamdani), the rural population did actively influence the operations of local state officials and gain access to state services.

Chapters 8 and 9 showed that, rather than restricting the rural populations to particular bounded domains of case settlement (i.e. as citizens of the state and subjects of

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[332] On a similar point for other areas of Africa, see Geschiere and Gugler (1998: 315).

the chiefs), the PRM's 'models for practice' actually opened up a wide range of alternatives and strategies for going 'forum shopping' in order to access desirable outcomes (von Benda-Beckman 1981).[333] Moving back and forth between the *banjas*, the community courts and the PRM could be an important asset in ensuring that a conflict was settled, compensation paid and punishments inflicted. The action patterns of rural residents challenged the boundaries produced by the state police. They also demonstrated that rural residents were capable of laying claims against the state directly and making its local officers adjust to their preferences. It is worth restating that it was to a large extent these preferences and expectations that laid the groundwork for the negotiated, hybrid forms of authority that emerged: for example, the police's facilitation of the resolution of *uroi* cases and their willingness to re-classify criminal acts (such as rape) as social cases in response to the victims' own preferences. The everyday interactions between the state police and the rural population created a relatively inclusive form of citizenship, but also one that was enacted situationally, highly localised and the result of negotiations surrounding concrete cases. *De facto* forms of citizenship did not result from state officials straightforwardly granting a set of formal rights to *all* rural residents, nor were they a consequence of rural residents claiming such rights (such as the civil right to a fair trial in the official courts). Rather, it was the result of the personal judgement and the willingness of police officers to accept the requests of the rural population, as well as the latter's active engagement with the local tiers of the state. This had two implications.

First, the preferences of the rural population and the state police's adjustments to them tended towards a detachment from, rather than a process of inclusion in, the formal justice system. This was not because people did not have very real ideas about what a fair trial was. It was rather because they shared resentment over imprisonment, which they associated with the formal justice system. As noted earlier, imprisonment was seen as "payment to the *hurumende* and not to the people": it could potentially worsen a chain of

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[333] Besides the action fields of policing and justice enforcement, there were also other modalities of citizenship at work in other fields of action, which either implied a direct link between the state and the rural population, or else involved chiefs and community authorities as intermediaries: for example, tax collection by chiefs and sub-chiefs, vaccination campaigns and population registers organized through chiefs by the state, community-based development projects launched by NGOs, and the micro-credit tobacco schemes of private businesses, all of which positioned chiefs and community authorities at the interface between external agencies and the rural population. Along with this, access to clinics and hospitals, schooling and market stalls was as a rule provided by the state directly to rural residents as individuals. In 2005 the framework for community participation in district planning introduced yet another modality of citizenship, one in which local councils and forums were to ensure that a broader representation of citizens participated in decision-making.

evil-doing. In this sense the local script of evil-doing also had implications for rural residents' (dis)engagement with (from) the state, in particular beyond the immediate local context. The notion of imprisonment as "a payment to the *hurumende* and not the people" also suggested that the reluctance to engage with extra-local state institutions was tied to the historically vested view of the state as not necessarily serving the 'common good', in particular the rural poor. The implication was that *de facto* forms of citizenship were not attached to a wider notion of the state as the neutral and impersonal guarantor of equal rights and obligations. Instead, access to state benefits and services was viewed as obtainable through localised and negotiated interactions with the local tiers of the state. In a sense the sub-district level state police reproduced this by communicating and enforcing their 'own' rules, which by and large left regulations, provisions and control of the rural population's involvement with the state in the hands of local police officers (see Chapter 7).

Secondly, the situation-specific and negotiated ways in which *de facto* citizenship was constituted at the sub-district level also entrenched indeterminacy and did not preclude differentiations. I elaborate on these aspects below.

Indeterminacy and differentiation

The negotiated character of authority also meant a high level of indeterminacy for the rural population. As noted in Chapters 8 and 9, taking a case to the police always involved the risk that compensational justice would not be dispensed and that imprisonment would be the result. In addition, fear of a future chain of evil-doing and *uroi* inflictions was always present in the choice of taking a case to the police, and there were potentially negative repercussions in "becoming known to the police". The prevalence of self-redress and the continued settlement of criminal cases by chiefs reflected people's views of the risks involved in bringing in the state police. Not all rural residents had the skill, will or courage to engage and negotiate with the police, and not all were treated the same way in every situation. The latter circumstance, for example, came to light in the resolution of criminal cases by the local tiers of the state, which often, but not always, implied the payment of compensation to the victims (see Chapter 9). This underpinned more subtle modes of differentiation, as well as more pervasive ones.

If the plural institutional landscape left ample room for negotiating settlements, it was also the more affluent, the better connected and the more knowledgeable that had the

upper hand.[334] There were limits to negotiability because it does not preclude differentiation. In Matica and Dombe, the content of what could be regarded as 'affluent', 'better connected' and 'more knowledgeable' depended on the authority being addressed and were intertwined with different criteria of distinction: gender, age, marital status, kin relations, economy, residence and political affiliation. For example, we may recall from Chapters 8 and 9 how monetary issues both impeded the choice to seek appeal in *banjas* or community courts, and informed the choice whether to go to the PRM or not. Added to this was a tendency for women, in particular widows or unmarried women, to prefer the police to the chief because of inherent gender inequalities in the rules enforced in the *banjas* and the particular danger for these people in being accused of *uroi*. However, there were also exceptions to this, as when the female family members of a chief were involved, or if the case concerned a woman with a good reputation in the area. The rural population generally viewed the close kin of chiefs as being better situated at the *banja* than others, although this was denied by the chiefs themselves. The same applied to distinctions between people who had resided in the area before the war and those who were newcomers or just visitors. This was equally the case with the police, who tended to be biased towards local residents. Another form of differentiation shared by the *banjas*, the police and the community courts was age: young men were often treated with particular mistrust, easily lost a case and were punished more than others. But again there were exceptions, as when young male teachers and the sons of *madodas* were involved. Finally, personal connections with the authorities in the administrative capitals played a significant role regarding how cases were settled in the community courts and in negotiating settlements with the police (see, for example, Case 1 in Chapter 8).

Besides these significant but more subtle forms of differentiation that limited the degree of negotiability, but were not fully fixed, there were two more pervasive, underlying scripts that could underpin exclusions: the local script of evil-doing, which not only limited people's scope of choices and actions, but could also be invoked to set some people apart from others and at times to exclude persons from the *regulado* (see Chapters 7-8); and the political script of the Frelimo party-state, which, as noted in Chapter 9, underpinned how party political affiliation or a history 'on the Renamo side' was important in the choices people made whether or not to take a case to the police. This was embedded in a wider history of the political partisanship of the police, but it was also confirmed by ongoing

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[334] On a similar point regarding Malawi, see Peters (2002).

practices and representations of distinctions by local state officials, as also noted in Chapter 6. When seen from the perspective of *de facto* citizenship as a mode of producing membership of the political community, the political script was by far the most prevalent form of differentiation employed by the local tiers of the state. The limits that this script set to the inclusiveness of citizenship and also to the negotiability of chiefly authority will become explicit when I now address the responses of local state officials in 'exceptional situations'.

2. Exceptional Situations: Sovereignty and the Political Script

So far this chapter has argued that the everyday patterns of action and interaction underpinned hybrid and negotiated forms of local state and chiefly authority. The point has also been made in this and the previous chapters that these everyday patterns challenged the state police's attempt to fix distinct domains of authority as an element of consolidating the sovereign authority of the local state in the sense of a monopoly on the use of force and final decisions concerning 'the land', the 'citizen body' and 'authority'. The immediate result of the everyday negotiability of authority was high levels of uncertainty in the constitution of authority. Authority remained precarious, but it did not erase attempts to draw distinctions and hierarchies. This section addresses the particular, but momentary responses of local state officials to the uncertainty of the sovereign authority of the local state, and the significance of the political script in these responses. It does so by drawing attention to situations in which local state officials overtly and in public 'stepped' out of everyday patterns of negotiations, re-marked hierarchies of authority and re-enacted a state-defined order.

I conceptualise these situations as 'exceptional situations'. I do this because they emerged from particular occurrences that, as opposed to the more subtle challenges to local state authority in the everyday negotiations of the police's rules, were defined by local state officials as overt resistance to state authority and, as it turned out, in particular to the Frelimo-state order: for example, when chiefs were caught using force or assisting the opposition party, when state officials met overt resistance from or were 'brought to trial' by rural residents, and in particular when activities were seen as overt political resistance to Frelimo. But the meaning of 'exceptional' also needs to be seen in light of the particular responses of local state officials that the occurrences gave way to. This included the

application of violence on the bodies of those seen as resisting the state and Frelimo, and above all of defining and enacting criteria of inclusion and exclusion from the unity of the political community, as defined by the local state officials.

In this way, 'exception' denotes "an instance of leaving out or excluding" (for example, things, persons, and/or ideas), of drawing boundaries between the included and the excluded (Oxford Advanced Learners Dictionary 1989). Thus 'exceptional situations' are conceptualised not *per se* as deviance from the 'normal situation', but in particular as defining moments in which particular definitions of the 'normal' or the 'rule' are represented and enacted, and categories and practices of exclusion are overtly articulated. In this section, where the 'exceptional situations' are those in which the sovereign authority of the (Frelimo) state is at stake, such attempts to produce the 'normal' centred on definitions of the political community of righteous citizens and its constitutive outside or the excluded. This at the same time underpinned particular enactments and definitions of state sovereignty by local state officials. Characteristic of the practices of violence and exclusions invoked in these exceptional situations was the fact that they involved suspension of the official law in the very name of enforcing the law. As discussed in Chapter 7, sovereignty can be seen as originating in the exception, that is, in the capacity not only to define the 'normal' order and the law regulating it, but also to define the exception and suspend the law or the norm. The exception is characterised by the sovereign applying exceptional means on the bodies of those individuals who threaten the order or normal situation as defined by the sovereign (Hansen and Stepputat 2005; Schmitt 1985). The substances of such exceptional means may vary from physical violence to exclusion, but they are characterised by excess. In Chapter 7, this was expressed in the PRM's excessive punishments of chiefs. In this section, I begin by presenting a case from Bunga in Dombe that takes these insights further and shows how the enactment of sovereignty in exceptional situations was underpinned by the political script of the Frelimo party-state. This invested sovereignty, the law and citizenship with a particular political content, while casting Renamo as the 'internal enemy', 'evil other' and 'constitutive outside'. The repercussions of this for *de facto* inclusive citizenship and chiefs' room for manoeuvre and negotiation are discussed after presenting the case from Bunga.

The Bunga burning

On 14 August 2004, we were in Chibue Chieftaincy and received the news that, during the night, the Bunga offices of the local state administrator (*chefe da localidade*) and the PRM officer, Raul and Mauritius, had been burnt to the ground. It was no accident. Somebody had set the offices on fire, we were told, but no one would say who it was. Fortunately no one was injured because Raul and Mauritius were in Sussundenga. Rumours immediately circulated in the Chibue area about the case. Some believed 'it is *ma-politica*', referring to how people in Bunga "do not want the police…and the *hurumende*', because it is a "*zona maningi de matsangaisa* [a very strong Renamo zone]". Others rejected this political interpretation, asserting that it must be someone who is "fed up with Raul eating the women [i.e. sleeping with married women]" or because "Raul and the police are beating the people and even the *mambo*" – practices that I was already familiar with after several stays in Bunga from 2002.

Bunga is the administrative capital of the locality of Javela, which lies some forty kilometres from Dombe *sede* and a few kilometres from the former Renamo base at Sitatonga (see Chapter 2). State police and administrative presence was not re-established here until 2001 due to fear of resistance from the local people, who as a rule supported Renamo, including the chiefs. After the 1999 elections, when Renamo claimed nationally that Frelimo's victory had been due to fraud, there were intense upheavals in Bunga, where rural residents in protest blocked the main road passing through Bunga and connecting Dombe with Zimbabwe. This was met with intensive police intervention and mass arrests.

In 2001 Raul had been posted to Bunga as the first *chefe da localidade* of the area since colonial rule. He was a former First Frelimo Secretary in Dombe, who had actively played a role in re-establishing the presence of the party and the state administration in the *sede* in 1995-6. He was known to take his state administrative tasks very seriously. Indeed, Raul actively tried to turn Bungians into registered tax-payers, members of development associations and generally law-abiding citizens.[335] But to him these transformations, which he referred to as '*educar o povo*' (educating the people), were also intimately tied to turning Bungians, including chiefs, into Frelimo loyalists.[336] In parallel with this wider national project, as Raul termed it, he had created his own 'microstate' for governing Bunga. With

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[335] In 2002, three people paid taxes in Bunga out of 3402 registered adults. Interestingly this was equivalent to the number of people who voted for Frelimo in 1999. Due to increased collaboration between the chiefs and Raul, taxes rose by approximately 20% in 2003-4. In the 2004 elections, votes for Frelimo increased to 16.
[336] Interview, Raul, Bunga, 2 October 2002.

the assistance of shifting PRM officers,[337] he had established his own little 'court', receiving people who had *ndava* of diverse kinds, and regularly solving criminal cases by imposing penalties ranging from the payment of compensation to victims to corporal punishment and public work. On some occasions, he also put in their place chiefs who had been caught solving crimes or in other ways "boycotting the development goals of the *governo*" (such as not attending state-arranged meetings, not assisting with finding criminals or taking part in Renamo-arranged activities).[338] Parallel to this, Raul had a longstanding controversy with the local Renamo delegate because, "according to the Law that prohibits political parties from displaying their flags next to an election venue", he had ordered Renamo to remove their office and party flag from the main road next to the public school where elections are held.[339]

Raul was viewed with ambivalence by Bungians. He indeed made things happen, assisting the people with *ndava* and cracking down on criminals, but they did not like the way he punished the *mambo*, and in particular the fact that he "stole the women of Bunga." Raul indeed liked women, in particular married ones. In his 'court', he had developed a practice of 'conquering' women who were accused in a case by keeping them in his office for one or two days to serve their "sentence of public work" (cook food for him and give him pleasure). Rumours circulated that Raul had conquered nine married women since 2001, made one of them pregnant, three severely sick (some believed of AIDS, others that it was *vulí* because their husbands had not been compensated), and one had died. In three of these cases the husbands had tried to get Raul sentenced according to the norms of compensatory justice that applied to adultery. On the first occasion, Raul agreed to go to the *banja* of Chief Kóa, but he refused to pay the fine that was imposed on him. After this the husband went *maluco* and killed his wife, probably because of *vulí*, people said, due to the lack of compensation. He served six months in prison and was released in early 2004. On the next two occasions, Raul went to the community court in Dombe, but here too refused to pay any fines. Both women fell severely sick thereafter, and Raul continued 'conquering' other women. In 2004, prior to his office being burnt, the aggrieved husbands stated that they had given up trying to bring Raul to trial, but rumours circulated that some

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[337] Police officers posted in Bunga never remained there for very long. It was a very unpopular area to work in, not only because it was geographically remote from Sussundenga and Chimoio towns, where most officers' families lived, but also because it was a Renamo area.
[338] Interview, Raul, 10 July 2004.
[339] Ibid.

of them had asserted that "One day, Raul will see", indicating that somehow justice would be done.[340]

Raul's conquests of women were well-known by the PRM in Dombe, and also by the *chefe do posto* (the head of the administrative post of Dombe), who had warned Raul that it could harm the government. Nonetheless, when we reached the Dombe *sede* on 16 August, the chief of police stated that the burning of state property in Bunga was most probably politically motivated. It had, he held, probably been engineered by Renamo as part of its "uncivilised campaign, organised against the law and order of the state".[341] He further linked the arson to an incident on 11 August in Cheringoma District, Sofala Province, which had just been transmitted over the radio: 25 armed Renamo supporters had stormed the police station to release five other Renamo supporters who had been imprisoned for beating up a Frelimo secretary. But he also linked the arson to Bunga being a *zona da confusão* (literally a 'zone of confusion'). This label was commonly used by state officials to describe former war zones controlled by Renamo, where the people had become confused due to protracted exposure to such control. As the *chefe do posto* explained, it denoted areas where "people still take the law into their own hands…because they live in this war mentality…of the opposition…and they lack the education to know what is legal and what is not".[342] This interpretation reflected how the particular political script underpinned ways of conceptualising crime and transgressions. It also had concrete effects on how the case was handled by the police. However, this was widely contested by Bungians and Chief Kóa.

Political sabotage against the state, or justice against the abuse of power?

Two days after the fires, the secretary of the Renamo delegate was arrested by a PIC officer with Raul's assistance. He was taken to Dombe, put in a cell, interrogated and beaten.[343] He became a suspect because he had allegedly written a letter complaining about the removal of the Renamo office, in which he had also insulted the Frelimo presidential candidate, A. E. Guebueza, and claimed that Renamo would have Raul destroyed. He was released after four days due to lack of evidence (the letter was never found!), but he remained under

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[340] Interview with teacher, Bunga, 25 July 2004.

[341] The general and presidential elections were held four months after the fires at Bunga, in December 2004.

[342] See Kyed (2007a) on the production of Dombe as a zone of confusion, used to describe Renamo strongholds and to legitimise exceptional, war-like measures adopted in such cases by the state police.

[343] Interview with the arrestee, Bunga, 24 September 2005.

suspicion for 'state sabotage'.[344] Before his release, another man was detained, namely one of the aggrieved husbands who had allegedly promised Raul "that one day he will see". He also happened to be the son of another prominent Renamo figure in Bunga.

These arrests created a great deal of discontent among Bungians, who widely agreed that the fires had been a last resort to achieve justice by one of the wronged husbands because of the failure of the available courts to do so. To them it was not a political act in contempt of the state police and administration's presence in the area. In their view the burning was not a good thing, but nor was it entirely unjust: Raul had done wrong in stealing other men's women and in not paying the fines. He had set off a vicious circle of evil-doing: sickness, death, and now arson. But the Bungians were also furious that the police had detained two individuals without any public consultation with the people. If the people had been consulted, some held, Raul could not have turned the case into *ma-politica* (politics) in order to cover up his own illegitimate practices of "abuse of the power of the *hurumende*". Chief Kóa was also very dissatisfied that the police had bypassed him in investigating a case involving residents in his area. In fact, he had tried to help the police find the perpetrator by arranging a large meeting between Bungians to discuss the case two days after the arson. Raul and Mauritius had also been asked to participate, but they never turned up: "They [Raul and Mauritius] were just doing their own secret business with the Dombe police [pursuing the arrests]", Kóa told me. The discontent of the Bungians reached the Dombe administration through Chief Kóa, who informed the *chefe do posto* that the people wanted a meeting with the *hurumende* to discuss the case.

On the 24th a public hearing was arranged. Modelled on other public meetings (see Chapter 6), Bunga received a visit from the trinity of power – the *chefe do posto*, two police officers and the First Frelimo secretary of Dombe. At the venue next to the burnt houses and the school, Chief Kóa was seated next to these men and to Raul. The meeting was indeed public, with around 150 people attending. The *chefe do posto* opened the meeting, and after a salute of "Viva Frelimo" and "Viva Bunga", he said: "We have come here because state property has been burnt down. Maybe you, the people of Bunga, do not want the State and the Law here! This is a very serious crime. The perpetrator must be found and punished *maningi* [a lot]." He then asked the people to come forward and speak, adding:

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[344] This was not the first time that this Renamo figure had been detained in a cell. He had been there a year before, accused of holding secret political meetings at night. He was not taken to court, but according to himself the police had tried to *enganar* him (to win him over to Frelimo).

"We are now in a democracy where everyone has the right to speak freely and with any opinion. So tell me what you have to say. Tell me who did this bad crime".

The first six (male) speakers who got up made it very clear that the arson had been caused by Raul abusing his power to steal married women, one also giving a detailed account of how he did this (he was a brother of one of the women). They also complained that the police had not consulted the people, but at the same time asserted very firmly that the arson was not because the people in Bunga were against the law and the state. The seventh speaker, one of the aggrieved husbands, added to this view:

We thank you for bringing the police and a *presidente* [popularly used word for the *chefe da localidade*] here to Bunga. This is very good because it brings development and reduces crime. But there are two kinds of state representatives, one who works well with the people and another who does not. This one [pointing his finger at Raul] is going ways that has nothing to do with the job…he teaches us what is right and wrong, but then he is the one who breaks the law…the only real thief here in Bunga is him…and then he does not even get punished for that. Now you [the Dombe delegation] tell us if this is right or wrong!

Following this statement, several people shouted out loud that the *chefe* should be removed from office, that he should be properly punished, and that the Dombe delegation should not protect him from prosecution just because he is part of the *hurumende*. The *chefe do posto* did not immediately accept these explanations from the Bungians. Rather, he responded by first explaining that people in Bunga should learn to respect the law. However, while referring to the law and democracy, he gradually merged the case, and criminal activity in general, with political opposition to the state and to law and order.

Today, there are many people who end up in prison because they take the law into their own hands…and then the person who slept with the women go free…because adultery is not a crime, it is a bad thing, but not a crime…but arson is a crime and killing a person is…now you should learn that there are many authorities who can assist and counsel you with your problems. There is the *régulo* and the elders, there is the police and the Frelimo Secretary here…and if you don't believe that the problem will be solved here in Bunga, you are free to go to the government in the *sede* [Dombe]…to the administration, the police, the Frelimo secretary and the community court. [And hinting that Renamo was to blame for the case:] I know that here in Bunga there are those people with oppositional ideas who advise you to do justice with your own hands…but this is a thing of the war. Today there is law and democracy.

At this point an old man got up and, in response to the *chefe do posto*, replied that the people had indeed tried to take the cases to court and thus adhere to the law that the *chefe* was referring to. The problem, the old man said, was rather that Raul "is one of those persons who do not receive counselling…just does what is in his own mind because he is with the government." The *chefe do posto* now agreed that "what he [Raul] has done is

wrong…he should not destroy the homes of people, but it is not the government that has done wrong". However, immediately after this statement, he tried to divert attention away from Raul and instead blame the burning on the opposition. In doing so he turned to the past controversy over the removal of Renamo's office. Again referring to law and legality, he stated:

Today in Mozambique we have a multi-party system that permits a lot of parties. All of these parties have to follow the law like all Mozambicans. When the *chefe da localidade* told Renamo to move their office, it was not his own decision. It was the law that says that no party can be in front of the school. No politics can be where the children can hear. Everyone has to follow the law…and when someone is dissatisfied with a decision, he cannot take the law into his own hands.

A 'verbal tug-of-war' over the domain of law and legality followed this comment. While the *chefe do posto* reiterated that political activities should not go against the law – i.e. be carried out in front of the school where children can hear – the crowd responded by asking whether it was right for the police to beat up criminals where the children can hear and see. One also courageously asked why the Frelimo flag was still flying just opposite the school when the *chefe* himself had said that this was against the law. Two others asserted that the released member of Renamo should be materially compensated by Raul and the police because he was innocent and his name was now in the latter's books. Finally some repeated that Raul should be replaced by another official, again repeating that Bunga indeed wanted the state and the law.

The rather chaotic situation that emerged at this point came to an end when the *chefe do posto* informed the crowd that Raul would remain the *chefe* in Bunga until the DA had looked at the case and found a good solution for Bunga. He also promised that, when the real perpetrator was found, the people of Bunga would be informed. He would be presented to the people to explain why he had burnt state property and be made to rebuild the offices. The latter stimulated loud applause from the crowd. However, after this promise the party politicization of the case reached its peak. The meeting was turned into a political campaign that equated Renamo with the evil 'Other' of the law, the state and the people.

Renamo as the criminal and evil 'Other'
After making his promises to the Bungians, the *chefe* said that he had one more issue to talk about: "the secret meetings that are held at night here in Bunga". He continued: "These are very illegal and against the law…because all meetings are supposed to be public and granted the permission of the Government…people can go to prison for that". Although the

chefe did not use the word 'Renamo', anyone who has lived in Bunga for any length of time knows that the phrase 'secret night meetings' has been used by local state officials to criminalise Renamo's political activities and in some instances to legitimise arrests of Renamo supporters.

At this point in the meeting, however, the messages of the *chefe of post* that denoted the criminalisation of the opposition's activities was not confined to invoking the law and thus of positioning Renamo as representing the opposite of the law. He merged emphasis on legality with the local script of evil-doing, and in particular the locally embedded notion of the secret activities of witches performed at night. As discussed in Chapter 8, *uroi* could be used by anyone for diverse purposes, including legitimate ones (e.g. *mapipi*). The *umroi* (witches), the sources of evil, by contrast were held to have the capacity to make themselves invisible and turn themselves into animals so they cannot be identified. They were held to do so particularly at night when the *umroi* would also meet secretly and devour close kin to gain strength.

At the meeting, the *chefe* tapped into this script by drawing an analogy between the illegal night meetings of Renamo and the evil forces that eat people at night: "Meetings at night can destroy the development of Bunga…it can destroy Mozambique….because it works to cheat you into false promises of the good….as our forefathers said, you should not wake up the leopard that sleeps in the *mato* [bush] because in the end it will eat all your relatives." After this the *chefe* turned to the theme of the upcoming elections, asking people to abide by the law and vote peaceably. He then reminded them of the war and the suffering before he returned to the well-known story about the "leopard that sleeps in the *mato*":

A woman was walking along the road at night with meat and her three children when she met a leopard sleeping by the side of the road. She could not stop herself from waking it up. The leopard began to dance and then told the woman, 'When I dance you will get a fortune, but what are you going to give me?' She answered, 'I will give you some meat'. The leopard began to dance, but kept on asking for more meat until there was no more left. It then asked for more. Having nothing more to give, the woman gave the leopard first one, then two children, and then the last child. Then she was left with nothing.

Judging from the comments that my assistant, Nóe, overheard among the people sitting at the back, no one doubted that the leopard, which eats the relatives of those who feed it, was intended as a reference to Renamo. As if triggered by the underlying political messages of the story, one man at the back got up at this point. He was the person who had just been released from the cell in Dombe. He asked the *chefe*: "So was I arrested because of politics,

or was it really because the police thought that I burnt down the houses?" The *chefe* did not directly answer, but replied: "Had we found the letter [of Renamo] to be in your handwriting, then you would still be in prison." Hence, from drawing an analogy between Renamo and the evil forces that work at night, the *chefe* again returned to equating Renamo activities with crime and illegality, irrespective of whether this had anything to do with the arson or not. The *chefe* rounded off these messages by repeating once again that "people cannot interpret the law on their own", followed by shouts of "Viva Frelimo", "Viva polícia", the "law" and "the people of Bunga". He then gave the stage to the First Frelimo Secretary of Dombe, who used the occasion to speak about the up-coming elections – including encouraging people to vote for the Frelimo presidential candidate, E.A. Guebueza.

The end result of the case was that no one was charged with the arson attack. The Bungians nonetheless got rid of Raul, who in September was transferred to the neighbouring locality of Matarara. Meanwhile the Dombe police and administration withheld the conclusion that the *chefe do posto* gave to me after the August meeting: "Ah, in the end it was all politics. Why else did they not tell us who the real offender is? They just talk about the women to hide the political issues." Three months later, Renamo again won a convincing electoral victory in Bunga, suggesting that the *chefe do posto*'s main messages had not been entirely convincing to the people of Bunga.

Irrespective of the unsuccessful voter outcome for Frelimo, this case of the destruction of state property in Bunga brings to the fore the particular underlying politics of representing and enacting local state authority and the law, which surfaced explicitly in exceptional situations. Burning state property was unusual in post-war Dombe, once the state administration and police post had been set up and the chiefs recognised. However, the case exemplified an exceptional situation, not so much by being an exception to the rule, but due to the responses of state officials that it led to. First, it reflected how local state officials merged illegality with politics: the burning was presented and acted on as an act of political sabotage against the state and the law, not merely as a criminal act of self-redress, which, as noted in Chapter 8, was not that unusual in Dombe. Secondly, the burning was appropriated by state officials as a moment of exclusion, of outlining in acts and representations the opposition Renamo as the 'constitutive outside' of law and order, not simply as a political party competing for votes with Frelimo. This was exemplified by the arrest of (legally speaking) innocent Renamo members and conjured up in the different

analogies drawn in the speeches at the public meeting between Renamo, evil forces, illegality/self-redress and animals that consume human beings. These analogies played into the overall message of conveying Renamo as the constitutive outside of not only the state, Frelimo and the law, but also of the good forces and the well-being of local society. By drawing on the local script of evil doing, the *chefe do posto* tried to appeal to local ideas about the uncontrollable and destructive forces of society.[345] But by merging this local script with the political script of the Frelimo party-state, the analogies also represented Renamo as symbolizing the forces that are uncontrollable for the Frelimo state: i.e. those forces which cannot fit into its unitary order and hence must be excluded. If, then, these actions and representations of local state officials can be interpreted as momentary responses to deal with the continued uncertainty of local (Frelimo) state authority in Dombe, I suggest that they also reflected deeper, historically embedded ways of (re)constituting state authority and the political community, that is, of representing and enacting a particular (Frelimo) state-defined order. Below I first address the repercussions of this for the limits to inclusive citizenship and spaces for negotiation. Secondly, I discuss what it meant for chiefs.

Party politicised citizenship: 'enemies' and 'friends'

In discussing the repercussions of the political script for *de facto* citizenship, I wish to begin with the core tension that surfaced between the state officials' and Bungians' interpretations respectively of the case of burning state property. As already shown, the people in Bunga saw the arson as a last resort to obtain justice against an individual state official's illegitimate abuse of power and transgression of a local norm (i.e. sleeping with married women) without paying due compensation. It was not seen as an act of resistance to the state and the law. This interpretation reflected people's views of what should be the morally appropriate behaviour of state officials, and of how the local justice system ought to function and authority be exercised. This included the view that the chiefs and the population should be consulted by the police in matters of crime and conflict in their area, just as the police officers themselves encouraged them to do at the public police meetings (Kyed 2007a). It also included the view that local state officials should be prosecuted for

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[345] At other public meetings, similar analogies were drawn by local state officials between Renamo and crocodiles. For the rural population, the crocodile is the symbol of malice and evil, as well as a significant source of lethal poison in the work of *umroi*. The hint that Renamo was like crocodiles reinforces the denotation of its evil meaning.

transgressing local norms, and of potentially setting in motion a chain of evil-doing. In short, it reflected the view that local state officials were not (or ought not to be) detached from the local social order of transgressions and dispensations of justice, including the links between the visible and invisible dimensions that underpinned these. As addressed earlier this was in fact, if only situationally and *outside* the law, supported by local police officers in their everyday settlements of *uroi* and social cases (including, as noted, by Raul himself). Against this background, the burning of state property was seen as a response to a state official who was acting with impunity, as if he was above the 'law' and local norms, and worse still, whose actions led to a chain of evil-doing.

This way of viewing the case stressed a tension between official law on the one hand and the enforcement of the models for practice and local notions of legitimate enforcement of authority on the other. For example, according to the official law sleeping with married women is not a criminal offence, but arson is, and according to the law the police do not have to involve chiefs or ordinary people in investigating crimes. However, as addressed earlier, the locally adjusted rules and practices of local police officers themselves expanded beyond these aspects of official law, confirming both the legitimacy of prosecuting perpetrators of adultery and of involving by obligation chiefs in criminal investigations.

The most striking tension that arose was by implication not a tension between official law and local norms and notions of evil-doing, but rather the fact that state officials presented the arson in Bunga as a political act of resistance to the state, the law and the wider order *per se*. The point is that, irrespective of whether state officials actually believed that the arson was an organised act of state sabotage engineered by Renamo or simply an act of self-redress by an individual, it was drawn into particular political script that merged legal and political categories, and ultimately also the local script of evil-doing: criminal self-redress was presented, if not as overt political opposition to the state and the law, then at least as having been caused Renamo's morally corrupted, confused and evil ideas. This underpinned how the political script not only politicised criminal acts, but also criminalised the political activities of the opposition. It also went beyond this. One radical consequence of equating Renamo with crime, confusion, immorality and the 'evil forces that operate at night' was that it conveyed a (party) politicisation of citizenship as a mode of belonging to a 'political community'. Criteria of membership, of inclusion and exclusion, were defined not on the basis of legal status or criteria of national or community belonging, but in

accordance with (party) political affiliation and thus the categories 'us'/Frelimo and 'they'/Renamo. Put differently, the *de facto* definition of citizenship was not confined to a distinction between "Mozambicans" and "foreigners", but also relied on an internal 'outsider'. This emphasised the *de facto* internal differentiation between *de jure* citizens.

The way in which the political script underpinned criteria of citizenship was particularly problematic, I suggest, because of the moral-political content that the "us"/"they" relation was invested with. It was conveyed as a distinction between enemies and friends, between evil and good, which 'allowed' for particular responses: the application of physical and symbolic violence, *outside* the law.

It is clear that 'us'/ 'they' relations are an intrinsic element of the production of citizenship as a kind of collective identity: the creation of a "we" can only exist by demarcation from a "they". However, as Mouffe (2006) also shows, different types of we/they relations can be constituted, depending on the way the 'they' is constructed as the constitutive other of the 'we' (ibid.: 18-19). Thus, she distinguishes between us/they relations that permit the acceptance of the difference of the 'other', and therefore allow dialogue and pluralism, and us/they relations that turn into a friend/enemy relation. Because the latter is based on moral categories of good and evil, it follows an antagonistic logic that does not accept differences (ibid.: 19). "This happens when the 'they' is perceived as putting into question the identity of the 'we', and as threatening its existence" (ibid.: 15-16).[346] The consequence of such a we/they relation is, as Mouffe argues, "when the we/they confrontation is visualized as a moral one between good and evil, the opponent can be perceived only as an enemy to be destroyed" (ibid.: 15). Similarly, the political script articulated by local state officials underpinned an antagonistic we/they relation: i.e. 'friends'/'good'/Frelimo and 'enemies'/'evil'/Renamo. As reflected in the speech of the *chefe do posto* at the Bunga meetings, in representations this was conveyed through a lucid mixture of languages belonging to different domains and historical epochs: the Frelimo war

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[346] Mouffe (2006) here draws on Carl Schmitt's (1985) concept of 'the political' to describe those political confrontations that rely on enemy/friend distinctions rather than on categories of 'us' and 'they' that accept differences. It should be noted that Mouffe's (2006) warning about the dominance of enemy/friend relations is not made with regard to African power and politics, but about current trends in Western democratic politics, referring, for example, to President Bush's war on terror. But she is also referring more broadly to European politics, in which, she argues, the 'Third Way', consensus politics of the previous prime minister of the UK, Tony Blair, and its elimination of left and right oppositions has been accompanied by a moralization of politics, where political differences are no longer about right and left, but about right and wrong. This, she argues, has given way to antagonism rather than constructive agonisms that allow for ideological differences and political plurality. Her point is not that we/they distinctions can be removed, as in the Habermassian notion of 'consensus', but rather that they must be transformed from an enemy/friend distinction to a we/they distinction that sees political pluralism as being constitutive of democracy (ibid.: 14).

rhetoric of the civilised (Frelimo) versus the uncivilised (Renamo), mixed with the socialist era's emphasis on destroying or re-educating "the internal enemy" of the unitary order of Frelimo and the use of the local script of evil forces that work to destroy the well-being and existence of the people. All these made up the political script that produced an analogy between Renamo and the uncontrollable, untamed forces that must be kept at bay and watched out for – in short, be excluded and destroyed. This also underpinned particular practices.

In Matica and Dombe, 'destruction' was enacted around concrete instances of the physical removal of the Renamo office in Bunga and the simultaneous detaining of Renamo supporters for political reasons. More broadly, 'destruction' related to attempts to destroy the spaces and possibilities to act (party) politically and to identify with Renamo when benefiting from the state's services. The point is that the political script was not confined to verbal representations by state officials at public meetings. It also permeated, and in the view of Frelimo and state officials legitimised particular practices. The political script set limits to *who* could negotiate with the state police, for example, when settling a case. It meant that not only criminal activity, but also people's particular grievances or complaints about state officials or simply their disengagement from the state were interpreted and reacted to from the perspective of a (party) political lens. It was also exemplified by the particularly violent punishments and arbitrary arrests of Renamo supporters. The political script granted certain "rights to illegality" (Hansen and Stepputat 2005: 12) to local state officials when they were dealing with Renamo supporters and with what they labelled (Renamo) "zones of confusion" such as Bunga. The conceptualisation of these zones as territories previously controlled by the 'enemy' 'allowed' state officials to apply violence on the bodies of those who trespassed against the law.

These repercussions in one sense underscore how the political script invested the state's activities with a larger "national project", as Raul himself termed it, of creating allegiance to the Frelimo party.[347] However, the point is that such allegiance went beyond pure party political competition for votes and power within a democratic polity: it also permeated how sovereign authority was enacted and marked out sovereign authority as vested not merely in the law and the state apparatus, but in particular in the Frelimo party.

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[347] In another publication (Kyed 2007a) on the work of the PRM and community policing, I have referred to this as the 'politics of policing'. I use the concept to capture how, besides combating crime, the PRM engages from a legal perspective both discursively and practically in producing the "political community" of people with affiliation to the Frelimo state and their constitutive outsiders, namely Renamo supporters (ibid.: 134).

Even if the everyday operations of 'micro-states' contest the existence of a homogeneous and unitary state (Santos 2006), then this did not preclude situation-specific attempts to establish 'unity' and 'homogeneity'. Perhaps the uncertainty of local Frelimo-state authority even laid the grounds for these enactments, reflecting the constant attempts to overcome the precariousness of a unitary order. What can be said with certainty is that one consequence of the political script was a denial of political pluralism and heterogeneity, which limited negotiations in everyday interactions. Another consequence of the political script was that it also limited chiefs' room for manoeuvre.

Party politicisation of chiefs: Frelimo as the final authority

The foregoing chapters have shown how local state officials approached the recognition of chiefs as an intrinsic part of reconstituting local state sovereignty. This took the form of both the chiefs' incorporation in and separation from the state. Most directly, the sovereign authority of the local state was demonstrated through the excessive punishment of disobedient chiefs *outside* the legal system. These exemplified another instance of exception by marking out the hierarchical boundary between local state and chiefly authority. However, as the *chefe do posto* of Dombe reminded me, these activities of the state could not be divorced from entrenching Frelimo politics:

Today the tasks of dynamising groups have been replaced by community and traditional leaders. They too dynamise the politics of the government at the local level and infiltrate the politics of Frelimo. The functions are practically the same, only the names and titles have changed because it is seen as more reflective of the current strategy of political, historical, economic and socio-cultural development. (*chefe do posto*, Dombe, August 2004)

The party political instrumentalisation of chiefs in the sense of facilitating allegiance to Frelimo, suggested in this statement, was overtly realised during the election campaign of 2004. Frelimo secretaries called chiefs to closed meetings in the administrative capitals and strongly encouraged them to persuade their populations to vote for Frelimo and to mobilise them for campaign meetings. Renamo did the same, but outside the purview of the local state administration and the police. The most intricate form of political instrumentalisation of the chiefs, however, was that pursued by state officials, including the heads of sub-district level administrations, the DA and chiefs of police. It was intricate not only because the local state apparatus was used for political campaigning, but also because the failure of chiefs to (publicly) obey was backed by the threat of force, as if they were flouting the law, and even worse threats of the removal of their *de jure* authority.

Despite state officials' emphasis on chiefs being apolitical actors, they actively used chiefs to mobilise the population for public meetings for "government matters" and "crime prevention" that were infused with party political campaigning. At these meetings administrative personnel and police officers injected the message that rural residents should vote for "the government in power" into speeches that ostensibly addressed the combating of crime, service provision and development projects.[348] In 2004, chiefs were also obliged to have a picture of the Frelimo presidential candidate, A.E. Guebueza, displayed prominently at their homesteads.

According to the chiefs themselves, they had no choice but to play along in public because of the fear of punishment that they had been promised by the local police. For example, after one such government meeting, one chief in Dombe explained: "These meetings are to make the chiefs tell the people to change to Frelimo…just like they tell us to change and get membership cards…. This is not right because it is not the task of the traditional leaders to mobilize the electorate to vote for this or that party. But if we don't, then one day we will find ourselves in prison or even dead…or at least they [state officials] will tell us that we are no longer *régulos*."

The political instrumentalisation of chiefs by state officials, however, extended beyond electoral campaigning. The political script also underpinned a deeper enactment of state–chief relations in which again the legal and the political intersected, if not merged entirely. State officials explained the illegal acts of disobedient chiefs (such as solving crimes or hiding criminals) as a matter of the latter still being corrupted by Renamo and its ideas. They also used the equation between disobedient chiefs and Renamo to justify the excessive punishments meted out to them. Thus attempts to position chiefs as an authority structure under the sovereign authority of the state merged with the state's other aim of turning chiefs into Frelimo loyalists. The same could be said of other forms of community authority, such as the *secretários* and the community court personnel, but this was less visible because as a rule they were already loyal members of Frelimo (see Chapter 7).

At a deeper level of analysis, the political script emphasised Frelimo's monopoly on defining public authority. This also became clear when state officials were directly confronted with questions such as: "Who has the authority to dismiss a bad-performing chief? and "What happens if a chief does not agree to carry out the state's tasks?" Although

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[348] That at least the district administrator was aware that such political campaigning by state officials was not allowed in the era of the separation of powers became clear when I was politely asked to leave two such meetings in 2004.

state officials would begin by answering that it was the community who had to decide whether a chief should be replaced, there were limits to this power to decide, as also noted in Chapter 5. For example, in 2004 a *chefe do posto* answered these two questions as follows:

If a chief is not performing well and the people complain, we [the state] will have to facilitate the process to see if he should be replaced…. But if the chief is going against the ideas of the government, then this is very serious…because he [the chief] is the arm of the government and he has functions in relation to it. The activities of the government cannot be prevented because of the oppositional ideas of the chief. The opposition [referring to Renamo] is not allowed to create impediments to development. Now, if he [the chief] is working to create barriers, then he is not a *régulo*. He is not a community authority. Then we will have first to try and change his mind…to consult him…but if this fails we will have to remove him.

This statement supports the underlying perception that the final authority to decide who is or should remain a 'community authority' is Frelimo – i.e. the decision is made on the basis of whether a chief is pro-Frelimo or pro-Renamo, that is, whether he is a friend or a traitor/enemy. When a chief collaborates with the opposition, he is no longer a 'community authority'. When he does not collaborate with the state, he is automatically considered a member of the opposition and thus a threat to and enemy of the Frelimo state. Hence the limits to the negotiability of authority lay not in the domain of legality or illegality alone, but in the domain of the political – of the enemy/evil and friend/good relationship. One implication of this is that the chiefs' relationship to the state ultimately becomes based on the state's threat of force and politically defined exclusion. Another implication is that the sovereign authority of the state is itself constituted in (party) political terms.

Conclusion

This chapter has engaged with the broader question of how to conceptualise *de facto* authority and citizenship in Dombe and Matica, following the recognition of community authorities. It has also brought us a step further into understanding the kind of local state that was constituted through the precarious attempts of local state officials to regulate chiefs and constitute a particular order.

A main argument of the chapter is that the negotiated and hybrid forms of *both* chiefly *and* local state authority that permeated everyday patterns of case settlement did not preclude, but underpinned both subtle and more pervasive forms of distinctions and

differentiations. Hybridity co-existed with and was conditioned by ongoing modes of boundary-making. The *productive tension* between boundary-marking and boundary-crossing reshaped the practices of authority enforcement by both chiefs and the local police, but it also created a context in which authority remained precarious. The result of the interaction between state officials and chiefs were high levels of uncertainty in the exercise of authority. In more subtle ways, this underscored indeterminacy and the requirement of much agency, skill and will on behalf of chiefs to sustain *de facto* authority and rural residents to access the preferred benefits of local state institutions. *De facto* citizenship did not result from state officials straightforwardly granting a set of formal rights to the whole of the rural population, but on situation-specific negotiated settlements between rural residents and local state officials. Not all were equally successful. The result was a *de facto* differentiation between chiefs, in some areas challenging the authority of those with superior *de jure* and spiritual status, as well as to more subtle differentiations between citizens. The key to understanding these differentiations were the limits to negotiability provided by two historically embedded scripts of order and disorder: the political script of the Frelimo party-state distinguishing the included 'friends' and the excluded 'enemies' of a unitary order; and the local script of evil-doing linking the visible and invisible dimensions of (dis)order.

The local script of evil-doing shaped the choices and scope of action of chiefs and rural residents, as well as, more implicitly, the local adjustments of police officers. The political script, on the other hand, was by far the most pervasive, divisive and violent mode of differentiation imposed by local state officials. This became explicitly apparent through what I referred to as 'exceptional situations', such as the Bunga Burning, acts interpreted as political resistance to the Frelimo state and the excessive punishment of chiefs. These situations became exceptions because of the responses of state officials that they led to. Here subtle differentiations of citizens turned into fixed categories of inclusion and exclusion, negotiability of authority into indivisible decision.

Ultimately the outcome is a local state that momentarily relies on political exclusion and violence for dealing with the uncertainty of Frelimo-state authority. Chiefs get the short end of the stick. They are faced with a dilemma between sustaining their own authority and risking being subjected to state violence if they do not pledge allegiance to Frelimo. For people in Dombe and Matica, the result is *conditional citizenship* (Comaroff and Comaroff 2004: 191). Access to services, recognition and influence not only depend on the ability to

engage in negotiating settlements with local state officials, they are ultimately conditional on allegiance to the Frelimo party – not on their formal rights as citizens or as members of the local 'community'. Rather than a reproduction of what Mamdani (1996) has called a bifurcated state with rural residents as either subjects-of-custom/chiefs or citizens-of-law/state, the political script emphasises the *de facto* differentiation between "us"/"citizens" and "they"/"non-citizens" on the basis political affiliation amid the sum of equally *de jure* citizens. Citizenship becomes not a question of legality/illegality or nationals/foreigners, but of (party) political identification. Similarly, the political script underpins a definition of a "real" community authority as a Frelimo loyalist, as well as setting the terms for the state officials' right to exclude/punish or include/reward non-state authorities.

The real danger of the political script is that it establishes us/them categories as an enemy/friend opposition. This follows an antagonistic logic that does not accept the differences of the other, but seeks to eliminate its possibilities for existence. This underpins the limits to political pluralism, negotiation and discussion, but it also grants a certain "right to illegality" to local state officials. Because disobedience, complaints about the state and severe criminal activity could always be interpreted as the actions of the nation state's principal enemy (i.e. Renamo), violent and exceptional means were justified from the perspective of sustaining what was indeed precarious Frelimo-state authority.

Above: the burnt down office huts of the *chefe* of locality and the PRM
Below: public meeting between the Bunga population and the state about the arson case.

Above: the official visitors and the local chiefs. From left: First Frelimo Secretary of Dombe, substitute Chefe of Dombe Posto, Chefe of Bunga Locality, Chief Kóa and Sub-chief Bunga
Below: Bunga Resident giving his version of the arson case

Above: Bunga resident furious at the chefe of locality for conquering married women.
Below: First Frelimo Secretary showing the picture of the Frelimo Presidential Candidate during his speech at the Bunga Meeting.

Chapter 11

Conclusion

In this dissertation, I have explored how state recognition of traditional authority in Mozambique was carried out at the beginning of the 21st century, and tried to understand what this implied locally for practices and claims to authority and citizenship. In studying these processes, I have attempted to fill empirical gaps in our understanding of the apparently surprised return of *de jure* authority to traditional leaders during the liberal democratic transition in Mozambique, which has also been paralleled in many other Sub-Saharan African countries since the 1990s. Moreover, in applying a process-oriented analytical approach that looks at the linkages between history, national law/policy-making and local practices and representations, I have sought to contribute to our theoretical understanding of the dynamics of state formation processes in the 'margins of the state' in general, and the constitution of *de facto* local authority and citizenship within such contested arenas in particular.

At centre stage of this study has been not only the question of what state recognition meant for the *de facto* authority of chiefs and the spaces of influence for citizen-subjects in the rural former war zones of Dombe and Matica, but also what kind of local state authority it gave way to. The latter is a much neglected theme in most of the literature on chieftaincy in Africa. There has been a tendency to focus predominantly on reconfigurations of local chieftaincies in the context of colonial and post-colonial legislation on traditional authority and customary law, while omitting what such legislation means empirically for the practices and claims of local state authorities. This has either led to the conclusion that chieftaincy has become completely encapsulated over time by the state apparatus, or that it has remained partly distinct from the state by also representing and drawing legitimacy from a traditional, rural culture that follows an entirely different logic from that of the modern state. In the Mozambican case there were processes that pointed in both these directions, but they do not capture the whole picture.

State recognition of traditional authority was certainly appropriated by local state officials to regulate and use chiefs to consolidate Frelimo-state authority and re-expand the state administration to the rural hinterlands, but this was a precarious process that also reshaped the practices and claims of the local state authorities. Moreover, there were indeed

articulations of chiefs as distinct from the state, as representing a separate domain of 'traditional authority', but such distinctions were part of past and present processes of redefinition and regularisation, as well as being matched by multiple practical and ideological fusions. They were not an inevitable background, reflecting a pure and fixed domain of 'the traditional' in the present and the recorded past. This became clear once I went beyond legal categories and ideal representations to explore also the everyday practices and claims of local state officials, chiefs and ordinary people, as well as the interactions between them. I did this by first exploring how chiefs were identified, legitimised and recognised in practice by local state representatives, and secondly by investigating how the relationship between state officials and chiefs was organised and practised within the fields of policing and justice enforcement.

As shown throughout this dissertation, the official claims to a benign recognition of 'traditional authority', of 'what already exists', were intimately tied to bolstering the power interests and authority of other actors, *beyond* chiefs themselves. The authority of local chiefs was, and had been for very long time, constituted in *relation* to the constitution of state authority and the consolidation of expansionary polities more generally. This relational constitution reshaped and reconfigured not only the chieftaincy, but also the local tiers of the state apparatus. It gave way to mutual transformations. The key to understanding these transformations was a *productive tension* between boundary-marking and boundary-crossing, or between what I, paraphrasing Moore (1978), defined as processes of regularisation and situational adjustment. As shown in this dissertation, these processes were partly permeated by local and extra-local historically embedded scripts, and partly shaped by present state-legal categories of 'traditional authority', 'rural community' and 'the state', which in their turn were informed by wider conditions and actor interests *beyond* the local context.

In studying these processes, the main focus of study was the ethnographic present, that is, the ongoing practices and representations of different actors in two particular local arenas. But the purpose was never to explore these local arenas in isolation. Instead, a central concern throughout the dissertation has been to investigate the linkages between the local and the national, as well as between the past and the present. This reflected my interest in understanding how, after being officially banned for 25 years, 'traditional authority' was able to become a subject of national policy-making at the very moment of the liberal democratic transition. It also reflected my concern with understanding to what

extent the policy-making process and its final outcome, Decree 15/2000, reflected locally lived realities and what impacts they had for *de facto* authority and citizenship locally. But exploring the linkages also had a deeper analytical value.

Keeping an eye on the relationships between present state law/legal categories, larger national political agendas and historically embedded extra-local scripts on the one hand and local conditions, practices and historically embedded local scripts on the other provided the analysis with a deeper understanding of the processes of change and continuity that were going on in and around the implementation of Decree 15/2000. It helped me understand why people did what they did, as well as the different scripts that chiefs and local state officials drew on in making claims to authority and exercising it. Moreover, it also helped me capture the *mutually constitutive relations* between state-legal categories and local realities. As shown in the dissertation, although Decree 15/2000 was not a mirror reflection of actually existing forms of chieftaincy and community in Matica and Dombe, it did set in motion a number of activities, as well as providing a vocabulary that reconfigured local practices and representations. The ways in which this happened and its repercussions could only be understood by exploring how the Decree was appropriated, reinterpreted and transformed by state and non-state actors in Matica and Dombe. This underpinned the importance of analysing local state and chiefly authority as well as citizenship beyond *de jure* status or legal categories, and also as sets of practices and claims that were constituted in everyday interactions and vindicated in public representations.

In conceptualising these processes of implementing Decree 15/2000, I drew inspiration from Moore's (1978) analytical framework, which is based on a process-oriented theory of social life. This theory understands social order as never fully fixed and total, but as continuously being made and remade through active processes of regularisation (e.g. the implementation of state law and other activities of fixing rules and categories aimed at creating durable social orders), and as matched and shaped by various modalities of situational adjustment (e.g. adjustments, reinterpretations and negotiations of categories and rules in particular situations). Moore's framework was useful in capturing how the official law failed to be straightforwardly implemented, producing predictable results, and how it was adjusted to the local context, reshaped by local state officials' own ideas about traditional authority and state formation, as well as appropriated for political purposes that went beyond State recognition of chiefs. In fact, as we have seen, many of the activities

going on unfolded *outside* the official law. But the analytical framework was also useful beyond this point.

Moore's conceptualisation of processes of regularisation and situational adjustment as two forms of behaviour that co-exist and shape each other in social situations also helped capture how the local adjustments of Decree 15/2000 gave way to new layers of regularisation and situational adjustment in the local contexts, as well as underpinning important continuities. This was exemplified by the secondary body of law (i.e. the 'models for practice') of the local tiers of the state police, which centred on fixing hierarchical boundaries between distinct domains of authority, but was also challenged and reshaped by different layers of boundary-crossing in everyday practice. The latter gave way to new rules and routines of exercising authority (i.e. the police officers' new action patterns for dealing with witchcraft or *uroi* cases, and chiefs increased references to state law and *de jure* status in settling cases in the *banjas*), while in other instances reflecting elements of continuity (i.e. when people failed to adhere to the rule that delinquency, being defined legally as crime, should be taken to the state police, due to prevailing patterns of action and notions of justice and evil-doing). The point is that the lack of a perfect fit between the enactments and representations of bounded orders and the negotiated aspects of many everyday practices did not simply reflect a discrepancy between fixed, invariant structures on the one hand, and deviant, individual change-oriented behaviour on the other. Instead, as I have shown throughout this dissertation, it was the very boundaries between the chieftaincy and the state as distinct domains and orders that were at stake. They were the subject of ongoing negotiations and modes of re-ordering, which at the same time reshaped the ways in which authority was exercised. Central to understanding these processes and their immediate outcomes was the centrality of issues of power and the interrelationship between representations and practices. In these respects I departed somewhat from the analytical framework laid down by Moore (1978).

In this dissertation I have shown how power understood in the broader sense of historically embedded scripts that were both productive of modes of ordering and set limits to negotiability permeated the possible ways in which authority was constituted and community and citizenship were enacted and represented. In the case of Matica and Dombe, this included in particular the extra-local political script of the Frelimo party-state, the local script of evil-doing and a relatively shared culture of power that informed and legitimised who could make decisions and decide questions of leadership. But I have also

shown how issues of power, in the sense of the capacity of some actors to enforce their will upon others' behaviour, and in particular to enforce final or sovereign decisions on central areas of social life, was a key issue at stake in the precarious constitution of local state and chiefly authority. These stakes were also significant for understanding the immediate outcomes. Not all people were equally positioned to engage in negotiations and ordering, and some were more influential than others in setting the terms. Negotiability did not preclude hierarchies, differentiations and modes of exclusion. In this dissertation, I have on the one hand shown how this was reflected in more subtle ways in the distinctions that emerged between the *de facto* authority of individual chiefs and between the capacities of different rural citizens to gain access to influence and services. On the other hand I have pointed to the more pervasive and inherently politicised distinctions that local state officials invoked in exceptional situations by drawing on the state's instruments of force, authority to define the law, and capacity to include and exclude chiefs and citizens. This ultimately underpinned a hierarchy between chiefs and state officials. It also reflected the emergence of a local state that was not only politically partisan, but also relied on symbolic and physical violence to deal, at least momentarily, with the negotiability and uncertainty of authority in everyday interactions.

Having just briefly summarised the approach and main insights of this study, in the remainder of this concluding chapter I would like to first recapitulate what this study has taught us about the seemingly paradoxical but timely convergence between formal resurgence of traditional authority and democratic transitions. Secondly, I provide some more detailed reflections on what this study can tell us about the forms of authority, citizenship and local state that are developing in the former war zones and opposition strongholds of Mozambique.

1. The Democratic Transition and Traditional Authority

The link between the liberal democratic transitions and the formal resurgence of traditional authority in Sub-Saharan Africa since the 1990s may at first sight seem surprising, if not downright contradictory, as Mamdani suggests (1996). In this study of the Mozambican case, it nonetheless became apparent that the democratic transition, with its various ingredients of multiparty-ism, pluralism, decentralisation and a strong civil society, provided both an important context and a significant vocabulary for revised definitions and

imaginations of traditional authority as a force to be reckoned with. This was manifested by the sheer fact that traditional authority, having been officially banned for 25 years, emerged as a policy field at the very moment when Mozambique embarked on a democratic transition. It was also reflected in the new label 'community authority' and in the MAE research's definitions of traditional leaders as representing an inherently African form of local, decentralised democracy, which could ensure increased local community participation in rural development and governance.

Having said this, the dissertation has also shown that the link between democratisation and state recognition of traditional authority was neither a simple one nor to be confused with the achievement of democracy *per se*. As shown in Part I of this dissertation, the representations of traditional authority as a democratic force to be reckoned with co-existed with other partly contradictory agendas and actor interests, which all played a role in laying the ground for Decree 15/2000. The crux of the matter was, as shown in Chapter 3, that the formal resurgence of 'traditional authority' did not emerge exclusively from any one single factor determined by a single group of actors. Nor was it confined to local and national issues alone, but also informed by wider global discourses such as the increased celebration of cultural diversity, the local, tradition and community. To understand how Decree 15/2000 came about, it was therefore necessary both to look outside Mozambique's borders and to look back on the longer and more recent history of chief-state relations and political dynamics in Mozambique. Importantly, as had been the case in the past, the vexed question of 'traditional authority' as a subject of policy-making also reflected interests beyond traditional authority itself. It was intimately related to (re)constituting the power positions of other actors and/or their particular models of post-war democratic society: for example, academics' celebrations of pre-colonial culture as a way of reasserting a common Mozambican national identity; international donor's calls for decentralisation and the localisation of development; the pre-occupation of local state officials with re-establishing rural state administration and recoering lost legitimacy; and not least Frelimo and Renamo's competition over power and rural votes within the new multi-party democracy. Each of these actor positions envisioned different roles for traditional leaders, i.e. as colonial-style counterparts of the state administration, as development agents securing community participation and as cultural-symbolic figures in nation-building that should be preserved as a separate domain from the modern state and politics. The point is that the complex question of 'traditional authority' as a policy field

within the democratic transition could be made to fit very different agendas. This was also reflected in the final outcome of the protracted policy-making process of the 1990s, Decree 15/2000, which, as discussed in Chapter 4, included a potpourri of tasks and aims that virtually satisfied all the different agendas. This compromise was not without its contradictions, however.

Decree 15/2000 reproduced definitions of 'traditional authority' as conducive to rural democratisation, but it was also used to justify the Frelimo governments' decision not to extend democratically elected governments to the rural areas. If this decision implicitly reflected Frelimo's fear of losing power to Renamo in the latter's rural strongholds, then it explicitly underpinned a definition of the rural areas as separate spheres to be governed according to a different model of democracy than the urban, not to say modern, areas. This clearly shows, as Englund (2004: 3) has pointed out, that democratisation is not "a unilinear process, a technical procedure with predetermined means and goals". Rather it can be seen as a vocabulary that may be infused with different contents and appropriated for numerous agendas, including inherently undemocratic ones. In the Decree itself this underpinned a paradox, because in order to make 'traditional authority' fit in with the democratic transition, legislation relied on de-historicised, de-politicised and inherently reified definitions of 'traditional authority'. Legislation depended on disembedding 'traditional authority' from its historical and political contexts and elevating 'it' to a static, indisputable domain of Mozambican 'tradition', in order to make 'it' fit with the 'modern' agendas of community-based development, national unity, democratisation and a decentralised state administration. The same could be said of the rural population, relabelled 'traditional society' and then 'community', which was presented as existing in a pure, almost undisturbed form of existence, characterised by an intimate correspondence between a specific territorial space, people, leadership, rules, values and interests.

These definitions gave the impression that all the state needed to do in order to ensure the Decree's official aim of improved community participation was to go out and identify the community in order to legitimise the 'real' traditional or other community leader. It also conveyed the idea that the rural communities were best left to legitimise their own representatives from among the 'traditional' and other local leaders and that they were truly capable of doing so in a democratic manner that would ensure broad-based community participation and representation in the future. These assumptions justified Decree 15/2000 as catering for a kind of rural democratisation that respected, if not

preserved, rural needs, values and "the traditional rules of the respective community". While this justification cast 'traditional authority' in a democratic vocabulary, at the same time Decree 15/2000 covered elements that merged colonial-style indirect rule with the maintenance of figures who had played a role in the Frelimo socialist period. This was exemplified by the last-minute inclusion of the *secretários* of suburbs and villages as one category of community authority, and by the long list of state administrative duties to 'community authorities' that strikingly resembled colonial legislation on *autoridades gentilicas* (i.e. the three-tiered system of *régulos* and sub-chiefs, discussed in Chapter 2). These duties indicated that community authorities were envisaged not only as the local representatives of community interest and values, but also as the assistants of the local state institutions in various matters defined by the state. The inclusion of the Frelimo loyal *secretários*, on the other hand, underpinned, if only implicitly, the party-political interest behind the recognition of community authorities. Regardless of these elements, Decree 15/2000 and official government discourse more generally promised that the state would simply recognise "what already exists" and ensure that community and local state authorities would mutually benefit from joint collaborations and peaceful co-existence without 'disturbing' either of the two authorities. This could be seen as a way to distance the decree from colonial manipulations of the chieftaincy and from party politics, instead casting it as ensuring an autonomous domain of community leadership much in line with the international donors' call for an independent civil society within a liberal democratic polity.

Now one question was how and according to which justifications and definitions state recognition of traditional authority was linked in complex, partly contradictory ways with the democratic transition in national level debates and finally in Decree 15/2000. Another significant question that I addressed was the local level appropriations and repercussions of legislation in areas like Matica and Dombe. By exploring in ethnographic depth how Decree 15/2000 was put into practice, this study has shown that the official promises to democratize rural society was mitigated by other interests, practices and ideas deriving from the colonial, socialist and wartime pasts, as well as being shaped by the reality of the 'state', 'community' and 'traditional authority' in the rural former war zones.

As shown in Part II of this dissertation, the sacrifice of the potential democratic credentials of the Decree in the sense of ensuring broad-based community participation in the legitimisation of leadership and in rural governance more generally did not result from a

de facto recognition of "what already exists". Instead, it resulted from local appropriations of the Decree that led to a pervasive process of mutually re-constituting the state administration in the rural hinterlands and what local state officials understood as the 'real' traditional leaders. This mutual re-constitution underpinned both the resurrection of particular power relations *within* chieftaincies, i.e. the 'family' or organising unit of the chieftaincy, and attempts to incorporate chiefs under the command hierarchy of the local state and, as it turned out, of the Frelimo party in particular.

As shown in Chapter 5, the very activities of identifying and legitimising the community authorities were fused with the expansion of the territorial-institutional presence of the state administration, with practices of statecraft to fix and order population units and leadership, and with the creation of alliances to bolster state authority in areas where this had hitherto been highly contested. If this appropriation of the Decree for state formation purposes reflected what, paraphrasing Hansen and Stepputat (2001), I referred to as transnational languages of stateness, then the activities of local state officials also drew on particular colonial and post-colonial scripts, which fused with a relatively shared culture of power and state officials' own ideas about the nature of 'real' traditional authority. The first implication was that, in implementing the Decree, the local state officials did not begin with the 'communities', asking 'them' to identify what whatever leader their members found legitimate and worthy of state recognition and community representation. Rather, they began with the leaders, and more precisely with a list of lineage and area names catalogued in the old colonial register of *régulos* and sub-chiefs. This register, or *o Livro* as it was referred to, was used as a pragmatic tool to deal with the disputed leadership positions and unclear population units that existed in many areas. At the same time it was held out as containing the 'truth' of the 'real' traditional leaders as a revivable, pure and indisputable domain of tradition, kinship and spiritual power. This reliance on *o Livro* gave way to a *de facto* re-constitution and re-fixation of the colonial three-tiered hierarchy of *régulos* and sub-chiefs, as well as set limits to who could claim legitimate community authority and against what sources of legitimacy. *O livro* conferred authority on the state as holding the 'truth' of the real lineages, and it also authorised particular lineage members and their assistants to decide questions of community authority. The flipside of this two-way conferring of authority was scale-differentiated communities and the exclusion of the majority from legitimising leadership.

The new label 'community' spilled into a distinction between the community as "the population" of passive subjects of chiefs and state intervention, and the community as the "genuine family" of active members of the chieftaincies imbued with decision-making power and knowledge of the tradition. If this distinction was partly the result of the use of *o Livro*, it also reproduced, and was widely accepted due to, a relatively shared culture of power related to "the family" and secrecy. This culture of power had two dimensions that had become merged over time. It allowed for no space outside "the family" of the chiefs and *hurumende* (the government/state/Frelimo) for participation in appointing leaders and in decision-making more broadly. One of its dimensions related to the colonial and post-colonial socialist history of the top-down conferring of authority on to chiefs and other intermediate leaders and the lack of broad-based consultation in matters of leadership. The other dimension related to the risks and dangers associated with interfering in the internal family matters of the chiefs in particular and the *hurumende*, which best were kept secret to prevent misfortune and conflicts. Like *o Livro*, this culture of power underpinned the mutual constitution of state and chiefly authority through the merger of different historically embedded scripts that both state officials and chiefs drew on. The most concrete example of this was the merger of a state bureaucratic artefact, *o Livro*, with the claim to spiritual power of the 'real' lineage chiefs, and the notion amongst local state officials that this power could also bolster the state administration's ability to govern.

These mergers suggested that local state and traditional authority were neither understood nor pre-existed the Decree as strictly isolated domains or ideal types of authority. The complementarity and mutual constitution of local state and traditional authority did not, however, preclude attempts to create hierarchies and distinctions between state officials and chiefs. State recognition of traditional authority was accompanied by the incorporation, disciplining and inscription of chiefs within a state-defined order. The incorporation of chiefs was followed by the production of a distinct domain of traditional authority that criminalised important self-proclaimed mandates of chiefs, redefined the 'tradition' (*mutemo*) and separated chiefs from state sovereignty within a local, state-defined order. This was an order belonging to the domain of official power, to the *hurumende*, that chiefs and the rural population in general associated with top-down orders, obedience and coercive sanctions, reminiscent not only of colonial rule, but also the kind of post-colonial state they were familiar with. It was also underpinned by a particular form of politics.

As shown in the analysis of the recognition ceremonies in Chapter 6, local state officials implicitly and explicitly tapped into and reproduced these historically embedded perceptions of official power and added to them the particular political script of the Frelimo-party state. In a ceremonially staged form, the recognition of traditional authority was appropriated to celebrate not only state authority, but in particular the Frelimo party as embodying the state, the law, the nation and now also the tradition. Frelimo was conveyed as *the* superior family. In light of the official promises of democratisation, the flipside of these public representations was not only a clear reproduction of the merger of Frelimo and state. The representations also underpinned modalities of political exclusion, which extended beyond the apparent sacrifice of broad-based community participation in the legitimisation of leadership. The ideal representation of the new unity between state, community and community authority conveyed a notion of the opposition party Renamo as the 'constitutive outside' of this unity, as the entirely excluded. Recognition and inclusion as a result came at a price. Not only did chiefs have to "obey the orders of the *hurumende"*, as was commonly held. Citizenship and community authority were also made conditional on pledging loyalty to the Frelimo party and of not doing so to Renamo. Under the pretext of rural democratisation, the recognition of traditional authority and the inclusion of 'their' communities were appropriated to boost the power of the ruling party.

These party-political underpinnings of state-chief-citizen relations were also present outside the public space of the recognition ceremonies, as discussed in Chapter 10. But their wider exclusionary, extra-legal and violent repercussions could not be understood independently of the precariousness of the larger project of party-state consolidation and the uncertainty of local state authority in everyday practice. Outside the public spaces of the recognition ceremonies other processes were going, as discussed in Chapters 7-9. This brings me to a recapitulation of what this study has taught us about the forms of authority, citizenship and local state that have emerged from state recognition of traditional authority.

2. Mutual Transformations, Pervasive Continuities

In Matica and Dombe, the larger project of re-constituting (Frelimo) state authority through state recognition of chiefs turned into inherently localised, extra-legal processes of consolidating local sovereignty that both transformed the practices of chiefs and local state officials and left the authority of each essentially precarious. This became clear when

exploring how the relationship between chiefs and the local state was organised and practised within the fields of policing and justice enforcement.

As discussed in Chapter 7, the authority to organise these fields was appropriated by the sub-district level tiers of the police. This resulted in a set of extra-legal, uncodified rules that congealed and sought to place under local police regulation a system of distinct domains of authority and legal orders (criminal/state police, traditional/chiefs and social/non-state authorities). These rules or 'models for practice' marked out hierarchical boundaries between chiefs and the state institutions. They also constituted the local tiers of the state police as a kind of local sovereign power. While drawing on their official status as state representatives and law-enforcers, local chiefs of police appropriated the authority to make, re-make and suspend the law. This included not only local state recognition of resolution mechanisms that were *outside* the law (for example, *uroi*, the *banjas*, the *wadzi-nyanga*), but also extra-legal rules and practices to protect the authority of the chiefs, criminalise some of their functions, and punish them with excessive force and public humiliation *outside* the official justice system.

The key to understanding this localised constitution of state sovereignty was that neatly bounded, distinct domains of authority did not exist in the first place. The state police operated in contexts in which the use of force and the claim to make final decisions on 'the land', the 'citizen body' and 'authority' were not *de facto* a monopoly of the state. This was equally claimed by chiefs and underscored a particular tension: the police depended on the authority of the chiefs to reconstitute their own authority, but doing this required the congealing of distinct domains of authority. The immediate result was a precarious positioning of chiefs as domesticated sovereigns. Chiefs were relied on to exercise functions that could bolster the sovereign authority of the police, yet through these very functions they were always potentially at risk of being subjected to the performance of sovereign authority.

In everyday patterns of action and interaction the domestication of chiefly authority was precarious, as too were the boundaries marking the sovereign authority of the local state. The result was not neatly separate domains of authority, peacefully co-existing and mutually benefiting from joint collaboration, but the emergence of hybrid and negotiated forms of local state and chiefly authority. All actors, included the police officers themselves, engaged in blurring the classificatory boundaries of the 'models for practice'. Chiefs continued to settle criminal cases while also beginning to refer explicitly to the law

of the *hurumende*. The police increasingly began to hear and facilitate the settlement of *uroi* and social cases, while drawing on the law, state bureaucratic artefacts, threats of state-enforced sanctions and chiefly procedures of resolution. Boundary-marking was averted by multiple practical and ideological fusions. This was partly because the police's own classificatory boundaries did not match people's perceptions of transgressions as part of a common category of evil-doing (*kushaisha*) and the always potential links between the visible and invisible dimension of order/disorder. This local script of evil-doing was very significant because it conveyed authority on to chiefs, shaped the choices of rural residents and set limits to the local state's capacity to constitute authority alone on the basis of adhering to its own version of order. The constitution of the *de facto* authority of the state police in the rural hinterlands depended on police officers' ability not only to flout the codified law (i.e. refrain from following official procedures of criminal processes), but also to adjust to and draw on the domain of authority that the police had reserved for chiefs. Much the same could be said of the chiefs.

These everyday patterns of action underpinned a productive tension because the chiefs and the local state police had to draw on each others' domains of authority in order to constitute their own distinctive forms of authority. By implication, the relational constitution of state and chiefly authority gave way to mutual transformations of the practices of authority enforcement. But practical fusions did not extend to complete convergence: they were part and parcel of attempts to re-constitute the distinctive authority of the state police and chiefs, of continuously re-defining the boundaries between them. The result was high levels of uncertainty in the exercise of authority. Authority remained negotiated and essentially precarious. As I showed in Chapter 10, this precariousness had repercussions for the *de facto* authority of individual chiefs and for citizenship as an inclusionary category.

Chiefs were left in a precarious position between maintaining *de facto* authority in their own areas by partly flouting and drawing on the law, and the risk of state-police imposed violence. The negotiated and hybrid character of *de facto* authority also produced more subtle differentiations between individual chiefs in some areas, resulting in the bolstering of inferior chiefs to the detriment of those with *de jure* and spiritually higher status. From the perspective of the people of Matica and Dombe, the negotiability of authority within a plural institutional landscape did indeed open up spaces of influence and negotiations, and therefore of inclusion. However, it also underpinned high levels of

indeterminacy and the requirement of much skill and capacity to achieve the desired services of the local authorities (i.e. justice). This also underpinned more subtle differentiations between *de jure* citizens.

The most pervasive and critical repercussion of the precariousness of authority was the responses that it gave way to on the part of local state officials in exceptional situations. These were the situations that local state officials defined as overt resistance to state authority and in particular to the Frelimo-state order: for example, when chiefs were caught using force or assisting the opposition party, when state officials met overt resistance from or were 'brought to trial' by rural residents, and in particular when activities were seen as overt political opposition to Frelimo. In these situations, the negotiability of authority and inclusion of citizens' demands were replaced by excessive violence and political exclusions. The political script of the Frelimo party-state underpinned but also legitimised these responses. It invested state sovereignty, the law, community authority and citizenship with a particular political content. The legal and the political merged. Political opposition to the Frelimo party was criminalised, and criminal activity was always potentially associated with the political opposition, Renamo. More broadly, it cast Renamo not simply as a political party competing for votes, but as the 'internal enemy', the 'evil other', the 'constitutive outside' of the unitary Frelimo-state order and the well-being and good forces of local society more generally.

The real danger of this political script was that it produced the categories of we/they as a friend/enemy relation. Because the latter is based on moral categories of good and evil, it follows an antagonistic logic that does not accept differences. The 'Other' is represented as threatening the existence of the 'We' and therefore can only be perceived as an enemy to be destroyed. This allows for the use of violence and exceptional means, for a suspension of the norm and the rule. In Matica and Dombe, the repercussion is "conditional citizenship" (Comaroff and Comaroff 2004: 191), privileging those who pledge allegiance to Frelimo and allowing for extra-severe punishments of those who do not. For chiefs the political script underpinned the definition of a "real" community authority as a Frelimo loyalist, as well as setting the terms for the state officials' right to exclude/punish or include/reward non-state authorities on the basis of political affiliation. The result was a sacrifice not only of the democratic credentials of the Decree, but also more broadly of the official constitutional commitments to political pluralism, freedom of expression and equal citizenship rights for all nationals. Intriguingly, the production of Renamo as the evil,

criminal Other was cast precisely in the language of the law, democracy and development. The looming danger then seems not so much to be a reproduction of what Mamdani (1996) defined as a bifurcated state with rural residents as either subjects-of-chiefs and custom or citizens-of-state and rights, but the reproduction of local state despotism in the guise of discourses on law, democracy, development and community participation.

The question is to what extent the state officials and Frelimo are being successful in this endeavour in the long run. Already the everyday practices of chiefs in flouting the law, the reactions of rural residents in the Bunga burning case and the voting patterns in Dombe seem to indicate that state (and thus Frelimo) authority will remain precarious. In an area like Dombe, where close to ninety percent of the population voted for Renamo in the last elections in 2004, the partisanship of the state police and administration could prove full of risks. If not actually creating the grounds for counter-violence in the future, as the Bunga case suggests, it is risky in the sense that it sustains the reappearance of self-redress and the persistent lack of trust in the formal judicial system, the state administration and the police. The real danger, however, is the prospect for the continued infliction of state-imposed violence on those who insist on enjoying their political rights. For the people of Dombe, by 2005 the pressing concern was the group of young community police recruits that the local police increasingly employed to patrol, randomly arrest and inflict state-sanctioned violence on those people who walked around these areas at night.

For chiefs in both Matica and Dombe, discontent was also rising by 2005. They were beginning to become impatient and disenchanted because they were still not being materially rewarded for the work they were doing for the state, despite the promises they had repeatedly been given. Also, the Dombe chiefs in particular were furious at the attempt by the state to use them in *propagandismo politico*, because, as one chief asserted, this "is degrading our authority with the people." As many chiefs stated, though, they nonetheless continued to work for the *hurumende* because of their inherent fear of state-imposed violence.

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Appendix I: Data-collection

Data-Collection techniques

The analytical framework of this study calls for a combination of a range of different data-collection techniques. My approach to data collection follows the imperative of triangulation between different forms of data produced in the field: textual and public discourse analysis, participant observation, interviews/conversations, situational analysis and case studies. These correspond to the interplay that I have highlighted between representations and practice.

Textual and public discourse analysis covered secondary historical writings, newspaper articles, academic articles, donor reports, ministerial documents and laws (Decree 15/2000 and other legislation pertaining to decentralisation of governance, policing and justice sector reforms). The analysis of these texts form the main basis of exploring the historical reconfigurations of chieftaincy and the policy-making process of the 1990s leading to Decree 15/2000. The texts were not only treated as informative and as a preparation for interview and research questions. The underlying grammar of the different concepts, including their historical and ideological connotations, was also analysed. This included how the concepts of community and traditional authority applied in the Decree are related to current development discourse by donor agencies and to post-war changes in the government's policies and laws. A newspaper article database was made with the help of Carlota Mondlane, from the Department of History, Eduardo Mondlane University. It covers ten years of public debates over the theme of traditional leaders in the five leading newspapers in Mozambique. The database was intended to provide a basis for exploring the national discourse and the debates on the formal recognition of traditional leaders since the 1992 peace agreement – including the periods of the debates (e.g. when people began to speak about the new law etc.), changing political-party and academic ideas, and reactions by traditional leaders and other local authorities towards the promises of the future role of traditional leaders.

Participant observation was a significant data-collection technique used in Matica and Dombe. It was concentrated in different fields of action, ranging from participation in public events, meetings and court sessions, to 'hanging around' state administrations, police stations and the homesteads of traditional leaders and rural residents. It has, in other words, been applied to explore both the public arenas in which the acts of implementing the Decree

have taken place, and the more everyday practices of and encounters between different categories of local authority (state officials, traditional leaders, party politicians, secretaries, NGOs etc.) and the rural population.

In order to explore encounters and practices in public arenas, I have made use of *situational analyses* (Gluckman 1955, 1965; Turner 1996; see also van Velsen 1967; Alverson 1996) of *public* meetings or events that involve the participation of state and non-state authorities and/or locality residents. Events covered initially the 'recognition ceremonies' of traditional leaders. Later it also covered traditional/community/formal court sessions, police hearings of social cases, national celebration days, official visits by high-ranking state personnel, monthly meetings between community authorities and the *chefes* of administrative posts, meetings between community authorities and NGOs or private businesses, and public meetings held by state officials and the police on crime, law, taxation and development projects. These events are temporarily staged and spatially bounded, and therefore cannot be analysed in isolation from what people do outside of them in the course of everyday practice. Nonetheless they have provided me with illuminating data on what issues are at stake in the public arena and how they are formalised and discussed, how positions of authority are represented, and what official discourses are at work (Alvesson 1996: 34-60). These insights emerge from paying attention to a variety of aspects: spatial location of the participants conveying relations of power and authority, organization of the meeting site, timing of the events (including who controls them), displays of material symbols (flag, monuments, books, dress, furniture, witchcraft paraphernalia etc.), concrete actions, gestures and postures, and finally spoken words (including both the official speeches and the small-talk and gossip amongst the participants). The different forms of meetings have also been related to questions of community and citizenship. This has implied paying attention to how community and citizenship are delineated in speeches, what constituencies (gender, age, new-comers, occupation and so forth) participate in public events and in what ways they participate (i.e. passive/active). In addition, state-sponsored meetings, such as national celebration days and those related to crime and the communication of law by the police, gave key insights into the symbolic-representational dimension of state formation and the nurturing of state authority (Hansen and Stepputat 2001; Geertz 1993; Bell 1992). For state officials, public events provided very significant**,** and in the most outlying areas the only spaces in which the goals, ideals and state lines of authority could be delineated for the rural population.

Meetings held exclusively between community authorities and state officials provided a different kind of data, which, although also providing insights into manifestations of authority, relate to more concrete elements of discussion, decision-making, lines of command and differences in the perceptions and expectations of the actors with regard to concrete problems, such as how to resolve cases of conflict or deal with criminals. These direct interactions were particularly valuable sites for exploring how orders are given, and also how policies and directives are transformed through minor negotiations in which the contents of directives are given new meanings. In my fieldwork in 2004 and 2005, situational analysis also included traditional and community court sessions, as well as police hearings of social cases. I used these to collect concrete cases (see below) and to study the practices of problem-solving, issuing of punishments, and discussions of rules and norms. Finally, one aim was to explore the differences between how problem-solving and different forms of justice enforcement were carried out and rationalised from court to court and between courts and police hearings, as well as how cases were passed on between these institutions, and for what reasons.

Situational analysis of the different arenas described above was combined with *qualitative, in-depth, interviews,* along with informal conversations with a variety of selected actors.[349] The purpose was not only to gather 'factual' information, but also to study reflective talk and the use of certain discourses in order to access people's *representational* and *operational models* and their definitions of key concepts such as 'community', 'authority', 'state' and 'chieftaincy'. In addition, I set out to explore the relationship between the concrete cases I had followed and seen solved with people's different strategies related to cases and their opinions about these. One of the peculiar aspects of interviews is that, especially as first-time encounters, they tend to be confined to the level of ideal models for action, which, as I discussed above, is of course useful information, but does not always tell us much about actual practice and why people act as they do. At the beginning of my research in 2002, and with new encounters in 2004, there was always the sense that people were telling me what they thought I wanted to hear, which

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[349] In the selection of informants, I covered both the official categories (chiefs, assistants of chiefs, state officials, police officers, court judges, NGO workers, teachers, traditional healers etc.) and representatives of the rural population, taking into account gender, age, level of education, socio-economic position and relative distance of residency from chiefs and administrative posts. I conducted a total of 60 interviews with rural residents and 107 semi-structured interviews (not including informal conversations) with the official categories of actors (Police: 7; community or chiefs' police: 11; chiefs/sub-chiefs: 31; Renamo: 8; Frelimo: 3; Court judges: 5; *Secretários*: 5; Traditional healers: 3; local state officials: 15; provincial/national state officials: 6; NGOs: 3; teachers: 3).

at times did not fit well with the different practices and course of events that I followed. For example, while people would say that Chief X had a lot of power, he was not able to enforce any decisions or was not addressed with equal respect in public. Another example that puzzled me was the large measure of agreement that the state police could and did not attend to witchcraft cases, but in practice a lot of people would bring such cases to the police station. The same discrepancy regarded chiefs and the solving of criminal cases. In attempting to go more deeply into the meanings of these discrepancies, what people made of them and what it meant at a deeper level in terms of the dynamics of the relationships between the different forms of authority, it was a clear advantage to combine interviews with participant observation and, of course, to return to the fieldwork sites. Having followed the same events and cases of conflict as some of my interviewees opened up a space for discussing with informants the relationship between practices and "how things ought to be". During fieldwork it proved easy to speak with chiefs, their assistants, police officers, state officials, NGO workers, representatives of political party and other important public figures in the local political landscape. In fact, these men (there were few women in this category) were often more than eager to engage in long conversations about the themes of the research.

Going beyond these categories of actors proved to be difficult. In fact, one of the most difficult aspects of the field research was to obtain access to the voices of the 'ordinary' people, particularly those who lived outside the heads of administration or who were not the close neighbours of chiefs. The majority of residents in the Dombe and Matica areas do not live in clearly demarcated villages, but are dispersed over large tracts of land in smaller family clusters. These are often not accessible by car and in some cases require several hours of walking. This meant that I could not go from house to house or draw a residential landscape of different families, securing a valid representational sample of 'ordinary' people. To solve this problem, a major part of the 2004 fieldwork was to use public events and court sessions to make initial contacts and plan visits to conduct interviews. The majority of the people I talked to at the beginning were thus those who had at some point been involved in social or criminal cases. Later, during 2005, I continued these contacts, which also led me to new ones, including people who had not been involved in any cases. Thus in 2005 I made a systematic sample of 60 interviewees, some of whom I knew well and others not. These interviews centred on descriptions of concrete cases, opinions about state and non-state authorities, and rankings of them, and finally the posing

of different scenarios related to what actions people would take in relation to a range of different cases: e.g. what they would do first if they were robbed, bewitched, beaten etc., where they would take the case (if they would take it anywhere), and what forms of justice that they would see as favourable. These systematic questions, asked of sixty rural residents, were open-ended and therefore also led at times to reflexive dialogue about authority, the state, punishments, witchcraft and so forth. A key constraint during interviews and informal conversations has been my inability to engage fully in conversations when the Chi-Ndau and Chi-Teve , and not Portuguese, were being spoken. During my periods of fieldwork I acquired a relatively good understanding of these local languages, but not to the extent that I could engage in more complex conversations. I have therefore had to rely on my research assistants for in-depth understanding, which on the other hand has had the advantage of my having valuable companions with whom to discuss issues along the way.[350]

A third method I used is that of *case studies* (Mitchell 1983; Walton 1992). Detailed case studies were made first of six major leadership conflicts between and within chieftaincies, which took place in the context of state recognition. These are the object of analysis in Chapter 4, and they convey important insights about how state recognition triggered the quest for stabilization and gave way to intense struggles over sources of legitimate authority, community boundaries, the organization of leadership and so forth. Secondly, a number of detailed social as well as criminal cases were collected during my 2004 and 2005 periods of fieldwork. These are based on a combination of different forms of data: interviews and informal conversations with implicated parties, the authorities receiving the cases and different people who had observed or heard rumours about the cases; and participant observation of the resolutions of the cases and analysis of the wider context within which they were played out. Taking into account the clear particularity of each case, the purpose of incorporating these cases in the analysis was first and foremost to trace both certain patterns in the way that the different forms of authority solved cases, passed on cases between them (i.e. collaborated) and the strategies people used to achieve

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[350] The subject of translation is important to discuss for how information is obtained and interpreted. This is particularly the case because it is not always possible to translate local words directly, as they belong to particular semantic universes and have specific emotional connotations and historical backgrounds. Although the problem can never be fully resolved, I have tried to deal with it positively by discussing language differences with my assistant and by elaborating on local words through informants' descriptions of concrete phenomena, practices and events. In the thesis I repeatedly use local terms when these are not easily translated to English, or would lose their meaning if translated.

what they regarded as just resolutions. There is, of course, a certain danger in selecting a specified number of detailed studies. As Walton argues (1992), a duality underlines the use of the term 'case'. On the one hand cases imply particularity, as they are situationally grounded and provide specific, limited views of social life. On the other hand cases pretend to do something more: when we use cases we want to claim some level of generality (ibid.: 121). This claim to generalisability, Monique Nuijten suggests, makes it all the more important to present an elaborate study of the context from which the cases have been taken and to make conscious theoretical reflections on the way we present the cases. For example, is the choice of a case intended to convey how conflicts are normally settled, or do we choose different cases to trace how different, even diverging elements may decisive in the resolution of a conflict (Nuijten 1998: 26-7). In this research, I use cases in both senses and triangulate them with other sorts of data. In addition, the smaller number of detailed social and criminal cases is analysed in relation to the greater number of less detailed cases (243 in total) that I collected through conversations as well as participant observation. The sum of cases have an element of quantification and comparison of: a) types of cases (theft, witchcraft, murder, adultery and so forth) occurring during certain periods of time in particular areas; b) types of authorities (traditional authorities, state police, community courts, formal courts); c) ways in which cases are transferred between different authorities; d) how and with what types of punishments cases are solved in the end and by whom; and e) how rural residents make use of the different authorities and why. By placing the totality of cases in a large schema following data collection, I have been able to trace different patterns of action and interaction. These insights were triangulated with interviews with the sixty rural residents about the meanings they attached to these patterns. In the final analysis, these insights, emerging from verbal representations and practice, are brought to bear on the wider questions of the constitution of different forms of authority and citizenship.

It should be acknowledged here that fieldwork in Dombe and Matica, greatly benefited from the help of two assistants, first Antonio Makumbe and later Dambinho Nóe, who were familiar with the areas and the local languages. They were extremely valuable partners in discussing the observations we made together and the conversations we had with different people.

Ethical considerations and positioning in the field

Female resident of Dombe, September 2002: "This recognition of chiefs…well it means that the state has come here. It means that the chief has a flag. That has never happened before…and then you, *mushungu* [foreigners/whites] have come here to sleep at the homestead of the chief. No *mushungu* has ever done that before."

For ethnographers, positioning in the field is naturally an unavoidable aspect of doing fieldwork and one that must be taken consciously into consideration when analysing the information that one is given (Hammersley and Atkinson 1992: 80-1). Constant reflections on the roles that one is given and the strategies some informants use to fit one within their personal projects were necessary for grasping the information I was given and the way people acted around me. In my case, positioning in the field was shaped by my being a foreigner and to a lesser extent a female, as well as by the fact that few researchers had set foot in the chieftaincies, at least after the war, and never for long periods of time. To begin with, in 2002, this meant that state officials viewed me as representing an avenue to donor aid, and rural residents as either this or some representative of the government. The latter is not surprising, given that, during the first encounters in 2002, my colleague Lars Buur and I had to rely on local government officials to provide us with formal access to these areas and thus we would often arrive the first time together with government people. In party-political terms this was quite significant, as state officials are to a large extent perceived by rural residents and chiefs (most of whom were Renamo supporters) as synonymous with the Frelimo party. Over the course of time my association with the state, donors and Frelimo lessened, as I was seen and talking with Renamo delegates and time and time again explained that I was on neither side of the political divide and discussed the research I was carrying out.

However, dilemmas associated with positioning never ceased to be an issue and had to be constantly balanced between being in the field, relying on people's hospitality and state officials' permissions, and the different projects that some of these individuals tried to draw me into. For example, I was drawn into and asked to help solve an internal leadership dispute between two sub-chiefs, chiefs asked me if I could get the government to pay them salaries, and I was asked on several occasions by police chiefs to provide information on criminal cases or by Frelimo to provide information about the activities of certain chiefs in campaigning for Renamo. Instead of providing this kind of information or promises to solve issues for the chiefs, which would necessarily compromise my other informants, I

tried to reciprocate as well as I could by entering discussions on common issues without compromising my other informants. I never paid any informants for interviews or hospitality, but always brought plenty of food and smaller contributions of clothing to the people with whom I stayed, as well as providing them with transportation when needed. This, of course, left me with the ever-present concern of unbalanced relationships, which I have found few ways to solve.

Added to this, at times my fieldwork placed me in personally ethical dilemmas, which I had to keep to myself in order not to compromise my findings. This particularly related to the various moments when I observed and heard acts of physical and symbolic violence performed by state officials, in particular police officers, for example, public beatings of suspects, and random arrests and public humiliations of members of the Renamo party. The way in which I have dealt with these aspects of violence has been to include them in disseminating my research, though without pretending that this *ipso facto* will give way to changes.