

Chapter Title: Law. Political Authority and Multiple Sovereignties

Book Title: Violent Becomings

Book Subtitle: State Formation, Sociality, and Power in Mozambique

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Published by: Berghahn Books

Stable URL: <https://www.jstor.org/stable/j.ctv8bt1ff.18>

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7

Law

Political Authority and Multiple Sovereignties

Foolish labourer
Nonentity, him no get money
Look him sandals e don tear finish
Look him trouser e don tear for yansh [ass]
Look him singlet e don dirty finish
Look him body e no bath this morning
Look him pocket e don dry finish
You go suffer for nothing
You go suffer for nothing
You no know me sha?
I be General for Army Office
I be Officer for Police Station
I be secretary for government office
You foolish labourer, you go suffer for nothing
Nonentity, you go suffer
for nothing
Na that time dem go start dem

Power Show
Na wrong show O
Power Show na wrong thing

Fela Kuti, "Power Show" (1981)

Since the General Peace Agreement was signed in 1992 the legal, administrative, and political sectors of Mozambique have undergone multiple reforms that have exposed the complexity of its historical trajectories of

law, violence, and authority. From the perspective of those living in the impoverished and frequently dangerous and violent urban and peri-urban *bairros*, a great variety of agencies and authorities can be approached at times of difficulty or trouble. These range from *n'angas*, *profetes*, and police agents to government bureaucrats and Frelimo secretaries.

This chapter explores the general situation in the marginalized communities making up the rural-urban continuum of Chimoio and Honde, and where inhabitants of these take it into their hands to administer summary justice without direct reference to any state or other relatively independent agency. The chapter will deal with the complex relations between state institutions and agents, on the one hand, and other non-state and more traditional arbiters and the socio-moral orders that are relevant to their practice on the other. As argued in this chapter, the potencies of the traditional field are also in this case of law and political authority of an encompassing character, a characteristic frequently lost or overlooked by approaches underlining offices, roles, and formal, administrative structures and relations. Traditional authorities' importance reaches into what are often conceived of as the more dominant and official domains of state and government practice such as that of protection. I demonstrate this position by examining two specific events where summary popular justice threatened but was ultimately resolved by the accused, whose life was in the balance, by recourse to traditional and other agencies and faculties.

The ethnography presented throws into question the worth of such long-standing notions as “legal pluralism” in accounting for processes described in the rural-urban continuum under study. The argument I develop also has relevance for other concepts such as Boaventura de Sousa Santos's notion of “the heterogeneous state” (2006a)—a concept he and others have used to describe the present, postcolonial configuration of Mozambican law and legality. I replace such concepts with the idea of multiple sovereignties, which addresses more adequately the ethnographic material presented.

Historical Formations and Reformations of Law and Political Authority

Any analysis of or approach to contemporary law in Mozambique is inseparable from the particular trajectories of legality in the Portuguese colonies—trajectories that distinguish themselves on several levels in comparison to, for instance, British or French colonial legal systems. First, one needs to appreciate that the Portuguese colonial legal system,

to a much higher degree than in the French and British, catered to the subordination of the African to changing but persistently violently upheld systems of *forced labor*.¹

As documented especially in chapter 3, there is a line of capture and exploitation running from the era of Ngungunyane through the Companhia rule to the late colonial state and beyond. This form of capture of labor, most violently expressed through roaming bands of recruitment teams integral to the Companhia's rule, was thoroughly embedded within the Portuguese legal framework throughout the entire colonial period. Even though slavery was formally abolished in 1869, a *de facto* practice continued well into the twentieth century in many areas of Mozambique (Capela and Medeiros 1987; see also Harries 1981). As also dealt with in chapter 2, various new laws were introduced by the Portuguese, among these a new labor code in 1899, which tied the civilizing of Africans to an obligation to work. As Roberts and Mann note in a comparison of French, British, and Portuguese colonial legal systems, these laws made Africans "liable to compulsory labor either for the colonial state or for the private sector. Failure to work in the Portuguese Africa was thus a legal offense, contributing simultaneously to the criminalization of the bulk of the African population and to the emergence of myriad forms of resistance to colonialism" (Roberts and Mann 1991: 30). Throughout the Mozambican territory—and as argued in relation to the rise of the Companhia and the colonial state in chapter 2—the 1899 labor code was violently implemented through direct capture of labor and an increasingly excruciating tax regime (see also Bertelsen 2015). Such state action fomented large-scale and long-lasting transcolonial flights of labor from the colonial regime to neighboring, and comparatively less harsh, regimes.

A second important feature of the Portuguese colonial administration was the *legal separation* into metropolitan and native law—one for Portuguese citizens and one for African subjects not yet civilized enough to take part in the fineries of Portuguese law, protection, and citizenship. This strict separation was introduced despite a complex colonial trajectory of Afro-Portuguese interaction, including a proliferation of people identified as racially mixed (Zamparoni 2000, 2008) but in keeping with the ideological smokescreen of Lusotropicalism in part provided by Salazarian ideologue Gilberto Freyre (1961). As treated earlier, Lusotropicalism emphasized the intimate, well-functioning, and benevolent interaction between the Portuguese colonial state and Africans while simultaneously supporting the central legal regime of the *indigenato* (native group). The *indigenato* regime effectively bifurcated Mozambican inhabitants into civilized citizens (*civilizados*) and native subjects (*indigenes*) and provided administrators and *régulos* of the latter with wide-ranging authority to

judge, sentence, and punish, often physically, their native subjects (Penvenne 1995, 2015; O’Laughlin 2000; see also Mamdani 1996).

The *indigenato* regime was also integral to a third general element, namely, the *violence* with which Portuguese colonial law was enforced, a feature persistently noted by scholars (M. Harris 1958; Lemos 1965; Péli-sier 2004). In particular, corporeal punishment was widespread, and the dreaded *chamboco* (a whip made from rhinoceros hide) or *palmatória* (a wooden paddle-like instrument) were both used by administrators, police, and Portuguese citizens for penal purposes (see also Bertelsen 2011).



Illustration 7.1. Xylogravure (woodcut) by Matias Ntundu Mzanyoka (b. 1948) of Mueda, Cabo Delgado, and reproduced with kind permission. The xylogravure depicts tax collection during the colonial era. Please note the vital foodstuffs—chicken and eggs—on the Portuguese colonial official’s table, while a *cipai* (police man) to his left wields a *palmatória* and surveys the payment.

Given such a trajectory of racialized legal separation upheld by violence under colonial rule, it is unsurprising that upon independence Frelimo embarked on a total reformation of the legal system. Specifically, the postindependence state targeted the institution of the *indigenato* in order to achieve a legal system commensurate with the liberation of the Mozambican people after Portuguese subordination. To recall from chapters 1 and 2 especially, in this process, those whom Frelimo defined as *régulos* or persons who controlled what might be termed ritual authority and who manipulated the cosmologies integral to the moral order of local populations were to be denied their authority and influence as these was based on “obscurantism” (*obscurantismo*). Instead party secretaries and party committees (*grupos dinamizadores*) would assume these positions (Santos 1984), as also seen earlier. New institutional arrangements in the form of popular courts (*tribunais populares*) were introduced to replace, for example, chiefs’ courts, which had functioned in the interests of the colonial administration (Isaacman and Isaacman 1982; Sachs and Welch 1990). Further, as detailed in chapter 1, during the civil war Renamo capitalized on popular antipathy with Frelimo’s anti-“obscurantism” politics by waging what they called “a war of the spirits” against the Frelimo state. In so doing, Renamo appropriated and redefined key elements of the traditional field by installing chiefs in the areas it controlled and by, effectively, recreating or reaffirming ritual authority in its domains (Geffray 1990). The thwarting of Frelimo’s radical project by the civil war and Renamo’s wartime appropriation and redefinition of the traditional field effected highly ambivalent and often antagonist relations with the state order—as argued in preceding chapters.

However, the official “recognition” of so-called traditional authorities post-civil war has complicated further the image of the Frelimo party-state. As treated earlier, this recognition has meant that *régulos*, once imperative for Portuguese colonial administration, again have become politically, legally, and administratively important.² These reforms express distinctly postwar discourses of legality, also international ones, and in 1990, the Mozambican constitution was accordingly changed from the radicalism of a socialist legality to fit “a new imagined order of liberal democracy” (O’Laughlin 2000: 5). This order provided space for nonstate legal and administrative entities.

These attempts at state deregulation and efforts to bring the authority of the state and that of the traditional field into greater conjunction must be understood against this backdrop of postindependence politics and the civil war (see also Bertelsen 2002, 2003). The process can be exemplified through the official decree from 2000 (presented in the introduction) whereby the so-called “community authorities” (*autoridades*

comunitárias) were created. Community authorities are meant to be local-level representatives vis-à-vis the state apparatus, and the decree mentions party secretaries, *régulos*, or “other legitimate leaders” as to whom these might be. At the same time, the decree does *not* revoke any powers vested to authorities of the formal state apparatus, such as party secretaries. Therefore, the seemingly straightforward process of “recognition” of *de facto* authorities may rather be described as a process of *sedimentation*, wherein an increasing number of overlapping and structurally adverse authorities derive potency from present as well as past political structures, cosmologies, and violent conflicts (see also Bertelsen 2004, 2009; Orre 2010).

Such problematic processes related to the creation of community authorities are identifiable in both rural and urban fieldwork locations. For instance, in Honde and other nearby rural locations, the processes of recognition of new community leaders have meant that Frelimo party figures have assumed power in areas that staunchly vote Renamo at general national or local elections. An elderly man and outspoken Renamo supporter in Honde expressed his bitterness about this development in a conversation in January 2007. He said,

This is a Frelimo maneuver to dominate! It is always like this when Frelimo does a thing to rule. Frelimo does not want to choose a person who is from the totem clan [*mitupo*] of an area—they will choose a person affiliated with the party. Therefore, now they choose people from Frelimo to become community authorities. But Renamo is to blame as well as they were thinking it was a good thing and were not smart enough to understand what Frelimo were about to do.

A similar tendency of Frelimo dominance may be seen in urban *bairros* where most community authorities were located. When I discussed this with people in the *bairros*, most saw Frelimo dominance as natural (but not necessarily desirable) given both the party’s propensity to expand its powers as well as its long rule. A judge in a community court explained it to me this way in a conversation in May 2008:

B: Do you still have both community authority and a party secretary here?

J: Ah, yes. The community authority decides in land issues, cleaning garbage, [establishing] borders between plots. Things like that. And the secretary decides in political matters.

B: The community leader ... he or she could be anyone, no?

J: No way! The community authority has to be from the [Frelimo] party. He cannot be from another party.

B: Who decides that? That the leader has to be from Frelimo?

J: It's the government [o *governo*]! It is they who decide. Until far over there [gestures toward the city limits where the *machambas* and *mato* replace the *bairros*] in the *mato*, it has to be Frelimo. It is like this.

Frelimo's continued dominance in what one might call a doubling or at least extension of its powers seems to be the tangible effect on the ground in Honde and Chimoio of both the discourse of "recognition" and the current state deregulation. Such a situation sustains the old cleavages and ambivalences between Frelimo and non-Frelimo domains and between state order and the traditional field. It is also further complicated by the presence of a resource-strapped, inefficient, and often corrupt public bureaucracy and police with a presence often limited to the *bairro cimento*. In surrounding *bairros*, however, these agents and institutions of the state order frequently operate virtually autonomously or independently of the bureaucratic authority in which they are formally embedded. Rather, their official positions within the state order form the basis for novel methods of control that are entirely outside the rules of bureaucratic hierarchy and legitimacy (B. Baker 2003; Bertelsen 2009; see also Albrecht and Kyed 2015).³ As explored in the previous chapter, these novel forms of control are often oriented around violently supported profit-making in the formal, informal, and illicit economies. This development has led analysts to claim that the Mozambican state *itself* is threatened by powerful criminal networks which provide a "parallel power base from which to challenge the structures and capacities of the state" (Gastrow and Mosse 2002: 18).⁴

Uncertainty as to who wields power and authority after the present restructuring is particularly problematic at the grassroots—in the everyday world of often dangerous *bairros*. In several Chimoio *bairros*, community authorities are generally understood as being integral to the state apparatus of Frelimo, meaning that a great number of inhabitants neither consult nor trust them. Instead inhabitants may address representatives of Renamo, criminal networks, traditional authorities, *n'angas*, *profetes*, pastors or other formations of authority with their diverse problems and preoccupations. For ordinary inhabitants, these complex sediments of overlapping and conflicting state and nonstate authority structures create dramatic situations of insecurity where fundamental needs for protection, justice, and conflict resolution are at stake. This situation is experienced as existentially threatening and one in which the line between life and death is fragile, narrow, and crucial (Bertelsen 2009, 2013, 2014a).

Burning Thieves: Popular Justice Invoked and Reorganized

As across much of Mozambique, in Chimoio's impoverished *bairros*, crucial elements of day-to-day life include the struggles to establish certainty in a reality where many feel vulnerable or powerless against criminals and other agents of violence and predation. In these struggles, the conflicts between and partial nature of the various authority structures—from the national police force to the community authorities—fail to adequately resolve people's concerns. As a way of administering justice in the face of these dangers, a common and popular long-standing practice has been the beating of thieves. However, in Chimoio during the first months of 2008, twelve alleged thieves were not only severely beaten but also subsequently burned to death. Relative to the significantly larger cities of Beira and Maputo, Chimoio's much higher rate of summary justice is telling of its intensity.⁵ In this period, the summary justice of burnings usually developed along the following pattern: A shout of "*Mbava!*" ("Thief!") would be heard in a marketplace or a street, and many would participate in a chase to catch him. When the crowd apprehended the thief, it would beat him senseless with fists, sticks, and stones. The call would soon change to "*Kupisa munhu!*" ("Burn the person!") or "*Kupisa mbava!*" ("Burn the thief!"), followed by a more or less collective effort to provide dry grass, wood, petrol, and preferably a tire. The collected flammables would then be heaped upon the semiconscious person and lit, consuming the life of the alleged *mbava*. Once death is confirmed or inferred, people would move away and leave the charred and smoking remains of the *mbava* in the same place as he was killed.

During an afternoon in Chimoio in May 2008 I followed a case of a *mbava* that had been caught by neighbors when breaking into a *bairro* house. After severely beating the young man with sticks and fists, the house-owner, his neighbors and other bystanders prepared to burn him. The lynching was aborted, however, after someone telephoned the police, who actually appeared, somewhat to everyone's surprise. Upon arrival and very reluctantly, the police officers dragged the severely beaten thief onto their truck and took him to the hospital. I sat on the back of the open truck en route to Chimoio's central hospital, being somewhat surprised when the police officers all agreed that it would have been better if the *mbava* had been killed. "Why did you not burn him? You should end these things here [i.e. in the *bairros*]," one of the officers half accused and half asked my friend, who was also sitting in the truck and whose house the *mbava* had broken into. "He was a thief and even carried *tchitumwa*," the officer added. (To recall from chapter 6, *tchitumwa*

is a *mutombo* made from nebulous liquids such as the blood or liquid of a corpse, procured from a *n'anga* and used both to protect the thief's work as well as indicative of his association with *uroi*. For all involved, the *tchitumwa* found on the thief's body was akin to a smoking gun.)

After accompanying the police truck with the thief to the hospital, my friend and I visited the thief's family so he could notify them of what had occurred. With the single exception of the thief's mother (and, perhaps, the unknown person calling the police), all, including others



Illustration 7.2. The tire procured to burn the *mbava* in the case in question. Chimoio, 2008.

of the thief's kin, expressed the view that the culprit should have been killed there and then. At the compound of the thief's family, his young brother told us,

It would have been better if you had come here to say that “you know the *mbava* ended his life there with the population and I came afterwards.” That way, his mother could not do anything about it.

Indeed, the thief's mother mustered all kinds of moral force and personal strength. What followed for my friend were two days of being coerced to accompany the mother to police stations and the local court administration in her attempts to set her son free. That my friend accompanied the mother of the *mbava* may seem puzzling. However, the two were related, and she was a well-known *profete*, so she combined to coercive effect threats of *uroi* to kill or hurt my friend with arguments about the obligations of kinship.⁶

Crucial social, territorial, and political dimensions emerge in this form of summary justice. For one, the circumstances of a *mbava*'s death—caught in the act and, thus, justly killed by a collective agent—will avert the basis for potentially retributive acts against the killers by both the thief's kin as well as the state's apparatus of justice. Put differently, the moral authority of the public collective is generally accepted by various forms of authority and agency. This moral authority of the act is also reflected in that no harmful or vengeful spirits of the dangerous *tchikwambo* type are generated from such a (non)person justly killed. Importantly, a thief's antihuman and antisocial character is also expressed and underlined discursively, epitomized in the phrase *não é pessoa isto*—“this is not a person.” This comment is frequently uttered by bystanders to burnings and in post hoc conversations. As the killing of a *mbava* in such a way is neither met by immediate retributive acts nor will elicit any spiritual danger, nor will it require attempts at freeing the *mbava* by bribing the police, burning “is ended there,” as one man put it during an interview.

Burning therefore involves a severing of relationality, and the act ruptures the life-cycle transition from bodily to spiritual being upon death. And there is, seemingly, a stark contrast with how António's body was cared for, treated, and guarded—physically, ritually, and socially—as we saw in the previous chapter. However, one may also argue for the summary justice of burning to address the social in seeing it as an encompassment of and attack on matters antisocial. In such a vision, the perceived justness and finiteness of violent death precludes reinsertion into society of the destructive, antisocial potencies of the *mbava*. Perhaps paradoxically, practices of instant and popular execution can thus

be understood as a defense of the social and society rather than being sociality's other, the figure of the *mbava* becoming both the state's and society's other, a being, or, rather, nonbeing or "nonentity," as in Fela Kuti's opening phrase in this chapter's epigraph, that is devoid of value to neither formation.⁷

There are ample comparative and historical indications of such (non) beings becoming vulnerable to general, indiscriminate, and lethal violence. Based on Shona material, Bullock (1927: 308) for one argues that "a thief, caught in the act, might be killed." That anyone can kill the witch, the adulterer, and the thief—that these are effectively *Homo Sacer* in Agamben's sense (1998 [1995])—is also noted by Santos in an early historical source (Santos 1964 [1609]: 212). Although one should be wary of drawing all-embracing parallels between the worlds people like Santos and Bullock attempted to describe and the violent context of Chimoio's postcolonial, peri-urban *bairros*, it seems certain that individuals identified as antisocial, especially in terms of sorcery or theft, in many present and past contexts have run the risk of being subjected to severe and often lethal violence.

At the time of the burnings and beyond, a police policy was that burnings were not tolerated in Chimoio's *bairro cimento* and very few instances have also been reported from there. Contrarily, burnings are more frequent in the *bairros*, and as of my last visit in January 2016 instances are still reported from time to time. This territorial division is seen by *bairro* inhabitants as endorsed by state agents: in public meetings in the *bairros* in early 2008, the president of Chimoio's city council, as related to me by many friends and interlocutors, wholeheartedly supported burnings. However, the council president underlined that this was acceptable only as long as this was done, precisely, in the *bairros*.⁸ His message was very popular among most *bairro* dwellers. But the territorial division of law effectively argued by the state representative also corresponded to the views of many police officers, who complained about being called to the *bairros* when its population should—as we heard earlier—"end these things [t]here." Effectively, the city council's president exemplifies de facto state reordering of territorial arrangements for the execution of summary justice in moments of social upheaval: by condoning and ordering the practice in certain territorial domains, state authority is asserted, and legitimacy to the practice is conferred.

Such state involvement in what one might call a territorial "zoning of a death-bringing practice" has its corollary in postmortem practices. Upon death, the thief's often charred remains are allegedly collected by the police or municipality workers and transported to Chimoio's outskirts, where they are unceremoniously dumped. By refraining from

bringing the body to the morgue and subsequently burying it (see chapter 6), and instead transferring the scorched remains to the margins of sociality where the city and settlements meet the *mato* (figuratively if not factually), crucial links and boundaries between both sociality and domains of state control are emphasized and generated by state agents. Such allocation to or identification with the *mato* is not unique to the *mbava*'s charred remains: as explored in chapter 1, Renamo is frequently associated with the *mato*, while *muroi*, likewise, are seen to hold nocturnal feasts devouring human flesh, also in the *mato*. Further, in the ritual of *kubatidzana* in chapter 6, material items having belonged to the deceased as well as general rubble are likewise conferred to the *mato*. The “bush” in these and other contexts, as well as in that of the *mbava*, thus represents zones of violent death, debris, and antisocial forces (see also Alexander et. al 2000). My interlocutors also do not find it unnatural, therefore, that the remains of lynched thieves are, allegedly, left at Chimoio's outskirts.

At the level of politics, these dramatic shifts in both practices of popular justice (from beating to burning) and state territorial organization of justice must be seen against the backdrop of particular events around 23 February 2008 in Chimoio. At the time, a particularly brutal gang of (alleged) Zimbabweans committed violent robberies and rape in the *bairros*. In response to public outrage, the police arrested gang members only to release them a few days later. Unprecedented rioting in the heart of the *bairro cimento* ensued in which some shops were sacked, car traffic was blocked, police vehicles were burned, one police station was invaded, and another police station was under a fourteen-hour siege by people hurling objects at it. Significantly also, two of the alleged Zimbabwean robbers were caught by the rioters and burned to death—initiating a particularly intense period of summary justice.⁹

Beyond its material destruction, the riot's broad popular participation and the way it initiated the execution of summary justice entailed significant changes. First, the direct attack on the apparatus of the state implied a perceived shift in people's relation to the police: “Before we used to be afraid of the police. Now they are afraid of us,” a young male friend told me. This man, originally from Honde but often peddling goods on the streets of Chimoio, had for several years been harassed by local police that extorted bribes from him on the street—a not uncommon practice among Mozambican police officers. In this man's opinion, the riot had successfully renegotiated dimensions of state and policial authority to the advantage of what he saw as *o povo* (the people).

Depending on who was asked, some interlocutors would attribute the lynchings to either Frelimo or Renamo involvement, orchestration,

or targeting. In the former pro-Frelimo argument, the lynchings were related to a narrative of criminals being sent to Mozambique to “destroy” and “destabilize,” stirring memories of the “war of destabilization” as the civil war was often called, wherein the enemy was often (but not always) identified as external in the form of Southern Rhodesia or South Africa. State officials also accused an “invisible external hand” of being behind the riots. This latter narrative is also related to a stubborn rumor of the thieves being German or being controlled by Germans. Beyond the narrative of external destabilization, into which Germany would rhetorically fit, relating to Germany can be understood also within local contexts of failed development projects, rumors of child-snatching, as well as the historical trajectories of colonialism in which German farmers were important in some areas around Chimoio (see esp. chapter 2).

In a more pro-Renamo argument, lynching was explained as a political protest against Maputo and Frelimo. As one young woman originally from Honde but now living in Chimoio said, “It is not the president who orders these killings. But Frelimo is eating with the *mbava*. And for this the people [*a população*] decide to kill *mbava*.” This political argument is related to a second change that became apparent around the time of the riots—that of the reinvoking and popular reappropriation of popular justice. Given increased levels of violence and the rising uncertainty as to who are de facto authorities in the ongoing process of sedimentation of authority outlined earlier, embracing ideas of popular justice in the face of state authority confining itself to the *bairro cimento* was argued by several as necessary, and elements were used as slogans by even more. The reorientation toward ideas of popular justice resembles Frelimo’s introduction of *justiça popular* (“popular justice”) in the early 1980s. The similarity in sentiments voiced in Chimoio and surroundings in 2008 is striking to the ideas written in the 1980s (Sachs and Welch’s 1990: 117):

[If] people lose respect for the legal system—the people feel that it is not protecting them, it’s protecting the parasites, it’s protecting the crooks and the black marketers, it’s protecting the people who’d be only too happy if apartheid came to their country, then there is no legality, there is an absence of legality.

Informed by such analyses in the early 1980s, Frelimo attempted to revolutionize the legal sector of society. Under Samora Machel’s presidency (1975–86) Frelimo introduced public flogging and beating of thieves as a measure to achieve a socialist legality in the form of popular justice in politically and socially adverse circumstances (Sachs and Welch 1990: 111–16). This form of popular justice continued throughout the civil war and only came to an end in the immediate postwar period. Never-

theless, with Armando Guebuza's 2004 presidential election, Samora's thoughts on justice and thieves were resurrected and became prominent in official rhetoric.

For many *bairro* dwellers, Guebuza's rhetoric was understood as a return to a Samora-style hardline against *mbava*—a stance also often understood as related to the recent of police death squads in Mozambique (see Bertelsen 2009 for details). Although circumstances around these death squads remain murky, people have portrayed them as consisting of motorcycle police who execute criminals. In 2006, evidence surfaced for the existence of these death squads, as eight police officers were sentenced for abducting eight men from prison during 2001–5 and executing them on Chimoió's outskirts (Agencia de Informação de Moçambique 2008). The tendency here to remove people from the center—in both the sense of state and urban grid—to the periphery correlates well with the logic of disposing the charred bodily remains of the lynched in the deadly and violent space of the *mato* (see also Granjo 2009).

The 2008 riots, the burning of thieves, and the formation of police death squads point to a reappropriation of popular justice by *bairro* inhabitants, as well as state agents of the police. Such a reappropriation is informed by memories of the Samora era being to a large part also sustained and enabled by the Mozambican president Guebuza and Chimoió's top-level political apparatus, as we saw earlier. In sum, this novel formation of summary justice is born out of a proliferation of partial authority structures, a fragmentation of policial authority and a de- and reterritorialization of state orders and practices of justice.¹⁰ In terms of the domain of legality, the historical dimensions of summary and popular justice exemplify Boaventura de Sousa Santos's important point about law's durability, underlining that “legal revocation is not social eradication” (Santos 1987: 282). Nevertheless, as my analysis has made clear, the invoking of popular justice in the development of the burning of wrongdoers is also intrinsic to the ongoing reordering of the sovereign and territorial domains of the Mozambican state.

Violence, Law, and Insecurity in the Bairros

In situations where the sovereign and territorial domains are changing, the presence of the nebulous art of accumulation through transgressive acts—important aspects around which many *bairro* dwellers and people in Honde alike order their lives—adds an additional element of insecurity. Such a vision is one in which violence, fear, and power are interlinked with the production of riches through forms of *uroi*, including the

abduction, killing, and consumption of fellow humans. These predatory beings are seen, also, to live and work in the *bairros*, which we saw in chapter 5 in a case where a *muroi* was caught. From time to time accusations of *uroi* are also vocalized in the public sphere at meetings with community leaders, in community court trials, at AMETRAMO, and in other places (see Bertelsen 2013). Still, accusations and experiences of these dark forces and their agents are more often semiprivate; the forces and spirits related to sorcery are confronted and sought repelled in sessions with *n'angas* or *profetes*. In Chimoio, these measures are conceived in terms of *kufunga mui*, “the closing of the body”—as we saw in chapter 4—but also *kufunga taiyao*, “the closing of the property.” In the latter concept, *mutombo* provided by a *n'anga* or *profete* is placed on or buried in doorways, floors, corners of the property, or other sites of danger. Such emplacement (and other protective measures) is typically done at twilight, as the limbo between night and day is the most productive or “hot” period in terms of potency of the *mutombo* (see also Jacobson-Widding 1989: 33). Both protection of body and house and property are essential measures taken to ward off potential attacks from *muroi* and other ill-doers.

Alas, in Chimoio's nocturnal *bairros*, not only *muroi* are feared but also the agents of the state in the guise of the so-called *policia comunitaria* (“community police”)—a novel form of decentralized state authority akin to the community authority and created within the same political context.¹¹ Members of this community police force are mostly recruited among local young men in the *bairros*, and the unit is meant to be auxiliary to or supportive of the regular police and accountable to local leaders. The workings of these groups and the degree to which they are seen to be accountable, to borrow a rights and democratization term, to local populations vary greatly. As such, they represent emerging and novel forms of law and political authority at the margins of the formal state apparatus. Further, they also frequently pursue “justice” through the exaction of corporal punishment during their nocturnal rounds. In many cases the community police are armed with sticks and sometimes knives when patrolling the *bairros* at night to frighten off or intercept thieves and troublemakers.

However, the institution of community police had in at least one Chimoio *bairro* in late 2005 developed into a structure that had the reputation for operating on both sides of the law. Apparently, its members were involved in everything from extortion and protection rackets to outright break-ins, violent crime, as well as collaboration with criminal networks. On a lesser scale a similar situation has also developed in Honde where the majority of the young men involved in the community



Illustration 7.3. Street children sleeping in front of a bank in Chimoi's *bairro cimento*, 2007.

police in mid-2009 were subsequently imprisoned for a period for the theft of *ufu* and goats.

As the community police members largely are recruited locally, receives little or no remuneration from the state, and is not given uniforms or other forms of identification, structural and economic constraints effect a development largely according to existing logics of legal practice, violence, and political authority. Such development, interestingly, sometimes also turns the community police against the formal state apparatus and its party, Frelimo, as the following example from Beira, the second largest city of Mozambique, demonstrates. There, the head of the community police in Bairro Ndjalane, Afonso Henriques, was accused by inhabitants of having established corporal punishment as the main means of, in his own words, “establishing order.” As the city of Beira in general is a staunch Renamo area, it is conspicuous that Frelimo members and local party secretaries seem to have especially been targeted by Henriques’s form of corporal punishment and his community police in his attempt to “establish order in the zone.” But more interestingly, Henriques denies all these charges of acting politically and says he is a “slave of the people”:

My party is the people. I was a soldier before and now I sought to use my talent for protection in our *bairro*. I am an honest citizen who manages to support my family through fishing on the beach of Ndjalane.¹²

If the accusations of violence against Frelimo members and leaders are correct, it is not important whether the local head of the community police was informed by party sympathies (themselves relating to the pe-

riod of the civil war in which identities and loyalties were shaped, albeit ambiguously) or not, but the fact that the logics of military protection and violence is seen as informing local police duties is significant.

Both examples of community police work—the nocturnal vigilante groups of Chimoio and the militarist head of police in Beira—demonstrate the different shapes and constellations of law and political authority emerging in the *bairros*. Together with the ongoing fear of *uroi* and its dynamics of predation and protection as well as the rise of summary justice, the unruliness of the community police contributes to a social and existential climate of fear. This materializes as dreading to “be disposed of,” to be violently attacked and consumed by *muroi*, and to be on the receiving end of a bullet fired by more or less corrupt community police, ordinary police, or criminal networks.

Given violence and economic uncertainty, many young men in the *bairros* become street peddlers of illegal and legal goods while maintaining kin relations with rural households. These kin relations across the rural-urban continuum of Honde and Chimoio provide vital access to *machambas* and *matoros*, meaning basic food security for many households. Nonetheless, material conditions, household and neighborhood constellations, and relationships regarding social, spiritual, and economical dimensions in the *bairros* are chronically instable.

A friend, whom I call Paulo, maintains these important kin relations while also attempting to enter the wage labor market. In early January 2007 he and an acquaintance were hired as bricklayers for putting up a *banca fixa*—a small roadside shop selling dried fish, sugar, oil, and biscuits—in a *bairro* different from his own. However, a week after starting work, Paulo was nearly killed when he was mistaken for a burglar. According to Paulo and witnesses, he was attacked by the *banca fixa*'s neighbors who, ignoring his protests, mobilized, beat him, burned him with sticks, and chopped at his limbs with machetes. Following this violent intervention they dragged him unconscious and bleeding to the police station in the *bairro cimento* where he was locked up in an overcrowded cell.

I arrived to do fieldwork a week after his imprisonment and was rapidly inundated by his friends' and relatives' claims of Paulo's innocence. When I visited him in prison he was still seriously injured and unsure of surviving, as poor conditions such as overcrowded cells and extremely bad food and water promote disease there. Many prisoners and nonprisoners alike are also certain that the prison's *sadza* is deliberately poisoned with cement to kill its inmates. As such, the image of the state as a *muroi* poisoning the food of its victims is here invoked more or less directly, an analysis of which was also made in chapters 5 and 6.

In response to Paulo's life-threatening circumstances in prison, his relatives mobilized in different ways. His parents moved from their Honde household to their daughters' homes in the *bairro* so that they could visit Paulo daily and support him, even though this relocation broke the vital agricultural cycle during the rainy season. In addition to his parents bringing vital food and water, they engaged a host of other resources to save their son: they bribed prison guards to bring in medicine for his open wounds, mobilized an extensive network of kin to insist Paulo's innocence, and the family visited and bribed different agents of the police in order to obtain information regarding evidence and the pending trial. A literate relative contributed by recording a written account of Paulo's version of the events to be given the judge in court. Party secretaries and community authorities, among others, were asked to intervene to stop the trial. Paulo's father, together with the anthropologist, also contacted the accusing family to reach an understanding in the form of compensation. Unfortunately, all attempts failed, and two weeks later a provincial court sentenced Paulo to two months in prison. The sentence was, however, converted into a fine, and within days the sum was collected with contributions from the entire *dzindza*, effecting Paulo's release.

However, despite Paulo's release, both he and his kin were unsure of his continued survival. To me, Paulo reflected on the people who wanted to kill him for a robbery he claimed he did not commit; on the neighbors' hatred now that he was believed to be a *mbava*; on the bricks and metal sheets stolen from his home while he was incarcerated; on the need to renew traditional protection of self, body, and house after narrowly escaping death both within prison and without it:

To die here does not cost much. Many people would like to be rich and powerful. That is why one has to protect oneself. You can have somebody killed here for USD 50. And it is easy to die. *Chi!* To die here does not cost much.

Paulo's expression of existential uncertainty accurately describes a common sense of being at risk—a sense one may appreciate given the increasingly violent practices of popular justice as well as the violence and danger of life in the *bairros* in general.¹³ However, in contrast to the earlier case and near death of the *mbava* caught red-handed where only his mother supported his continued life, the murky circumstances around Paulo's near death at the hands of the *banca fixa*'s neighbors meant a broad mobilization of kin and family in order to effectively restore Paulo's personhood and avert new danger. The first measure was to consult a *n'anga* to both cleanse his body of danger (*kudusa tchikume*), protect the body anew (*kufunga mui*), and comprehend the wider circumstances of his predicament, practices also analyzed in chapter 4. Crucially, by

consulting a *n'anga*, Paulo's *dzindza* sought both causal connections as well as remedies to his obviously unprotected bodily and spiritual condition. Moreover, this interest reflected that the danger afflicting Paulo was one potentially harmful for the entire *dzindza*. Paulo's condition was therefore of collective concern.

With the aid of spiritual guidance, the *n'anga* located several dangerous and harmful forces, the most important of which was Paulo's paternal grandfather who had been a hunter—a powerful and dangerous figure across Southern Africa.¹⁴ The *n'anga* divulged that this hunter had on his travels killed and robbed humans as well as hunted animals. To recall, in opposition to the near lynching of the *mbava* above—which would not have created a harmful and dangerous *tchikwambo* spirit as the thief is seen as justly killed—the murders of hapless persons do normally create vengeful *tchikwambo* spirits. Once created, the *tchikwambo* will at some point in time seek vengeance or recognition from the killer's *dzindza*, and in this case Paulo was attacked. However, in addition to unveiling the *tchikwambo*, the *n'anga* pointed out a female neighbor who had used *uroi* against Paulo. She envied the metal sheets on Paulo's house, his radio, and other commodities—an envy he was conscious of and through the years frequently discussed with me as “very dangerous.”¹⁵ This form of envy correlates with the use of *uroi* to harm specific others. The dangerous dynamics at work that the *n'anga* pointed out were accepted by Paulo, his father, and Paulo's *dzindza*, and so the *n'anga* generated ritual measures for both Paulo's renewed protection and the *tchikwambo*'s appeasement.

Paulo's case highlights both collective and individual dimensions to the apportionment of blame for his unprotected and dangerous condition—individual in terms of his private accumulation without redistribution creating dangerous *uroi*, and collective as the vengeance enacted by the *tchikwambo* born out of Paulo's paternal grandfather's violence. Paulo's paternal grandfather transgressed both boundaries for moral behavior but also the hunter's traditional role. Further, his accumulation in a poor *bairro* entails perilous social differentiation by creating an enabling environment for *uroi*. Equally important, conspicuously rapid or (other) suspect accumulation is understood as evidencing breeches of the socio-moral order, being signs of attacks on the relational basis of sociality, as explored also in chapter 6. In sum, the causal structures revolve around issues pertaining to past events reactualized in, for example, the *tchikwambo* as well as to material accumulation as such.

The collective recognition of Paulo's dangerously unprotected state by the *dzindza* therefore transcends his near-death experience at the hands of the *banca fixa*'s neighbors, the following imprisonment under

lethal conditions, or the sentencing in court. Further, Paulo's and his kin's quest for protection is irreducible to being shielded against the violent greediness of others—directly in the form of *uroi* or indirectly as the vengeful and destructive *tchikwambo* born out of Paulo's grandfather's murderous acts. Instead, the practices and struggles oriented toward renewed protection reflect a sensitivity to the violence shaping and dominating many marginalized and poor postcolonial African areas where life is experienced as being unprotected against a host of visible and invisible perils. His experiences and conviction about these perennially tangible and present forces of power and appropriation support similar analyses in other African contexts (Sanders 2003; Ashforth 2005). Further, the recent massive increase in the summary justice of burning would leave the chances much slimmer for Paulo to survive had his ordeal taken place in 2008 or 2009 instead of 2007.

A “Heterogeneous State”? A Critique of Visions of Legal Pluralism

The complex avenues of protection, justice, and socio-moral order pursued in both Paulo's and the *mbava's* cases contrast frequently disseminated rosy images of a Mozambican state that has been hailed for its economic growth, postwar political stability, and politics of decentralization and deregulation in terms of, for example, the establishment of community authorities.¹⁶ Based on the ethnographic material, one could argue instead that the state is effectively involved in a process of transformation in which several of its erstwhile domains of law and control are distributed among ostensibly nonstate or “undercover” state functionaries. The brutality of this particular transformation is characterized by degrees of popular appropriation of the state's ultimate capacity to, if necessary, kill its own citizens or subjects.

In legal anthropology, the concept *legal pluralism* was seemingly developed precisely to grapple with these complex situations of state and nonstate systems and understandings of justice and legality. Empirically, colonialism formed the backdrop for developing *legal pluralism* as a notion that describes various legal, political, and administrative formations arising from the superimposition by the British and French of their law onto indigenous legal processes in Colonial Africa (Merry 1988: 870). Theoretically, in its most basic sense, *legal pluralism* is often defined as “the situation in which the ‘law’ that obtains in a social field consists of more than one set of binding rules, whose behavioral requirements are different and sometimes conflicting” (Griffiths 2004: 870). This basic

understanding, *classic legal pluralism*, gave prominence to legal bodies and institutions (Merry 1988: 872). However, from the 1970s onward, there was a growing dissatisfaction with established dichotomies (e.g. “dominant law” vs. “servient law”) to address what was increasingly seen as complex situations (Chiba 1992 [1989]: 416).

Similarly, Pospíšil underlines a pluralist intake to law by reminding us about Weber’s insistence on the existence of several legal systems within society—as opposed to the simple dichotomies of folk law and state law.¹⁷ Such a non-state-centric and nonformal legal approach allows units such as criminal gangs, death squads, and vigilante groups to be included within the definition of law. Writes Pospíšil (1974 [1971]: 125), “Thus the existence of social control, which we usually call law, is of vital necessity to any functioning social group or subgroup. As a consequence, in any given society there will be as many legal systems as there are functioning social units.” However, despite their incisive critique of dichotomies of state/formal law and other forms of law—a critique for which they should be applauded—Pospíšil and others, in their line of thought, still seem to perpetuate the imagery of distinct social units to which a law fits perfectly—without friction. As Pospíšil (1974 [1971]: 125) comments, “Law thus pertains to specific groups with well-defined membership; it does not just ‘float around’ in a human society at large.”

The so-called *new legal pluralism* that arose from these strains of critique against mainstream legal scholarly works also looked to non-colonized, industrialized countries, emphasizing the flaws of systemic dualism as “plural normative orders [that] are part of the same system in any particular social context and are usually intertwined in the same social micro-processes” (Merry 1988: 873). One specific merit of *new legal pluralism* in both Western and non-Western worlds is its rejection of ready-made models of (and for) relationships between law, state, and authority. This open-endedness allows for diversity and hybridity, and it approaches actual practice over legal texts, giving it analytical leverage by not privileging formalistic, hierarchical, and Western notions of legality.

Given the above cases, the idea of legal pluralism seems to correspond to some empirical features of the Mozambican situation with its proliferation of legal mechanisms, diverse distributed authorities (police, community authorities, *n’angas*, etc.), and the quite significant influential criminal networks (Chachiua 2000; Reisman and Lalá 2014). However, this complex situation cannot be conceived as one of relatively harmonious coexistence and complementarity, implied in the usage of the concept of legal pluralism, but rather one of opacity with consid-

erable tension and conflict. This basic problem of the legal pluralism approach becomes clearer when examining the prominent legal theoretician Boaventura de Sousa Santos's analyses of Mozambique.

Often sensitive to the country's historical trajectories, Santos traces its legal historicities as comprising aspects of Portuguese colonial law that continued after Independence (1975), what he calls "customary law," religious laws, and new postindependence laws, among others. These all coalesce into a legal formation that Santos defines as a *heterogeneous state* or sees as a system of *legal hybridization* (2006a, 2006b). His approach assumes importance in an analysis of several aspects presented earlier—for example the work of the *n'angas* and the *profetes*. However, his presentation of the traditional authorities will be used here to exemplify the problematic aspects of his notion of the heterogeneous state, as Santos's discussion of the role of so-called traditional authorities, another arm of the heterogeneous state, tends to downplay the violent historical trajectories of their legal role. Santos's description of the *régulo* evidences this (2006a: 41n4):

The *régulo*'s position is passed down from generation to generation, according to a hereditary system. Thus, where such a position still exists, its legitimacy derives from family lineages often going back to precolonial times.

Although Santos is sensitive to the historical and political transformation of traditional institutions (see esp. 2006a: 60–70), this view neither corresponds to the necessarily dynamic nature of the traditional field per se nor to its subjection to particularly violent transformations throughout the colonial and postcolonial period (West 2005, 2009; Israel 2014; Obarrio 2014).

Further, the state-centric character of Santos's analysis is also problematic. This is apparent in his presentation of the turbulent postindependence period where the Frelimo state under Samora Machel, as argued above, sought to eradicate traditional structures. This violent attack—which fueled Renamo's war machine—is effectively glossed over as Santos claims that traditional structures merely were "legally suspended for a while" (Santos et al. 2006b: xii). Similarly, the popular courts established in the same period are described as "the guarantors of the implementation of popular justice" (Gomes, et al. 2006: 203), a reproduction of the contemporary narrative of their official objective.

The absence of some critical distance to Mozambique's often violent transformations—as we saw above in the violence of popular justice under Samora—and analytical proximity to state processes and rhetoric produces in Santos's writings an image of a heterogeneous and somewhat benevolent state. In Santos's vision, this state is rife with creative

instances of legal plurality but largely devoid of the politics and violence permeating society and legality. Hence, in his quest to expose novel formations of legality, the Santosian concept of the “heterogeneous state” romanticizes and depoliticizes past and contemporary stark realities of social life. In this optic, the state is invariably the prime mover, the ultimate ordering authority or, at least, the entity around which normative orders condense. This state-centrism undermines the analytical worth of such concepts in ethnographic contexts of violent and murky spaces where different sovereign agents and agencies exact justice—and where discarded legal logics—as that of popular justice—may be popularly invoked, appropriated, and reorganized in novel and complex forms of state and nonstate order.

A similar form of state-centrism is evident in Santos’s vision of law, explicitly through “interlegality,” a term describing the production of a dual “hybridified” legal structural framework and practices where various orders dynamically intersect, in turn creating codes that constitute new legal spaces (Santos 1995). This conception of state and non-state legal mechanisms operating simultaneously rests on the assumption of a benign form of state/nonstate complementarity that is neither evident in the ethnographic material presented earlier nor easy to recognize in other Mozambican scholarly works dealing with state and the traditional field, such as Harrison (2000), Florêncio (2005), or Kyed (2007b). In this way, Santos’s notion of heterogeneous state underscores the problematic dimensions of the legalocentric orientation of much legal pluralism where, as Tamanaha (1993: 193) has pointed out, even nonlegal, normative elements are seen as constitutive parts of or attached to the state.

The Rise of Multiple Sovereignties

Santos’s work illustrates the more general problem that legal pluralism came to be “dominated by academic lawyers rather than anthropologists” (Fuller 1994: 10).¹⁸ Fuller might have been right in ascertaining bleak prospects for the anthropology of law in the early 1990s. Now, however, this certainly seems to be changing with a broad and renewed interest in state, law, and society, and the increasing influence of anthropologically oriented works by, for example, Agamben (1998 [1995], 2005) and Burke (2007) marks a return to fundamental theoretical issues.

Informing empirical contexts often characterized by high levels of conflict, this reorientation is particularly evident in the growing anthropology of violence from the 1990s onward, in what some call anthro-

pology's "statist turn" as well as an increasing preoccupation with the complexities of the global flows, identities, and globalized machineries and regimes of governance.¹⁹ All three trends underline the relevance of analyzing legal regimes, the politics of globalized discourses on development or human rights, and the dynamics feeding, policing, and structuring these trajectories. This renewed theoretical focus on violence, state, and authority in situations of conflict and poverty—as the one Paulo barely survives in and as a *mbava* sometimes die in—makes increasingly relevant an anthropology that is capable of transcending the state-centrism inherent to notions such as the heterogeneous state and, more generally, to the field of legal pluralism.

This return to legality, order, and disorder also reflects the complex empirical conjunctions between distinct legal regimes and processes of mimicry between legal and nonlegal bodies of law (J. Comaroff and J. L. Comaroff 2006), as well as new directions within anthropological studies of crime, state, and authority in general (see, e.g., O. Harris 1996; Parnell and Kane 2003; Mattei and Nader 2008; Goldstein 2012). Such approaches have contributed to a more theoretically refined and empirically grounded analysis of relationships between ordering, disordering, and governing structures and logics. Informed by these and other recent works, I will here suggest that the term *multiple sovereignties* may be more analytically helpful for legal anthropology than the heterogeneous state.

Derived from early theoreticians of state such as Hobbes and Bodin, sovereignty in this sense is often taken to mean "a set of principles that define appropriate governance structures" and further that "there could be one, and only one, source of the law, and that this source, the sovereign, was either in practice or in theory not subject to any higher authority" (Krasner 2004: 14706). Born out of the context of European history, this approach privileges a monist, hierarchical, and absolutist vision of sovereign power—akin to Clastres's (1998 [1974]) vision of the state as "the One" applied to the Mozambican context of Samora Machel's societal transformation and attacks on "tradition" (*tradição*) above. This vision has been critiqued and scrutinized thoroughly by Foucault's work, which rejects analyzing power and domination as springing from a single source. Instead, and in line with his capillary understanding of power, he proposes focusing on "the manufacture of subjects rather than the genesis of the sovereign" (Foucault 2003 [1997]: 46). The Foucauldian analysis, prone to historicization of power and governance, is alert to the pitfalls of the "overvaluation of the state," as in the lyrical Nietzschean vision of the "cold monster" or as in analytically "reducing the state to a number of functions" (Foucault 2007 [2004]: 109).

Following Foucault and other critics with him, the initial “absolutist” vision of the sovereign and lawgiving monarch under the sole authority of God has given way to a variety of approaches sensitive to current global mosaics of power and domination (Ong 2006; Duffield 2007). This challenge to the monolithic, vertical, and absolutist aspects of national sovereignty emphasize instead its uncontrolled and nonfinite aspects. In these nonfinite spaces, “wild” forms of sovereignty emerge that create “a domain of bare life upon which the sovereign power or their agents can demonstrate their sovereign power—that instituting, originating power which is outside all constraint” (Kapferer 2004a: 7). This accentuation of unrestrained dimensions to fragmented sovereign power also informs what I term *multiple sovereignties*. As evident in the earlier cases, the notion of multiple sovereignties highlights some features of postcolonial realities where people experience being unprotected against a host of sedimented authority structures. This emphasis resonates with J. L. Comaroff and J. Comaroff’s (2006: 35) approach to postcolonial law and (dis)order wherein aspects of horizontal and partial organization are highlighted in their definition of sovereignty, which means “the more or less effective claim on the part of any agent, community, cadre, or collectivity to exercise autonomous, exclusive control over the lives, deaths, and conditions of existence of those who fall within a given purview, and to extend over them the jurisdiction of some kind of law.”

Such a pluralized notion of sovereignty opens up for partial and contested authority structures, without losing sight of legal, political, and violent aspects of state reordering as in the territorial dimensions of the case of the burnings. Understood thus, sovereignty includes or, better, merges law and politics more effectively than conventional legal pluralism or the Mozambican “heterogeneous state” in a Santosian sense. In contrast to Santos’s emphasis on complementarity and hybridization within a legal-systemic framework, such an analysis may grapple with popular struggles to gain control over lives experienced as fragile and unprotected in the type of poor *bairros* in which Paulo lives and thieves die. Further, it will have the potential to identify the ongoing formations of multiple sovereignties: from the corruption of the national police force to the position of the community leader wedged between state and community, from the *régulos*’ management of an ambivalent traditional field to criminal gangs’ violent extortion, from the force of *uroi* to the *n’angas*’ protection against violent attacks, harmful spirits, and occult economies.

Understanding sovereignty in terms of being multiple and “wild” in the sense of being uncontrollable also sheds significant light on the re-

cent attacks on the Mozambican postwar configuration of legal and justice sectors. As argued above, in the 2008 as well as 2010 riots against police stations and police cars prior to the spate of burnings, the notions, experiences, and memories of popular justice of the 1980s were reappropriated. The intensity of the physical attacks and burnings effectively redefined notions and practices of popular justice and also reorganized spaces and domains of state order. To such a presentist perspective could be added a diachronic element, as Mozambique may be analyzed historically as lacking complete territorial, political, or administrative control. This situation is evident in the historical trajectories from the colonial vesting of sovereign powers to concession companies in the late 1800s and early 1900s (M. Harris 1958; Serra 1980) to Samora Machel's attempt to erase the traditional field postindependence, which again was challenged during the civil war by Renamo, a bellicose sovereign formation in its own right. These glimpses of historical dimensions indicate certain advantages of a historically informed as well as ethnographically based analysis of Mozambican legal and political landscapes, as a significant feature of the two cases is precisely the shifting, antagonist, and historically shaped relations between multiple sovereignties.

The historical dimension to Mozambican sovereign formations corresponds partly with other analyses of African politics of life, death, and law. Hansen and Stepputat, for example, go far in their critique of what one might call the "state of the state's alleged sovereignty" (2005: 27) arguing that "in parts of Africa, the territorial sovereignty of the post-colonial states has been eroded . . . to such an extent that it only exists in a formal sense, devoid of any monopoly of violence and replaced by zones of unsettled sovereignties and loyalties." Although I endorse the general thrust of Hansen and Stepputat's argument, they should not be read in the vein of conceiving the state as *failed*—as in some recent representations of especially the African (postcolonial) state—or as *frail* in the sense of being impotent, shrinking, or withdrawing (cf. Strange 1996). Rather, as Mbembe argues (2000), the new sovereign formations that challenge conventional territorial nation-states point instead to the *increased* importance of locating, understanding, and relating dynamics of nonstate and state sovereign forms similar to the kinds at work in the *bairros* of Chimoio.

Donald Moore's brilliant ethnographic work on farmers in Kaerezi in Zimbabwe (2005: 219–49) is instructive in this regard. Moore exposes how notions of sovereignty are integral to cosmological aspects of the traditional field and to nonstate authority alike—in his work he dubs these notions *selective sovereignties*. Cosmologies, Moore shows, are related to dynamic interpretations of traditional forms of sovereignties

that are varyingly congruent with, antagonistic toward, or overlapping with statal structures. Thus, Moore warns against the dominant contemporary argument of global *deterritorialization* to emphasize rather the *reterritorializing* aspects of sovereignty in the forms of, for example, rainmaking or chiefly rule: “[These comprise] specific articulations of multiple forms of sovereignty and hybrid spatialities that coexist in the same geographical territory” (Moore 2005: 223). The similarities between Moore’s analysis of the rural Kaerezi material and the above urban material are evident, in particular the multiple nature of historically formed sovereignties within specific (rural and urban) territories.

Given the context of the death squads or the spontaneously formed and dissolved vigilante groups that lynched alleged criminals, clear-cut membership-based groups related or integral to these sovereignties are difficult to identify. Thus, contrary to Pospíšil’s notion of law being the characteristic of clearly demarcated groups, law *does* float around, become appropriated, contested, may be reinserted in a morphed form in novel contexts, or be reapplied with deadly force. Multiple sovereignties in this sense are characterized as shifting, incomplete, and without necessarily corresponding to distinct social groups. Instead they may be linked to social and cosmological ontologies of justice, rights, and evil or the many letters of state law—colonial, postcolonial, international. As such, the sovereignties formed are highly contingent, volatile, and fleeting but not decoupled from historical trajectories, the formation of the state, or the traditional field.

Many nonstate sovereign practices are socially embedded to the point that one may argue that the formations of violence born out of the contexts of uncertainty are social in their targeting of the antisocial. First, such formations of multiple sovereignties comprise a defense of the virtues of the social and protective of the social in attacking transgressors—the *mbava*. However, these formations also attack the state and its continuous repressive, extractive, and inadequate institutions and practices that feed on the people and, thus, the social—eating their produce, their lives, and their force as a *muroi* is known to do, as seen in chapter 6.²⁰

At the analytical level of the state as a hierarchical, arborescent formation, the rioting, death squads, and summary justice represent rhizomic dynamics similar to the attacks on edifices, structures, and agents of the state during the civil war. As in the civil war, a predominant image of the state in the rural-urban continuum of Honde and Chimoio was that of an organization inimical to the social—epitomized in the construction of communal villages, collective production, and attacks on traditional structures of governance. The state—as the antisocial *muroi*—was er-

atically attacked by the multiple, horizontal war machine of Renamo that—feeding on the social—maneuvered evasively and with speed *around* and *within* state domains to challenge and destabilize the state. Notions of such attacks on or challenges to the arborescent order of the state have been introduced by Deleuze and Guattari (2002 [1980]: 358) in the (much overlooked) concepts of “bands” and “packs” seen as rhizomic forms:

Packs, bands are groups of the rhizome type, as opposed to the arborescent type that centers around the organs of power. That is why bands in general, even those engaged in banditry or high-society life, are metamorphoses of a war machine formally distinct from all State apparatuses or their equivalent, which are instead what structure centralized societies.

The notions of the rhizomic character of the “pack” or “band” immediately find certain factual resonance with the previous material: groups of people immediately form, mobilize through kinship, neighborhood, and telecommunication networks, and make a decision within a dynamic and intensified atmosphere to kill the *mbava* before finally dissolving prior to (infrequent) statal intervention. As the quote also indicates, there is a certain affinity between the war machine model of human action and practice and the pack through a metamorphosis of the former (see also Hoffman 2011). If we turn to vigilante groups, there are metamorphic processes involved in moving from both ideals and practices of popular justice of a socialist legality *and* from a context of traditional law structures addressing theft and *uroi* to a postcolonial (and definitely postsocialist) present where both strands of legality are appropriated, morphed, and redeployed.

This ongoing metamorphosis of law in terms of lynchings is complemented by a transmogrification in the interior of the state (to be in keeping with Deleuze and Guattari’s differentiation between a state interior and exterior): the police increasingly move around in bands—predative, punitive, and exploitative—moving out from the well-ordered grid of the *bairro cimento* to enter the *bairros*. In the form of, for example, death squads, as we have seen in this chapter, this practice entails a particular form of lethal power, executed within a complex context of politics and personal gain.

Perhaps more intensely than in other instances of antagonism between state formation and the traditional field, the domains of law explored ethnographically earlier show the continued becoming (and metamorphosis) of state. Further, and central to this chapter, this becoming within the current postcolonial situation of crisis generates a number of fleeting, overlapping, but frequently powerful sovereignties with ca-

capacities for exacting justice and violence. These multiple sovereignties have great potential, as a state's orientation toward order, striation, and legibility will be constantly upset by dynamics of the war machine kind, fragmenting and transmogrifying its legal, political, and administrative apparatus by creating spaces of ambiguity through the formation of community authorities, the territorial zoning of death-bringing practices, or the creating of police death squads.

Through material collected from 2006 to 2009 especially, this chapter suggests that an empirically grounded analysis of summary justice practices in the *bairros* provides an opportunity to map the formation and development of multiple sovereignties. Methodologically speaking, the notion of multiple sovereignties of state and nonstate origin can be identified ethnographically by privileging a focus on actual protective practices and understandings of security, blame, and danger rather than a legalocentric point of departure that presupposes the existence of formal institutions or the state's complementarity with nonstate institutions. Put differently, such a legal anthropology would tap the theoretical and analytical potential of the notion of sovereignties as well as incorporate logics and dynamics often overlooked in legal analysis. In such an examination, for example, *uroi* could also be seen as a sovereign formation by involving the capacity to kill, dominate, and accumulate in ways not dissimilar to state agents. Within this optic, the use of a *n'anga* to prevent attacks bears similarities to seeking the support of local community authorities. Further, the invoking and reorganization of popular justice underline, paradoxically, the vitality and force of the social in popular reactions to the repressive capacities of unrestrained and multiple sovereignties. Applied thus, the notion of multiple sovereignties analytically frames some of the *bairros*' dynamics of power and authority and how they often doubly connote *violence* (extortion, muggings, killings, or *uroi*) and *protection* in the form of, for example, the closure and cleansing of the body and community through lynching.

Sovereignty is, then, not exclusively reducible to state, territorial entities, or "states within the state"—although, as seen in chapter 5 in particular, the figure of the singular sovereign, the One at the apex of the state order, looms large on the cosmological horizon. Yet within the present Mozambican context, sovereignty is not captured by a dualism of state versus, for example, *régulos* in terms of influence, authority, and capacity, as some contemporary analyses of Mozambican past and present dynamics infer. Rather, by incorporating cosmological, traditional, and socio-moral dynamics, an analysis may be undertaken of concrete situations where dimensions of security and protection are crucial, shifting, opaque, and often absent. This situation in which no singular overarch-

ing, dominant, and distinct law-regulated or rule-bound legal entities from which to seek protection exist, nor do any neutral and noncorruptible legal contexts, is the world Paulo and his kin navigate and thieves frequently die in. As argued above, this world is not represented well by Santos's analysis of Mozambique as a legally plural country where the state is heterogeneous. Instead, it points to a complex and sometimes chaotic existence where local tribunals and police units with formal protective capacities must be understood also in terms of plasticity and unpredictability. Importantly, for Paulo and others, this entails that one necessarily needs to protect oneself, one's body, and one's property also by employing ambivalent yet potent traditional resources and by invoking supportive kin networks. However, it also involves the reorganization of a form of popular justice involving the burning of thieves in demarcated domains—a logic and practice of summary justice shaped by officially discarded visions and practices of legality that are, nonetheless, still central to reconfigurations of the current postcolonial state order in Mozambique.

Beyond being an exploration of another instance in which the tensions between the state and the traditional field is apparent, this chapter has raised a critique against a strict definition of legal pluralism as merely describing a situation in which multiple legal systems *qua* systems are seen to be coexisting. In postcolonial contexts such as Mozambique, the unifying potential of the legal pluralism approach in a legal-systemic sense is limited if it is correct that, as the Comaroffs argue, *plurality* is “endemic to the postcolony” (2006: 35). On the other hand, the Comaroffs' confining of *plurality* to *the* postcolony (notice the singular term) may suggest that its correlate, *singularity*, was a predominant feature of colonial (or precolonial and modern) state formations. As also has been the argument throughout this book, this is, of course, not the case. In this and the foregoing chapter, the text has suggested the flaws of both sweeping representations of a single dystopian landscape of postcolonial justice, as in a Comaroffian sense, or the excessively romanticizing vision of a heterogeneous state, as in the Santosian notion. Rather, I have suggested the analytical advantages of historicizing and “ethnographizing” the continually ongoing constructions, practices and forms of sovereignty that people are subject to, resist, or appropriate and, thus, transform. This chapter has argued that the notion of multiple sovereignties has significant potential to probe the complex dynamics and logics, the historically sedimented authority structures, and the human beings navigating these contexts.

The territorial zoning of a death-bringing practice is, then, conditioned by dynamics of de- and reterritorialization. Painfully present for

most poor people, this includes tentatively confining spatially the destructive potentialities of the popular reappropriation of past legal logics resurrected and merged with understandings of corporal and legal punishment of *muroi* and *mbava*. Put differently, it is also a spatial expression of ongoing fragmentation or multiplication of sovereign formations characteristic of the Mozambican postcolonial state. Such multiplication and zoning is, of course, not entirely new: from the territorial division of power between concession companies like the Companhia to the opaque and shifting FAM or Renamo zones of death or protection during the civil war, the current production of multiple sovereignties exhibit similar dynamics with historical instances described throughout this book. These are instances in which the ongoing becoming of state exudes violence doubly: as a challenge to state formation and as the assertion of state formation.

Notes

1. Key works here include M. Harris (1958), J. Heald and Manghezi (1981), Ishemo (1989), and O’Laughlin (2002). This chapter draws in part on material previously analyzed in Bertelsen (2009).
2. For some analyses of this, see Florêncio (2005), Buur and Kyed (2006), Buur, Silva, and Kyed (2007), West (2009), Forquilha (2010), and Obarrio (2010, 2014). Further, the Mozambican social sciences have been instrumental in this reorientation. Domingos do Rosário Artur (1999c), for instance, asked which place there should be for “African tradition” in decentralized governance, while the well-known Mozambican philosopher Severino Ngoenha entered the same field (see, e.g., Ngoenha and Castiano 2010). Many such approaches, however, build on a statist bias undergirded by a view wherein the state’s modernity is encapsulating, and dominant but may accommodate a subordinate space (and function) for “African tradition”—a hierarchizing dynamic similar to that also affecting the Mozambican state’s approach to traditional medicine as we saw in chapter 5 and as critiqued by Meneses (2000, 2004b).
3. My claim directly challenges a UN report (Naudé et al. 2006: 65) stating that 90.5 percent of Mozambican respondents have “high levels of appreciation” for police performance. However, undermining this seemingly positive figure and, contrastingly, underscoring Baker’s point (which I endorse) is the fact that, according to the same report (*ibid.*: 118), a whopping 96.4 percent responded that they chose *not* to report corruption cases to the police. This latter figure is also more in accordance with my analyses from Maputo (see also Bertelsen and Chauque 2015).
4. For a comparatively interesting analysis of criminal gangs as states in Nicaragua, see Rodgers (2006).
5. Contacts in Chimoió’s media and justice sector in May 2008 argued that the real number of burnings is significantly higher than the official number due to

- the unpopularity of these instances among donors and politicians in Maputo. However, the national estimate of twelve is based on a number given by Carlos Serra (2008: 9), a Mozambican sociologist with a research and monitoring project on lynchings.
6. Less than a month after having been hospitalized and then imprisoned, the *mbava* in question was released in June 2008. He was neither prosecuted nor tried, and his release illustrates, perhaps, aspects of the rationale behind protests against how the whole legal and justice system may be manipulated—a key dimension of the 2008 and 2010 riots in Chimoio and elsewhere (Macamo 2011, 2015; Serra 2012; Bertelsen 2014a).
 7. A similar argument has led Carlos Serra (2008) to argue that lynchings are not manifestations of disorder but protests *against* disorder.
 8. Some analysts claim that there are connections between economic regimes and the (alleged global) rise of vigilantism. Based on fieldwork in Cochabamba, Bolivia, Goldstein, for one, emphasizes how neoliberal structural violence produces a political order where lynching “fulfils the highest mandate of neoliberal rationality” and fills the gaps of a receding state (Goldstein 2007: 248). However, although Mozambique has suffered a neoliberal onslaught in the form of the Bretton Woods institutions since the mid-1980s (see Pitcher 2002), it is difficult to successfully explain the rise of lynchings at this particular moment of time to be the end result of over twenty years of economic policy. Significantly, there have been earlier periods of lynchings, and, for example, twenty were beaten or burnt to death in Maputo in August and September 1992 (*Agência de Informação de Moçambique* 1991), undermining a strictly economic argument. Further, as analyzed by Penvenne (1982), riots, lynchings, and vigilantism were also recurrent features of colonial Lourenço Marques, and at least from the 1930s and into the 1950s protesters sometimes also killed policemen and soldiers, as these were involved in robberies and rapes.
 9. These events in Chimoio coincided with rioting in Maputo following the government’s suggested hike in costs of public transport due to the rise in global fuel prices. After days of extensive rioting in the capital, the government withdrew its decision to raise prices. The Maputo protests spread to other cities and developed according to local contexts and concerns. Thus, the demonstrations and clashes with the police in Chimoio may have been facilitated by the foregoing events in Maputo—especially by way of example. For news coverage of the 2008 riots, see Hanes (2008) and for a comparative analysis of the riots, see Bertelsen (2014a).
 10. As Pratten and Sen point out (2007b: 13; see also Kirsch and Grätz 2010), “contemporary vigilantism relates both to the fragmentation of the sovereignty of nation-states and to the dependence that states have on the vigilance of their citizens.” This is not to say such forms of vigilance are necessarily destructive, as demonstrated by S. Heald’s (2005) material on the so-called *Sungusungu* groups in Tanzania. Heald argues that the *Sungusungu* vigilante activity may be seen to reform, reclaim, and transform the state into being more responsive to local priorities (2005: 282).

11. For two overviews of the interconnections between law, policing and community authorities, see also Kyed (2014) and Kyed et al. (2012).
12. All quotes taken from *Notícias de Moçambique* (2005) and translations mine.
13. Ashforth's works on Soweto also include a recurrent theme of situations of existential uncertainty (see, e.g., 2005), and it is most consistently developed in the book *Madumo* (2000), which is devoted to the spiritual, economic, social, and kinship dimensions of the troubled titular man. *Madumo's* tale resonates with Paulo's in many respects.
14. Turner's classic analysis of Ndembu illustrates this where "successful gun-hunters are regarded as sorcerers, who acquire their power in hunting from killing people by means of their familiars" (1957: 32). Also, in an equally classic anthropological treatise, H. A. Junod (1962 [1912]b: 59) points out that hunters are seen as magico-powerful in Southern Mozambique.
15. As conspicuously visible markers of economic differentiation, corrugated iron sheets are significant long-standing items prominent in sorcery and zombification accusations in many African contexts. Ardener's (1970) historical analysis of correlations between plantation economy fluctuations and "witchcraft beliefs" among Bakweri in West Cameroon represents an interesting attempt to relate economic and sorcerous dimensions—also to corrugated iron sheets used in housing. See also Englund's analysis (1996b) of witchcraft and accumulation in a Malawian case in which, again, corrugated iron sheets are prominent as coveted items.
16. For critiques of glossed-up versions of Mozambique's present social and political condition, see Moran and Pitcher (2004), Cramer (2007: 259–72), and Castel-Branco (2014).
17. In *Wirtschaft and Gesellschaft* (1922) Weber writes, "For the sake of terminological clarity, we categorically deny that 'law' exists only where legal coercion is guaranteed by the political authority. There is no practical reason for such a terminology. A 'legal order' shall rather be said to exist wherever coercive means, of a physical or psychological kind, are available ..." (Weber, quoted in Pospíšil 1974 [1971]: 104).
18. From Maine's *Ancient Law* (1963 [1861]) and Malinowski's *Crime and Custom in Savage Society* (1926) to at least the 1970s there was a sustained interest on both sides of the Atlantic for the relationships between law, society, and the state—exemplified in Africanist works by Turner (1957), Allott (1960), Gluckman (1967 [1965]), and S. Moore (1978). But as Fuller (1994) rightly laments, due to what he sees as destructive methodological debates especially between Paul Bohannan and Max Gluckman and the subsequent narrowing of legal anthropology to conflict resolution mechanisms, larger theoretical approaches were overshadowed. This "contributed to the subdiscipline's desultory state in the 1970s" (Fuller 1994: 9). In a short introduction to legal anthropology, however, Sally Engle Merry strikes a more positive note, writing that "by the 1970s, the debate over the definition of law became increasingly sterile and was largely abandoned in favor of understanding law as a social process" (Merry 2004: 8489). Be that as it may, the point remains that legal anthropology and links

- between anthropology and law are generally recognized to have been weakened (see also Donovan and Anderson III 2003).
19. For the anthropology of violence, see for example Aijmer and Abbink (2000), Ferme (2001), Broch-Due (2005), and Whitehead and Finnström (2013); for examples of “statist anthropology,” see Scott (1998), Friedman (2003), Krohn-Hansen and Nustad (2005), and Gulbrandsen (2012); and for some approaches to globalization, see Trouillot (2003), Ong (2006), and Mignolo and Escobar (2010).
 20. A similar sense of relating to the state with violence and antagonism is argued by Kapferer (2003: 265) in his analysis of cases brought before the Suniyma shrines in Sri Lanka: “They expressed not merely uncertainty as to outcome but a sense that the instrumentalities of power and the state were in an exclusionary and violent relation to them.” Further, such an antagonist relation to the state is also argued to be integral to the rise of nonstate security forces in Lombok, Indonesia (Telle 2009).