



REMAINS: TO BE SEEN. Third Encounter between State and “Customary” in Northern Mozambique

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Following a devastating civil war and 18 years of an Afro-Socialist experiment, the transition to democracy and rule of law in Mozambique begun in 1994, has been hailed by observers as a successful process of national reconciliation and politico-economic opening. However, the complex juridical and political processes mobilized in the transition contradict the apparent blithe optimism of donors and central state reformers about “democratization” and liberalization. One of the most striking effects of the dismantling of the Socialist state and the enactment of policies of decentralization has been the vigorous reemergence of locality and its figures of “customary” authority.

In June 2000, the Council of Ministers passed a decree to recognize “customary” chiefs as legitimate local units of government (Buur and Kyed 2005, 2006, 2007; Sousa Santos 2006).¹ And yet “customary” authorities have been a controversial political issue since the colonial period. The same political party, FRELIMO,² that after the 1975 revolution had banned all traditional authorities, rituals and beliefs under the auspices of “anti-obscurantist” Socialist modernization, is currently reinstating as legitimate, decentralized modes of local government the very “customary” chiefs once decried as instruments of the colonial power. These juridical reforms may be seen as involving a rewriting of the fraught history of the country’s northern region and the complex play of strategic power relations at the local and national level (Meneses et al. 2006; Sousa Santos et al. 2006). After the colonial and Socialist periods, they constitute, in the history of the Mozambican state, a “third moment” of articulation with the realm of the “customary,” one that

attempts to synthesize previous conditions and redeploy these authorities, their imaginaries, and normativities in the service of postsocialist policies and neoliberal processes of state legitimation.

Legal recognition of the “customary” in contemporary Mozambique illustrates one way indigeneity is emergent in contemporary Africa. “Tradition,” “custom,” and territorialized conceptions of political belonging have been reinvented; authenticity and autochthony are central tropes. The hazardous ambiguity of this reemergence cannot be overstated (Bayart et al. 2001; Geschiere and Jackson 2006; Geschiere and Nyamnjoh 2000; Marshall-Fratani 2006).³

AFRICAN INDIGENEITY

The articulation of the “customary” and the “indigenous” can only be understood in the African context by relating them to the history of state formation from the colonial period to the present (Dozon 2003; Young 1994). Extensive historical evidence demonstrates that in Mozambique, as in most regions of sub-Saharan Africa, the local hierarchies of indigenous power were (re)constructed by the colonial regime, through techniques of ethnographic inscription and juridical codification, as a system of “customary” authorities, thus developing a plural legal grid in terms of which populations could be administered and controlled, fixed within territories, and mobilized as labor. A central tool of governance, this homogenized realm of the “customary” was the space through which harsh discipline and social control were violently enforced in the decentralized regime of indirect rule (Chege 1997; Mamdani 1996; O’Laughlin 2000).⁴ This legitimated the deployment, under chiefly authority, of violence and punishment, the recruitment of forced labor and the collection of taxes. Yet, these political figures are being held up today in many African countries as the panacea for the achievement of decentralized, plural democratic cultures and the strengthening of civil society (West and Kloeck-Jenson 1999).⁵

To convey the constitutive ambiguity of “the customary” in Africa today, this essay traces three central moments of articulation between “state” and “customary” in recent Mozambican history, and shows how they come together in a contemporary ethnographic case, exemplary of a series of rituals taking place throughout the country, in which the new regime “recognizes” “traditional” local authorities and delegates them sovereign powers to adjudicate conflicts and enforce order. The three moments of contact correspond to periods of deep political transformation in which the category of the indigenous plays a central role in the guise of three figures: the colonial “indigenous customary,” the “obscurantist tradition”

targeted by postcolonial Socialist reform, and the “community” of postsocialist governmentality and neoliberal foreign development agencies.

The period of colonial rule defined indigeneity in reference to naturalizing discourses of race, blood, and filiation, and their associated tropes of purity and authenticity. Indigeneity served to legitimate the foreign–African (and “citizen–subject”) binary—that is, the division between a small group of white or “assimilated” citizens and populations of subjects (“natives,” “indigenes,” or “indigenas”), subdivided according to the racialized logics into territorialized ethnico-juridical groups, ruled by customary authorities (Mamdani 1996). The moment of independence saw the category of indigeneity redeployed in the project of the “Africanization” of the state, which did not overturn the racial logic behind colonial sovereignty, but merely inverted it. In the case of Mozambique, the state made authenticity the grounds for the Socialist ban on all “obscurantist tradition,” its authorities, and its rituals. Spanning these two moments, indigeneity also played a central role in two deep, dramatic instantiations of violence: through the involvement of the “customary” and its authorities in the anticolonial war led by FRELIMO, and in the civil war between FRELIMO and the guerrillas of the Mozambican National Resistance, RENAMO (see Textbox 1). This historical context has created the contours of the third, contemporary moment.

History Mozambique is located in southern Africa, on the Indian Ocean coast, with a population of approximately 22 million in a territory of 310,000 square miles. The political history of this postcolony has been deeply affected by events of global reach: colonialism, socialism, war, democratization. Since the late 19th century Mozambique has undergone rapid and dramatic sociopolitical transformations, including the Portuguese colonial regime (1880–1975) involving the rule of private concessionary companies (1890–1930s); the rise of fascism in Portugal (Estado Novo 1933–74); a postindependence Marxist–Leninist experiment beginning with independence in 1975, followed two years later by a devastating civil war between the socialist Mozambican Liberation Front (FRELIMO) government and the South Africa and U.S.-backed guerrillas of RENAMO (1977–92); and, finally, liberal democracy and rule-of-law reforms from 1994 to the present.

In the early decades of the 20th century, the Portuguese regime allocated the governance of large portions of the colony’s territory to private concessionary companies funded by European capital, which implemented development policies and provided indigenous forced labor to the mines and plantations in South Africa and other British colonies in the region. After 1950, the Fascist regime of the Portuguese New State legally instituted its African colonies as overseas provinces of the national territory. This regime prevailed during the heyday of African independence in the 1960s, and Portugal denied independence to its subject populations despite strong international pressure. Mozambique received a massive

influx of Portuguese expatriates, as did rest of the overseas provinces, while the metropolitan legislation on indigeneity and labor became more complex and harsh.

In 1964, FRELIMO launched an armed insurgency against the colonial regime, which developed first in the north (with bases in Tanzania), to later encompass most of the colony's territory, developing into a decade-long guerrilla and counterinsurgency conflict. This and other anticolonial struggles led to major political and economic changes in the metropole. In 1974, a liberal military coup in Lisbon ended decades of Fascist government and led to elections won by the Socialist Party, which granted independence to Portugal's African colonies, including Mozambique on June 25, 1975. Mozambique's Portuguese population at that time was about 250,000. Most Portuguese citizens were expelled after independence under the new FRELIMO government's project of Africanization of the state.

When independence was proclaimed, the leaders of FRELIMO's military campaign rapidly established a one-party state allied to the Soviet bloc and outlawed rival political activity. FRELIMO eliminated political pluralism, religious educational institutions, and the role of traditional authorities. Between 1977 and 1992, the country became a battlefield where the Cold War was fought by proxy (FRELIMO and RENAMO being supported by the Soviet bloc, and apartheid South Africa and the CIA, respectively). The end of the Cold War and the collapse of the Soviet Union paved the way for a ceasefire and the peace agreements that led to the subsequent liberal democratic regime, shared by the two former enemy war camps. Fighting ended in 1992 and the country's first multiparty elections were held in 1994. In the last 15 years, national economic opening and deregulation have coincided with the global zenith of neoliberal policies and, alongside the juridical reform of the state, have been supported by international donors, whose contributions in the form of aid and loans make up the majority of the national budget. The country is categorized by international actors as a "success story" of transformation and stability. Between 1994 and 2009, FRELIMO has won four general elections, RENAMO constituting the first national minority.

Postwar reconstruction presents a salient example of the paradoxical ways in which postmodern global juridico-political frameworks produce the return of legal regimes related to colonial governance, where local imaginaries of political belonging based on territoriality, blood, heritage, and sacred violence are converted into political and economic resources and inserted into processes of globalization (Ferguson 2006a; Geschiere 2009; Hibou 2004). Internationally led state reforms involve the blending of "precolonial" norms and "traditional culture" with contemporary legal forms, allegedly offering a potential escape from current institutional impasses, or a transition from the disorder of armed conflict to the prescribed accountability of modern democratic regimes (Chanock 1985; Cohen and Odhiambo 1992; Falk Moore 1986; Mamdani 1996; Shadle 1999; Snyder 1981). Conflicting and coalescing trends of nationalism, nativism, and pragmatic

(neo)liberalism operate on a field determined by a political economy of redistribution of economic assets, conditioned by structural adjustment and transnational capital that efface citizenship rights and weaken local governance. This politics contain a fundamental paradox, whereby a postcolonial liberal democracy that enforces a modernist legislation, representing it as progressive and oriented toward the future, embraces the immanent, violent legacies of colonialism entrenched within the allegedly past-oriented modalities of “customary” law and authority. This articulation reveals how both juridical regimes are analogous in their blending of precedents and expectations, as well as of force and law.

In the current global discourse, the rule of law and the law of value—political and economic liberalization—go hand in hand in a salvaging progression that would lead every local cultural and political particular to a universal democratic stage. Through the staging of ceremonies of recognition, and a historicist discourse in the form of political speeches and legal texts, the Mozambican state attempts to reveal and circumscribe proliferating normativities under the single category of the “customary,” in a dialectical move that would sublimate all historical moments into a continuous present leading toward “future progress,” without remains (Avineri 1974).⁶ This operation rehabilitates aspects of the central ideological dualisms and oppositions of the colonial period and revitalizes the metaphysics of difference that continues to be absolutely central to the construction of African political fields and Africa’s location within global politics (Grovogui 1996; Mbembe 2002a, 2002b).

Yet beyond the contradictions of the state’s current dialectical project, behind its ideological representations of the “customary” as crucial tools of postcolonial governance, an examination of concrete encounters and rituals of legitimization reveals the limits of the state’s recent project of recognition and sublation and, thus, of the sovereignty of the state itself (Comaroff and Comaroff 2003, 2006). Its hypostatization of the law does not hold when subjected to the test of its own petitions of principle. This recurring situation leads us to think that perhaps *hypostasis*, understood as a higher form of reification, is the political modality of the postcolonial condition. Indeed, abstract juridical distinctions between private and public, foreign and national, or “state” and “customary” become absolutely blurred when confronted with actually existing political contexts. What materializes is a “state of things,” a broader field of power, in which other normativities, other temporalities, alternate forms of sovereignty and citizenship struggle for expression, unfolding in a parallel and agonistic way. Let us move to an ethnographic illustration of this process.

rites of sovereignty

"We have arrived in the capital of one of the invisible states," the Administrator said,⁷ with a half smile of satisfaction.⁸ It was almost noon, the sun exploding in the heat of the northern day. Emerging from a myriad of little mud huts and houses, a small crowd came forward to greet us. We were in a small village in the rural district of Macavelas,⁹ not far from the Indian Ocean coast, in Nampula province, northern Mozambique. It was June 2004.

During the previous few days, the Administrator had been talking to me about these ineffable political entities. "Invisible states," he called them. Like some kind of wild animal, he said, like a large caterpillar in camouflage, concealing itself from the suspicious eyes of strangers, these assemblages exist through a political modality based on concealment, secrecy, dissimulation, silence: an oblique form of governance.

This begs questions of jurisdiction. The Administrator, the central state's local representative, nominally rules over a contradictory space. The administrative post is a unit of local governance that allegedly maintains the sovereignty of the state over a given territory, whose laws, enforced by the authorities of the local state administration, should regulate everyday life. Local provincial courts are supposed to have jurisdiction over conflict and crime in this area. Yet this legal territorialization, this political codification of the quotidian magma of the social does not take place in full. Something escapes. The administrative unit includes within its borders other polities, other authorities; justice is adjudicated in other courts, through other rules. Another law organizes the unfolding of things.

The Administrator, who has served in various rural districts in Nampula province throughout the last decade, had "uncovered" the structure that he called the "invisible state" a few years earlier. He explained how he had gained access to various forms of these invisible states after many a patient dialogue, numerous meetings, the mobilization of many connections, lengthy negotiations in search of trust and reciprocity, in a process based on the circulation of different sorts of values. In a region where imaginaries of the state are weak and its legitimacy is feeble, in a province with a deep history of rebelliousness and hostility toward authority (precolonial, colonial, or socialist) and the strong political presence of RENAMO, popular mistrust of the local administration is pervasive.¹⁰ According to the Administrator, beyond the restricted space of influence of the local state apparatus—a few dusty blocks around the center of the small town that is the seat of the district administration, a few buildings housing state institutions' precarious

infrastructures, the fragile circulation of symbols of a state ideology—the invisible state reigns. As the Administrator put it: “They constitute the state where there is no state; at the base, at the level of the community.” They are organized around necessities of subsistence, the provision of services, and the circulation of scarce economic resources, as gifts.¹¹ According to the Mayor, the invisible states’ structures of magical and political governance had helped to reconstruct sociality in vast rural areas where the devastation of the war had left behind disrupted circuits of exchange and broken communal bonds, in a landscape of families, clans, and groups divided by their different allegiances and degrees of victimization.

On the day when the Administrator was going to make actual contact with this “invisible” entity and visit its territory, he invited me to be part of his delegation, composed of several of his aides in the local government, some administrators or smaller rural subdistricts, and the *regulo* (chief) Sukuta.¹² Sukuta, the main “customary” authority situated above eight lesser chiefs scattered throughout the area, had recently attained official recognition from the state. While talking outside the officer’s residence, he explained to me that the reason for our visit was the celebration of a local memorial ceremony held annually in honor of Kupula Munu, a chief who had been the leader of the communities in this area and a prominent fighter in the struggle against Portuguese colonialism in the early twentieth century (Newitt 1995).

On our arrival, a few of the more prominent members of the community approach us; one of them, a man dressed in white, is a local “customary authority” and he also holds a high rank in the “invisible” state. Behind him comes a woman, also dressed in white, taller, in her mid-forties, who is introduced to the Administrator as the “Queen” (*pyamwene*) of these communities (hence, the sovereign of the “invisible state,” in the Administrator’s conception.) She is a “niece” (by blood? by political or kinship affinity?) of the defunct Chief Kupula Munu, and the actual power holder in this compound. (See Figure 1.)

The main part of the ceremony is conducted at two tombs: the first is the smaller of the two, and holds the remains of a relative of Chief Kupula, the second is the chief’s own resting place. But before entering the small area that surrounded the white tomb amid rocks, plants and trees, the Queen summons us. As though we are entering another spatio-temporal dimension, the Queen orders us to remove our watches. Organizing a line, with herself at its head, she calls us forward, beginning with the Administrator, followed by one of his closest aides, then the main chief (*regulo*) Sukuta, myself, and others behind me. Inside, white and blue cloths hang from the ceiling. We sit uncomfortably, legs crossed, barely seeing one another



FIGURE 1. Queen, chief and Mayor outside sacred grave. Northern Mozambique 2004.
Photograph by the author.

through the dangling cloths and the obscurity. The Queen begins to speak. Slowly, softly, in a lilting half-voice, a musical lament, almost a prayer.

The Queen speaks in another's voice, through another's words, for she is merely an instrument of the Spirit. "It is not me who is talking, but the Spirit. It is the Spirit that commands me to utter these words. For the Spirit is crying," she says more than once. The dead chief's soul wants to speak his grief, express his anger and disappointment, the pain aroused from seeing his people suffer in solitude, abandonment, and disease. His anger is directed at the government,¹³ the Queen-as-voice-of-the-Spirit says, for they have not fulfilled their so-often repeated promises. She describes the spirit's sadness, his awareness of the population's needs, enumerating a list, such as basic infrastructures: a school, water, cash (for "the money from last year has already run out"). She explains their extreme isolation. Through her tearful, plaintive litany, she repeats: "it is not me, it is the Spirit who is crying, he laments because the government is very far away from us. Forgive me, please, if I speak bad Portuguese; it is because I live so far away and in isolation."¹⁴

When the Queen has finished, the Administrator speaks in Makuwa, expressing the state's willingness to reach out to the communities, reassuring its leaders

as to the possibility of collaboration and the delivery of resources. He implicitly evokes future negotiations toward an alliance involving the provision of gifts by the government in return for the community's support. Following the Administrator, a second official guest makes a short speech, this time in Portuguese. The Queen speaks again, bringing the ceremony to a close. This time, "Development" is the keyword. The Queen declares: "The Spirit complains; he does not feel well. The Government must develop this area." Her words, with their tone of grief and quiet authority, unfold a story, which weaves together the local and the central, the visible and invisible, all the while evoking the trinity of spirit, government, and development.

One by one, visitors and locals slowly file out of the tomb, leaving only the Queen, the Administrator and me. Suddenly there is a subtle political shift. The Queen leans toward the Administrator, and making sure she cannot be heard, begins speaking to him in a low voice. There ensues a litany of complaints about the "invisible state's" internal politics. She insists on the misconduct of a local chief, whose incompetence and malice, she says, are blocking all possibilities for the area's development. Barefoot, on our knees, we listen to the woman's whisperings of how badly the *mwenes* (chiefs, lords of the land), her own cousins, have behaved. That she, the great granddaughter of King Kupula should be a witness to this. Suddenly, the political visitor, the state's representative, is pulled—as potential arbiter?—into the heart of this community's intimate power struggles (West 1998).

We leave the smaller grave and walk toward Chief Kupula's tomb. An aura of sacredness begins to grow, a ceremonious calm descends on the group and our movements become weighty and slow. Advancing in a silent line, we arrive at the site of the white tomb. Again we bend down on our knees to pass under the low door into the mortuary room of Chief Kupula. This is the climax of the ceremony, whose cadence is structured around the two mortuary spaces. The first moment had been intended as a sort of introduction, an intermediate, propitiatory time-space held at the tomb of a lesser chief. This second moment is the instant of truth: the veracity of politics and negotiation, a spiritual authenticity. The speeches are made this time in Makhuwa. Another prominent member of the locality—a *mwene*—speaks, expanding on the community's need for money and infrastructure. He is followed by another local chief, then the Queen and the Administrator, before chief Sukuta closes the *séance* with a prayer.

The tenor and intonation of the words spoken in the chief's tomb is bitter, sharper. The Administrator, trying to explain the government's position and promising that donations would soon be delivered, sounds increasingly frustrated,

especially after he is interrupted two or three times by complaints and slight rebuttals. Other important local voices make themselves heard, urgent and pressing. The local FRELIMO state finds itself face to face with the true significance of the invitation to this semisecret ceremony: the circulation of debts and gifts with a view to creating new political alliances.

At the end of the ceremony the regulo Sukuta offers up a long prayer in Makhuwa,¹⁵ invoking Allah and the Spirit as interchangeable central forces.¹⁶ The Muslim chief is a contemporary sign of a long regional history of ethnic and religious difference. The prayer transports the King's spirit into a wider sacred space, one in which "African" local religion merges with "Islam,"¹⁷ through reference to Al-Quran, reinforcing the sacred power of this theologico-political event, sealing the potential new relationship that might now be inaugurated between the local, FRELIMO state and the "invisible state." Before we file slowly out of the King's resting place, we place notes and coins on a koffia, a Muslim cap that is passed from hand to hand.

As we leave the tomb, the mood eases. Less than an hour has passed, and yet in the time-space of the tomb we have been tensely suspended on the edge of possibilities in the making, a liminal space where the states have spoken, demanding and acquiescing, shaping promises of things to come. Moving out of the sacred space, whose elusive borders were marked out by numerous white cloths hanging in the silent air, we emerge into another space and time, swinging suddenly into the next phase of this theologico-political event, this cementing of promises and pacts: a FRELIMO political rally. (See Figure 2.)

These are election times in Mozambique. Six months after this event, a presidential election will take place. One of the obvious main aims of the FRELIMO local administration in reaching out to the "invisible state" is to gain support from the local population and especially their leaders. From the sacred local ceremony thus emerges another ritual. Both ceremonies, like sides of the same coin, reveal several of the predicaments and possibilities of contemporary politics in Mozambique, as well as the historical configurations that immediately precede and shape them. During the rally, the local representatives of the FRELIMO state (the Administrator and his lower-ranking allies) urge the rural crowd to vote for the party that has been in power since independence. Yet underlying this secular, prosaic electoralism lies another theologico-political ceremony, one that recalls and commemorates the dreadful events of war.

The first one to speak is the Head of Administrative Post (a smaller district unit). He addresses the crowd in Makhuwa, speaking broadly about the



FIGURE 2. FRELIMO electoral rally in rural northern Mozambique, 2004.
Photograph by the author.

community's needs, FRELIMO's work in the area, and the importance of registering to vote in the upcoming elections. He is followed by the municipality's Secretary of Civic Instruction, who explains to the crowd the new modalities of registration and voting. Then with solemn movements, the Administrator stands up and takes a few steps forward. A moment of complete silence ensues . . . the Administrator smiles gently and shouts, in the classic manner of FRELIMO rallies, but with a special addition in honor of the dead chief:

Long live FRELIMO!
 Long live Macavelas!
 Long live King Kupula!
 Long live National Union!¹⁸

With broad theatrical gestures, he addresses the crowd in a soft-spoken way, weaving a delicate fabric of discourse that progressively intertwines the narrative of the local king with the history of FRELIMO's postcolonial struggle. Time and again, he refers to the war as a landmark on a path toward freedom and emancipation. Although the Administrator is fluent in Makhuwa, he speaks in Portuguese, while

an assistant translates at the end of each long sentence. In this ritualistic, alternating exchange, where the language of the state is immediately transposed onto the language of the community of the “invisible state,” in this small political theater, the potential of an alliance begins to take shape.

“The life of this King constitutes a wonderful school for all of us. We are here to pay homage to the work that the chief performed for the district and the country.” He thus begins a speech, which despite its pragmatic electoral tone, delivers a powerful and far-reaching message, condensing many crucial moments of Mozambique’s political history over the past 50 years. It juxtaposes the chief’s actions in the anticolonial struggle on the movements for “national union” during FRELIMO’s own anticolonial guerrilla war, which led to independence in 1975. “Yesterday’s struggle, the fight led by King Kupula, is similar to today’s struggle in which FRELIMO is attempting to secure peace and freedom” the Administrator announces. Around the legacy of the king’s spirit, the Administrator develops a juridico-political argument of broad implications: “Kupula died alone. It is crucial to be united, together, to face our common problems. That way, together, we obtained independence in 1975.”

The speech continues, developing the theme of FRELIMO’s current struggle to guarantee reconciliation and security (“the party of peace and independence,” the Administrator calls it, opposing it to RENAMO).¹⁹ The events of war are conjured and recounted as the Administrator speaks; disclosing a logic that closely relates wars of independence with civil wars, and both with the foundations of the state apparatus, terminating in the sedimentation of the current contours of the democratic state. At one point, the Administrator leans over, reaching toward someone sitting on the ground in the front row, asking him to hand over his voter’s registration ID card. “Kupula used to fight with his knives and spears. Today, Kupula’s struggle, and our independence must be defended with this weapon: our voter’s ID.”

As he draws to a close, the Administrator brings his attention to development issues (Escobar 1994; Hanlon 1996; Shivji 1986). The gift must circulate: as moral or economic value, it enters a circuit that allegedly describes a perfect circle and yet, as the Queen’s speeches made clear, and as everybody seems to acknowledge during the event, when referring to politics, money, or trust, this circle is constantly interrupted. The Administrator’s speech refers to projects, installations, provisions. As well as water projects and a school, which are supposed to be under way (the Administrator takes good note of the “Spirit’s demands” in the tomb) a more important event is announced. The Administrator turns to gesture toward a man sitting to his left, one of the important members of his entourage.

He is the owner of a cashew factory that will soon be opened, and will require 60 employees, principally young men, but also a few young women who have attended school. The community is urged to send their youth to work there.

Beyond his electoral rhetoric, the Administrator develops a political reading of the past, a sort of shadow theater where the individual figure of the freedom fighter, the anticolonial warrior, slowly blends into the collective shape of the FRELIMO war machine. Around the political aura of a spirit, at the spiritual heart of this political community, the Administrator refers to a process of juridical transformation taking place: a new spirit of the laws. This event represents a political flashback, a rereading and erasure of a recent past through the recognition of the authority of a long-dead precolonial chief, through reverence and respect to his remains.

HISTORY: BETWEEN STATE AND CUSTOMARY

I had witnessed a singular event that, nevertheless, was part of an extended series of similar acts taking place at the time, across the nation-state (Buur and Kyed 2005, 2006; Goncalves 2005).²⁰ All over Mozambique, gatherings were held in which the state recognized the legitimate authority of various “customary” chiefs. In these ceremonies, the state reversed decades of policy against indigeneity, its rituals, languages, religions. In these rituals, state liturgy was blended with local, “customary” ceremonies, resulting in a fusing of both “political” and “religious” contours. The underlying goals, no less obvious despite their implicit nature, were similar: the articulation of political alliances with local governance providing electoral purchase; the cooption of, or negotiation with, the realm of indigeneity: rural polities and their secret, sacred hierarchies.

The main difference operating at this particular event, its singularity, was that it was a sort of monumental commemoration: the recognition, on behalf of the state, of the legitimate power and authority of a dead chief. Invoking and almost worshipping the spirits of the dead, the local state was erasing decades of official policy, by making a broad, absolutely new gesture, toward the relevance of the precolonial indigenous realm.

The ritual, with its religious gestures and political words, constituted the event of a third contact, which actualized the modern history of indigeneity in the nation. Within a series of historical encounters, deceptions, and repressions, two previous phases of exchange between “state” and “customary”—two moments of definition, control, and coercion of indigeneity—had taken place in modern times. The current third phase seems to blend various aspects of the two previous ones,

through its reversals and aporias, toward a merging of past and future, or “custom” and “law.”

First contact: the moment of effective colonial occupation, with its conquering and reshaping of the “customary,” in particular through the elaboration of the regime of the Indigenato (1930–60);²¹ *second contact*: the moment of postcolonial independence, of the Socialist regime and its ban on the “customary” (1975–92); and *third contact*: the postwar transition to democracy, rule of law, and liberalization of the economy (1995–2005). Let us examine these three projects of definition of indigeneity spanning the colonial and postcolonial moments.

First Contact: Colonial Indigenato

The first contact between state and customary implied the colonial legal demarcation of indigeneity (Hedges 2000; Meneses et al. 2006; O’Laughlin 2000; West and Kloock-Jenson 1999). This is the primary historical context of the ethnographic case presented above: the epoch of the ancient chief and his anticolonial struggle against foreign control and territorialization. This historico-juridical context, the various features of the customary, authorities’ prerogatives and restricted indigenous rights, is what the Socialist regime attempted to erase and the contemporary democratic regime aims to reconsider in a new light.

The Indigenato regime of indirect rule was fundamentally a juridical organization of the colony’s territory,²² which placed the native population at the level of locality under the sovereignty of “customary” authorities, the chiefs (Pels 1996).²³ It entailed a fully fledged network of regulations that organized everyday life in the colony in terms of spatial, political and ethnic segregation. Systems of education and labor, identification and circulation as well as harsh punishment and minute control were intricately linked, set in motion by the force of law, which mobilized a shift from the condition of slave via a process of becoming a “free laborer” under fascist–capitalist conditions (Hedges et al. 1993; Isaacman 1996). Processes of classification relying on the category of indigeneity and its racialized, territorialized tropes perpetuated their diminished status. Concessionary capitalist enterprises were the first to use chiefs, but these authorities would become increasingly central to state government over the course of the colonial period, recruiting forced labor, collecting taxes, adjudicating disputes in customary courts, administering punishment. The chief also became instrumental in the reproduction of “customary” laws (Harries 1994).

Around the 1920s, the system of “traditional authorities” was transformed and adapted to the new official policy of indirect rule. The revised regime of 1929

classified the great majority of the Mozambican population—the “indigenous”—into “tribes,” presupposing a common language and “culture.” Within these “tribes,” the individuals were subjected to the direct authority of “customary” chiefs, defined *autoridades gentílicas*, a Portuguese term (Latin root *gens*, or family) that denotes belonging to a locale of origin. In the marginal regions of the country where “effective occupation” and the influence of the state apparatus were weak, local chieftaincy became a definite extension of colonial rule (perhaps blurring the limits between foreign “state” and the “indigenous”). Alongside the process of the production of “traditional culture,” “customary law” was also organized and codified by colonial functionaries and amateur ethnographers. This construction of a realm of law outside the law, of a space of “traditional” norms and political subjectivities was essential for the formation and consolidation of the colonial state apparatus. A tripod formed by ethnic provenance, territorialization, and ancestry or genealogy was the stand on which the subjection to a certain codified type of “customary law” was sanctioned. Meanwhile, civil law regulated the lives of the citizens (settlers and some *assimilados*) as well as the disputes between citizens—or the state—and the *indigenas*.

In 1944,²⁴ a new colonial ordinance ascribed to chiefs the status of “assistants to the administration,” and they gradually came to be seen as an integral part of the colonial state. Chiefs received a percentage of the hut tax, and benefitted from the recruitment of labor and the sale of produce from mandatory agricultural labor. They also administered land tenure in the “Indigenous reserves” zones according to “customary” laws, and ran their own police forces. Often appointed by the colonial regime as external rulers of the local, outsiders to its forms of succession, such chiefs forged alliances with local structures and lineages to enforce social order and secure the provision of forced labor.

Throughout the colonial period, the local legitimacy of chiefs was often severely fraught, subject to the arbitrary policies of indirect rule and the codifications of the realm of the customary by the colonial state. Their legitimacy was based on their supposed filiation with local royal lineages, yet the Portuguese regime appointed and deposed chiefs, supporting those related to the local lineages only in cases where it was convenient to do so. At the same time, the status of chiefs recognized by the colonial state was also crucially determined by local responses, in which practices of secrecy and deception sought to protect local forms of authority from colonial control; “fake” or weak chiefs were often presented to the colonial authorities, thus keeping the identity of the real and legitimate power holders secret.

In 1961, the Indigenato regime was abolished, but the dualism of these categories persisted in various ways. Those formerly defined as *indigenas* became Portuguese citizens but the *regulados* were maintained, as well as “customary” law, which was enforced in parallel to civil law. Paradoxically, it was with the abolition of Indigenato that the position of the *regulados* was reinforced and they became part of the state at the level of local administration, receiving uniforms and earning salaries. By 1964, at the beginning of FRELIMO’s anticolonial and nationalist guerrilla war, the abolition of the Indigenato regime had not granted citizenship rights to the majority of the population. Instead, in a context of local conflict and rebellion the colonial regime launched counterinsurgency campaigns, which made the power of some “customary” authorities even more repressive at the local level. A decade later, Mozambique would gain its independence, but the “customary” would continue to shape the postcolonial political field in crucial and complex ways, through local ritual, regional power and war throughout the national territory.

Second Contact: Afro-Socialism and Civil War

The trajectory of postcolonial chieftaincy has unfolded at the intersection of three axes: politics, economy, and violence (Dinerman 2006; Lubkemann 2008; Pitcher 2003). The project of Socialism, as a mode of political organization but more importantly as a mode of production, marked the stance of the central FRELIMO government toward chieftaincy and its reorganization of locality. The transformation of certain co-opted local authorities into “chiefs of production” operated by FRELIMO in the 1980s in the north was a sign of the economic relevance of these figures of power. The violence of civil war was the other main vector, which shaped the trajectory of “customary” authority. At the intersection of these three axes was one politico-developmental project aimed at transforming the countryside, a project of modernization through collective villagization, implemented by FRELIMO shortly after independence.

Villagization obeyed a double program of Socialist governance of the rural areas: one face was aimed at addressing the political economy, while the other engaged with juridico-political issues of governance and jurisdiction. The most crucial effect of villagization for local governance was the attempted dismantling of the colonial system of local “customary” authorities in vast rural areas. At its first session after independence, the FRELIMO Council of Ministers abolished chieftaincy in a move aimed at carrying out a “total transformation” of rural Mozambican society. Nonetheless, social structures based on local logics of kinship and hereditary

succession never actually disappeared after independence. Collectivization, economic socialization, and the rejection of chiefs would be seen later as the main causes for the support lent to RENAMO by vast rural populations—and their chiefs—in the center–north of the country.

The civil war (1977–92) in the rural areas worsened an incipient divide between party–state structures and the rural population (Chan and Moisés 1998; Chingano 1996; Finnegan 1992; Hanlon 1984; Minter 1994; West and Kloeck-Jenson 1999). The South African backed RENAMO guerrillas launched a war of sabotage, massacre, and general terrorist destabilization, targeting infrastructure and civilian populations. RENAMO also discovered the strategic value of establishing links, where possible, with ex-“customary” chiefs marginalized or rejected by the FRELIMO state and its “anti-obscurantist” policy. In many areas under its control, RENAMO used local structures of power as intermediaries in its own administrative hierarchy (Vines 1991). In his 1990 ethnography of the war (Geffray 1990) based on fieldwork conducted in the 1980s in Nampula province, French anthropologist Christian Geffray offered a revisionist interpretation of the conflict that downplayed the importance of Cold War dynamics and South African intervention in favor of the importance of resistance against FRELIMO by the rural masses coordinated by former chiefs in what came to be defined by experts as a “war of the spirits” (Wilson 1992). Geffray’s views were soon adopted by certain sectors within FRELIMO and by Western donor institutions that, with the end of the Cold War, began exercising a deep influence in Mozambican dynamics of governance in terms of transformations at the local level and the legitimization of customary authority.

Third Contact: Postcolonial Democracy

These subsequent periods of articulation and suppression are followed at present by a third movement,²⁵ in which the postsocialist state reverses its previous commitment to a total effacement of the realm of “tradition” within a negotiation with transnational donors and development agencies. This is the current context of the politico-religious ceremonies described above.

In the aftermath of the war, foreign actors who had played a major role in brokering the cease fire between FRELIMO and RENAMO argued that general elections were necessary to balance opposing militarized forces and render them more accountable, and that local elections would allow “civil society” to emerge out of the centralized Socialist FRELIMO state. An emerging underlying assumption, rapidly taken up by development agencies supporting state “decentralization,” was

that “traditional authority” would once more play a role in local governance, this time under the form of a representative democracy (Bayart 2009; Comaroff and Comaroff 2000; Mamdani 1996).²⁶ In the early 1990s, even before the war ended, sectors within FRELIMO had already explored the potentialities of “customary” chieftaincy, in alliance with some donors. In 1991, the Ministry of State Administration organized a Ford Foundation–funded ethnographic research project on “traditional authority” that conducted field research and held meetings with former chiefs and assemblies with local populations, later presenting an idealized, ahistoric view of “African authority.” In 1994, just before the first postwar general elections, the government passed legislation regarding the devolution of various governmental functions to “municipalities.” Drafted with input from the ministry-based research project, the new legislation began evoking a potential way for “traditional authority” to be incorporated into local dynamics of state governance. The evolution of this research project into a USAID-funded unit located within the Ministry of State Administration dealing with issues of administrative decentralization and local power intensified around the time of the general elections of 1999,²⁷ and led to the Decree of 2000.²⁸

Hence, the state rewrote a history of decades by drafting new legal regulations, accompanied with concrete gestures on the ground such as the myriad ceremonies of recognition of chiefs that replicate those other political events in which high members of the ruling party sport “traditional” attire and follow ancient spiritual rites in their quest to gain allegiance from local “communities.” The encounter of “state” and “customary” in northern Mozambique through a theologico-political ritual, such as the one depicted in the ethnographic vignettes referred above, appeared to overturn that historical process and brought together three distinct epochs—precolonial, colonial, postcolonial—within a single, ongoing movement.²⁹

From the practices of repression and vassalization of local chiefs undertaken by the colonial state (1930–60), to the policies of banning and deportation enacted by the socialist state (1975–85), the process of uncovering local authorities who were sympathetic to the state involved a politics of visibility, aimed at distinguishing friends from enemies, underneath layers upon layers of strategy, concealment and distortion. It represented an optical form of power: a practice of staging a theatrical performance of state authority, rendering the state present and visible through rituals in which the state as the protagonist of this stylized drama aimed at dialectically uncovering its elusive other—indigeneity, or the rural “customary”—as a ghostly agonist (Das and Poole 2004; Scott 1997).³⁰

In the context of the ceremonies described above, the local state recognized this particular “customary” sovereignty and in the same move attempted to embrace and articulate it within its own current project. The rituals of conflict and violence—both anticolonial and “civil” war, as well as the Cold War³¹—were subsumed by the state to enhance the rituals of its contemporary democratic phase, which was a decisive outcome of a violent conflict (Geffray 1990; Honwana 1997, 2002). Indeed, on the occasion of those rites, the entire morning was devoted to a ceremony combining democratic politics with “customary” rites and a revision of late colonial and postcolonial history. The state, thus, introduced itself through a double allusion to two historical moments and two legalities. The speech traced a path from the state to the “community,” placing the upcoming election, in which the local community should choose “the party of peace” as the culmination of a long struggle beginning in the colonial period.

This suspended present, created by historico-political forces that move simultaneously “progressively” toward the future and “backward” toward the past, generates a single, deeper present that attempts to subsume within itself these various epochs. The time of the local state’s approach toward the “invisible states” condensed several facets of the present political moment and its coalescence of temporalities. Taking place in between visits to the district’s capital by the governor and the official presidential candidate, the attempt to reach out to these polities illustrates the way in which the precolonial and the postcolonial are blended in the current political imagination. It could be said that what was being reconsidered both at the level of debates at the central state, and at the level of locality and its rituals, was the threshold between the two epochs: the very moment of national independence. It was at that juncture that the new nationalist regime attempted to break free from foreign domination and reform the state, placing an emphasis in the transformation of local governance, and the liberation of the indigenous, a key space in which colonialism had co-opted an ancient imagination of power enshrined in “custom.” The fate of the current (re)emergent indigeneities, their promise of freedom, is directly related to the contemporary reconceptualization of what is and was the scope and the meaning of the “precolonial.”

The “event” of colonialism, the relatively short temporal limits of its duration, produced a rupture in history; a scission that arbitrarily established a time of the “precolonial.”³² As exemplified by the local officer’s speech the state aims today at defining the present by reference to this spectral previous era, mobilizing the discourse of the law as a historicist narrative, in which the past is set to work in the present as an infinite flat temporality, an indistinct political time. This

undifferentiated flow of juxtaposed events would stretch back to a precolonial origin whose form should determine the outcome of the future political community, and that should supposedly be read through the unique prism of its crystallization in the state-led juridical construction of the “customary.”

In this endeavor, tropes that were central to the colonial delimitation of the “customary” are given new life. The realm of indigeneity is constructed by the Afro-modern urban sphere as a space of primitivism, somehow deeply and directly associated with nature itself. “Customs” such as those exemplified in the rituals above described, are thus located by agencies of governance in a chain of significations associated to nature, kin, blood, local genealogy and “tradition”—a series that is connected to a kind of spiritual charismatic authority, to “justice by reconciliation,” and a historicity that represents time as static: the eternal return of the same. The urban political elites emphasize aspects akin to those shown by the ceremonies narrated above, portraying “customary” authority in policy, legislation, and media as a charismatic power based on interaction with the realm of spirits—both spirits of the ancestors and those linked to natural resources. The capacity of the chief to attribute land and territory also strongly relates this figure of authority to nature. Social alliances and cultural forms that spread throughout the “community” and have the chief at their political center are depicted as having their roots in the rural countryside, the true realm of the “customary.” Indeed, “community” is the new keyword for indigenous locality, which was defined by colonialism as the “customary,” amid agencies of governance and the foreign development industry (Berry 2001).³³ Amid the democratic juridical reform of the state the concept of the “customary” first started regaining currency in the early 1990s in relation to land tenure reform.

Nevertheless, the urban and rural spheres are contiguous not only in spatio-temporal terms but also in economic and political terms, and the interconnections between both are so profuse that the distinction really only exists at an administrative level. However, this description of difference is not merely an abstraction that (mis)represents the actual state of things but, rather, through its expression in juridical instruments, it reveals itself as a technique of state power, a performative discourse that structures the political field itself. Through the construction of the realm of “custom,” which has connotations of a tabooed yet primordial, authentic space (the “invisible state” of the local officer), the urban Afro-modern sphere actually shapes itself and differentiates itself from the space of “custom” and “tradition,” while implicitly drawing its political legitimacy from the very existence of that realm. The reproduction of the “customary” and of indigeneity seems to be

essential for the image that the nation-state needs to project to legal advisers and international agencies, which provide the majority of the national budget.

As an infinite negative dialectics, this new political project utilizes various technologies—legal discourse, political economy, public policy—that surely present neocolonial contours: decentralization; resurgence of chiefs as local government and custodians or enforcers of “customary” law; restrictions of citizenship rights; and a restructuring of the foundations of sovereignty. At the heart of these processes, remainders of state sovereignty mingle with a montage of governmental practices exercised by an elusive yet all too material entity, the “International Community”—namely a compound of units from the Bretton Woods institutions and agencies from various donor nation-states (Macamo 2005). At times, the figure that emerges is that of a latter-day protectorate; an entity that could be labeled perhaps the “state of structural adjustment,” made of national and transnational agencies. Indeed, a foreign vector intervenes at every level; from the ministerial and developmental capital city of dark financial flows, to the rural countryside of the “customary” villages, shaping the outcome of political processes. It defines macrolegal reforms at the central level or designs the reemergence of the customary as “local community” and adjudicates conflict over land tenure (Engle Merry 2003). Viewed from the capital, where this new legislation is feverishly drafted, the current sovereign thus appears to be represented by this blend of postsocialist national(ist) elites and the neoliberal foreign assemblage of Bretton Woods institutions, private corporations, and the “development” or aid industry. This transnational element is even present at a remote locality in the faraway north, where a spiritual ceremony takes place, followed by an attempt by the local state to reconcile itself with an indigeneity that had been neglected for decades.

What emerges here is a neopopulist legal philosophy and politics that attempt to reinforce the self-legitimization process undertaken by the urban sphere by rendering it more inclusive, and thus more “democratic,” encompassing both the Enlightenment’s modernist *Spirit of the Laws* and the spirits of “customary” law; that is, the universal, totalizing Unity of a state and its dialectical *Aufhebung* and the plurality of myriad local particularities. But there is a hierarchy there that the neopopulist gesture obliterates, illustrated in the previous ethnographic scene, through the attempt of the local state to co-opt the customary and its spirits. The Spirit of the Laws inherited from the Enlightenment conceives the subsuming of the plurality of differences under the Absolute of only one universal positive norm: the rule of law of modern liberal democracy, the Constitution. This political context represents for both the local political elites and the international humanitarian and

developmentalist tutors of this postcolony a perfect canvass where the classical myth of a social contract emerging out of states of war and states of nature is depicted (Hall and Young 1997). Indigenous chiefs reemerge today as local embryonic incarnations of this new commonwealth: as small Leviathans (Obarrio 2006, n.d.).

THE POLITICS OF SECRECY

At the current moment of third contact, the claims of this unusual form of sovereignty to fully subsume indigeneity and thus congeal it into an apparatus of government confronts their limits. The visibility and legibility of indigeneity is occluded by secrecy; its legality and legitimacy are interrupted by mutual suspicion.

The ceremonies at the grave and the theatrical performances of the local state officers illustrate how other life forms are involved in a struggle for recognition. Various antagonistic actors attempt to seize the opportunity staged by the temporality of political spectacles (rituals of elections, circuits of negotiations and exchange). Other discourses reemerge, exposed by collective memory, although concealed, guarded by the norms of proliferating vernacular practices that the state aims at making visible,³⁴ to articulate them into its project of national sovereignty. But at any given moment, when observed in detail on the sociopolitical ground, the alleged, "official" customary splits in two, with an adjacent mirror-image enclosed in secrecy and apprehension. Yet it is not merely a twofold dialectical process. Beyond the totalizing discourses and gazes of the state, the customary constantly disseminates into a multiplicity of ramifications, or multiple, fragmented, domains of practice.

The entanglements of war and politics that gave rise to colonial and postcolonial legality and governance were always channeled through the labyrinthine landscape of local forms of power in an perpetually agonistic fashion: a war of positions, a struggle of suspicion and mutual pursuit in which secrecy was central, and in which the real structures and figures of sovereignty were hidden from view. These processes also involved the retelling of an official national history from the viewpoint of local figures of power. Indeed, a close reading of this history shows that since early colonial times, the local populations developed modes of protecting and concealing the actual individuals who embodied authority. In many cases, the splitting of political power among two, three, or more places functioned as a way in which sovereignty maintained its own modes of genealogical succession, legitimate election, and charismatic deployment, alongside the formal "traditional" authority or chieftaincy appointed by the colonial regime. As noted above, local populations often dissimulated the "true" power holders and legitimate

lineages. There exists a whole history of deception in northern Mozambique based on the concealment of the actual legitimate local indigenous authorities (the real “customary chief”) by presenting Portuguese colonial authorities, first, and Socialist FRELIMO officers, later, with lesser, weak chiefs, or more straightforwardly with fake leaders and impostors. Similar practices took place under the early postcolonial regime in areas where chiefs had been duly dismissed and yet managed to keep their ascendance through relatives that held positions in the newly established Socialist institutions at the local level (Geffray 1990; Meneses et al. 2006; West 1998). This scheme of secrecy is punctuated with carefully choreographed moments where these polities give themselves to be seen, as the ceremony around the graves illustrates. Subsequent events recounted by the Administrator in our interviews underline the ongoing agonistic nature of this relationship.

During his speech outside the tomb, the Administrator spoke of a new commercial initiative that would soon recommence: the construction of a cashew factory that would offer employment to the community. The construction had begun well, months earlier; the Portuguese owner hired many workers from among the town’s youth, who started cutting down trees. Suddenly one morning, there was an accident: a tree fell on one of the young workers, injuring him badly. That, the Administrator later told me, got the machinery of the invisible state going. Rumors about the ways in which this particular project factory was not respecting the spirits started circulating widely. The managers of the factory had not performed all the due ceremonies and more accidents were surely forthcoming. The Administrator described in detail how many of the young workers, sons of prominent members of the “invisible” state were fearful and soon stopped going to work or quit altogether, and shortly, the whole construction of the factory ground to a halt. Several weeks later, the Portuguese owner of the project approached the Administrator, explaining his predicament and asking for help. The Administrator then contacted the authorities of the “invisible state,” and after lengthy discussions, an agreement involving politics and magicality was reached, to resume work.

These same dynamics were deployed during our visit to the “invisible state,” where negotiations between the state and various “customary” authorities patiently constructed a common political arena of encounters where the actual forms of local authority were disclosed for the “state apparatus” to “see.” The Administrator affirmed that had he not patiently built up trust, the identity of the Queen as leader would not have been disclosed, and we would have been presented with a lesser chief (a local *regulo* or even a *cabo da terra*). Thus, what was reenacted at the hidden tomb of the chief, in this shadowy capital of an almost imperceptible rural polity,

was a local history of political secrecy, one that leads toward the future and the past at the same time, to the historical resilience of the invisible states and their secret graves enclosing mortal remains as crucial sites of power.

Both the religious-political ceremony and the politico-theological party rally unfolded around another spirit of the laws: the spirit of the ancient chief Kupula Munu, quasitotemic hero and king of this “community.” This spirit authorizes a definitive legality: the norms that rule over adjudication of sovereignty, succession of leaderships, circulation of values and, in the last instance, a whole quotidian collection of norms. This spirit, who uttered a political speech through the discourse “channeled” by the Queen at the site of his remains, also rewrites a history, from the local to the national level, which narrates the unfolding of power struggles within and between the realm of the “customary” and the realm of the “state apparatus.” For despite the state’s attempt to deploy a tactics of articulation and inclusion, it seemed evident that it was the chief’s spirit who structured the historical and discursive field that on that day hosted and thus constituted the spaces of both the state delegation (its imagery, its performance) and the local rural population. This view reveals an image of the (precolonial) past that, seen in the present light, becomes a sort of counterhegemonic reversal of the political signification of the event.

The alleged invisibility of these “states” is, thus, an ambiguous attribute whose potential meanings and political effects disseminate endlessly. Just as the urban representations of the “customary” ignore the dynamic and changing nature of these polities and the norms that underwrite their internal struggles and their fashioning through colonial violence, this label of invisibility was also a sleight of hand of a struggling local state. It needs to be taken as datum within an ethnography of the postcolonial state and its (re)construction of indigeneity. For to fix this image of a shadow state, to endorse for a moment the metaphor of alleged invisibility as an explanatory device, would mean, once again, to speak with the state’s own voice, to stand within the confines of the state apparatus. Obviously, from the point of view of rural populations, there is nothing “invisible” about them; their structures and norms, their figures of power and internal struggles, their interactions with other instances of power, partake of the fabric of everyday life and the ongoing construction of local political fields.

At the same time, they stand as a sort of repository of alternate histories, memories that materialize in the face of current dangers (Benjamin 1992), challenging the state’s historicist move, or being put to work in the patient reconstruction of life in common. They are the real, yet spectral, double of the “customary” constructed

both by the central state and the foreign development industry in the capital. The purported invisibility that effaces them is predicated on the silent effacement of the obscure commandments and coded words that circulate within their ranks. Within those limits, secrecy is a law and sacredness a narrative that fabricate both a structure and a history. They do so through performances of a camouflaged, mimetic nature, as the Administrator's metaphors made clear, or through well-rehearsed political choreographies that alternatively enclose and disclose its mysterious orderings, such as the event that had paralyzed the production of a factory.

The state's recognition of norms and forms of power at the local level implied optical acknowledgment and assimilation on behalf of the state (Comaroff and Comaroff 2004; Crais 2006; Oomen 2005; Povinelli 2002).³⁵ But this local process only seemed to attain one level of the—officially recognized—"customary." The reform of recognition of indigeneity advances a representation of "customary" authorities and law as genuinely "traditional" and bearing a legitimacy that would reside almost outside of historical time. The fetish of the state apparatus (Taussig 1991, 1993b) attempts to also fetishize in its turn the "customary" as a mirror reflection of itself, and with it a specular encounter between both fields takes place, from political *mise-en-scène* to theological *mise en abyme*.³⁶ It is a mirror game that reflects nothing. In the contemporary political situation, the "customary," as fetish, stands for an imaginary object that is not there, a certain atemporal sovereignty that is nowhere to be found. This political figure gains a life of its own, demanding recognition, reparation, and remuneration, drawing the state into the orbit of its local norms and struggles. At any given moment this historical surplus of political meaning emerges to destabilize the dialectics, turning the process inside out, blurring the boundaries, and uncovering the state as the mask of the political field (Abrams 1988). The remains show the fragility of the threshold: what is the actual limit between "state" and "customary"?

The evidence of proliferating, multiple local states, as well as the crucial role of the international community, question the centrality of the state apparatus as the main locus of political power in a contemporary African postcolony such as Mozambique. The history of political secrecy, rather than illustrating the dialectics of two opposed concrete entities—the state and the "customary"—discloses a broader field of power in which both moments, both "states," partake, as the borders between them become at times indistinguishable. What emerges is a field of power trespassed by an alternation of secrecy and disclosure, a calibration between visibility and invisibility that is much more than the mere restricted, middle ground where these encounters take place. It is a field that exceeds both

instants and, turning itself inside out, encloses them within a common history. Engaged in a supposed dialectics vis-à-vis its alleged other, state discourse aims at congealing this “state of things” into an apparatus of governance.³⁷

But as the rituals analyzed above show, a seemingly endless conflict takes place between the “state” and the “customary.” The obscure outcome of the negotiations performed at those ceremonies show that it is a struggle of suspicion, secrecy, and mutual pursuit. It is a war of positions in which the present constructs a certain “past,” to perpetuate itself; the juridical self-fashioning of the state through the creation of a border zone, a limit that separates it from its alleged other, or the “customary.” The dialectical circuit that merges the various levels and epochs produces a leftover. The historico-political operation of subtraction of the future minus the past gives as result an excedent, a surplus of meaning: the mortal remains of the chief. The precolonial epoch is an infinite retreating negativity seemingly interrupting all potential movement toward the future, toward “progress.” The indigenous customary—its sacredness, its secrecy—cannot be fully assimilated into the official “recognition” currently enforced by the state (and the international agencies).

CONCLUSION: ALL THAT REMAINS

An image of a modernist Leviathan emerging from a state of war, whose enlightened *Spirit of the Laws* would sublimate the multiple temporalities and legalities of the postcolony under a singular instance, does not convey how governance in contemporary Mozambique works. Instead, the state operates as an extended field of power, as a relation even, developing in agonistic articulation with a field of proliferating difference. This mutual constitution, structured around the historical legacies of colonial indigeneity, reveals the latter’s profound ambivalence as a foundation for new, more democratic forms of political life. Fetishized as “precolonial customary,” by national and transnational actors alike, indigeneity functions as an unexamined ground for the legitimacy of newly recognized forms of local power exercised on behalf of the state, based on the contemporary interpretations of a mythologized past.

The revitalization of indigeneity in the neoliberal moment of privatization and decentralization reveals the limits of postcolonial governmentality and its totalizing aspirations, but does not necessarily imply the failure of state power or the weakening of elite domination. The return of the “indigenous,” or, the “customary” in Africa should be read as a shift in forms of power and modes of domination of the state understood as an extended ensemble of relations, giving rise to new sites of negotiation among international agencies, urban elites and local

power holders, whose political outcome looms uncertain (Coronil 1997; Das and Poole 2004; Ferguson 2006b; Ferguson and Gupta 2002; Mitchell 1990, 1999).³⁸

This new politics of recognition reveals the centrality of the structures of autochthony and the tropes that sustain them for the construction of the political field in Mozambique. The political conundrums of this process are exposed in the state's bid for hegemony and legitimacy, relying on a history branded by violence and a problematic dialectics between bylaws with potential for emancipation and fierce, authoritarian statutes from the past that collide with human rights and international law. Its limits are revealed in the gaps generated by the encounter between the local state and the "invisible" state, where the chief's remains designate the lines of flight from postcolonial governmentality, the fracture in the strategy of the state of structural adjustment. The remains of the chief also constitute a metonymy for those myriad other mortal remains. Buried all across the rural territory, these scattered material leftovers of war and other histories of violence haunt the present and help determine its outcome.

It is around those leftovers that the historical contours of the political field of forces are redefined. It is this other spirit that demarcates the space of agonistic struggle in which a core of vernacular practices encounters the state, yet escapes the circularity of this political history. In a distant, desolate rural district the mortal remains of the long-dead chief arise like a ghost, disclosed in ceremonies in which the space of those remains was, for an instant, offered to be seen. Yet within the encounter between the state and its alleged indigenous alterity, these remains signal to other, less visible forms and norms, other processes of subjectification, in sum: different spirits of the laws. At some point, it was the state that acquiesced to the "customary," worshipped its images, venerated its history.

Politics constitutes a field of antagonism and struggle for hegemony. Yet politics also means an experience of the possibility of being together, as well as a perpetual opening toward the potentialities of the future.³⁹ Caught between the reemergence of a profoundly conflictive and violent past and an uncertain leap toward the future, here the outcome of the rewriting of history is suspended, the law is upheld, as though in a moment of exception. There is always a remainder that escapes the final synthesis sought by the modernist, secular state, be it the posited violence and sacredness of chieftaincy, the alleged magic of indigeneity or the invisibility of the multiple recursive ramifications of the "customary." Indeed, the actual political effect of the juridical reform of the state, the recognition of the indigenous precolonial and the sublation of the "moment of the customary" into the current state of things, remains to be seen.

ABSTRACT

This essay presents a history of articulations between the state apparatus and the realm of the “customary” in northern Mozambique, throughout periods of colonial rule, Socialism, civil war, and postcolonial democratic regimes. The analysis pivots around the ethnographic study of magico-religious rituals combined with postsocialist political rallies. In Mozambique, current recognition of chieftaincy and the “customary” by the state, supported by international donors, reverses decades of postcolonial ban on indigenous authority and practice. This peculiar case presents a paradigmatic perspective on the complex trajectory of indigeneity in postcolonial Africa, where local autochthonous structures and identities are entangled within a history of colonial violence, political oppression, and recent harsh conflict.

Keywords: Mozambique, custom, law, indigenous, postcolonialism, Africa

NOTES

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1. The decree creates a sort of “post-Socialist tradition,” locating chiefs as legitimate “traditional authorities” at the same level as other local figures of power such as former Socialist Secretaries of neighborhoods or religious leaders, all defined under the rubric of “community authorities” (Republic of Mozambique 2000). On the decree, and the limits and potential of this politics of recognition, see the recent ground breaking work by Boaventura de Sousa Santos (2006); on the ambiguity of the notion of community and the historical conundrums of customary authority see the articles by Lars Buur (2006), and Buur and Helene Maria Kyed (2005).
2. FRELIMO abandoned Marxism-Leninism at its 5th National Congress (1989) during the early period of transition to democracy. A new generation of high rank officers has since emerged, yet the leadership at the level of the Central Committee remains very much the same that led the postindependence process. The previous president of the Republic, Joaquim Chissano, was in power for 19 years following the death of historic revolutionary leader Samora Machel in 1986. The current president, Armando Guebuza, who has won two general elections since 2005, was the first Minister of Interior after independence.
3. The term *autochthony* is used interchangeably with indigeneity in the Africanist literature. See the special issue on autochthony in *African Studies Review*, edited by Geschiere and Jackson (2006).
4. This essay explores perspectives on colonial refashioning of the customary through indirect rule (“decentralized despotism”) developed by Mahmood Mamdani. It attempts to expand those views on indigeneity and customary beyond some of the less flexible historical, ethnographic, and political aspects of that framework following critiques put forward in a debate with Mamdani by F. Cooper, R. Austen, and M. Ferme in *Politique Africaine* (Mamdani et al. 1999).

To study a plurality of proliferating “customaries” from a deconstructive–Marxist perspective that attempts to avoid some of Mamdani’s dichotomies (citizen–subject, state–customary) in relation to use value–exchange value, I follow references made by Gayatri Chakravorty Spivak (2000). For the specific case of Mozambique, democracy, indigeneity and the customary, I have been inspired by the learned debate between Mamdani (2000) and Bridget O’Laughlin (2000) in *African Affairs*.

5. This is a most striking feature of international intervention in postconflict contexts such as in Liberia, Sierra Leone, or Mozambique.
6. On dialectics and remains (as well as a deconstruction of the Hegelian progression from kinship to civil society and the state) see Derrida (1990). The FRELIMO motto for the 1999 general elections was, precisely: “Together, towards a better future.”
7. Mayor of a district.
8. “Invisible state” is a local phrase, a concept used by the mayor. A rhetoric of invisibility and suspicion regarding indigenous forms of power had currency among local state officers at the time of this fieldwork. My ethnography of local state power and its dynamics vis-à-vis locality and the customary therefore frames this as a “native category,” a discursive technology deployed by local governance referencing entities undetectable by the sensory apparatuses of the state, as well as by other forms of power and authority.
9. The name of the district has been changed.
10. The local notion of invisibility in relation to politics could perhaps be related to residual languages from the time of the war fought in this region, where popular discourses on hidden cities, invisible bullets and magic potions were pervasive as pat and parcel of the “spiritual,” ritualistic dimension of the struggle. For a parallel ethnographic example of a political order located between the real and the unreal, in a condition of anticolonial insurgency, see Althabe (1969).
11. I consider the Administrator’s descriptions and definitions to be in line with what are described as the dynamics of resilient, almost rhizomatic, precolonial rural political structures in the former Portuguese colony of Guinea-Bissau, in Forrest (2003). On the attempted rooting of the African state in rural structures of filiation, power, and accumulation, see Bayart and colleagues (1992).
12. The name has been changed.
13. Government, state and FRELIMO are almost indistinguishable terms in popular parlance.
14. This refers to the manifold distance—political, symbolic—existing between the local state as ramification of the central national state and these communities. This remoteness, which had been deepened by war when the “customary” to a large extent fought against the state in the center–north of the country, belies the relative geographic nearness between the actual place of this community and the main provincial district. Yet “invisibility” does not only refer to the political concealment of the community and its authorities but also to the difficulty in reaching it because of the lack of accesses and paths.
15. Later on the chief would reveal himself as the one who actually patiently engineered the encounter between the local state and this community on the occasion of this ceremony.
16. Approximately 20 percent of the Mozambican population are Muslims. Mozambique has had a strong Islamic presence since the arrival of Arab sheikhs and traders to the north of the territory in the 12th century. Therefore, in provinces like Nampula, “indigeneity” and “customary authority” also mean: Islamic.
17. “African” and “Islam” are my references to scholarly categories. The quotation marks aim at indexing the deceitful totalizing nature of these all-encompassing terms.
18. In these greeting remarks the whole history of a political reversal is condensed. At the beginning of the officer’s speech, a blend of references unthinkable a few years earlier, takes place. In the context of the current recognition of indigenous authority, the reference to FRELIMO’s government is juxtaposed with the reference to an ancient local customary chief, a prominent member of the system of lineages and authorities that the FRELIMO project had opposed and attempted to dismantle since independence. The Marxist regime acknowledged the ways in which the colonial Indigenato had reshaped the whole system of customary power.

19. The speech develops the theme of the current democratic regime as a transposition of the previous conflict situation. FRELIMO and RENAMO, former enemy war camps, compete today for the democratic vote, which means also competing for the chiefs' loyalty in a province with a very strong RENAMO presence, where this party had won three out of five municipalities in the previous local elections, and where chiefs have shown a strong support for RENAMO since the civil war. In the speech's logic this history is superimposed over the canvass of the previous anticolonial war led by the ruling party as a guerrilla struggle and that had Nampula province as one of the main battlefields. The "customary" played a key role in both instances of war.
20. On the spectacle form of ritual recognition, its meaning in terms of population control, and its effect on reconstructing urban-rural divides by means of communal citizenship, see the important work of the research project led by Sousa Santos (2006) and the work of L. Buur and H. M. Kyed (2005); for Nampula specifically, see the crucial research conducted by Francisco Ussene Mucanheia (n.d.).
21. See the colonial administrative ethnography of "customary law" and indigeneity produced by J. Cota Goncalves (1946); on colonial ethnographic-legal theory of social control and legal punishment, see his *Project for a Penal Code* (1944).
22. The Indigenato regime was ideologically located in parallel with the French colonial Code de l'Indigenat (1888-1947), first implemented in Algiers, which established the subaltern juridical status of natives of French colonies. Taxes, corvee labor, and other forms of coercion were some of its central features. It is an instance of policies of association, or indirect rule, that followed earlier forms of French governance based on assimilation of colonial subject populations. The Portuguese Indigenato followed the guidelines of British and French indirect rule, although it increasingly carved a space for a small sector of "assimilated" native or indigenous subjects, which would enjoy certain citizenship rights.
23. The key reference on the colonial state's shaping and "modernization" of the local and the "customary" in Africa is Mamdani's work. For a related genealogy of such British projects in India, see Cohn (1996) and Dirks (2001).
24. These reforms took place at the height of the Fascist regime of the Estado Novo (new state) enforced since 1933 (following a coup d'état launched in 1926 against Portugal's First Republic). The regime was led by nationalist Catholic politician Antonio de Oliveira Salazar, and lasted until the 1974 "Carnation revolution" against Salazar's successor, Marcelo Caetano.
25. The notion of a "third contact," besides alluding to a triad of moments of collusion between state and customary, constitutes also an oblique reference to Michael Taussig's conceptualization of a "second contact" in the negative dialectics between colonizer and colonized in which the latter instrumentalizes the images of the former to regain symbolic power. In this current third case, the Mozambican postsocialist state attempts to harness back and reincorporate the political imagination of chieftaincy it had previously banned and execrated (Taussig 1993a).
26. This ideological move implied a certain reconfiguration of rural "customary authority" as part of an incipient "civil society," whereas the context of democratic inclusion in Africa is generally overdetermined by the legacy of the colonial divide between rural indigeneity and urban citizenship, even in places like Mozambique where a radical regime attempted to overcome this political and spatial distinction.
27. See, for instance, the essentialization of indigeneity established in an article by the project's director Irae Batista Lundin (1998). I thank Irae Lundin, for discussing some of her views on autochtony and history during an interview in Maputo in 2000.
28. I observed the work of this unit during fieldwork conducted in 2000 and 2003: It was an eerie, large, darkened room, with several faxes and computers constantly processing data on chieftaincies throughout the country, especially on issues of electoral politics.
29. The notion of "becoming" and entangled temporalities in contemporary Africa, has been developed by Achille Mbembe (2001).
30. Regarding the local category of "invisible" states (offered by political officers): understanding governance also as a mode of rendering visible the other, could something like the "optical

- unconscious of the state” be analyzed? This reflection on the political as a nontransparent realm, and governmentality as a “dialectics of seeing,” allude to Walter Benjamin’s intuitions. On Benjamin, see Krauss (1993) and Buck-Morss (1989).
31. See the classical ethnography by H. Junod (1962) on Tsonga in southern Mozambique. On ritual during the civil war, see the crucial texts by Carlos Serra on war, spirit possession, ritual, and race and ethnicity.
 32. The period of effective occupation by the Portuguese colonial state (1930–75) was, therefore, preceded by a precolonial era of imprecise limits. Should we locate the precolonial moment right before the implementation of Portuguese military control and rule by European concessionary companies (1880s)? or in 1498, at the moment of the arrival of Vasco da Gama on the Mozambican coast and his encounter with Arab chieftaincies, which led to the establishment of Portuguese trade posts in the 1500s?
 33. “The communities are single juridical persons like corporations, and they know their spatial limits very well” was the answer that a high-rank program officer from an international development agency gave me during a dialogue held in Maputo in 2003. I was interviewing him regarding his key input in designing national legislation toward demarcation of new communal “customary” land based on the ambiguous geographic and juridical limits of the categories of “local community” and “traditional authority.” Yet, I could confirm that oftentimes what was being demarcated as “customarily owned communal land,” based on “historical continuities,” was actually, according to archival historical evidence, the ancient territory of chiefdoms established by the colonial regime. I thank Sara Berry for conversations on these matters in 2006–07.
 34. I thank Jean and John Comaroff for pointing me toward the concept of the “vernacular,” during a discussion on these matters of African indigeneity (in Cape Town in 2004). This essay critically engages their recent work (Comaroff and Comaroff 2006, 2009) on fetishism of the law and kingdom of custom in the African postcolony.
 35. Two contemporary canonical essays on the Hegelian trope of recognition applied to a dialectics between state and minorities are Jürgen Habermas (2004) and Charles Taylor (2004). On the “limits of recognition” in the context of “multicultural” legal pluralism in Mozambique, see Sousa Santos (2006). For a parallel Australian example—if quite different from the African cases, which have erased their past as settler colonies—of state, capital and the “customary” in which the “native” has to performatively inhabit the space of “custom” designed by the state, see the work of Elizabeth Povinelli (2002).
 36. The effect of an infinite recursion of specular images, or the insertion of a miniature replica of the larger whole within a work of art. Here, it is understood as the reflection effect between “state” and “customary,” and a state apparatus crowded with a multiplicity of other, minor states that mime its structure.
 37. On the historical genealogy of the state as status or condition, see (Skinner 1978), also Talal Asad’s conclusion in Das and Poole (2004).
 38. From among the recent copious literature on the anthropology of the state, I emphasize certain sources that inspired the perspective put forward in this essay. On the workings of the state apparatus in terms of its political-economy and the excessive symbolic power of its imagination, see the work of Fernando Coronil (1997). On the state as lived in the everyday and experienced in its liminal, juridico-political and (in)visible, (il)legible spaces, see the collection edited by Veena Das and Deborah Poole (2004). Those two texts allow me to think of the state as both a loose set of agencies and also as a relation (in a genealogy that derives from both Foucault and Poulantzas). Timothy Mitchell’s (1999) approach on the generation of a “state effect” helps me frame the blurred distinctions between “state” and “customary” as constantly being reproduced locally through ritual and tactics. Similarly, essays by James Ferguson and Akhil Gupta (2002) on political metaphors deconstruct a view of the state apparatus as situated—in spatial and hierarchal terms—above society, providing a useful way to rethink the nature of the postcolonial African state and its articulations with local polities.
 39. Paraphrasing Ernesto Laclau’s (2007) notions of the political and Jean-Luc Nancy’s (1991) conceptions of community.

Editors Note: Cultural Anthropology has published a number of essays on neoliberalism in Africa. See, for example, Julie Livingston's "Suicide, Risk, and Investment in the Heart of the African Miracle" (2009); Jesse Weaver Shipley's "Comedians, Pastors, and the Miraculous Agency of Charisma in Ghana" (2009); Donna Perry's "Fathers, Sons, and the State: Discipline and Punishment in a Wolof Hinterland" (2009); and Blair Rutherford's "Desired Publics, Domestic Government, and Entangled Fears: On the Anthropology of Civil Society, Farm Workers, and White Farmers in Zimbabwe" (2004).

Cultural Anthropology has also published a wide range of essays that examine how indigeneity is configured and accorded status in different locales. See, for example, June Nash's "Consuming Interests: Water, Rum, and Coca-Cola from Ritual Propitiation to Corporate Expropriation in Highland Chiapas" (2007); Kimberly Christen's "Tracking Properness: Repacking Culture in a Remote Australian Town" (2006); Jane Nadel-Klein's "Picturing Aborigines: A Review Essay on *After Two Hundred Years: Photographic Essays on Aboriginal and Islander Australia Today*" (1991); and Jean-Paul Dumont's "The Tasaday, Which and Whose?" (1988).

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