TWELVE

Third Contact

*Invisibility and Recognition of the Customary in Northern Mozambique*

**JUAN OBARRIO**

**Introduction**

Following a devastating civil war and an eighteen-year Afro-Socialist experiment, the transition to democracy and rule of law in Mozambique that began in 1994 has been hailed by observers as a successful process of national reconciliation and politicoeconomic opening.

Yet in 2014, Mozambique held general elections under a formal “state of war,” initiated by a statement from the RENAMO party that in early 2013 declared the peace accords broken. In the following months the RENAMO leadership relocated to a secret compound and their guerrillas launched scattered military operations in the center and north of the country. Expert analysis of the renewed struggle usually emphasizes macro aspects of the transition, related to electoral politics, economic exclusion, or the composition of the armed forces and situation of demobilized combatants. More localized yet equally crucial forces, such as the political role of the customary in processes of war and peacemaking, tend to be occluded. In fact, the complex nature of political transition here contradicts the apparent blithe optimism of donors and central state reformers about the process of democratization over the last two decades. One of the most striking effects of dismantling of the socialist state and decentralizing governance has been the vigorous reemergence of the local level and its figures of traditional authority (see chapter 1, this volume).

In June of 2000, the Council of Ministers passed a decree that recognized customary chiefs as legitimate local agents of government (Sousa Santos et al. 2006; Bertelsen n.d.; Buur and Kyed 2005, 2006, 2007; Kyed 2007). And yet customary authorities have been a controversial political issue since the colonial period. The same political party, FRELIMO, that
banned all traditional authorities, rituals, and beliefs after the 1975 revolution in the name of “antiobscurantist” socialist modernization, is currently reinstating as legitimate the very customary chiefs once decried as instruments of colonial power. These juridical reforms involve rewriting the fraught history of the country’s northern region, and the complex play of strategic power relations at the national level (Sousa Santos et al. 2006; Meneses 2006). After the colonial and socialist periods, this constitutes, in the history of the Mozambican state, a “third moment” of articulation with the realm of the customary, one which attempts to synthesize previous conditions and redeploy these authorities and their imaginaries in the service of postsocialist policies and neoliberal processes of state legitimation.

Legal recognition of the customary in contemporary Mozambique illustrates the more general return of indigeneity in contemporary Africa, where tradition, custom, and territorialized conceptions of belonging have been reinvented, with authenticity and autochthony as central tropes. In the specific case of Mozambique, the hazardous ambiguity of this reemergence cannot be overstated (Bayart et al. 2001; Geschiere and Nyamnjoh 2000; Geschiere and Jackson 2006; Marshall-Fratani 2006).4

African Indigeneity

Articulations of the customary 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 evidence demonstrates that in most of sub-Saharan Africa, local hierarchies of indigenous power were (re)constructed by colonial regimes through ethnographic inscription and juridical codification, giving rise to a system of customary authority, as well a plural legal grid, in terms of which populations were administered, violently settled, taxed, and mobilized as labor. Harsh discipline and social control were enforced in a decentralized regime of indirect rule through this realm of traditional local chieftaincies (Mamdani 1996; Chege 1997; O’Laughlin 2000).5 Yet, these same political figures are being held up today in most of postcolonial Africa as a panacea for the achievement of decentralized, plural democratic cultures and the strengthening of civil society (West and Kloeck-Jenson 1999).

Colonial rule defined indigeneity in reference to naturalizing discourses of race, blood, and filiation and 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 native subjects, subdivided into territorialized ethnico-juridical groups, ruled by customary authorities (Mamdani 1996). The moment of independence saw the category of indigeneity redeployed in the nationalist project of “Africanizing” the state, which, rather than overturning the racial logic behind colonial sovereignty, inverted it.

In the case of Mozambique, the state made authenticity the grounds for an official ban on what the socialist regime defined as backward, “obscurantist” traditions—ritual, spiritual belief, local language, as well as traditional authorities, now dubbed as mere puppets of the colonial regime. The project of collective villagization was enforced by FRELIMO in the effort to break down traditional systems of kinship and labor, along with kin-based customary authority. Yet indigeneity continued to play a central mobilizing role in the period that spanned those two moments—exemplified in dramatic enactments of popular violence: the involvement of the customary and its authorities in the anticolonial war led by FRELIMO, for instance, and in the civil war between FRELIMO and the guerrillas of the Mozambican National Resistance, RENAMO. This historical context, in turn, created the contours of the third, contemporary moment.

Postwar reconstruction makes plain the paradoxical ways in which postmodern juridico-political frameworks engineer the return of legal regimes linked 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 global political processes and markets (cf. Ferguson 2006; Hibou 2004; Geschiere 2009; see chapter 1, this volume). In Mozambique, as elsewhere in Africa, internationally led state reforms have involved the blending of “precolonial” norms (allegedly traditional kinship rules, or customary norms on issues of gender and generation) with contemporary legal forms (human rights, modern citizenship entitlements) as a potential escape from institutional impasse, or as part of the transition from armed conflict to the accountability required of modern democratic regimes (Mamdani 1996; Moore 1986; Chanock 1985; Shadle 1999; Snyder 1981; Cohen and Odhiambo 1992). Thus the recuperation of precolonial, customary practice in land tenure legislation passed in much of East Africa in the late 1980s and 1990s, or the transitional justice legislation that reinforced chieftaincy in Sierra Leone and Liberia, for example.

Conflicting and coalescing trends of nationalism, nativism, and neoliberalism operate on a field shaped by structural adjustment and transnational ventures of speculative and extractive capital that efface citizenship
rights and weaken local governance. This politics exhibits a fundamental paradox, in which a postcolonial liberal democracy enforces a modernist legislation, endorsed as progressive and future-oriented, yet simultaneously embraces the immanent, violent legacies of colonialism entrenched within allegedly primordial forms of customary law and authority. In fact, the return of the customary also responds to local struggles and demands on the ground. What are the concrete effects of the inflection that custom produces on modern democratic regimes?

Within the hegemonic policies imposed globally in the last few decades, political and economic liberalization have sought to encompass diverse localities, customs, norms, rituals, and ideologies within unified “democracies,” fostering arguments in favor of “legal pluralism,” which reinforces the ethnicization of local identities and the fetishization of putatively ancient customary law. While some of these arguments are based on legitimate local demands, these endorsements of normative pluralism can undermine unitary models of citizenship and significantly complicate the criteria of social inclusion.

In line with this, through the staging of ceremonies of recognition and by way of legal-political reform, the Mozambican state has attempted to contain the multiple, proliferating normativities (religious or traditional authorities, for example, or forms of conflict resolution and ritual) under the single category of the customary, striving to subsume all prior historical moments into a continuous present leading toward future progress (Avineri 1974). This operation recuperates the central ideological dualisms of the colonial period and revitalizes a metaphysics of difference—including the subdivision of the population into regionalisms and ethnic identities—that has been characteristic of the reconfiguration of African nation-states as they have been articulated with contemporary global geopolitics (Mbembe 2002a, 2002b; Grovogui 1996).

Despite governmental efforts to embrace difference, social relations on the ground, deeply fragmented by violent experiences of late colonialism, early socialism, and war, have not been easily reconciled. Besides the contradictions of the state’s ideological representations of the customary as crucial tool of postcolonial governance, an examination of concrete encounters and rituals of legitimization reveals the limits of the state’s project of recognition. It also makes plain that the alleged foundation of the state sovereignty in the law does not hold when subjected to the test of its own petitions of principle (Comaroff and Comaroff 2003, 2006).

Indeed, juridical distinctions between private and public, foreign and national, or state and customary become blurred when applied to actually
existing political contexts. What materializes is not a state apparatus, or a set of institutions, but rather a broad strategic field of power, in which distinct norms and alternate forms of sovereignty and citizenship struggle for expression, unfolding in an agonistic way. Let us explore an ethnographic instance of this process.

Rites of Sovereignty

"We have arrived in the capital of one of the invisible states," the administrator says, with a half smile of satisfaction. It is almost noon, and we are in a small village in the rural district of Macavelas, not far from the Indian Ocean coast, in Nampula Province, northern Mozambique in June 2004. Emerging from a myriad of little mud huts and houses, a small crowd comes forward to greet us.

During the previous few days, the administrator had been talking to me about the ineffable political entities he called “invisible states.” Like some kind of wild animal, he said—a large caterpillar in camouflage, concealing itself from the suspicious eyes of strangers—the existence of these assemblages is based on concealment, secrecy, dissimulation, silence: an oblique form of governance not assimilable within the categories of developmentalist discourse.

The administrator, the state’s local representative, nominally rules over what is a contradictory space—a district that allegedly maintains the sovereignty of the state over a given territory, ruled by official laws. Local provincial courts are supposed to have jurisdiction over conflict and crime in this area. Yet something here escapes the juridical territorialization of the social: the unit includes within its borders deterritorialized remainders from other polities, other authorities, other rules.

The administrator, who had served in various rural districts in Nampula Province since the early 1990s, had “uncovered” the “invisible state” a few years earlier, during the immediate postwar and postsocialist transition. He explained how he had gained access to manifestations of these political structures after many a patient dialogue, numerous meetings, and the mobilization of many connections in search of trust and reciprocity. In a region where imaginaries of the state are weak and its legitimacy is feeble, and a province with a deep history of hostility toward centralized authority (precolonial, colonial, or socialist) and the strong presence of RENAMO, popular mistrust of the local administration was pervasive. According to the administrator, beyond the restricted space of influence of the precarious local state apparatus—a few dusty blocks around the center
of the small town that serve as the seat of the district administration—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 that the local state cannot afford to provide.⁹

On the day when the administrator was going to make contact with this “invisible” entity in its own territory, he invited me to join his delegation, composed of administrators of subdistricts, and regulo (chief), Sukuta. The latter, the premier customary authority situated above eight lesser chiefs scattered throughout the area, had recently attained official recognition from the state as a local authority, henceforth to be included within local schemes of governance and made eligible for minor prerogatives.

We drive for two hours in a battered pick-up across the rural fields and hills where there was no road to follow, only blurred pathways. During the trip, the chief explains that the reason for our visit is the celebration of a local memorial ceremony held annually to honor Kupula Munu, a chief who had been leader of the communities in this area and a prominent fighter in the struggle against Portuguese colonialism in the early twentieth century (Newitt 1995).

Upon our arrival, a few prominent members of the community approach us, led by a man dressed in white, a local customary authority, who 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 as the queen (pyamwene) of these communities (the sovereign of the “invisible state,” in the administrator’s conception). She is a “niece” (by blood, or by political and kinship affinity) of the erstwhile chief Kupula Munu, now the actual power holder in this compound.

The main part of the ceremony is conducted at two tombs: the first, the smaller of the two, holds the remains of a relative of Chief Kupula; the second is the chief’s own resting place. But before entering the area that surrounds the smaller tomb, the queen summons us. As though we are entering another spatiotemporal dimension, she orders us to remove our watches. Organizing a line, with herself at its head, she calls us forward, first the administrator, followed by one of his closest aides, then the main chief, Sukuta; myself; and others behind me. Inside, white and blue cloths hang from the ceiling. We sit uncomfortably, legs crossed, barely seeing one another through the dangling cloths. The queen begins to speak: slowly, softly, in a lilting half voice, she offers a musical lament, almost a prayer.

The queen is speaking 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, she-as-voice-of-the-Spirit says, for its agents have not fulfilled their so-often-repeated promises. She describes the Spirit’s sadness and his awareness of the population’s needs, enumerating a list that includes basic infrastructure: a school, water, cash (“the money from last year has already run out”). She explains the people’s extreme isolation. “It is not me, it is the Spirit who laments because the government is very far away from us. Forgive me, please, if I speak bad Portuguese; it is because I live isolated, so far away.”

When the queen has finished, the administrator speaks in Makhuwa, expressing the government’s willingness to reach out to the communities, reassuring its leaders as to the possibility of collaboration and the delivery of resources. He implicitly invokes future negotiations toward an alliance in which the government would provide gifts in return for the community’s support. Afterward another official guest makes a short speech, this time in Portuguese. The queen then speaks again, bringing the ceremony to a close. This time, “development” is the keyword. She declares: “The Spirit complains; he does not feel well. The government must develop this area.” Her words, and her tone of grief and quiet authority, unfold a story, weaving 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 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 focuses on the misconduct of a local chief, whose incompetence and malice, she says, are blocking all possibilities for development in the area. Barefoot, on our knees, we listen to the woman’s whispered account 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 silently in a line towards Chief Kupula’s tomb. An aura of sacredness begins to grow, a ceremonious calm
descends on the group, and our movements become weighty. At the site of the white tomb we bend down on our knees to pass under the low door into the mortuary room. The cement building is gray inside, the darkness only broken by the sunlight filtering through a multicolored curtain hanging on the small front door. Before entering the space of the grave itself, the queen prays in a loud voice and addresses the Spirit, explaining who the visitors are and mentioning their ranks. We all clap rhythmically as she speaks. We will do it again after we leave the space of the tomb, as a sealing exercise of magic sound.

The tomb is made of cement with a roof of straw and nylon bags and with sunlight filtering through the threshold. Colorful women’s dresses and other clothes hang from the roof. Just beneath where we are sitting lie the chief’s remains. On the square tomb itself is spread a large white shirt; material dress for the immortal remains, prosaically connecting life and death. The flour scattered over the tomb, as well as several small bottles, accentuate this connection. Words bounce off the cement walls in eerie echoes. With so many of us crowded in, the atmosphere grows close, as if the slow speaking is gradually consuming the remaining air.

This is the climax of the ceremony, structured around the two mortuary spaces. The first moment had been intended as a sort of introduction, an intermediate, propitiatory time, held at the tomb of a lesser chief. This second moment is the moment 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 will soon be delivered, sounds increasingly frustrated, especially after he is interrupted several times by complaints and slight rebuttals. This is the moment of power, of circulation, and of sacrifice. Beyond the queen’s parochial introduction at the first tomb, other important community voices are heard, urgent and pressing, making more transparent the true significance of the invitation to the local FRELIMO state to attend this semi-secret ceremony: the airing of debts and gifts with a view to creating new political alliances.

At the end of the ceremony Regulo Sukuta offers up a long prayer in Makhuwa, invoking Allah and the Spirit as interchangeable central forces. The Muslim chief is a contemporary sign of a long regional history of eth-
nic and religious difference—and symbiosis. The prayer transports the king’s spirit into a more inclusive, wider sacred space, one in which African local religion merges with Islam in a symbiosis that invokes a potentially new relationship that might now be inaugurated between the local, FRELIMO administration and the “invisible state.” Before we file slowly out of the king’s resting place, we place notes and coins in a kofia, a Muslim cap that is passed from hand to hand.

As we leave the tomb, the mood evaporates. 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, its elusive borders marked by numerous white hanging cloths, we emerge into another space and time. Just beyond the rocky entrance to the tomb stand a row of six chairs, would-be thrones for the administrator and his entourage, silhouetted against gray rocks and bright green trees and plants, like a theatrical stage. Every half word spoken, every silent move remains slow and ceremonious as each visitor begins to take her seat: the administrator in the center, his two closest aides at his side. We move suddenly into the next phase of this theologicopolitical event, this cementing of promises and pacts in what is a FRELIMO political rally.

These are testing political times in Mozambique. Six months after this event, a presidential election will take place. One of the obvious aims of the FRELIMO local administration in reaching out to the “invisible state” is to gain support from its subjects and its hierarchy of leaders. From the sacred ceremony thus emerges another ritual, both performances, like sides of the same coin, revealing distinct predicaments and possibilities of contemporary politics in Mozambique and the historical precedents that shaped them. During the rally, the local representatives of the FRELIMO administration urge the rural crowd to vote for the party that has been in power since independence. Yet underlying this secular, prosaic electoralism lies another enactment, one that recalls and commemorates the dreadful events of war.

First one to address the crowd is a lower order administrator of a sub-district (chefé de posto). Speaking in Makhuwa, he talks broadly about the community’s needs, FRELIMO’s work in the area, and the importance of registering to vote in the upcoming elections. He is followed by a Secretary in charge of local governance 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. He smiles and shouts in the
classic manner of FRELIMO rallies, but with an addition in honor of the dead chief:

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

With theatrical gestures, he then addresses the crowd, weaving a narrative that links the local king with the history of FRELIMO’s postcolonial struggle. Although he is fluent in Makhuwa, he speaks in Portuguese, an assistant translating in an act of political theatre that transposes the language of the state onto that of the “invisible state,” figuring the potential of an alliance beginning 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 begins. Around the legacy of the king’s spirit, the administrator develops a political argument of broad implications, condensing many crucial moments of Mozambique’s history over the past fifty years. The events of war are conjured as he speaks, disclosing a logic that relates wars of independence with civil wars, and both with the foundations of the current democratic state. At one point, he leans over, reaching toward someone sitting in the front row, asking him to hand over his voter 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 evokes development issues (Hanlon 1996). The gift must circulate: as moral or economic value, entering a circuit that allegedly describes a perfect circle and yet, as the queen’s speech made clear, and as everybody seems to acknowledge, when referring to politics, money, or trust, this circle is constantly interrupted. The administrator’s speech refers to projects, installations, provisions. He turns toward a man sitting to his left. An important member of his entourage, he is the owner of a cashew factory that will soon open in the area and will require sixty employees, principally young men. 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, drawing on the political aura of a spirit of a precolonial chief at the heart of this community, he
outlines a process of juridical transformation taking place: a new spirit of the laws (Obarrio 2006).

The culmination of the ceremony and the rally is a shared meal: as if to seal a reconciliation between the state, customary structures, and rural political communities. The administrator’s aides busily fetch several pots of food and luxurious bottles of soda that they place on a colorful cloth spread on the ground. Then Chief Sukuta enters a mud house and brings out the queen’s husband to introduce him to the administrator. He is a retired school teacher and old acquaintance of the chief, who emerges as a hidden link, conjoining trust and opening the possibility of the articulation between the state and these communities. The small group chats briefly and a promise of employment at the new factory for the queen’s two daughters is made. All that remains now is to shake hands with the queen and the leaders of this other state. Then the administrator’s delegation heads back to the district’s capital.

**History: Between State and Customary**

I had witnessed a singular event, which could nevertheless be related to an extended series of acts taking place at the time, across the nation-state: minor spectacles in which the state recognized the legitimate authority of various customary chiefs (Buur and Kyed 2005, 2006; Goncalves 2005). In these sovereign rites, state liturgy was blended with local, customary ceremonies, resulting in a fusing of both political and religious contours. The underlying goals were similar: the articulation of political alliances with local governance to provide electoral purchase; the effort to co-opt rural polities and their sacred hierarchies, which in this region operate mostly as secret societies, based on kinship links or spiritual allegiance.

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

The ritual, with its religious contours and political rhetoric, signaled a unique moment that interrupted the flow of history and redirected its sense. This was the occurrence of a third contact, which actualized the modern history of indigeneity in the nation. Within a series of historical encounters, I have noted, 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 novel merging of past and future, or custom and law.

The first contact, we have seen, was the moment of effective colonial occupation, with its conquering and the reshaping of the customary, through the Indigenato regime (1930–1960); the second contact was the moment of postcolonial independence, of the socialist regime and its ban on the customary, understood as “obscurantist tradition” (1975–1992); the third contact marked the postwar transition to democracy, rule of law, and liberalization of the economy (1995–2005) and the reconfiguration of the local level as community. Let us examine these three phases in more detail now, as each of them constituted a redefinition of indigeneity, spanning together the colonial and postcolonial moments.

**First Contact: Colonial Indigenato**

The first contact between state and customary implied the colonial legal demarcation of indigeneity (O’Laughlin 2000; Hedges 2000; Meneses et al. 2006; West and Kloeck-Jenson 1999). This juridical context demarcated customary authorities’ prerogatives and restricted indigenous rights. This dispensation is what the socialist regime later attempted to erase, and the contemporary democratic regime, in turn, aims to refigure it in a new light.

The Indigenato regime was a juridical organization of the territory of the colony, which placed the native population under the sovereignty of customary chiefs (Pels 1996). It entailed a 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 control, were intricately linked, set in motion by the force of law, which mobilized a shift from the condition of the slave to that of a “free laborer” under Portugal’s fascist-capitalist conditions (Hedges et al. 1993; Isaacman 1996). Processes of classification relying on the category of indigeneity and its racialized, territorialized tropes perpetuated the diminished legal status of local African populations. In Mozambique, from the 1890s, chiefs were enrolled in the process of governance, first by concessionary capitalist enterprises, then by the colonial state, reproducing customary low in the process (Harries 1994).

Around the 1920s, the system of traditional authorities was adapted to
the new official policy of indirect rule. The revised regime of 1929 classified the great majority of the Mozambican “indigenous” population into tribes, presupposing a common language and culture, where individuals were subjected to the authority of chiefs, defined as autoridades gentílicas (kin-based authorities). In the geographically marginal regions of the country, where effective occupation was weak, local chieftaincy became an extension of colonial rule. Alongside the process of producing traditional culture, customary law was codified by colonial functionaries and amateur ethnographers. This construction of a realm of “law outside the law” was essential for the consolidation of the colonial state apparatus. A tripod formed by ethnic provenance, territorialization, and ancestral authority was the stand upon which the subjection to customary law was sanctioned.

Meanwhile, civil law regulated the lives of the citizens (settlers and assimilados) as well as disputes between foreign settler citizens—or the state—and the indígenas.

In 1944, a new colonial ordinance formally ascribed to chiefs the status of “assistants to the administration,” and they became an integral part of the colonial state. Chiefs received a percentage of the hut tax that they collected and benefitted from the recruitment of labor and the sale of produce from mandatory agricultural labor. They also controlled land tenure in the indigenous reserves, zones ruled according to customary law, and ran their own police forces (regulados).

Throughout the colonial period, the local legitimacy of chiefs was fraught, subject to the arbitrary policies of indirect rule and its codification of the customary. While the legitimacy of chiefs was based on supposed filiation with local royal lineages, the Portuguese regime effectively appointed and deposed chiefs at will. In 1961, when Mozambique became an overseas province, the Indígenato regime was abolished. Yet while the status of indigeneity changed, the categorical distinction between indigenous population and settlers persisted. Those defined as indígenas became Portuguese citizens but remained subject to the customary law and the regulos, the latter becoming part of the local administration. By 1964, at the beginning of FRELIMO’s guerrilla war, the abolition of the Indígenato regime had not in fact granted citizenship rights to the majority of the population. Instead, the colonial regime’s counterinsurgency campaigns made the power of some customary authorities even more repressive. A decade later, Mozambique would gain its independence, but the customary would continue to shape the postcolonial political field in crucial ways, through local ritual, regional power, and war.
The trajectory of postcolonial chieftaincy during this second contact unfolded at the intersection of three axes: politics, economy, and violence (Dinerman 2006; Pitcher 2002; Lubkemann 2007). The project of socialism, not merely as a modality of political organization but as a mode of production, marked the FRELIMO stance toward chieftaincy. In the 1980s in the north, the legitimacy and control that some chiefs still held signaled the political and economic relevance of these figures, despite a decade of repressive policies. In those regions, the FRELIMO regime co-opted some among the local authorities into “chiefs of production.” The violence of the civil war was the other main vector that shaped the trajectory of customary authority, with many chiefs supporting the RENAMO guerrillas and mobilizing populations behind the promise of reinstating customary power once the rebels gained control of the nation. The axes of violence, politics, and economy formed the basis for a modernization project aimed at transforming the countryside 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 political economy, while the other engaged with juridico-political issues. The most crucial effect of villagization for local governance was the attempt to dismantle the colonial system of customary authorities. 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 society. Nonetheless, social structures based on kinship and hereditary succession never actually disappeared after independence. FRELIMO’s policies—such as collectivization, economic socialization, and the rejection of chiefs—would later be seen as the main causes for the support for RENAMO by vast rural populations—and their chiefs—in the center-north of the country.

The civil war (1977–1992) in the rural areas worsened an incipient divide between party-state structures and the rural population (West and Kloeck-Jenson 1999; Chan and Moisés 1998; Chingano 1996; Finnegan 1992; Hanlon 1984; Minter 1994). RENAMO guerrillas launched a war of sabotage, massacre, and terrorist destabilization, targeting infrastructure and civilian populations. RENAMO also discovered the strategic value of establishing links with customary chiefs marginalized by FRELIMO. In many areas RENAMO used local structures of power as intermediaries in its own administrative hierarchy (Vines 1991). At some point, forced by the
harshness of war and the precarity of its power and material base, FRELIMO also started establishing strategic alliances with chiefs in northern areas.

Through his fieldwork conducted in Nampula Province during the war in the 1980s, French anthropologist Christian Geffray (1990) 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 by the masses to FRELIMO’s policies regarding the customary, opposition coordinated by former chiefs in what came to be defined by experts as a “war of spirits” (Wilson 1992). Geffray’s views were later adopted by sectors within FRELIMO and by Western donor institutions that, with the end of the Cold War, began exercising a deep influence in Mozambican governance in terms of the legitimization of customary authority.

**Third Contact: Postcolonial Democracy**

These prior periods of articulation and suppression were followed, then, by a third moment, in which the postsocialist state reversed its previous commitment to the effacement of tradition within a context of negotiation with transnational donors and development agencies.

In the aftermath of the civil war, foreign actors—who had played a major role in brokering the cease-fire—argued that general elections were necessary to balance opposing militarized forces and render them both more accountable. Local elections would also allow “civil society” to evolve out of the centralized socialist FRELIMO state. An underlying assumption espoused by development agencies who supported state decentralization was that traditional authority would once more play a role in local governance within a representative democracy (Mamdani 1996; Bayart 2009; Comaroff and Comaroff 1999). In the early 1990s, even before the war ended, sectors within FRELIMO, in alliance with donors, had already explored the potentialities of reviving customary chieftaincy. In 1991, the Ministry of State Administration organized a Ford Foundation-funded ethnographic research project on traditional authority that commissioned field research and held meetings with former chiefs and assemblies with local populations, generating an idealized, ahistoric view of “African authority.” In 1994, before the first postwar general elections, the government passed legislation that was based on conclusions from that research project and addressed the devolution of various governmental functions to municipalities, legislation that allowed for traditional authority to be incorporated
into local mechanisms of state governance. That project later became a USAID-funded unit, located within the Ministry of State Administration. Its work on administrative decentralization and chieftaincy before the elections of 1999 led to the Decree of 2000, which stipulated the recognition of community authorities, placing them on the same level as other local figures of power such as religious leaders or former socialist secretaries.

In this manner, the state rewrote decades of history by drafting new legal regulations and enacting gestures aimed at eliciting the allegiance of local communities—like ceremonies of chiefly recognition that resembled “ancient” spiritual rites. Encounters of state and the customary in northern Mozambique by way of theologico-political rituals—like the meeting at the tombs in the “invisible state,” described above—brought together three distinct epochs—precolonial, colonial, postcolonial—within a single, ongoing temporality.

The practices of repression and vassalization of local chiefs undertaken by the colonial state (1930–1960), as well as the policies of banning and deportation enacted by the socialist state (1975–1985), fostered a process of seeking out local authorities who were sympathetic to the state in otherwise hostile terrain. This process involved a dialectics of invisibility and recognition, a politics of visuality aimed at distinguishing friends from enemies, underneath layer upon layer of strategy, concealment, and distortion. Thus an optical form of power was enacted: a practice of staging a theatrical performance of state authority, rendering the state present and visible through rituals in which, as the protagonist of this stylized drama, it aimed at dialectically defining its elusive other—indigeneity, or the rural customary—as a ghostly antagonist (Scott 1997; Das and Poole 2004).

As happened in the heyday of colonial rule, so in the middle of the first decade of the twenty-first century, a growing number of disputes occurred in the northern regions among kinship groups and individuals over legal succession to customary office and official state recognition, this amidst renewed pressures from the state. The chiefs were once again agents of local governance and control, tax collection and conflict resolution, as well as participants in economic development and the organization of voter registration and local elections. Disputes over the succession to customary authority were thus shot through with partisan angles of confrontation. The resurging ascendency of chiefs was caught within struggles between FRELIMO and RENAMO, for instance. In fact, each instance of electoral political struggle restaged, in a lesser way, the contours of the civil war.

We have seen, in the rituals described above, how the state mobilizes symbolism drawn from various historic phases of violence—anticolonial
struggle and civil war, as well as the Cold War\textsuperscript{21}—in staging its contemporary democratic phase, which was itself the negotiated outcome of a violent conflict (Geffray 1990; Honwana 1997, 2002). Indeed, on the occasion of the performance of those rites, the speech of the local state representative traced a path from the state to “the community,” depicting the upcoming election, in which the local community should choose “the party of peace” as the culmination of a long armed struggle beginning in the colonial period.

The ceremonies described above seemed to illustrate a suspended temporality that was prevalent throughout the nation in the middle of the first decade of the twenty-first century, created by historico-political forces that move simultaneously “progressively” toward the future and “backward” toward the past. The local state’s approach toward the “invisible states” condenses several facets of the contemporary political moment and its coalescence of temporalities. 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. What was being reconsidered both at the level of the central state and at the level of local governance 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, while placing an emphasis on 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 reemergence of indigeneity, as well as its promise of freedom and emancipation, is directly related to the contemporary reconceptualization of what both the scope and the meaning of the precolonial actually were.

It could be argued that the relatively short period of colonial rule produced a rupture in history, a scission that arbitrarily established a previous time of the precolonial.\textsuperscript{22} Today the state aims at politically defining the contemporary moment by reference to this spectral—present/absent—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, open-ended, and “flat” political temporality. Such is the meaning of the juridical rewriting of the historical past and the political mobilization of traditional authority, customary law, and spiritual ritual.

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 Afromodern urban sphere as a space of primitivism, deeply associated with nature itself. Custom is located by agencies of governance in a chain
of significations associated to nature, kin, blood, local genealogy, and tradition—a series connected to a kind of spiritual authority, to “justice by reconciliation,” and to a historicity that represents time as static: the eternal return of the same. Urban political elites portray customary authority—in policy, legislation, media—as infused with charismatic power, based on interaction with the spiritual realm, both spirits of the ancestors and those linked to natural resources. Amidst the democratic juridical reform of the state, the concept of the customary only began to regain currency in the early 1990s, in relation to land tenure reform. The capacity of the chief to distribute land also strongly relates this figure of authority to nature. The rural countryside, allegedly the true realm of the customary, has been re-coded as the space of community, the new keyword for indigenous locality deployed by local and foreign development agencies (Berry 2001).

The various political technologies at play in shaping the contemporary polity—legal discourse, political economy, public policy—certainly present neocolonial contours: decentralization; resurgence of chiefs as local government and enforcers of customary law; restrictions of citizenship rights; and a restructuring of the foundations of sovereignty. Remainders of state authority mingle with a montage of governmental practices exercised by an elusive “international community”—namely a compound of Bretton Woods institutions and various donor agencies (Macamo n.d.). At times, the figure that emerges is that of a latter-day protectorate, made up of national and transnational actors: a blend of postsocialist national(ist) elites and a neoliberal foreign assemblage of agencies. The reproduction of the realm of indigenous custom, which has connotations of a tabooed yet primordial authentic space, seems to be essential for the image that the Mozambican state projects to international agencies, which provide the majority of the national budget.

Indeed, a foreign vector intervenes at every level, shaping the outcome of political processes: from the development-oriented capital city, buoyed up by financial flows with obscure origins and effects, to the rural countryside of the customary villages. Such forces define macrolegal reforms at the central level, design the reemergence of the customary as local community, and adjudicate conflict over land tenure (Merry 2003). This transnational element is even present, we have seen, at a remote locality in the north, where a spiritual ceremony takes place, to be followed by an attempt by the local state to reconcile itself with an indigeneity that had been neglected for decades. The customary, or at least those of its layers made visible by the state, is annexed through a double bind of simultaneous political inclusion and exclusion. The rule of law of modern liberal democracy, the
constitution, absorbs the plurality of differences under an absolute universal positive norm. This political context represents for both the local political postcolonial elites, and for their international humanitarian and developmentist tutors, a perfect canvas on which is depicted the classical myth of a social contract emerging out of states of war and states of nature (Hall and Young 1997). The chief reemerges today as embryonic incarnation of this new commonwealth, as an inverted replica of the state apparatus, or a small Leviathan (Obarrio n.d.).

### Spirit Level

The morning after our excursion to the invisible state, the administrator, some of his aides, the chief, and I met at the chief’s house, at the small district capital. The house was located next to a small mosque, and near a local state post, outside which people were queuing, waiting to register to vote in the upcoming general elections.

The men had gathered to seal what had been evoked the day before. We went outside the house, kneeling around the grave of the chief’s father. The space of this third tomb would host another conjunction of religious sentiment and political manoeuvre, both a continuum and a rupture with respect to the ceremonies held the previous day.

Two key characters stood face to face, two figures who, throughout the last hundred years of history, had incarnated an agonistic relation of power in the locality: the administrator and the customary authority. Indeed, in this region, the reproduction of history had been based on the fluctuating alliances and struggles between a representative of the local (colonial, post-colonial) state and a chief. The rule of law of the liberal-democratic regime had brought these two former adversaries together, standing side by side at the edge of the grave that kept the mortal remains of the chief’s father.

Among a few other people, the sheikh of the small mosque was also present. Yet it was the chief who first raised his arms and prayed. This time, his plea was made in both Makhuwa and Portuguese. Once again, the prayer was addressed both to Allah and the Spirit, eliciting a syncretism of the various histories of locality and the translocal expansion of Islam into the current historical meaning of the “customary.” The chief prayed to the spirits for the soul of his father, who had also been a regulo, within a long family line of “customary” hierarchies. In his prayer the chief narrates that his father had been part of King Kupula’s forces who had battled against the colonizer.

Chief Sukuta prays to the Spirit. Each invocation is a flowery display of
historical references: dates and places where struggles, negotiations, strategies, rebellions, and alliances took place, ending with a reference to this town, to the dead chief, to his grave. It is a sacred speech, which evokes death as a main political marker of this area’s history. The chief asks the Spirit to watch over his father’s soul, so that it can illuminate current life in the district; to hold him close, so that his son’s work for the People of the region will be guided by the Spirit itself, mediated by the father’s soul.

Chief Sukuta prays, his arms raised as the speed and tone of his grave, dark voice escalates. The plea to the Spirit seems to endow kinship with a sacred aura, re-linking two fundamental pillars of the legitimacy of “traditional” authority, overlooked by the current juridical recognition. The prayer, imploring the Spirit to descend and become a powerful force in this locality, evokes a key aspect of chieftaincy, its meditation with an otherworldly space populated by invisible forces and the elements. The chief is a secular political interface between local state and “community,” working in prosaic development, fiscal, and electoral issues. Yet the legitimacy of his authority is based as much on negotiations established both with profane state authorities as well as with a world of supernatural powers.

The renewed influence of chiefs had been increasing since the final stages of the war in the late eighties, when the governor of the province established collaborations with “customary authority” in which regulo Sukuta participated. In the past, certain chiefs had exerted influence in sporadic ways, through kinship links, on the party cells and local socialist state units. Yet broad sectors of the population in this region celebrated the governmental ban on chiefs, broadly viewed by their “subjects” as arbitrary, violent local tools of colonial rule. There was a widespread adherence in the North of the country to early FRELIMO policies regarding education, health, and development, until around 1979, when the harshness of war and scarcity, as well as the effects of collective villagization, undermined that earlier support. This political tension was present at the scene that brought together the state delegation and the chief.

Now the chief is finishing his prayer at his father’s grave. The plea ends with a reference to his current contingent ally, the administrator, inviting him to speak. Kneeling in front of the cement grave, the administrator presents a blend of prayer and political reverence: referring to the dead man with almost worshipful veneration. He alludes to the dead chief and thanks the Spirit for the work currently being undertaken by his son, the chief.

The administrator’s words appear duplicitous, conveying a fictive message on the history of relations between the socialist state and the “customary.” Yet the message accomplishes the performative effect of opening a
potential space of agreement. The few words that the officer utters in the lonely twilight are at the same time an act of mourning, a prayer, a political speech. Moreover, his words seem like small archival pieces from the kaleidoscope that is the history of the region, in which at any given conjuncture, due to the dynamics of war, politics, law, the economy, or “development,” men and women exchange places, masks, customs, arms, or banners, creating new social configurations.

The administrator declares his gratitude for the chief’s collaboration with local governance and asks the Spirit for support for his own local administration. Finally, he requests help toward the victory of FRELIMO’s current presidential candidate in the incoming general elections, “so the government can continue with its task of development.” The teleological discourse of progress (democracy, development) embraces “tradition,” carrying it toward the completion of its historical logic.

The names of the party and of the presidential candidate—who will visit this town in just a few days’ time—echo in the void of the approaching night, and then there is only silence. The administrator stands up after he has finished his prayer. Yet one more person has to speak for the séance to be complete. Finally, the sheikh of the nearby mosque closes his eyes and prays in Arabic to Allah. After this short prayer we shake hands and it is all over.

The Politics of Secrecy

Yet as we witnessed in the ritual meeting at the tombs in the Macavelas district, where the state sought to reconcile itself with its indigenous other, something ethereal emerges in the encounter between them, an element of local power that exceeded the alleged transparency of administrative practice and state regulation. Indeed, the religious and political lines of that partly sacred, partly profane circuit of reciprocity carried traces of (sanctified, secret) norms that could not be absolutely enclosed by the current (secular, transparent) rule of law. Traces of spirituality, violence, and exchanges with otherworldly realms, which were constitutive of chieftaincy in the region, exceed political calculation and the legal regulation that attempts to accommodate the customary within a negotiated peace process and the new democratic regime.

The vernacular territory of a shadowed “invisibility” appears, in the eyes of state officers, to erect one trench upon another in the ideological warfare against the assault of the state, that is, different barriers to prevent the codification by official optical devices. This takes place within a histori-
cal condition of segmentary formations opposing the surveillance, control, and repression of different versions of the state, from Portuguese indirect rule up to the FRELIMO postindependence programmatic reforms and the civil war. Local communities attempt to reap the spoils of precarious development programs and commercial investment and still elude the mechanisms of control attached to them.

At the moment of third contact, the claims of the state to fully subsume indigeneity and thus congeal it into an apparatus of government confronted its limits. The visibility and legibility of indigeneity is occluded by secrecy, and the recognition of its legality and political legitimacy is interrupted by mutual suspicion.

Recall that during his speech outside the tombs, the local administrator in Nampula spoke of the construction of a cashew factory that would offer employment to the local community. The construction had begun well, months earlier, the Portuguese owner hiring many workers from amongst 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 that this particular project 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 altogether, and shortly, construction of the factory ground to a halt. Several weeks later, the Portuguese owner 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 was reached in order to resume work that involved the performance of a series of sacrifices to spirits and the exchanges of material gifts and money.

The alleged invisibility of these states is thus an ambiguous attribute, whose potential political meanings and effects disseminate endlessly. Just as the urban representations of the customary ignore the dynamic nature of these polities and their fashioning through colonial violence, this label of invisibility was also a sleight of hand of a struggling local state. The perception of secret organizations of local leadership is part of the structure of the postcolonial state and its (re)construction of indigeneity. Obviously, from the point of view of rural populations, there is nothing invisible about their structures and norms, their figures of power and internal strug-
gles, even if their leadership operates as secret societies. Their interactions with other instances of power partake of the fabric of everyday life and the ongoing reconstruction 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 painstaking reconstruction of life in common. They are the real, yet spectral, double of the customary that is constructed both by the central state and by the foreign development industry. The purported invisibility that effaces them is predicated on the silent coded commandments that circulate within their ranks. Beyond those limits, secrecy is a law and sacredness a narrative that together 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 an optical acknowledgment (Comaroff and Comaroff 2004; Povinelli 2002; Oomen 2005; Crais 2006) that only attained one level of the officially recognized customary. The official recognition of a legally reformed indigeneity advances a representation of customary authorities and law as genuinely traditional and bearing a legitimacy that would reside almost outside of historical time. 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 shows that it is a struggle of suspicion and secrecy, of mutual rejection and pursuit. It is a war of positions in which the present constructs a certain past, toward the juridical self-fashioning of the state through the creation of a border zone that separates it from the customary as its alleged other. The dialectical circuit that merges the various levels and epochs produces a leftover. The field of the vernacular—its sacredness, its secrecy, its history of violence—cannot be fully assimilated into the juridical recognition of the customary enforced by the modernist secular state and transnational agencies.

Conclusion

The historical legacies of colonial indigeneity reveal its profound ambiguity as a foundation for new, more democratic forms of political life. Fetishized by national and transnational actors alike as the authentic precolonial
customary, it is based on contemporary interpretations of a mythologized past and bolstered by new legislation attending to local culture, rights, and diversity in the wake of the decentralization of the state and the deregulation of markets and land property. Thus accredited, it functions as an unexamined ground for the legitimacy of newly recognized forms of local power exercised on behalf of the state.

As our encounter with the “invisible state” makes plain, the revitalization of indigeneity in the neoliberal moment uncovers fractures and ruptures that escape postcolonial governmentality and its totalizing aspirations. Yet this does not necessarily imply the failure of state power or the weakening of elite domination. Instead, the politics of recognition reveals the centrality of structures of autochthony and its tropes for the reconstruction of the state in Africa (see chapter 1, this volume). The political conundrums of this process are exposed in the state’s bid for hegemony and legitimacy, relying as it does upon a political history branded by violence and a contradictory interplay between bylaws with potential for emancipation and fierce, authoritarian statutes from the past that collide with human rights and international law.

Thus, the return of the customary in Africa should be analyzed within a shift in forms of governance and modes of domination of the state (Coronil 1997; Das and Poole 2004; Mitchell 1990; Ferguson 2001), the latter understood not as an apparatus but rather as an extended ensemble of relations, giving rise to new sites of negotiation and conflict among international agencies and transnational capital, urban elites and local holders of power, whose political outcome appears to be dangerously uncertain.

Notes

2. The decree creates a sort of “postsocialist tradition,” so to speak, locating chiefs as legitimate traditional authorities at the same level as other local figures of power, such as former socialist secretaries, or neighborhoods or religious leaders, all defined under the rubric of “community authorities.” Decreto 15/2000, Boletin da Republica, 20 de Junho, Maputo, Publicacao Oficial da Republica de Mocambique. On the decree, see Boaventura de Sousa Santos (2006); on the historical conundrums of customary authority, see Buur (2006) and Buur and Kyed (2005).
3. FRELIMO abandoned Marxism-Leninism at its 5th Congress (1989). A new generation of high-ranking officers has since emerged, yet the leadership at the level of the Central Committee remained the same as that which led the postindependence process. Joaquim Chissano remained the president for nineteen years following the death of historic revolutionary leader Samora Machel in 1986. His successor, Armando Guebuza, who won two general elections after 2005, was the first minister.
of interior after independence. In 2014, the FRELIMO candidate Filipe Nyusi became the first Mozambican president who did not fight in the war of independence.


5. This essay elaborates on the analysis of colonial refashionings of the customary through indirect rule (and of “decentralized despotism”) by Mahmood Mamdani, seeking to move beyond some of its less flexible historical and ethnographic aspects. See also the debate among Mamdani, Cooper, Austen, and Ferme in *Politique africaine* (1999). In order to study a proliferating array of vernacular spaces and avoid some of Mamdani’s dichotomies (citizen/subject, state/customary), I follow elaborations offered by Gayatri Spivak (2000). For the specific case of Mozambique, see the debate between Mamdani and Bridget O’Laughlin (2000) in *African Affairs*.

6. Mayor of a district.

7. The “invisible state” is a phrase used by local state officials; indeed, a rhetoric of invisibility and suspicion regarding indigenous forms of power—undetectable by the sensory apparatuses of the state—had wide currency among such local officers at the time of my fieldwork.

8. The name of the district has been changed.

9. I consider the administrator’s account to be in line with descriptions of the dynamics of resilient precolonial rural semi-secret political structures in the former Portuguese colony of Guinea-Bissau, in Forrest (2003). On the rooting of African states in rural structures of filiation, power, and accumulation, see Bayart et al. (1992).

10. This refers to the multiple forms of distance—political, material, and symbolic—existing between the local state and the communities. This separation had been intensified by war, when the customary to a large extent fought against the state in the center-north of the country. Invisibility here does not refer merely to the political concealment of the community and its authorities but also to their being unapproachable through lack of physical access.

11. Later on, the chief would reveal himself as the one who actually engineered the encounter between the local state and this community in the context of this ceremony.

12. Approximately 20 percent of the Mozambican population are Muslims. Mozambique has had a strong Islamic presence since the arrival of Arab sheikhs and traders in the north of the territory in the twelfth century. In provinces like Nampula, indigeneity and customary authority are synonymous with Islam in its African form.

13. These remarks condense a whole history of political reversal: the officer’s speech blends a range of references that would have been unthinkable a few years earlier but are sensible in light of the more recent recognition of indigenous authority. Thus he makes reference to FRELIMO government alongside mention of an ancient local customary chief, a prominent member of the lineage system that FRELIMO had opposed and attempted to dismantle after independence.

14. The speech presents the current democratic regime as a transposition of the previous situation of war. FRELIMO and RENAMO, former enemy war camps, competed in 2003 for the democratic vote, which also meant struggling over the chiefs’ loyalty in a province where chiefs have shown a strong support for RENAMO since the civil war. The speech superimposes this history over the canvass of the anticolonial war led by FRELIMO, which had Nampula Province as one of the main battlefields. The “customary” played a crucial role in both instances of war.

15. The *Indigenato* regime was ideologically parallel with the French colonial Code de l’Indigénat (1888–1947), which had established the subaltern juridical status
of natives of French colonies through taxation and corvée labor. The Indigenato followed the guidelines of British and French indirect rule, although it also created a small sector of “assimilated” native subjects, who enjoyed certain citizenship rights.

16. The notion of a “third contact” alludes to a triad of moments of collusion between state and customary and is also a reference to Michael Taussig’s conceptualization of a “second contact” in the negative dialectics between colonizer and colonized, in which the latter mimes and instrumentalizes the images of the former in order to regain symbolic power. In the third moment, the Mozambican state attempts to reincorporate the political imagination of chieftaincy it had previously banned and execrated (Taussig 1993).

17. This ideological move implied a reconfiguration on behalf of the state and foreign donor agencies of rural customary authority as part of an incipient civil society. In contrast, the terms of democratic inclusion in Africa are overdetermined by the legacy of the colonial divide between rural indigeneity and urban citizenship.

18. See, for instance, the essentialization of indigeneity espoused by the project’s director Irae Lundin (1988). I thank Irae Lundin for discussing some of her views on autochtony with me during an interview in Maputo in 2000.

19. The notion of “becoming,” and of entangled temporalities in contemporary Africa more generally, has been developed by Achille Mbembe (2001).

20. The local category of “invisible” states could also be linked to an “optical unconscious of the state.” My reflection on the political as a nontransparent realm, and governmentality as a “dialectics of seeing,” alludes to Walter Benjamin’s intuitions. On Benjamin, see Krauss (1993) and Buck-Morss (1989).

21. See the classical ethnography by Henri Junod (1962) on Tsonga in Southern Mozambique.

22. The period of effective occupation by the Portuguese colonial state (1930–1975) was preceded by a precoliclinal era of imprecise limits. Should the precoliclinal be defined as a period before the implementation of Portuguese control and rule by European companies (1880s), or before 1498, the moment of the arrival of Vasco da Gama on the Mozambican coast and his encounter with Arab chieftaincies in the 1500s?

23. “Communities are individual juridical persons like corporations, and they know their spatial limits very well,” a high-ranking program officer from an international development agency told me during an interview held in Maputo in 2003. I had observed that often, what was being demarcated as “customary communal land,” based on “historical continuities,” was actually, according to archival evidence, the territory of chieftaincies established by the Portuguese colonial regime.

24. On the “limits of recognition” in the context of legal pluralism in Mozambique, see Sousa Santos et al. (2006). For a parallel example of settler colonialism in Australia, see the work of Elizabeth Povinelli (2002).

References

Abrams, Philip

Avineri, Schlomo
Bayart, Jean-François
Bayart, Jean-François, Peter Geschiere, and Francis Nyamnjoh, eds.
Bayart, Jean-François, Achille Mbembe, and Comi Tolabour

Benjamin, Walter

Berry, Sara

Bertelsen, Bjorn

Buck-Morss, Susan

Buur, Lars

Buur, Lars, and Helene Maria Kyed

Chan, Stephen, and Venâncio Moisés

Chanock, Martin

Chege, Michael

Chingono, Mark F.

Cohen, David W., and E.S. Atieno Odhiambo

Comaroff, Jean, and John L. Comaroff

Comaroff, Jean, and John L. Comaroff, eds.


Comaroff, John L., and Jean Comaroff


Coronil, Fernando


Crais, Clifton


Das, Veena, and Deborah Poole, eds.

2004 Anthropology in the Margins of the State. Santa Fe, NM: SAR Press.

Dinerman, Alice


Dozon, Jean-Pierre.


Ferguson, James


Finnegan, William


Forrest, Joshua


Geffray, Christian


Geschiere, Peter


Geschiere, Peter, and Stephen Jackson


Geschiere, Peter, and Francis Nyamnjoh


Goncalves, Euclides


Grosvogui, Siba

Hall, Margaret, and Tom Young

Hanlon, Joseph

Harries, Patrick

Hedges, David

Hedges, David, Aurélio Rocha, Aurélio Medeiros, Gerhard Liesegang, and Arlindo Chilundo, eds.

Hibou, Beatrice, ed.

Honwana, Alcinda

Isaacman, Allen

Junod, Henri

Krauss, Rosalind

Kyed, Helene Maria

Lubkemann, Stephen

Lundin, Irae Baptista

Macamo, Elídio

Mamdani, Mahmood


Povinelli, Elizabeth

Republic of Mozambique

Scott, James

Shadle, Brett L.

Snyder, Francis

Sousa Santos, Boaventura de

Sousa Santos, B., J. Trindade, and M. P. Meneses, eds.
2006 Law and Justice in a Multicultural Society: The Case of Mozambique. Dakar: CODESRIA.

Spivak, Gayatri Chakravorty

Taussig, Michael

Vines, Alex

West, Harry

West, Harry, and S. Kloek-Jenson

Wilson, Ken

Young, Crawford