

SOMETHING GOOD BUT NOTHING TO BE PROUD OF

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SOMETHING GOOD BUT NOTHING TO BE PROUD OF

Inheritance and Succession Practices,
and Sociopolitical Stakes in Times of
Decentralization in Marracuene, Mozambique



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Abstract

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This ethnographic study focuses on inheritance and succession practices and sociopolitical stakes in present-day Marracuene in southern Mozambique. It explores how in contexts of rapid economic, social, cultural and political change, individuals, social actors and institutions deal with inheritance and succession rights, both when the property holders and incumbents are still alive and after they have passed away. Besides exploring legal processes, this study approaches inheritance and succession as social, cultural, economic and political processes.

The study is based on twelve months of fieldwork, and, to a lesser extent, archival research. It focuses on inheritance and succession through five entry points. First, the study looks at how people deal with inheritance and succession rights pertaining to their own life situation. Second, it explores cultural understandings, as well as different strategies and arguments mobilized to secure and safeguard inheritance and succession rights. Third, the study investigates how individuals anticipate what is going to happen with inheritance and succession after their passing. Fourth, it explores how in global, national and local arenas rights and interests of traditionally weak social actors, such as widows and orphans, are defended and protected from disinheritance and dispossession. Fifth, the study analyses the extent to which local inheritance and succession practices relate to, and are influenced by, ongoing sociopolitical transformations, such as decentralization and urbanization, in Marracuene.

Ethnographically, the study describes and analyzes actual inheritance and succession practices and strategies of individuals, kin groups and various sociopolitical institutions. The study furthermore describes and analyzes local politics, notably in relation to decentralization processes, so as to analyze the practical implications of the fact that chieftaincy and other community-based positions are nowadays defined as “community authorities,” according to the Mozambican state law.

The findings show that there are general principles of inheritance and succession: a man is supposed to transfer inheritance to his wife and children and to be succeeded by his eldest child. However, such principles are often overruled, which can lead to disinheritance and dispossession of widows and orphans. The actual inheritance and succession practices result from a combination of factors. They include the economic and cultural values of the properties and positions in question (and the ways through which they were acquired), the power and authority of the actors, the power relations between different social actors involved in each case, the normative orders referred to and their interpretation and practical implementation, and the institutions involved in the process of decision-making. Overall, people have different understandings of inheritance and succession that furthermore more influence practices. In a local context of legal pluralism, individuals and groups tend to combine different normative orders and practices to claim and secure their rights, or to protect themselves whenever their rights are questioned. Through detailed ethnographic descriptions, the study demonstrates that inheritance and succession are complex processes and depend on economic, social, cultural and political factors at play in specific circumstances.

Keywords: Inheritance, succession, dispossession, legal pluralism, Marracuene, Mozambique, urbanization, decentralization, anthropology.

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Abbreviations and Acronyms

ADOCA – Association of Housewives
AIDS – Acquired Immunodeficiency Syndrome
AMETRAMO – Mozambican Association of traditional healers
AMMCJ – Mozambican Association of Women of Legal Career
AMODE – Mozambican Democracy Association
ANAMAR – Association of Friends of Marracuene
ANC – African National Congress
ARPAC – Socio-Cultural Research Institute
ASSOMUDE – Association of Women and Democracy
AVIMO – Rede Viária de Moçambique, SA
AWEPA – Association of European Parliamentarians with Africa
BCI – Mozambican Commercial Bank
CEDAW – Convention on Elimination of All Forms of Discrimination
against Women
CFM – Mozambican Railways Company
CIO – Central Intelligence Organization
CIP – Public Integrity Center
COGROPA – Parastatal in charge of nationwide distribution of consumer
goods
COVID-19 – Coronavirus disease
CRM – Constitution of the Republic of Mozambique
CTT – Post Offices, Telephones and Telegraphs
DDMCAS – District Directorate of Women and Social Action
DEMG – Department of Women and Gender Studies
DNTF – National Directorate of Lands and Forests
DUAT – Right to Use and Enjoy Land
EDM – Mozambican Electricity Company
FADM – Armed Forces of Defense of Mozambique
Projecto FO-4 – Forest project for the production of woody fuels in the
City of Beira

Projecto FO-2 – Forest project for the production of woody fuels in the City of Maputo
Projecto FO-5 – Forest project for the production of woody fuels in the City of Nampula
Fórum Mulher – Women`s Learning Partnership
FRELIMO – Mozambican Liberation Front
GDM – District Government of Marracuene
GDs – Grupos Dinamizadores
HIV – Human Immunodeficiency Virus
IMF – International Monetary Fund
INASS – National Institute of Social Security
INE – National Institute of Statistics
LCs – Local Councils
MAE – State Administration Ministry
MANU – Mozambique African Union
MC – Master of Ceremonies
MDM – Democratic Movement of Mozambique
MINT – Ministry of Interior
MISAU – Ministry of Health
MMAS – Ministry of Women and Social Action
MOZDG – Mechanism for Donating to Local Communities in Mozambique
MOZDIR – Rural and strengthening the resilience capacity of communities in Mozambique
NGOs – Non-governmental Organizations
OJM – Mozambican Youth Organization
OMM – Mozambican Women Organization
OMR – Rural World Observatory
PARP I – Plan for Reduction of Absolute Poverty I
PARP II – Plan for Reduction of Absolute Poverty II
PAVV – Action Plan to Combat Violence against Women and Children
PESOD – District Economic and Social Development Plan
PIDE – International Police and State Defense
PRE – Economic Rehabilitation Plan
PRES – Economic and Social Rehabilitation Plan
PROL – Local Government Reform Program
RENAMO – Mozambican National Resistance
SADC – Southern African Development Community
TCV – All against Violence

TJCM – Maputo City Judiciary Court
Tmcell – Mozambique cellular
UDENAMO – União Democrática Nacional de Moçambique
UEM – Eduardo Mondlane University
UN – United Nations
UNAMI – União Nacional Democrática de Moçambique Independente
UNICEF – the United Nations Children’s Fund
UNIFEM – the United Nations Development Fund for Women
WB – World Bank

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Chapter 1. Introduction

This study is about inheritance and succession practices in relation to social and political change in urban Mozambique. It results from an ambition to understand how people concentrated in rapidly expanding intercultural urban contexts deal with issues related to the transmission of material and immaterial properties (inheritance), on the one hand, and of positions of sociopolitical and cultural authority (succession), on the other. The title *SOMETHING GOOD BUT NOTHING TO BE PROUD OF* is drawn from a discussion with some Ronga¹ informants. It was a statement made when talking about inheritance. While inheritance is certainly something good, those who inherit cannot be proud of it, the informants recognized, as the heritage is not what they have worked to acquire themselves. Hence, the statement indicates the local widespread inheritance ethics, that is, the social and moral value about how much importance, in the daily life, people should assign to the inheritance of material and immaterial things, and the succession to positions of sociocultural and political authority. According to these ethics, although inheritance of properties and succession to office and/or title is something good, people are discouraged to keep waiting for inheritance and/or succession. Instead, they are instilled with the notion of being proud of what they can acquire through their personal work and effort. This is something similar to what should be inheritance ethics in modern societies, according to Lafaye (2008). In her critical assessment of the current Western inheritance systems, Lafaye observes that one of the negative consequences of the inheritance systems is to give a pre-eminent importance to material assets in what is handed over from parents to children while there are far more important things that parents can give to their children, such as time, love, skills, capacities and values. The latter would enable their children to succeed in life on their own. Therefore, she advocates that reforms in the current inheritance systems should be made in order to

¹ Ronga or Varhonga is the term used to refer to the people from Tsonga ethnic subgroup. According to the historian Rita-Ferreira (1982), the presence of Varhonga political units in the region dates from the first half of the seventeenth century.

make parents concentrate more on giving their children not mere wealth, but to strengthen their character and to experience the deep satisfaction of succeeding on their own. In this way, she remarks, the ability that parents will demonstrate by providing properly for their children to face life will be assessed, and this will contribute in turn to contradicting the common idea that it is fair and admissible that one is rich because one's parents were rich (Lafaye 2008:32).

This study is a PhD thesis in cultural anthropology that has both academic and practical relevance. Firstly, it aims to contribute to the anthropological endeavor of understanding the dynamics of transmission of property and offices in contexts of social change, where different cultural traditions and people with different backgrounds are concentrated in urban neighborhoods with their own dynamics of cross-cultural interaction and sociability. In such contexts, people are embedded in both family and global networks and must interact with different social norms and legal systems regarding succession and inheritance processes. In this vein, the study is an ethnography of a town (Marracuene) in Southern Mozambique that is undergoing rapid urbanization and sociopolitical change. Secondly, the study intends to assess the mitigation and implementation of policies aimed at combating dispossession practices perpetuated against women (especially widowed women) and orphans, thereby contributing to the alleviation of poverty originating from inheritance and succession practices in Mozambique and beyond. It thereby highlights an important societal problem in contemporary Mozambique, namely, widow dispossession, despite decades of discourses and practices geared towards women's empowerment.

1.1 Law as Sociocultural, Economic and Political Processes

The study focuses on the legal transmission of property and positions, as well as on its cultural understandings, and its social and economic consequences. In this study, law is not merely understood in purely legal terms but is approached as a social process, as Sally Falk Moore (1978) eloquently argued in her seminal study. According to Moore (1978:1), the same social processes which prevent the total regulation of society also reshape and transform efforts at partial regulation. In other words, the making of rules, and of social and symbolic orders, is just as often matched by

situational pressures to manipulate, circumvent, remake or replace the same rules and orders, as it is to uphold them. Theoretically and methodologically, this means that apart from the dominant official versions and their supposedly controlling effects on the social order, in the study of law – in this case particularly inheritance and succession laws – one must also pay attention to important unofficial counter-ideas and activities imbedded in the events. In other words, in the study of any legal order one must presume that there is concurrently a considerable, active unofficial reality and that it has its own effects and momentum. In her review article “An unusual Career: Considering Political/Legal orders and Unofficial Parallel Realities” (2015:2), Moore explains that her approach to law in society is based on three issues: 1) the idea that in the presence of the state and its laws, there are also semiautonomous social fields within that purview that create and enforce their own norms and that the knowledge of these multiple orders is essential to understanding the social context of law, of planning and of organization; 2) that life in society should always be conceived in a time-conscious frame, as in process, as in motion and as a conglomeration of diverse activities noted at a particular times; and 3) that along the way, diagnostic events should be identified that in their dramatic detail illuminate the significance of disparate trends. Inspired by this understanding of law as social process, this is an anthropological study of legal transmission of property and positions of sociopolitical and cultural authority in families and in local arenas in a context of rapid social, political, cultural and economic change. Hence, inheritance and succession are here approached as social, economic, political and cultural processes. They are *social* because they are processes that help societies to build and sustain social relations. Besides, inheritance and succession are also processes that contribute to the reproduction of societies, including the reproduction of social inequalities. They are *economic* because they are means through which material and immaterial things circulate, that is, inheritance and succession imply the circulation of wealth and power. They are *political* because every society has formal and informal legal orders that dictate the ways through which to pass the property/office from the holder/incumbent to the heir/successor. Inheritance and succession also imply issues of political power and control over the distribution of material and immaterial things. They are *cultural* since societies have beliefs and moral values attached to inheritance and succession practices. Besides, inheritance and succession also mean the incurrance of rights and duties. In short, this study is an attempt to grasp how people deal with inheritance and succession rights in

practice, and the way these practices are influenced by social, economic, political and cultural understandings, particularly the local sociopolitical stakes that have emerged from democratization and decentralization processes. What arguments, instruments and resources are mobilized to settle disputes? How are the interests of traditionally weak actors, such as widows and orphans, expressed, mobilized and defended?

My interest in questions pertaining to inheritance and succession practices was first developed within the context of an applied research project in 2008, when I participated in a research team hired by the international NGO Save the Children to study inheritance practices in Mozambican provinces of Manica and Zambézia. The purpose was to identify and strengthen community practices that contribute to safeguarding the inheritance rights of women and children, especially widows and orphans who tend to be the main social groups vulnerable to disinheritance and dispossession in many Mozambican families and communities. Apart from pointing to the relevance of inheritance and succession for individuals seeking to ensure their family integration or to fulfill individual interests and/or community perspectives, the project also reinforced my awareness of the need to deepen the understanding of inheritance and succession practices in contemporary urban contexts. Besides, in many societies (past and contemporary), inheritance and succession systems are closely interconnected with kinship and provide the economic and political substance for the existence and continuity of kinship or descent-based social groups and they play a significant role in property relations.

In his introduction to *Property Relations: Renewing the Anthropological Tradition*, Hann (2005) advocates for the necessity of rescuing property relations – defined as social relationships between people and not mere relations between people and things – into anthropological theorization in terms of the investigation of the total distribution of rights and entitlements within societies. Hann underlines that closer attention to property relations could reinvigorate an area which has lately been oscillating between the poles of political economy and cultural studies (Hann 2005:9). Therefore, apart from advocating that anthropologists should address property relations in terms of the investigation of material things, knowledge and symbols without neglecting the examination of practical outcomes, ideals and moral discourses, as well as appreciation of historical process in short and long terms, Hann also suggests that anthropologists should look at the micro level, that is, to the myriad ways formed by property relations in which people build up their social identities through holding and using a variety

of things in the environment, and at the macro level, to address to the issues of political power and control over the distribution of things in society. As von Benda-Beckmann (1979) once observed, inheritance of material or immaterial property and succession to position of socio-political authority are among the most important elements of social organization. They are the vehicles of continuity which maintain property and authority through time. Therefore, property relations are significant when they can be preserved over time and transcend the death or the inability of the property holder so that the objects of property continue to be used by the members of society. For this reason, legal systems must secure the continuation of property relations beyond the lifetime of their property holders, which is achieved through inheritance or transmission of inheritance (von Benda-Beckmann and von Benda-Beckmann 2014).

Although inheritance and succession practices have attracted little attention from anthropologists, their importance did not escape the notice of social and legal anthropologists (von Benda-Beckmann 1979). Besides, inspired by Moore's precept according to which law and legal institutions would be simultaneously analyzed from a historical perspective (at long term) and from a perspective centered on individuals (at short term), von Benda-Beckmann and von Benda-Beckmann (2014), underline the importance of a temporal perspective in understanding property relations in societies, especially regarding aspects of change and continuity. In any society property relations are informed by temporalities (synchronic and diachronic) inscribed in property categories, and some of the remittent problems of legal orders result from discordant temporalities embodied in each of the component laws (von Benda-Beckmann and von Benda-Beckmann 2014:33). Despite the fact that the temporal validity inscribed legally into law only gives a limited indication of temporal scope of the social working of law, or the fact that state legal orders do or do not any longer recognize the validity of rules, institutions or authorities based on other laws, their further existence and relevance are not precluded. In other words, the bodies of law often linger on beyond their formal validity and contribute to the contemporary normative complexity. Furthermore, the law may not only linger on as remembered concepts, standards or rules but may also become inscribed into and linger on social relations. Overall, the temporal dimension is important in understanding how communities deal with changes and continuity in condition of plural legal orders: first, because the different temporalities inscribed in law lead the social actors into dilemmas when-

ever they are dealing with concrete inheritance issues (translations, allocations and inheritance), the management of disputes or the making of new rules for property and inheritance; second, because since the different temporal logics inscribed in legal orders have consequences in choices that people make, a temporal perspective provides clues about property relations in postmortem of the property holder and on how concrete property relations are maintained in social relations between property holders and objects; and third, because in plural legal orders it also reveals the reason behind the strong resistance against the categories of property under the state inheritance law in local communities.

In 2009, when I was admitted to the master's degree in social and cultural anthropology at the Institute of Social Sciences, University of Lisbon, Portugal, I decided to carry out a research on inheritance and succession practices in urban Mozambique, particularly in Maputo City (see Manjate 2011). Since I observed that there have been frequent conflicts over inheritance and succession when an adult man (a husband or a father) had passed away, I decided to focus on inheritance and succession practices following the death of men, that is, to focus on how individuals and families proceed to transfer the material and immaterial things of a deceased man. More specifically, my research was practically channeled in three directions: first, to map out the variety of things potentially inherited and to whom these are transferred following the death of husband and/or father; second, to describe succession practices (both their contradictions and complementarities); and third, to grasp the reasons behind dispossession, disinheritance, disputes and conflicts over inheritance and succession as well as the mechanism and strategies used to prevent disputes and conflicts and/or used to settle them when they emerge.

The findings of my master's thesis showed that the selection of inherited assets depend on the economic and social value assigned to things to be inherited (leading to a certain hierarchy of things that potential heirs seek to inherit) or the office to be succeeded. Generally, the house and family land are among the assets that potentials heirs are eager to acquire from the deceased. Apart from the house and land, prospective heirs seek to inherit cars and money whenever they are available as well as the small personal belongings of the deceased. The findings also showed that there are several ways of selecting and legitimating the heirs, but that generally inheritance and succession are transferred vertically, from parents to offspring, or laterally between siblings before they are transferred to the deceased's offspring. Nevertheless, the ways in which inheritance and succession are

transferred depend on the system of inheritance and legal orders mobilized for specific situations and/or cases. However, as I noticed, there is a common perception that inheritance should be transferred from the deceased to his children even though in daily practice the contours of any inheritance and succession process are highly influenced by the social relationships between the actors involved in each situation/case, especially the relationships between husband and wife, parents and offspring, and other relatives. I have also noticed that dispute and conflicts over inheritance and succession always involve relatives: widows, orphans, stepmothers, stepchildren, deceased's kinfolk and daughters/sisters-in-law. Although other social categories can be disinherited or dispossessed, widows (generally accused of causing the death of their husbands by the surviving relatives of their husbands) and orphans (generally when they are too young to take over their fathers' properties) are the most vulnerable social groups. My findings also showed that widows can prevent dispossession through persuading their husbands to marry according to state law (civil marriage) while they are still alive. Many women understand that when the husband has passed away without being officially married the risk of dispossession is high. In such cases, widows may nonetheless resort to the court or civil society organizations devoted to human rights defense to secure the property (Manjate 2011).

In the present study, I expand the scope of my previous research in order to deepen the understanding of inheritance and succession practices both *in vita* (when individuals are still alive) and *postmortem* (after property holder or office holders have passed away). The rationale for combining the actual practices and strategies anticipating the future is to investigate how individual and/or family procedures resonate with moral perceptions and cultural mechanisms. In addition to the exploration of principles and rules governing inheritance and succession practices, in this study I also pay attention to collective memories and ritual practices pertaining to inheritance and succession processes, on the one hand, and to agency and emotional aspects played out in inheritance and succession practices, on the other. According to Choi (1995), the human agency and social circumstances in which inheritance and succession take place dictate the changes in timeworn rules of transmission of property and positions of sociopolitical and cultural authority. Therefore, inheritance and succession processes are occasions where the contributions of family members to the family group are recognized and rewarded (Choi 1995:329). Besides, since the family is a social institution composed of individuals who perceive their

worth and contributions to the family differently, inheritance and succession often become a contest in which the balance of credits and debts among family members is reckoned.

1.2 Brief account of the national political context

In this study, I also analyze the impact of increasing urbanization and the current political context of decentralization reforms on the role and practices of the different social actors and institutions involved in different activities aimed for the defense and promotion of individuals' property rights, especially to the rights of disadvantaged individuals and social groups (for instance widowed women and orphans). In Mozambique, decentralization reforms were recently implemented under the leadership of *Frente de Libertação de Moçambique* or FRELIMO (Mozambican Liberation Front) – the national liberation movement transformed into the ruling political party since the country was declared independent from Portugal in 1975. Founded in 1962, FRELIMO struggled for independence from 1964 to 1975. At the outset, FRELIMO declared itself a socialist and Marxist-Leninist party. There are several accounts about FRELIMO's early ideological orientation. According to Huffman (1992), the FRELIMO socialist ideology was developed gradually during the struggle for liberation because the methods of guerrilla warfare together with the security and sustenance needs of FRELIMO's liberated zones called for political mobilization and the collectivization of the population. But, for Newitt (2017:172), FRELIMO took a stance, that is, it adopted a Marxist-Leninist ideology once the Portuguese had left Mozambique. It devised policies for the future of the country which placed the emphasis on creating a new generation that would reject tradition and would adopt the scientific, rational ideas and behaviors that would characterize the new man (*homem novo*). It was within this context that traditional beliefs and institutions, such as marriage, traditional medicine, witchcraft beliefs, chieftaincies and traditional hierarchies, were to be abandoned and traditional villages to be replaced by new collectivized communities (*aldeias comunais*). During the socialist regime, FRELIMO's ambition was to overhaul the entire political, social, and economic fabric of Mozambican society: it nationalized the land; it seized abandoned private property and businesses; it established collective and state farms; and it centralized power. Political opposition to these measures was ruthlessly crushed. Therefore, it purged dissidents and those failing to

adhere to the new ideological hard line, which in turn fueled hostility to FRELIMO in some parts of the country and swelled the initial ranks of anti-government insurgents (Emerson 2014:25-27). Before the adoption of multipartyism in the 1990s, the FRELIMO ruled the country as one-party state. Multipartyism notwithstanding, today the party remains largely indistinguishable from the state, over which it formally presides (Sumich and Bertelsen 2012:291).

The main political opposition to FRELIMO is *Resistência Nacional Moçambicana* or RENAMO (Mozambican National Resistance) – an armed resistance movement that was born following the independence of the country. According to Huffman (1992), while the RENAMO was founded in the 1970s well after independence, its origins can be traced back to the late 1960s during the liberation war against the Portuguese. Actually, RENAMO split from FRELIMO, but its origins and the civil war have been an object of discussion, and the different accounts are obscured by myths, half-truths, and outright distortions of the actual historical events. Much of the confusion, Emerson (2014) writes, reflects the chaotic times immediately before and just after Mozambican independence that gave rise to multiple anti-FRELIMO groups (ex-Portuguese secret police,² the army in Southern Rhodesia, and white settlers) usually associated with the formation of RENAMO. Most of these people, that is, Mozambicans refugees flooding into Rhodesia, were extremely bitter and vitriolic in their hatred of the new Marxist government and their loss of position, property and livelihood. Their anti-FRELIMO sentiment was exploited by the Rhodesian military and intelligence officers. Hence, RENAMO was perceived as a collection of anti-FRELIMO groups, to which were added deserters from the FRELIMO army and people convicted of corruption, thievery, and other crimes (Emerson 2014:33). Such a collection was then stitched together by Rhodesian (and later South African) intelligence and tossed back across the Mozambican frontier to wreak havoc on the FRELIMO govern-

² According to Emerson (2014:33), the individuals most commonly claimed to have formed the core of RENAMO were from the *flechas* and other specialized Portuguese counter-insurgency units, such as the *Grupos Especiais* (GEs) and the *Grupos Especiais Para-quadistas* (GEPs). The *flechas* were created by the *Direcção Geral de Segurança* (DGS), or Portuguese secret police, to conduct special military operations and gather intelligence in enemy-occupied territory in both Angola and Mozambique. However, despite the *flechas* narrative, only one of these groups – Gimo Phiri's *África Livre* – would play any future military role in the RENAMO insurgency when it was absorbed in 1982.

ment, its Zimbabwean guerrilla allies, and the Mozambican people. According to FRELIMO, RENAMO was a regional (read: South Africa's apartheid regime) reaction to FRELIMO's support for the liberation movement in Southern Rhodesia (present-day Zimbabwe) and to the African National Congress (ANC) in South Africa. Similarly, from the beginning of the civil war in 1977 to the end of the 1980s, most scholars related RENAMO and the armed conflict in Mozambique to external factors, namely to the involvement of Southern Rhodesia and South Africa in the creation and operation of RENAMO (Emerson 2014). However, while this account contains elements of truth, it also obscures the internal factors behind the formation of RENAMO and the civil war itself. According to Funada-Classen (2013:9), scholars who associate the origins of RENAMO and the civil war with external factors have not paid attention to the situation in the rural areas (where the actual conflicts took place) or sufficiently analyzed the relationships between RENAMO guerrillas and the local population. This would probably have been due to the difficulty of conducting field research in the midst of the conflict or (most importantly) because journalists and researchers from Western countries were resentful of exposing assistance for RENAMO by their own countries and their allies (Emerson 2014:32-33). Cahen (2004), on the other hand, associates the scholars' emphasis on external factors to Marxist influence over university students of the generation after May 1968, who, being involved in the fight against apartheid, were in solidarity with countries affected by destabilization. It was easy to see RENAMO as an expression of regional apartheid. Yet over the years, it became increasingly clear that there were also internal factors at play. Since RENAMO rapidly expanded the territory it controlled from 1983 onwards and brought rural areas in the north under its control by 1984, it seems difficult to explain the civil war by looking at external factors alone.

In the mid-1980s, different scholars began to look at internal factors (Funada-Classen 2013). The pioneers were Geffray and Paderson, who conducted field research in Erati (north-east of Nampula Province) where RENAMO had expanded its military occupation. Their conclusion was that some Mozambicans were opposed to FRELIMO's socialist policies and supported RENAMO (Funada-Classen 2013: 9-11). In the same vein, scholars such as Huffman (1992), Cahen (2004) and Fuyani (2016) put the emphasis on internal factors and circumstances behind the origins of RENAMO and civil war, namely the resistance to persecutions and the dissatisfaction of a part of the Mozambican rural population in relation to

FRELIMO's socialist policies and their modes of governance. Drawing historical connections between the policies of proto-nationalism of the 1950s and the development of RENAMO in the 1970s, Cahen (2004) demonstrated that in central Mozambique RENAMO had attracted many people who felt excluded by FRELIMO's aggressive project of modernization. He concluded that RENAMO had a civil element from the beginning of its history, that is, there are connections between certain proto-nationalist networks, especially the *Núcleo Negrófilo* of Manica and Sofala Provinces, that were marginalized following the foundation of FRELIMO and the development of RENAMO in the late 1970s. Therefore, the RENAMO was more than an externally supported armed movement that imposed itself through cruel violence. In the late 1990s, research on Mozambique focused more or less exclusively on national politics, especially in the 1999 and 2004 elections, also arguing for internal factors and drawing connections between the origins of RENAMO and the civil war, as well as ethnicity. However, although the election results showed an ethno-regional tendency, it is difficult to conclude from the elections that the conflict had a significant ethno-regional tendency, especially as there were large-scale ethno-regional manipulations during the armed conflict and in the process of introducing a multi-party election system (Funada-Classen 2013:17). Nevertheless, the dichotomy of external and internal factors has its limitations as an explanation because both factors contributed jointly to creating a breeding ground for the conflict. Besides, the polarized discussion has its roots in the disagreements over the assessment of FRELIMO's liberation struggle. On the one hand, FRELIMO was the only legitimate force which unified the fragmented Mozambican population and succeeded in creating Mozambican nationalism, according to those perceiving the civil war as a result of external forces. And for those observers who regarded FRELIMO as a movement that gained power thanks to a proto-FRELIMO left-wing faction in Portugal (controlling only part of Mozambique) while other political forces did exist in the territory, FRELIMO did not have legitimacy, and they saw its radical policies as the origins of conflict. On the other hand, according to Funada-Classen (2013), the only way to overcome the dichotomy between external and internal factors is to rely on tracing the origins of conflicts in the liberation struggle period or liberation war to its influence on local communities. The description of liberation struggle as a historical process, as a comprehensive history of diverse people, including the collaborators of the colonial authority, the traitors of the liberation struggle and women, reflects less than positive

aspects of FRELIMO's liberation struggle and discloses that not all people in Mozambique or all of those who joined FRELIMO fought voluntarily, actively and justly. For instance, Coelho's case study in Tete demonstrates that behind the armed struggle itself, there were many other problems, successes and failures. Above all, there was the amassing of experiences and establishment of relationships, all of which was very important for the further development of the liberation struggle in that area. Further, the liberation movement forced communities and people to take the side of either the liberation struggle or the colonial authority, and people who lived outside the liberated zones were labelled as collaborators with colonialism by the liberation movement and as praise-worthy allies by the colonial authority, the stance that also significantly influenced the post-independence armed conflict (Funada-Classen 2013: 20-29).

Similarly, Kayuni (2016) deployed that the rise of RENAMO may have also resulted from internal problems that FRELIMO experienced throughout its existence in its diaspora. First, the fusion of three movements: *União Democrática Nacional de Moçambique* (UDENAMO), Mozambique African Union (MANU) and *União Nacional Democrática de Moçambique Independente* (UNAMI), which was practically influenced by the newly independent states, such as Tanzania and Ghana that had their own conflicting interests later reflected in policy-direction dilemmas within FRELIMO. Nevertheless, as Derluguian (2012:80) pointed out, the FRELIMO leadership sought to reposition itself from one period to another for the sake of staying a recognized actor in the world-system, including shifting its ideological orientation. Second, the completely opposing views held by the founding members on how to run their organization as well as the liberation philosophy (a difference mainly influenced by the cold war): Eduardo Mondlane, the founding father of FRELIMO, was moderate and leaned more to the Western world, while most of the rank and file were radical revolutionary groups with eastern-oriented ideologies. Third, the issue of ethnicity/tribalism/regionalism within FRELIMO has a structural and historical link between central and northern regions of the country. Those who are called "Southerners" are found in the area south of the Save River and are generally referred to as the Shangaan (which a heterogeneous ethnic group influenced by the Chief Soshangane, who settled in the area from Kwazulu-Natal in South Africa in the 17th century). The Southerners call those living to the north of the Save River all by the Chigondo. The ethnic/regional divide between Shangaana (Southerners) and Chigondo (Cen-

tral and Northerners) was reinforced by the Portuguese when they established schools in the South and incorporated most of the people from this area in their colonial administrative structures. Hence, when FRELIMO was established in exile in Tanzania in 1962, it was dogged by the same problems: most of the highly educated members of FRELIMO were from the Southern region, and they ended up occupying the political leadership positions, while those from North composed the rank and file of the military wing (Kayuni 2016:69-70).

As FRELIMO began operating in Tete province (after Cabo Delgado and Niassa provinces, where the struggle for independence had begun) and providing bases for Zimbabwean African National Liberation Army (ZANLA), the Rhodesians and the Portuguese began to see the need for cooperation in military operations throughout the late 1960s and early 1970s. For this reason, Huffman (1992) writes, Portugal allowed the Rhodesian army to engage in “hot pursuit” operations against ZANLA within Mozambique’s boundaries. This is how the intervention in the country by its foreign, white-ruled neighbors, began. Thus, by 1974 Ken Flower, the head of Rhodesia’s Central Intelligence Organization (CIO) was convinced that the Portuguese army was incapable of containing FRELIMO and that an intelligence organization operating within FRELIMO-controlled areas was necessary. Flower met with Prime Minister John Vorster³ and Hendrick Van der Bergh⁴, the head of the Bureau of the State Security, to garner South African support, even making trips to Lisbon to discuss the plans with leaders of the *Polícia Internacional e de Defesa do Estado* (PIDE) – Portugal’s ruthless secret police. Furthermore, in March 1976, nine months after independence, Mozambique closed its border with Rhodesia (present-day Zimbabwe), and the Rhodesians believed the need for an insurgency in Mozambique was even more urgent. In parallel, members of the Portuguese security forces in Mozambique (both Portuguese and Mozambican)

³ Balthazar Johannes “B.J.” Vorster (1915-1983) was a South African politician who served as the Prime Minister of South Africa from 1966 to 1978 and as the fourth state president of South Africa from 1975 to 1979.

⁴ General Hendrick Johan van den Bergh (1914-1997) was a South African police official most famous for founding of the Bureau of State Security (BOSS), an intelligence agency created on May 16, 1969, to coordinate military and domestic intelligence for the government as well as to suppress political dissidents.

began to cross the border into Rhodesia as soon as the government in Lisbon fell,⁵ and Flower began organizing and training them in covert operations at a base camp in eastern Rhodesia near Umtali (nowadays Mutare). Initially, this organization was called the Mozambican National Resistance (MNR), and André Matade Matsangaiza⁶, who joined the organization in June of 1976, became its head. However, while RENAMO was provided support by Rhodesia, Flower also continued his attempts to garner South African support for RENAMO, but the South Africans were wary. Nevertheless, when the independence war in Zimbabwe came to an end in 1980, RENAMO lost the use of that country for rear bases, but in turn there was already a link between the insurgents and the apartheid regime in South Africa⁷ and the organization was transferred to that country, and a base was established in Phalaborwa in eastern Transvaal (Huffman 1992:16-9).

The civil war devastated the country, as a significant part of the economic infrastructure was destroyed, thousands of people died, and many were displaced. According to Weiner and Carrilho (2017), in the late 1980s Mozambique was extremely devastated, and the government was forced to introduce economic and political reforms, that is, to shift from a single-party state to a multiparty system as well as to implement decentralization reforms. The economic reforms consisted of plans for economic and social rehabilitation (PRE and PRES)⁸ in the 1980s and 1990s, conceived as a

⁵ The fall of the government in Lisbon was anticipated by the *Revolução dos Cravos* – the Carnation Revolution. This revolution is also known as the April 25 Revolution. It was initially a April 25, 1974, military coup in Lisbon that overthrew the authoritarian regime of the *Estado Novo* – the New State. The revolution began as a coup organized by the armed forces movement composed of military officers who opposed the regime, but soon it was coupled with a popular civil-resistance campaign leading to the fall of the *Estado Novo* and to the end of the Portuguese colonial war.

⁶ André Matade Matsangaiza was a former member of FRELIMO who had been arrested for the theft of a Mercedes Benz automobile, but he managed to escape from prison and subsequently fled to Rhodesia. He was killed during an attack on Gorongosa in Sofala province in October 1979, and Afonso Macacho Marceta Dhlakama (who passed away recently – on May 3, 2018, from a heart attack) took command of the insurgency group (see Emerson 2019:25-6).

⁷ According to Huffman (1992:19), this link was established when Botha, previously the Minister of Defense, became Prime Minister in 1978. The new government began providing to RENAMO's base camp in Rhodesia.

⁸ The PRE – Economic Rehabilitation Program – was launched in Mozambique with the support of the International Monetary Fund (IMF) and World Bank (WB) in 1987. Its objective was to debate the serious economic and social crisis that the country was going through until then. However, due to the need to focus more on the social dimension, in 1990, this program was renamed PRES – Economic and Social Rehabilitation Program.

primary condition for Mozambique to receive financial support from the World Bank (WB) and the International Monetary Fund (IMF), and plans for reduction of abject poverty, the so-called PARP I (2001) and II (2006). PARP I (2001-2005) and PARP II (2006-2009) are the Mozambican government actions plans to reduce the incidence of abject poverty in the country. These plans prioritize the areas of human capital development in education and health, improved governance, development of basic infrastructures and agriculture, rural development, and improved macroeconomic and financial management. The PARP II differs from the previous plan by including in its priorities a greater integration of the national economy and increased productivity. Particular attention is addressed to district-based development, the creation of a favorable environment for the growth of the national production sector, the improvement of the financial system, the flourishing of small and medium-sized companies in the formal sector, and the development of both internal revenue collection and budget resource-allocation systems. In the political arena, the main reforms consisted of the adoption of a new constitution in 1990, and the implementation of democratic decentralization, a gradual process initiated in 1991 with the local government reform program (PROL), conceived to transform the state centralized administrative system into autonomous municipal territories. Therefore, it has been generally considered that in Mozambique the turn to a multiparty system and democratic decentralization reforms were introduced in a peace-building context and institutional reforms that followed the 1992 Peace Accords between the government of FRELIMO and the resistance movement *cum* opposition party RENAMO (Maschietto 2016). Thus, it was understood that local government reforms would increase the effectiveness of the central government in the provision of services and open a political space for RENAMO as well (Weimer and Carrilho 2017). Besides, the international donors, NGOs and other stakeholders involved in the cease-fire negotiations and other Mozambicans affairs also believed that democratic decentralization and the election of local government representatives were fundamental aspects for the balance of forces between FRELIMO and RENAMO. At the time, it was also highly believed that political democratization would lead to the end of conflicts, enhance civil society at the local level and strengthen the local community participation in local development (see Hagberg 2021). Like other promoters of democracy, international donors also believed that decentralization and local governance in a peace-building scenario means more localism, legitimacy and better democracy, since it brings the state closer to the local constituencies.

Therefore, as Romeo (2003) points out, it has been expected that decentralization in developing countries would lay the foundation for democracy, good governance and poverty alleviation, which in turn would allow the enhancement of community participation and local development. However, decentralization in Mozambique has not fulfilled those expectations, particularly the strengthening of civil society and the reluctance to reduce the often excessive and imposing role of the state. Added to this is the state legacy of centralism and the different views of the political actors about the specifics of decentralization agenda.

To sum up, this political background of Mozambique helps us to understand and demonstrate the relationships between inheritance and succession practices and sociopolitical stakes in urban Mozambique. Actually, although it is focused on concrete ethnographic case studies, this study also investigates the general social process of transmission of material properties and succession of positions and offices in local society in the context of decentralization reforms. Even though at first glance decentralization does not seem to have much to do with inheritance and succession, a closer look shows that social, political, cultural and economic transformations influence the ways in which inheritance and succession practices are perceived and handled by local political actors. Besides, decentralization implies both political and economic reforms with consequences in society at large. Hence, inheritance and succession practices must be understood as part of the different historical sociocultural, economic and political contexts that the society has gone through. Each historical context provides the different understanding and translation of inheritance and succession in society. As I mentioned above, the overall purpose of the present study is to understand how, in the context of rapid economic, political and cultural change, individuals, families, kinship groups and legal institutions deal with property rights and manage to safeguard rights to inheritance and succession. In short, this is a study of legal transmission practices in the context of social change, particularly when it comes to the social processes that these practices entail.

1.3 The ethnographic context: Marracuene

This study is based on ethnographic fieldwork in Marracuene, the current name of the colonial town *Vila Luisa*⁹ located at some 30 kilometers north of Maputo City, the capital of Mozambique. The town got its current name following the independence of Mozambique from Portugal in 1975. In pre-colonial times, the region where present-day Marracuene is located in was called the Nondjwana kingdom. The origin of the name Marracuene has been subject to some speculation. According to my research findings, there are at least four versions, all of which suggest that it was the name of a person who made some imprints in the region. The first version, holds that the name Marracuene comes from *Murhakwene*, the name of a man who was the owner of fishing vessels. According to this version, this person had big buttocks (*Marhaku*) that were considered uncommon for a man, which led to the identification of the place through his bodily characteristics – *Marhakweni* (the place of big buttocks, that is, where lives a man with buttocks out of the ordinary). The second version holds that Marracuene was the owner of the vessels that were used in crossing the Incomati River, connecting Marracuene-Sede (on the right bank of the river) to Macaneta (on the left bank). The Incomati River crosses the district from north to south along a broad plain and flows into the Indian Ocean through Macaneta Delta. The third version suggests that Marracuene was a land-owner settled on the left bank of the Incomati River where the Portuguese colonial administration was initially established. In the brochure *Gwaza Muthini* (1895-2000), Simião (2000) identifies the fourth version, according to which the name Marracuene would have its origin from the name of a prestigious traditional chief whose lands were located on the right bank of the Incomati River. This man would have been expelled from his lands during the wars of effective penetration and colonial occupation (Simião 2000:6). This last version is considerably more glorious than the ones I collected from my informants during the fieldwork in Marracuene.

Marracuene is bordered to the north by Manhiça District, to the west by Moamba District and Matola City and to the east by the Indian Ocean. The national highway N1, the railway *Linha Limpopo* (Limpopo Line) and the *Estrada Circular de Maputo* (Maputo circular road) connect Marracuene

⁹ According to Simião (2000:7), Vila Luisa was the name given to Marracuene headquarters. Luisa was the first daughter of the first administrator of the district of Lourenço Marques. It was in honor of that that her name was given to the headquarters of the district of Marracuene. The Portuguese would have attributed the name Marracuene when the region achieved the Status of Council and later Circumscription.

to Maputo City. While the N1 and the Limpopo Line also connect Marracuene to Manhiça District, the Maputo Circular Road connects the town to Matola (in the west). Administratively, Marracuene is currently composed of two administrative posts: Marracuene-Sede and Machubo. The administrative post of Marracuene-Sede is increasingly urbanized in the southern area of the town, and encompasses Localidade-Sede, Michafutene, Matalane, Ngalundi and Macaneta, whereas the administrative post of Machubo is a less urbanized area located in the northeastern area encompassing the localities of Macandja and Thaula.



Figure 1: Map of Mozambique. Drawn by Sérgio Maló. FLCS/UEM



Figure 2: Map of Marracuene. Drawn by Sérgio Maló. FLCS/UEM

Given its natural beauty, Marracuene became a tourist destination in colonial times for *Laurentinos* – the residents of Lourenço Marques (present-day Maputo City). However, until the early twenty century Marracuene

was practically inaccessible, due to sandy soils that were extremely difficult to cross with cars. Access to Marracuene was achieved only through the Incomati River, using small boats. There were tourist excursions from Lourenço Marques to the hippo reserve in Marracuene. However, since Lourenço Marques Railways, the current Mozambican Railways Company (CFM), was interested in developing modern tourism in Marracuene, it promoted the construction of the railway line Lourenço Marques-Marracuene,¹⁰ which was also used for transportation of stone, gravel and water used in the construction of the road connecting Maputo to Marracuene. In order to offer greater tourist attractiveness to Marracuene, but also with the aim of making the railway more profitable, the CFM built the *Pavilhão de Chá* (Tea Pavilion) and carried out the forestation of the region with pine trees and the management of the landscaping of the railway station area (De Lima 2018).

Today Marracuene is a town with an interesting colonial and post-colonial history, particularly within the context of resistance against the Portuguese colonial occupation in Southern Mozambique. On February 2, 1895, a famous battle, the so-called the Battle of Marracuene, took place on the site, with Portuguese troops, led by Caldas Xavier, opposed by Varhonga/Ronga¹¹ warriors, led by the young prince Zixaxa/Zilhalha. For António Enes (the Royal Commissioner of Mozambique), Marracuene was the right place to launch the so-called pacification campaigns in Southern Mozambique. Marracuene was a strategic place to start a military action against Ngungunyane¹² (the Emperor of Gaza) and other indigenous rebellious chiefs surrounding Lourenço Marques (De Fraga 2008:18). The Portuguese won the battle by means of modern weaponry, notably repeating rifles and the machine guns. There were two main reasons for the defeat suffered by the Varhonga warriors in that historical and memorial battle. First, the unequal military power, with the Portuguese using shotguns and

¹⁰ According to De Lima (2018), the railway Lourenço Marques-Marracuene initially had a track of 35 km and was inaugurated in 1918. However, because it crossed the city, which presented great inconveniences, between the years 1929-30 the layout was moved out of the city and its track reduced to 33 km.

¹¹ The Ronga or Varhonga are currently considered the autochthonous population or first comers of Marracuene.

¹² Ngungunyane was the last emperor of Gaza. He reigned from 1884 to 28 December 1895, the day he was imprisoned in the fortified village of Chaimite. There are many ways to write Ngungunyane. My spelling is in line with the late history professor at Eduardo Mondlane University (UEM) – Gerhard Liesegang (See the Dictionary of African biography, vol. 4. Edited by Emmanuel K. Akyeampong and Henry Louis Gates. New York and Oxford: Oxford University Press, pp.465-466).

artillery shells while the warriors of Marracuene were using *tithhari* (spears) and *chitlangu* (shields) (Rita-Ferreira 1982). Second, the Portuguese were also favored by conflicts¹³ between different chieftaincies in the sense that they took the advantage of the situation to implement the principle of ruling through division, thereby leaving several chieftaincies surrounding the region of Lourenço Marques with no option other than to accept vassalage to the king of Portugal (Serra 1983). Every year, this battle is commemorated in a ceremony called Gwaza Muthini (more details in Chapter 2) combining traditional ritual practices and postcolonial interpretations, including the appropriation of the ceremony by FRELIMO.

Currently, Marracuene is involved in a dramatic urbanization process. When I started fieldwork in October 2014, it took me two hours' drive on a bumpy road from the center of Maputo to Marracuene. At the time one important part of Marracuene was isolated and only accessible by a small old ferry that transported people and commodities over the Incomati River. A few years later, a highway had been built, making the trip to the town a quick drive of some 30 minutes. A bridge by the name Marracuene-Macaneta¹⁴ has also been built over the Incomati River, and Marracuene is more accessible and open to Mozambicans and foreigners who want a place for housing or wish to make investments in agriculture, livestock, commerce and tourism. In order to boost the development of touristic activity (but also to improve the circulation of people and goods), the paving of the Marracuene-Macaneta road (a 12-km section) was inaugurated in April 2021. The construction of this road was financed by the central government, and its implementation is under the responsibility of *Rede Viária de Moçambique, SA* – a corporation whose main task is the construction, conservation and exploitation (under a system of tolls) of roads and bridges and their related infrastructures, built or to be built. Bertelsen et al. (2014) underline that residents of sub-urban areas such as the neighborhoods of Maxaquene B and C expressed their wish to move to Maputo's western fringes that were considered potential spaces for urban development, in particular to the area of Marracuene. According to these scholars, Marracuene was consistently narrated as a particular space for the potential realization of two main goals: the desired urban lifestyle and an imagined

¹³ According to Serra (1983), such conflicts would explain, for instance, why the dead bodies of rebellious warriors were burn in fire fueled with petrol under a gaze of indifference of some local chiefs.

¹⁴ The bridge was built by the China Road and Bridge Corporation (CRBC) as part of Maputo Ring Road project (Projecto da Estrada Circular de Maputo) including the construction of five kilometers of roads in the village of Marracuene.

sought-after space of sociality, since, in the eyes of many of those residents, Marracuene was starkly contrasted with sense of fragmentation in the neighborhoods of Maxaquene (Bertelsen et al. 2014:2763). Due to the increasing urbanization and the growing population, the district government of Marracuene initiated the process of municipalization. The creation of municipalities is part of the Mozambican decentralization reforms that were initiated in the 1990s, but so far, the District of Marracuene has not been transformed into a municipality, although a technical feasibility study, conducted by experts from the State Administration Ministry (MAE) and the District and Provincial Governments, has proved that it has a potential to become one. According to one of the district administration representatives, the municipalization of Marracuene is important, because it would mean that the local government would be composed of local representatives chosen in democratic elections instead of having its officials appointed by the central government. It would furthermore afford a certain autonomy to the municipality, for instance, to get the authority to sign contracts and act as a legal entity towards companies, donors, and other actors.

According to other informants of the district administration, there are two possible reasons for the delaying process of municipalization in Marracuene. First, the apparent preference for deconcentration over devolution (the ideal of decentralization) by the central authorities. While “devolution” refers to the transfer of authority to locally constituted units of government or special purpose authorities, “deconcentration” refers to the delegation of responsibilities and authority to local representatives of the state and extends the reach of the central government to strengthen its authority (Hagberg 2010:5-6). In other words, the state is more willing to transfer authority to its local representatives than to transfer power to autonomous municipalities and regions. Second, the ongoing conflict of interests between Marracuene’s neighboring municipalities of Maputo City and Matola further complicates the municipalization of Marracuene. Maputo and Matola are twin cities that have grown into each other, and both would like to include Marracuene in their respective municipality. However, while geographically Marracuene is close to Maputo City, it is administratively part of the Maputo Province, to which the municipality of Matola belongs. Nevertheless, given that the expansion of the municipality into the area of Marracuene would entail access to land and money, hence political and economic power, both municipalities intend to expand their municipal territories into Marracuene. This conflict of interests between the two municipalities may continue, because the current legislation does not provide precise

criteria for the expansion or reduction of municipal territories. Regardless of this conflict, residents of Marracuene are eager to see Marracuene become an autonomous municipality. According to the district government representatives, the process of municipalization of Marracuene is now under the responsibility of the Ministry of State Administration, waiting for its approval by the central government. Thus, this study has been conducted in a context where local residents are “waiting for municipalization” to be implemented, somewhat in the same way as Nigerien local actors expected decentralization to come in the 2000s (Olivier de Sardan and Tidjani 2009).

1.4 Present-day governance of Marracuene

The administration of Marracuene is primarily under the responsibility of the district government, which is a state representative body charged with carrying out the central government program in the district and the implementation of the District Economic and Social Plan (*Plano Económico e Social Distrital*, PESOD). The district government has the authority and power to decide, execute and control scheduled activities. It is a hierarchical organ composed of a District Administrator, at the top level, assisted by a Permanent Secretary, both appointed by the Minister of the State Administration. The District Administrator is the central state representative at the district level. One of his/her main responsibilities is to consolidate national unity and to promote the socio-economic development of the district. S/he is also expected to promote the participation of community authorities¹⁵ and communities in activities related to social, economic and cultural development. In addition to these activities s/he is the person in charge of controlling the execution of programs and the government’s social and economic plan defined to the district, of facilitating collaboration between the public services in the district and coordinating actions aimed to prevent, protect and defend the civil population as well. The Permanent Secretary is perceived, by some residents, as someone who performs administrative functions only, and by others, as a spy (of FRELIMO) whose mission is to control people of opposition political parties (read:

¹⁵ Community authorities is the Mozambican state terminology used to refer “Traditional authorities,” a term which is conventionally used in socio-anthropological studies to address African traditional political structures (Weimer and Carrilho 2017). Throughout this study, I use the term community authorities, which is basically a catchall term that includes traditional chiefs, traditional healers, neighborhood secretaries or heads of wards, and other leaders that a given community finds legitimate.

RENAMO). However, according to the Decree 11/2005, which approves the regulation of the law of the local organs of the state, it is expected that the Permanent Secretary should secure the coordination, execution and control of the district government decisions, ensure the organization, planning and control of the district government activities in general and of the areas of public function and local administration of the state in particular. The Permanent Secretary must also ensure a permanent and regular functioning of administrative and technical services, namely, the management of material, financial and human resources.

For the intermediate lower level, there are heads of administrative posts and localities appointed by the District Administrator. They are among other things in charge of securing the provision of local government services to the population as well as the participation of citizens in realization of local interests, supervising the activities of the chiefs of localities and promoting economic, social and cultural activities in the respective administrative post. The heads of localities are responsible for promoting assistance to helpless children, elders and unhealthy people; for organizing the participation of local community; for the resolution of social problems; and promoting actions towards the economic, social and cultural development of the locality, according to the Plan (Decree 11/2005). At the lowest level there are secretaries of localities and neighborhoods selected by the residents living there. The secretaries of localities provide organizational, technical protocol support to the heads of localities, ensure the dissemination and control of the implementation of decisions and instructions of the heads of localities as well as the communication between the heads of localities and the public and other entities. The Neighborhood Secretaries are entitled: 1) to direct and control the activities of the neighborhoods; 2) to create work committees whenever necessary for the good performance of activities; 3) to spread information about laws, deliberations, stances and other information; 4) to secure the hygiene in the neighborhoods through organizing hygiene campaigns, solid waste collection, sanitation and civic education on the best ways to protect the environment and prevent diseases; 5) to guarantee and actively collaborate in tax collection; and 6) to issue statements for various purposes requested by residents whenever they intend to handle issues of their interest (Resolution 71/AM/2011).

In order to secure participative governance, the district administrative officers are expected to collaborate with community authorities. The collaboration between the district administrative offices and community authorities is legally institutionalized through Articles 2 and 4 of the Decree-

Law 15/2000¹⁶, the first legal instrument recognizing community authorities in postcolonial Mozambique. According to Article 2, local administrative organs of the state should articulate with community authorities through considering their opinions about the best ways to mobilize and organize the community participation in the conception and the implementation of economic, social and cultural programs and local development plans. Article 4 highlights in turn that at nation-wide local administrative organs should collaborate with local community authorities in activities intended for the consolidation of national unity, the production of material goods and services towards the satisfaction of the basic needs of life and development. These areas include: 1) peace, justice and social harmony; 2) civic education and the elevation of the patriotic spirit; and 3) education and culture.

In case of Marracuene, the community authorities collaborating with the district government are traditional chiefs commonly referred to as *ti hôsi ta ntumbuluku* (traditional leadership), including the *ndunas* (messengers), the *mutuanas* (chiefs of land) and the *régulo* (*hôsi ya lilhanga* – literally the “reed ruler”). The term *régulo* (in plural *régulos*) is a Portuguese colonial creation that was used to label the local traditional chiefs. The *régulos* were considered to be legitimate representatives of their communities. In colonial times, the *régulos* were appointed by the Portuguese colonial administration to mediate between the colonial administration and the population when it came to community affairs. Literally, in its conception, the term *régulo* means “ruler.” However, it was translated to mean “the small king,” a markedly derogatory and subalternating term, since the true kings were in Europe (Cuahela 1996; Mutaquila 1998). They were powerful as custodians of land and natural resources as well as persons that maintained social and religious balance and relations of exchange with the state and public administration, investors and traders. Today people of Marracuene use the term *régulo* to address the three traditional chiefs who occupy the paramount chieftaincy positions, namely the *Régulo* of Marracuene-Sede, the *Régulo* of Macaneta and the *Régulo* of Macandza. Often, the *régulos* have consultative, controlling and mobilizing functions for the state. Some scholars (Buur and Kyed 2007; Hagberg 2007) have described the current integration of traditional chiefs into local administrative systems as an attempt by the state to reclaim authority at the local level. Nevertheless, it must be underlined, the relations between the state institutions and/or

¹⁶ Published in *Boletim da República de Moçambique* – the official publication of the Republic of Mozambique, 1ª Série, nº 24, Suplemento, de 20 de Junho de 2000.

agents with traditional authorities are very complex. As Bertelsen (2021) observes, the process of the community authority's recognition in Mozambique has created a highly ambivalent and intricate situation where different conflicting domains of authorities interpenetrate. Actually, he underlines that the seemingly straightforward process of the recognition of traditional authorities might 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.

The Decree-Law 15/2000 provides the basis for community participation in local administration and development. Even though the most important legal instrument is Act 8/2003 introducing the Local Councils (LCs) in public administration. According to this law, Local Councils are organs of consultancy for local administrative authorities meant to establish communication between the local government and local communities. The state law stipulates that the councils function as a means through which the voices of each citizen and every community are expected to reach the local government. Therefore, Local Councils are expected to be representative in their composition through integrating prominent individuals such as community authorities, representatives of local entrepreneurs and other social political actors. In order to ensure representativeness, the legislation of local organs of the state representation establishes that Local Councils should be initially constituted at the lower level of the village, the small subunit within the district. A further selection process internal to the village councils follows in order to choose those who will integrate the Local Councils at the upper level of the district subunits (the localities, the administrative post and finally the district). However, given the influence of FRELIMO in local administration, the process of institutionalization of Local Councils is often politically instrumentalized. As Jamal (2015:8) clearly points out, the representativeness within the Local Councils is filtered by the connection with the Party. According to some local civil society representatives, the members of Local Councils are usually appointed by the district administrator instead of being elected by vote in local communities, thereby undermining the genuine representation of local communities. In conversation with a representative of one local civil society organization, it was confided to me that a common complaint among the people of Marracuene is that the FRELIMO is not only transforming the Local Council from an organ to discuss the problems affecting the local communities into a forum for dealing with party issues, but is also using the Local

Council as a source of social exclusion, of deficient delivery of public services, and of widespread practices of corruption, and the political persecution of individuals from opposing political parties. This complaint resonates overall with the national political opposition parties' discourse, according to which all the problems that the Mozambican people have been going through since the country became independent in 1975 are the result of the FRELIMO's bad governance.

The sense of poor governance and the limited impact of the state policies and the need to strengthen community participation in local affairs led to the creation (in 2004) of the platform of Marracuene District, *Plataforma Distrital de Marracuene*, an umbrella organization composed of 17 representative members (out of the 41 civil society organizations officially recognized in Marracuene). The Platform divided the work to be done into four thematic groups, namely 1) good governance, 2) health, 3) civic education and human rights, and 4) environment/infrastructures. According to one of the platform representatives, the idea of creating a district platform was the outcome of a study aimed to evaluate the activities of the different civil society organizations. The purpose was to provide better coordination of activities among the local institutions and actors. Each association, in its sphere of action, is given the ability to follow up properly the implementation of specific activities. In practice, the district platform was also conceived to function as a partner of the local administrative authorities in seeking solutions for fundamental issues that affect the lives of the different communities in Marracuene. Apart from bringing together civic organizations, the district platform provides information (commonly called "community agenda") used by the district government to elaborate the District Socioeconomic Development Plan (PESOD) and monitors its implementation, supposedly rendering the local government accountable. These aspects concerning the sociopolitical and local governance must be taken into account when it comes to our understanding of the current inheritance and succession practices in Marracuene.

1.5 Methodology

In order to study inheritance and succession practices and understand how people relate to these processes, I decided to enter by conflict. As a methodological approach conflict and/or dispute – e.g., "trouble cases" (Nader

1965) or “events” (Kapferer 2010) – has been for long used in legal anthropology as the best means to understanding customary law, pathological aspects of the law and the preservation of society. Conflicts are important not only as a product of cultural change, a source of cultural change or as an aspect of a stable social system, but also to enhance and understand the origins of breaches of norms and the reaction of society to infractions of its rules (Nader 1965:17). The exploration of the “event” can be traced back to the anthropological analysis of rituals and its effectiveness lies in providing a model through which the researcher can observe and understand the life of individuals and social groups. Thus, as Peirano (2000) argues, due to the similarity of the quality of associations applied to rituals and those of events or social actions, the “event perspective” was appropriated, refined and transposed in the analysis of “events” in order to examine the basic assumptions of social life. Kapferer (2005, 2010) situates the initial exploration of the “event perspective” or “situational analysis” in the Manchester School, particularly in Gluckman’s account of the bridge-opening ceremony in Zululand-South Africa (later developed and extended by Mitchell (1956) in his essay *The Kalela Dance*. However, different from the conventional use – events as illustrations of the problems that the ethnographic analysis is to solve or explain (as it was initially conceived by the Manchester School), Kapferer (2010) gives prominence to atypical events in which the critical dimensions can be conceived as opening new potentialities in the formation of social realities or as events of tension that reveal what ordinary and routine social practices tend to obscure.

Another entry point to this study is the municipalization process, as it opened a major debate about power and wealth in Marracuene. This decentralization reform that was likely to bring about lots of changes took time to be implemented in Marracuene. The waiting for municipalization opens up for contest and positioning of local actors and is thus a particularly interesting means to study inheritance and succession. Starting from these three entry points – conflict, event and municipalization – this is study based on a combination of archival work¹⁷ and ethnographic fieldwork among informants involved in inheritance and succession processes. These informants were individual men and women (single or married), elders,

¹⁷ Although it may sound more appropriate for historians, the turn to the archives is no longer the sacrosanct domain of the discipline of history (Arondekar 2005). In most cases, anthropologists used colonial administrative archives (especially in studies of subaltern groups) or repository of documents produced by rulers and other institutions in daily operations.

widows or widowers, orphans, judges, lawyers, bailiffs, administrative officers, representatives of civil society organizations, community authorities and litigants. In addition to the archival work in the Judicial Court of Maputo City (TJCM) and in the district government of Marracuene, the ethnographic fieldwork consisted of interviews and conversations with individuals or in groups with key informants, on life stories with individuals who at some point were directly involved in inheritance or succession events, on cases of disputes over property and inheritance and on participant observation in several events that took place during the field research (traditional and state ceremonies, inauguration of infrastructures, and court sessions). I spent quite some time doing participant observation regarding the cases dealt with by the community court (*tribunais comunitários*), a non-judicial instance of conflict resolution. In Mozambique, community courts were created in 1992 to replace, although in practice to reconstruct, the old popular courts (*tribunais populares*) created in 1978 as an attempt to replace the Portuguese colonial judicial system and to create a system of justice intended to be indigenous in order to promote access to justice by bringing it closest to the citizens. Focus group discussions with adults and elders in the district post office premises shed light on local understandings of inheritance and succession practices. The findings reveal that inheritance and succession practices are much more than a mere product of kinship structures, as was traditionally believed. Instead, in addition to the specific individual and family context, inheritance and succession are products of several economic, social, cultural and political processes.

This study is based on 12 months of field research: two months of archival work were spent in TJCM – Civil Section, and ten months of qualitative anthropological fieldwork took place in Marracuene. All in all, the fieldwork consisted of (formal and informal) interviews and conversations, direct observations and daily interactions, with some 50 to 70 people, added many people I interacted with in community meetings, district government events and during the celebrations of Gwaza Muthini. To begin with, I conducted 20 semi-structured interviews with a wide variety of individuals, including members of community court, litigants, representatives of ASSOMUDE, neighborhood secretaries, district permanent secretaries, *régulos*, and chiefs of land, social assistants, and heads of localities. Moreover, four focus group discussions were organized with representatives of the district Platform, male pensioners, female pensioners, and traditional chiefs. Thanks to my continuous collaboration with my field assistant, considered to be a son of the soil by many residents of Marracuene, I

also met a large number of ordinary citizens of Marracuene.¹⁸ My research was guided by a concern to document local discourses and understandings about inheritance and succession practices, on the one hand, and the influence of ongoing social, economic, political and cultural changes over inheritance and succession processes, on the other. The archival work was initially intended to help identify potential informants, especially individuals who had been involved in inheritance and succession disputes. It was also thought to be a way to get information about specific legal cases and how they had been dealt with by state law. Yet in addition to the fact that the court archives contain confidential documents, the individuals involved in court cases were barely accessible, since access would be dependent on lawyers' mediation. Nevertheless, the two months of archival work allowed me to gain insights into legal aspects of inheritance cases. Moreover, it turned out that this was an opportunity for learning and familiarizing myself with the norms and legal procedures related to inheritance and succession practices. Ten months of intensive fieldwork allowed me to engage in the daily life of people of different neighborhoods of Marracuene. Several factors were decisive in selecting Marracuene as a field site. First, I wanted to study an area of urban expansion where norms, values and interests are being put under pressure. How to behave would then be openly challenged by different local actors. Second, the idea was to study one area that was in the process of becoming a municipality, because research shows that such processes also involve lots of changes when it comes to offices and positions, particularly when it comes to community leadership. Third, the question of security under the Mozambican politico-military instability after the 2014 general elections in Mozambique complicated the situation. The political opposition RENAMO complained that the elections were fraudulent, and after the unsuccessful attempt to invalidate the elections' results, RENAMO returned to the bush threatening to split the country, rendering it difficult to circulate throughout Mozambique. In 2014, Marracuene was one of the few closest urban areas that were relatively safe. Fourth, my relative cultural familiarity, especially the fact that local communities mostly speak Xirhonga, Xichangana and Portuguese, which are languages I speak myself, made Marracuene a good choice. The ten months of fieldwork in Marracuene consisted of two periods of data collection. The first period started from the end of October 2014 to mid-February 2015. The

¹⁸ By "ordinary citizens" I refer to social actors positioned far from legal political institutions and civil society's organizations. For similar discussion of the concept see Haggberg et al. (2018).

second period started in mid-August 2015 and ended in February 2016. In addition to these two periods of intensive fieldwork, I made short field visits in October 2016, January 2017 and February 2018, as well as more occasionally in 2019, 2020 and 2021. The long duration that it has taken to accomplish this PhD research project, something that was not planned, means that I have continuously monitored developments in Marracuene over a period of seven years, even though the two major fieldwork periods took place from October 2014 to February 2016.

1.6 Entering the field

Due to bureaucratic procedures and political circumstances, I spent a couple of weeks before I was allowed to consult the court archives and carry out fieldwork in Marracuene. Since the 1990s, Mozambique has regularly organized elections (presidential and legislative elections since 1994 and municipal elections since 1998). I started field research in the midst of a period of electoral campaigns for the 2014 general elections in Mozambique. When I visited Marracuene for the first time, the local administrative officers, particularly those who were supposed to provide my formal authorization, were impossible to get hold of, since they were involved in the electoral campaign. However, a female head of an administrative post that I met the day I paid the first visit to the district administrative office advised me to start doing fieldwork while waiting for the approval from the Permanent Secretary of Marracuene. Since I introduced myself and discussed my research interest with her, she was willing to help as much as she could, probably because she was a university student too, as she confided in me. Besides, as an administrator, she knew how things work. She was the one who suggested a local young man, who had some fieldwork experience, as a potential field assistant. This young man became my first research assistant, and we worked together for some days until it became clear that our collaboration could no last longer because he was also engaged in political activities to such an extent that he could hardly join me in the field. In the face of this situation, I had to find someone else to take his place. We discussed this issue, and he did not complain at all. He introduced me to his friend Edilson Nhamusse, who became my trusted co-worker and equally key informant in Marracuene. Like his friend, Edilson knows many residents of the administrative post of Marracuene-Sede, in part because he is one of the photographers (a profession he learned from his father) of the

area, to whom many residents resort to whenever they need to take photos for various purposes. Throughout the fieldwork, Edilson introduced me to the different district administrative officers in Marracuene-Sede and Macaneta. The former is the neighborhood where Edilson lived before he moved to his current home in Bobole (another neighborhood located in the north of Marracuene-Sede). The latter is the area where his mother's kin use to live. Edilson also facilitated the meetings with local traditional chiefs and neighborhood secretaries as well as with different representatives of civil society organizations operating in Marracuene.

We started our fieldwork from Localidade-Sede, and gradually we visited the different neighborhoods of Localidade-Sede. The first day (on 25 August 2014), we went to the house of António, a professional locksmith, who was the neighborhood secretary. We met António when he was busy with his job, but we had a short conversation with him. Apart from being a secretary he is also a community judge of his neighborhood. While we were talking, a young woman also came to António's house to make a complaint about her brothers, who sold their parental house without her consent. She was claiming her rights over the house because, apart from the fact that she has been the one looking after the house, she should have her own share since she never married. On this occasion, António advised the young woman to bring the case before the community court located in a neighborhood called Micanhine. Our conversation with António continued after the young woman left, the moment when he confirmed that he was also a community judge. From this revelation, we started talking about daily life in Marracuene, focusing on problems affecting the residents, usually brought before the court as well as how they manage to settle disputes and conflicts.

He was unable to answer questions or issues we have raised since he was busy, but he invited us to attend the community court sessions "if you really want," as he said, to see and learn about what they are doing in community court. Henceforth I started to attend the community court sessions every Wednesday in Micanhine. This was a very positive step, since by attending the community court I was able to interact and talk with different people, generally adults involved in different kinds of disputes and conflicts. Apart from learning how community courts function, I collected individual and family life stories related to inheritance events as well as property and succession rights. I also participated in several public and socio-cultural events in different neighborhoods of Marracuene. On different occasions, I organized focus group discussions with adults and elders to

discuss local inheritance and succession rules and practices. Participants were individuals from different neighborhoods. Two focus group discussions took place in the local post office premises, where every month, elders, men and women, mostly widows and retired people enrolled in the national system of social assistance come to collect their pensions. These individuals would spend many hours on the site before collecting their pensions. The focus group discussions concerned two different groups of pensioners, one made up of men and another of women.

I also had focus group discussions with community authorities and representatives of the District Platform. Regardless of the different motivations for informants to participate in this study, it is worth highlighting how the elders of Marracuene and representatives of civil society organizations participated in the research. For many elders of Marracuene this was an opportunity to debate problems experienced by many families but rarely discussed in public. It was an opportunity to express their disappointments in the face of disrespect and failure to observe the traditional customs on the part of young couples, the lack of observance of the necessary care and obligations towards the parents, as well as the youthful tendency to take by force the assets belonging to their parents instead of working to bargain for their own wealth. For civil society organizations, participating in the implementation of development projects is part of their strategical operation. In part it was a means to achieve visibility, to create partnership and thereby obtain funds for their portfolio projects.

Throughout the fieldwork, I also conducted interviews with some administrative officers even though my access to them and consequently to official information in general was severely limited. Gaining access to official information is even more difficult due to FRELIMO's strong influence. In Marracuene, almost every administrative officer has a "red card,"¹⁹ meaning that they are party members of the ruling party FRELIMO. Generally, these officers are very suspicious of the presence of "strangers" or people whose political affiliation is unknown. Very often, suspects end up being mistaken for members of opposition political parties. Individuals who do not identify with FRELIMO are under strict control and suffer from several restrictions in Marracuene. I had felt that some administrative officers were suspicious of my presence in Marracuene. Especially in 2016, when I was prevented from attending the Gwaza Muthini evaluating meeting held in the neighborhood known as Nhonganhana (where the royalty

¹⁹ The red color signals the FRELIMO's membership card.

homestead is located). According to a chief of the locality, I was not eligible to attend that meeting because it was meant for people previously selected, as the issues for discussion were under administrative secrecy. Secrecy is a widespread practice in public administrative institutions in Mozambique. It has been the common excuse used to deny people access to useful public information throughout the country. In the beginning of the fieldwork, I also encountered some difficulties in gathering information from some adult men who accepted to participate in the research but also felt that I should pay for the information, regardless of the fact that I carefully explained that this was a purely academic work without economic purposes or benefits.

1.7 Analytical framework

Inspired by Moore's approach of law as social process (1978), through approaching inheritance and succession as social, economic, political and cultural processes, the analytical framework of this study seeks to integrate different bodies of research as to better understand inheritance and succession practices. Therefore, the analytical framework that will inform my study of inheritance and succession practices in Marracuene integrates theoretical approaches developed out of scholarly works focused on property relations, including the anthropology of kinship, legal anthropology and legal pluralism, as well as studies of development and decentralization.

1.7.1 Kinship studies

The anthropological interest in property relations is as old as the history of the discipline. Evolutionary anthropologists, such as Maine (1861) and Morgan (1851, 1877) were particularly concerned with the role of property relations in the history of the evolution of human societies. They inherited from philosophers and legal theorists of the eighteenth century the concept of inevitable and natural evolution from communal ownership, generally associated with so-called "primitive societies," to private property, ascribed to "modern societies" (Orenstein 1968:271). Nevertheless, anthropological studies focused on inheritance and succession particularly emerged in the early twentieth century. It was in this period of the history of the discipline that many anthropologists devoted their attention to the

entire social organization of people or investigated kinship systems, especially those of African societies, which were central to anthropological analysis. The common theme was the “rights and obligations” that various kin were assigned as members of kin groups. Although not specifically focused on inheritance and succession, the anthropological accounts of this period contain much data about ownership and on general patterns of inheritance rules, norms and practices (Cooper 2008:10). The anthropological interest in property relations reached its prominent place in structuralist anthropology due to its focus on the mechanisms of social organization of people, repetitive practices and the articulation between the social and the mental. Structural anthropologists and theorists of social organization in general conceived of societies as working towards their reproduction. To pay attention to individual duties and rights (as well as on their role) inheritance and succession practices were seen as the primary means through which any juridical system establish rules about who can succeed whom and who can inherit what from whom so that individuals, families and kin groups could maintain their property and social statuses (Fox 1986). However, studies of social organization belong to different academic traditions, but special attention should be paid to inheritance and succession as developed in anthropology of kinship both British social anthropology (Radcliffe-Brown and Forde 1950) as well as in French structuralist anthropology (Lévi-Strauss 1967).

Anthropological kinship studies introduced the understanding of inheritance and succession practices in relation to the kinship system. Descent and succession are two concepts that legal systems use to ordinate the transmission of property and positions from one generation to another. In other words, there is an umbilical relationship between the character of kinship systems and the way society conceptualizes descent and succession, and the specific way it addresses the replacement of one generation, as well as the ways in which certain material things are passed from one generation to the next (Barrera-González 1998). Due to their interest in social organization, mechanisms of social reproduction and articulations between social and mental, British and French scholars paid attention to the individual’s duties and rights, on the one hand, and on the role of inheritance and succession, on the other, as primary means through which societies secure the transmission of property and social statuses. In general, these studies underline the importance of marriage, family and other wider social groups at the expense of practices that produce the law and the function of the model. For instance, Radcliffe-Brown held that while rights and obligations do not

proceed from descent, descent opens up the logical possibilities to access things and positions within family, but this is not a granted right acquired by an individual and his/her siblings (Woortmann 1997). But, studies of inheritance and succession, and in general of problems related to social reproduction had several approaches and scholarly traditions that were complementing each other and complexifying the theoretical and methodological aspects related to the problems of transmission of inheritance and succession (Bjerg et al. 1997), such as the interdependence between inheritance practices and demographic rhythms of the population in the 1950s (Woortman 1997). Other studies focused on the outcome of the different systems of inheritance, such as the negative consequences of egalitarian systems and/or positive effects of non-egalitarian systems. At the same time, Jack Goody became a key figure in the comparative analysis of African and Eurasian systems of transmission of property and of the implications in the development of social institutions, and he provided several definitions of terms. The terms “patrilineal” and “matrilineal” should be used only to refer descent groups, the terms “agnatic” and “uterine” to inheritance and succession, the term “diverging devolution” to refer the practice found in Eurasia where property is transferred to both sexes, and the term “homogenous transmission” to the practice of man-to-man and woman-to-woman as it is practiced in many African societies. According to Jack Goody (1970), “diverging devolution” is connected to the predominance of monogamy over polygyny, and vertical transfers of dowry over the horizontal payment of bride wealth. In terms of roles and quasi-kinship, he associated monogamy with concubinage and emotional tensions, which in Africa are focused on co-wives while in Eurasia they are directed towards the stepmother. Further, he observed that adoption is primarily a Eurasian institution that provides an heir but in Africa is largely superfluous once polygyny and fostering provide alternatives (Goody 1970:627-635).

In the 1970s, the Cambridge school focused on mutual relations that exist between inheritance and the structures of the place, and later French historians and anthropologists who, without neglecting demographic and economic aspects, focused on the problem of inheritance highlighting the role of cultural aspects (Bjerg et al. 1997). Within these studies some scholars were interested in constructing typologies of inheritance and succession. Loewen (1997) distinguished between traditional systems of inheritance as egalitarian and non-egalitarian; the first in reference to bilaterality and equal share (with both genders inheriting assets equally) and the sec-

ond in reference to unilaterality and indivisibility (being frequently the unigeniture – primogeniture or ultimogeniture). In practice, kinship studies allow an analysis of inheritance and succession practices in relation to descent groups (family and other large groups). Therefore, according to such studies, in patrilineal systems inheritance and succession rights fall to children exclusively following the paternal lineage, to the deceased man's sister's children in matrilineal systems and balanced between patrilineal and matrilineal privileges in bilateral systems. Nevertheless, by focusing on descent groups, kinship scholars neglected the fact that descent does not confer acquired rights for individuals (Woortmann 1997). Descent can open the logical possibilities for individuals to access assets and social, cultural and political positions, but it does not determine actual practices and cannot fully explain how societies proceed to transfer property and positions of socio-political and cultural authority. By underlining the importance of marriage, family and unilateral or bilateral descent groups, in many studies of transmission of inheritance and succession, scholars gave privilege to the vertical perspective. Nevertheless, the contribution of the current anthropological approaches to kinship is to expand the scope of inheritance and succession studies anchored in kinship, to include relatedness more generally (Bloch 1993; Carsten 1995a, 1995b; Stafford 2000). For these scholars, the concept of kinship should be replaced by the concept of relatedness, since this allows the construction of kinship based on the implications and experiences lived by individuals in local contexts. The relevance of relatedness stems from its questioning of the power of biology in statements and practices of those related, a fact that makes it possible to compare the different ways of being related without falling, arbitrarily, into the division between biology and culture. The concept of relatedness recognizes that kinship cannot continue to be seen in a formalistic perspective, that is, as a cultural elaboration of biological facts, since it omits some crucial dimensions of kinship experiences, emotional aspects, their creativity and dynamics. In addition, the concept of relatedness provides the possibility of a truly holistic anthropology that focuses on the mediation process, and on hybrid production. Thus, the use of this concept has broadened the comparison. The privilege of the culture of those related, rather than simply kin, offers new opportunities to understand how relationships can be composed of several elements that are not basic entities in themselves but contain a part of each other may even take new forms. Thus, current kinship approaches reject the lineage paradigm, which characterized kinship studies in anthropology, and propose a procedural analysis of kinship, starting

from discourses and experiential practices of related individuals in local contexts. As we can see, much has been done, theoretically and methodologically, in the study of inheritance and succession within the studies of social organization and social reproduction. Nevertheless, in addition to kinship I also draw upon approaches developed in the field of legal anthropology and legal pluralism, as well as in more practical issues of relevance to development, notably poverty and gender. This study is furthermore an analysis of urban transformations, particularly the waiting for the political administrative and economic reforms to be implemented through the creation of the municipality.

1.7.2 Legal anthropology and legal pluralism

Legal anthropology is an anthropological sub-field focused on the study of law. In its inception was simply concerned with the study of law in non-western societies but later it has evolved to encompass a much larger legal geography to include industrialized countries, thereby expanding its scope from local to national and international legal matters (Merry 1992; Moore 2001; von Benda-Beckmann and Turner 2018). According to Nader (1965) many pioneers of legal anthropology were lawyers by training (Morgan, Maine, Bachofen, Maclennan, and more recently Redfield). The ethnographic studies of law in “primitive societies” developed from the collection of normative rules (laws) to the observation of the actuation of such rules (Nader 1965:3). However, according to von Benda-Beckmann and von Benda-Beckmann (2006), ethnographies on “trouble case” began to be published in the 1940s (Richardson 1940; Hoebel 1940; Llewellyn and Hoebel 1941). Thus, before the 1970s, von Benda-Beckmann and von Benda-Beckmann (2006) suggest, legal anthropology largely meant the anthropology of the mostly unwritten law of so-called “primitive” or “tribal people” in non-Western, small-scale localities, and, in a relatively unhistorical way, and the study of dispute processes remained the core of these studies. In the 1970s, the field of research expanded to include the legal regulation and the institutions of the state, which were increasingly captured with the concept of “legal pluralism” since it enabled a focus on the differential use of state and local institutions of dispute settlement. Later it expanded to include the role of plural legal constellations in other domains of social organization such as land and natural resources management, property and inheritance, gender relations, social security, governance and neo-traditional administration (von Benda-Beckmann and von Benda-

Beckmann 2006:2-3). Apart from the interplay between traditional or customary law and state law, religious law and religious courts as well as the law generated in new urban fringes in Africa and Latin America, the field of legal anthropology was also increasingly opened up to law in industrial societies. And yet, as Moore (2001:95) argues, dispute processing was at the center of legal anthropology. But, although looking at disputes remains a favorable way of entering a contested arena, the objects of study in legal anthropology are the immense field of action not amenable to direct observation. The nature of the state today and the transnational and supra-local economic and political fields that intersect with states are now intellectually captivating entities. Therefore, the expansion and evolution of topics in legal anthropology entailed a shift in methodology and theoretical emphasis. Thirty years ago, Merry (1992:360) identified four ingredients in how legal anthropology developed: first, a shift to a national and transnational context; second, a greater interest in cultural analysis, that is, in the ways legal institutions and actors create meanings; third, the impact of these meanings on surrounding social relationships and the effects of the cultural framework on the nature of legal procedures themselves; and fourth, a renewed interest in legal pluralism freed of its static heritage, but used as a way of talking about the multiplicity of legal systems and their interconnections and discourses and an increasing attention to power and to the ways law constructs and deconstructs power relations. Merry (1992:360) observed that, as the linkage between law and culture becomes more central, situations of legal pluralism are redefined as relations between different sets of cultural practices. Thus, Merry underlined that law is no longer only a mode of social control but is also a constitutive system that creates conceptions of order and enforces them. Moreover, law as an ideology contributes to the social construction of the world as fair and just and at same time provides language and forums for resisting that order. According to Moore (2001:101), this shift is related, on the one hand, to the anthropologists who do not see behavior as being driven by pre-existing cultural patterns and social rules, and who are instead increasingly taking invention and improvisation into account, and on the other, to the political background of the 1960s and 1970s and the end of colonial rule in the 1960s challenges to authority in public life; popular resistance in the USA and legal repercussions for the protesters; the civil rights movement and women movement. Thus, in view of all this contemporary political activity there was not much room for an anthropology of social order. Instead, it was understood to be more relevant to study the great variety of ways in

which strong people acted in their interests more effectively than did the weak.

Legal anthropology studies are both conceptually and empirically useful to approach inheritance and succession practices. For instance, the concept of legal pluralism by drawing attention to the possibility that within the same social order, or social or geographical space, more than one body of law, pertaining to more or less the same set of activities, may co-exist. According to Vanderlinden (1989:153), legal pluralism counts for a situation where different legal mechanisms are applied to identical situations within a single social order. From the standpoint of the individual, legal pluralism refers to a situation where individuals find themselves governed by multiple and various regulatory orders. As a policy concept, legal pluralism is officially used in political discourses to convey recognition of the socio-cultural diversity of the legal domain within a nation-state. As such, legal pluralism may be reflected in state law that recognizes legal pluralism as a principle describing the justice system of the country. It is also reflected in many current development-assistance donors' programs and strategies that focus on the significance of non-state justice and security providers, in international human rights documents and in national and international NGOs engaged with non-state actors involved in resolution of conflicts and provision of justice. Legal pluralism easily becomes the subject of political manipulation or is itself a political tool to assert authority and manifest power, which is intimately related to the politics of justice provision itself and by extension to social ordering providing justice or policing order as a key source of authority, and often an avenue to incomes and resources. Legal pluralism is not only the recognition of non-state legal orders but also a framework for state intervention, regulation and reform. It has political implications such as asserting the superior authority of the state institutions and law, political party interest in non-state justice and security providers to boost the power of politicians or the regime and at local level, contestations over power and clients to sustain the authority of a given institution or personal power positions (Kyed 2009a:88-91). But legal pluralism can also be a starting point for distinguishing variations within the empirical complexities of the bodies of law and their relationship (von Benda-Beckmann and von Benda-Beckmann 2006:14). This corresponds to what Kyed (Kyed 2009a) conceived of as the analytical concept of legal pluralism or its use by scholars to address the plurality of normative orders and institutions within a political organization. In other words, although legal plural-

ism can be conceived of as an explanatory theory, it is primarily a sensitizing concept for which people have drawn upon several legal systems, irrespective of their status within the state legal system. Legal pluralism endorses anthropological findings indicating that, in their social and economic interactions, people resort to customary, religious law, or an unnamed new law,²⁰ often mixed with parts of state law, even when the state explicitly denies the validity of these other kinds of law (von Benda-Beckmann and Turner 2018:264). As von Benda-Beckmann and von Benda-Beckmann (2006) pointed out, legal pluralism forces us to look at the interrelations between law and social relations in the context of plural legal orders. As a methodological perspective, it places legal repertoires and institutions dealing with law as part of an enabling and constraining context for social interactions, provides schemes of meanings which may serve as motivation for people to act (or not act) according to the demands or options the laws provide. It provides the idiom through which people interact, particularly the structured and legitimate forms of social, economic and political transactions such as marriages, inheritance and/or property transfers. Legal pluralism also constitutes positions of legitimate social and political power and regulates the ways in which such positions can be acquired, and it provides the means to rationalize and justify actors' objectives, behavior and choices, either in struggle over inheritance, determination of property rights, understanding of the nature of the proper economic transactions and the critique of state action (von Benda-Beckmann and von Benda-Beckmann 2006:23-25). Apart from that, legal pluralism is also the outcome of interactions that in turn become the context for further interactions. Thus, in different social interactions, social actors make more or less constrained choices whether they avoid any use of law, opt for non-legal means, or opt for one law and exclude others. However, the specific relevance of law usually surfaces when people have to deal with problematic situations, with disputes and processes that aim to change their routines and the law structuring them. Furthermore, reflection on the law may also inform interactions when people do not want to involve the law and courts at all but strive for informal negotiations.

²⁰ According to von Benda-Beckmann and von Benda-Beckmann (2006), “unnamed law” refers to sets of rules, principles and procedures that run parallel to the legal system such as principles, rules and procedures which transnationally operating funding agencies and development projects have introduced as “project law” or rules emerging in the interaction of development-project staff and their local target group, regulating access to resources and the distribution of authority within the project area.

Mozambique – with its multifaceted modern history of Portuguese colonialism,²¹ the struggle for independence, the postcolonial socialist regime, the civil war and the introduction of multiparty democracy – offers an interesting case of legal pluralism with a wide range of legal orders: state and community courts, Mozambican Association of traditional healers (AMETRAMO²²), religious leaders, political parties, NGOs, dynamizing groups²³ and other reconciliation institutions using local norms. In Mozambique, legal pluralism was officially recognized in the 2004 revised Constitution. According to Kyed (2009a:92), its recognition can be seen as the cumulative effect of an increasing shift from state legal centralism towards the recognition of non-state, community-based and customary authorities since the civil war ended in 1992 and the country embarked on democratic transition. In the 1980s, the FRELIMO socialist regime saw non-state justice providers as the impediment to extending state institutions and law. Popular courts (late renamed community courts), village secretaries and popular vigilantes, who formed part of FRELIMO, were delinked from the formal justice system. The drive towards recognition of legal pluralism resulted partly from changes in donor trends, initial judicial reform efforts, studies that provided evidence of the continued significance of traditional authorities and other forms of non-state justice providers and political parties' interests in the role of traditional authorities in administration, conflict resolution and national identity formation. FRELIMO was split on the issue, and RENAMO defended the full recognition of traditional authorities. However, it was after the 1999 elections that the FRELIMO became convinced that RENAMO had a strong voter base in rural areas due to its alliance with traditional chiefs during the war, and this was matched by conflicts between traditional authorities and former

²¹ However, it should be considered, such as Meneses (2007:12) pointed out, that the topography that Portuguese encountered in Mozambique was not empty. It was a political landscape where space and power were claimed and highly contested. The various people that constitute the territory of the present-day Mozambique existed as independent entities with various form of political and social organization. There was and still today a wide variety of legal institutions reflecting the multicultural reality of the country.

²² AMETRAMO - *Associação de Médicos Tradicionais de Moçambique* – is a national organization created in 1992. It is composed of traditional healers who perform care through oracles or receiving spirits of the ancestors. In order to operate, its members need a card that prove their affiliation to the organization.

²³ Dynamizing groups were grassroots popular organizations created by FRELIMO to fill the void caused by the abolition of traditional authority. The FRELIMO believed that these groups would introduce the new political history for all Mozambican citizens (Meneses 2009:26).

FRELIMO village secretaries, as well as some resistance by chiefs to the state police and administrators' and local state officials' dependency on informal collaboration with traditional authorities to re-establish state institutional outreach in the rural areas. In 2000, the FRELIMO government passed a ministerial decree, Decree 15/2000, which conceded recognition of traditional authorities and the former FRELIMO village secretaries as "community authorities" (Kyed 2009b:91-94).

1.7.3 Relevance of development studies

African inheritance systems and practices have also been of interest to scholars of development studies, such as poverty and gender studies in developing countries. The bulk of these studies are concerned with how inheritance is being addressed to enhance equal socio-economic opportunities between men and women. In turn, studies on intergenerational transmission of chronic poverty have turned their attention to the links between inheritance and poverty dynamics, which generated especial interest in inheritance as a policy issue, that is, to policy analysis concerning rules and norms of inheritance practices (Cooper 2008:2-3). In general, poverty and gender studies focus on inheritance as an important mode of distributing assets and interrogates gender inequalities in rights to assets in different African societies and the links between women's lack of equal rights and women's poverty (Hagberg et al. 2021). These studies have expanded their scope of analysis to integrate widowed women and orphaned children. Although few in number, there has been an increase in studies of poverty in developing countries that focus on children's inheritance rights and experiences. Central to these concerns for orphaned children's wellbeing are questions about the economic status and security of their households, most notably the households headed by elderly grandparents or comprised of child siblings (Cooper 2008:19-20). In addition to poverty and gender studies the scholarly works on family and intergenerational transfers pay attention to psychological dimension of inheritance and succession practices (Sousa et al. 2010). Its relevance relies on the fact that it allows the investigations of what matters to people involved in inheritance and succession processes, specifically in understanding what influences the actions of both the property/office holders and the heirs/successors as well as their responses to the actions of others. The most important aspect of this approach

is that it allows scholars to pay attention to the analysis of changing traditions and values as well as the emotional and relational aspects between property/office holders and heirs/successors.

As we can observe, the analytical framework used in the present study is informed by various scholarly approaches: kinship studies, legal anthropology and legal pluralism, and developmental studies. The idea is to establish a framework through which the ethnographic findings on inheritance and succession practices in Marracuene can be related to more general economic, sociocultural and political processes. In so doing, as I mentioned before, the fundamental point of departure is to study inheritance as social, economic, political and cultural processes.

1.8 Outline of thesis

After this introduction, in which I have made a general introduction to the aims, to the country, to the field, to the fieldwork and methodology and to the analytical framework, Chapter 2 narrates the history of Marracuene as well by introducing the reader to the sociocultural landscape of the Marracuene community through an annual local ceremony²⁴ called Gwaza Muthini. The carrying out of this ceremony requires the involvement of different social actors and institutions in terms of material, financial and human resources. In this chapter, I also explore the current relationship between the key actors and institutions, namely the district government, community authorities, civil society organizations and local communities. The Gwaza Muthini is part of the general historical and political processes: the colonial encounter between Portuguese and Mozambicans including the complexification of traditional political orders through introduction of Portuguese official political order and the postcolonial state formation, notably the FRELIMO socialist regime and the ongoing democratic decentralization reforms including the inherent cultural and political influences and

²⁴ Throughout the thesis I use the term “ceremony” to designate the celebration of Gwaza Muthini. It is also the term commonly used to refer this event both locally in Marracuene and nationally in Mozambique at large. I also use the term “ritual” to designate some events that take place during this ceremony. However, the concept of “ritual” has definitional problem since it can be used for various applications. It applies 1) to an act that is formulaic, symbolic and traditional (cultural meaningful), 2) to an act that is formulaic and meaningful but without cultural significance, 3) to new rituals to suggest that the act performed are symbolic and full of meaning to participants, and 4) even to suggest that an event is meaningless (Collins 1998:1).

transformations. Therefore, inheritance and succession practices in Marracuene are certainly part of and shaped by ritual events and the general historical and political processes.

Chapter 3 is practically an extension of the previous one. It analyzes the general sociopolitical process of transmission of inheritance and succession as part of decentralization reforms, with a focus on local discourses and expectations about decentralization in the local arena, on the one hand, and on how waiting for municipalization has triggered a wide range of discussions and debates in Marracuene, on the other. As a district under a process of rapid transformation, urban expansion and conflicts between neighboring municipalities, inheritance and succession practices in Marracuene are also understood under the influence of such processes.

Chapter 4 analyzes the economic, political and socio-cultural aspects that influence inheritance practices. It describes how individuals and families deal with critical issues of inheritance (*tsomba* or *mapfindla*) in ways they consider appropriate and socially acceptable in specific situations. Particular attention is paid to the parental house (*muti wa vapswêle*) on the one hand, and land (including marrumbi), on the other, which became the most critical issue in the context of an emerging and increasingly land market. The aim is to grasp how people deal with issues related to access to the inheritance of land in the context where traditional mechanisms themselves no longer secure what individuals and families consider their land inheritance rights.

Chapter 5 is concerned with women's property rights, especially those of widows and their children. In Marracuene, women and children are frequently excluded from inheritance, and widowed women are the main victims of property grabbing (widow dispossession), particularly that perpetuated by relatives of a deceased husband. It also explores disputed inheritance cases in order to grasp the reasons behind the marginalization and dispossession of widows.

Chapter 6 is concerned about the protection of women and orphans in international, national, and local arenas. In Marracuene, as in many other places, women have seen their human rights (including property rights) violated. Therefore, it also discusses particularly how widows are protected from dispossession often perpetrated by the relatives of the late husband. It also analyzes the role of a local civil society organization called AS-SOMUDE in defense of widows' property rights.

Chapter 7 analyzes the succession practices of different communities. Here, I am concerned with the effect of the economic and political reforms

in Mozambique on the succession practices of traditional chieftaincies. It is an attempt to grasp how the residents of Marracuene deal with issues related to selection and legitimization of traditional chiefs namely the *régulos* (*ti hôsi ta lilhanga*), chiefs of land (*mutuanas*) and third scale chiefs (*ndunas*).

Chapter 8 concludes the study by drawing together the different empirical and thematic findings in a general analysis of inheritance and succession, and sociopolitical stakes in urban Mozambique. I present the main findings of the study and reflect upon the general trends about inheritance and succession (to chieftaincy titles) practices in Marracuene, a context undergoing rapid social, economic, political and cultural change.

Chapter 2. A public ceremony as local and national history-making

This chapter narrates the local and national history to introduce the socio-cultural and political dynamics in Marracuene. I describe the annual ceremony called Gwaza Muthini. This ceremony is meant to celebrate the historical “Battle of Marracuene,” that is, a battle that took place on February 2, 1895, between the colonial Portuguese troops, led by the Portuguese major Alfredo Augusto Caldas Xavier, and the warriors of Marracuene, led by the traditional chief Roberto Zilhalha or Nyamatibjana. While this chapter is not directly concerned with inheritance and succession, the historical and political events as well as the cultural practices described throughout this chapter will help the reader understand central aspects of the rupture and continuity that characterize inheritance and succession practices in the present-day Marracuene. Apart from providing the historical and cultural background of Marracuene, this chapter also explores the complex relationships between the different sociopolitical actors involved in the preparation and celebration of Gwaza Muthini, with special attention paid to the articulation between the district government and the community authorities. The description of the ceremony and the relationship between the different social actors is in line with what has long been observed by scholars of social memories and public ceremonies concerning the instrumentalization of past events for political purpose (Igreja 2008; Adebani 2008). Besides, as Igreja (2008) points out, in the contexts of major political change, social memory is a central site of political contest to the extent that politicians use “memories as weapons” for partisan gains, since political parties can use them to advance political interests.

However, above all, it should be underlined that what fuels the increasing interest in memories, rituals and ceremonies (being political, religious, rite of passage, celebration, ritual of purification, mystical rituals, dramatic ritual, etc.) is the role they play in societies both for social integration and social disintegration, as was well observed by Lukes (1975) in his analysis about the role of rituals in social life. In his criticism of Durkheimian and

neo-Durkhemian theorists, who conceive of rituals as promoting value integration, Lukes (1975:300-1) addresses the rituals as crucial elements in the mobilization of bias. Instead of underlining the value integration, he emphasizes that rituals can be meant to challenge social integration or the existing social order, or, in extreme cases, to overthrow it. He also argues that, generally, rituals serve to strengthen the dominant group's ideology within society, thus exacerbating social conflicts and working against social integration. On the other hand, there is the role of their instrumentalization by individual and political parties for economic and political gains or benefits. The chapter is composed of five sections. The first provides a historical overview of the origin and celebration of Gwaza Muthini in Marracuene. The second describes the context of the revival of Gwaza Muthini and explores the meanings that different social actors attribute to the event. The third starts by describing how people of present-day Marracuene perform this ceremony and then explores the meanings of the rituals (*Kuphalha*, *Mhamba* and state ceremony) performed during the celebration of Gwaza Muthini. The fourth is concerned with tracing continuities and changes in the celebration of Gwaza Muthini. The fifth section concludes the chapter by underlining the relevance of the ceremony as an instance of social reproduction and consolidation of positions of sociocultural and political authority, on the one hand, and as a ceremony subjected to political instrumentalization by the ruling party FRELIMO, on the other.

2.1 Historical overview

The celebration of Gwaza Muthini has a colonial legacy in the sense that it was initially celebrated by the Portuguese during colonial times. The purpose of the ceremony was to commemorate the victory of the Portuguese troops over the warriors of Marracuene in the Battle of Marracuene. The Portuguese arrived in the territory of present-day Mozambique in the mid-fifteenth century. They initially settled on the coast, especially for trading purposes (ginger, silver and gold) including the trading of slaves. Therefore, they were less interactive with the peoples of African descent until the partition of Africa between colonial powers in the Berlin conference 1884-1885 (De Fraga 2008:5-6). The Berlin conference led to the contestation of the principle of colonial occupation largely used by Portugal to claim possession of the hinterland where it had coastal factories and in turn to the adoption of the "principle of effective occupation" (De Matos

1932).²⁵ Thus, the approval of this new principle would make possible the expansion of the market for industrial products manufactured in Europe, and, at the same time, colonial powers would gain access to the sources of raw materials that were thought to exist in Africa, or at least they could introduce agricultural crops that would satisfy Europe's industrial needs.

Thus, as Cumbe (2010 cited by Kayuni 2016:68) points out, it was the effective occupation derived from the Berlin conference that prompted the Portuguese to start extending their political and military control of Mozambique from coastal areas into the inland. In order to ensure a consistent penetration and the implementation of new mechanisms of contacts in its colonial territories in Africa, Portugal changed its ways of relating to the African people. Portugal sought to learn and understand the political relations among African peoples in the areas of colonial expansion. Still, the Portuguese settlement in Southern Mozambique remained precarious and sparse at least until 1895 when Portugal defeated Ngungunyane, the emperor of the Gaza Empire. In 1895, Portugal nominated António Enes²⁶ to be Commissioner of Mozambique, whose main mission was to deal with the rebellious traditional chiefs from the region of Marracuene, namely the chiefs Mahazula, Mulungo and Matibjana, whose warriors had been threatening to assault Lourenço Marques (present-day Maputo), as well as to challenge the influence of Ngungunyane, the Emperor who sought to impose his authority and power in the southern region of Mozambique. António Enes was equally expected to safeguard the Portuguese colonial

²⁵ According to De Matos (1932), before the Berlin conference, the Portuguese thought that all lands discovered by their navigators belonged to them by rights of conquest, that is, Portugal applied the so-called the principle of "hinterlands" – according to which as soon as the occupant was settled on a part of the coast, the interior of the territory corresponding to this base belonged to that occupant without limits.

²⁶ António Enes was considered the greatest advocate of the Portuguese colonial interests. According to De Fraga (2008), he was a journalist and politician (deputy in 1880-81 and 1885-92). He was also the Minister of the Navy and Overseas in 1890-91, a position from which he undertook a military expedition to Mozambique in 1891 and took strict measures when uprisings occurred in Guinea and S. Tome. His political experience as a Minister, together with his knowledge of Mozambique (he had been in Mozambique in 1893 as a royal commissioner involved in delimitation of borders following the 1891 border agreement within the framework of political equilibrium in the sequence of the British ultimatum), was responsible for his appointment to the office of commissioner of the province of Mozambique.

interests from the British imperialism, especially the South Africa Company's²⁷ administrative and commercial interests in south-central Africa, including the occupation of the Port of Lourenço Marques (Da Silva 1932; De Fraga 2008).

António Enes arrived in Mozambique early 1895, and he landed on Mozambique Island in Nampula Province – the first capital of colonial Mozambique – where the Portuguese colonial government's palace was installed. After taking over the office he embarked for Lourenço Marques to fulfil his mission. Although he had visited Mozambique in 1893, he did not know all the territory and therefore he had to study the map of the region. After studying the map, he concluded that, apart from being the convenient point to confront the rebellious chiefs and force obedience in the surrounding villages of Lourenço Marques, Marracuene was also a strategic place to begin military action against Ngungunyane (MAE 2005). On January 28, 1895, a column composed of 807 soldiers²⁸ left Lourenço Marques for the region of Marracuene. Once in Marracuene they camped on the top of Massingue in the border of the region of Marracuene. However, the chiefs Mahazule and Mulungo (both from Marracuene), managed to organize their warriors to ambush and kill Portuguese soldiers.²⁹ The revenge of the Portuguese led to the so-called “the Battle of Marracuene” that occurred at dawn on February 2, 1895.³⁰ According to the historian Rita-Ferreira (1982), given the unequal military power, the Portuguese using shotguns and artillery bullets and the warriors of Marracuene using spears (*titlhari*) and shields (*chitlangu*), the Portuguese were victorious. According to Serra (1983), the Portuguese were also favored by conflicts³¹ between the local chieftaincies in the sense that they took the advantage of

²⁷ The British South Africa Company was a mercantile company based in London and founded in October 1889. The company was interested in acquiring and exercising commercial and administrative rights in south-central Africa, including occupation of the Port Lourenço Marques.

²⁸ According to Aires de Ornela cited by Simião (2000:12), there were 812 soldiers. This column comprised colonial troops, the Angolans (so called because they were recruited in Angola) and the Mangas (who were troops of the local *régulos* considered faithful to the Portuguese).

²⁹ In order to immobilize the Portuguese boats, the warriors crossed their ropes on the bottom of the Incomati River.

³⁰ In an unpublished work entitled *A Guerra de África em 1895 – uma leitura estratégica*, De Fraga (2008) provides a detailed account of the historical Battle of Marracuene.

³¹ According to Serra (1983), such conflicts would explain, for instance, why the corpses of rebellious warriors were burned in fire fueled with petrol under the indifferent gaze of some local chiefs.

the situation to implement the principle of divide and conquer, thereby leaving several chieftaincies surrounding the region of Lourenço Marques with no other option than to accept vassalage to the king of Portugal. The Battle of Marracuene has been considered the bloodiest confrontation in the history of resistance against the Portuguese colonial settlement in Southern Mozambique. According to De Fraga (2008), based on the traces on the site of the battle, it is estimated that more than three hundred of warriors were killed and a very large numbers were injured by the Portuguese artillery shots. However, according to Simião (2000), the description presented by Portuguese colonial sources does not correspond to what happened in the Battle of Marracuene. Their descriptions have no function other rather than to hide the truth of the facts, in order to manipulate Portuguese and world public opinion. Simião (2000) writes that the information provided by Aires Ornelas in his collections of the main military and colonial works, specifically about the Battle of Marracuene, according to which about 3,000 warriors who were said to have attacked the 812 Portuguese troops in Marracuene for two hours (from 4 pm to 6 pm), supposedly resulted in more than 1,000 deaths by local warriors and no white soldiers killed, only 8 injured, and 40 Angolans killed on the side of the Portuguese army. This is contradicted by the plaque placed on the monument dedicated to the Portuguese soldiers who died at the Battle of Marracuene. Further, he underlines that local oral traditions also challenge that and other similar information, defending that in that battle, many white soldiers were killed, including their commander Caldas Xavier (Simião 2000:12-3).

The battle took place in the context conventionally called Pacification Campaigns, as part of the colonial conquest in southern Mozambique. After the Battle of Marracuene, a corridor was opened to counteract the Empire of Gaza which was the major target of the Portuguese. Therefore, successive battles took place: the Battle of Magule on September 8, 1895; the Battle of Coolela on November 7, 1895; and finally, the imprisonment of the Emperor Ngungunyane on December 28, 1895. The Portuguese victory was the beginning of the end of the resistance against the Portuguese colonial conquest in southern Mozambique, and for this reason it was a meaningful pretext for the Portuguese to commemorate their victory. Thus, the

Portuguese began to celebrate the victory in 1896 and baptized the ceremony with the name Gwaza Muthini³² – “to kill at home,” which was a way to expressively humiliate the local African people.

In colonial times, the Portuguese celebrated Gwaza Muthini to perpetuate colonial domination and the subjugated condition of the indigenous people. The indigenous people were forced to attend the ceremony, to perform traditional dances and to mimic the fighting power and skills of the late warriors, just to make sure that they would never forget their condition of inferiority and never think of reversing their fate since the result would be the same as that of their deceased warriors (Tcheco, 2016). Therefore, since Gwaza Muthini had been instrumental in the service of the Portuguese colonial interests, it was interrupted by the socialist regime of FRELIMO in 1977, that is, two years after the independence of Mozambique. For FRELIMO, political structures associated with Portuguese colonialism were outdated, and traditional sociocultural practices were deemed obscurantist and were to be banished. For Samora Machel, the first president of the independent Mozambique (from June 25, 1975, to October 19, 1986), the celebration of Gwaza Muthini should be integrated into the celebrations that take place on February 3, the date dedicated to the celebration of pan-Mozambican heroism in honor of Eduardo Mondlane (the founding father and first president of FRELIMO) who was murdered, the victim of a bomb disguised as a book, on February 3, 1969, in Tanzania.

2.2 The revival of Gwaza Muthini: actors and performance

The celebration of Gwaza Muthini is a particularly interesting example of the invention and reinvention of tradition (Hobsbawn and Rangers 1983:31-32). Albeit with appropriate changes, the celebration of Gwaza Muthini was reactivated in 1994, that is, seventeen years later, as a local public ceremony commemorating the Battle of Marracuene. Today, many people from different provinces of Mozambique and neighboring countries come to Marracuene to attend these celebrations, although with different motivations. For instance, according to the delegation from eSwatini (until recently Swaziland) who participated in Gwaza Muthini in 2018, attending

³² Gwaza Muthini in Zulu (a South African language) is an expression used to refer to the warrior dance breathing, for both combat and celebration of victory or distraction in moments of tension or defeat (MAE 2005).

the “Festival” was practically for cultural tourism. The celebration of Gwaza Muthini has been promoted by Mozambicans living abroad who have long engaged in cultural activism, thereby contributing to the promotion of Mozambican cultural practices. In this particular event, the Mozambican representative of the eSwatini delegation is a Mozambican citizen born in Beira. This man is living in eSwatini and also an individual who acts as the coordinator of the Mozambican community in that country. He was in charge of the invitation of his colleagues from eSwatini to attend the 2018 celebration of Gwaza Muthini in Marracuene. The purpose was to show them how the Mozambicans organize their cultural events. In a short conversation with me on the site of Gwaza Muthini 2018, he explained:

These are my colleagues and I invited them to this cultural festival. I am the representative of the Mozambican community in Swaziland [the current eSwatini]. What is happening here also happens there, because not long ago they had a similar ceremony called Twala. It is during this event that the ritual “kuphala” takes place. The ceremony itself starts in November when some men are sent to fetch water from the sea and rivers. Once they come back, another group dressed traditionally goes to the farms for the first harvests (Sekwane). Regardless of any excuses, during all this period the King is not allowed to be absent. He should remain in the royal premises until January. Twala is not the only ceremony...in total they have three ceremonies: women’s ceremony (Lhawu) and maidens’ ceremony (Mulhanga) – in which the King chooses a maiden.³³

Therefore, from the perspective of the delegation from eSwatini, Gwaza Muthini is a Mozambican cultural festival, one of the most important cultural events in Marracuene. Thus, as it stands now, both traditional and cultural dimensions of the ceremony are the core features that attracted the Swazis. However, beyond mere curiosity there is a clear interest for cultural exchange between the two countries (Mozambique and eSwatini). According to one representative of the delegation from eSwatini, they would like to see their fellow Mozambicans in eSwatini attend their cultural festivals. But, as we shall see, the celebration of Gwaza Muthini is also a political event.

³³ Conversation with the representative of the Mozambican community in Eswatini, Marracuene, February 2, 2018.

The celebration of Gwaza Muthini ceremony takes place outdoors in the village headquarters of the administrative post of Marracuene-Sede, located near the railway station on the right bank of the Incomati River where the Battle of Marracuene would have taken place. According to historical accounts (see for instance Rita-Ferreira 1982), it was equally on this site where the dead warriors of Marracuene were burned and buried by colonial Portuguese. On the site there is a monument honoring the heroes of Gwaza Muthini (heroes of Marracuene).



Figure 3: The monument of the heroes of Marracuene. Marracuene, February 2016. Photo: Fernando Matai Manjate.

This monument was erected in 1998, four years after the reactivation of Gwaza Muthini. The architecture of the monument narrates the history of the battle through the perspective of military strategies or tactics used by the two belligerents in the combat. The Portuguese used the *tática do quadrado* – tactic of the square – which in the monument is represented by a square. In the center of the square there is a tower representing the Portuguese colonial power. The warriors of Marracuene are represented through the half-moon-shaped walls, since throughout the struggle against

the Portuguese in the region they always used the so-called *táctica de meia lua* – the half-moon tactic (see Serra 1983).

There are two main factors explaining the reactivation of Gwaza Muthini. The first factor that led to this was the influence of the Mozambican political reforms in the 1990s, especially the adoption of democracy and a multi-party system. There was also a change in attitude on the part of FRELIMO towards traditional political and cultural practices. Through changing attitudes towards traditional institutions, FRELIMO intended to recover its political influence, especially in rural areas that had been under the control of RENAMO during the 16 years of civil war. Following the independence of Mozambique, FRELIMO took a harsh stance towards community authorities, while the RENAMO worked towards the revival of community authorities and traditional cultural practices, thereby gaining the support of marginalized traditional authorities. However, the main factor for the reactivation of Gwaza Muthini was the mobilization of the residents of Marracuene. Even though the Battle of Marracuene was an authentic defeat, they insisted on the relevance of the ceremony to acknowledge the bravery of the warriors of Marracuene. Thus, instead of celebrating Portuguese heroism or highlighting colonial symbols of superiority, Gwaza Muthini was turned into a ceremony to celebrate the heroism of the warriors of Marracuene and more generally to symbolize Mozambican resistance to Portuguese colonialism. As one of my informants explained, it was necessary to reactivate the celebration of Gwaza Muthini because they could not allow their children, the future leaders of the nation, to look down on their tradition and history:

Gwaza Muthini is the way through which the residents of the region commemorate the resistance. Its reactivation was necessary just to make people acknowledge the bravery of our warriors, those who, although few in number and without enough means, faced the enemy. The celebration of Gwaza Muthini is also an opportunity for people to know the cultural and economic potentials of the region³⁴.

As this quote suggests, more than a mere memorial event, the celebration of Gwaza Muthini serves cultural as well as economic purposes. Apart from teaching new generations to respect traditions of the region, it is also meant to boost the economic and touristic potentials of Marracuene. Alt-

³⁴ Conversation with a resident and participant in the ceremony, edition 2015, Marracuene, February 2, 2015.

hough, from the FRELIMO government point of view or narrative, the celebration of Gwaza Muthini sends the Mozambican people back to the cradle of national unity, on the one hand, it also contributes to its perpetual promotion, on the other. According to the provincial governor, for instance, the celebration of Gwaza Muthini is meant to commemorate the heroism of the warriors of Marracuene whose ideals inspired the founding fathers of the Mozambican national resistance against Portuguese colonialism:

Through Gwaza Muthini we are celebrating the origin of the movement that was later followed by Eduardo Mondlane [the master mind of the Mozambican national unity], by Samora Machel [the second president of FRELIMO and first president of independent Mozambique], Joaquim Chissano, Armando Guebuza [both respectively former presidents of independent Mozambique] and Filipe Nyusi [the current president of Mozambique]. Gwaza Muthini is the seed that is the origin of the Liberation Front of Mozambique (FRELIMO), the movement that brought the independence, peace, democracy and development to Mozambique.³⁵

Furthermore, from the quotation above, we can see that the celebration of Gwaza Muthini is a celebration of FRELIMO itself, a re-enshrining of FRELIMO as the eternal provider of the nation-state. However, whatever the argument regarding the relevance of Gwaza Muthini, there is a public debate over FRELIMO's dedication to the ceremony, especially the state party. According to some eminent voices in Mozambican public opinion, by dedicating the party to Gwaza Muthini, as a de-facto the government is conferring upon it a national character, which is unreasonable if one considers that the resistance was local rather than national. According to the Mozambican historian Raposo (2011), Gwaza Muthini should remain a local event supported by local authorities and adhered to by anyone who is interested in local resistance. However, according to other voices, the issue of the state party is irrelevant. It does not matter if Gwaza Muthini is used as a representative of all battles of resistance fought in southern Mozambique or as a battle at the national level. For instance, for Nhantumbo (2016), the relevance of the ceremony should be inscribed in historiographical terms as the Battle of Marracuene marks the beginning of the end of the Gaza Empire. Nhantumbo's point of view is equally supported by one

³⁵ Extract from the speech of the governor of Maputo province, delivered during the celebration of Gwaza Muthini, February 2, 2016.

of my informants from Gaza Province and an assiduous participant in the celebrations of Gwaza Muthini, who explained that:

The lion of Gaza (Ngungunyane) resisted handing over the nation to the Portuguese. The Portuguese colonial struggle against the Empire of Gaza started in Marracuene, from there to Magule, from Magule to Coolela and ended in Chaimite, the capital of the Gaza Empire where Ngungunyane was arrested in 1895, deported and imprisoned on the island of Açores, Portugal.

The different discourses and understandings about Gwaza Muthini presented above demonstrate the fundamental nature of rituals, as not an event that happened but rather that can be narrated, and as an event fundamentally open to shifts in perspective and dynamic, what Kapferer conceives of as the virtual nature of ritual, a kind of “phantasmagoric space.” Virtuality, Kapferer (2006) writes, is a dynamic that allows all kinds of potentialities of human experience to take shape. Therefore, the “phantasmagoric space” of ritual virtuality may be conceived as a space (or a space opened by means of the virtual) whose dynamics not only interrupts prior determining processes but also a space in which participants can reimagine (and redirect or reorient) themselves in the everyday circumstances of life. In other words, the virtuality of ritual as a form that is anti-determinant but paradoxically enables new kind or forms of determinations to emerge.

2.3 The ceremony: Actors and performance

Today the ceremony is jointly organized by the district government and community authorities with the support of entrepreneurs and civil society organizations based in Marracuene. In practice, as it stands today, Gwaza Muthini is a double event composed of a traditional ceremony (*ceremónia tradicional*) and an official celebration. The traditional ceremony of Gwaza Muthini is under the responsibility of community authorities. Under the guidance of the paramount *régulo* of Marracuene, they perform traditional rituals (*Kuphalha* and *Mhamba*³⁶) in the monument of the heroes of Marracuene. The ritual *Kuphalha* is a means through which the communication

³⁶ These rituals are found in many African societies with religious tradition practices of worship the ancestors. In Marracuene and throughout Mozambique, individual families or kinship groups perform them to communicate and/or strengthen the bonds with their own ancestors.

between the living people and their *tingûluve* (ancestors) is established. The ritual *Mhamba* is a sacrifice symbolizing the communion between the living people and their ancestors through the sharing of sacrificial meat. It is useful to underline, however, that the rituals *Kuphalha* and *Mhamba* are practiced by almost the whole Mozambican society, although the ways and the purpose for which they are performed depend on individuals or family beliefs. Generally, they can be performed with the purpose of acquiring wealth, protection and prosperity for the family or simply as an act of benevolence or vengeance. In the context of Gwaza Muthini the main purpose of traditional rituals is to plead for protection and peace and prosperity to the community of Marracuene, as well as to all Mozambican people.

In addition, in the context of preparation of the celebration of Gwaza Muthini, two traditional ceremonies have been performed. The first ceremony is the so-called “the inaugural ceremony of *ucanhu*” performed one month before the celebration of Gwaza Muthini. This ceremony announces and communicates to the ancestors the launch of the *ucanhu* époque as well as the upcoming celebration of Gwaza Muthini. The *ucanhu* is a traditional homemade beer³⁷ usually served during the celebration of Gwaza Muthini. According to the local customs, the *ucanhu* is generally brewed by women, especially for men to improve their sexual performance. In the occasion of Gwaza Muthini each neighborhood (*bairro*) of Marracuene is expected to provide about 250 liters of *ucanhu* beer.

³⁷ The *ucanhu*, like some other traditional drinks, is made from fruit. However, it is distinguished from others in that while those can be fermented and/or distilled, it is simply fermented.



Figure 4: A woman brewing and selling the *ucanhu* on the site of Gwaza Muthini celebration. Marracuene, February 2015. Photo: Fernando Matai Manjate.

According to some residents of Marracuene, *ucanhu* is an aphrodisiac, especially the densest part of the brew at the bottom of the container (*hongwé*). Therefore, it is commonly believed that the consumption of *ucanhu* can sometimes lead to sexual assault. Thus, for precautionary reasons, it is averred that men should therefore be separated from women whenever they are drinking the *ucanhu* beer.



Figure 5: The *ucanhu* inaugural ceremony in the neighborhood called Agostinho Neto. Marracuene, January 2015. Photo: Fernando Matai Manjate.

According to community authorities, it is only after the inaugural ceremony that individuals and families can drink the *ucanhu* whenever they like. They are equally allowed to share it with whoever they want, but, owing to its sacred character, they should never sell the *ucanhu* beer. However, as it is one of the most-appreciated local beers, there have been people who see in it an opportunity for business, despite being monitored by the local community police, and potential customers, compelled by suspicions of tampering (which is a widespread practice in the national beverage market including the counterfeiting of many other commodities) are discouraged from buying the *ucanhu* beer. There is of course a certain control at the neighborhood level which is not maintained during the celebration of Gwaza Muthini, where people tend to sell the *ucanhu* beer openly without fearing reprisal from the local community authorities. The common justification for this selling is that during the celebration of Gwaza Muthini no one really knows where the sellers come from. Besides, according to one of the organizers, while preventing people from selling the *ucanhu* beer would be desirable, it is also necessary to avoid confrontation with the sellers. It is as if there is nothing to else do but to let it go, especially now that the country is in economic crisis, where people attempt to make money by any means available, including breaking the customary rules.

The inaugural ceremony of *ucanhu* beer is usually held in a certain selected neighborhood where participants gather to rejoice after attending the *Kuphalha* and *Mhamba* rituals to the ancestors. These rituals are carried

out under the sacred tree – *ngandzelweni*, inside the sacred forest of the clan Magaia, who are commonly considered the custodians of local traditional cultural practices. In order to attend the rituals, participants are expected to enter the sacred forest barefoot either to engage directly with the land or as respectful way to address the ancestors. In addition, local community authorities and the district government representatives attending the rituals are expected to kneel next to the sacred tree. However, it is up to the paramount *régulo* of Marracuene, as the legitimate intermediary between the living people and the ancestors, to perform the rituals. The performance of these rituals consists of throwing *folê* (tobacco) and dropping a little of *ucanhu* beer and/or other spiritual beverages on the ground. The pouring of the drink is a local widespread customary practice. Individuals do it whenever they intend to share an alcoholic beverage with their ancestors, who are acknowledged as the primary owners of the land and other local resources from which individuals extract their sustenance. Besides, it is a local common belief that sharing drinks and/or food stuff with the ancestors is the way to prompt them to provide more sustenance to the givers. It is also a means to strengthen the ties between the living and the ancestors. The strengthening of ties with ancestors is also achieved through animal sacrifice in performing of the ritual *Mhamba*.

After the performing of traditional rituals, participants head to a gathering where they rejoice in the neighborhood previously selected to host the event. In 2016, participants gathered in Agostinho Neto, a neighborhood located in the western part of Localidade-Sede. The traditional chief of this neighborhood is father Ximica. Apart from eating and drinking, participants also performed traditional dances and songs such as the following one:

Oh ya mbongâ ngonhamaaa (oh, the lion screams)

Ya mbongâ ya mbongâ ngonhama (It is screaming the lion is screaming)

Ya mbongâ (It is screaming)

Ngonhama sê yi twala ka Ximicaaa (It is hearing from Ximica)

Ya mbongâ ya mbongâ ngonhama ya mbongâ (It is screaming; the lion is screaming)

Ya mbongâ (It is screaming)

Ngonhama sê yi twala ka Mumemo (It is hearing from Mumemo)

Ya mbongâ ya mbongâ ngonhama (It is screaming; the lion is screaming)

Ya mbongâ (It is screaming)

This song is intended to announce the place of the event, but in addition it displays much of the local social organization. It perpetuates the myth of the male superiority and maintenance of socio-sexual status quo within families and communities. The reference to the lion is not by chance but is rather a crucial aspect of Varhonga sociopolitical structure. In Marracuene one can also be confronted with the widespread saying, *awa nuna i ngonhama ya muthini* (a man is the lion of the house), meaning that man is the absolute patriarch either of a head of a family or a certain community. In Tsonga culture (included the Varhonga) where societies tend to be patrilineal, men are entitled to make the major decisions, to control and allocate resources (including inheritance and succession), and to settle disputes involving the members of their families. They are also the spiritual or moral leaders in the sense that they are responsible for the behavior of all members of their families and/or communities (see Morris 1972). Nevertheless, it is also important to underline that during the anticolonial struggle the lion also symbolized the bravery of individuals who led the struggle against Portuguese colonial occupation, such as the last emperor of Gaza – Ngungunyane, who was also known as the lion of Gaza.

The second traditional ceremony is held at the public monument of the heroes of Marracuene. Like the *ucanhu* inaugural ceremony, it is meant for community authorities to perform traditional rituals dedicated both to the ancestors of the clan Magaia and to the warriors who perished in the Battle of Marracuene. The celebration of Gwaza Muthini starts with the performing of the ritual *Kuphalha* and *Mhamba*, considered by many residents the most important moment of Gwaza Muthini.

2.3.1 Gwaza Muthini: The ritual *Kuphalha*

According to my interlocutors and individuals attending the ceremony Gwaza Muthini, the traditional ceremony, particularly the ritual *Kuphalha* is the most important moment of Gwaza Muthini. However, few people have attended the traditional ceremony, especially the ritual *Kuphalha*, supposedly because it takes place very early in the morning. However, it should be noted, as Quack (2010) points out, that although the question of audience has obvious implications for any effects of a ritual on society, we

should not commit the error of supposing that there is a simple, direct relation between the number of people present at a ritual and/or a ceremony and its relevance. Rather, Quack (2010:219) writes, there are cases where knowing that such ceremony or ritual took place is more important than witnessing its performance. Therefore, I would argue that in this specific case, the number of people attending to the traditional ceremony, and to the rituals in particular, does not matter to its relevance, and this can be demonstrated from the celebration of Gwaza Muthini in 2021. Due to the context of COVID-19, the ceremony was performed under severe restrictions. Actually, it consisted only of the traditional ceremony (although a wreath was deposited on the monument of the heroes of Marracuene) with a limited number of participants selected and invited in advance. Specifically, attendees were members of the provincial and district governments, community authorities and 50 guests. In its 2021 edition, the Gwaza Muthini ceremony lasted only seven hours, that is, from 6 am to 1 pm, and the presence of marketers, vendors and other elements in the perimeter of the district headquarters was forbidden. It is also important to mention that, in addition to the traditional ceremony performed in Gwaza Muthini, the traditional ceremony aimed to launch the *ucanhu* époque was also carried out on January 9, 2021, despite the restrictions relating to COVID-19.

The ritual *Kuphalha* is meant to be performed at dawn, before the sun rises, which can justify in part why there have been few participants. It is commonly believed that this time of day is the most appropriate moment to communicate with the ancestors. As one of my informants explained to me, the ritual *Kuphalha* is performed at dawn because the ancestors would be at sleep and thus be awakened to hear the prayers and receive their gifts. This is what the paramount *régulo* of Marracuene says in the ritual *kuphalha*:

Hi Swôswô Kokwana Muvetxa; inga mina ni vûlavûlaka (This is it, Grandfather Muvetxa; it is I talking)

Tunkulo waku Mandjololo; niko hi khola namuntla (Your grandson, Mandjololo; I say we are here today)

A xi bandleni xawena; hi ku nkholeli tôlo wâ Lhewana (On your altar; we asked you yesterday Lhewana)

Hiko pfuka u sêkeleka; hiya Amurrauceni (We said wake up, get up; to go to Marracuene)

Hi lavâ a ku vûlavûla na wena; ni vâna vâku lâvâ yetlelaka (We want to talk to you; together with your children who slept)

Lani na wena; niko hi swôswô Lhewana (Here with you; I say that's it Lhewana)

A mabjala hi Lawu; hi kwaswo: Timbuti, Mafôle, Ma sôpe hi leswi (The drinks are here; everything is here: goats, tobacco, brandy, and chickens)

Hi leswi hi ku tivisâka swôni; hi li pfuka (That is what we announce to you; we are to say wake up)

U pfluxa ni vâna vâku; hi vûlavûla na vône lâva yetleleke na wena (Wake up all your children; to talk with everyone who slept here with you)

Hi leswi niku bwelaka swône wê Lhewana; tatana wa xikadzekisû hi lweyi (This is what I tell you Lhewana; the head of the warriors is this)

Ni massotxa yakwé tatana Mutxini; a massotxa yakwé yi lawaya ya muthini (With his soldiers Father Mutxini; his soldiers are there, of "muthini)

Hi kwavo vâ khola wê Lhewana; bwela hi kwavo vâ ka Magaia (Everyone is here, Lhewana; tell all members of Magaia)

Uvâ u khupuka uya Pexeana; u ya bwela Matibjane (Also, go up and go to Pexeane; go tell Matibjane)

U vâ ubwela Makayi; hi kwezu hi lhangana lani (Also, tell Makayi; to all meet here)

Yinga dzo siku dza ku Dzumuka hi kwenu; mwina muyetleleki lani (This is the day to remember you all; you who slept here)

Hiku pfukane hi kweno; pfukani hi vûlavûla na mwini (We say wake up you all; wake up to talk with you)

Hi khombela Amurracu u bassa; Lhewana a hi djuli ngâti (We ask Marracuene to be clean; Lhewana, we do not want blood)

Hi khombela a ku zula; kungâ hâlaki a ngâti a swi taratwini (We ask for peace; do not spill blood on the roads)

Hi leswi niku khombelaka swône; kokwana Muvetxa (This is what I ask you; Grandfather Muvetxa)

Ni bwela hi kwavo vâ ka Magaia; a hi djuli mitlatla la Murracuene (I tell to every Magaia; we do not want fights here in Marracuene)

Tatana hi yelwi; Tatana governador (This is the father; the father governor)

A lavissela a Mhamba yaku; leswi inga ta fambissa swôna (He is attending your Mhamba; the way it is going to be performed)

Namuntla hi dzo siku dza ku vûlavûla na mwina; a ti pfula a hi tivôni
(Today is the day to speak with you; we do not see the rain)

Yi djandza la Moçambique; A ku diwi txumu (It is starvation here in
Mozambique; nothing is eaten)

A ti pfula a ti khona; hambi hô khombela a hi vôi txumo (There is no
rain Even we ask, we do not see anything)

Khambi hi bwela wena wê Lhewana; u hi pfulela a swi pfalo kumbi
kung'a xika a pfula (Yet we tell you Lhewana; open the doors to us
maybe it could rain)

Ku vâni ku zula lani a Murracuene; namuntla yi siku ledzi kulo (May
peace reign here in Marracuene; today is a big day)

Ama tlelo hi kwawu ma kola; malaises wena a kuvâ u hi lampswa (all
sites are here; scattering for you to wash us)

Hi huma a hi bassili; hi leswi niku khombelaka swône we Lhewana (For
us to leave clean; that is what I ask for, Lhewana)

In this ritual the paramount *régulo* reports to the ancestors about community life, which includes complaints about starvation and droughts and pleas for them to rescue the community through the provision of rain and peace. In addition, he pours tobacco and drinks (white wine and traditional beer) on the ground and present gifts (goats and chickens) to the ancestors and pleads to them to provide rain, food and peace. In practice, the ritual performance is a collaborative act, in the sense that the paramount *régulo* is often assisted by his advisors, elders and the Muthini dancers. Thus, each time the paramount *régulo* utters certain words, the elders and representatives of the district government sitting surrounding him clap their hands twice, functioning simultaneously as stimulus and reaction to the *régulo*'s speech. In addition to the religious purpose, this ritual is also an occasion to recognize the heroism of the warriors of Marracuene, which is expressly symbolized by a Muthini dancing group. Dressed to look like the deceased warriors (with animals' skins, feathers of birds on their heads, and armed with bows, arrows and shields), the Muthini dancers mimic and recreate the context of colonial resistance in which the warriors of Marracuene confronted the Portuguese troops.



Figure 6: Muthini dancing group attending traditional rituals in the monument of heroes of Marracuene. Marracuene, February 2016. Photo: Fernando Matai Manjate

The ritual *Kuphalha* also functions as an instrument of political legitimization, control and reproduction of power by the dominant clan Magaia, who (as I mentioned before), despite being latecomers, managed to impose their dominance in the region of Marracuene, thanks to their wits and military power. The Magaia would allegedly have been in power since the fifteenth century when they conquered the whole region and subjected the chief Libombo who, during the twelfth and thirteenth centuries, subjected the three independent clans that occupied the whole land of Nondjwana kingdom (See Moris, 1973). The Magaia possessed better weapons (spears, shields and knives) and more efficient war strategies compared to rival chiefs Honwana and Malhanguana (MAE 2005). However, according to some elders, apart from military power Chief Ngomana Magaia managed to subjugate other clans and eliminated their chiefs because he was very smart. They recall how he deceived and killed the king of Malhanguana. The story about this legendary killing is as follows. As he was aware of Malhanguana's infatuation with beautiful virgin maidens, Magaia invited the king of Malhanguana to his village, pretending he wanted to offer two beautiful damsels to him. He set up a trap of barbed sticks in the bottom of a pit covered by a mat on the path to the village. On his way to fetch the two maidens, king Malhanguana fell into the pit and was mortally pierced. However, in the brochure *Gwaza Muthini 1895-2000*, Simião (2000:44)

attached an account that provides another version of the killing of Malhanguana. This version is as follows: when Malhanguana asked Ngomana for asylum, he had his children and a beautiful girl. Ngomana saw that that girl was beautiful and wished to marry her. Ngomana became the son-in-law of Malhanguana. He was noteworthy and learned many secrets of Malhanguana. With a view to overthrowing his father-in-law in order to become the king, he took advantage of a practice that was customary at the time, that is, every year, a ritual was performed in which a member of the population had to die in a trap. That was how the trap was laid, not on the public road, but where the king would pass, and once when he had to pass by there, he fell into the trap and was buried immediately in order to prevent people from seeing who was in the grave. That time the king was caught and only upon their return did the Malhanguanas find out that the king was dead. Later the elders of Malhanguana realized that Ngomana had killed the king. Ngomana, fearing that the Malhanguana family would revolt against him, fled across the river and went to settle in the region today known by the name Matsinana. It was there that his sons Matsinana and Lhewana grew up. He could not return, and once his children had grown up, he distributed to them the areas he had managed to establish his kingdom over. Lhewana, his youngest son, went to occupy the region currently known by the same name and Matsinana, the eldest son, remained there.

In order to maintain his control over the populace, Ngomana Magaia sought to secure the village chieftaincy positions to his relatives and sons (members of the royal clan), making the old chiefs from other clans their chief counsellors. Therefore, for some individuals mostly from the clans Honwana, Lhanguana and Libombo, the Magaia should be considered as invaders and not as the rightful owners of the land as they claim to be. Nevertheless, the Magaia have been the paramount chiefs within the different chieftaincies throughout Marracuene, and for this reason the region of Marracuene is also called “at Magaia,” meaning that it belongs to the Magaia clan. The Magaia have the exclusive rights to invoke their ancestors in issues concerning the community life in Marracuene. Thus, traditional rituals are especially addressed to the ancestors of the clan Magaia (Muvetxa and Lhewana), the grandfathers of the paramount *régulo* of Marracuene who are thereby portrayed as the providers of well-being, not only for the communities of Marracuene but also for the whole Mozambican nation. Thus, the revival of Gwaza Muthini and the control over traditional rituals reinforced the power of the traditional chiefs from the clan Magaia. As mentioned above, the Magaia have managed to become the dominant

clan in the region, and for this reason they are currently considered the rightful clan to perform public traditional ceremonies and rituals in Marracuene; they are the true heirs and guardians of local traditions. The traditional chiefs from the Magaia clan are the key figures who will be the subject of especial interest in Chapter 7 of the present study, where I present and analyze practices of succession to chieftaincy titles in Marracuene.

2.3.2 Gwaza Muthini: The ritual Mhamba



Figure 7: Traditional chiefs waiting for the governor of Maputo Province to share the sacrificial meat. Marracuene, February 2, 2016. Photo: Fernando Matai Manjate.

The ritual *Mhamba* marks the ends of the so-called traditional ceremony – *ceremónia tradicional*. This ritual is in practice considered the continuation of the ritual *kuphalha*. It starts with the slaughtering of chickens and goats offered to the ancestors during the ritual *Kuphalha*. The sacrifice of goats and chickens and the making of a bonfire wood where the meat is roasted is entirely under the responsibility of men. While the sacrificial meat is shared among the participants, the sacrificial animals' blood spilled on the ground is exclusively dedicated to the ancestors. In order to make sure that the blood is drained on the ground, the goats are tied with strings and suspended with the heads upside down on the branches of a tree (in this case a Eucalyptus tree), while chickens are struck on the necks by sticks and thrown writhing on the ground until they die.



Figure 8: Animals sacrifice on the site of Gwaza Muthini ceremony. Mar-racuene, February 2, 2016. Photo: Fernando Matai Manjate.

Animal sacrifice in traditional ceremonies and rituals is a widespread practices in many African societies. For instance, my supervisor told me that he has seen similar sacrifice of animals in many West African societies. The most interesting difference is that while in West Africa the way or position in which the chicken (hen or rooster) dies is meaningful in determining whether the ritual was accepted or not by the ancestors, in Mar-racuene it does not matter. It is as if what pleases the ancestors is the animal sacrifice per se. Whether or not the sacrifice made during the performance of the ritual was accepted by the ancestors is confirmed, apart from the compliance with all the requirements and procedures for its performance, by the future outcomes. They were regarded as having been accepted whenever the requests made to the ancestors during the performance of the ritual were satisfied and as not having been accepted when they are not fulfilled. Once the sacrificial animals are killed, the meat is roasted, sliced and diced in small pieces before it is distributed among the participants (government representatives, community authorities and the audience). According to local community authorities, the participation of the government delegation in the ritual *Mhamba* is mandatory, and the provincial governor or his representative is expected to be the first to pick up a slice of meat before the

other participants. “The governor should witness the *Mhamba*. We don’t want anyone saying that we didn’t perform this ritual well.”³⁸

Traditionally, sharing the sacrificial meat represents the communion between the living descendants and ancestors. However, the sharing of sacrificial meat is not usually accepted as it is morally expected by traditional chiefs. After being roasted and sliced the sacrificial meat is served on the eucalyptus leaves (see the photos above) lying on the ground. Although recognizing and claiming to respect the local traditional cultural practices and encouraging local community authorities to follow and value their traditions as well, government authorities seem to be uncomfortable partaking in the ritual *Mhamba*. From what I have observed in Gwaza Muthini 2016, this could be possibly linked to hygiene issues involved not only in the preparation of the meat but also on the ways it is served; it could also be linked to the fear of being poisoned by enemies or killed from concussion (witchcraft/sorcery) or invisible supernatural powers. In Mozambique, and in Africa, securing positions of sociopolitical and cultural authority is “*maningue nice*” (very nice) but also dangerous. It is nice because one can access economic benefits and dangerous because political authorities are often exposed to attacks from their opponents. Above all, they may face the consequences of social discontentment resulting from deficient governance. Often, for their safety, African political leaders are surrounded by guards, and high individuals are protected by dedicated police, the so-called *Policia de Protecção das Altas Individualidades* (High-ranking Protection Police). Similarly, the attitude of the government authorities towards *Mhamba* can be also understood as an individual safety measure to protect their own lives from potentials attacks. Nevertheless, at the local level, by declining to partake the ritual *Mhamba*, one risks being considered disrespectful towards the local traditional cultural practices, and this may transmute into a feeling of an unsuccessful ritual. However, from what I observed on the site of the ceremony, it was clear that, if it was not for precautionary reasons, the government authorities were pretending to respect traditional cultural practices.

Although attending the ritual implies the sharing of *Mhamba*, the sacrificial meat, is never enough to feed all participants. Usually, the *Mhamba* is reinforced with hippopotamus’ meat, even though hippos were not part of the local traditional rituals.

³⁸ The paramount *régulo* of Marracuene murmuring due to the governor delay at Gwaza Muthini edition 2016.

We kill the hippo because it is big enough to provide the meat to all participants, but when we are not expecting to have a party, we decide to postpone the killing of hippos. For instance, in atypical years, due to the floods and famine it would not make sense to organize a party while there are people in a difficult situation. Instead of promoting a party, we are committed in sensitizing people to channel support to those who were affected.³⁹

According to a local entrepreneur who is considered the mentor of the reactivation of Gwaza Muthini, the introduction of hippos in the celebrations of Gwaza Muthini was an idea of the Portuguese colonial rulers. In colonial times, the Portuguese were able to provide enough wine but there was not enough meat for the different groups coming to attend the ceremony. Therefore, since there were many hippos in the Incomati River, the easiest way for the Portuguese to provide for more meat to the ceremony was to hunt the hippos down and offer them to the African participants to cook and eat. This was because the Portuguese were aware that the hippo's meat was so much appreciated by the local people. This allowed the hippos to become a significant element of the ceremony. However, the increasing shortage of hippos in the Incomati River is making it difficult to provide hippo meat for Gwaza Muthini. Some residents believe that the shortage is a consequence of the long history of hunting and killing of hippos in the Incomati River. Others believe that the hippos were gradually displaced by the invasion of salt water from the Indian Ocean into the river. Nevertheless, the district government is planning to repopulate the hippos there. Interestingly, now, as part of the ceremony, the hippos have been used by local ordinary people to gauge the success of the ceremony, which would be considered successful when hippos were found and killed, and unsuccessful if not found. However, according to community authorities, the provision of hippo's meat has nothing to do with the success of the ceremony. Thus, the killing of hippos is not relevant in gauging the success of Gwaza Muthini ceremony. In 2016, the paramount *régulo* of Marracuene also explained that it was not wise to kill a large animal while many people do not come to Gwaza Muthini to eat but rather to drink, dancing and amuse themselves.

³⁹ Conversation with the paramount *régulo* of Marracuene.

2.3.3 Gwaza Muthini: The state ceremony



Figure 9: Deposition of flowers at the monument of the heroes of Marracuene. Marracuene, February 2016. Photo: Fernando Matai Manjate.

The state ceremony of the Gwaza Muthini is an official state ceremony arranged specifically for FRELIMO; it is the means through which FRELIMO instrumentalizes the ceremony for party political purposes. This ceremony is under the responsibility of the district government, and its preparation starts in early January through regular meetings held in the district government premises, between the district administrative officers, community authorities, local entrepreneurs and representatives of civil society organizations. The purpose of the meetings is to mobilize human and financial resources for the cleaning of the site of the event, demarcation, and rental of plots of land for stands and shops, and to erect the government tribune as well as to supply electricity. For each of these purposes, there is a local public or private institution helping in the provision of the inherent facilities. For instance, the cleaning of the site is usually done by young people in the police custody who have committed or are accused of having committed various types of crime. In Mozambique it is common to subject prisoners or suspects in police custody to manual labor. The logic behind this has to do with the fact that they are fed at the expense of the state, so their work is a form of payment. In order to prevent escapes, police officers supervise them as they cut and collect grass and garbage. The district sector of economic activities oversees the vendors and institutional agents interested in renting plots of land, while the supplement of electricity is under

the responsibility of the Mozambican Electricity Company (EDM), specifically the branch located at the district headquarters.

The state ceremony starts with the arrival of the government delegation composed of provincial governor or his representative, representatives of district administration, a military band and military/paramilitary groups representing the various branches of the national defense forces. It is under the responsibility of the district protocol, the Mozambican Women Organization – OMM,⁴⁰ community authorities and the Muthini group to provide a good and well-organized reception of the government delegation. The first act of the official ceremony is the deposition of a wreath at the monument of the heroes of Marracuene by the provincial governor or his representative. However, before he walks to the monument, the military band plays the national anthem. At the monument there is also a place for an exchange of military salutes, a means to express respect and appreciation to military superiors, peers, subordinates and symbols. In addition, the governor receives special greetings from the OMM and the Muthini dancing group, who sing and perform traditional dances before the government delegation heads to the site of *Mhamba*.

The second phase of the state ceremony takes place following the performing of the ritual *Mhamba* in a duely marked opposite site prepared to host the state ceremony, where one stage for cultural performance and two tribunals are installed (one for the government delegation and the other for community authorities). The state ceremony is guided by the master of ceremonies (MC) appointed or hired by the district government. The ceremony starts with what is conventionally called “the cultural moment,” where the different pre-selected groups perform traditional songs and dances (*chigubo*, *ngalanga*, *makwaela*, and others), and poets recite *xitokozelo* (poetry) and actors perform theater. Each actor or group is supposed to interpret just one song, a dance, one poem or theatrical piece, but certain individuals or groups defy the rules to the point of being forced off the stage, which is unpleasant to the audience, who consider the cultural performance the most important thing in celebrating Gwaza Muthini. I heard many people complaining whenever a cultural group was sent off the stage.

⁴⁰ The Mozambican Women organization (OMM), and the Mozambican Youth Organization – *Organização da Juventude Moçambicana* (OJM), are social organizations created by FRELIMO to underpin the party’s aspirations to modernize. These institutions were (and still) operated by the party. Therefore, they are commonly referred, in political mainstreams, as FRELIMO’s female and youth leagues respectively.

The last element of the state ceremony is the presentation by the state and civil society representatives. Firstly, a selected civil society representative, followed by the District Administrator, addresses the audience through welcome speeches. Secondly, the presentation by the provincial governor, the key speech of the state ceremony, aimed to sensitize the audience to be aware about ongoing natural and sociopolitical events at local and national levels. Apart from his call for solidarity within communities towards the victims of natural and social catastrophes, the governor also uses the event for political propaganda. He draws connections between Gwaza Muthini and the history of the FRELIMO. In the perspective of the provincial government, FRELIMO is both a product and perpetuation of the ideals of the heroes of Marracuene. Therefore, celebrating Gwaza Muthini is a way to recall the origins of the national liberation movement followed by the “founding fathers” of the Mozambican nationalism: from Eduardo Mondlane and Samora Machel to Joaquim Chissano, Armando Guebuza and Filipe Nyusi (the current president of FRELIMO and of Mozambique). As I mentioned above, in the early 1960s, Eduardo Mondlane managed to unite the three Mozambican nationalist movements that were independently formed: The Mozambican Democratic Union (UDENAMU), The Mozambique African Union (MANU) and the African National Union for Mozambique (UNAMI). For the governor, this was an opportunity to raise the audience’s awareness of FRELIMO’s leadership in the nation’s history, a vanguard political party that brought independence, peace, democracy and development to Mozambique and its people, that is, FRELIMO is “the embodiment of prosperity, national unity and democracy,” according to the provincial governor.

2.4 The festival of Marrabenta

The celebration of Gwaza Muthini has been constantly reinvented, in the sense that, following its revival, new practices, meanings and purposes have been added or integrated. The most recent significant reinvention occurred in 2008 with the integration of a cultural festival called “The Festival of Marrabenta.” *Marrabenta* is a music style as well as a typical dance that, although prevalent in Southern Mozambique since the 1950s and now considered an element of Mozambican national identity, was originally invented by musicians from Marracuene. The name *Marrabenta* derives

from the Portuguese word *rebetar* – to blow, associated to the act of dancing excessively. It incorporates several folkloric rhythms such as *magika*, *xingombela*, *zukuta* and other rhythms, mainly from South Africa (Laranjeira 2014).

This festival was originally conceived by a young man from the *Produtora Laboratório de Ideias* – Laboratory for Production of Ideas, especially to promote *Marrabenta* through organizing a series of concerts in Maputo City and Marracuene District (in Maputo Province) and in the districts of Chokwê and Chibuto (in Gaza Province). According to the organizers, the overall purpose is to bring together various generations of musicians, especially those who are devoted to *Marrabenta*. It is also intended to raise awareness of the different social groups regarding the capitalization of the power of *Marrabenta* in popular mobilization and promotion of citizenship. In the current Mozambican music scenarios, *Marrabenta* is associated with the old generation in opposition to *Pandza*,⁴¹ which is associated with the new generation. However, this does not mean that there have not been young musicians devoted to *Marrabenta*, some of whom have joined up with the old musicians and others who choose to pursue their careers independently.

The festival *Marrabenta* is usually sponsored by the Mozambican Commercial Bank (BCI), Mozambique Cellular (Tmcell), Mozambican Railway (CFM), French-Mozambican Cultural Center and the Swiss Agency for Cooperation and Development. The event takes place every year between January and February. Maybe as a matter of saving time and space, or simply a matter of combining the useful with the pleasant, when it comes to Marracuene, the festival organizers decided to integrate it into the celebration of Gwaza Muthini on February 2, following the state ceremony. From 2009, the festival organizers came up with an odd idea of *Comboio da Marrabenta* – the “Train of *Marrabenta*” meant to transport musicians and fans of *Marrabenta* from Maputo City to Marracuene and vice versa. In practice, the “Train of *Marrabenta*” is a socializing excursion by train where, apart from plenty of playing and dancing on board, there are opportunities to learn about *Marrabenta*. Some of the musicians, particularly the so-called old guardians,⁴² come to Marracuene by the Train of *Marrabenta*,

⁴¹ Also known as *Dzukuta-Pandza*, *Pandza* is a musical style very popular in Mozambique. It appeared in the second half of the 2000s.

⁴² Resonant musicians such as Dilon Djindji (who claims to be the king of *Marrabenta*), Xidiminguana, Mário Timana, Alberto Mutxeca, Daniel Langa and emblematic bands of *Marrabenta*, like Radio Mozambique and Possulane, are practically indispensable to keep the audience dancing in euphoria.

but most of the audience comes by bus or private vehicles in the evening. At night Marracuene becomes restless, as thousands of people move in and out, up and down, drinking and dancing. On the site of the event the excitement is quite enormous, and not even the police can handle better the situation. Usually, the festival goes on until the dawn of the February 3, coincidentally a national holiday – the day Mozambique celebrates the all Mozambican heroism, as mentioned above.

2.5 Conclusion

In this chapter I have introduced the history, as well as the political and cultural landscapes of Marracuene through the annual public ceremony of Gwaza Muthini celebrated in Marracuene. It is a ceremony dedicated to a historic battle involving the Portuguese colonial troops and the warriors of Marracuene. Different actors and institutions, with different perceptions and understandings of the purpose of this ceremony, are involved in carrying out its celebration. Although banished by FRELIMO following the independence of Mozambique, the FRELIMO seizure of power in rural areas where the RENAMO sought to establish its influence led to the revival of the ceremony following the Rome peace accords between the FRELIMO government and RENAMO. Today, Gwaza Muthini can be seen as an instance of reproduction and consolidation of positions of sociocultural and political authority among the individuals relating to the clan Magaia (the guardians of local traditions), and as an instance for political instrumentalization of past memories by political actors. Yet Gwaza Muthini is more than that, as it is also geared towards the present and the future by the political party FRELIMO. The description of the rituals performed on February 2 every year demonstrates the extent to which colonial memories and independence struggles are integrated into both traditional rituals devoted to the ancestors and political celebrations of FRELIMO. FRELIMO's attempt to appropriate Gwaza Muthini corroborates, as we shall see, state efforts to co-opt community authorities and to claim authority at the local level. Nevertheless, the ways Gwaza Muthini is celebrated in present-day Marracuene should also be seen as part of the general historical and political processes: as a result of the colonial encounter between Portuguese and Mozambicans, the FRELIMO socialist regime with the cultural and political influences and transformations, including the complexification of tra-

ditional political orders through introduction of the Portuguese official political order, and as part of the postcolonial state formation and the ongoing democratic decentralization in Mozambique, the subject of the next chapter.

Chapter 3. Community expectations over decentralization and local governance

In addition to the analysis of concrete ethnographic case studies, this study also investigates the general social process of transmission of material inheritance and succession to offices and positions of sociopolitical and cultural authority in local society as part of decentralization reforms. Throughout this chapter I focus on the process of democratic decentralization in Mozambique local arenas. Particular attention will be paid to discourses and expectations of local people about decentralization reforms and practices, on the one hand, and its influence on inheritance and succession practices, on the other hand. Even though at first glance decentralization does not seem to have much to do with inheritance and succession, this chapter will show that political, social, cultural and economic processes influence the ways through which the process of transmission of material and immaterial things and positions of sociocultural and political authority are perceived and handled by local political actors. In Mozambique, the process of democratic decentralization is conditioned by external and internal factors. In the late 1980s and early 1990s, international development institutions, such as the World Bank and the International Monetary Fund, promoted decentralization as an administrative form that opens the ways towards community participation in local governance, greater accountability, transparency and efficiency at local-level governments. Nevertheless, this process was not merely a political-administrative reform, but also a move in conjunction with the liberalization of economy and dismantling of the state with impact on different aspects of social life in local communities.

According to Erk (2015:410), since the early 1990s all states in Sub-Saharan Africa have now adopted various political reforms towards decentralization, in particular, towards the territorial devolution of power to the local government level. Even though a few of the first territorial decentralization programs in Africa, in fact, preceded this wave and can be traced back to the late 1980s, overall, most decentralization reforms aiming for development share similar underpinnings in terms of strong international

support, both politically and financially. Actually, decentralization has been associated to the notion of “good governance” which implies to bring democracy closer to citizens, the empowerment of local community, political accountability and transparency that come with small-scale politics (Erk 2015:412). In the official discourse, decentralization is claimed to reduce the distance between those who govern and those who are governed. Simply put, decentralization means that certain powers are transferred from the central level to lower local levels, closer to citizens. Therefore, it is generally seen as a means of altering the over-centralization of political decisions at the top of the state, and it is linked to democratization (Hagberg 2010:4; see also Hagberg 2019).

However, studies of decentralization in different African countries have illustrated that the supposed link between decentralization and local development is far from given. For instance, in an analysis of local political arenas in rural Benin, Bierschenk and Oliver de Sardan (2003:147) argue that decentralization is likely to further complicate political games at the local level, where negotiations between political actors are omnipresent and the political arena is characterized by hybridity and fragmentation, making the outcomes of decentralization highly uncertain. Nevertheless, according to Hagberg (2010), what is certain about decentralization is that it has altered the political administrative stakes in local arenas by introducing new actors into the mix, particularly creating new institutions and positions. According to Romeo (2003), decentralization reforms have had a variety of different outcomes depending on the local governments’ internal capacity to carry out core functions of public sector resource mobilization and expenditure management, as well as their interactive capacity to align themselves with a “new model” of the local public sector consistent with the changing role of the state. In this model, Romeo explains, the local authority is just one element in a network of multiple actors that operates through cooperation and co-operation with central agency, civil society organizations and private sector.

In Marracuene, as mentioned before, decentralization consisted of de-concentration, a process consisting in the delegation of state responsibilities to local government which is, contrary to the expectations of local communities who are waiting for devolution, a process consisting of the transfer of central powers to locally constituted units of government, which can be achieved through the process of municipalization. Therefore, it is as if this “waiting for decentralization” has opened a Pandora’s box of political practices, local struggles, and citizen imaginations (see Olivier de Sardan

and Aliou 2009; Hahonou 2010). Throughout this chapter I pay particular attention to how discourses, plans, and practices of democratic decentralization has triggered a wide range of discussions and debates in Marracuene. Apart from showing how the decentralization process in general has been introduced in Mozambique, I also draw attention on local actors' perceptions and expectations over decentralization reforms. Further, I also attempt to grasp how decentralization is shaping social and political life in Marracuene. Since decentralization practices imply social, political, economic and cultural transformation of local society, I also analyze the current inheritance and succession practices as part of the general process of democratic decentralization in Mozambique. Thus, the study of inheritance and succession practices in Marracuene must also be understood taking contemporary societal transformations into account, in this particular case looking at how the decentralization process influences the ways through which material properties and positions of sociocultural and political authority are transferred between individuals and generations.

3.1 From centralization to decentralization

As I discussed in the introduction, Mozambique achieved its independence under the leadership of FRELIMO, a national liberation movement transformed into the ruling political party since Samora Machel declared the country independent from Portugal on 25 June 1975. Two years after independence, in 1977, a Marxist-Leninist constitution concomitantly approved on 25 June 1975, was introduced. According to this constitution the country would be ruled by a vanguard revolutionary party – FRELIMO. In the socialist period, the party operated not only as a political organization that effectively controlled the state, but also as a centralized, though layered, hierarchy of social strata that provided one of the major avenues of social mobility for the fortunate few that could demonstrate loyalty and worth (Sumich 2010:682). In the meantime, the government was faced with a crisis caused by the mass exodus of population (much of 90 per cent of the white Portuguese population, along with a large number of people of African and Asian descent left) which left the country without skilled personnel, which in turn led to an economic crisis. The government response to these problems was the nationalization of businesses that had been abandoned (taking control of private-sector housing, medicine and education). The government also resorted to its Eastern European allies for technical

support and organized cadres of party loyalists (*grupos dinamizadores*) to go into factories, offices and local government in order to galvanize them into activity and prevent sabotage by dissident elements. It also produced a national economic plan allocating resources with priority given to industrialization and the creation of state farms. Furthermore, based on the previous experience in the liberated zone, it also created communal villages – *aldeias comunais*. In the process, the party-state FRELIMO became authoritarian and marginalized a major part of the Mozambican population who did not accept FRELIMO's values and modernizing aspirations (Newitt 2017:154-159). The consequence was the development of an anti-FRELIMO sentiment on the part of the victims, which in turn created conditions to form RENAMO and consequently led to the onset of civil war in Mozambique.

The civil war entailed the devastation of the country: a significant part of economic infrastructures were destroyed; one hundred thousand Mozambicans were killed as a direct result of warfare, and up to another million perished because of war-induced famine and the denial of medical services.⁴³ Millions of Mozambicans were displaced from their homes, many fleeing to the government-controlled cities to escape the conflict (Robinson 2006:70). Therefore, in the late 1980s Mozambique was extremely devastated and it was forced (including the pressure from World Bank and International Monetary Fund) to shift from a single-party state to a multiparty system, with democratic decentralization and liberalization of economy.

In Mozambique decentralization reforms were introduced in the peace-building context and institutional reforms that followed the 1992 Peace Accords between the government of FRELIMO and the opposition political party RENAMO (Weimer and Carrilho 2017:10). According to these authors, the importance of the introduction of decentralization reforms rests on the understanding according to which local government reforms would not only increase the effectiveness of the government in provision of services but also open a political space for RENAMO. Furthermore, the international donors, NGOs and other stakeholders involved in the cease-fire negotiations and other Mozambican affairs also believed that democratic decentralization as well as the election of local government representatives was fundamental for the balance of military forces between FRELIMO and

⁴³ According to Waterhouse (1997), due to the 16-year civil war, 6 million people were forced to abandon their homes, agriculture was devastated with the loss of livestock, trees, agricultural tools and seed stocks, and the rural markets collapsed.

RENAMO. It was also broadly held that democratization would lead to the end of conflicts, enhance the civil society at local level and strengthen local community participation in local development. Like other promoters of democracy, international donors held that decentralization and local governance in the peace-building scenario means more localism, legitimacy and better democracy because it brings the state closer to the local constituencies. As Romeo (2003) pointed out, in developing countries it was expected that decentralization would lay the foundation for democracy, good governance and poverty alleviation, which in turn would allow for the enhancement of community participation and local development.

Nevertheless, in contrast to other countries where decentralization has been implemented simultaneously across the national territory, decentralization in Mozambique has been implemented in different phases, through a process conceived of as “gradual decentralization.” The first phase towards decentralization reforms consisted of the adoption of the 1990 constitution, which introduced the concept of “local power,” a concept that cemented the groundwork for the shift from one-party state to a multiparty system, on the one hand, and from a centrally planned socialist economy to an open market, on the other. The distinctive feature of the 1990 constitution (from the previous 1975 constitution) is the fact that it prescribed the separation of local power from the central administrative apparatus. The process consisted of the reformulation of the state local administrative system and transformation of local administrative organs into agents with administrative and financial autonomy (CRM 1990). The second phase can be traced back to the year 1991, with decentralization reforms through a process devoted to the elaboration of a program aimed to reform the Local Administrative Organs of the State (PROL), which led to the approval of Act 3/1994, thereby institutionalizing decentralization in Mozambique. According to Simone et al. (2018:533), the PROL favored the presentation of the earlier ideas about the share of political power in the lower echelons of the state. However, this program of reforms articulated a typology of decentralization that is related to the adoption of two distinct approaches. The first approach is based on territorial decentralization implemented through the creation of municipalities that exercise self-government, municipalities that also have administrative and fiscal autonomy. The second approach is related to deconcentration implemented through the delegation of central government responsibilities to local government organs that did not previously have any subnational autonomy.

It is worth noting here that, at the outset, the Act 3/1994 was very significant in terms of the devolution of power from the central state to the local administrative organs. Under this law all the presidents of the municipal councils, the district administrators, districts and municipal assemblies were supposed to be elected. However, given the fact that it was unilaterally approved by FRELIMO, it was strongly contested by the opposition political parties and declared unconstitutional by the National Assembly in 1995.⁴⁴ As consequence, Act 3/1994 was subjected to a constitutional amendment through Act 9/1996 and then revoked by the municipal Act (Act 2/1997). According to Forquilha (2009), however, the municipal law (Act 2/1997) significantly reduced the power and autonomy of local authorities: first, it was implemented only in a limited number of cities and towns, thereby excluding the rural areas; second it prescribed that the newly elected autonomous organs should complement the de-concentrated local authorities appointed by the central government. Nevertheless, despite its negative outcomes, Act 2/1997 became the normative legal framework for the first municipal election held in Mozambique in 1998.⁴⁵ RENAMO did not participate in these elections allegedly due to deficiencies in the preparatory process for them, especially owing to disagreements with the various clauses of electoral laws and the municipalities that had been proposed by the government and approved with the support of the majority of FRELIMO in the National Assembly (Simione et al. 2018:537). The separation of Mozambican people into two classes of citizenship was one of the consequences of Act 2/97 (Do Rosário 2015). First-class citizenship corresponds to the citizens living in the cities and villages where local power is legitimate by popular vote; second-class citizenship is constituted by the citizens living in rural areas with non-elected local state representatives.

From 2003 onwards, further significant pieces of legislation were approved to accelerate decentralization reforms as well as to consolidate municipal autonomy. However, due to the problems associated to the legal

⁴⁴ According to Cistac (2012), who was assassinated in 2015, with many fingers pointing to the ruling party FRELIMO, Act 3/94 was heavily criticized, and it was not implemented. The main criticism was related to its unconstitutionality, that is, to the fact that the Constitution did not provide for the creation of local authorities. In order to overcome this gap, the Parliament proceeded to a partial reform of the Constitution in 1996 by introducing a chapter devoted to local government.

⁴⁵ The RENAMO did not participate in these elections, due to deficiencies in the preparatory process (Simione et al. 2018:537)

framework⁴⁶ and the lack of political will, scholars such as Linder (2010), Igreja (2013), Maschietto (2016), Weimer and Carrilho (2017) underline that the general process of decentralization reforms in Mozambique is fraught with profound contradictions. Such contradictions include particularly the conflict between the decentralization ideal of local democracy and the central authorities (including political parties) that are undertaking decentralization as a means to conquer political spaces. Maschietto (2016) points out that the process of decentralization in Mozambique suffers from strong resistance at both central and local levels, mainly because of the lack of political will to implement decentralization reforms. Such resistance includes the top-down dynamics of the main policies promoting the bottom-up governance as well as the incomplete statutory reforms, the deviation or recapturing of resources by central agents, the poor capacity of local councils and the continued domination of local organs by elites. In short, Maschietto (2016:110) writes, decentralization in Mozambique has been the opposite of the expectations of those who pushed for it, particularly the donors whose concern was to strengthen civil society and attenuate the excessive and imposing role of the state. Added to this is the state legacy of centralism and the different views of the political actors about the specifics of decentralization agenda.

In a critical assessment of decentralized institutions introduced to Africa in the early 1990s, Erk (2015) observes that decentralization reforms have not always delivered the intended outcomes that were expected from them, at least during the phase of institutional design. Instead, through interaction with broader historical, political, social and economic contexts, they have engendered political consequences beyond decentralization itself. According to Erk, for instance, often, the newly installed institutions have failed to deliver on their promises of better democracy, policy efficiency, development and growth. But more often, they have had anticipated and unintended political consequences beyond the expectations of institutional engineering. Further, he observes that although the pro forma institutions that were created in Africa looked identical to what existed in west, the political and economic context into which reforms were introduced influences the very workings of these decentralization institutions. Besides, reforms that were introduced with economic-development goals in mind had a variety

⁴⁶ The current legal framework does not provide precise criteria, for instance, for the creation of the new municipal territories or even, as I referred before, for the expansion or diminution of municipal territories.

of political consequences, not all of them anticipated or intended. Furthermore, Erk compares decentralization reforms in Africa with the Dainly system of Iron houses imported from Europe to Africa, where the context turned out to be as important as the design, which in turn influenced the outcomes. According to Erk (2015), Iron Houses are buildings that were patented by Joseph Dainly in 1887. The houses are made of iron and steel. However, panels of galvanized steel and cast-iron joints were built in Europe in the late 1880 and then shipped to Africa just a couple of years after being patented. Thus, the steel panels and iron joints manufactured by the Belgium company Societé Forges d'Aiseau arrived in what was then called Lourenço Marques in the Portuguese colony of Mozambique, instantly connecting Africa to the technological advances in Europe. They were quickly assembled in a way that showcased the technological efficiency and modernist zeal of the times. Therefore, the spirit of the industrial revolution had arrived in Africa. The so-called Dainly system of steel panels and iron joints was going to help lift the standards of housing in Africa to European levels. He offers as an example the so-called Maputo's Iron House (*Casa de Ferro de Maputo*) which housed colonial offices throughout its history. Nevertheless, the buildings that despite their beautiful outward appearance never became objects of affection for those who worked in them, probably because of the near-smelting temperatures inside. However, that does not matter, according to Erk. The most important part of his example is that the building represented the most advanced state of scientific knowledge, sophisticated methods and techniques to construct it, and the good intentions of helping speed up development, but all this was not enough because the "best practices" that worked in Europe did not automatically work in Africa (Erk, 2015:410-11).

Despite the above observations and critiques of decentralization reforms, in Mozambique this is an ongoing process, especially because it is conceived of by the main Mozambican political parties as a means to conquer political spaces at the local level, which in turn will allow access to and control of local resources. The most recent decentralization reforms stem from the main political opposition RENAMO, that is, as a consequence of the great dissatisfaction within RENAMO about the political framework of decentralization. Further, RENAMO has been complaining about the results of elections in Mozambique, especially in the person of its late president Afonso Macacheo Marceta Dhlakama, particularly from the second presidential and legislative elections held in Mozambique in 1999. Dhlakama constantly pressured the FRELIMO government to

deepen the decentralization process in Mozambique. Officially, Dhlakama lost the presidential elections of 1999, but with a small margin against the FRELIMO candidate Joaquim Alberto Chissano (47.7% votes to Afonso Dhlakama and 52.3% to Joaquim Chissano). Several electoral observers were convinced that the real winner was Afonso Dhlakama. He lost the election, many argue, because there were several manipulations of electoral results (see for instance CIP and AWEPA 2014)⁴⁷. Afonso Dhlakama ran again in the third presidential and legislative elections held in Mozambique in 2004, but once again he lost, with 31.7% votes, against the FRELIMO candidate Armando Guebuza, who got 63.7% of the votes. According to the electoral observers, again, the elections were fraudulent. The problems started with the general process of voter registration. According to AWAPE (2004:1), the process had significant problems and it was only reluctantly accepted by national and international observers. Actually, there were persons who could not register, and there was some evidence that substantiate the claims of RENAMO that some of its supporters had not been registered. Thus, RENAMO requested an extra registration period while the civil society called for an audit of the electoral roll in order to determine the seriousness of the problem. According to the Carter Center report (2005), on October 9, 2004, while the process of tabulation dragged on, RENAMO's Afonso Dhlakama claimed that the elections had been fraudulent and asked for the new elections. In its turn the FRELIMO accused RENAMO of obstructing the tabulation process. Besides, it also blamed RENAMO for the delays in the provinces of Gaza, Manica, Cabo Delgado, Niassa and Maputo. Nevertheless, in a press release Dhlakama claimed that the majority of opposition supporters in central and northern Mozambique had been excluded from the election census; that FRELIMO forced the public employees to support Armando Guebuza's candidacy; that RENAMO delegates had been turned away from polling stations; and that the presidents of the vote assemblies had instructions to insert counterfeit ballot papers into the ballot box in favor of Armando Guebuza while invalidating the ballots in favor of RENAMO. Afonso Dhlakama ran once again, for the fourth time, in the 2009 presidential and legislative elections and lost, with 16.3% versus the FRELIMO candidate Armando Guebuza, who won the elections with 75.2%. However, apart from the fraud, FRELIMO was accused of using its advantages as a ruling party. For instance, it was accused of using state premises and vehicles throughout the campaign.

⁴⁷ Afonso Dhlakama accepted the results but his party RENAMO then started to decline.

All these events led the country to a situation of political-military instability,⁴⁸ the so-called “post-2013 violence,” as a result of (along with other factors) electoral malpractice amounting to a growing FRELIMO monopoly on power (Pearce 2020:787). In the face of the alleged successive electoral frauds and RENAMO accusing the FRELIMO government of maintaining the old party-state model of governance, Afonso Dhlakama opted for self-isolation, leaving his mansion in Maputo, first to Nampula Province in the north of Mozambique and then to Serra da Gorongosa in Sofala province in central region of Mozambique. Although he was in Gorongosa, Afonso Dhlakama became the target of political persecution. On October 21, 2012, Afonso Dhlakama managed to flee before the takeover of the RENAMO base in Gorongosa by the Armed Forces of Defense of Mozambique (FADM) and on October 21, 2013, RENAMO announced the end of the Rome Peace Accords, leading Mozambique to yet another state of conflict that lasted until an agreement on August 5, 2014. This agreement made Afonso Dhlakama run for the fifth time but once again he lost the elections, with 36.6% versus 57% for the FRELIMO candidate Filipe Jacinto Nyusi. In October 2015, Afonso Dhlakama’s house in the city of Beira, the capital of Sofala province, was invaded by the police, and RENAMO guards were arrested. Then, Afonso Dhlakama moved to an unknown place somewhere in the Serra da Gorongosa (Azevedo-Harman 2015).

During this period there were several violent conflicts between the military forces of the government and the armed men of RENAMO, but Afonso Dhlakama also maintained a dialogue with President Filipe Jacinto Nyusi, and together they managed to squelch the conflict. The dialogue between Afonso Dhlakama with the current president of Mozambique, Filipe Jacinto Nyusi, was focused on two main issues. First, the deepening of decentralization reforms in Mozambique, whose project was prepared by RENAMO. Second, the demilitarization, demobilization and reintegration of RENAMO’s armed men, the so-called DDR process. The decentralization project was proposed by RENAMO and submitted by President Filipe Nyusi to the National Assembly for its consideration and approval. Thus, on May 23, 2018, the National Assembly approved the specific revision of the constitution of the republic. Such a review provides for some innova-

⁴⁸ According to CIP and AWEPA (2014), after boycotting the 2013 municipal elections, RENAMO initiated military actions, attacking road traffic, military and police posts in Sofala Province. In negotiations, the government agreed to give RENAMO everything it asked for about the elections and RENAMO agreed to end its boycott of the elections.

tions in the Mozambican constitutional order, such as the creation of decentralized organs of provincial and district governance (for more details see Pearce 2020). Therefore, the elections that Mozambique held in 2019 also introduced the election of provincial governors. In the future, district administrators will also be elected, that is, from 2024 onward. However, until then, the district administrators will be appointed by the Minister of State Administration, of course after consultation with the provincial governors. Further, a new position of political authority was also created in the provinces – namely a secretary of state appointed by the president of the Republic of Mozambique. Thus, in Mozambican public opinion, the punctual revision of the constitution, a new stage of reinvention of the Mozambican state began to progress towards effective decentralization and de-concentration

3.2 Perceptions, discourses and expectations about decentralization reforms

Like in many other African societies, decentralization in Mozambique is generally perceived as progress and a means for sustainable development in the local arena. However, it should be underlined that, seen in a broad and current political context, decentralization reforms in Mozambique also seem to be the means through which the main political parties in Mozambique found, as we saw above, to preserve peace. It can also be perceived as a means to access money, that is, the way by which political parties (especially FRELIMO, RENAMO and MDM⁴⁹) can have access to money while enjoying local power. However, the assumption made by its promoters that decentralization reforms would necessarily bring local development has little support in empirical research (Hagberg 2010). In any case, there are no causal links indicating that decentralization will lead to local development. Nevertheless, based on my fieldwork I would say that for many political actors in Marracuene, both local government representatives and civil society organizations, decentralization reforms and/or municipalization have disparate meanings: first, as the appropriate and effective response for the local communities to strengthen and spread democracy at

⁴⁹ The Democratic Movement of Mozambique (MDM) is the third major political Party in Mozambique. It was founded on March 6, 2009, and it is led by Daviz Simango, who is the mayor of Beira, the capital city of Sofala Province. The MDM was formed after breaking with RENAMO, the main opposition party in Mozambique.

local level; second, as reforms that will bring or speed up local development; and, third, as an opportunity for individuals and groups to access and manage the local available resources in order to meet their needs and interests in local arena. A fourth meaning is that some of my informants also believe that decentralization reforms will offer different opportunities for local people to exercise their civic rights, such as the right to vote, to hold possessions, to inherit material and immaterial properties and to succeed to offices and positions of sociocultural and political authority. However, in general, one can distinguish two different perceptions of decentralization in Marracuene. There are some residents who are very optimistic about decentralization and/or municipalization, while others are skeptical about the outcomes of municipalization process. The optimistic people believe that with decentralization, especially the municipalization of Marracuene, local communities will improve their socioeconomic living conditions. They believe that residents' needs and interests will be met as they can elect the local government representatives who were born in Marracuene and know the needs of the local communities very well. The skeptics fear that decentralization and/or municipalization will be manipulated by political actors (especially by political parties) to fulfill individual or group interests. The recurrent argument used by my informants to sustain this argument is the fact that politicians, they said, interpret decentralization in a manner that gratifies their own selfish political interests, especially in a context where the FRELIMO has managed to co-opt the various political actors, namely the neighborhood secretaries and community authorities, who are actually considered members of the political party FRELIMO. Many residents of Marracuene (mainly individuals from civil society organizations and the political opposition) tend to be so critical about the local governance, because it is deemed deficient in delivering public services. Moreover, there are widespread corruption practices and persecution of members of political party opposition.⁵⁰ As one civil society representative pointed out:

The public officers who belong to the opposition political party are usually transferred somewhere else. That is why in the district administration members from the opposition hide their political affiliation. Everyone who works in public institutions has the "red card" [the FRELIMO membership card]. The possession of a "red card" in Marracuene, and throughout Mozambique as well, means access to economic and political benefits. Therefore, even individuals from the opposition, including

⁵⁰ This is also true regarding the process of recruiting staff to fill vacancies at the district administrative level.

nonpartisans who are nevertheless seen as critical of FRELIMO, also tend to have the “red card.” For instance, every time that we have elections only those who belong to FRELIMO can work in the electoral process.⁵¹

According to this informant, local governance in Marracuene is looked at with great suspicion. Therefore, many residents of Marracuene are not happy and/or confident with the actual governance in the district. According to this informant, judging from the provision of public services, the local government is almost absent:

In general, the government does not help. We are still dependent on external assistance, whereas the local government should be the one in charge. The government does not build schools. For instance, the Gwaza Muthini secondary school as well as the Familia Sagrada secondary school were built by the Korean church. The construction and rehabilitation of infrastructures such as the ring-road project and the bridge Marracuene-Macaneta were Chinese investments. Besides, the bridge Marracuene-Macaneta should have been built twenty years ago, the project was funded by the late South African president Nelson Mandela, but the government did nothing.⁵²

As can be observed in the quote above, local development in Marracuene is highly dependent on international donors and partners, especially private companies and NGOs. In this context, civil society organizations appear in a better position to monitor the district government and to promote community participation in local affairs. Besides, they are key local actors serving as intermediaries for draining external resources in the local arena, and the influence that they have is due to the privileged access to information concerning the availability of funding for projects at the district level (Olivier de Sardan 2005:173). They are also the means through which certain individuals manage to access and control the financial resources provided by NGOs to promote local development. In Marracuene there are 41 officially recognized civil society organizations, although some of them remain almost inactive for a long time until funding to support their social project are available (GDM 2016). However, their local influence has been affected by the current lack of external financial support, as the international organizations stopped providing resources to assist local development projects. According to the president of the umbrella organization for

⁵¹ Conversation with key informant/research assistant.

⁵² Conversation with key informant/research assistant.

civil society called the District Platform, the donors have stopped funding civil society organizations because they realized that for a long time they have been supporting development projects in the country and now is the time that Mozambicans use their taxes to finance development projects. Thus, civil society organizations, particularly those who make up the District Platform, are currently devoted to monitoring how the government is implementing the District Economic and Social Development Plan (PESOD).

Our task is to provide the “Community Agenda” which should be incorporated in the Local Government Plan. Then, we verify its implementation. We are helping those communities that have no ways to render the government accountable for the promises it made. That is not easy because we do not have the power to make decisions other than trying to persuade the district government to observe the Community Agenda.⁵³

Therefore, in their daily activities, civil society organizations face resistance from the government officers, who consider that, although they should be considered the partners of local government, their role has been of little significance. According to some district administrative officers, civil society organizations appear when they manage to get funding or just to implement certain activities in collaboration with international NGOs such as Action Aid, Oxfam and Sociedade Aberta. According to a district administrative authority with whom I discussed the issue, these NGOs allegedly never bring solutions to problems or provide support to the government, but they keep working with the identification of problems within communities:

Civil society organizations function “as a cover” [represent alien interests]. They appear only when they manage to get a partner. I have been the chief of locality of Matalane for a good two years. Since then, they only came there one time. They had some activities with the youth. They even informed me on the phone belatedly because they came in the following day. That is why for me the Platform should be pro-active, they should help the government find partners, and help the government do something. But only when a partner that will pay their allowances is found they appear to perform the monitoring, and when they come, they only question us. They want to know what you implemented during the last year. In my opinion they do not need to see the implementation of

⁵³ A representative of a civil society organization during a conversation with the District Platform.

PESOD while the budget provided by the central government does not cover all the needs. They should know that the government can say it has a plan to open ten water holes for instance, but it does not mean that it already has money for that. That is why they must help the government find partners in order to implement that plan. When you hear the government saying that we implemented this and that it had support from the partners. The only civil society organizations that I know that have been supportive to the district government are Action Aids and Sociedade Aberta.

This perception is largely shared throughout the different levels of the district administration, namely by chiefs of wards, secretaries and community authorities. According to some of my informants (representatives of the District Platform), like the district government officers, these administrative institutions and officers do not stand up for the community interest, and they neglect the role of civil society organizations. Therefore, it is not surprising that there are attempts to sabotage the implementation of activities carried out by civil society organizations represented by individuals from the political party opposition in Marracuene. In part due to the influence of FRELIMO within the district Platform and within the different civil society organizations particularly. Some of the representatives of the district Platform claim that some members of the political party FRELIMO who are also members of local civil society organization are spies ready to sabotage the implementation of activities that are not welcomed by the district government of Marracuene. As one of the representatives of the District Platform explained in group conversation, influential representatives of civil society organizations are generally co-opted by FRELIMO, especially because at the local level FRELIMO is considered the primary means for social mobility. In a focus group discussion, for instance, almost all the participants were unanimous about the role of FRELIMO in being the means for accessing economic and political benefits at the local level. Actually, “many people think that they cannot make their lives without FRELIMO” and blindly obey the guidelines emanating from FRELIMO rather than admit that they are state administrative employees. In his own words:

Much of the problem that exist between the district government and civil society organizations in Marracuene ends up being personal in character and not of the government as an administrative institution as such. For instance, the secretaries are persons who never do what they are supposed to do [coordination, control and execution of administra-

tive activities such as the material, financial and human resources management]. They always do what their superiors want them to do, that is, they do the will of their bosses. When they know for instance that a certain document is from that organization where a certain person is a member, they end up purposely delaying that document. They even archive documents without knowing their contents. Besides, when the bosses find out that a certain organization has someone strong, they pull him close to them. We have a syndrome according to which we consider a certain person as a reason for our employments. However, state employees should understand that they must satisfy the State Administration and not a certain person. Nevertheless, it seems that with the current economic crises many administrative officers are beginning to open their eyes and becoming real social activists. Those who have not yet changed maybe will be able to change when they start using cassava instead of chalk to write on blackboards.⁵⁴

In Marracuene, decentralization has consisted of the delegation of responsibilities and authority to local representatives of the state (deconcentration) rather than the transfer of authority to locally constituted units of government (devolution). In contrast to the situation in municipal territories where there is a mechanism of representative democracy, an equivalent to municipal assembly, in Marracuene the process of decentralization consisted of the establishment of local agencies of the central state. While local government representatives are appointed by the central state, community participation in local government administration proceeds through the intermediation of local community authorities, according to Decree 15/2000 concerning community representation, with all the implications that that Decree brings. Kyed and Buur (2006) underline that Decree 15/2000 instituted a kind of communal or group-based citizenship model through which local communities integrate the nation-state and access rights only through their membership in territory-based communities. Group-based citizenship is a state top-down strategy to control rural territories and populations without any accommodation of the claims of marginalized groups from below, because it does not automatically reflect group interests from below (Kyed and Buur 2006:580). However, it is important to underline that apart from Decree 15/2000, the Mozambican state also passed Act 8/2003 to ensure the bottom-up character of decentralization. This law introduces Local Councils as organs of consultancy for local administrative authorities meant to guarantee community participation in the conception and the implementation of economic, social and cultural programs. Therefore, the

⁵⁴ Focus group discussion with representatives of the district Platform.

councils are deemed an important tool to contribute to local development by seeking solutions for fundamental challenges that affect the lives of populations, their well-being and sustainable development. For this reason, in their composition, Local Councils are supposed to integrate prominent people, such as community authorities, representatives of economic, social and cultural interest groups. The creation of Local Councils aimed to provide a better grounding of initiatives and actions among citizens. Thus, in order to ensure effective community participation, Local Councils should ideally establish a chain of communication in order to allow the voices of each citizen and every community to reach the district administration. However, this is not usually the practice. In Marracuene people complain about the lack of transparency concerning the constitution of these Local Councils, mainly due to the political party interests that prevail over those of the local communities:

To become a member of the district council you must be appointed by the neighborhoods' secretaries, who generally support the political party FRELIMO, which has representatives everywhere. It has sections and subsections everywhere – even in the universities there are cells of FRELIMO. Even the community authorities, for instance, the *régulos* and police are members of FRELIMO.⁵⁵

I am a member of three Local Councils: Localidade-Sede, Administrative Post and the District. The people in the Local Councils are very suspicious. I remember that after a meeting of a Local Council I received a call saying that I should cool down, but I could not – it is difficult for me. Just last Tuesday we had a Local Council of Localidade-Sede where I raised an issue but I will raise the same issue in Local Council of the district in order to be discussed.⁵⁶

Many residents of Marracuene believe that in order to achieve the required participation Marracuene should become a municipality, especially now that Marracuene is one of the growing urban towns, which means that municipalization is urgent. Thus, different political actors have been pushing for territorial municipalization, as in Mozambique municipalities are the only local administrative territories with elected local governments. Nevertheless, the expectations of the residents of Marracuene regarding municipalization opened a political space heavily contested by different forces in

⁵⁵ Conversation with my key informant/research assistant, Marracuene.

⁵⁶ Group conversation with the representatives of the District Platform, Marracuene.

local-level politics. The key protagonists in this struggle included the district administrative officers,⁵⁷ traditional chiefs, neighborhood secretaries and civil society organizations. At the heart of the struggle is the inherent tension between local government officers (neighborhood secretaries in particular) and traditional chiefs. In the eyes of local inhabitants, traditional chiefs are custodians of local traditions and culture while the secretaries are widely recognized as the main administrative unit at the local level. The big problem that divides the parties is the fact that the division of roles, functions and powers is not very clear, especially when it comes to land management, conflict settlement, crime prevention, civic education and issuing of official documents. Therefore, the relationship between secretaries and traditional chiefs has been problematic especially once the latter claimed to be the primary structures of the local government in opposition to the former, who appear to be challenging their power, prestige, influence and authority.

Nevertheless, the municipalization of Marracuene is still of interest to the local political actors: local district government, local community authorities and their communities and civil society organizations. However, there are a lot of complaints about the ways in which the district government is handling this issue, that is, about how the district government is dealing with the issue of municipalization, specifically regarding the secrecy with which this issue has been dealt with by the district administration. This was clearly expressed in a group conversation with the District Platform representatives. Civil society representatives understand that since the municipalization of Marracuene is something that matters to everyone, all political actors should be involved and not make it a case of local government. Actually, the district government is accused of not involving civil society organizations and local communities. One informant, a member of the District Platform, who by chance attended a meeting meant to discuss the process of the municipalization of Marracuene, described what that event was in his opinion:

I was able to attend a meeting and this process of municipalization was still being planned. But for me what upset me is the fact that more than a half of people attending that meeting were from Maputo City. Those were the people who were talking about the area that should be municipalized but they are not from Marracuene. They were people who can

⁵⁷ Apart from the district administrative officers, the term local government includes neighborhood secretaries and traditional chiefs in the sense that these political structures were co-opted by FRELIMO.

hardly say where the neighborhood of Zintava is located. For me what was being discussed were unreasonable things. They were even selecting a place where only livestock farmers are living to be part of the municipality and left out those areas that have small industries and a cluster of people.⁵⁸

This quote clearly shows the vicissitudes and/or contradictions that plague the process of decentralization at local level in Mozambique. In this specific case the Maputo centralism and dominance over the local power. Nevertheless, the most interesting thing about the process of municipalization in present-day Mozambique is the fact that it seems to be an outdated issue due to the current political events, as I narrated above, that led to the punctual revision of the constitution, thereby creating provincial governments adopted by elected governors from 2018 and district governments that in the near future (from 2024 onwards) will also be elected. In Marracuene, for instance, one of the representatives of the District Platform was quite assertive in saying that “about the municipalization process we had conversation behind the scenes but once we heard that it would no longer be implemented this year we quit the matter, though we know the outcomes it may bring, because we know that there are many negative consequences for us.”

3.3 The influence of decentralization on inheritance and succession practices

It seems quite difficult to gauge the influence of decentralization reforms over inheritance and succession practices in Marracuene. At a first glance, it seems like little has changed concerning inheritance and succession to position of sociopolitical and cultural authority in the local arena. On the one hand, positions within the local organs of the state depend mostly on political party affiliation, that is, on membership in the political party FRELIMO. At the local administrative level, the district administrator; the permanent secretary; the chiefs of administrative posts and chiefs of localities, apart from the fact that these positions are filled by people connected to FRELIMO, the office holders have been appointed by the central, provincial and district governments respectively. The neighborhood secretaries, although they are individuals elected by local residents, identify with

⁵⁸ Group conversation with the representatives of the District Platform.

FRELIMO. This is nothing new; it has been an old practice throughout the country since Mozambique achieved its independence in 1975. For instance, Bertelsen et al. point out that Maputo City and its formal urban structures that include a mayor and municipal assembly, a municipal government with aldermen (*vereadores*), seven urban districts and 52 neighborhoods or *bairros* also with 20 to 75 quarters each and 50 to 100 blocks (*dez casas*) in each quarter, are governed under a hierarchical political order that is based on FRELIMO party membership or affiliation, from the formal municipal management to chiefs at the lowest units, who are formally elected by the local population but in reality screened by the Party (Bertelsen et al. 2014:2757-58). A similar scenario prevails in Marracuene. This is what I learned through a conversation with the current secretary of the neighborhood of Mumemo:

I am the secretary of Mumemo. Following the independence of the country the president, Samora Machel, did not want the position of neighborhood secretary occupied by a man who was married to more than one wife. This was the case of Father Mwamba, who lost the position in my favor because he had two wives and Machel did not want polygamy. However, during the civil war I went to live in Mben-guelene⁵⁹ and Father Mwamba was considered the secretary. But when the civil war ended in 1992, I returned to Mumemo and by this time I was already a member of FRELIMO. I came back in a month when a new secretary of the neighborhood of Mumemo was supposed to be elected, and, because I was widely known, I was elected the secretary of Mumemo again. However, I resumed the office, that is, to rule and control the neighborhood in 2000⁶⁰.

I would say that even though the succession to chieftaincy titles still the privilege of the clan Magaia, but all traditional chiefs are expected to align with the local deconcentrated government (see Chapter One). The history of succession to the chieftaincy in Marracuene following the current recognition of community authorities shows that all the paramount chiefs were from the clan Magaia. The current administrator of Marracuene has been working towards the effective co-optation of traditional chiefs. He has been in office since August 20, 2019, when he replaced the former administrator, who led the district administration from September 14, 2017 to August 20, 2019. Since he took office, he has been visiting the different neighborhoods

⁵⁹ Benguelene is an Island located in the Incomati River, Marracuene.

⁶⁰ Conversation with the current secretary of the Neighborhood of Mumemo, Marracuene, January 20, 2015.

throughout Marracuene. These visits are crucial within the context of so-called “Open and Inclusive Governance,” a model of governance inspired by the “Open and Inclusive Presidency,” the visits carried out during the Guebuza presidency. Therefore, these visits became a landmark in the period of Armando Guebuza’s leadership as head of state. This model of governance was conceived as a political exercise of state leadership which consists of establishing an interaction between governors and governed through direct and permanent contact between the social structure of society and its respective leadership (Gonçalves 2013: 55). Thus, in several localities the current administrator of Marracuene has met with the local community authorities. The purpose, according to the district government, was to fortify relations of familiarity with local leaderships (GDM 2020).⁶¹

Apart from these visits, within almost one year of the district leadership, the current administrator also sought to mobilize several partners who have been supportive of the local government in the implementation of various developmental projects, such as the construction of different infrastructures throughout Marracuene.



Figure 10: Rehabilitation works of the old garden front to the district government for a multipurpose park with free internet, in addition to musical events to capitalize on tourism in Marracuene. Marracuene, September 21, 2020. Photo: Fernando Matai Manjate.

⁶¹ <https://www.facebook.com/governo.marracuene.3>. (August 9, 2020).

Due to his current intervention in economic, social and cultural arenas, he has been praised and is also seen as a source of pride for some residents in Marracuene:

The administrator of Marracuene is a great worker. His biggest defect is work [meaning that he is a man of work]. He is Marracuene. I am excited to have him as an administrator. Shafee Sidat is Metrobus,⁶² plots of land to the youth and more classrooms in Marracuene. In Marracuene good things are happening, prompting the notable Mozambican writer Paulina Chiziane⁶³ to embrace Marracuene⁶⁴.

However, not everyone shares that point of view. There have been groups of people who think that the current administrator is not doing a good job. One possible reason for such suspicions can be found in some of his decisions and actions carried out few months following his appointment to office. For instance, on October 20, 2019 (two months after), the administration of Marracuene suspended officially the project *Pfuna Majovem* - Helping the Youth, a project that was implemented in the locality of Nditchi-Marracuene. According to the current administrator, that project was a private initiative, and it was not in conformity with the territorial ordering plan. Its promoters were not complying with housing standards. Besides, they were suspected of selling more than 1,300 plots of land (35 000 Meticaís – 538.30 USD each).⁶⁵ In turn he decided that individuals that are seeking land in Marracuene should proceed through formal request from an application submitted to the district administration or alternatively online. In total, the current government of Marracuene was expected to distribute about 3,000 plots of land, and as of August 2020 more than 1,200 plots of land (40x20 meters squares each) had already been allocated to applicants. Nevertheless, there have been accusations that these plots of land are being sold by the district government (at a price of 40 000 Meticaís

⁶² The private company Metrobus presented to Maputo provincial government a project for a new railway from the eastern to the western outskirts of Maputo. The new line would be 27 kilometers of suspended railway, running from Marracuene to Matola-Gare. The cost of construction is estimated at 80 million US dollars. Construction should have begun in 2020, but the COVID -19 Pandemic has forced a postponement into 2021 (allAfrica, July 22, 2020).

⁶³ Paulina Chiziane visited Shafee Sadat's office on June 30 of 2020. They talked about the need to create a cultural place, the creation of literary contests with her own sponsorship and her involvement in the education program in Marracuene.

⁶⁴ Leonel Matlombe on Facebook. <https://www.facebook.com/groups/1594732720798334> (July 27, 2020)

⁶⁵ <https://www.rm.co.mz/index.PhP/sobre/ite>.

– 615.20 USD for each parcel). However, on August 3, 2020, the district government, on its Facebook page, stated that the message – circulated on social media saying that in Marracuene there is a parceling out of land that is being sold at a price of 40 000 Meticaís each plot of 40/20, which can be paid in installments of twelve months after which a DUAT⁶⁶ is attributed to the buyer – was false: “We would like to inform you that we are not aware of this matter.”⁶⁷

There are also rumors of favoritism for the benefit of FRELIMO comrades from Maputo City. Besides, according to some residents, the current administrator was sent to Marracuene to control the land. To make the matters worse, in the same period more than 20 houses were demolished in several neighborhoods of Marracuene. The district administration claimed that those houses were constructed on illegally occupied lands. As a result, on July 16, 2020, there were riots in the front of the district administration. Groups of youth carried placards with the following words: “Sidat Out”; “Mr. president give us back peace guaranteeing housing for all”; “people in power”; “Mr. governor of Maputo province, please remove the administrator who impoverishes the people of Marracuene”; “Our fight is for housing.”

In reaction to these riots the current administrator of Marracuene said that he would not be bend in situations that jeopardize the district territorial planning. For some of his supporters, such as one of the internet users,⁶⁸ the protesters were not from Marracuene but were rather a group of people who made their living off of land sales, who, without any other maneuvering room, could only organize a handful of people to destabilize the district. However, within the framework of dialogue concerning those riots, the current administrator of Marracuene met, on July 20, 2020, with the communities of the neighborhoods of Ricatla and Habel Jafar. According to the district government, in their intervention, the commissions of the neighborhoods mentioned above, said that they did not recognize the people who were rioting. They also said that they do not belong to their organization (GDM 2020).⁶⁹

Because the region of Marracuene has long been a place of frequent disputes over land, which will be detailed in the next chapter, there is a

⁶⁶ DUAT is an official document provided by the state to secure the right of use and profit from land in Mozambique.

⁶⁷ <https://www.facebook.com/governo.marracuene>. (August 3, 2020).

⁶⁸ He expressed this opinion on Facebook <https://www.facebook.com/governo.marracuene.3>. (July 27, 2020).

⁶⁹ <https://www.facebook.com/governo.marracuene.3>. (July 21, 2020).

widespread understanding that land conflicts are an old problem in Marracuene. The current administrator inherited this from the previous administration. The only difference is that now the main protagonist are groups of individuals who call themselves *nativos* and the real heirs of the land versus the district administration, who, based on Mozambique state law, understand that the land belongs to the state. This nature of land conflict was underlined by traditional chiefs of Macaneta, who observed that the common problem in present-day Marracuene is the issue of land, especially so-called *marrumbi*, which entails a lot of claims from the children of the previous land holders, mainly due to the conflicts between the customary land rules and state land tenure. *Marrumbi* is a name used to refer to a plot of land acquired by an individual, especially for housing. After the owner and his family move to another place, the land they leave behind is called *marrumbi* and traditionally belongs to the family descendants. *Marrumbi* is preferably a place to die and to be buried for those who are attached to it. Therefore, according to traditional chiefs, the heirs of *marrumbi* do not want to recognize and comply with the state land tenure according to which the *marrumbi*, like any other land, belongs to the Mozambican state. The reason for this, they explained, is the fact that the ownership of *marrumbi* allows individuals to acquire the land by erecting a house in one place and then move to housing in another place, and so on, while keeping possession rights over the land they leave behind. Thus, retaining possession over *marrumbi* excludes other individuals from having land for housing. People forget, they explained, that all the places where they build their houses once belonged to other people who lived there before, which means that it would not be possible for them to build in those places unless the land is considered available to be occupied by other individuals. According to the traditional chiefs of Macaneta, the truth is that the land we are living on belongs to God and is for all. Nevertheless, traditional chiefs of Macaneta are grateful for how churches have sensitized people concerning the issue of inheritance (including the inheritance of land), at least at the family level. They underline that currently they have rarely witnessed or settled disputes over inheritance of land within their chieftaincy, mainly due to the religiosity which calms the people's nerves, especially when they listen to what the church says.

3.4 Conclusion

In this chapter, I analyzed the general sociopolitical process of transmission of inheritance and succession in Marracuene as part of decentralization reforms. Decentralization reforms affect and transform society politically, economically and culturally: politically because decentralization affects and transforms the distribution of power within society; economically because it affects and transforms the people's livelihoods and local economic development;⁷⁰ and culturally because it involves people's perceptions and meanings attributed to the transformations in the local arena (Hagberg 2010:10-11). Throughout this chapter I have paid special attention to local discourses and expectations about decentralization and/or the process of municipalization in Marracuene. I have also attempted to grasp how decentralization reforms influence the ways in which material and immaterial things and positions of sociocultural and political authority are transferred and legitimized.

In Mozambique, decentralization reforms were introduced in the peace-building context and in institutional reforms following the Peace Accords between the government of FRELIMO and the opposition political party RENAMO (Weimer and Carrilho 2017), and also promoted by international institutions such as the World Bank and the International Monetary Fund. In present-day Mozambique it is an ongoing matter, since decentralization was conceived of as a gradual process. However, decentralization reforms have not yet delivered the intended outcomes: enhanced democracy, policy efficiency, development and growth at the local level. In part due to the legacy of state centralism which led to the deconcentration rather than the devolution of power to local government bodies. In part, this is due to the lack of political will on the part of the political party FRELIMO to implement reforms and transfer real decision-making power to local government. The lack of political will is understandable considering that decentralization reforms entail the distribution and exercise of power within society. Instead, decentralization in Mozambique seems to be a field of political party dispute for power and access to local resources.

My findings show that even though there are several perceptions and expectations about decentralization in Marracuene, in general one can distinguish two reactions: first, those who are optimistic about the benefits

⁷⁰ However, as Hagberg (2010:11) observed, in practice decentralization does not necessarily lead to local development since the poor municipalities may see their opportunities deteriorate.

that decentralization reforms (municipalization) can bring to local communities, such as speeding up local development, facilitating access to local resources, satisfying needs in local arenas, and providing the opportunity for local communities to exercise their civic rights; and, second, those who look with great suspicion upon the decentralization reforms, as they believe that decentralization is susceptible to manipulation from political parties and their clients, who will seek to satisfy their interests rather than those of the local communities. So far, it is clear that decentralization reforms in Marracuene have an influence on local inheritance and succession practices. Access to material and/or immaterial things and positions of sociocultural and political authority in Marracuene has been affected by decentralization. On the one hand, customary inheritance practices and rights over the land have been transformed. More social political actors have been involved in land issues, and customary land holders no longer transfer land only through inheritance. Instead, they have been selling land, and land has become a source of wealth, which in turn is leading to an increasing illegal land market. On the other hand, succession practices to chieftaincy titles are also feeling the influence of decentralization. Decentralization in Mozambique has not only led to the revalorization of traditional political structures but has also changed the processes of selection and legitimization of traditional authorities. Furthermore, it has led to emerging disputes over power between the local de-concentrated political structures created by FRELIMO and the central state, on one hand, and the recently recognized community authorities, on the other. It has also led to disputes over chieftaincy titles between potential successors. In this vein, new strategies and alliances have been crucial for potential heirs and successors to access material and immaterial things or to secure positions of sociocultural and political authority in the local arena.

Chapter 4. Strategies and tactics for securing property rights

In this chapter, I explore how individuals and families deal with what they consider their inheritance rights according to the ways that are socially and culturally considered appropriate and acceptable to secure those rights in specific social circumstances. The purpose is to describe and analyze how people interpret and make sense of inheritance and its local translations, as well as how inheritance practices are perceived and experienced in Marracuene. The chapter is composed of three sections. In the first section, I describe the different practices, rules and strategies used by individuals and family to transfer inheritance rights with special attention to cases of inheritance of parental houses and family lands. In the second section, given that disputes and conflicts are often settled within families or by community courts, I discuss how these two institutions deal with disputes and conflicts over inheritance. In the third and final section, I examine how parents and elders (especially men) act to anticipate the future of inheritance they will leave when they pass away, to prevent their orphans from being disinherited by their fathers' brothers and their wives, that is, widows-to-be from being stripped of their property by their in-laws once their husbands are dead.

4.1 Multiple understandings and practices of inheritance

Although inheritance can also be transferred while the property holder is still alive, in Marracuene it is generally conceived of as an intergenerational transfer that occurs following the death of the property holder. The people of Marracuene use the terms *tsomba* (wealth) to refer to the personal possessions to be inherited and *mapfindla*⁷¹ (literally bird chicks) to refer to

⁷¹ Metaphorically, the term *mapfindla* is used to refer to the property holder's offspring.

the potential heirs. In order to express how inheritance rights should be transferred from the property holder to the potential heirs, they use metaphorically the Ronga expression *a tsomba kudlha mapfindla* (wealth is eaten by birds' chicks), which means that someone's offspring have inheritance rights, that is, inheritance should be transferred from parents (specifically from fathers) to their children. Almost every property is liable to be inherited, but the ways in which parents proceed to transfer inheritance rights depend on various factors: the kind of property at stake (its economic, social and symbolic values); the way the property to be inherited was acquired; the ability of individuals to manipulate inheritance rules to suit specific interests; and the normative orders applied in the process of inheritance transmission.

In Mozambique, one can distinguish three types of normative systems of inheritance. The first system is the one emanating from current Mozambican family law (Act 22/2019). According to this family law, after death, each surviving spouse has the right to dispose of his/her own property and its share of common properties, without prejudice to the restrictions imposed by law in favor of legitimate heirs (see the number 1 of the article 110). Simply put, the spouses are entitled to inherit half of the property left behind by the deceased spouse. The other half of inheritance is supposed to be equally shared among their children regardless of gender and marital status. The second system is Sharia Law (followed by individuals of Muslim faith) and others emanating from other religious faiths. Currently, Mozambique has just over 900 religious communities (Catholic, Anglican, Muslim, Zion/Siao and Evangelical/Pentecostal). Its religious population is about 26,900,000, which correspond approximately to 96.4% of the current Mozambican population⁷² (INE 2017). However, there has been a substantial increase in the number of unregistered religious denominations. These various religious groups have different conceptions and understandings of rights regarding inheritance and succession. The third system is the one based on customary law, with specific local characteristics (DEMG 1994). Under customary law and practices (specifically in Marracuene), however, the husband, who is generally considered the head of the family, has ownership and control over the family properties. Thus, the husband and/or father is supposed to pass his inheritance to his male children. Depending on the items at stake, the father or his kinfolk can decide either to divide the inheritance among the male children or to give it to the youngest

⁷² According to the Mozambican National Statistics Institute, Mozambique had a population of 27,909,798 inhabitants in 2017 (INE 2017).

son (ultimogeniture). Nevertheless, parents generally tend to share the inheritance among the male children when what is to be inherited is movable property and to give the youngest son real estate (immovable property). Currently, some residents of Marracuene have been challenging this customary inheritance law owing to its exclusion of girls. This could be, admittedly, the result of the influence of the state law and/or the imposition of concepts from several civil society organizations such as Action Aid, OXFAM, Association of Women and Democracy (ASSOMUDE), Mozambican Association of Women of Legal Career (AMMCJ) and Association of Friends of Marracuene (ANAMAR). These civil society associations and Non-governmental organizations (NGOs) have been working in defense of human rights and fighting against gender-based social inequalities in Marracuene. In this sense, the presence of civic movements and international NGOs also plays a role in inheritance practices; they are what Moore (1978) conceived of as semiautonomous social fields. Hence, while legal pluralism is certainly the context in which inheritance is discussed and decided upon, there are less explicit but important normative orders of inheritance practices. In other words, the three types of normative systems of inheritance are combined and mixed. That is why inheritance is important to understand as economic, social, political and cultural process.

4.2 Parental house and inheritance rights

In Marracuene, the principle of ultimogeniture – that is, the youngest should inherit the father – applies mostly to the inheritance of the parental house. The main purpose, as I was explained, is to secure the preservation of the house. According to some of my informants, the parental house belongs to all siblings, and it has been considered one of the most important things that families cannot afford to lose. Therefore, it is something that should not be sold. Apart from hosting traditional family ceremonies, the parental house is supposed to function as backup for all family members in times of distress, that is, when there is no one to resort to or nowhere else to go and seek help (shelter). The explanation often given by my informants for such understanding is that the parental house will provide shelter for sons and daughters who may eventually lose their own houses upon the dissolution of a marriage. On several occasions, the dissolution of marriage implies the selling off properties (including the house) that would have been acquired by individual children during their marriage. Therefore, it is

expected that upon the divorce children will have at their disposal the parental house to rely on, that is, they will have the parental house as a backup place in which to live in case of the dissolution of their marriage. In fact, returning to the parental home upon the dissolution of marriage is very common in Marracuene, especially daughters, many times with their own children, return to their parental house sometimes practically empty-handed.

According to my informants, this explains (in part) why even though the principle of ultimogeniture confers certain privileges to the youngest son, in practice it does not grant to him ownership of the parental house. In other words, the principle of ultimogeniture does not imply that the elder children are not entitled to rights over the parental house. Practically, when the principle of ultimogeniture is applied to that house, the youngest son gets the right to remain there while the elder brothers are expected to acquire their own houses, especially after getting married. It is also worth underlining that apart from the right of the youngest son to remain in the parental house, ultimogeniture equally implies compliance with certain responsibilities such as taking care of aging parents. Furthermore, according to the customary rules, the youngest son is also expected to seek for his elder brothers'⁷³ consent or advice about everything related to the parental house. Therefore, there is a widespread understanding that the parental house is a common property, in the sense that all the siblings have a stake in it.

According to one community court representative, the sense of common property regarding the parental house has both contributed to the negative appreciation of the principle of ultimogeniture, on the one hand, and fueled children's lack of interest in parental house thereby increasing the need to own their own personal house, on the other. Currently, the renouncement or even the abandonment of the parental house by the youngest son and/or his elder brothers has also become very common. As this informant explained to me: "The children of nowadays are very smart, they are no longer interested in their parental house. They want to have their own possessions."⁷⁴

However, apart from the acknowledged disadvantages associated with ultimogeniture, there are of course structural and other sociocultural factors contributing to the children increasing lack of interest in the parental house.

⁷³ Especially the eldest brother who is considered the head of the family in the absence of their father.

⁷⁴ Conversation with a woman who happens to be a member of the community court of Marracuene-Sede, Marracuene, January 21, 2015.

For instance, in “Parting the Long Grass: Revealing and Reconceptualising the African Family,” Rwezaura et al. (1995), observed that the tendency of children to decline the inheritance of the parental house and the increasing interest in personal houses were the consequences of market forces that affected the social organization and the functions of family in many African societies from colonial times. According to these scholars, the incorporation of the subsistence economies of many African societies into cash economies and the world economic system created, on the one hand, new demands on the labor time of family members and, on the other, introduced new needs for individuals once they were provided the means of economic production that were no longer controlled by the families. The market forces, they observed, changed the production and distribution of essential goods and services within families, leading to the transformation of many customary practices underpinning kinship ideology. Apart from moving people from villages to urban or commercial farming and mining centers, the incorporation of African economies into the world economic system not only created dependence on wage labor and informal trade, but also reduced young people’s dependence on the family and allowed the individualization of needs and aspirations.

In the same vein, in his “Ronga Settlement Patterns: Meaning and Implications,” Morris (1972) associates the need for private house among the Ronga people (in southern Mozambique) with the impact of the capitalist economy which led to structural constraints and changes such as in the local economic system, which is in practice the inherent consequence of the Portuguese colonial system and its reliance on sending labor to the mines. Similarly, such changes have been taking place from colonial times. According to Morris, in colonial times the Ronga were forced into the cash economy (with some young men migrating to the mines in South Africa), which reduced the dependence of the young men on their family members. As a consequence, the male children stopped relying on their sisters’ bride wealth to get married and no longer needed to wait for the elders to help with marriage arrangements, as it used to be before, once they were earning money themselves in the mines. In pre-colonial times the young men depended on their sister’s bride wealth to pay the bride wealth of their own brides. Thus, Morris observed, one social impact of the capitalist economy on African societies was the erosion of kinship duties and rights. In Maracuene, for instance, with economic opportunities provided to young people, the strong reciprocity that prevailed in relationships between kinsmen

was weakened. According to Morris, since working in mines was an individual job and the cash salary was given to the individual who did the job, the strong reciprocity was no longer in operation, especially when the young men were very reluctant to give their earnings to their senior kinsmen. Therefore, in a situation where the young men became financially independent and could afford to build their own houses, it was possible to stop claiming or complaining about inheritance rights, including the right to the parental house.

Apart from economic factors, Morris also highlighted the influence of sociocultural beliefs and practices to explain why in many African societies male children tend to move out from the parental house. He referred, for instance, to the association between young men's increasing need for personal houses and adelphic succession, that is, the tendency of the young men to seek personal house and the situation where the transmission of positions of sociopolitical authority proceed through several of the father's brothers before the children of a deceased man succeed him. Quoting Junod,⁷⁵ Morris also referred to the same tendency in sociocultural contexts where kinsmen appreciate the importance of witchcraft in social relationships. For instance, witchcraft accusations between fathers and sons, brothers, co-wives and father's sisters and brother's sons were the major reason given by the young men among the Tsonga people to justify why they move out from their *muti*, home (Morris 1972:229). Furthermore, apart from admitting that men are inherently selfish, the Tsonga also believe that luck is a limited resource. Therefore, the more one kinsman has, the less is available to the other kinsmen. The result is that as one may try to improve one's own lot first and foremost, it will not be a successful attempt unless he is lucky or unless he is a witch. Thus, in such social contexts the best way for a son to become the master of his life is to move out of the natal home.

In many cases, the children's increasing need for their own houses leads to the complete abandonment of the parental house. In such cases it is common for siblings to agree to sell or rent out the house, and the money from the sale is generally shared among them. Usually, daughters do not benefit equally from the respective income as their brothers do. Besides, according to customary norms, in patrilineal societies daughters are usually excluded

⁷⁵ Henri Alexandre Junod (1863-1934) was a Swiss Protestant missionary and anthropologist noted for his ethnography of the Tsonga peoples of Southern Africa. Although the date is not explicit and the first edition of his work appeared later, the bulk of Junod's presence in Southern Mozambique occurred before 1895. According to Macagno (2009), Junod and his wife arrived in Mozambique at the end of 1889. He again visited in 1907–1909.

from inheritance even though it has been legally recognized that brothers and sisters are all legitimate heirs of their parents' assets. Nevertheless, there is a widespread understanding according to which daughters can acquire their own properties or be entitled to the property acquired during their marriage:

A daughter who leaves her parental house to live with her husband, her patrimony is over there. Once she is living there, the best she can do is to secure her husband and in-law's patrimony. This is because everything she left behind, in her parental house, belongs to her brothers and brothers' wives, who are considered the rightful heirs of the family properties.⁷⁶

However, thanks to the increasing recognition of state law, in particular the state Family Act (10/2004), currently revoked by Act 22/2019, which regulate inheritance and succession practices according to the principle of equality between men and women,⁷⁷ there have been more and more daughters contesting inheritance rights over their natal family properties, even when they are still married and living in their husbands' houses. In terms of family law, sons and daughters (including half siblings) both have inheritance rights to half of the family patrimony, that is, they are entitled to share their part of inheritance equally. The increasing recognition of state inheritance law has been a fundamental tool for daughters not only to claim for inheritance rights but also to influence changes over inheritance customary rules and practices. A daughter's claim over inheritance can be very strong when she has financially contributed to the acquiring and establishment of the family wealth. The greater her contribution is, the more she tends to claim for inheritance rights and she also has power to influence the decision-making process concerning the transmission of family properties.

The influence of the state law over inheritance customary rules and practices also contributes to the changing of perceptions and attitudes towards inheritance rights within families and communities of Marracuene. In group conversation with men, one of the participants told me that "the state inheritance law should be considered a call for married men to recon-

⁷⁶ Still a conversation with a woman who happen to be a member of community court in Marracuene-Sede. Marracuene, January 21, 2015.

⁷⁷ But also, the influence of civil society organizations and ONGs operating in Marracuene (and Mozambique in general).

sider their attitudes towards inheritance rights of their wives and widows.”⁷⁸ In this regard, some married men, who also participated in a group conversation, suggested that inheritance rights should be primarily reserved to their wives, and in cases where a man has accumulated enough wealth, he can also pass something to his children. The commonly advanced justification for this is the fact that like their husbands, wives also contribute to the acquisition of the family assets, regardless of whether their contribution was equal or not to that of their husbands. However, despite the variation among individuals and families, the dominant discourse in Marracuene is that inheritance should pass from husband to his wife and children. However, exclusion, dispossession and disinheritance of children and wives and/or widows are very common practices throughout Marracuene (more details in the next chapter). Nevertheless, there are some customary practices to prevent exclusion, dispossession and disinheritance of orphans and widows. If a man dies leaving minor children, for instance, it is recommended, according to Ronga customary rules, that one of his brothers (or a tutor according to the state law) should take over the deceased’s assets and become responsible for the widow and her minor children until they are adults. Such a practice is meant to prevent the spread of the deceased’s family patrimony out of his family, especially if the widow chooses to remarry outside her late husband’s family. Yet, there are complaints about such rule and/or practice, because in many cases the relatives may take over the deceased brother’s properties but never comply with their social obligations towards the widows and orphans. As I was told in a focus-group conversation with elderly women, they often use the inheritance any way they want and later abandon the widows and their children (nephews). Furthermore, it has been difficult for children to recover their late fathers’ properties because the supposed tutors would have spent it all by the time their nephews become adults.

It is also worth adding that disinheritance of children may also occur among siblings themselves. A retired male elder explained how this sometimes happens. For instance, he said that since migration has been a common practice in Marracuene, some children can spend a long time away or move to Maputo City or South Africa. After a long stay abroad, these children can return and claim for their share of the inheritance. Therefore, he underlined that there are questions of individual merit that will arise. In this regard, it is the individual contribution either for acquisition or caring of

⁷⁸ Group conversation at the post office, Marracuene.

the family assets that would be invoked when it comes to sharing an inheritance. In such circumstances, he explained, how an inheritance will be disposed depends on the person who looked after the family assets while others were absent. In other words, it is up to him to allocate the family properties as he wishes – either sharing them with his siblings or keeping them himself. Another form of disinheritance, exclusion, dispossession or unequal sharing of inheritance among siblings was observed by one of my informants, a public servant in Marracuene. In a conversation we had on January 23, 2015, he recalled how he managed to get the “lion’s share” of the family livestock. He is a resident of Marracuene (since 1950) but was born in Nkobe – a neighborhood located in the municipality of Matola. He was two years old when he moved to Marracuene with his parents. According to him, they settled firstly on Benguelene Island situated in the Inkomati River, Marracuene. He had only one brother, who passed away in 2012. Apart from this one, he also has two sisters and three half-brothers born from his stepmother (who was the first wife of his late father, while his own late mother was his father’s second wife). When his father died in 1986, he left behind the house that he built on Bengueleni Island, which they abandoned a few years after his father’s death in order to settle in Marracuene-Sede, in the neighborhood called Fifitine. Apart from the house, his late father also left behind cattle (some 20 head of cattle according to him). Historically, cattle have political and economic importance among the Tsonga in the southern region of the Save River.⁷⁹ The local populations used it in commercial exchanges to obtain copper, beads, metallurgical utensils and fabrics. They also use it in a way in matrimonial exchanges. According to my informant, the question of how to share the cattle was a difficult one, the reason being that there was a dispute over it between siblings. The dispute was settled in the state court. His being smart and intelligent, my informant said, made him the one who decided how many cows each potential heir should get. Their sisters were practically excluded from the inheritance of cattle, due to their ignorance, according to my informant, particularly because they did not attend the meetings that were taking place between the brothers. He also confided in me that he studied until the second year of the second preparatory cycle in colonial times. He stopped studying for health reasons but of course his parents were also too poor to continue to finance his education, which led him to

⁷⁹According to Rita-Ferreira (1982:55-57) the cattle would have probably been introduced by the proto Sothos clans in the late fifteenth century.

start working earlier, first as a fisherman, then as an employee at Riopel⁸⁰ and currently as a public employee (service agent).

In addition to his supposed cleverness and intelligence it was of crucial importance, he argued, that he was the one who had been taking care of the cattle, which justified why he should get the lion's share. Thus, he managed to get 75 percent of the total cows that were supposed to be shared. The justification for that, which he presented before the state court, is that he was the one who hired the shepherds who grazed the cattle. Moreover, he said, raising cattle requires responsibility since cattle can spoil other people's stuff; for instance, cattle can damage crops on farms, which means that someone has to be very lucky not to have problems with people surrounding the stockyard. Apart from this argument, as the guardian of the cattle who was aware of the fact that his brothers would come to claim their share, he made his stockyard available to anyone who needed to fertilize his cows and, in this process, he was rewarded with more cattle. Therefore, he argued that the cattle he conquered in this way should not enter into the sharing, that is, should not be part of inheritance. Thus, it was through these arguments and strategies that my informant managed to keep the lion's share and exclude his sisters from inheritance.

4.3 Land and inheritance rights

Access to land has been one of the most critical issues in Marracuene and throughout Mozambique as well. In present-day Marracuene individuals and families find it not only difficult to access but also to secure what they consider to be their rights over the land. The difficulties are commonly associated with the contradictions between the customary tenure and the state law imposed, on the one hand, and to the increasing illegal land market, on

⁸⁰ Riopel is a textile industry located in Localidade-Sede, along the national road nr 1. According to my informant, a former worker, in colonial times this industry belonged to a Portuguese man named Anibal de Oliveira. The President of the Administrative Council (PCA) was Dr. Carlos Lero and the Mozambican government was represented by Carlos Comiche – the current president of the municipality of Maputo City. It closed due to the 16-years civil war that plagued Mozambique until the signing of the General Peace Agreement in 1992 and reopened recently in 2014. According to the same informant, present-day Riopel belongs to the former president of Mozambique- Armando Emilio Guebuza. However, according to official information, present-day Riopel, which is currently called Mozambique Cotton Manufactures (MCM), was formed by the Mozambican company Intelec Holdings and the Portuguese Mundotêxtil, Mundifios and Crispim Abreu.

the other hand. According to some of my informants, in the precolonial and colonial times land access for *nativos* – autochthons⁸¹ of Marracuene – was based on kinship ties. Individuals also sought to secure their rights over the land through historical, symbolic and affective bonds established between family members and a certain plot of land, the so-called *marrumbi*, which is the land or plot of land previously occupied by the individual’s family ancestors but actually considered to pertain to the survival relatives or their descendants according to customary rules. However, not everyone has equal rights to access and own land. Access and ownership of land has been a privilege of men. Therefore, parents were expected to transfer land inheritance rights to their male children (in adulthood or by the time they get married). The transfers were made either while the parents were still alive or after death.

Traditionally, although women have the right to have land to farm, they are not entitled to land inheritance rights. For a long time, their access to land depended on their husbands’ relatives. When a woman marries and moves to an in-law’s house, her mother in-law or husband show her where to farm. But if the marriage is dissolved, she loses the rights to that land, which means that in practice it had never ceased to belong to her husband’s kinsfolk (Junod, 1996; Waterhouse, 1997). Nevertheless, in present-day Marracuene, traditional customary rules and practices have been increasingly challenged by the Mozambican current land law (Act 19/1997), but also by international, national and local civil society organizations, which highlight that women should also access and own the land – in order words, that women also have rights to land. According to law, land in Mozambique owned by the state and cannot be sold or alienated. In addition to such prohibitions, current land law also denounces the unequal and gendered access to land and confirms the constitutional principle according to which men and women have equal rights to occupy, use and inherit land. In its Article 16 the Land Act states that “The right of exploitation and enjoyment of land must be transmitted by inheritance without distinction based on sex.” However, customary rules and practices have been continuously at play, especially at the household level, where women have no right to inherit the land (Waterhouse 1997). According to DEMG (1994), the exclusion of

⁸¹ The term “autochthons” distinguishes the original inhabitants of Marracuene (also known as “first-comers”) from the “allochthons” or “late-comers” who are considered people from outside of Marracuene. Thus, as Lentz (2006) observed, the discourses of autochthony constitute a strategy invoked not only to define belonging to specific community or group, but also to legitimize political and economic rights in the context of competition and disputes over resources and power.

women has been associated, on the one hand, with the lack of knowledge that prevents some women from using their legal rights, and, on the other hand, to the deficient implementation of the law, which by default is predominantly influenced by the patriarchic ideology, which assigns privileges to men over women when it comes to access to land and property in general.

In the current situation it is worth underlining that the people of Marracuene have been experiencing significant changes concerning access to land and regarding the mechanisms of securing individuals and family rights over it. Due to the increasing socioeconomic and political transformations, together with the growing land market in Marracuene, the land that traditionally belonged to the customary holders, the so-called *mar-rumbi*, has been exposed to expropriation by administrative officers, community authorities and real estate brokers, and large extensive inherited farmlands were turned into commodities leading to the increasing illegal land market. Nevertheless, according to the autochthonous people of Marracuene, selling out the lands is not a customary practice, but it became the best way for customary land holders to benefit from it, that is, at least to get some money before losing their lands to the state or to “strangers.” As one Ronga resident explained to me:

We are not the ones selling the land. If the families sell their lands it is because they are seeing that they are losing it to the benefit of strangers (Machangana⁸² and Machopes⁸³), who come from nowhere. These people, when they are elected neighborhood secretaries, increasingly take on the autonomy to sell our lands. They have the power of the stamp and the stamp is the state. On behalf of the government, neighborhood secretaries expropriate someone’s land, sell it and issue the respective documents. Our intention is not to sell, but the families sell the land since they already observed that they are stealing our wealth. We have to take advantage of what we have.⁸⁴

The key sentence in this quote is that they “have the power of the stamp and the stamp is the state.” Stamps and other signs such as seals, signatures and emblems are symbols of power that confer compelling authority to written documents. They not only invest documents with performative

⁸² Machangana is an ethnic group composed of individuals living in or coming from Gaza province.

⁸³ Machopes is an ethnic group composed of individuals living in or coming from the districts of Zavala and Inharrime in Inhambane province.

⁸⁴ Conversation with one of my informants, Marracuene, January 23, 2015.

power but also legitimize their use (Fraenkel 2006). This means that the state is used as a reference to sell land, through the control over bureaucratic procedures. This exemplifies that it is not the law per se but the power that it represents that influences land rights, with important implications for inheritance practices. Nevertheless, according to some informants, the illegal sale of land was initially done by customary land holders, who were selling their lands directly to individuals coming to Marracuene in search of land for housing or for economic investments. At that time, land was sold without a precise delimitation of plots, and individuals bought large portions of land very cheap. The delimitation of plots of land in different neighborhoods of Marracuene, commonly known as parceling out, was introduced by the real estate brokers⁸⁵. Through the process of parceling out, the land became more and more highly valued in Marracuene. Real estate brokers are currently the major players in the emerging land market in present-day Marracuene. They have been buying the land cheap from those who consider themselves the “autochthonous” (*nativos*) and proceed to parcel it out and then sell at high prices to the “newcomers.” In fact, most of the newly created neighborhoods in Marracuene emerged within the context of the illegal land Market in which the real estate brokers have been not only the intermediaries but also responsible for parceling out farmlands. The parceling of land consists in plots of 15x30 meters, which is considered the general standard size for housing in urban settlements. Both sellers and buyers believe that apart from contributing to an ordered occupation of the urban land, parceling off the land leads to the rapid development of neighborhoods.

According to scholars such as Nielsen (2010, 2011) and Hagberg and Körling (2016), parceling out is a widespread practice in many African countries, and it has been part of urban development plans. The latter studies the relations between zoning operations⁸⁶ (defined as the process where villages or farmland are divided into land plots and sold for housing or other uses) and the municipal politics in peri-urban areas in West Africa: Gouana – a village located on the urban fringe of Bamako (Mali) and Saga – a peri-urban village situated on the outskirts of Niamey (Niger). According to Hagberg and Körling (2016:299), parceling out and sale of land (informal and private zoning operations, according to their own terminology)

⁸⁵ Although the brokers became the key actors in parceling out the land in several neighborhoods of Marracuene, parceling out the land is part of the current municipalization process assigned to municipal surveyors and architects.

⁸⁶ In this study zoning operations should be understood as the same process as parceling out.

in peri-urban areas in many African countries is a tactic for individuals to maintain control of territory and not to be excluded from the emerging land market. Nielsen in turn studies the parceling of land and illegal land occupation in the outskirts of Maputo (the neighborhoods of Costa do Sol, Magoanine and Mumemo). According to Nielsen (2010: 158-9), it is not until a plot of land is parceled out and assigned a registration number that occupancy is officially recognized. There, parceling out individuals' plots were both a practical means of archiving the pragmatic legitimation of illegal occupancy and a strategy for partial visibility in the sense that parceling and house building is meant to secure a stable position within the urban fabric. Therefore, through parceling out the land, people attempt to overcome marginalization, which is achieved through appropriation of the state-prescribed urban norms.

The process of illegal parceling out the land contributed to the rise of the land price, because in the eyes of buyers parceled plots of land are very attractive, since, as referred to above, they allow rapid and orderly development, mainly due to the facilities regarding accessibility and electrification. In present-day Marracuene, the price charged for parceled plots of land is by no mean the same everywhere. It tends to vary according to certain factors such as their location and the capacity of each buyer to make a full payment at once or to pay in installments. The prices of land also tend to rise higher and higher whenever there are many intermediaries between the sellers and buyers, because there are commissions involved. For instance, apart from the real estate brokers, administrative officers and neighborhoods secretaries have been increasingly involved in the land market, and all of them want to have their share, thus contributing to the increase in the price of land in Marracuene.

The involvement of the neighborhood secretaries, as we can read in the quote above, has been frequently referred to almost everywhere, such as in the case of disputes over land before the community court. Throughout the different communities of Marracuene, there are reports of neighborhood secretaries exploiting and selling other family lands. In most cases, such lands were long preserved and never sold (including the family graveyards⁸⁷). Therefore, throughout the district, apart from being considered newcomers, many neighborhood secretaries are portrayed as disrespectful,

⁸⁷ The most interesting thing about the selling of family graveyards for housing, according to a local traditional healer I talked to, is the growing rate of mental illness in Marracuene. According to this informant mental illness frequently occurs in those families whose houses were built over the grave.

notwithstanding that they were elected to the office by the respective communities that once considered them being exemplar persons in their respective neighborhoods. Nevertheless, there are firstcomers (autochthonous people) who were also elected to the position of neighborhood secretary who also have been involved in such illegal land markets. Generally, when an autochthonous person is elected to the position of neighborhood secretary, he may simultaneously accedes to the position of traditional chief – chief of lands or *régulo*, such as in the case of the paramount *régulo* of Marracuene who also happens to be the secretary of the neighborhood named Habel Jafar. Thus, once a resident is elected neighborhood secretary, he is in privileged position to access and sell land throughout the respective neighborhood.

The neighborhood secretaries are usually elected by local communities. They are commonly elected based on the criteria of “well behaved,” as exemplars for residents, but membership in the political party FRELIMO, as I mentioned before, is also important to someone to be elected a neighborhood secretary. But, due to their involvement in the land scandals, they are currently portrayed as offenders and promoters of disorder in different neighborhoods. A neighborhood secretary can be deposed whenever the respective community deems it necessary. Nevertheless, residents have rarely been successful in replacing the disrespectful neighborhood secretaries. At the outset, neighborhood secretaries are considered state administrative employees, but they have no salary or any allowance beyond the fees they collect through issuing certain documents. According to the perception of many residents of Marracuene, this aspect should be regarded as enough reason for a neighborhood secretary to resign from his office without hesitation. The major reason for the neighborhood secretaries’ refusal to be deposed from office are the socioeconomic and political benefits they can access from that position, mainly through illegal deals in land. Besides, it is a common understanding that most of neighborhoods secretaries remain in the office because they are protected by the District Administrator, who supposedly also benefits from these sales. The accusations against the District Administrator stem not only from the protection provided to the comrades’ secretaries, but also from suspicion of personal involvement in the land-business scandals. In the following pages I offer two cases of scandals over the selling of land to illustrate the involvement of autochthonous people, administrative offices, neighborhood secretaries and private companies as well.

The first case that came into public sphere occurred in Mutanhana in 2015. Mutanhana is a neighborhood located in the southeastern region of Marracuene, where several families were displaced from their lands (including farmlands) because, according to the district administrative officers, there were no conditions for housing. The justification given to the displaced people was that certain parts of this area are swampy and flood-prone, useful for cattle grazing but not housing. Nevertheless, after some inhabitants were forced to leave the zone, the same lands began to be sold at exorbitant prices to entrepreneurs coming to invest in Marracuene. There were rumors that those lands were sold by the District Administrator, who is generally said, by most people I met, to be “the worst administrator” that Marracuene ever had. When the former occupants knew that their former plots of land were being sold, they began to rebel. According to some of my informants, a big struggle ensued, and only police intervention could calm the tempers. In fact, throughout my fieldwork almost everywhere people were complaining about the sale of land in Muntanhana, supposedly by the District Administrator after claiming that those lands were not for housing. Indeed, I was recently told that many several administrators were replaced and chased out by the provincial administrative authorities due to their involvement in such scandals. Since I started my fieldwork in Marracuene in 2014 three district administrators were successively deposed by the provincial governors under the pressure of the communities of Marracuene. No one of them managed to stay in office for two years, except the one I found in 2015 who was appointed to the office in 2010. On April 4, 2017, for instance, the Miramar Television (a private Mozambican television company) aired a report where an interviewee, who was a part of a group of farmers protesting against the usurpation of 25 hectares of land in Muntanhana that was in turn allegedly sold to a woman to whom false documents were issued, clearly stated that the district administrative officers would have “eaten” from those lands, meaning that they had sold the land. However, as it stands now, the residents of Marracuene seem to be generally disappointed with the District Administrator and Neighborhood Secretaries, but, as I was told by one of my informants, their hands are tied. They feel wronged but they have no one to rely on, and they feel desperate and unable to stop the district administrative authorities from selling their lands. As a result, there are increasing disputes over the land, and, as many customary land holders are afraid of losing their lands, they have been selling out their land before it gets out of hand.

The second case that occurred during my fieldwork was the conflict over land between the company Mulhulamete LDA (devoted to planting eucalyptus) and a group of individuals who consider themselves the *Nativos* (autochthonous people or first-comers) of the neighborhood named Agostinho Neto.⁸⁸ This case was widely publicized. To contextualize this conflict, the Rural World Observatory – OMR (2016), a non-profit private entity endowed with legal personhood, demonstrated that the land at stake belongs to the company Mulhulamete LDA. According to OMR, this company acquired the land in the 1990s in the context of restructuring a reforestation project initiated by the Mozambican government between the years 1970 and 1980 (namely, the projects FO-2 in Marracuene-Maputo, FO-4 in Dondo-Sofala and FO-5 in Nampula Province). Some of these projects were privatized, and this was also the case regarding FO-2. It was within this context that the company Mulhulamete LDA acquired *O Direito de Uso e Aproveitamento de Terra* - the Right to Use and Enjoy Land (DUAT) in an area corresponding to 775.5 hectares, where the FO-2 project was previously developed. However, about 202 hectares of this area was invaded, occupied or sold by the supposed *Nativos* and/or their descendants who had been resettled to make way for the FO-2 project.

In view of this invasion, the company Mulhulamete LDA brought before the Judicial Court of the district of Marracuene an action for the repossession of its rights supposedly violated by the *Nativos*. As a precautionary measure, the court issued a preliminary decision to embargo the construction of new houses in the area in question. However, the invaders ignored the embargo of new construction, arguing that, in a session of contradiction held on August 22, 2016, the constructions at stake were not liable to embargo because they were old and inhabited. They also argued that in legal terms the measure should have been ordered within 30 days after the knowledge came to light. They also recall that some court inspectors went to the field and found that in the area at stake there were family graveyards and wells of water, which shows that the area has been residential for several years before the installation of the forestry project. They also added that that land was acquired through inheritance following the death of their ancestors (the journal *Noticias*, August 23, 2016). The final decision was issued on August 26, 2016, favoring the *Nativos*. The court decision was based on the following arguments: that the residences found in the area had

⁸⁸ According to OMR (2016) this dispute opposes not only the *Nativos* and the company, but also the *Nativos* and the peasants who used the company's land for the practice of agriculture.

been there since 2014. Besides, on November 26, 2014, the administration of Marracuene informed the company Mulhulamete LDA about construction work by citizens who claimed for DUAT – a legal document issued by the district geography and cadastral service of Marracuene to legitimate the individual rights over the specific plot of land – to the same parcel in question. Generally, the DUAT is issued by three main administrative entities, depending on the extension of the land involved: for areas under 1,000 hectares the DUAT is authorized by the provincial government; for the areas between 1,000 and 10,000 hectares it is authorized by the Minister of Agriculture; and for the areas greater than 10,000 hectares it should be authorized by the Council of Ministers (DNTF 2012). However, the company filed an injunction for embargo of new construction only on July 19, 2016, in other words, after about a year and seven months in contrast with the thirty days stipulated in the law.

Many of ongoing conflicts in the current Marracuene are related to access and ownership of land. These conflicts should be situated in the post-civil war context, because during the civil war Marracuene was practically depopulated, as many individuals and families were forced to leave their houses to safer places outside of Marracuene, mainly to Maputo City and neighboring countries. The displacement of people, together with the current state land law, have several implications regarding current land inheritance practices. When the civil war ended in 1992, many of the displaced individuals and families began to return to their original areas, the so-called *marrumbi*. While some have postponed their return, those who returned immediately appropriated the lands that seemed to be unoccupied or unowned. Others took over the lands associated with their relatives who were not expected to ever return. However, as the country became more politically stable those, who were initially skeptical began returning to Marracuene. The growing number of returnees together with the influx of other people coming to Marracuene seeking for housing is leading to major pressure regarding this land. As a consequence, there is an increasing land market where people have been selling the land without considering the land rights of those who consider themselves the legitimate owners of the same lands, which in turn leads to conflicts over land. Generally, such conflicts involve those who were the first returnees to Marracuene, who now control large, extensive lands, and those who are now returning to Marracuene, who are struggling to recover what they consider to be their former lands.

According to traditional chiefs and elders of Macaneta, disputes over land involving relatives (especially potentials heirs) as well as sellers and

buyers are very common throughout Marracuene. Furthermore, there are of course also disputes and conflicts over land originated by the increasing involvement of new actors in the land market,⁸⁹ such as administrative officers and neighborhood secretaries. Usually, disputes and conflicts over land lead to disruption of social relationship between relatives and between different social actors. For instance, in one neighborhood I personally witnessed siblings and cousins who have cut off familiar ties due to the conflicts over land. It was a situation where one of the potential heirs sold the land without considering other family members' interests and rights. However, disputes and conflicts over land can also arise in what I call serial selling situations, that is, when the same plot of land is sold to more than one person. Generally, selling the same land to different individuals is associated with the increasing valorization of the land. As the price of land tends to increase with time, when the first buyers hold the land without building their houses, they run the risk of seeing their lands sold to someone else. In practice this is related to the requirement to use the land in order to be able to keep it, according to the state land-tenure regulations in Mozambique. Thus, sometimes the vendors resort to the state law to justify the practice of selling the same plot of land to more than one person. The usual argument is that, according to the current land law, when an individual is allocated a plot of land, he or she is supposed to proceed to make use of it within a period of five years. After this period, he or she automatically loses the rights of use and enjoyment – the DUAT.

Nevertheless, regardless of their excuses, it seems that their argument does not correspond to what is actually stated in current Mozambican land law. According to Mozambican land law (19/1997), land belongs to the state and is not meant for sale. In its section 2 of article 17, the 5-years term is not valid for land acquired through occupation by communities, land destined for one's own housing or for family exploration by national singular persons. Furthermore, in its section 1, the same article states that the term for the right of use and benefits from the land for economic activities is 50 years, which can be extended whenever the beneficiary is interested. In section 1 of article 18, the land law determines that the extinction of the right to use and benefit from land can be observed in case of: 1) non-compliance with the business plan or investment project, without reasonable justification, within the calendar established in the approval of the application even if the tax obligations are being met; 2) through revocation of the

⁸⁹ Selling and buying land in Mozambique is a risk because, apart from the land market being an illegal activity, there is a lot of scamming.

right to use and benefit from the land because of public interests preceded by the payment of fair compensation; 3) at the end of the term or its renewal; and 4) through the resignation of the landholder. However, as long as people have understood that land is a source of wealth there has been a growing illegal land sale, and many conflicts stem from the selling of the same plot of land to several people. In Marracuene, due to the increasing number of individuals seeking land for housing, the sale of the same plot of land to more than one person is frequent. One of the attitudes that can also explain such a practice has to do with the fact that it has been common, among the sellers, to think that once the same plot of land is sold to another buyer at a relatively high price compared to that of previous buyers, they will be able to return the money they received from the previous buyers or eventually, as it also practiced, to allocate to them another plot of lands somewhere else. Usually, the new buyers are complicit, because even though they are aware that the land at stake was sold to someone else before, they do not hesitate to make the purchase, given the fact that they are advised to quickly build their own houses in order to ensure a relative advantage over the former buyers. However, it is important to underline that buying the land itself does not secure possession of it unless the buyers proceed to its legalization. The process of legalization of land, that is, the acquisition of DUAT is very complex, involving a lot of bureaucracy and taking a long time.

According to current land law (Act 19/1997), there are three ways in which individuals or groups can get the DUAT. The first way is through the norms and customary practices. According to this mechanism, singular persons and local communities can occupy the land following customary norms, an occupation based on local traditions, such as by inheritance from the ancestors (such as the inheritance rights over *marrumbi*). Second, according to the principle of good faith, according to which individual persons can occupy the land they have been using for at least for ten years. This mechanism of land occupation only applies to national citizens. Third, through the authorization of a request submitted to the state under the land legislation, which is the only mechanism to acquire land applicable to foreign individuals and groups (see article 12 of Act 19/1997). Before the DUAT is issued, a previous consultation with the local community authorities (especially the chiefs of land) and neighborhood secretaries should be carried out in order to verify and certify that the land at stake is free and unoccupied. Despite such consultations, there are many conflicts resulting from the invasion and/or trespassing, theft and sale of other people's lands.

According to the secretary of Macaneta, a village part of the Marracuene District, this is the result of the changing land tenure in Mozambique, as he explained to me, such as the changing nature of *marrumbi*. In the past when the head of the family, who is commonly considered the owner of the land left behind, dies, that land was automatically considered a family inheritance, meaning that it was inherited by the surviving members of that family. Therefore, while in the past the *marrumbi* was considered an inalienable property, that is, even when it was not inhabited it remained the legitimate property of the descendants of the former occupants. Today, however, with the adoption of the current state land law, things have changed. The rights over land can only be secured through the actual user according to the state land tenure, which means that the land in which a person or certain family has lived and then left is today considered the state's property. Thus, the land that is traditionally called *marrumbi* ceases to be of exclusive rights of the former family holders, which in turn implies that it cannot be transferred to the respective family members or descendants. On the other hand, that land is allocated to any individual or family groups by the state, especially if there is nothing left on the ground to show that that land is currently occupied. Therefore, according to a traditional chief from Macaneta, certain family members (children or grandchildren) can still maintain the rights over *marrumbi* in case they built a house or planted cashew trees on the site. Further, in this case, the heirs can still negotiate the land with the potential occupant before it is taken away by the state or occupied by any interested individual. Nevertheless, according to my informant, it is still difficult to deal with conflicts over the land because, apart from the issue of *marrumbi* and the state law, there are also many people with diverging interests involved.

4.4 Community courts and dispute settlement

The people of Marracuene have at their disposal several institutions in charge of dispute settlements. Although there is a coexistence between various normative systems and instances of conflict settlements, such as judicial courts (Supreme Court, Provincial and District Courts) and community courts (constituted exclusively by community-elected judges and their assistants). The community courts, however, have been the most important for many of the local inhabitants. However, following the independence of

Mozambique in 1975, there was a breach with the former juridical administrative system which prevailed under Portuguese colonial rule, particularly with its selective aspect regarding access to justice towards an inclusive and a juridical system closer to the citizens. The postcolonial attempts to make the juridical system closer to citizens is reflected in the new judiciary organizational law, which created “popular courts,” today called community courts (Act 24/2007). Currently, community courts have become the basis for administration of the juridical system. In conjunction with judicial courts, the community courts are expected to seek for reconciliation between litigants. More specifically, community courts are expected to resolve minor civil disputes, emerging issues of family relationships that result from unions organized under customs and crimes of small gravity that are not subject to custodial crimes. Actually, according to one social activist from ASSOMUDE, many residents of Marracuene like the way community courts settle disputes and conflicts at the community level, once they dispense justice according to equity and good sense. A community judge described his work as follows:

We have managed to solve many problems. I mean the reconciliation of litigants. We use a religious politics. If we fail it is just that people do not reveal all problems, the source of quarrels, which makes our task difficult. Because if you want justice, you have to say everything that led you to claim justice so that we can sift. Some people do not listen to us because lawyers shake them. Usually, we tell them that a lawyer is a disturber who has no compassion and care with someone’s life. A lawyer can order me to spit at you and you will get angry and give me punches. In this way, you are guilty because you beat me and now, I am bleeding. That is why I say the community court is there to advise people in conflicts. Only after the first and second trial without conciliating the parts do we send them to the judicial court, but there they work with laws; there is no conversation there. They open articles that may benefit you, but in other cases they may harm you, because between two individuals the law will be harsh to one.

Thus, when they fail to reconcile the parties, community judges are expected to transfer the cases to judicial courts. In Marracuene there is a district court but, according to judiciary law, district courts are not qualified to resolve conflicts related to land. Disputes over land are supposed to be settled by the provincial court located in the municipality of Matola. Therefore, and due to the financial constraints, the people of Marracuene hardly go to Matola to seek justice. For specific cases of conflicts over land, they rely on the neighborhood administrative authorities or on community

courts to resolve them. Every locality has a community court, headed by a judge elected by the respective communities. Usually, eight members compose community courts, but they can operate with a minimum of four. Such is the case of the community court of Localidade-Sede in the neighborhood called Micanhine. This community court is composed of one male Judge, one male scrivener and two female assistants. This court does not have its own premises. Thus, it operates in the local administrative building, sharing the same room with three state employees working in that post. Despite the apparent gender balance in its composition, the men play the key roles. They are responsible for judging and making decisions while the women, although they may give their opinions, are confined to welcoming and instructing the attendees on how to behave during the trial. Usually, the process of dispute settlement takes a long time. For instance, of the four cases that I attended (three cases about disputes over land and one over the house and the guardianship of the children) none had an outcome before the end of my fieldwork in Marracuene.⁹⁰ As I observed throughout my fieldwork, the delayed dispute settlement in community courts has a lot to do with the current working condition or facilities. As I was told by one of the representatives of this specific community court, they no longer have support from the government of Maputo Province as is prescribed in the law. In addition to the lack of payment of salaries, they are also powerless, as their authority is too weak, which conforms to what we can glean from the cases of disputes settlement over family lands that I describe below.

The first case involves a man I met at the community court. This man was born in 1965 in Muntanhana, a neighborhood situated along the right side of the Incomati River, a site initially inhabited by families engaged in fishing activities according to him. The man grew up in a relatively large nuclear family, the second youngest child amongst originally ten siblings, today eight (four brothers and four sisters), after two siblings passed away. His elder brothers and sisters moved to Maputo City in their adulthood. His sisters found jobs in sewing factories in Maputo, whilst the brothers had other job opportunities in Maputo and Matola. He also moved to the city at age of six for schooling. There, he lived with one of his older sisters. The father was a prosperous fisherman whom he used to join every time he returned to the village, especially during weekends and holidays. A victim of illness, his father died when he was nineteen years old (in 1984). Having performed the eight-day burial ceremony (*oitavo dia*), his elder brothers instructed him to abandon his studies and settle back in the village:

⁹⁰ However, in my recent field visits I learned that some of these cases had been settled.

After the *oitavo dia*, we had a family meeting and my brothers ordered me to quit my studies and move back to Muntanhana so that I can take charge of the house and family patrimony. Apart from the house, my dad had also left behind three vessels and eighteen workers who were fishing both in the sea and on the river, depending on the season; they could catch shrimp in the river during the summer and fish in the sea during the winter.⁹¹

From 1985 onward, he has overseen his father properties and was appointed the legitimate heir by his elder brothers, in part because he was the youngest son. He was also the only son, among siblings, who did not have a wage job. As I referred to above, one of his brothers had secured a job in Maputo as sub director of a company called CTT, but later he was arrested and sent to the north of the country by FRELIMO – at the time the only party allowed by the state. Such misfortune arose from his active membership in the Jehovah’s Witnesses Church. At that time, this church was an enemy in the eyes of FRELIMO once its doctrine was considered an offense and challenge to the power of the party. The members of Jehovah Witnesses Church were persecuted because they do not raise up their hands to say *Viva Frelimo* – at that time understood as the symbolic action through which people used to show respect and loyalty to the one-party FRELIMO. Further, the members of this church were also persecuted due to its faith regarding blood donation or transfusion. The Jehovah’s Witnesses are against the humanitarian practice of blood donation for saving lives. Thus, like other members, his brother was a victim of political persecution. Nevertheless, today things have changed, and FRELIMO does not interfere in religious issues to any great extent. The Mozambican state is a secular state, but the government does maintain a certain degree of control over the increasing proliferation of churches throughout the country.⁹²

His other two brothers had grown into adulthood, one as a big boss in COGROPA (state enterprise concerned with production and distribution of food supplies) and the other as the owner of a big restaurant in Matola City.

⁹¹ Conversation with a litigant on January 23, 2015.

⁹² As it stands now, I would state that the government has sought to recognize the freedom of exercising a religion, belief and worship envisaged in the Constitution of the republic. However, in order to impose order, the Mozambican government, through the Ministry of Justice, Constitutional and Religious Affairs, has recently launched a proposed law for freedom of religion and cults. This law is still under debate between the government, religious congregations and civil society. This does not mean that in Mozambique there are no rules for religious practices, but its regulations are being updated, since the law currently in force was produced in colonial time (in 1971).

Thus, being relatively successful men living in the city, they showed little interest in the family patrimony and were willing to renounce their inheritance rights in favor of the younger brother. Hence, the younger brother was in a position to inherit his father property, since someone had to take over. Such renunciation was based in a customary principle – ultimogeniture, according to which the youngest son is the legitimate heir to the family heritage. However, in this case he was the appointed heir. His elder brothers' conditional consent stipulated that he should be the heir but also be responsible for their mother. They made it clear that he should take care of her, so that they wouldn't like to hear, for instance, that their mother was complaining about a lack of food and suffering from hunger. Now their mother is also dead, and, as my informant explained it to me, he is still in charge:

My brothers know that everything belongs to me, and they never even squeezed me for money for that, but we always share the money I earn every time I sell off a piece of land; I call for a meeting and I give each one his own share. They never complain about the amount I give to them; they don't even ask how much I have sold the land for. Now mother is also dead, and I am still the rightful heir in charge of the dad's properties. In addition to the fishery, dad needed a lot of land because he had many workers. Thus, he built huts on the lands around the house to accommodate his workers so, there are some of those spaces that are nowadays a source of contention because relatives of ex-workers appear to claim for plots in the lands where sons or husbands resided when they were workers.

In addition to their duties, as he explained to me, his father's workers enjoyed certain freedoms and rights such as the right to bring in and live with their wives as long each one could provide a bathroom and kitchen. Most of these workers also fathered children of their own while living there. At the time my informant took over the fishery, fishing was a prosperous activity, and he was able to manage the business successfully to the point that he bought a new vessel with a dedicated engine before it was crushed in 2000, when floods destroyed and took his vessels away. Yet he still owned one vessel. Furthermore, he was not the only victim, since his peers also saw their vessels destroyed and washed away. The Fisheries Promotion Fund assisted them with loans so that they could boost their activities. Although having received an amount of 100,000 Meticaís (about 1,400 USD) fishery has never been the same. The most important remaining property

was the family lands, and he was the one looking after it although still committed to fishing even if he is now based in Maputo. He has the support of his two brothers – namely, the one who currently occupies their father’s house after returning from the north and the other who, having moved to South Africa, is apparently not interested over their father’s patrimony – and they have been helpful to him, especially in the fishery, when he lacks some equipment.

Because he has been involved in a dispute over plots of land with the children of one of his father’s former workers, he is attending the community court. Their mother brought the case before the community court and argued that the father of these children was living on that disputed land, the same land where these children were born. Thus, the court concluded that the deceased did not inform the widow about his situation on that land, that is, that he did not own the land where he was living. Therefore, the land at stake belongs to him. However, from the perspective of the community court, he should allow them to build the house. According to the community court, those children need a house as their reference, a place where they can call their family name and hold family ceremonies to appease their ancestors. Apparently, he agreed but remained suspicious and uncomfortable because he thinks that they are not interested in the land for housing but for selling, especially now that land is becoming a source of money, everyone is after it just for selling and not for housing as they claim. Nevertheless, he finally accepted the court’s decision but under one condition. He demanded the presence of the deceased’s second wife before he releases the land so that he would not see that woman also coming to claim for land. This was a tough demand to the widow who does not want any conversation or any face-by-face meeting with her late husband’s second wife. According to the widow, her ex-rival was supposedly the one responsible for her fate. As for the court found his demand reasonable, they insisted that she should send for her rival. Thus, the case was suspended until she brings the required woman to the court. She didn’t bring her ex-rival to the court because she is not willing to meet her. However, in a recent contact with my informant, I learned that he finally released a piece of land because he was tired of attending meetings at community court. The dragging of feet turned out to be a workable strategy in the long run for the settlement of this dispute. This is not exclusive to this case; there are several litigants who have given up on following through with their cases just because they are tired of attending the never-ending meetings in courts or because they lack means to attend the court meetings.

The second case is also about dispute over land, involving a woman in her 40s who claims to be the legitimate heir of a piece of that land. The church that bought the land from the neighborhood secretary, who is the cousin of the woman who asserts that she is the legitimate heir of that land. This neighborhood secretary is locally considered a *Nativo* and one of the oldest residents of the neighborhood. According to one of the community court representatives, he has been selling out land in the Possulane neighborhood. In fact, he has been accused of being the one who sold land to many new residents in Possulane. In this specific case he sold the land pertaining to his cousin, who even after the end of the civil war in Mozambique remained in Maputo City. The dispute arises now that she came to claim her father's lands. She wanted her cousin to provide at least one of her father's land parcels. This claim originates from a long-standing quarrel between the parties, and the case was apparently resolved in the neighborhood by the local administrative officers. At the time the decision was that she should occupy part of the land that his cousin sold to the church. This decision was not welcomed by the church, which, according to one of its representatives, had seen part of the land in question being collected and sold out by the neighborhood administrative staff, that is, portions of the land in dispute were systematically resold by the same secretary to several people. However, after getting her plot of land the woman in question sold it to someone else who promptly began to build his own house.⁹³ At same time, the church also began to seal the land, including the part that was previously removed. Once the possibilities of resolving this case at the neighborhood level⁹⁴ had been exhausted, along with an increasingly pressure by the church, the woman forced to bring the case before the community court. The parties were summoned and listened to, but due to his involvement, the secretary's presence was required. Nevertheless, although often notified, the secretary has never been present in court. Moreover, something extraordinary happened: the community court staff, litigants and some attendants went to secretary's house not only to demand satisfaction but also as opportunity to see the land in dispute. However, it is useful here to highlight that such a visit would not be possible unless the litigants supplied fuel for the judge's car. Once there, the judge sent for, as a repre-

⁹³ Building a house as soon as someone buys a plot of land has been considered the best strategy to secure the ownership of that land.

⁹⁴ This would be expected once the neighborhood secretary himself was responsible for the sale of that plot of land. He would have multiple reasons to make the settlement of this dispute at the neighborhood level unfeasible.

sentative of the neighborhood administrators, the local administrative officer and explained what led the entourage to the secretary's house. In turn, the secretary said that he never received any notification from the court. Besides, he was not available, since he had traveled for surgery in South Africa. On this occasion, a new meeting was scheduled, but the secretary still never appeared in court. Thus, until the end of my fieldwork in Marracuene this case was still pending. I recently learned, however, that the church won the case and is now building on that land.

As we can observe from the cases I described above, although the most important instance of dispute settlement that the people of Marracuene resort to whenever they fail to settle their dispute over inheritance and succession within families or at the neighborhood level, community courts are not always successful in the role they are supposed to play. Despite the disputants continued use of community courts (the use aspect), the institutional ability to settle cases successfully (the efficiency aspect) seems to be far from the social expectations (for more details on use and efficiency aspects of legal systems, see von Benda-Beckmann 1981). For instance, apart from the fact that many cases that are brought before the community court do not achieve a final verdict, the process of dispute settlement takes a long time, and this, too, can be related to the fact that the efforts of community judges are to work towards a reconciliation between the litigants. The other reasons that can explain the failure of the community court have to do with the working environment (lack of proper premises and other facilities), the state's failure to pay salaries to the community judges and the power of these community judges, which has been challenged by the neighborhood secretaries, especially when it comes to disputes over land. Some neighborhood secretaries, protected by the district administrative officers, are often involved in the illegal land market and are disrespectful towards the community judges to the point that they simply decline to attend the community courts whenever they are summoned.

4.5 Planning the afterlife of individual and/or family property

How inheritance should be transferred from one individual to another or from one generation to another differs depending on whether it is transferred when the property holder is still alive or when the property holder has already passed away. Although in both situations different individual

and group strategies are required, it appears that dealing with inheritance expectations after death is a harder and more uncertain exercise. After death, what an individual intended to do with inheritance can be jeopardized by the surviving relatives. As I pointed out above, the people of Marracuene understand that after a man's death his inheritance should pass to the widow and his offspring. In fact, every married man is expected to secure his wife's and children's inheritance rights. Moreover, it has been considered that if a man dies while he is officially married, the assets he leaves behind belong to his wife, because everything he labored for while he was still alive is considered a joint work product (common property of the spouses). Thus, apart from her property rights, the wife is also entitled to inherit from her deceased husband. This aspect of inheritance practices is in the line with the state law according to which widows and their children are the rightful heirs of family property. From the point of view of the people of Marracuene, the current state law should be seen as an attempt to correct the long-held misconceptions about women and their roles in the family. As one of my informants explained, the state inheritance law is an invitation for married men to consider their wives:

A married man should consider his wife in the first place, and of course if he has enough fortune, he can pass something on to his children. In my case I have nothing beyond the house...I do not have any cattle...but [a man] who has enough fortune may divide and even write a will where he states to whom each thing goes so that the children will know when the time comes. He can tell them anything, but when he leaves a written statement, they will find it. However, today it is frequent that after a man's death a woman is even expelled from the house, but as I am officially married she has to present the documents because according to state law, when someone's husband dies, every fortune remains with the wife, so that no one has the right to snatch it.⁹⁵

However, in practice the surviving relatives can decide another way around, such as in situations where the children of the deceased are deliberately favored at the expense of widows, regardless the fact that in customary thinking "widow dispossession" is considered an immoral practice. In the quote above, we can observe that some men deploy the way widows have been deprived from property rights, and now it is the time to reverse their fate. Therefore, even the inheritance of the matrimonial house that previously was primarily entitled to the youngest son is now supposed to

⁹⁵ Conversation with a group of men, Marracuene, February 23, 2016.

be inherited by the widows. In fact, the parents in general tend to shirk their responsibilities, that is, their social and moral obligations towards the offspring, as their children reach the adulthood. Although children have the right to stay in their parental houses, they are expected and encouraged to build their own houses. Children increasingly think that inheritance is good but nothing to be proud of. Besides, in order to prevent widow dispossession a “mature” man would summon his children and wife/wives to deliver orally the decision over inheritance or he may write a note or will stating how property should be divided. From what I observed throughout my fieldwork, husbands almost seem to be little interested in what will happen to their properties after death. Some think the survivors will follow the rules (state or customary) when it comes to the distribution of inheritance among the potential heirs, while others think that they don’t have significant possessions to be inherited after they pass away. In Marracuene it was common to hear people complain that husbands do not write wills, and, if they do, it is an orally delivered statement or a homemade document. According to one of my informants (an elderly woman), writing a will feels like one-man wishes were delivered, which in turn, as she believes, would allow that after death his soul will rest in peace. However, due to the lack of confidence, some men doubt if their surviving relatives will comply with their wishes, especially in situations of disputed inheritance. Besides, if a man delivers an oral statement or writes a will, he tends to do it in advanced illness or tends to hide it as a means to prevent the potential heirs from becoming idlers. All too often, parents teach their children that if they wait for the deceased’s shoes, for instance, they will probably die shoeless. In this sense, children are encouraged to focus on studies so that they can have a bright future. One of my informants, whose father has two wives, was very assertive in this matter:

I always tell my younger brother that he must be patient and focus on studies to avoid thinking that he will own that property tomorrow. My elder brothers they also have their lives and in respect to my sister I will not even talk. We face social difficulties and that is what make us strong, which allows me to say that we have nothing to do with those properties.⁹⁶

Still, despite the lack of confidence in survivors or surviving relatives, there is hope. Some people believe in the deceased’s capabilities to punish those who abandon their duties, break traditional rules, as well as those who do

⁹⁶ Conversation with my key informant/research assistant. January 16, 2015.

not comply with the wishes and recommendations of the deceased about the destiny of what they left behind. As the elderly woman explained it to me, it is possible that those who oversee inheritance do not comply with the wishes of the deceased, but that should not be considered the fault of the deceased, because he has done his duty. However, if someone proceeds against the deceased's wishes, there will be problems. For instance, elderly woman believes that if the deceased's kinfolks are reasonable, they will ask themselves why they should not follow his instructions if he personally wrote this or stated that before he died. Therefore, according to the elderly woman who explained this to me, it has been a big mistake that living people think that they can erase or circumvent tradition, because for the deceased tradition never ceases. That's why those who disrespect the tradition would face problems that they do not know from where they are coming. "For instance, sometimes a grandfather who died long ago would appear to someone (mainly in dreams), demanding something, and the person will find that by going against the grandfather's requests, that person would have ruined his life. Nothing will work for him, and every time he sleeps will dream with him until the grandfather's demands are fulfilled," she said.

Like many other informants, she also believes in power of traditional healers and prophets above all. She believes that revealed dreams are powerful, that is, when an ancestor comes and requests that a person should do something. Thus, breaking with tradition is very bad, and disrespect of tradition explains what is happening through the country. For instance, she said, there are adults and children developing mental illness⁹⁷ as consequence of abandonment of tradition. Although mental illness is natural for humans, she explained, this was not in such proportions in the past as it is today, in one zone the number of mentally ill is extremely high, and this has to do with the loss of tradition, disregarding what people are requested to do, thinking that the ancestors decide nothing:

A dead person has power. Even if he died young, he can make your life so difficult. Why? Because when someone dies, he joins the ancestors, the wise. It is a mistake to think that the deceased have no influence on our lives. That is why we need to irrigate tombs, because if your loved

⁹⁷ It is important to underline here the fact that there is another version generally propagated by traditional healers, according to which the increasing mental illness throughout Marracuene stems from the fact that there are houses built on the old family graveyards, which means that people are sleeping over graves.

one dies you must continue to cherish him, showing him love by caring for his tomb⁹⁸.

Despite this consideration, after someone's death, his wishes can be neglected, and disputes over inheritance often take place among the potential heirs. Therefore, some of my male informants think that the best way to prevent inheritance disputes consists in distributing it between wives and children while the property holder is still alive. However, it seems that most people never bother to anticipate what is going to happen to their assets after death, which probably why many people die without a written will, especially those who think that they do not have enough property to be shared after they pass away and those who believe that in the process of transmission of property socially and morally accepted rules and practices will prevail.

About my possessions I don't know what it will be like...this is typical for Africans. We are always thinking about the present...but in my case, my children already have their things, apart from the fact that they also help me to watch over my properties. About the girl I have at home, now she still goes to school and we didn't think about her yet, but maybe one day she will marry and move to her husband.⁹⁹

If for scholars such as Ncube and Stewart (1995), dying without a written will may testify to the absence of freedom to write a will, in Marracuene the greater reluctance on the part of men to write their will should be also linked to their fear of death. Many husbands I talked to believe that preparing a will would hasten one's death:

Today you (the young ones) blow the inheritance away. Children of today do not want to work; they live looking at their father's properties. They live expecting this old man to die so that they will have the chance to grab the properties. These kinds of children also wish to kill their fathers.¹⁰⁰

However, dying without writing the will may also stem from people's lack of knowledge about the rules of the game or misunderstandings over formalities in the preparation of wills, as well as a blind confidence regarding family in dealing with property ownership. The most important factor

⁹⁸ Conversation with an elderly woman, member of the community court of Localidade-Sede, January 21, 2015.

⁹⁹ Conversation with the secretary of Macaneta, January 30, 2015.

¹⁰⁰ An elderly man in group conversation, Marracuene, February 23, 2016.

in people's attitude of relying on family it has to do with the fact that family is the main social institution where inheritance issues are supposed to be decided. People believe that parents know and will proceed according to rules of communal knowledge (Themba et al. 1995; Rwezaura et al. 1995). Dying without a written will also has to do with the precariousness of daily life, which leads people to focus their energies on the struggle for survival rather than on the challenges relating to their afterlife. Therefore, it seems they do not know how to make deliberate and conscious choices to write a will or not, but it does not mean that they neglect the implications of dying testate or intestate.

The other factor that would lead a man to die without a written will is a "bad death."¹⁰¹ For instance, in his introduction to *The Anthropology of Evil* (1985), Parkin offered a conceptualization of "good death" and "bad death." His conceptualization, I think, fits well with how many Mozambican communities conceive the difference between "good death" and "bad death." According to Parkin (1985:7-8), a "good death" in western society is regarded as one in which, after having lived life to the full, one comes to a peaceful end in a bed surrounded by family, who are comforted by the sight of a seemingly tranquil transition. On the other hand, "bad death" refers to a human exit that was ill-timed (such as death through accidents and homicide) and so failed to satisfy the normal expectations associated with "good or natural death." More paradigmatically, a "bad death" leaves the living with an incomplete picture of the deceased. The worst thing

¹⁰¹ The concepts of "good death" and "bad death" have been commonly used from the 1970s in the contemporary model of death proposed by "palliative care." According to Meneses and Barbosa (2013), palliative care consists of a health-care specialty aimed at terminally ill patients and critical of a technological and impersonal model for managing the dying process at a biomedical institution. Its proposal focuses on a multidisciplinary approach aimed at serving the whole bio-psycho-social and spiritual, with symptom control, emotional, social and spiritual support to the patient and his family. For Meneses and Barbosa (2013:256/7), palliative care assistants aim to produce a "good death" or a "death in their own way." According to the palliative ideal, they write, in order to achieve a "good death" the patient must reach the acceptance phase. In order to end life "well," the patient must resolve outstanding issues, taking advantage of the opportunity to improve him/herself, or personal improvement. The patient must make decisions associated with their death, such as the fate of their body and the rituals. According to the palliative ideal, the preferred place for the occurrence of "good death" is the residence of the patient. In his last moments he must be surrounded by family and his friends, in a welcoming environment. The person to whom the palliative ideal prescribes the trajectory toward a "good death" must be autonomous and value "free will." This person must also leave a "unique mark" on their social circle. It has to do with someone who has already graduated to a "good place," a person who has constructed his own identity and personality.

about “bad deaths” is that they may detract from possible completeness, in which, after having lived life to the full one comes to a peaceful end. The abruptness of an accident disrupts life and so cuts it short in a different way. Those who die naturally “good death,” Parkin (1985:7-8) writes, become either souls or ancestral spirits, while the victims of “bad death” become evil spirits or simply “lost” – in either case less than whole. Similarly, throughout Mozambique when a person dies before fulfilling the different phases and normal expectations of the human lifespan, that is, childhood, adulthood (married and have children) and elderhood (have grandchildren), people would say this is a “bad death.”

However, these apparently clear conceptions may be complicated by inheritance and succession processes, that is, what happens to inheritance and succession after a person passes away. In cases where after-death disputes and conflicts over inheritance and succession emerge, what would be considered a “good death” may turn into a “bad death.” Similarly, in situations where inheritance and succession are transferred smoothly, what might be considered a “bad death” may turn into a “good death.” Thus, when it comes to inheritance and succession, what counts in determining whether a death was “good” or “bad” is the aftermath and not the circumstances of death.

Nevertheless, from what I observed in Marracuene, usually it does not matter if a person dies with or without leaving a will, because the surviving relatives may nevertheless circumvent inheritance rules to secure what they consider their inheritance rights. Several factors make individuals and families break with normative rules, but poverty has been a major cause. Individuals and families do not have enough property to share and benefit every family member equally. Therefore, for some individuals there is no alternative to usurpation and/or dispossession of widows and orphans. Moreover, the type of property at stake and the manner through which property was acquired also affect the way in which the inheritance is transferred. As Webster (2009) points out in his study of the Chope in Mozambique, if property was acquired through individual efforts, the attempts of the relatives to share the deceased property may be limited. On the other hand, if property was acquired through contributions from other family members, relatives may find reasons to claim their share by invoking their direct or indirect contributions in acquisition of one’s individual or family assets. In Marracuene I observed that very often older brothers provide education and pay living expenses of their younger brothers, but, in turn, the younger brothers are expected to reciprocate. Such a reciprocity among siblings has

been associated with the legitimization of claims over the deceased person's property, putting widows and their children at risk of losing their inheritance rights. Nevertheless, it should be noted that this is not exclusive to Marracuene. Throughout the archival work that I carried out in the Judicial Court of Maputo City (*Tribunal Judicial da Cidade de Maputo*) I also observed that in all the files I have consulted the deceased had not left a written will. One interesting characteristic in the processes before the court in Maputo City is the fact that all the deceased men were polygamists or at least were involved in several marriages before dying, which leads to conflicts over inheritance among half siblings. From the eight files that I consulted, six are processes entitled Compulsory Inventory – *Inventário Obrigatorio*, which is obligatory whenever the decedent leaves behind minor children. One is a process called Optional Inventory – *Inventário Facultativo* whenever this is requested by the heirs. There was also one peculiar case, file (book 10, fls170v n° 37/2013/u), because it was aimed to identify potential heirs following the death of a shareholder of a Mozambican company who left no known heirs. However, in Marracuene, the commonly stated justifications in local discourse with respect to individuals who died without writing a will is, on the one hand, the fear of property holders that they will thereby be hastening their own death or, on the other hand, the property holders' pretensions of preventing the potential heirs from becoming idlers. Of course, we can add “bad death” – which is beyond the control of property holder (the deceased), as another reason for dying intestate.

4.6 Conclusion

In this chapter, I attempted to describe and analyze the different strategies and tactics that individuals and families mobilize in order to secure what they consider to be “their” inheritance rights. For instance, the selling out of *marrumbi*, when it comes to land inheritance rights or witchcraft accusations and dispossession or property grabbing, when it comes to inheritance rights of widows and their children. I have then described how the different social actors within the families and at the courts deal with disputes and conflicts over inheritance. Moreover, I have looked at how individuals, especially parents, anticipate what will happen with the inheritance they will leave behind when they pass away. The examples and cases that I have presented reveal the multiple aspects related to access and rights to

inheritance in Marracuene. The chapter shows that the way through which inheritance should be transferred depends on the normative systems and the economic and sociocultural values of the property at stake, how the assets were acquired and the individuals' capacities to manipulate the norms and rules that govern the inheritance system. Therefore, from the inheritance practices I have described in this chapter some trends can be observed. First, although inheritance is generally conceived of as intergenerational, to be maintained as indivisible or to be shared between the offspring, it can also be intragenerational. Second, although theoretically and legally unwarranted, the gender of the heirs plays a significant role in the determination of potential heirs, largely to the exclusion of women. Third, although individuals have at their disposal several instances for the settlement of disputes over inheritance, the family is a primary institution, after which someone can seek for justice in community courts – despite the general limitations that they are encountering – or in state courts, especially when the conflict involves the so-called *Nativos* and private companies and/or the district government. Fourth, few people take time to think properly about their life after their deaths, about what will happen with the assets they will leave behind when they pass away. While there is a common belief according to which the surviving relatives know how to proceed – that inheritance should pass on to the surviving spouse and offspring – some individuals believe that the possessions they have are worthless. Such statements may justify why the writing of wills is not a widespread practice in Marracuene. But there is also a fear of writing a will, as this can be seen as a way to move closer death. Of course, in addition to this, there is “bad death,” which is out of control of the deceased. What at the outset should be seen as a “good death” may change to a “bad death” because of the lack of a will and the conflict this may create between potential heirs. Therefore, this chapter has also demonstrated how the aftermath of death, especially regarding inheritance and succession, may change perceptions about “good death” and “bad death.”

Chapter 5. Widowed women's dispossession

This chapter is about the dispossession of widows and their children, which is a central problem of inheritance practices in many societies worldwide. Violence and discrimination against women persist despite the fact that the issue of social integration, which implies more justice and equality, more democratic freedom, more information, more gender equality in opportunities and rights to all is debated in almost all societies. In many societies women, and widows in particular, are widely denied property and inheritance (and other women human rights). In Africa, even though many countries have approved laws that clearly establish the rights of widows and minors to receive inheritance, they are often dispossessed and disinherited. Many African countries have problems in implementation and execution of these laws. In anthropology, the term “widow dispossession” refers to the physical removal of property from a widow's possession. According to Willis (2018:147-8), widow's dispossessions includes ransacking dwellings, seizing movables, taking farms and chasing widows from family homes. Widow dispossession has been reported from many parts of the world (see Gordon 2008:1). Generally, in many societies, while men occupy the privileged positions, women occupy subaltern ones. Men are entitled to make major decisions, to control and allocate resources. When it comes to inheritance and succession the roles, positions and statuses of women are generally weaker than those held by men. Regarding to status of women in family and society, a well-documented case of the burying of Mr. S.M. Otieno in Kenya is illustrative. Mr. Otieno was a prominent lawyer who died on December 20, 1986, in Nairobi, Kenya. Following his death, his elder brother and with him the Luo clan stood against Otieno's wife in a life and death struggle over the right to bury the deceased (Doren 1988: 329). Mr. Otieno died intestate, without having written a will stating, for instance, where he wanted to be buried. However, his wife took for granted that as the next of kin she would dispose of the corpse, make arrangements and being authorized to decide where her deceased spouse was

to be buried. When she announced that Mr. Otieno would be buried on the farm the couple owned jointly at Ngong on the outskirts of Nairobi, Otieno's relatives refused and insisted that Otieno's elder brother discharge the function and that Otieno should be buried in his home area. They also decided that Otieno's elder brother would be assisted by the Umira kager clan to which Otieno belonged, represented by Omola Siranga.¹⁰² This case went through several hearings in the Kenyan High Court and Court Appeal over five months during which Otieno's corpse remained unburied. Initially the High court ruled in favor of the widow, emphasizing the fact that Otieno was a cosmopolitan who was not bound by Luo customary law and the fact that he was married according to the Marriage Act in a Christian fashion. However, this ruling was later reversed in favor of Otieno's relatives; on the occasion the judge emphasized that although Otieno was considered a cosmopolitan this fact did not mean that he had given up his roots in Luo-land and the fact that he died intestate was taken to mean that he had considered it obvious that he would be buried according to Luo custom. Besides, the Court Appeal ruled that when there was a conflict between common law and customary law, the latter is given precedence. Actually, it was declared that the courts in Kenya are guided by "African law", provided that such laws are not repugnant to justice and morality. Thus, based on this, the Judges concluded that the advocate of the widow had failed to demonstrate that traditional burial customs were opposed to justice or morality. Then Mr. Otieno was buried at Nyamula (his home area) on May 23, 1987. This case led to a widespread public debate, which was documented and analyzed by Tostensen (1989). The case shows clearly the status of women and the fate of widowed women in many African societies, who, apart from seeing their property rights being frequently jeopardized, have seen their human rights in general systematically violated by the relatives of their late husbands, such as, in this specific case, the right of a widow to bury a beloved deceased husband. It also shows the complexity of individual rights in contexts where different legal systems coexist. As Tostensen (1989:194) pointed out, this case illustrates the clash between statutory law and customary law, as well as the conflictual relation between tradition and modernity. Similar cases of disputes over the right to bury the deceased between the deceased relatives and the widow, like widow dispossession, are also very common in many African societies, although widowed

¹⁰² According to Tostensen (1989) Mr. Otieno belonged to the Luo nationality and was married to Mambui from the Kikuyu nationality. The Luo and Kikuyu constitute the two largest nationalities in Kenya.

women in many countries are legally protected against property dispossession.

Throughout this chapter, I examine the different versions and thoughts that people bring up when it comes to dispossession and more generally to inheritance rights of widows and orphans vis-à-vis the late husband's kinsfolk. First, I discuss specific cases in order to show how state law and traditional normative orders clash and are made sense of in understanding different cases monitored at community court and elsewhere. Second, I turn to how people act to safeguard the widow's inheritance rights (including their children), and the ways in which they are "attacked" from their late husbands' kinsfolk. Different approaches are sought, including family settlements and community courts, as well as the support by NGOs active in Marracuene. The chapter ends by discussing the conflictual nature of legal pluralism when translated into everyday practice, particularly in the case of widows and their inheritance rights.

5.1 Dispossession practices

Ideally, the widow – *mufelakazi* in Ronga – is a woman who has complied with most expectations of society: she has married, borne children, nurtured and educated them, cared for her husband and, often, many of his close kin as well. However, she is liable to lose all the possessions acquired during her marriage including access to means of making livelihood for herself and for children (Young 2000:201). Most of the residents of Marracuene would say that men (as husbands and/or fathers) should transfer inheritance to their wives and children (regardless gender or individual civil situation) either while they are still alive or after death. Moreover, some residents think that widows should be the exclusive heirs of their late husbands, because they also contribute in the making of the family wealth. These statements advocate for the need to make sure that women's right to inherit their husbands forms part of a dominant public discourse. In reality things look quite different. As a matter of fact, dispossession of widows and women in general is still a very common practice in many families of Marracuene.

According to men and women I have talked to, dispossession of widows and their children is mainly associated with weak social ties, lack of cohesion within families, and misconceptions about the role of women and the institution of marriage. As participants explained to me during one focus

group discussion with male pensioners, there are men who get married while they are not mature enough for marital life, men who think that the purpose of marriage is to bear children. According to one focus group participant:

This explains why a man who has been with his wife for a long time living and they do not have children, will never be happily married, unless they have children of their own in the house, especially male children. It's different for female children, who are expected to marry out of there. Male children are considered the ones who will secure the survival and perpetuation of a man's family name. It also explains why it is extremely important for a man to pay the *lobolo*¹⁰³ – bridewealth. A man who did not pay the *lobolo* will surely lose his social position of being the father of his biological children.¹⁰⁴

Some informants also believe that a man who did not pay the bridewealth may not be recognized as a legitimate father of his biological children. He furthermore risks not getting children of his own. There is a widespread belief according to which a married woman whose bridewealth was not paid may remain sterile until it is paid. For this kind of men, participants of the focus group said, women will not be entitled to any inheritance. As one of the old men attending the discussion explained to me, it is because of this way of reasoning that some men do not marry a woman to build a house with, that is, as a partner with the same rights as their own or as someone from whom they can learn to better fulfill their plans as a couple.

As we can observe, it is in such a subordinate structural position of women in marriage and in family and/or communities that leads to widow dispossession. According to participants of focus group discussions, this is above all the consequence of the supposed immaturity of men, that is, the faulty reasoning of men about women and women property rights. For the men I have talked to, usually men do not trust and value their wives, while a mature man cannot think of neglecting his wife's rights or doing anything without telling her. Doing so does not negatively affect his position as head of family, as some people would think. On the contrary, if he tells his wife all of his plans, she will help him with ideas, and this is all for the sake of their family. Like any place worldwide, in Marracuene and also throughout the country, there is a common saying according to which there is a great

¹⁰³ Also known as traditional wedding, the *lobolo* refers to the practices of transferring money and goods from the groom's family to the bride's family.

¹⁰⁴ Conversation with a group of men, Marracuene, January 13, 2016.

woman behind every great man. However, it should be underlined that associating widow dispossession with “immaturity” of men is to oversimplify the problem, since, as we shall see, there are economic and sociocultural issues behind the dispossession of widows. Although theoretically many of my informants take a stand against the dispossession of widows and people who do not trust their wives or defend their wives’ property rights, widow dispossession and disinheritance of children (especially daughters) are common practices in Marracuene. Dispossession and disinheritance, as we will observe below, entail several aspects, ranging from descent rules, a woman’s behavior in the marital home, a woman’s status and mobility after marriage, conceptions about death, the causes of death and accountability, violence and abuse, the performance of widowhood rituals (purification rituals), the widow’s resilience as well as their ability to challenge patriarchal structures and powers.

In Southern Mozambique, where societies tend to be patrilineal, there is a widespread perception that women and daughters may acquire their own material properties, but that they are not entitled to inheritance rights at all in their natal homes. Instead, they are supposed to make or acquire wealth together with their husbands or through their husbands’ families. Nevertheless, although this understanding may suggest that daughters have property rights to material assets acquired during their marriage, a close analysis of the daily practices shows that such property rights are extremely precarious. In practice, a married daughter can lose her property rights in case of the dissolution of marriage or after the death of her husband. Too often, upon divorce, married daughters (and sometimes also married sons) return to their parental house empty handed. In many cases divorced daughters are expected to be supported by their parents. However, in cases where the parents are already dead, the daughters are supposed to be supported by their elder brothers. Furthermore, arrangements can be made if a divorced daughter brings her own children to her parental house. A divorced daughter who returns to her parental home with children of her own may not be allowed to stay in there, but as a common practice their parents or elder brothers are expected to accommodate them somewhere where she and her children can have relative autonomy. A divorced daughter can possibly be given a plot of land where she can build her own house. This is very important, according to my informants, because through providing a separate house to a divorced daughter and her children, apart from preventing potential conflicts (which are common) between sisters-in-law, that is, be-

tween the divorced daughter and her brothers' wives, it also provides opportunities for the divorced daughter's children, who she brought to her natal home, to maintain and keep using their father's family name:

Usually when daughters get married, they move to their husbands' houses, but in cases where they do not maintain the marriages they return to their parental houses. It is their fathers' responsibility to take care of divorced daughters, it is up to them to settle their daughters' problems. If the parents are dead, the older brothers must assume this responsibility. They are the ones who encourage conversations with their brothers-in-law (their sisters' husbands) seeking to ensure the possibility of reconciliation. In cases where the end of a marriage is definite, a divorced daughter stays at her parental house. Because usually a divorced daughter returns with children of her own (since a mother should take care of her children), her parents or elder brother are obliged to provide a shelter or plot of land to her, and this is also in order to avoid quarrels with her sisters-in-law (her brothers' wives). Once in her place, she can also assert her children's family name (surname), which would be impossible while living in her parents' house.¹⁰⁵

The dissolution of marriage is common in present-day Marracuene, and it has been considered the main occasion for dispossession of married women. According to some of my informants, the institution of marriage is highly unstable due to the influence of "the Western lifestyle," such as "gender relations," over the local "traditional cultural norms and practices." Especially due to the adoption of what are considered western cultural values and practices, in particular regarding women's human rights. According to the participants in two different focus group discussions, such cultural practices influence changes in gender relationships that in the past were important to the survival and stability of marriages. From their point of view, the changing gender relations within the family are leading not only to the dissolution of marriage but also to the dispossession of women or the loss of their property rights. As some of the participants explained, it is due to the influence of western cultural practices (read: globalization) that social expectations about a married woman (gender roles) are at stake. Those social expectations, they observed, are no longer fulfilled, thereby undermining the women's rights to property and inheritance. Therefore, with the changing relationships within families, what the girls and married women were expected to do in the past is currently not accepted, since traditional cultural practices are seen as outdated. For instance, in the past

¹⁰⁵ One informant in conversation with a group of men. Marracuene January 21, 2015.

daughters were thought to help their mothers with farming, learn how to cook and take care of the house. They were also expected, when they get married, to care for their husbands and in-laws in adulthood. One of the elderly women I have talked to, recalls how she was able to secure inheritance from her husband even though she could not bear children her own¹⁰⁶ for very long time:

I can't tell how many children I have just because I am a good person. I have always taken care of them and observed the rules. I have been infertile but God, who sees my actions, provided me with a child when I was thirty-six years old, the only child from my womb. As I am speaking now, I am living in my matrimonial home. My husband died and left me with a house and small farm that I cultivate myself. I do not need to hire people to work on it since I have been dedicated to farming. When I came to my matrimonial home, I was humble with kids even when I was not able to bear my own children. I would say my first daughter was my sister-in-law's daughter whom she left with me. She was one year and three months old at the time. To this day, my sister-in-law lives in Swaziland [present-day eSwatini], and I raised her daughter. Today she is a mother of three children. When her first marriage broke, she returned home but later she got into another marriage where she bore a son. I finally got my own daughter while I was taking care of her child. That is why I refer to her as my first daughter.

According to this informant, in the past it was not easy for a woman to abandon her matrimonial home even if she quarreled with her husband. If a married daughter abandoned her marital home, her father was obliged to return the bridewealth or her parents would wait for two or three days to see if the in-laws would come after her. Otherwise, they would send a message to the in-laws to find out what is the matter. This was important, because the in-laws would explain what went so wrong for them to send back the wife to her natal home. In turn, her parents would commit themselves to counseling their daughter in order to correct her mistakes. However, today, she said, this does not happen this way anymore, because men and women have equal rights, for instance, to education, which means that a man can no longer lead a woman. Both leave home to work and return home almost at same time, and, in contrast with local traditional gender roles where the domestic sphere is conceived of as the female domain, they should help each other in the kitchen just because the wife also needs to

¹⁰⁶ Female infertility has also been a source of dissolution of marriage or at least a fuel for polygamy.

rest. As we can observe, although this suggests that nowadays wives also contribute to family patrimony, which should legitimate their property and inheritance rights, this is not the case. A closer look at the daily practices shows that in present-day Marracuene many families hold the conception according to which a man should be the head of his family and a married woman is supposed to be respectful and submissive towards the husband and in-laws regardless her contribution to the family. The ongoing changing gender relationships in the local arena are perceived as a direct impact of the westernization of traditional culture. Often, many people believe that issues of equal human rights originated in West and then brought to Africa. This sense of corrupted local cultural values and practices is also shared among the elders I have talked to. For instance, blaming the present-day daughters-in-law for their fate since they no longer respect or care about their parents-in-law. Daughters-in-law are accused of compelling their grooms to abandon their parents or for not fulfilling their obligations towards the parents. The elders understand that such misbehavior has its roots in the dating period, when the bride threatens to break up with the groom if he refuses to leave his parents, which means that the groom should prove his love for the bride by leaving his parental house. Otherwise, he should forget that they are engaged. Thus, the elders are disappointed and so critical of brides who compel their grooms to abandon their parents, which is, as the elders understand, a consequence of western cultural values and practices. Nevertheless, despite such complaints, the women I talked with stood against the dispossession of daughters-in-law.

Another complicating factor, as argued by the elders, is the fact that specific female family members are involved in dispossessions. They complain about women who promote the dispossession of widows. They alluded the fact that in Marracuene there some women, such as mothers or sisters of the groom and particularly the *Zazanas* (the deceased's father sisters¹⁰⁷), who are half guilty when dispossession occurs. For instance, they believe that *Zazanas* contribute to the widow's predicaments in many cases. This is because, like the brothers of the deceased, *Zazanas* are entitled to power over sisters-in-law and nephews:

According to our customs, the deceased's father's sisters (*Zazanas*) are family advisers of their nephews and daughters in-law, teaching them how they should live with their mother and relate to one another. For

¹⁰⁷ According to my Ronga interlocutors, sometimes *Zazanas* are the greatest promoters of atrocities inflicted on widows.

instance, it is also under their responsibility to prevent the evil son from taking over their mother's possessions, but sometimes they promote widow dispossession.¹⁰⁸

Generally, it has been a common understanding that the deceased men's father's sister is an important person in the process of decision-making within families. According to the elders, it is almost impossible to make decisions concerning family issues (including inheritance rights) without the presence of a *Zazana* or without consulting her. However, according to some of them, too often the *Zazanas* can use their privileged social position for self-interest, including the dispossession of the widows, especially if there is no one from the kinfolk of the deceased standing for the sake of the widow, thereby challenging the authority of the *Zazana*. This demonstrates that kinship relations play a significant role in inheritance practices and also that dispossession of widows is structurally related to patriliney in a context of globalization among the people of Marracuene.

Furthermore, widowed women are not only threatened by *Zazanas*, they are also vulnerable to dispossession promoted by mothers-in-law or sisters-in-law,¹⁰⁹ especially when they own locally significant properties and have assumed, in their current conditions of widowhood, attitudes towards major independence. In such cases, a bundle of aspects are aggregated to justify dispossession. The widow may be considered greedy, and her life experience might be liable to reveal magical secrets. The economic evaluation of potential beneficiaries is another aspect that sustains the suspicions about the widow being responsible for her husband death. Widows are often accused of killing their husbands through witchcraft.¹¹⁰ According to Granjo (2011), witchcraft is a key element in the system of domestication of uncertainty prevalent in Mozambique and consequently, and simultaneously, an attempt to dominate. Witchcraft accusations constitute a powerful instrument of social control that falls on typified victims (such as elders and

¹⁰⁸ Conversation with a group of women, February 23, 2016.

¹⁰⁹ In local arena social relation between mothers-in-law and sisters-in-law locally towards daughters-in-law are perceived as less friendly. This because generally mothers-in-law, my informants said, are not willing to let their sons live their lives as grown married men.

¹¹⁰ According to West (2001:122), occult cosmologies (included sorcery and witchcraft) constitute both a structured expression of social experience and structuring framework for participation in social processes. People both make sense of and give shape to power relations through their continued reference to invisible powers. Usually, people invoke occult cosmologies to resist modernization when it occurs on terms unfavorable to them or in their attempts to capture the novel forms of power presented by modernity.

widows) and tends to reproduce and reinforce the relationships of inequality and domination that prevail in society, most often in a particularly violent way.

As was once pointed out by Goody (1962), in many African societies, the causes that would be regarded as natural in contemporary western societies do not themselves provide sufficient explanation for human death and, I would add, to the conceptions of good and bad death. Although individuals are aware for instance that the bite of a snake can lead to death, factors of this sort are seen not as final but rather as intermediary agents. What has to be ascertained is the person or the shrine that was associated with the snake at the moment it struck. In the end this resolves itself into an inquiry as to who and on what grounds the person had showed hostility toward the dead man, and so the cause of death is seen as a function of the individual's network of spiritual and human relationships (Goody 1962:208). In addition, since individuals and families believe that death is a source of contamination of objects and people who have been in contact with the deceased, there should be rituals of purification performed before any inheritance is transferred to the potential heirs. However, the widow being considered the closest person to the deceased (her late husband), she is usually the one who is subjected to purification rituals, in this case through a ritual called *Kutchinga*. Such a ritual implies sexual intercourse with a widow's brother-in-law, generally the deceased's younger brother or his representative. Sometimes it could be performed with a non-relative, usually a person who is locally considered expert in the purification of widows (the purifier of widows then receives cash in return). Nevertheless, owing to health issues, such as fear of contamination from HIV/AIDS, there is an increasing reluctance among widows to take part in traditional rituals of purification. Besides, in other circumstances, due to the emerging purification alternative mechanisms consisting of the use of herbs (nowadays promoted by traditional healers) and the influence of Christianity, the *Kutchinga* can also be replaced by prayers.

Of equal importance for women's refusal to perform in rituals of purification has been women's increasing struggle for freedom as well as their increasing awareness of human equal rights. This can be associated with the increasing recognition of human rights in many African societies, where women have increasingly been demanding respect for their rights, particularly regarding the choice of sexual partners and the right to decide whom to marry. This was clearly explained to me in a focus-group conversation with elderly women:

We don't want to be forced into any marriage. We are not pigs. We know that sows cannot choose their boars. Inadvertently the sow is offered a boar inside the pigsty. There are not even previous negotiations, and she can't refuse. It does not matter if she wants the boar or if she is against the whole matter; they bring a male to her. However, nowadays it doesn't happen with people. That was in the past. Imagine! Two people that have never seen each other anywhere before, even passing by on the road. That was possible long time ago but not now. There is no right to force her if she does not want to. If she does not want to, period! There is nothing to be done.

Widows refuse to partake not only in purification rituals but also in the levirate (also known as “ghost marriage” or “widow inheritance”). In anthropology the concept of levirate is used to refer to the kind of marriage where a man marries a wife in the name of a deceased brother and succeeds to the social role of the deceased. This kind of marriage is a common practice in patrilineal societies (see Rhum 1997). In the past, families relied on it not only to ensure that the deceased's lineage could be perpetuated but also as a mean to maintain the widow and her children within family. The practice provided a new husband to the widow, who would represent the deceased kinsman. It was also an instrument traditionally used in patrilineal societies to secure control over the deceased's properties by preventing its being spread to alien family groups. In this sense, it can also be considered that since family property can no longer be secured through levirate, widow dispossession has been a pragmatic mechanism found by individuals and families to deprive widows and orphans of their property rights.

The widows I have talked to also stand against “ghost marriages” and advocate for women's freedom to choose their partners. In her PhD dissertation, for instance, Loforte (1996:159) observed that most of the youth living in Laulane¹¹¹ were declining the partners chosen by their parents even though such an attitude was considered an act of disobedience. According to Loforte, freedom in choosing partners without parents' interference stems from women's changing attitude towards giving great relevance to friends' advice who equally stand for freedom of choice regarding partners. On the one hand, the youth underline the importance of personal responsibility in relation to the prospect of divorce. For them, through individual choice in the event of the dissolution of marriage the responsibility is also purely individual, and there is no room to blame the parents. On the

¹¹¹ This is a neighborhood pertaining to the municipality of Maputo City, located between Maputo City and Marracuene.

other hand, they highlight that the freedom to choose a partner is a principle that has value in itself, as it is related to the idea of “love” that must prevail among couples. Free choice is not only important but also an imperative when it comes to dating and marriage. Thus, according to the women I have talked with, far from being “a backward practice” standing against women freedom to choose whom to marry to, women are no longer interested in such kinds of unions. In addition, widows have been declining “ghost marriages” because they are suspicious of their brothers-in-law, who, instead of providing the basic livelihoods as it is traditionally supposed to be, tend to take over the deceased’s properties and then leave the widows and their children to their fate (empty handed).

Another aspect of marriage that influences widow dispossession has to do with bridewealth. For instance, Musanya and Chuulu (1995) observed how in African patrilineal societies bridewealth allows sisters to make claim of their deceased brothers’ properties. According to these authors, such practices are related to the fact that the amount of money received for their bridewealth was often used to pay the bridewealth for their brother’s wife. In the past the grooms were dependent on the elders to find their brides and to pay the bridewealth. It was this control of matrimonial exchanges by elders that sustained their power over the young men (gerontocracy). Only elders could exchange the women in their group for women in the other groups. This possession of women by the elders was an immediate fact of kinship: the birth right is necessarily dependent on the father who feeds and protects. The elders’ power was based, first of all, on this immediate reality, which inseparably depends, as can be seen, on two orders: production and reproduction. Thus, if the elders were controlling matrimonial exchanges, it is not because they were controlling social product but because they were controlling women in their group and because these women, due to the prohibition of incest, did not have any sexual value within their group (Demonio and Pouillon 1976:177-8).

In Marracuene, as in many other places throughout Mozambique, such cultural practices seem to be outdated, as the young men have the possibility of earning their own money, arranging brides and paying the bride-wealth for their wives themselves. However, regardless of such apparent economic independence of grooms, there are sisters-in-law (the sisters of the groom) who still assume that their brothers’ wives have no property rights at all, that the property acquired through the marriage belongs to their brothers even if the property at stake was a couple’s joint property or even acquired by their brother’s wife. As I was told in a focus-group discussion

with the elders, too often, sisters-in-law connive with other relatives of the deceased to jeopardize a widow's inheritance rights. In addition, some informants associated the practice of dispossession of widows to local perceptions about marriage itself and to the local kinship ideology associated with patrilineal systems as well, that is, to the widespread perception according to which a wife is not "a real relative," meaning a person who is to be entitled to inheritance. In this assertion, the category of relative is conceived according to the principle of affiliation to the detriment of the principle of affinity. Even though kinship is the result of a combination of two principles – affinity and affiliation, meaning that affinity translates as a kinship relationship established between two distinct groups through the marriage of a man and a woman, one from each group. The principle of affiliation, on the other hand, translates into an inbreeding relationship, that is, integrates people who share the same genetic heritage: fathers, children, grandfathers, grandchildren, brothers and sisters (Batalha 1975:751). Thus, classifying relatives using only the principle of affiliation has relevant implications for certain process of transmission of inheritance and succession, because it suggests who is eligible to be trusted. In this case it favors children over widows.

Furthermore, although the residents of Marracuene will never say this, some people conceived of a married woman as a sort of unpaid servant to her husband, who worked for him, looked after his family, acquired and preserved property for him, but who had no rights to claim a share of her husband's property. Actually, the same domestic work that a house helper would be paid a salary for is not linked to a salary when carried out by a married woman for her husband and his relatives. Others also believe that the dispossession of widows is the consequence of property ownership ideology also associated with patrilineal systems. According to such a local ideology, individual property is also considered kinsmen's property, which means that there is a strong sense of shared property rights among relatives (especially among brothers). In this specific case, property relations are confounded with kinship relations to the point that every male family member has a right to other kinsmen's property. Besides, directly or indirectly, every male family member is expected to contribute to the acquisition of each individual property, and, when it comes to inheritance, those who have contributed but feel that they are being excluded from inheritance tend to resort to dispossession practices or property grabbing. Therefore, the dispossession of widows can be understood as a tactic or means that the relatives of the deceased resort to in order to secure what they consider to

be “their” property rights over the assets that the deceased left behind. However, in practice, those who dispossess widows should be considered property snatchers, who should be socially and morally condemned and punished according to state law.

The relatives of a deceased husband can also consider the behavior of the widow during her marriage in order to decide about her property rights. As I discussed above, for many people, a married woman who lived with her husband’s family or kinfolk is supposed to be submissive to the in-laws, sufficiently respectful or careful with her husband and his elders. On the other hand, her chances to secure property rights after her husband’s death are extremely limited. Furthermore, the widow is even more vulnerable to dispossession when she is still relatively young, with good chances to be remarried. As I also mentioned above, from the point of view of the deceased’s kinfolk, if a widow marries out of her late husband kinship group, the family property, they suppose, would be dissipated and fall into another people’s hand or strangers (which is, as I referred elsewhere, the fuel of “ghost marriage” or levirate, whose purpose is to avoid that the deceased’s properties be distributed outside the deceased kinsfolk network). Actually, the widow who is relatively young is expected to marry one of the deceased’s younger brothers. The widow can never marry the deceased’s elder brothers, because they are seen as her fathers-in-law. However, currently, as I stated above, widows have been very reluctant to partake in this cultural arrangement. Therefore, if a widow declines to be remarried to her brother-in-law, as it tends to be the case, she may not secure her property rights unless she acts smart in advance whenever she suspects that she is at risk of being dispossessed after her husband passes away.

5.2 Women’s strategies to prevent widow dispossession

Women are well aware of their condition of vulnerability. Therefore, it is common for a married woman to plan strategically in order to secure her future property/inheritance rights by resorting to what is commonly called *retaguarda segura* – secure backup, which consists of a woman building or acquiring her individual and separate possessions, without the knowledge of her husband and in-laws. Usually, a woman acting this way prefers to build a house, which is usually considered the best “secure backup”. This strategy has been generally used by many women in unstable

marriages, who, although living with the husbands, feel that their marriages are in danger and can be dissolved at any time. Usually, widows and divorced women who have managed to build a “secure backup” do not return to their parental house upon the dissolution of their marriage or the death of the husband or after being chased away from her marital home by the deceased relatives.

Furthermore, a widow cannot secure her property rights unless she proves to be strong enough to challenge her parents-in-law, as was the case of an old woman who participated in a group conversation:

My late husband’s kinsmen tried to expel me from the house. They wanted me to return to my father’s house. They told me that the land where I have been living with my late husband belongs to them. I told them to collect the sand and leave the house for me and my children, since they think I came to the house and not to the land. Indeed, they wanted me to leave my children to them just because my husband was dead. They have never clearly stated their suspicions, but it was obvious that they suspected that I killed their son or that I would bring in another man. Probably they were expecting me to bring a man in the house so that they could chase me out, but they didn’t succeed. They waited until they got tired because I have never brought a man to the house. If I die, my children will stay in the house though they should tie their shoes very well [they must be strong] because they will have their father’s house but must be prepared to face problems. At least I did not abandon or chase my children away. Those who had chances managed to build houses of their own, and others remains in their father’s house. Yet I caution them to be prepared for the time I will die, because they have to find a way to make a life together in that house.¹¹²

This quote shows that some widows may succeed in preventing dispossession from their in-laws, especially when they were legally married or if they have been living with the deceased for a long time and have children together. However, sometimes this is only possible when widows rely on the state courts when they feel deprived of their property rights following the death of their husbands. According to current Mozambican family law (10/2004), marriage is a partnership of two legally equal individuals to which each contributes in one way or another. Besides, although their contribution is not equal in absolute terms, they are nonetheless of equal relative value to the welfare of the family. Thus, according to family law, widows are co-owners of the family assets and are entitled to inheritance rights

¹¹² Conversation with a group of women, February 23, 2016.

(except in situations where there was a prior declaration of separation of property among the couples). However, dispossession has been a constant threat for widowhood women and their children as well, especially because the decisions over inheritance are generally dealt with at the family level and according to traditional inheritance customary rules. Furthermore, on several occasions, disputes that may arise from widows' dispossession are not properly addressed when it comes to dispensation of justice by the state courts. Generally state courts officials decline to deal with dispossession of widows in juridical terms, and, frequently, judges recommend the plainants to settle disputes over inheritance and dispossession within families. Thus, an act of violence (dispossession) legally considered as a crime (Patrimonial Violence) is dealt with as an issue of the private domain. Actually, residents rarely go to courts. As one informant explained:

It is very rare for us to settle our conflicts in courts, a lot of our problems are deliberated within families because, even if you go to the courts, when they see that is a family issue, they send us back to settle it within the family. Only when the family is unable to resolve the problem can we return to the court.¹¹³

As a corollary of the state courts' aloofness regarding inheritance and dispossession, there is no effort to render the property usurpers criminally accountable as it is prescribed in the *Act on Domestic Violence Practiced against Women* – Act 29/2009. In its article 19, dispossession is qualified as a sort of “Patrimonial Violence” subject to penalties:

1. It is punishable by penalty work in benefit of the community between fifty to one hundred hours to cause deterioration or loss of objects, animals or goods of a woman or her nuclear family.¹¹⁴
2. It is punishable with imprisonment up to six months and a corresponding fine to take over the assets of a woman's nuclear family after the death of the spouse or the man with whom she was living with in factual union or a similar situation.¹¹⁵

¹¹³ Conversation with a group of women, February 23, 2016.

¹¹⁴ 1. *É punido com a pena de trabalho a favor da comunidade entre cinquenta a cem horas, aquele que causa deterioração ou perda de objectos, animais ou bens da mulher ou do seu núcleo familiar.*

¹¹⁵ 3. *Aquele que se apoderar dos bens do núcleo familiar da mulher após a morte do conjuge ou do homem com quem vivia em união de facto ou em situação equiparada, é punido com pena de prisão até seis meses e multa correspondente.*

As one elderly woman pointed out, despite the breach of the law entailed, individuals prefer to settle disputes over inheritance amicably (within families and without the intervention of strangers). Besides, among the residents of Marracuene there is a common saying according to which people should mind their own business (*Tiva taco*). Overall, from what I observed, I would say that in Marracuene there prevails uncertainty regarding the treatment given to conflicts over inheritance and dispossession: on the one hand, disputes over inheritance have been considered to be domestic or private affairs to be settled among and/or within families; on the other hand, as a social problem that requires the intervention of legal public institutions, such as local political structures, community and state courts, civic organizations as well as religious organizations. In fact, it seems that many people are aware that under state law dispossession is a crime and that inheritance conflicts can be brought before the courts. However, going to the courts may result in a form of “race to bribe” (a key and important aspect of legal practice in Mozambique) to gain comparative advantage in the legal system. As one of my informants observed, due to widespread corruption practices, many women are not confident in courts’ settlement processes for disputes:

I told my in-laws to report the case before the court, but they saw that with me there was no chance. That is why they stopped challenging me. Besides, it is not every time that people resort to the courts to settle their problems, especially in regard to small conflicts, which require understandings among the kinsmen. It is expected that the guilty party will recognize their fault and then be forgiven. Disputes are brought before the courts when people cannot resolve them at the family level because even talking within the family there are those who won’t understand and would prefer to bring the case before the courts [this problem stems not only from corruption but also from the difficulties many people face in dealing with judicial costs]. Therefore, the person who brings the case before the court is generally confident that he will bribe the judges. Once you are in court the one who paid money will win the case. If you have money, then you are right.

In a group conversation, it was also explained to me that it is because of poverty that individuals and families get into quarrels over the small prop-

erty that would have been acquired by a deceased relative. One of my informants recalled what she witnessed following the death of her *compadre*¹¹⁶:

The issue of brothers who take possessions of deceased relatives arises frequently. They fight for what does not belong to them. I went to my *compadre*'s burial, and his elder brother did not accept that the deceased was buried in the place he personally chose before death. The deceased elder brother ordered that the burial should be in the municipality of Matola, while he was supposed to be buried in Marracuene. Thus, we were forced to go to Matola. That man also took the widow's property, including the houses that her late husband had in the neighborhood of Xipamanine, located in the outskirts of Maputo city. Her late husband was buried so far away, there in their Marrumbi. It is a distant place. After driving by car, we walked a lot. We left Marracuene at 8:00 a.m. and the burial was at 4:00 p.m. My *compadre* was left in the lurch; the widow lost everything. Her brother-in-law took over the houses that her late husband built there in Xipamanine, houses that her late husband built not for housing but to rent out. My comrade was left only with the house located in Matola, where she was living when her husband died after a long stay in South Africa.

This case is similar to the one in Otieno that I mentioned in the beginning of this chapter (Doren 1988; Tostensen 1989), where the widow was denied the right to decide where her late husband should be buried, though in this particular case the deceased had chosen where he wanted to be buried before he died. Usually, the extent to which relatives disinherit or dispossess a widow also depends on what her late husband did when still alive (such as writing a will) in order to prevent a future dispossession of the widow. However, in most of African societies, the notion of freedom of testation, as Donzwa (1995) pointed out, seems to be absent. People seem to have a lack of knowledge about the rules of the game in order to make deliberate and conscious choices about writing a will or not. According to Donzwa, dying intestate is something that happens because people do not understand the formalities to be observed and the implications of dying testate or intestate. However, in case of Marracuene, dying without writing a will is

¹¹⁶ Literally "co-father" or "co-parent", the term *compadre* translate a relationship between the parents and the godparents of a child. The *compadre* relationship is so important that the meaning of the terms has been extended to include an apparently contractual relationship without any kind of sponsorship. This relationship may be contracted merely to maintain friendly relations, or to unite groups of siblings, co-parents-in-law, and the other relatives of a married couple (See Ossio 1984:122).

also associated with an individual's economic and financial life situation or to the great reluctance (particularly of men), to write wills. As I mentioned before, many men that I have talked to throughout my fieldwork fear that writing a will it might hasten their death.¹¹⁷ Otherwise, however, if they do write wills, they do so orally or through homemade documents, and such statements are frequently ignored by their surviving relatives in situations where disputes over inheritance emerge. Throughout conversations I had with my informants I felt that they believe that writing homemade documents makes the property holders feel like having fulfilled or accomplished their afterlife wishes, that is, what they expect it should be done with the properties they leave behind, that the surviving relatives will respect and fulfill his wishes, even though in many cases, as usual, their decisions are not respected by the surviving relatives.¹¹⁸ Further, those who leave a will usually write it in an advanced stage of illness and, too often, they tend to hide the will from potential heirs. One of the community court representatives confided me her secret explanation for such a common attitude:

I made arrangements a very long time in advance. This is my secret. I did not tell anybody. I organized everything. At the bottom of my chest, they will find all my secrets because I would not like to have my children involved in quarrels afterwards.

The common justification for such procedure, especially given by many men, is that upon becoming aware of the written will, potential heirs may become lazy or, as others pointed out, it is that once the potential heirs are aware that they have a granted inheritance they can become idle. Thus, by hiding the will, the property holders intend to prevent the potentials heirs from becoming lazy. According to one of my informants, the purpose of proceeding in such manner is to instill in children the value of having personal possessions, assets acquired from their own efforts or work. They teach them that "inheritance is something good but nothing to be proud of." Besides, according to the elders who participated in one focus-group discussion, it is very important that young people think about this warning. They believe that a child who does not work because he is expecting inheritance can die barefoot or even kill his father in order to get inheritance as soon as possible. This is what one of the elders explained to me:

¹¹⁷ I also observed this aspect in Maputo City during my master's research.

¹¹⁸ It is important to underline that a will can even be refuted by the state court if is not in conformity with state law.

Nowadays young people are scammers; they do not want to work. They are keeping an eye on their parents' assets, in the hope that when the parents die, they will get an inheritance.¹¹⁹

Thus, in order to prevent such situations, in many families the parents encourage their children to focus on studies so that they can have a bright future. The idea of encouraging people to devalue prospected inheritance and to value what they can get from their own sweat is widely disseminated throughout Marracuene and the country. Furthermore, discouraging the greed for inheritance among the young people has been a common theme for several Mozambican singers and/or musicians. For instance, the very idea that a person can die barefoot while waiting for an inheritance is a warning song entitled *Rima Nsimo* – clean your farm – performed by one of the famous Mozambican musicians, named Avelino Mondlane¹²⁰. This is the song “*Rima Nsimo*”:

Vâ khale vâ lhayile swa swi nene (the elders told the true)

Vâ khu pfula matilho swa swi nene makwerhu wa mina (to open your eyes really my brother)

Vâ khale vâ lhayile swa swi nene (the elders told the true)

Vâ khu pfula matilhu swa swi nene (to open your eyes really)

Vâ khu a loco u nyimela a tlathula ya mufi (They said that if you are waiting for a deceased's shoes)

U ta tsuka ufa unga dlocanga tlathula bavô (probably you will die without wearing any shoes)

Vakhu a loco u nyimela a tlathula ya mufi (They said that if you are waiting for a deceased's shoes)

U ta tsuka ufa na ufamba hi bhatla makwavo wa minou (probably you may die walking barefoot my brother)

Vâ khu a loco u nyimela a wa sâti wa kutchinga (They said that if you are waiting for a deceased's wife for ghost marriage)

U ta tsuka ufa na uli gwemdza (maybe you will die single)

¹¹⁹ Conversation with a group of men, Marracuene, January 13, 2016.

¹²⁰ Avelino Mondlane (1959-2004) or simply “*O Romântico*” (the epithet he received in life) was a renowned singer. He started his musical career in the 70s, initially as a dancer in the folk group XIGUEMBA DAMA. He sings mainly in Tsonga, a common language in Southern Mozambique.

A loco u nyimela a wa sâti wa kutchinga (if you are waiting for a deceased's wife)

U ta tsuka ufa na ulwi gwemdza (maybe you will die single)

Vâ khu dlana a mavêle ya mufi (they said that you must eat the deceased's maize)

Na u rima nsimo ya wena (while you are farming your own field)

Dlana mavêle ya mufi (eat the deceased's maize)

Na u rima nsimo ya wena (while you are farming your own field)

Dlana mavêle ya mufi (eat the deceased's maize)

Na u rima nsimo ya wena (while you are farming your own field)

Vâ khale vâ lhayile swa swi nene (the elders told the true)

Vâ khu pfula matilhu swa swi nene makheru wa minou (to open your eyes really my brother)

Vâ khale vâ lhayile swa swi nene (the elders said the true)

Vâ khu a loco u nyimela a tlathula ya mufi (they said that if you are waiting for the deceased's shoes)

U ta tsuka ufa unga dlocanga a tlathula bavô (maybe you will die without wearing shoes)

A loco u nyimela a tlathula ya mufi (If you are waiting for the deceased's shoes)

U ta tsuka ufa na ufamba hi bātla bavô (maybe you will die walking barefoot father)

A loco u nyimela a wa sâti wa kutchinga (if you are waiting for the deceased's wife for ghost marriage)

U ta tsuka ufa na uli gwendza (maybe you can die single)

A loco u nyimela a wa sâti wa kutchinga (if you are waiting for the deceased's wife for ghost marriage)

U ta tsuka ufa na uli gwendza bavô (maybe you will die single)

Dlana mavêle ya mufi na u rima nsimo ya wena (eat the deceased's maize while you are farming your own field)

Dlana mavêle ya mufi (eat the deceased's maize)

Na u rima nsimo ya wena (while you are farming your own field)

Dlana mavêle ya mufi (eat the deceased's maize)

Na u rima nsimo ya wena (while you are farming your own field)

U ta nyamalala na uli gwendza kha missavâ leyi (you will disappear while single on this earth)

Holééé Makweru wa minou (be careful my brother)

Ti voneli khu tsuka ufa na uli gwendza (you have to be sure that you will not die single)

Hééé mamana wa minou (oh my mother)

Hééé makheru wa minou (oh my brother)

Ti voneli, ti voneli a khu tsuka ufa na uli gwendza kha missavâ lehi (be careful, be careful and make sure that you won't die single in this earth)

This song has a very strong moral message. Three aspects are addressed to caution the Ronga people about the negative aspects related to inheritance and succession. One is to underline the importance of producing wealth, and the right to inherit from another man's wealth. The singer focusses on the importance of a person, especially a man, who ought to work his own farm in order to accumulate his own wealth. The reference to farming is not by chance, as once Morris (1972:218) once pointed out, the Ronga are Bantu-speaking subsistence agriculturalists. Besides, in Mozambique agriculture is conceived as both the main economic activity and source of wealth. Another aspect, similar to the previous one, has to do with what can happen to someone who is willing to inherit another man shoes. These kinds of men are cautioned to be careful because they can die shoeless or barefoot, if not because the shoe holder lives longer than was expected, then it could also be that the inherited shoes will not fit the heir. One other aspect raised in this song is the issue of "ghost marriage" according to the singer, people should learn from the elder who said that it is not good for a man to wait for the inheritance of widows. These kinds of men are advised to find the wife of their own unless they want to die single. The main lesson from this song is that someone else wealth, shoes or wife, although good to inherit, is best to avoid since the potential heir may possibly face regrets.

Another important aspect related to dispossession of widows to be underlined here, before I present some ethnographic cases, is the involvement of widowed women in the dispossession of widows. Thus, although widows are vulnerable to dispossession perpetuated by the deceased relatives, they are not always the victims. Sometimes they can take the advantage of their life situation of widowhood to claim inheritance rights over someone else's property (including the deceased's kinfolk), that is, they can claim things that they think are entitled to inherit. Thus, to illustrate aspects of

widow dispossession perpetrated both by the deceased husband's relatives and by widows towards others widows such as the deceased's husband sisters, in the following pages I present two ethnographic cases: one that illustrates the practice of widow dispossession perpetuated by the deceased relatives, which is a widespread practice, and another that illustrates a situation where a widow claims her supposed inheritance rights.

The first is a case that I came across in a group conversation with elder men. This case is related to a dispute over a house and the right to keep the deceased's children. Actually, one of the participants is the deceased's father. I had met him before at the community court of Localidade-Sede, where he pursued the case. Apart from trying to evict his daughter-in-law from the house, this elder man also claimed that she should leave behind her children (his grandchildren), that is, the children of his deceased son. On the one hand, he argued that the wife of his late son was careless with the children (his grandchildren). On the other hand, he explained that the reason to chase away his daughter-in-law is that the house in question belongs to him. Actually, this fact was confirmed by two elders who attended the group conversation. One of them explained to me that:

His daughter-in-law denies giving him back the house of his own. This man was initially living in a house that belongs to the Mozambique Railway Company (CFM), but still he bought a plot of land and built that house. I know him very well. He was my colleague, and we were working in the same sector. When he retired, he moved to that house but later, he built his second house, a big house. Then he moved to this big house. In that first house he left his son, the one who passed away. He did not give the house to his son. He just left his son to live there until he succeeded to build the house of his own, which he did not do before his death. However, before his death he got married to the woman in question here. His late son was the one who brought that woman to that house but now this gentleman wants his house back.

Cases like this, where relatives of the deceased claim rights over the deceased are commonly reported in Marracuene. The most recent case I followed took place in the neighborhood of Zintava located in the south region of Marracuene, where Z was even expelled from her marital home after her husband's death. The deceased relatives claim that the house belongs to the children of the deceased's former wife, with whom they built that house. Often, if they do not reject the fact that the house belongs to the deceased, the deceased's relatives can simply argue that the land where the house was built belongs to them and not to the deceased. In this case they tell the

widow to take the house (built by the deceased) and leave the land, which is almost impossible because houses are commonly built with blocks. The second case is a dispute over inheritance between two widows. The story of such a dispute was narrated to me by one widow (who is the deceased's half-sister) involved in this dispute. In the conversation we had when we met at the ASSOMUDE premises, she told me that she came there because she was in dispute with her sister-in-law, her late brother's wife. Although she presented a one-sided version of a dispute (since the other part refused to share her version, in this case the deceased wife), I think this case is very interesting since it is not very common when it comes to dispossession of widows. I will recount the story in the following paragraphs. In our conversation the widow in question confided me that she is from Gaza province and that she came to Marracuene (specifically to the neighborhood of Possulane) in 2003. She came to this place in search of land for housing, that is, a place where she could build a house where she would live together with her late husband (before he committed suicide). When she arrived in Marracuene she stayed at her sister-in-law's house, the wife of her elder half-brother (born from the same mother but different fathers). She also said that when she came, she brought a sum of 13,000 Meticaïs (about 180 USD), money she was supposed to use to buy a plot of land and build her own house. According to her, this was the money she received from the sale of her previous house in Xai-Xai, the capital city of Gaza province, which in turn she would use to pay the landlord in order to release a plot of land in Marracuene and also to purchase the construction material and to open a business as well:

When I arrived, I brought 13,000 Meticaïs, the money I received from the sale of my house in Xai-Xai. As soon as arrived I gave the money to my sister-in-law to keep. I told her that part of the money was meant to pay the landlord who gave us a plot of land, another part for the purchase of construction material and another part to rent a car to bring my belongings I left in Xai-Xai. At the outset, I would buy building blocks but I could not because the land was not parceled out yet, but even so I decided that I would go on making blocks and if by chance the land was taken away, I would bring them with me. I also told my sister-in-law that with another part of the money I wanted to open a business and that was in 2006.

In fact, she told me that she was helped by her sister-in-law in the search for and purchase of a piece of land, which cost a sum of 750 Meticaïs (about 11USD) and in the purchasing of stakes, reeds and ropes as well (although

she did not refer to the specific amount that was spent in purchasing these materials). Similarly, she recalled that by the time she was about to build the house her brother called his wife (her sister-in-law) from South Africa and instructed her that 9 zinc sheets that were in the house should be given to her. According to her, supposedly her brother would buy other zinc sheets, since those were initially meant to pay a lady who gave them (her brother and sister-in-law) land for farming. As she explained to me, her brother did this because he was willing to help so that she could build her house quickly once she started to build on that land as soon as possible, before the same plot of land was sold to someone else:

It happens that before I started to build my house, my brother called from South Africa and told his wife that since I had already found a plot of land she should give me 9 zinc sheets that were in the house so that I could start building the house, because in our zone whenever you get a plot of land it is recommended that you build your house fast. My brother said that later he would buy other sheets because those were meant to pay a lady who gave them land for farming. Then I build and covered the house but my brother did not buy the sheets again because soon he had an accident and died in 2007.

However, three years after the death of her brother, which is in 2010, the 9 zinc sheets that were given to her turned into a source of dispute between the deceased's wife and the deceased's half-sister. This dispute started in December when the deceased's wife called to the deceased's half-sister (her late husband's half-sister) on the phone asking where she might be at that moment. As she was on her way to Zimpeto wholesale market¹²¹ she was asked to pass through her sister-in-law's house on her way back. Thus, when she passed through there she was asked if she still remembered the 9 zinc sheets, the sheets that her late husband had lent her. If so, she should return 4 of them because the deceased wife was having trouble with the rain. Besides, she also needed to augment the length of the house since it was low in height, all because she feels threatens whenever it rains. The deceased wife also said that she needs those sheets because she also wants to protect the electricity meter, as people say that when it is rained on it can explode. However, since the deceased half-sister found this demand unreasonable, she refused to return the sheets because, according to her, those sheets were given to her by her late brother and not lent, as her sister-in-

¹²¹ Zimpeto market located in a neighborhood with the same name, located on the outskirts of Maputo City.

law claimed. Besides, to the deceased's half-sister, the issues of electricity that her sister-in-law raised were simply an excuse:

This issue of electricity meter has a solution. I used to see people cut a flat iron to make a little protection. Besides, this surprises me, my sister-in-law! The zinc sheets you gave to me! You gave them to me. Do you remember that my brother called you from South Africa and instructed you to give me 9 zinc sheets? Therefore, what I know is that you gave them to me, and I already used them. Besides, I have projected a house where I plan to use those sheets and now all that remains to do is to cover it. Now that you say that you need those sheets, how do you think I will cover that house?

This meeting and discussion marked the beginning of a dispute that has been going on for roughly five years. The dispute has already gone through several instances of dispute settlement from the neighborhood chiefs, ASSOMUDE and the police station. After one more confrontation between the two widows, the case was reported to the neighborhood chief (by the deceased's widow) who sent his wife to invite the deceased half-sister to a meeting that was to take place in the afternoon of that same day. When she got to the neighborhood chief's house, eight people were waiting for her. Because she soon realized that this was strange, she decided to call her son to attend the meeting. In that meeting the neighborhood chief made it clear that they were aware of the problem, that they had tried to solve it within family but failed. However, the neighborhood chief wanted to hear from both widows in order to understand well what the problem was. Therefore, each one explained why they were in dispute, but in practice there was a major conflict – arguments and counter arguments. Apparently, according to this version of story, the eight participants that were attending the meeting were in defense of the deceased's wife because they questioned the authenticity of the fact that the deceased's half-sister gave money to her sister-in-law to keep. They asked for instance, if she really asked her to keep the money, why she should do that while she has her own wallet, if when she hands over the money to her sister-in-law there must have been witnesses or she must have written a document. After these questions and answers, it was concluded that the deceased's half-sister should not be upset because the money was used to assist her children during the time when she was living in her sister-in-law's house. In the end they decided that she should remove the zinc sheets and give them to the deceased man's wife. However, the deceased man's half-sister declined to do so, claiming that if her sister-in-law intended to do such things, she must also return the

money. Nevertheless, since they were insisting that she should return the sheets even without receiving the money, she decided to accept, but when she got home, she realized that that was not fair. Therefore, she decided to bring the case before ASSOMUDE:

I came to ASSOMUDE to attend the case. They gave me an invitation letter to deliver to the neighborhood chief who solved the problem, and in turn he was to give the letter to the person I am in conflict with. Thus, I went to the neighborhood chief's house. It was a little late, and I found that my sister-in-law and her daughter were there, and the subject of their conversation was me. I did not enter to the house at first place, I stayed out about an hour, and I heard almost everything they were talking about. They were saying that I went to the traditional healer, this because I travelled to Gaza to leave flowers on my uncle's tomb, because I had not been able to attend the burial. They said many things, they also said, for instance, and that my late brother was not my real brother, because although we have the same mother we were born from different fathers. They also said that since my son said that he has no time to remove the sheets, my sister-in-law should find someone to do the job. Once they ended the conversation, my sister-in-law and her children left the house. That was at the time I had just entered and met the neighborhood chief's wife commenting on this issue. I told her that I came to see Mr. João and when he came, I gave him the invitation letter.

Since it was scheduled, they met at ASSOMUDE on January 13, 2015. There, the deceased man's widow promised to drop this issue, but her daughter did not agree and promised that if necessary, this case would pass to other instances because she just wants the sheets that her late father bought. However, the people who were settling the case said that if they really wanted to go to court, that would entail some costs. Then, the ASSOMUDE representative said that now that she had decided to move on, they should give them their contact information and the judge would call them. However, when they left ASSOMUDE the deceased man's wife daughter brought the case before the District Command. Thus, on January 13, 2015, the deceased man's half-sister received a notification from the District Command, where she showed up in the following day. Once they were there, they asked them to explain what the problem was. Once again, each one explained the case on their own way. The deceased's sister said that when she received the notification she was surprised and did not know that she was going to solve the same problem that was solved a day before at ASSOMUDE. After a several questions, and because the deceased man's

half-sister could not prove that the zinc sheets were given to her, she should return them. But as always, she told the police that in case she returns the zinc sheets her sister-in-law should also return the money. Since they were arguing, the police decided that they should go back to ASSOMUDE to settle this case. The police are also working in partnership with ASSOMUDE.

The most interesting thing in this case are the different arguments presented by the litigants in defense of their individual interest. We can see the arguments presented here turning from dispute over specific material things (zinc sheets) to a situation of reciprocal accusations and adjustments of accounts relating to events of the past. The deceased man's wife insisted that her late husband sister should return the zinc sheets and, in turn, the deceased man's half-sister claims that her late brother's wife must return the remaining money out of the 13,000 Meticaïs that she brought from Xai-Xai and that she gave to the deceased man's wife to keep:

I told her that since she was in need of sheets we also need to account for that money, the 13,000 Meticaïs that I gave her to keep in order to gauge how much was used and how much was left for me to buy the sheets, the ones that I will use to cover the house. I told her if she does it then she can collect the sheets and get out of this mess right away.

The deceased man's half-sister also recalled that apart from the money she used to pay the landlord and to buy construction materials, she asked her sister-in-law for some money to buy gifts (4 garments – 50 Meticaïs – about 1 each), flip flops (total sum 250 Meticaïs – about 4 USD) to present her friends from Xai-Xai on the occasion of her farewell. According to the deceased's sister, that was the way to show her appreciation, because her friends helped out in selling the house. Then, she was surprised when she asked for some money (4, 000 Meticaïs, about 55 USD) to rent the car to bring her belongings that she left in Xai-Xai. It was on that occasion that her sister-in-law started to play games with her. Initially, she said that the money that she was asking was too much. Then she suggested that the deceased's sister should call to someone else who would charge less cash. Actually, as soon as she called, the person charged 3,000 Meticaïs (about 42 USD), but even so that amount was not paid out, she said. However, since she kept insisting that her stuff in Xai-Xai would disappear, her sister-in-law finally said the money was used up. Thus, when she heard that the money was used up, she started to weep, regretting that she had ever en-

trusted her money to the sister-in-law. However, the issue remained unchanged that, and considering that her brother already passed away, she preferred to forget. Besides, she no longer had the courage to demand the money, even when her sister-in-law received money from South Africa as a result of her husband's death. The deceased's half-sister had no more time for her sister-in-law and preferred to keep herself in the corner. In turn, the deceased's widow insisted that the deceased's half-sister should return the zinc sheets. She also complained the fact that this money issue only came up now that she wants the zinc sheets back. Besides, she sees no reason why the deceased's half-sister would want to keep the zinc sheets, as she has no rights over the deceased's property since she is not his real sister but merely a half-sister. Furthermore, the deceased man's wife does not understand why the deceased sister would raise the issue of money while she and her children spent four months in her house, that is, before she built her own house. She complains (but in a tone threatening sorcery) that the deceased's half-sister should think about the expenses that were paid during that time:

You are saying that you need 13,000 Meticais, what do you think you and your children were eating in my house? Where were you sleeping? Fine, since you do not want to return the zinc sheets, you can keep everything but if I and my late husband were the ones who bought those sheets, they will heat up.

This long story illustrates what some of my informants think about what lies behind dispossession and inheritance disputes, namely, there is an association between dispossession and disputes over inheritance (and succession as well) and the chronic poverty to which many families are exposed. According to some informants, there are individuals who believe that making claims for the deceased person property is a way out to solve their precarious economic situation. Individuals who think that the easy way for someone to get out of poverty is through grabbing other people's assets (in this case dispossessing widows). Thus, while some people continue reasoning in this way, they said, women in widowhood will remain a permanent predicament, and individuals and families will continue quarreling over the small property that would have been acquired by a deceased relative. This story also shows how families can be torn apart by inheritance issues, as was clearly stated by the deceased's sister when she was explaining that she raised the issue of money because she understood that this problem it has nothing to do with familial relations.

5.3 Conclusion

Throughout this chapter I have examined different local versions and thoughts that people bring forward when it comes to the practice of the dispossession of widows, the ways people act to safeguard widows from attacks by their late husband's relatives and how widows defend themselves from dispossession. A closer look at local discourses reveals that in Marracuene there is a widespread dominant discourse according to which inheritance should pass from the deceased man to his widow and their children. However, practice does not correspond to such a discourse, because the dispossession of widows and orphans is very common. According to my informants, the most important factors behind the dispossession of widows are attitudes and values men have towards women and marriage. But as I have demonstrated throughout the chapter, women, such as the *Zazanas* can also be actors prosecuting widow dispossession. Therefore, such dispossession should be seen as situated within the society, as a social resistance to change. In fact, widow dispossession takes place in a conservative patrilineal society whose members prefer to defend the interests of patrilineal families and kin groups at the expense of women and widows, who, according to the local kinship ideology, are not seen as relatives. Here inheritance rules privilege men who aspire to exercise control over women and the circulation of property. In other words, the practice of widow dispossession is associated with social organization, and to cultural and economic factors: patrilineal descent rules, women's behavior during marriage, status and mobility after marriage, conceptions about death (causes and accountability), violence and abuse, observance of purification rituals, absence of a written will and, last but not least, poverty. Generally, people who favour the dispossession of widows are economically and socially relatively poor, and the widows whose husbands died while they were relatively economically and socially successful tend to be the main victims of dispossession. Moreover, in cases where the deceased men were relatively young, the widows are generally accused of killing their husbands through witchcraft, and there is very little chance of the death being considered a good or natural death, which explains why suspicions are raised and dispossession ensues. Nevertheless, my findings about widow dispossession in Marracuene indicate that it has been the strategy/mechanism through which the relatives attempt to prevent the spread of the family properties. In the past, patrilineal societies sought to maintain control over widows and family properties through levirate or ghost marriage. As traditional practices have been increasingly replaced by new ones, including the fact that

women increasingly refuse to take part in ghost marriage and purification rituals, the relatives of a deceased husband have had to resort to dispossession as a means to enforce control over property and widows. However, the dispossession of widows could also be seen as the means through which poor relatives of a deceased husband attempt to improve their economic situation by grabbing property. The dispossession of widows can be exacerbated by men who are afraid to write wills. Like Mr. Otiene in Kenya, who died without a written will, those who die without stating how inheritance and succession should be transferred open the possibility for their relatives to jeopardize their widows' inheritance and succession rights.

Chapter 6. Rescuing dispossessed widows

This chapter is about protection of women's rights in general and widows in particular, considered the primary social categories of victims of dispossession. Contemporary researchers (see for instance Cooper 2008, 2012; Cooper and Bird 2012) have revealed how in many African countries unequal rights to own, transfer and inherit contribute to chronic and intergenerational transmission of poverty, on the one hand, and how the vulnerability of certain social categories (such as widows and orphans) is exacerbated, on the other. However, this problem is not exclusive to African societies, but is rather a global concern. Throughout the chapter I shall explore, first how the protection of women in general has been dealt with in/on the global arena. Second, the way in which the issues of unequal rights between men and women, discrimination and marginalization of women are tackled in Mozambique. Third, I discuss how a local civil society organization called ASSOMUDE works to defend the rights of women and widows in Marracuene.

At the outset, it should be noted that the protection of women's rights is an issue of global interest particularly since the mid-twentieth century. As Ferree and Mueller (2004) observed, it is a phenomenon related to the process of institutionalizing women human rights. In order to challenge relationships of domination, women have built organizations, led campaigns and staged events to confront a variety of problems that reflect systematic inequalities of class, status and power. As with any sort of social change, women's movements are mobilized based on appeals to women as a constituency and thus as an organizational strategy. Women's movements address their constituency as women, mothers, sisters and daughters. Regardless of their particular goals, they bring women into political activities, empower women to challenge limitations on their roles and lives and create networks among women that enhance women's ability to recognize existing gender relations as oppressive and in need to change. Women's movements are not only Western and not always feminist (Ferree and Mueller

2004).¹²² Women's movements (including feminism) emerged in the eighteenth century in the writings of political theorists, but, by the nineteenth century, this was no longer a mere intellectual argument. It was also a framework for the actual mobilization of women. Campaigns for women's education as well as increasingly for the right to vote, to retain their identity and property in marriage and to participate more fairly and equally in the emerging wage economy animated the mobilization of women in Europe and the United States. These campaigns were contemporary with and often connected to the emergence of socialism, liberalism, nationalism and democratization, mobilizations that brought women into the sphere defined as political. Women's movement provided a rationale for women to mobilize as women in relation to the emergent social relations being constructed in and through markets, educational institutions, political parties and civic associations. Yet as women seized the opportunity to be political actors in their own right, they also asserted a variety of social and political objectives that extended beyond gender relations. For instance, in the nineteenth century women mobilized to end slavery and the slave trade, to obtain more just and humane relations of paid employment for themselves and others, to spread the Christian doctrine and European social values in the expanding empires of increasingly influential nation-states, and to protect weak and marginalized groups such as the physically and mentally ill, prisoners, children and paupers (Ferree and Mueller 2004: 577-582).

Although a process that began with women themselves, women's struggle for equality gained visibility with the founding of the United Nations (UN) in 1945. The UN has played and continues to play an important role in the struggle for women's empowerment, promoting women's rights as fundamental human rights, codifying these rights in legal instruments and encouraging recognition of the role of women in social and economic development of countries (Guarniere 2010:3). As a forum for debates and a source of data and information on the situation of women, the UN organized a series of international conferences (women's conferences in Mexico City in 1975, in Copenhagen in 1980, in Nairobi in 1985 and in Beijing in 1995) and approved various legal instruments aimed at protecting women (Charter of the United Nations 1945; Universal Declaration of Human Rights 1948; Convention on the Political Rights of Women 1952;

¹²² Ferree and Mueller (2004) distinguish women's movement from feminism conceived as efforts to challenge and change gender relations that subordinate women to men.

Convention on the Nationality of Married Women 1957; Convention on the Elimination of All Forms of discrimination 1979)¹²³.

Many African societies have seen efforts to protect women's human rights, including the protection of widows from dispossession. This has been taking place within the general framework and/or efforts fighting against "property grabbing," which is considered a new form of gendered violence against women. According to Izumi (2007:11), widowed women are particularly vulnerable to property grabbing, partly as a result of weakened customary practices and social safety nets that used to provide support to widowed women and their children. Thus, it can be said that actions against widow dispossession have been taken within the framework of combating the "violence against women" in general.

6.1 Combating violence against women

Violence has been often conceptualized (in social science but also in many societies) as a problem that has to be solved, controlled and eliminated. The concept of violence has evolved from physical to systemic or structural violence, that is, as an intentional encroachment upon the physical integrity of the body to include behaviors and actions that were previously never considered violence, such as social and political systems that maintain people in coercive and exploitative relationships as well as broader categories such as environmental damage, death from preventable diseases, racism, bullying, verbal abuse, humiliation, trauma and other forms of psychological suffering (Dwyer 2017:8-12). In Mozambique, combating violence against women is a cross-cutting issue involving: first, the government, specifically in the area of legislation where two policy frameworks can illustrate this aspect of the struggle; one is the National Gender Policy (in March 2006) and other is the National Plan for the Advancement of Women (in October 2007) both approved by the Council of Ministers. Apart from these policies, Mozambique signed several conventions and international declarations that prohibit all sorts of violence against women, such as the Beijing Declaration and the Platform for Action (1995), the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) ratified in 1979, the Gender Declaration of the Head of states of SADC (in 1998) and the Protocol for the African Charter of the

¹²³ For more details about international women's conferences organized by United Nations see West (1999:177).

Human Rights in Africa (adopted in 2003). Second, some government institutions, such as the Ministry of Women and Social Action (MMAS), were tasked with coordinating efforts by the government. In 2002, for instance, MMAS elaborated an Action Plan to combat violence against women and children (PAVV) lays out measures to be implemented by the government and civil society organizations in order to address the issue. The Ministry of Interior (MINT), in turn, implemented several strategies including the training in human rights and on women's human rights as well as the creation of special facilities (*Gabinetes de Atendimento*) within police stations. Finally, the Ministry of Health (MISAU), which apart from the creation of *Gabinetes de Atendimento* inside the health facilities, identified two specific areas to address the needs of victims of violence, namely, the treatment of physical injuries and forensic medicine services. Third, the civil society organization concerned with the promotion of gender equality provides appropriate services for victims of violence and advocates for the revision of legislation in order to develop legal instruments that penalize violence against women. Civil society organizations also organize campaigns, for instance, the national campaign All Against Violence – *Todos Contra Violência* (TCV) – aiming to bring together the government and civil society to lead a multi-sectoral initiative providing female victims of violence with access to legal counseling, doctors and psycho-social services (see UNIFEM and Forum Mulher 2009:9-12). The other important intervention by civil society organizations was the campaign focused on challenging violence against girls in education. This campaign was implemented in 2006 by Action Aid Mozambique together with other concerned organizations. It was funded by Action Aid Mozambique with the coordination of UNICEF and Sida (Swedish International Development Cooperation Agency). The campaign was threefold: it was aimed to consolidate the network of organizations that work in women's defense, to put the problem of violence against women and girls on the national agenda and to make sure that legislation on matters of sexual abuse is applied and strengthened (Mendonça 2008:15-6).

As can be observed from the above, one must recognize that in Mozambique there has been a significant concern with preventing women from violence, marginalization, discrimination and dispossession. Therefore, in Mozambique women in general and widows in particular are legally protected against property dispossession. According to the Mozambican Family Act (10/2004), widows have right to succeed and/or inherit half of their late husband's property. However, during my fieldwork in Marracuene I

encountered drastically different pictures of inheritance and succession. Widows and their children have been dispossessed and disinherited by the relatives of the deceased husbands regardless the increasing number of civil society organizations working in defense of human rights, including the inheritance rights of widows. The actions implemented at the local level by neighborhood administrators and religious organizations committed to rescuing dispossessed widows and defense and/or preservation of family inheritance rights in general are to some extent dependent on internal and external factors, such as the problems in implementation and execution of state law and the increasingly limited funding by international organizations. Nevertheless, civil society organizations have played a significant role in protecting widows from dispossession. The secretary of the neighborhood *25 de Setembro*, for instance, explained to me that although inheritance is considered a private issue, local administrative officers have been very important actors in inheritance dispute settlements. He recalled two cases of disputes over inheritance and explained how they managed to prevent widows from being dispossessed by the deceased husband's kinfolk.

One case was about a dispute involving a widow and her stepchildren. According to the neighborhood secretary, initially these people were living together, but due to frequent conflicts, they separated. It was following this event, he said, that the widow together with her late husband were forced to move out to a new house. The dispute over inheritance took place following the death of her husband when the widow's stepchildren came to her house and collected goods (furniture, in this particular case). The neighborhood secretary assured me that they managed to make sure that those goods were returned to the widow after following up the case. However, according to the neighborhood secretary, it was not easy to intervene and settle this case, but, as the widow reported the situation to him and to other neighborhood administrators. He had to act together with the representatives of the Mozambican Women Organization (OMM). They solicited a district administrative representative to solve the problem.

The other case is about a dispute over a house, but this was, according to the neighborhood secretary, relatively easy to settle since the deceased husband had sought to anticipate what should be done in case he dies. According to the secretary, when he was still alive, the husband invited the local administrative representatives to meet in the neighborhood secretary's house, where he wrote a statement that was later officially legalized. The neighborhood secretary also explained to me that the deceased was living with his grandchildren (his son's children whom he reared after their

father's death), who became troublemakers in the house. Because of this, he left the house and built the other one in the area called *4-Postos*, which was unpleasant for the grandchildren and other kinsmen. To use the neighborhood secretary's words, they didn't like the fact that he moved to a new house with the new wife. Therefore, it was in such context that before dying the deceased invited people from his church to show them the house. On that occasion, the secretary said that the deceased also recommended that, in case he died, that house was for his wife. However, later the widow asked the neighborhood secretary to order her late husband's relatives to deliver the house. Because of this act this widow is a good woman according to the neighborhood secretary, she is not selfish. She practically gave that house to the grandchildren. However, a short while after the grandchildren came to the neighborhood secretary to complain that they could not sleep in that house because they are having bad dreams. Thus, after conversations, they decided to sell the house but to that end they called the widow to discuss the sale of the house. After the discussion took place, they decided to sell the house in order to build another one in the neighborhood of Muntanhana. This was, according to the neighborhood secretary, a rare case where a man tried to protect her wife or sought to create such barriers before he dies".¹²⁴ From these cases we can observe that apart from the fact that widows are women who have complied with most expectations of society they are also benevolent, to use the neighborhood secretary words again, "they are not selfish at all"; on the contrary, some are "very benevolent" towards their stepchildren and other relatives of the deceased husband. As he said, too often widows do not intend to keep inheritance only for themselves, as they recognize the rights of other beneficiaries, but they have nevertheless been dispossessed. The social impact of such dispossession in Marracuene is very clear to the naked eye. There are visible signs: beggars around the village, predominantly elderly widowed women begging in front of the Islamic religious leader's house in the village of the district headquarters, where the church provides food (generally beans, maize, flour and oil) to the marginalized elders.

¹²⁴ Interview with the secretary in the neighborhood of *25 de Setembro*, January 23, 2015.



Figure 11: Elderly people begging for provision in Marracuene, Localidade-Sede. Photo: Fernando Matai Manjate.

Many of these elders are widows, and some were dispossessed, while others are marginalized. Seeing elderly people begging is common throughout Mozambique, and it has been a concern to the government and civil society organizations. Thus, vulnerable social groups like these are supposed to be assisted by the state and/or the district social services. Nevertheless, the Mozambican social assistance services provided to this people are extremely precarious. In Marracuene the situation is even worse, because these people depend on the good will of social assistants.

According to the social-assistance officer working at the district Post office, who has been responsible for the payment of pensions at the district level, the recipients of social assistance are: retired civil servants; widows, orphans; disabled military veterans (who receive what is called “disability income”); widows/military ex-wives (who receive a pension called “survival income”); and military veterans (generally after 30 years of service) and lifetime income (provided by district Social Action – INASS). However, such services are poorly covered throughout the district. Only 543 inhabitants out of 4,673 widows living in Marracuene have some kind of support from the district social services (MAE 2005).¹²⁵ In addition to the weak coverage, the process itself is not fully inclusive, since the system favors widows whose late husbands were state officers and/or employees, that is, the widows who were married to former social-security contributors.

¹²⁵ There are no more recent statistics available.

6.2 ASSOMUDE in defense of women and widows

In Mozambique civil society organizations have contributed to the assistance of excluded and marginalized individuals and social groups, such as widows and orphans. Therefore, beyond legal regulations, actions carried out by non-governmental and civil society associations for women's human rights are well known in Marracuene. However, out of 33 civil society organizations in Marracuene, 18 are actively working in defense of human rights of vulnerable social groups. They have been promoting equal economic and political opportunities between men and women as well as between individuals of different social status. The *Associação da Mulher para a Democracia* (Women's Association for Democracy, ASSOMUDE), for instance, has been one of the best-known associations assisting women to secure their human rights in Marracuene. ASSOMUDE was created in 1995 to promote the participation of women in Mozambican politics. As one of its representatives explained to me, the involvement of women in the 1994 multiparty elections was very limited; this indicated that civic education oriented for women was necessary.

Thus, in the beginning, ASSOMUDE was meant to educate women about human rights and the benefits of democracy. According to one of its representatives, the ASSOMUDE's first project was designed and implemented in partnership with other national associations such as *Associação das Donas de Casa* (Association of Housewives, ADOCA) and *Associação Moçambicana da Democracia* (Mozambican Democracy Association, AMODE). The first project was oriented toward strengthening democracy, entailing that some of the members were trained in democracy by ADOCA and, later, in human rights by OXFAM. The earlier main activities were theater, lectures and debates in different neighborhood of Maputo. The ASSOMUDE was established in Marracuene in 1997 after two years of working in the neighborhoods of Maputo City. According to the same representative, it was under the influence of the Beijing Conference,¹²⁶ the 4th Conference on Women held in Beijing, China, September 4–15, 1995 (coinciding with the 50th anniversary of the United Nations, UN) with the sub-theme "Equality, Development and Peace." Like other conferences in the 1990s (UN Conference on Environment and Development held in Rio de

¹²⁶ According to Guarniere (2010:19) the Berlin conference had approximately 50,000 participants (more than 2/3 women), numbers that make it the largest discussion forum ever organized by the UN.

Janeiro, Brazil; World Conference on Human Rights held in Vienna, Austria, June 14–25, 1993; and the International Conference on Population and Development held in Cairo, Egypt, September 5–13, 1994), this conference contributed to the development of women’s movement, constituting another step in the international journey of conquest and affirmation of their rights. The Beijing Conference conferred continuity to the meetings on women’s themes that began in the 1970s under the auspices of the United Nations, at the initiative of and under pressure from the organized action of women themselves. Besides the sub-themes of Work, Education and Health that prevailed at the 1975 Mexico Conference, and the inclusion of issues such as Violence, Armed Conflicts, Economic Aspects, Decision Power, Mechanisms to Promote the Condition of Women at the United Nations conference at the 1985 Nairobi conference, in Beijing were added Means of Communication, Environment and the Situation of Girls (Guarniere 2010:18). Thus, following the Beijing Conference a specific program oriented against domestic violence (*Todos Contra Violência*) was implemented, this time in partnership with *Forum Mulher*. According to a Mozambican social activist, one of the founders of ASSOMUDE, this partnership was extremely important for the establishment of their organization. As she explained to me, it allowed them to acquire an office on the Forum’s premises, which was an indispensable prerequisite for the legalization of the association, on the one hand, and facilitated access to funding from international organizations, on the other. Further, partnership has been extremely important to its institutional resilience. For instance, the partnership with Swiss Cooperation (1997), which led ASSOMUDE to introduce the human rights program and financing campaigns against domestic violence in the districts of Moamba and Marracuene.



Figure 12: Community sensitization on domestic violence and human rights. Photo: Mr. Simbine, ASSOMUDE.

Other programs, such as the Reconstruction Project, funded by Trócaire,¹²⁷ were added and adjusted after devastation of large areas of Mozambique in the aftermath of the 2000 floods. Trócaire is a religious organization through which ASSOMUDE managed to build its current premises in Marracuene. In addition to 92 houses allocated to families affected by floods, this project funded the reconstruction of ASSOMUDE premises – *Centro da Promoção das Mulheres* – Center for the Promotion of Women (the former ASSOMUDE premise’s name) which was also affected by floods. According to one ASSOMUDE representative, the center was particularly devoted to women’s economic empowerment. As she explained, women were trained in crafts and sewing, and were provided microcredits so that they could reduce their dependence on men. However, according to this informant, these activities failed completely, because there was no training for beneficiaries, especially in the field of business management, before loans were provided to them. The idea of these loans was that since the beneficiaries would succeed in their business, they would return the loans so that other women would also benefit from them. Nevertheless, the successful implementation of projects at the community level, she complained, is also related to institutional capacity.

Like many other civil society organizations in African countries, ASSOMUDE has always relied on external financing and international civil society agendas. Thus, ASSOMUDE had to adjust programs or completely change its focus towards those organizations that provide funding. In 2003, for instance, the ASSOMUDE introduced the component of domestic violence in partnership with Oxfam, and since then it has been providing legal assistance to the victims of domestic violence in Marracuene. Moreover, according to ASSOMUDE’s social activist, ASSOMUDE was the first civil society organization to establishing a women’s cabinet in Marracuene. From the introduction of the component of domestic violence, the image of ASSOMUDE, she said, changed completely, that is, from small to the most famous and influent association in Marracuene:

¹²⁷ Trócaire (compassion) is the official overseas development agency of the Catholic Church in Ireland through which ASSOMUDE managed to build its current premises in Marracuene.

Our greatest achievement was that we succeeded in introducing in communities the concept of domestic violence. Previously considered a private or family issue, with ASSOMUDE domestic violence turned into a crime subject to penalty¹²⁸.

From this project on, ASSOMUDE has been working on provision of legal, social and psychological assistance to victims of domestic violence and other extra-judicial conflicts.



Figure 13: Evaluation of activities of civil society organizations working on domestic violence. Marracuene, December 2014. Photo: Mr. Simbine/ASSOMUDE.

Currently, ASSOMUDE has nine effective and active members: one lawyer, one psychologist, four social assistants and three civil servants. They have been working in two similar projects: MOZDG in Marracuene (in partnership with Oxfam) and MOZDIR in Moamba (in partnership with *Centro Cooperazione Sviluppo Onius*). These are currently integrated into the District Platform. According to the official of program from ASSOMUDE, a recent evaluation of the association’s activities recommended much more coordination among locally based organizations through their integration into the District Platform. Within the platform, ASSOMUDE

¹²⁸ Interview with a woman, one of the ASSOMUDE representatives, December 8, 2015.

responds in defense of women's and children's human rights. In addition, it provides instructions and explains to the local communities the roles played by different institutions within the platform. It is under ASSOMUDE's responsibility to enact laws against domestic violence within the community. Furthermore, it is responsible for providing the information about how people can proceed to claim their rights, for free or at low cost. The beneficiaries of ASSOMUDE's services are predominantly women who are divorced or in the process of separation, widows and women involved in dispute over marital property, quarrels over abandonment and pensions for children, involved in adultery, labor disputes and conflicts over land and inheritance. In juridical terms these cases are called "Civil Cases" in opposition to "Criminal Cases." However, before the state courts, Civil and Criminal cases are both settled through the juridical mechanism. Nevertheless, Civil Cases take a long time to be settled, and too often people fail to follow up. On the other hand, with ASSOMUDE, he explained, Civil Cases are settled through extra-judicial mechanisms. According to this informant, under extra-judicial dispute settlement consists in convening the parties (the litigants), counseling and (if necessary) provision of legal assistance. The overall process is based on negotiations between the parties (applying the logical principle of win-win). In his opinion, people believe that extra-judicial mechanisms are relatively flexible and enable reconciliation and equilibrium between litigants. Therefore, under this logic, state courts play a complementary role since they are only necessary for decision promulgation just to enforce compliance with established agreements.

It is in this context that ASSOMUDE came into close contact with widows and their property rights. However, there is no special attention devoted to the promotion and protection of widow's property rights, such as education and qualified services. As I understand it, ASSOMUDE provides psychological and legal assistance to individual widows involved in disputes. According to ASSOMUDE representatives, their focus is on effects rather than the causes of social problems, including the dispossession and disinheritance of women:

Because a widow is a woman who has lost a beloved person and also suffers from exclusion and dispossession, we assist her emotionally. The widow needs to be stabilized emotionally, which is why we have a psychologist for psychological harms from dispossession.

Actually, they already know the causes of widow's dispossession but have never focused on the mitigation of the issue. They are not asking why widows suffer dispossession, as it seems that people are aware of it. Nor have they addressed what should be done to prevent future disputes over property rights and avoid dispossession. As I understand, the ASSOMUDE intervention is about the physical and emotional effects on the victims rather than the prevention of dispossession. Further, the provision of juridical services is precarious, in part due to the lack of funding and irregular salaries, which in turn leads to irregular provision of services. For instance, I was told that the lawyer was supposed to be available twice a week but due to a lack of funds he is always absent for long periods, supposedly working somewhere else.

The historical financial dependence, which is not unique to ASSOMUDE but rather a feature of many other national civil society organizations, and the lack of support by the political party FRELIMO (always accusing national civil society organizations of representing obscure external agendas and interests) have been determinant factors for the quality of services and institutional resilience. Financial problems lead to constant changes in institutional focus, because they, in turn, lead local civil associations to adapt their internal programs to those of their donors in order to access funding. Still, ASSOMUDE is one of the key actors mobilizing external resources to promote human rights for the benefit of local communities in Marracuene, even though it entails aligning with international partners' developmental programs, which is, adjusting programs according to the international priority and critical problems in the international arena. Nevertheless, ASSOMUDE has never implemented specific programs devoted to property rights of widows even though local organizations are aware of the critical situation of women and acknowledge that widows and their children are vulnerable to dispossession, exclusion and social discrimination. Other civil society organizations are also aware of the consequences of disinheritance and dispossession, of the disintegration and breakdown of their families as well as other social and economic challenges resulting from it. Indeed, international organizations and local associations operate to influence both sociocultural changes and the social and economic development of societies, but their efforts in mitigating these problems have not produced the desired effects. Endlessly, individuals, families and communities practice disinheritance, dispossession and domestic violence against women and widows. Clearly, something else must

be done to effect changes in cultural practices and power relations within families and communities.

6.3 Conclusion

In this chapter I have examined general aspects related to the protection of women's and children's human rights. First of all, I have described how the protection of women against violence and safeguards of their human rights have been globally addressed. Second, I have looked at how in Mozambican widows escape dispossession and all sorts of violence in general, especially by looking at aspects related to legal protection of widows and local discourses about widows' property rights. Third, I have analyzed at how local civil society organizations (especially the ASSOMUDE) act in order to help widows subjected to dispossession.

My findings show that widows' dispossession concerns societies worldwide and not least in Mozambique. However, although struggling to protect women and to influence changes in cultural values and practices towards the minimization of gender inequalities and rescuing dispossessed widows, the efforts of international, and national civil society organizations have not been able to eliminate dispossession practices against women, widows and orphans. Thus, there is still more to be done in defense of women's human rights as well as widows' property rights. National civil society organizations often lack funding, and the support provided by the ruling party FRELIMO has been far less than expected. According to FRELIMO's political discourse, civil society organizations are relevant partners of the Mozambican government, but in practice FRELIMO is suspicious about their agenda and activities throughout the country. For FRELIMO, since many organizations depend on funding from international organizations, their interests are not genuinely for the benefit of the country and its people. The examination of the activities carried out by ASSOMUDE in defense of widows to some extent illustrates the limitations faced by civil society organizations working in defense of women human rights. For instance, financial constraints have led to a permanent change of focus, thereby contributing to the limited impact of its efforts. My findings show that apart from cultural and economic issues, the conflictual nature of legal pluralism when it comes to inheritance and widow dispossession has been the major barrier for women to fully enjoy their human rights. While in customary law widows have no inheritance rights at all – although

theoretically people recognize that women and widows are also entitled to property rights – the state law recognizes that they are entitled to half of the marital patrimony, that is, to 50 percent of their marital patrimony since the other 50 percent goes to the children. Similarly, civil society organizations have been struggling for the recognition of women human rights. However, despite the involvement of several social and political actors in matters concerning the processes and activities enacted to address widows' predicaments (including dispossession), women have been deprived from their property rights. Furthermore, although there are multiple legal orders, often decisions over inheritance have been made within families and according to customary laws.

Chapter 7. Succession to chieftaincy titles

So far, I have focused on economic and sociopolitical changes and inheritance practices at individual and family levels, that is, on the transmission of material properties within a context of sociopolitical and cultural change both when the property holder is still alive or after his or her death. I have also described and analyzed the role of the different social actors and institutions often involved in the settlement of disputes over inheritance rights and dispossession of widows (including their children) as well as the different approaches to help women and widows to escape from their predicaments. In this chapter, I turn our attention to succession, that is, the way in which positions and privileges are transmitted. I will describe and analyze chieftaincy succession practices in Marracuene. The chapter is composed of three sections. The first provides the micro-political history of the different political units in the region of Greater Maputo, the wider region where the present-day Marracuene is located. The second section shows how the clan Magaia became the dominant group in Marracuene. The third one presents two cases of succession of *régulos* through which I show how succession to chieftaincy is currently practiced.

According to Ghasarian (1999), succession refers to the transmission of (rights and duties), social positions (political authority) and ceremonial functions. Goody (1969) held that by succession we refer not only to hereditary procedures but also to bureaucratic and electoral ones as well as to the seizure of office by force. Succession is inherent to any social organization. As Goody pointed out, all human organizations, unless they are to disappear as their present members die, require a method or methods of recruitment and succession, which is a situation that has constantly to be faced in electoral and military rule, no less than in monarchical regimes. Further, since the process involves the emergence of a single successor from among a number of candidates, it is inevitably marked by competition, usually conflicts, often by corruption and sometimes by violence. Under such conditions, there is likely to be an oscillation between different

methods of achieving high office, unless the sanctions and legitimacy behind a particular method are very strong. One can analytically distinguish two different, although in reality overlapping, systems of succession, namely the traditional, which is a kind of hereditary system, and the modern, which is the recent entry of the extensive electoral procedures that follow a European model. These two models exist side by side and may continue to operate in different spheres of social life: the traditional for local chiefs and the modern for national politicians. However, even when this is the case, both types of leadership occur within one socio-cultural field, which means that one continues to modify the other because both exist side by side (Goody 1969: 28-30). I refer to the two power spheres through which positions of political authority are transferred from the office holder to potential successors.

In Marracuene (and elsewhere throughout the country) one can distinguish two kinds of political authorities. The first kind of political authority refers to positions of local political and administrative authority such as the office of district administrator, permanent secretary, and chief of administrative post and chief of locality. Generally, succession to these positions follows the logic of political party loyalty (that is, loyalty to FRELIMO¹²⁹) and/or meritocracy. As Orre (2009:154) points out, in Mozambique it is difficult to find a leader of the local organs of the state who does not have the red FRELIMO membership card. The second kind of political authority refers to positions of sociopolitical and cultural authority within chieftaincies, that is, the process of selection and legitimization of community authorities in Marracuene. The term “community authority” (referred to as traditional authority in many anthropological studies), according to the Mozambican legal framework,¹³⁰ is a catchall term that includes traditional chiefs, neighborhood and village secretaries and other leaders legitimated as such by their respective local communities and officially recognized by the local organs of the state. In this chapter I am especially concerned with succession practices to the position of traditional chiefs, namely with succession practices to the position of the *régulo*, the paramount position of sociopolitical and cultural authority within different chieftaincies of Marracuene. The term *régulo* (ruler) is a Portuguese colonial creation and from

¹²⁹ Within the political landscape of Marracuene, FRELIMO is the most influential political party. RENAMO, the main opposition political party, is present only in electoral campaigns.

¹³⁰ See the Decree-Act 15 of June 20, 2000, approved by the Council of Ministers and subsequently published in the Bulletin of the Republic of Mozambique.

its conception means “small king.” According to Cuahela (1996) and Mutaquila (1998), *régulo* was originally a derogatory and sub-alternating term, since the true or big kings were supposed to be found in Europe.

As in many African countries, in Mozambique community authorities can simultaneously be seen as a pre-colonial, colonial and postcolonial political institutions: *Pre-colonial* because they are traditional political structures previous to the Portuguese colonialism; *Colonial* because they were integrated in Portuguese colonial administration (Portugal not only destooled some traditional chiefs but also replaced them with others, appointed by the Portuguese administration, especially those who were collaborative with the regime); and *Postcolonial* because they are positioned in relation to the current state dominated by FRELIMO. Even though they were banished¹³¹ by FRELIMO following the independence, FRELIMO legally recognized community authorities in the 1990s. Therefore, community authorities in Mozambique can be conceived first, as local political structures legitimized exclusively by local communities in pre-colonial times. Second, as local political structures legitimized by local communities and others appointed by Portuguese colonial administration, during Portuguese colonial time. In colonial times community authorities were integrated into the Portuguese administration as intermediaries between the Portuguese colonial power and local populations. Through integrating community authorities into colonial administration, that is, in the formal framework of Portuguese colonial administration, the Portuguese intended to secure and reinforce new mechanisms of integration and political legitimation. As Lourenço (2005: 85) observes, the Portuguese colonial regime was weak, poor and politically and administratively incompetent, which justified its violent and extractive character.¹³² Third, the descendants of community authorities including the *Grupos Dinamizadores* (Dynamizing Groups) invented by FRELIMO in post-colonial Mozambique. Following the Mozambican independence from Portugal in 1975, community authorities were marginalized and replaced by Dynamizing Groups (of which neighborhood secretaries are part) who started to perform many of the functions previously performed by community authorities. Nevertheless,

¹³¹ However, it should be noted that even though they were banished, community authorities maintained their influence in local arenas before they were legally recognized again in the 1990s.

¹³² However, according to Lourenço (2005: 85), Portuguese colonial administration was not exclusively coercive, since there was a tension between recourse to coercion and the attempts to co-opt and incorporate traditional leaders into colonial administration.

due to their importance and legitimacy in local communities¹³³ and of course also to the changes in FRELIMO's perception of this traditional political institution, community authorities were recognized in the 1990s and integrated in the local administrative systems.¹³⁴ In order to facilitate their identification, the FRELIMO government also distributed military-like uniforms to all community authorities, namely the three categories of traditional chiefs (*régulos*, chiefs of lands and third scales/*ndunas*) at the national level. Instead of ostracizing community authorities as it did in the period of the one-party state (1975-1992), FRELIMO embarked on administrative instrumentalization by restoring some administrative functions to traditional chiefs, a process where community authorities recognized by local communities and by the state assume the role of key political agents to the ruling party FRELIMO, acting in a way that favors the party and/or impeding the political activities of opposition parties (Orre 2009). As in colonial times, community authorities nowadays play the role of intermediaries between the local organs of the state and the local communities they represent. However, due to the new functions and the type of relationship that community authorities are subjected to with the state and other non-state actors or due to the national and regional contexts in which they are inserted, it is more accurate to speak about "a neo-indirect" rule rather than the simple indirect rule of the colonial time (Florêncio 2008:388).

More specifically, my concern is to grasp how traditional paramount chiefs, the *régulos* or *Ti hôsi ta Lilhanga* (the real chiefs who are straight like a reed) are selected and legitimized. I will first provide the micro-political history of the Ronga,¹³⁵ who are considered the dominant ethnic

¹³³ According to Florêncio (2008:376/7), one of the reasons that explain the legitimacy of community authorities is related to the plurality and complexity of social roles they play in local communities, not only roles of political-administrative nature but also roles of a magic-religious nature which are so fundamental to local symbolic systems and in social reproduction. Within the traditional authority *vaNdau*, for instance, it is the role of community authorities to organize and conduct collective ceremonies (which are ritualized moment that consubstantiate the relation of veneration and dependency of the living before the spirits of the ancestors). It is also their responsibility to control and regulate witchcraft, trials and resolutions of conflicts.

¹³⁴ Instead of ostracizing community authorities as it did in the period of the Party-State (1975–1992), FRELIMO embarked on administrative instrumentalization through giving them back some administrative functions and party instrumentalization of traditional authority where community authorities recognized by the state assumed the role of political agents of the ruling party – acting in a way that favors the party and/or impedes the political activities of opposition parties (Orre 2009).

¹³⁵ The *régulos* that ruled in Marracuene are mostly Ronga from the Magaia family.

group in the region of Marracuene and in Greater Maputo in general. Second, I will present two ethnographic cases of the most important *régulos* of Marracuene in order to portray what happened to chieftaincy succession practices after the state formal recognition of community authorities in post-colonial Mozambique. Here it is important to be more precise regarding the restoration of community authority in Mozambique, a process that was launched from 1992, the same year during which the General Peace Agreements was signed in Rome, Italy, between the Government of FRELIMO and the current political party RENAMO, ending the 16 years of civil war in Mozambique. This exercise is meant to capture what was maintained or changed in chieftaincy succession practices from colonial to postcolonial Marracuene-Mozambique.

In Marracuene, there are three *régulos* from the three chieftaincies of Marracuene: Marracuene-Sede, Macaneta and Machubo¹³⁶. However, my analysis is drawn from life stories of the *régulo* of Marracuene-Sede (also the paramount *régulo* of the whole Marracuene) and the *régulo* of Macaneta. The first one is considered the most important chieftaincy of Marracuene. The respective *régulo* is currently the only one who was provided a house built in concrete by the state in the neighborhood of Nhongonhana,¹³⁷ which is, according to the traditional chiefs of Marracuene, the region of Marracuene-Sede where the first royal family was established. The chieftaincy of Macaneta occupies the second position in terms of importance. It emerged from the separation of twin brothers who succeed their father Ngomana Magaia: Magaia Matsinana, who is said to have settled in the region of Macaneta, on the east bank of the Incomati River, and Magaia Lhewana, who is said to have remained in Marracuene-Sede, on the West bank of the river, according to the oral history narrated to me by community authorities of Marracuene about the origin of the different chieftaincies of Marracuene. However, according to Simião¹³⁸ (2000:20-21), Magaia Matsinana and Magaia Lhewana were brothers but not twins. Being the youngest son, their father Ngomana ordered Lhewana to take over the leadership in Nhongonhana, a region located on the left bank of the Incomati

¹³⁶ The *régulo* of Machubo passed away a few months before I started my fieldwork in Marracuene, and the process of succession was still pending until the end of my fieldwork.

¹³⁷ According to Simião (2000:7), Nhongonhana was the name of the chief who received the Magaia, led by the chief Ngomana, upon their arrival within the context of Nguni migrations, on the left bank of the Incomati River.

¹³⁸ From ARPAC agency under the responsibility of the Ministry of Culture and Tourism of Mozambique.

River, also under his jurisdiction. With the death of their father (Ngomana), Matsinana (the eldest son) succeeded in governing the region located on the right bank of the same river.

Although there is a *régulo* who does not belong to Magaia, according to traditional chiefs of Macaneta, in Marracuene the Magaia are “big,” that is, they are well known and powerful throughout the region. Magaia Lhewana and Magaia Matsinana were two brothers who separated a long time ago when their grandfathers departed. Apart from Magaia Lhewana and Magaia Matsinana, there is also the *régulo* of Macandza, which means that in Marracuene there are three *régulos*: Mandjololo, António Magaia and Macandza. The *régulo* Mandjololo has sixteen chiefs of lands under his authority. His area of authority is huge. The *régulo* of Macaneta – António Magaia – has four chiefs of lands, while the *régulo* Macandza has only one chief of land. In total throughout Marracuene there are three *régulos* and twenty-one chiefs of lands (*Ti Nguluve or Mutuanas*). There are also the third scale chiefs (*Ndunas*). In the colonial times, the *Ndunas* were meant to assist the chiefs of land. They were the messengers in the service of the chiefs of lands every time they intended to do job somewhere. According to the local traditional chiefs, the *Ndunas* are still part of traditional political structures, because it was seen that these figures should return so that they can resume their old roles, helping out with jobs within the traditional political structures. Thus, the third scale is very recent in present-day Marracuene. They have been currently under selection:

Here in Macaneta, for instance, we told the secretary to nominate two persons to fulfill the office of “third scale.” As soon as the *Ndunas* are selected (and if tradition is maintained) their children will be their successors just as it occurs in succession to the offices of chief of land and *régulo*.¹³⁹

7.1 The micro-politics of Ronga (Varhonga)

Among Varhonga, succession to chieftaincy titles, according to the local traditional rules, is a privilege of the first-born son, that is, the oldest son. However, it is common for potential successors (brothers of the office holder and other sons of the office holder) to challenge this customary

¹³⁹Conversation with traditional chiefs of Macaneta, 17.09.2015.

norm. In the past, the emerging rivalries often led to armed struggles between siblings or uprisings against the monarchs (Rita-Ferreira 1982). Therefore, in order to prevent conflicts and make sure that succession operates smoothly, Rita-Ferreira explains, many chiefs shared the exercise of power with their successors. However, this was not enough to contain the juniors' separatist impulses, which is not a reflection of individual urges but rather a structural tension within the chieftaincy system.

In his *Pre-colonial history of Mozambique*, Rita-Ferreira (1982) provides interesting histories of struggles over succession and fragmentation of political units in the region of Greater Maputo between eighteenth and nineteenth centuries. In eighteenth century, Maputo Bay had already changed and was becoming an important trade center in southern Africa, with the Ronga organizing trade expeditions into the interior, reaching the Cape *Boa Esperança* (Good hope) and the massive mountains of Zoutpansberg. However, due to the increasingly ethnic conflicts between the different kingdoms, the King of Tembes managed to absorb the lands of chief Machavane and later all lands of Inhaca, monopolizing the trade between Maputo Bay and the Southern regions. Yet, a coalition of *régulos*, in which the *régulo* Magaia stands out, beat the kingdom of Mateque and later, the kingdom of Mpfumo. In addition, trade routes were eventually blocked by intermediaries of Ronga origin resentful of the profits earned by the intermediaries from Lhangano, Maluque, Venda and others. He also refers to how, in the West, the Inhaca extract group resisted, with difficulty, the powerful kingdom of Tembes. In the North, the kingdoms of Mpfumos and the Matcholos (later popularized as Matola) were maintained, despite their territorial dimensions and population being smaller than the kingdoms of Manhiça and Magaia.

In the mid-eighteenth-century new arrangements developed within Ronga politics. The King Nuangobe, from Tembes, managed to extend his domains in the oceanic beaches up to the Libombo Mountains. His death (in the early 1760s) was followed by a struggle for succession through which emerged the victorious chief Muhadie or Capela. In the West, the powerful King of Matola conquered lands from Mpfumo, Magaia, and Sothos and attacked the Hlangano, in 1778. Later, new disputes among the Ronga monarchs resurface, and the Tembes were the first affected. Short after Muhaide's death, between 1790 and 1792, his first son Muhadane was

proclaimed the successor but, because he forsook his duties,¹⁴⁰ he was replaced by one of his brothers. Nevertheless, and with support from the Portuguese, he managed to recover power. This conflict between two brothers led to the split of the old kingdom and gave birth to an independent kingdom (Maputo) in the East of the Maputo River. In 1795 Matola was also involved in a civil war and his brother Manhece, in exchange of some concessions, managed to get Portuguese support and replaced the monarch. Another political change narrated by Rita-Ferreira occurred in the sequence of achievements accomplished by the tribe Sothos from Moamba (Nwamba) who subjected the Matola, Mpfumo and Magaia, taking control over the Northern region of the Bay (Rita-Ferreira 1982: 167-169).

In the early nineteenth century, there were also conflicts over the control of trade routes during which the relationships between the Tembes and Maputos deteriorated. At the time Macazane, Muhadie's son, began to reign over the Maputos and had the Portuguese governor's support. Other challenges in the history of kingdoms and Ronga ethnic group of the Bay stems from Nguni invasions, in 1821. Macazane, the king of Maputo, joined Dinguisaio, the king of Muthetha, to subject Quabe. In compensation, Dinguisaio promised Macazane that he would export ivory through his intermediation. After the defeat of Dinguisaio, killed by Zuide, the leader of Nduande, Macazane allied to Zuide as well as to Tchaca, the final winner. The relationships between the Maputos and the Zulus of Tchaca were relatively harmonious; the lands of Maputos remained populated, cultivated and prosperous, while the other Ronga chiefdoms were subjected to devastation, raids and massacres. The Maputos were favored because they had won a reputation as keen traders with whom the Zulus could get the most coveted beads and brass rings whilst the Tembes, for instance, fought in vain against an army of warriors led by Zuangedaba. One of the *Indunas* of Zuide defeated by Tchaca, whereas the Matolas and Moambas opted for unconditional submission. In 1822, with the murder of Muhadane, a sequence of disputes led to the fragmentation of Tembes. Another Nguni¹⁴¹ big chief, Sochangana (Manucusse), the founder of the Gaza Empire, who, for a short time, settled in the land of Panhele, a chief who revolted against

¹⁴⁰ Muhadane stored food during the catastrophic famine that devastated his lands and people.

¹⁴¹ The Nguni people are a group of Bantu peoples who primarily speak the Nguni language and currently reside predominantly in Southern Africa. The Nguni are said to have forcibly immigrated to southern Mozambique during Mfecane (1815–1835) – the period of great social upheaval in much of Southern Africa. However, according to Rita-Ferreira (1982), the Nguni Invasions in the Ronga territories occurred in 1821.

the central power, is said to have contributed to the split of the Tembes. Nevertheless, it was as consequence of the successive incursions ordered by Tchaca against his rivals settled in the Bay that the lands of Ronga suffered terrible devastation, but the local chiefs were still involved in disputes and following political agendas of individuals. In 1824, the Matolas, under the pretext of support that had been given to him, massacred the Portuguese governor Cardinas and raided the lands of Mpfumos. In substitution of Cardinas, Teixeira took over, got support from Maheta, a chief of the Tembes, and managed to defeat the Matolas. Later, he was involved in conflict with Maheta and was ultimately executed. Such conflicts ended in 1824 after the Tembes suffered a final attack from the Nguni. However, disputes over succession between rival monarchs and between the Ronga and Portuguese were almost endless and continued until the Ronga were defeated in the Battle of Marracuene in 1895,¹⁴² which ended in their complete submission to Portuguese colonial power as well as the Portuguese definitive settlement in the region (Rita-Ferreira 1985:225-227).

7.2 Sociopolitical transformation and the dominant clan Magaia

As we can conclude from the micro-political history described above, the Ronga sociopolitical organization has changed over time. In a study about the Ronga settlements patterns, for instance, Morris (1973) observed that they had changed from lineage villages, frequently broken up as consequence of witchcraft, deaths or exhaustion of the soils, to isolated groups of huts separated by large areas of uncleaned bushes. Generally, the clan who originally settled in the zone holds the leadership, and the elders of each clan who were the owners of the zone practiced hereditary succession. According to Morris, from the twelfth and thirteenth centuries, there were three independent clans occupying the whole land of Nondjwana kingdom (the same territory as present-day Marracuene), but before the fifteenth century, a first invasion took place, and a chief called Libombo would have settled in the area almost without fighting. On the Western part of the estuary, Libombo also subjugated the original clans. Later, in the same territory, arrived the currently reigning clan, the clan Magaia, who conquered the whole region.

¹⁴² For more details about the Battle of Marracuene, see Chapter 2.

In order to retain its control over the populace, the *Magaia* used the common method of placing their relatives in various areas where they ruled as village chiefs. Specifically, Chief Magaia appointed his sons in various parts of the territory as petty chiefs and retained the old Libombo chiefs as their counsellors. The purpose was to make sure that a member of the ruling royal clan would preside over a group of homesteads. At the same time, due to the many other ethnic groups (other populations) who have settled in the area, the population of Marracuene became very mixed. However, Morris explained, in order to settle in the territory, the newcomers had to seek permission from the chief Magaia. The dominance of Magaia in the region is also illustrated by the name *At Magaias*, which is also used to refer to present-day Marracuene. The term *At Magaias* means that the all territory of present-day Marracuene belongs to the clan Magaia, who by virtue of being considered the owners of Marracuene are also taken for granted as the guardian of local traditions.

The predominance of Magaia in the region of Marracuene stems from their military superiority, that is, the possession of better weapons (spears, shields and knives) and strategies of war superior to those of its rivals, namely the clans Honwana and Malhangwana. In addition to their military superiority, according to many residents I interviewed throughout my fieldwork in Marracuene (mainly people from the clan Magaia), their supremacy also stems from their wit over their rival clans. For instance, the paramount *régulo* of present-day Marracuene recalled how his father was a trickster and was dogged in winning the confidence of *régulo* Muvetxa and of the Portuguese as well. According to him, his father managed to arrest the bandits (including a white man) who were killing people in the area of Machava. When people complained to the *régulo* Muvetxa that they were dying as victims of these bad people, his father was appointed to solve this problem:

That is why the *régulo* Muvetxa sent for my dad, and once there he was delegated the mission of capturing the bandits. In order to comply with this mission, he asked only for one police agent whereas the other men would be recruited on the spot. Since they knew that those bandits acted at night, they did the hunting at dawn. They found the bandits sleeping and luxuriating in the rays of the sun. My dad saw that only one was carrying a gun, supposedly the white man. Then he ordered his companions to wait until he had neutralized the armed man so that they could act upon (capture) the unarmed men. His companions did not obey such decision in the first place, but after he insisted that that was

how they should proceed. Thus, before the bandits realized their presence, the bandits were neutralized, beaten and tied up with ropes. He brought them to Marracuene but later, the white man was sent to the city because in Marracuene there was no place to keep whites. That is why I say my father was so smart.

However, not all residents share the same opinion about the Ronga people (including the Magaia) and how they claim to be smart and the owners of the land. According to some residents, the Ronga people should be considered invaders in Marracuene, in the same way that the Nguni and the Portuguese invaded the territory of Mozambique. In the opinion of those residents, the Magaia are the colonists of Marracuene. In everyday conversations, the non-Ronga (people from other ethnic groups living in Marracuene) depict the Magaia and all Ronga as “losers,” who are always complaining about their fate, who blame the newcomers over their fate. That is why they have been accusing the newcomers of having sold or of selling their lands, which is not true. Actually, according to the newcomers, it is very common to hear the Ronga whine: *Hi kwasô leswi a pfa li swa Zazana* – “all this belonged to my father’s sister.” According to one of my informants, this is the expression commonly used by Ronga to lament their current situation. The Ronga sold all properties they inherited from their beloved relatives. Thus, to the non-Ronga, this reveals the Ronga nostalgia and despair, since they regret the fact that they have lost their properties (read: lands) due to their greed for money. Yet, the Ronga consider themselves to be the victims of the newcomers and specifically of the neighborhood secretaries, most of whom are also considered to be newcomers, as one Ronga man explained it to me:

This currently exists because there is money. What causes it all is money, so brothers get to the point of not loving each other all because of money, the greed for money and the desire to get rich in a short time. In our times there was no sale of land. I want to ask you a question. Who is to blame for this? There is an error in governance. The secretaries themselves are selling the land. They have the power of the stamp, and the stamp is the government. I will give you a practical example: on behalf of the government the secretaries cut, sell and offer someone else land and then write a statement. As I am speaking now my wife has a statement made by the secretary, someone’s stolen property. The secretary is not something of the past, but an administrative figure chosen by vote, which allows him to sell the land under the nose of the government that does not act. It does not mean that families sell their land. It’s just that the family ends up seeing that we’re losing the benefit to

Mashangana¹⁴³ and Machopes (Chope in the singular) who come from nowhere I know. When it comes to electing a person to the office of secretary, there is no check to find out whether they are from here or not. Thus, it is when the autonomy of these sales is given, and we have to take advantage of the little we have through selling the remaining lands.¹⁴⁴

For the non-Ronga, when confronted with explanations like the one above, this is a false complaint. This is nothing but Ronga excuses to justify their imprudence. In fact, as non-Ronga argue, it functions as a good excuse for people who earned a lot of money by selling out their lands without taking the best advantage of it. For instance, the majority of the Ronga who sold their lands they couldn't even manage to build a better house (big and made of concrete), and today they are here complaining.

7.3 Current succession rules and practices

In this section I turn to the ethnographic analysis of two cases regarding succession practices to the office of *régulo* in two selected chieftaincies of Marracuene. For this exercise I assume that the general economic, social, cultural and political transformations that have been in place in Mozambique from the 1990s, namely the process of democratic decentralization of which the recognition of community authorities is a part, also imply transformations in the ways in which succession practices (including chieftaincy succession practices) are perceived and handled by local political actors. According to scholars such as William (2004), Virtanen (2005) and Logan (2009), community authorities have not been immune from social and political changes that occurred both in the period of transition and in the current context of democratic decentralization. In its background, democratic decentralization combined conflicts between the various forms of representativeness and political legitimacy, that is, conflicts between political parties and the ontological nature of community authorities and the communities they represent as well as between the community as a subject

¹⁴³ The term is used to refer to the people from Gaza Province in the North of Maputo Province. It was coined specifically to refer to the ethnic groups that were subjected to Sochangana during the foundation of the Gaza Empire

¹⁴⁴ Conversation with a local administrative officer, a Ronga man born and living in Marracuene.

of government intervention and the community as an apolitical construction (Kyed and Buur 2006). Further, as Hagberg (2010) points out, decentralization practices have an ambiguous cultural dimension in the sense that, on the one hand, they provide the opportunity for local chiefs, legitimized by tradition and culture as well as by the state, to access new political and economic resources. On the other hand, decentralization practices also expose tradition and culture to public scrutiny, debate and contest. Furthermore, Hagberg observed that cultural practices of decentralization also simultaneously concern the embeddedness of local political actors and the exclusion of others, since some political actors are defined as legitimate and apt for political offices whilst others are excluded. These assumptions are relevant to the analysis of the two ethnographic accounts. The accounts about how *régulo* Francisco Magaia (commonly known as the *régulo* Mandjololo) and *régulo* António Magaia were selected to their offices and legitimated by their respective communities and by the state, within the current context of democratic decentralization in Mozambique.

At the outset it is important to underline that like other Tsonga ethnic groups, the Ronga have a cultural system similar to the Shona-Carangas.¹⁴⁵ According to Rita-Ferreira (1982), there are features of a kinship system¹⁴⁶ similar to those of Shona among Tsonga (Chope¹⁴⁷, Bitonga¹⁴⁸ and Ronga), which means that the Shona-Carangas contributed to the formation of several political units in Southern Mozambique. For instance, the heritage of a cultural model with centralized monarchy and the monarch's power over

¹⁴⁵ According to Rita-Ferreira (1892: 56), the Shona-Carangas are said to have immigrated to Southern Mozambique due to the prolonged wars and economic changes occurred in the auriferous regions of the interior plateau, possibly in connection with the decay and abandonment of Great Zimbabwe in 1450 BC. The immigrants of the clan Sotho (a Shona-Carangas subgroup) settled in the surrounding lands of current Maputo Bay and originated three political units, namely the Mpumo, the Manhiça and the Libombo, whose peoples were latter called Tsonga, who in turn are divided into six ethnic and linguistic groups, five of which in the region between the Incomati River and Limpopo, while in the southern periphery stands out the kingdoms of Mpumo, Matola, Manhiça and Tembes.

¹⁴⁶ The Shona-Carangas are people from Zimbabwe. They lived mainly on the plateau between upper Limpopo and Zambeze. The Shona-Carangas are patrilineal. However, they were initially matrilineal, but due to the possession of a large amount of cattle, they shifted to a patrilineal system, with agnatic inheritance, where the male siblings and their sons have primary rights over property and power.

¹⁴⁷ Machopes (Chope in singular) is a local term used to refer to the people from the ethnic group Chope. They have traditionally lived primarily in the region of Zavala (in Inhambane Province) in Southern Mozambique.

¹⁴⁸ An ethnic group originally from the Bay of Inhambane region (Mozambique) and surrounding areas.

the rain; political units with centralized power and socioeconomic organization more complex and stratified. Further, the Tsonga inheritance and succession system in general is also similar to that of the Shona-Carangas. Therefore, the Ronga succession model is also similar to the Chope variant described by Webster (2009). In the Chope variant, Webster (2009) observed, inheritance and succession depend on the property at stake, though laterality seems to be the most common procedure. Inheritance may take two forms: linear (from fathers to sons) or lateral (along the line of brothers and/ male cousins), but the form that it definitively takes depends on the type of property or title to be transferred. For instance, the inheritance of property acquired through an individual's efforts tend to be linear and to occur within the family through homogeneous linear devolution (when men inherit from men and women from women), while property that belong to the group, as in the case of land, is transferred laterally. Such collateral transmission depends on primogeniture in the line of brothers, following the same pattern as succession to offices, whether it be to the leadership of a vicinity or to the high office in the chieftaincy hierarchy. Ideally, this collateral type of succession makes it dependent on primogeniture within a set of brothers. Once the initial line is exhausted, the eldest son of the elder brother of the initial line assumes the position. Then follow his brothers, according to order of birth. When this line is exhausted, succession passes to the sons of the second brother within the initial set, then to the sons of the third oldest brother and so on. In the case of polygyny, wives are chronologically classified, which implies that, at the household level, the sons of the first wife succeed each other before it passes to the sons of the second wife and so on. This form of collateral succession means that after a few generations the claims of potential successors invoke a past that is vague enough to allow competition within the limits imposed by kinship. Thus, the rivals must belong to the same clan and live near the village.

Laterality in succession also has implications in the field of social disputes. Unlike the vertical lineal succession, where disputes are intergenerational, in collateral succession, disputes are intra-generational, that is, they occur between brothers of the same generation. However, within Ronga succession practices, there are three remarkable distinctive aspects: First, while among Chope brothers succeed each other (their sisters excluded) before their offspring, within the Ronga all siblings are rightful successors of their father, meaning that, although daughters are subject to certain constraints, brothers and sisters are all potential successors.¹⁴⁹ Women may

¹⁴⁹ For example, the *régulo* Mandjololo succeeded queen Massinguitana after death.

become queens (such as the case of the queen Massinguitana mentioned below) if they remain single or if they marry uxurilocally, that is, instead of them moving to their husbands' homesteads, after marriage their husbands move to their wives' homesteads. Besides, according to traditional chiefs of Macaneta, within the Ronga patrilineal system, married sisters have the right to participate in the processes of selection and appointment of successors:

There is an ensemble of rules to follow. That is why there is little chance for anyone to usurp power. Even if I realize that disease will take me away, I am going to summon my sisters because they are still alive. My children cannot fight while my sisters are still alive. They will ask me to appoint a son who will turn out to be my successor because they are living out there with their husbands. They are invited to attend the moment and by consensus we pick up the successor.¹⁵⁰

Second, another aspect of Ronga succession practices has to do with the fact that the leadership may be temporarily handed out to a non-rightful successor. This may occur in two different situations. On the one hand, when the rightful successor is not old enough to assume the position, as was the case witnessed by traditional chiefs of Macaneta in Manhiça district:

That time we went to Manhiça, we followed a case of a girl who lost her father, who was the *régulo*. However, because that girl was still attending school and because there was not, in the family, another potential successor, she was appointed the *régulo*. Then, she joined the elders to learn how to rule. It has long been possible to appoint someone to secure a position, but the problem is that, later on, this provokes quarrels because the person who secures the position can offer resistance when it comes to relinquishing power. Sometimes the power was handed to someone else because the rightful successor ran away to hide from persecution in other places. You see the *régulo* here! His stepbrother was a *régulo* with his own children. He usurped power because he was still young when his father died. So, when his brother also died, the elders of the community gathered to appoint the successor and by following our customs, they selected the father here.¹⁵¹

On the other hand, handing the office out of the royal family may also happen when the rightful successor does not want to assume the title, as one of

¹⁵⁰ A chief of land in group conversation with traditional chiefs of Macaneta.

¹⁵¹ *Idem*.

my interlocutors made remarks on what happened in the chieftaincy of Macandza:

Within chieftaincies the power belongs to the Magaia. In case you find a non-Magaia, he is just securing the position because the owners will get it back whenever they need. This is what happened in Ka Mali. The *régulo* died and the one to be presented is not from the family Magaia. He will only secure the position. Even in the documents it is written like this, that he is securing for such a person. In this specific case the Magaia say they are still studying the subject, but because the potential successors are all big and have a lot of money, they don't care much about it. If you have money, would you go after this? People want money and here there is no money and not even a salary.¹⁵²

Nevertheless, it is important to state here that, holding out the title or office to someone who is not the rightful successor may have several outcomes. Apart from the resistance that could be exerted by the person or family securing the office, by the time the office is required to return to the rightful successors, it may be that something happened in the past in the territory of the present-day locality of Thaula, which in the past was called Ka Timane. According to the traditional chiefs, although not potential successor Thaula was appointed the chief of land in the territory of Timane. But when a geography and cadastral officer came by and asked about the name of the area he replied that it was Thaula, therefore assigning his name to that area. Thus, the Timane began to question why, once they appointed him to watch over the land, he should be able to claim that it is his own land! So, Timane decided that he should be de-stooled from the office in order for it to be passed on to the rightful successors. However, to this day the former area of the Timane is called Thaula. Therefore, Timane is not known; it was erased. According to the oral history narrated by traditional chiefs of Macaneta:

Thaula was captured in the war and handed over to a woman that had no children. It was this woman who took care of him until he grew up. Then there was a war between the Timane and Matsinanas. The latter were vanquished and expelled and the Timane sent Thaula to that area thinking that in case the Matsinanas returned they would kill only him. So, it was in the attempt of using Thaula to hide themselves from their rivals the Matsinanas that they made him the chief of land. However,

¹⁵² Although they have no salary, official information shows that there is an allowance paid to the community leaders even if it is sometimes diverted by the district permanent secretaries who, as was recently reported in the news, have been accused and arrested.

through time Thaula became the best friend of the Timane and promised them that he was there to help, but a problem emerged with the registration of the area. That is why he was replaced by the son of *régulo* Jorge.¹⁵³

Third, there is another aspect that is related in more detailed below. It occurs specifically in cases of polygynous marriages, that is, when the deceased *régulo* was married to more than one wife. In these cases, succession passes automatically to the *régulo*'s main wife's children, to whom the community paid the *lobolo* (bride wealth). As we shall see below, the Ronga have several ways to determine who should be considered the *régulo*'s main wife. Nevertheless, it is important to underline that the Ronga maintain the customary rule according to which the first-born is the rightful successor. But, in practice primogeniture has never been taken for granted. It can be contested as I mentioned above. Besides, the first-born must be qualified to become the *régulo*. S/he must not be irresponsible, meaning that if s/he does not exhibit good behavior and does not offer assurances or guarantees that s/he will account for the community expectations when s/he becomes the leader. Therefore, when the family notices that the first-born always misbehaves, they must take time to advise/educate him in order to change his character. If he fails to change, he cannot become the leader. According to the traditional chiefs from Macaneta, a misbehaved potential successor is like a bandit, "he looks like those people who go to the army while they are bandits, instead of correction as it is expected they will worsen. So, can you imagine a misbehaved *régulo* already invested in power! He won't meet the community expectations." Further, among the Ronga people, there is an equally valid rule according to which, before succession goes to the *régulo* offspring, collateral succession occurs between the *régulo* brothers, meaning that succession could be initially intra-generationally and later or finally intergenerationally, that is, it must go horizontally before it passes vertically.

¹⁵³ Group conversation with traditional chiefs of Macaneta.

7.3.1 The *régulo* Mandjololo



Figure 14: The *régulo* Mandjololo in uniform during the celebration of Gwaza Muthini. Marracuene February 2, 2016. Photo: Fernando Matai Manjate.

The great-great-grandson of the *régulo* Muvetxa, (the *régulo* of Marracuene during colonial times), great-grandson of Havel, and grandson of Mandjololo and son of Marracuene (coincidentally the current name of the precolonial Nondjwana kingdom and former colonial *Vila Luisa*), Francisco Magaia or *régulo* Mandjololo is the current paramount *régulo* of Marracuene-Sede and the whole of Marracuene. He was born in the neighborhood called Habel Jafar.¹⁵⁴ According to the *régulo* Mandjololo, the name Habel Jafar was given to that place by reference to his great-grandfather Havel who was appointed the chief of land by the *régulo* Muvetxa. In a conversation we had, he confided in me that his late father Marracuene died in 1942 while he was still too young to take over the title, that is, the office of chief of land. Therefore, he explained, his uncle Rafael was sent from

¹⁵⁴ About the name Habel Jafar there is another version, according to which this was a white merchant whose store was located in that area.

Nhonganhana, where the royal family was established, to the neighborhood of Habel Jafar in order to secure the title until he was grown up and mature:

I was born in 1939 but my documents say that I was born in 1941. My uncle Rafael lowered my age because he wanted to continue to govern endlessly. Actually, he governed for 25 years, from 1942. But in fact, he was just securing the office while “we,” the children, were growing. That was not his office; he was just securing it, like now, when I am securing the office of the neighborhood secretary. However, when I came back from South Africa, he gave me back the position, and he returned to Nhonganhana where, through a coup, he manages to become the *régulo*.¹⁵⁵

However, with the arrival of his uncle Rafael in the neighborhood of Habel Jafar, Mandjololo and the whole family (his mother and siblings) were forced to abandon their house and to move to a new one in the area called Mateque, which was his maternal grandmothers’ neighborhood. According to the *régulo* Mandjololo, the reason that he, his mother and siblings were forced to move from Habel Jafar to Mateque has to do with his uncle Rafael, who intended to remarry Mandjololo’s widowed mother, that is, the widow of Rafael’s late brother Marracuene.¹⁵⁶ Nevertheless, the attempt failed because Mandjololo’s mother definitely declined the proposal and Mandjololo, complaining that his uncle Rafael was younger than she was. Thus, because his uncle has never given up his intention towards his late brother’s wife, they decided to move to the neighborhood of Mateque. Furthermore, because they were permanently persecuted by the uncle, Mandjololo explained, he decided to go to South Africa where he found a job in the mining industry.¹⁵⁷ He worked in the mines until 1966, when he was arrested at the behest of the Portuguese colonial government. According to the *régulo* Mandjololo, the Portuguese ordered his arrest in South Africa because they wanted him to return to Mozambique to take over his late father’s title. Thus, when he arrived in Mozambique, he became the chief of land of Habel Jafar, the position he secured until 1975, when FRELIMO

¹⁵⁵ Conversation with the *régulo* Mandjololo, Marracuene, February 12, 2015.

¹⁵⁶ In anthropology the term commonly used to refer this kind of marriage is “Levirate” or “Ghost Marriage.” For more details about such marriages, see Chapter 4 of the present study.

¹⁵⁷ Although the *régulo* Mandjololo himself did not mention it, I guess that the decision to go to South Africa was also driven by the trend among youths at that time, that is, the male children of the time (mainly in southern Mozambique) were eager to go to work in the mines in South Africa in order to earn money to marry and build their own homes.

banished community authorities and sociocultural practices that were labelled backward and obscurantist, such as the cult of the spirit of the ancestors and the practice of marriages transactions commonly called *lobolo* (bridewealth) in Mozambique. Therefore, according to Florêncio (2008), due to the marginalization of traditional chiefs following the independence of Mozambique from Portugal and FRELIMO's take over, all traditional chiefs and their families were subjected to humiliation. As he observes in *Traditional Authority Vandau* (Florêncio 2008), FRELIMO was inviting people to participate in popular public assemblies that ended up constituting moments of strong humiliation for community authorities. Besides, FRELIMO accused them of collaborating with the Portuguese colonial regime. However, Florêncio explained, the reactions to the FRELIMO public dismissal of community authorities varied, but in general, it can be said that there was no open contest. Besides, he underlined, the FRELIMO would not allow such a thing. Nevertheless, in areas in which RENAMO had control, some community authorities allied themselves with RENAMO. Others opted for a kind of neutrality vis-à-vis the two opponents (FRELIMO and RENAMO) during the 16 years of civil war in Mozambique. Others took refuge in neighboring countries or stayed in the areas controlled and protected by the state/FRELIMO itself. In specific case of *régulos*, few opted for an open or active dissent strategy against the FRELIMO state (Florêncio 2008:378/9).

Marracuene being an area controlled and protected by FRELIMO during the civil war,¹⁵⁸ it was difficult for the *régulos* to ally themselves with RENAMO. In case of the *régulo* Mandjololo, when FRELIMO announced the banishment of community authorities, he managed to secure a job in Maputo Central Hospital (the former colonial Miguel Bombarda Hospital). However, with the recognition of community authorities in Mozambique, he reassumed the position of chief of land and then in 2016 was sworn in as the main *régulo* of the whole of Marracuene, thereby replacing, after her death, queen Massinguitana.

However, before I proceed, it is important to highlight the contours of his selection to the office of the *régulo* of Marracuene. When the *régulo* Mandjololo returned from South Africa in 1966, his uncle Rafael moved from the neighborhood of Habel Jafar to the neighborhood of Nhonganhana (from where he had been sent to secure the position of chief of land of Habel Jafar following the death of his brother Marracuene) where he was

¹⁵⁸ FRELIMO is still the most influential political Party in the present-day Marracuene.

able to become the *régulo*. Following Rafael's death, his son Lourenço succeeded to the office, but he was later deposed from the office in the context of recognition of community authorities by the state. According to the local traditional chiefs, Lourenço could not resume the office because he was not the rightful *régulo* (*verdadeiro régulo*¹⁵⁹), because he acquired the position succeeding his late father Rafael, who although a member of the family Magaia, ascended to the position outside of the traditional rules, through a "coup," in their own words. Therefore, traditional chiefs decided in favor of his replacement by the queen Massinguitana, who was the sister of the *régulo* Muvetxa. According to traditional chiefs, Massinguitana would have been succeeded by his brother Fernando, but once he was dead, the elders appointed in his place the *régulo* Mandjololo instead. When I asked the *régulo* Mandjololo about his potential successor, he explained to me that he gave birth to four daughters but two have died while two are still alive; one of them is living close to his house in Habel Jafar since she returned from her marital home, while the other daughter is still living in her matrimonial home with her husband. Mandjololo also has two brothers (one died in 2016) and one stepbrother, but he does not know if any of them can be his successor. However, he confided me that the truth is that there is always a successor, and he will be appointed at Nhonganhana, because when he dies there will be a family meeting again to determine who would fit better to the office, as long as he is a member of the family Magaia. Unfortunately, the *régulo* Mandjololo passed way on June 15, 2021, and the successor has not yet been appointed.

From the Mandjololo story there are a few key points to highlight. First, despite customary rules that privilege the oldest son of the title holder to succeed, it has always been possible to seize the title by force, as Mandjololo's uncle Rafael tried to, and this led to an intergenerational dispute over succession involving the colonial and postcolonial state. Second, this case shows that the banishment of community authorities following the independence and the recent recognition of community authorities turned into an opportunity for the repositioning or restructuring of the royal line formerly broken due to a succession that did not follow the customary rules that normally guide the processes of transferring chieftaincy titles.

¹⁵⁹ According to local community authorities, the term *verdadeiros régulos* is used to distinguish the *régulos* from the royal families of the pre-colonial times and their descendants legitimated by local communities from those whose predecessors became *régulo* thanks to the Portuguese colonial administration.

7.3.2 The *régulo* António



Figure 15: The *régulo* António Magaia in uniform during the celebration of Gwaza Muthini. Marracuene, February, 2016. Photo: Fernando Matai Manjate.

The *régulo* António Magaia was born in 1940 in Marracuene but spent his childhood in Manhiça district (located in the north of Marracuene) with his maternal grandparents in order to escape from the persecution perpetrated against him by his older stepbrother. António Magaia was a potential successor by birth according to one aspect of the local traditional rules of succession to the office of *régulo* in Marracuene. Thus, it is widely believed that António had always represented a threat to his stepbrother who, according to the community authorities of Macaneta, also intended to succeed his father, a wish that at all costs and against everyone's wishes, he would have managed to achieve – since he managed to become the *régulo* of Macaneta following the death of their father. There has been a rule of succession according to which in cases where the *régulo* has many wives, the successor should be the son of the main wife. Although generally the main wife of the *régulo* is the first woman he got married to, there are also other mechanisms applied for determination of who should be considered the main wife of a polygynous *régulo*. One of these mechanisms is the possibility of the *régulo* himself selecting among his wives who is his main wife. The other is the possibility of the community dictating or choosing who should be considered the *régulo's* main wife. Actually, this is nothing novel! In his *Pre-colonial History of Mozambique* Rita-Ferreira (1982), referred to the existence of a similar practice in succession practices within the Gaza Empire and other kingdoms of Nguni origin. Such rule of succession was observed following the death of the Emperor Muzila – the second emperor of the Gaza Empire.

According to Rita-Ferreira, the death of the emperor Muzila is said to have been kept in secrecy for two good years, so that, in the meantime, the authority of his successor could be firmly established. This was explained by the fact that, as in the other Nguni Kingdoms, within the Gaza Empire the right and/or law of succession was so capricious. Thus, because until the year 1872 the emperor Muzila still did not have an *Incossicazi* (the main wife) whose *lobolo* (bridewealth) had been paid by the people, it was difficult for him to appoint the potential successor among his six children. Based on a text by António Maria Cardoso entitled *Expedição às Terras de Muzila* (1887), Rita-Ferreira (1982: 191/2) notes that although it may be inferred from that text that his son Mudungaz (Ngungunyane) appeared to be the preferred heir, it is also clear that three of his sons (Mafumane, Mudungaz and Como-Como) conspired to seize power. Thus, Mafumane was ordered to be murdered by Mudungaz, and Como-Como was mysteriously reported missing, but even so, Mudungaz seems to have lived in the

perpetual torment of thinking that his two other brothers (Anhana and Mafabaze), who had prudently put themselves in safe places, were going to return.

Similarly, the history of the *régulo* António Magaia is very interesting regarding this customary rule of succession. He was born by his father's second wife whose bridewealth (*lobolo*) was paid through contributions from the community. For this reason, his mother was considered by the community to be the main wife of the *régulo*. Besides, in this case, his mother was married to his father following the death of his father's first wife, that is, when his father became a widower. For this reason, the *régulo* António was considered the rightful successor of his father to the detriment of his older stepbrother. According to the *régulo* António, his stepbrother wanted him dead. Apart from sending him to join the colonial army, his stepbrother (with the connivance of his mistress) attempted to kill him with poisoned food. Supposedly, by killing him, explained the *régulo* António, his stepbrother intended not only to become the *régulo* but also to keep the cattle that was given to him by his father, that is, the part of inheritance he received in advance before his father's death:

When I came to visit, I went to the place where I had left my cattle. My father gave it to me before his death because he had foreseen that they would not give any to me, they would keep everything for themselves. I kept my cattle there in Thaula, but when I went there, I found a woman who was related to my brother. She served me food and when I got back to the military barracks, I started to feel bad. I went to the hospital, but the doctors did not see anything. Then I started to spin but nothing came out. That is why I borrowed money from a friend and fled to traditional healers in Guidjani.¹⁶⁰ When I arrived there, the healer threw stones and said that my stepbrother and his mistress want to kill me in order to keep the cattle.

When the *régulo* António returned from the army, he lived for few years in Manhiça with his mother's kinfolk, but soon he went to work in the mining industry in South Africa. As it was a common practice among the local young people, as I mentioned above, the *régulo* António was after money to make his own "fortune" and to get married as well. Besides, he was supposed to receive the bridewealth from his own sister in order to pay the

¹⁶⁰ Guidjani is a district located in the southern part of Gaza Province, Mozambique.

bridewealth of the girl he intended to marry. However, that was not possible because the bridewealth was appropriated by his older stepbrother while he was still in the Portuguese colonial army:

When I left the army, I went to live with my grandmother's sisters-in-law, and my older stepbrother demanded that I return home. However, it turns out that they received my sister's *lobolo* (bridewealth) and they did not give me that *lobolo* so that I could marry a woman too. From there we started fighting, and finally he kicked me out and then I went back to Manhiça. Thereafter, I travelled to South Africa [seasonal migration], I got married and I went to live in Maputo City.

Nevertheless, when he got married with the money he earned in the mining, he moved from Manhiça to Maputo, but, as he explained, he continued farming in Manhiça. After that, he returned to Marracuene following the current recognition of community authorities by the government of present-day Mozambique. However, according to other traditional chiefs of Macaneta, it was difficult to bring him back to Marracuene because his stepbrother had already introduced his own son to the district government as the future *régulo*:

We were invited for a meeting at the district administration where we were advised to appoint someone who would be the *régulo*, but we knew that his deceased older stepbrother had already appointed his son to become the successor – the *régulo*. We also knew that that would not be possible because we knew that there is a rightful successor (*verdadeiro régulo*) living in Manhiça. That is why we said a new leader could not be appointed without informing the other son who was in Manhiça. There was a lot of competition between some families. They even brought a lot of food there, and we just ate and finally we said no, there is a legitimate successor, and we fought to bring him back¹⁶¹.

Through this life story again we can observe that there was also the seizure of power in this case promoted by his older half-brother, which led to intragenerational dispute over succession. As in the previous case, we can also observe that the eradication of community authorities by FRELIMO and their recent re-recognition, also by FRELIMO, turned into an opportunity to reshape succession, that is, to dispose succession to the rightful successors according to the customary rules governing chieftaincy succes-

¹⁶¹ Conversation with a chief of land in Macaneta.

sion practices. Both cases show the impact of the new recognition of community authorities – the double legitimization of community authorities: by local communities and by the state, which in turn shows that community authorities and the state are not separated and distinct forms of authority but forms of authority that operate within one socio-cultural field, side by side. Therefore, as Logan (2009) once observed, the FRELIMO state recognition of community authorities resulted in a mutual transformation. For instance, while local state officials attempt to co-opt traditional chiefs, they also reshape state practices. Thus, for better or worse, community authorities and government authorities shape individual lives. Therefore, far from being in competition, state officers and community authorities are two sides of the same coin. They are common players in one socio-cultural field, which, however highly differentiated it may be, is bound to modify the behavior of the interacting individuals, roles and institutions. This fact shows that they operate in a single, integrated political system, rather than as opponents in a sharply bifurcated system.

Practically, these cases show that in Marracuene the recognition of community authorities implied the return of the Magaia to power throughout the different chieftaincies of Marracuene. Such a returning led to competition over succession within the Magaia between those who were considered the rightful versus the non-rightful successors. No case was registered, at least of open conflict involving the new political structures created by FRELIMO during the transition and the pre-colonial and colonial community authorities, as did happen in other regions throughout the country. Possibly this is related, in part, to the fact that the Magaia would have remained in the area during the civil war, which makes them the legitimate traditional ruling clan, at least in the eyes of local communities. This may have been helped by the fact that FRELIMO would have felt comfortable due to its influence not only in Marracuene but also in the whole southern region of Mozambique, and by the apparent loyalty of community authorities towards FRELIMO, although some may even be sympathizers of others political parties, albeit not publicly.¹⁶² It is also recognizable that in Marracuene there is collaboration between the local government authorities and community authorities in the settlement of economic and social issues (consider for example the collaboration in preparation and celebration of

¹⁶² However, it is worth considering the observation once made by Forquilha (2009:109) according to which the alliances of traditional chiefs with political parties are not permanent, even in cases where a traditional chief membership in a political party seems evident, they are the alliances that can be considered precarious, in the sense that the passage from one field to another is always a real possibility.

the Gwaza Muthini ceremony – Chapter 2) concerning the communities of Marracuene. Further, there is complicity and connivance between neighborhood secretaries and community authorities in the “illegal” sale of land. Although neighborhood secretaries are perceived as the main promoters of usurpation and illegal sales of land, such sales would not take place without the collaboration of local traditional chiefs, who receive actually their share of the money from the land market in return.

Another important observation to be underlined here is that succession is based on lineage membership, and the rules for selection and legitimization of successors have to do with what could be conceived as traditional customs and norms. Generally, in several times, the elders rely on memories of past events, and candidates can establish alliances and consensuses in order to determine the rightful successors. The principle of good behavior in the family and community and sympathies with the elders is very important for potential successors. They would have qualified potential successors to the office. However, to achieve and secure the benefits of chieftaincy positions, political party affiliation has become a fundamental resource. Regardless of the fact that positions in chieftaincies seem to be insignificant and less desirable, disputes and conflicts¹⁶³ over succession have been increasingly intense and sometimes marked by corruption. The political interest of FRELIMO has also influenced who is eligible to the office, especially those who seem to be loyal to the party in power. It is also worth highlighting that today new types of conflicts are starting to emerge among community authorities. Such conflict arises from competition and different opportunities in accessing the military-like uniforms offered by the government.

¹⁶³ According to traditional chiefs, conflicts always exist because there are those who want to influence succession.



Figure 16: Traditional chiefs, traditional healers and some representatives of the delegation from eSwatini attending the ceremony Gwaza Muthini. Marracuene, February 2, 2016. Photo: Fernando Matai Manjate.

In addition to uniforms, traditional chiefs have certain objects as their symbols of power. The *régulos* also have three stars, the chiefs of land have two whereas the third scale chiefs do not have any stars. The *régulos* have capes while the chiefs of land and the third scale chiefs have berets. The *régulos* are also entitled to use badges, have a national flag hoisted in their residences, receive a monthly allowance and, for the royal family, reside in a brick house (as I mentioned before, especially reserved for the paramount *régulo* of Marracuene). It is also relevant to mention here that the neighborhood secretaries were also recently bestowed with the same uniforms. According to a government representative, the government intends to provide these uniforms to all entities integrated into community authority, thus, to local chiefs that a given community finds legitimate, who are expected to wear these uniforms (except traditional healers¹⁶⁴ and religious leaders) on specific occasions such as in neighborhood meetings, launching and/or inauguration of public infrastructures as well as in traditional ceremonies, such as Gwaza Muthini (the ceremony described in the Chapter 2 of this study). According to one of my informants, the possession of a uniform has been indispensable for visibility and the exercise of power. With uniforms, he explained, community authorities can easily make decisions at local level because the uniform gives them respect from the population;

¹⁶⁴ Usually, the traditional healers have their typical garments and ornaments that identify them as a class. Specifically, they wear colorful garments and bracelets.

they are symbol of authority. Besides, the uniforms also serve their personal interests, for example, by facilitating the illegal sale of land. As my previous field assistant confided in me, community authorities are aware that the possession of uniforms confers them power. They look like policemen who, once equipped with a uniform, are the incarnation of the state and can act on behalf of the state. Similarly, a community authority dressed in uniform acting as representative of the local political structures can easily sell the land as people look at them as acting on behalf of local political administrative structures (read: district government). However, it is useful to underline that not every traditional chief has equal access to these uniforms, since this involves lobbying within the district administrative officers, who are usually the persons responsible for the distribution of these uniforms. Therefore, traditional chiefs who do not have *padrinhos* (literally godfathers) in the district government hardly manage to replace their old uniforms, since they are not regularly distributed.

7.4 Conclusion

In this chapter, I have concentrated on three different but related aspects. First, I have narrated the micro-political history of the different polities of the region of Greater Maputo. Second, I have demonstrated how the Magaia became the dominant ruling clan of present-day Marracuene. Third, I have presented two ethnographic cases through which I portray how succession to the chieftaincy paramount title (*régulo*) is practiced, especially in the recent recognition of community authorities by the Mozambican state. The results show that the Ronga, like other Tsonga subgroups, inherited a socio-cultural model from Shona-Carangas, who immigrated to Southern Mozambique due to the prolonged wars and economic changes that occurred in the auriferous regions of the interior plateau, possibly in connection with the decay and abandonment of Great Zimbabwe in 1450 BC. Thus, they brought with them systems of inheritance and succession that value primogeniture, that is, a system of succession that privileges the first born or oldest son. However, the principle of primogeniture cannot be taken for granted since it has frequently been contested as the struggle for succession and the segmentation of political units have been frequent in the micro-political history of the region. Contests over succession is not exclusive to Marracuene. As Goody (1969) well observed, since succession in-

volves the emergence of a single successor from among a number of candidates, it is inevitably marked by competition, usually conflicts, often by corruption and sometimes by violence.

My findings also show that the socio-political organization of the Ronga has changed from time to time, within a process that led the Magaia to their position as the dominant clan, a position achieved thanks to their wit and military superiority (succession through seizure of office by force). Since the Magaia conquered the whole area of Greater Maputo they managed to circulate the paramount chieftaincy positions and to distribute these positions among the members of the clan Magaia. The two ethnographic cases show the impact of the state recognition of community authorities. My analysis of current chieftaincy succession practices in Marracuene has shown that although always maintaining the customary principle of primogeniture, succession practices in Marracuene have varied over the time both in respect of the system and in respect of the body of those considered eligible. Throughout this chapter I have also demonstrated that other traditional practices were also reinvented, practices that had prevailed in pre-colonial and colonial times. For instance, the traditional practices of “holding onto the leadership” reappears with a new outfit, that is, through writing statements as a means to avoid future conflicts over succession. My analysis also shows that although disputes over succession are part of the micro-political history of the different political units, following the establishment and dominance of the Magaia in the region, such disputes became concentrated within the clan and/or lineage Magaia. The political and economic changes that took (and have been taking) place in the country, in both colonial and postcolonial times, contributed to the changes in succession practices. Therefore, the current political changes, that is, the state recognition of community authorities, was an opportunity for chieftaincy leadership restructuring where the *régulos* who illegitimately were invested power have been replaced by *verdadeiros régulos* – the rightful *régulos*. Nevertheless, it should be underlined, as Kyed (2009a) observed about legal pluralism, that the recognition of non-state authorities has political implications. Where legal pluralism is recognized as a policy concept, not as a mere analytical concept, it easily becomes a subject of manipulation or a political tool to assert authority and manifest power. The recognition of community authorities is not only a simple recognition of the empirical manifestation of legal pluralism, but also implies a framework for state intervention, regulation and reform with political implications. In the particular case of Mozambique, it covers three layers: the politics of asserting

the superior authority of state institutions and law over community authorities and other legal orders, the political party interest in non-state justice and security providers in order to boost the power of politicians or the regime in power by ways of creating alliances with non-states authorities or by using them to hit at the political opposition, and, at the local level, contestations over power and clients to sustain the authority of a given institution or personal power positions (Kyed 2009a:91). However, the recognition of traditional authority by the state also implied the mutual influence between these two forms of authority.

Chapter 8. Inheritance, succession and sociopolitical stakes

This study is an attempt to contribute to the anthropological endeavor of understanding the dynamics of transmission of inheritance and succession rights in contexts of social, political, economic and cultural change. In such contexts, where different cultural traditions and peoples from different backgrounds are concentrated, multiple norms and practices shape specific dynamics of cross-cultural interaction and sociability. Firstly, the study has aimed to contribute to anthropological understandings of property relations, law and its applications, social change, gender relations, governance and state formation. Secondly, the study has aimed to contribute to the mitigation of dispossession and disinheritance practices perpetuated against women (especially widowed women and their children), and thereby to the alleviation of poverty originating from inheritance and succession practices. I have focused on the legal transmission of material and immaterial things and positions of sociopolitical and cultural authority in family and in local arenas, as well as its cultural understandings, social and economic influences, and consequences in society. Inspired by Sally Falk Moore's (1978) perspective on law as social process, I have approached inheritance of material and immaterial things and succession to positions of sociocultural and political authority as social, economic, political and cultural processes. Such an approach allows the researcher to explore how inheritance and succession practices interrelate with local and national history, different administrative, sociocultural, political and economic institutions in the local arena. More specifically, I have documented how the people of Maracuene deal with inheritance and succession rights in practice and the way these practices are influenced by social, economic, political and cultural change. Overall, I have looked at how individuals and families in the context of rapid changes deal with inheritance and succession rights pertaining to their own life situations.

To sum up, the study has investigated, first, how people manage to safeguard what they consider their rights over material and immaterial things

while they are still alive and how they anticipate what is going to happen with inheritance (property, house, cattle and money) when they have passed away. Second, the study has analyzed how these relate to ongoing societal transformations, such as the liberalization of the economy and the adoption of a multiparty system, in general, and the introduction of decentralization and the growing urbanization in local arenas, in particular. Such a context of societal transformations is characterized by the simultaneous presence of the state administration, and state law and its applications, alongside semiautonomous social fields (the active unofficial reality) that create and enforce their own norms, thereby preventing the total regulation of society. I have also documented the arguments, instruments and resources that are mobilized to secure property, inheritance and succession rights, and the way people prevent dispossession, disputes and conflicts over inheritance and succession. I have furthermore explored how disputes and conflicts are settled when they emerge, with particular attention paid to the defense of the interests of traditionally weak actors, such as widows and orphans. Overall, the study has described and analyzed the actual inheritance and succession practices and strategies through which individuals, kin groups and other institutions manage to secure and safeguard people's inheritance and succession rights, focusing on widow dispossession, dispute settlement, family and community norms and values, and struggles. But the study has analyzed these practices in relation to a wide range of socio-political stakes in local arenas, notably those related to decentralization processes.

Methodologically, the study has focused on discourses and understandings of inheritance and succession, on the one hand, and on past and present social, economic, political and cultural dynamics, on the other hand. For data collection, consultations, observations, conversations and interviews were carried out in two fieldwork contexts: archival work in Maputo City Judiciary Court (TJCM), and ethnographic fieldwork in Marracuene. Although they were observed in specific locations and circumstances, the ethnographic case studies and the theoretical reflections that I have presented here take into account local practices, discourses and understandings about inheritance and succession processes and their relations with social, economic, political and cultural contexts.

The main findings of the study are discussed in the following. A first main finding is the contradiction of the local dominant discourse according to which inheritance is a gender-balanced inter-generational transmission

of rights over things, and actual transmission practices. The common understanding is that gender should not play any role in the determination of potential heirs. However, in practice, inheritance is characterized by a combination of intra-generational transmission and the unequal transmission when it comes to gender. Often, women's inheritance rights (in particular widows and their children) are jeopardized within families, as well as in society at large. While in the dominant discourse inheritance should pass from a deceased man to his widow and their children, in practice they are oftentimes excluded or dispossessed in favor of the deceased husband's kin (brothers, sisters). Dispossession practices are mainly related to structural aspects of social organization: a conservative patrilineal society whose members tend to defend the interests of patrilineal families and kin groups at the expense of women, widows and their children; a society where customary inheritance rules privilege men and their control over women and properties, including by means of dispossession. In such a patrilineal society women are not "real relatives" to be entitled rights over inheritance. Therefore, widow dispossession can be accessed as a strategy frequently used by the relatives of a deceased man in their attempts to control properties. It is primarily meant to prevent the spread of properties outside of the family patrimony. Dispossession practices are exacerbated by poverty, as it is usually perpetuated by the poor relatives of a deceased man to improve their economic life situation as well as by the lack of written wills. For many men, writing a will is seen as writing their own death sentence. In other words, dispossession practices are associated with economic, cultural and the general aspects of social organization, such as patrilineal descent rules, status and behavior of women during and after marriage, rituals, witchcraft accusations, conceptions and accountability upon death, violence and abuse, and, last but not least poverty.

Efforts towards reduction of gender inequalities and protecting women from dispossession have been carried out by international and national civil society organizations. However, dispossession practices against women, widows and orphans are still far from having been eliminated. The examination of the activities carried out by the Marracuene branch of AS-SOMUDE in defense of women human rights to some extent illustrates the difficulties faced by civil society organizations working in Mozambique more generally. Financial constraints and limited support from the state and/or the ruling party FRELIMO stand out as main factors. Although in political discourse civil society organizations are relevant partners of the Mozambican government, FRELIMO is suspicious about their agenda and

activities in the country, as the party interrogates whether these organizations are genuinely at the service of the country interests and benefits, or not. Women's human rights are further complicated by the conflictual nature of legal pluralism, which allows people to choose between different legal orders, preferably the one that secures their own individual interests. Thus, while state law and civil society organizations, for instance, recognize women inheritance rights, customary rules and practices deprive and perpetuated their exclusion. Since inheritance is usually considered a private issue to be dealt with at the family level where decisions are based on customary laws, state law has not only been neglected but also barely implemented. The problem of the implementation of state law is a very serious problem of governance in many African countries. Mozambique is a democratic state governed by the rule of law. No one is supposed to be above the law. However, laws are frequently violated, and little has been done to enforce the laws, as is the case regarding Act 29/2009, which criminalizes domestic violence, but which has never been put into practice. Nevertheless, although excluded from inheritance or dispossessed, women and widows can manage to secure their inheritance rights either through challenging patrilineal structures or in-laws or through planning *re-taguarda segura*, a safe back-up not displayed to in-laws and sometimes not even to the husband. They also have access to land and housing to sustain their livelihood through their late husbands' kinfolks while the inheritance passes to their children in their adulthood. More recently, the increasing illegal land market has also opened up opportunities for women to acquire their own plots of land whenever they can afford to do so. This means that the commodification of land has to certain extent empowered women by opening to them the opportunity to own land and houses. Similarly, decentralization reforms have been transforming customary inheritance practices and rights to land. At the local level, decentralization has allowed more social political actors to be involved in land issues and has led customary landholders to transfer land not exclusively through inheritance. Instead, they have been selling land, including the lands called *marumbi*, that is, the unoccupied lands left behind in a family. Land has become a source of wealth, which in turn leads to a growing illegal land market.

This finding demonstrates that the way in which inheritance is transferred depends on the economic, cultural and political factors as well as social actors and institutions at play in specific circumstances: the norma-

tive systems (and the knowledge and capacities of individuals to manipulate inheritance norms and rules), the ways assets were acquired as well as the economic, social and cultural values of the things at stake. Since inheritance often involves conflicts between potential heirs, the people of Marracuene have at their disposal several instances to settle disputes over inheritance. In part, disputes over inheritance and widow dispossession could be prevented by proceeding according to the rules or by writing wills. However, few people seem willing to write wills or to think properly about life after their deaths, that is, about what will happen with the assets they will leave behind when they pass away. When disputes and conflicts over inheritance emerge, the family has been the primary institution, after which someone can seek justice in community or state courts.

Another main finding is that the succession to chieftaincy titles is based on memories of past events and the principle of primogeniture. However, primogeniture has frequently been contested. The process of succession involves the emergence of a single successor from among a number of candidates in a process inevitably marked by competition, conflicts, corruption and sometimes violence (cf. Goody 1969). Such disputes and conflicts have been present in Ronga micro-politics and today are concentrated within the dominant clan Magaia, where chieftaincy titles have been circulating. Further, succession practices in Marracuene varied over the time both in respect of the system and in respect of the body of those considered eligible. Although based on traditional succession rules, local succession rules and practices have been reinvented in both colonial and postcolonial times. For instance, the traditional practice of “holding onto chieftaincy titles” reappear in new clothing, that is, with written statements as means to avoid future conflicts over succession. The political and economic changes that have been taking place in the country since colonial times have also contributed to changing succession practices. In 2000, state recognition of community authorities became an opportunity for chieftaincy leadership restructuring. The *régulos* who were invested with power by the Portuguese colonial power and those who irregularly ascended to such power have been replaced by *verdadeiros régulos* – the rightful *régulos*. Further, the recognition of non-state authorities has political implications: it is a framework for state intervention, regulation and political reforms and implies mutual influence between the state and traditional authorities (Kyed 2009b). The important observation is that the recognition of traditional authorities in Mozambique has not only led to the revalorization of traditional political structures, but it has also changed the

processes of selection and legitimization of traditional authorities, which are currently legitimized by the communities they represent and by the state. Furthermore, it has led to emerging disputes over power between the local de-concentrated political structures created by FRELIMO and the central state, and the recently recognized community authorities. Moreover, it has led to disputes over chieftaincy titles between potential successors as well as disputes over access to uniforms. In this vein, new strategies and alliances (mainly to the ruling party FRELIMO) have been crucial for potential successors to access and secure positions of sociocultural and political authority in the local arena.

All this leads to the obvious and important observation that inheritance and succession are very complex processes. Each event of transmission of property and/or positions of sociopolitical and cultural authority depends on specific circumstances and general aspects of social organization, namely the economic and cultural values of the assets and positions at stake (including the ways in which they were acquired), the power and authority of the social actors, power relations between different social actors involved in each event, inheritance laws (customary law, religious rules and state law) and their interpretation and practical implementation at a given moment, and on the institutions involved in the process of decision-making in the local arena, such as the dominant FRELIMO. Because of all these factors, it is reasonable to conclude that in present-day Marracuene there are different practices and understandings of inheritance of material and immaterial things and succession to positions of sociocultural and political authority. Individuals and groups combine different inheritance and succession laws to secure their rights or to protect themselves whenever their rights are at stake. Because of this complexity, it is relatively difficult to establish what general principles for inheritance and succession practices are currently in place in Marracuene, in part because of multiple understandings and the coexistence of different normative orders that regulate inheritance and succession practices, including manipulations of state law and other normative orders. The various institutions dealing with individuals' inheritance and succession rights in Marracuene include families, state and community authorities, NGOs, civil society organizations, religious institutions and local associations. Despite the difficulty of establishing a general guiding principle, the study nonetheless points towards some trends and patterns about how individuals and families in Marracuene proceed in the processes of transmission of property rights over material and immaterial things, and succession rights to positions of sociopolitical and

cultural authority, including both offices in local organs of the Mozambican state, and in traditional chieftaincies. Most importantly, the ethnographic case studies presented and analyzed demonstrate that the transmission of inheritance and succession as well as the legitimation of heirs and successors, in each specific case, depend on sociocultural, economic and political circumstances. The ways in which the process of transmission of inheritance of material and immaterial things and of succession to positions of sociopolitical and cultural authority occur, depend on sociocultural values of the social actors involved, the rules of inheritance adopted in each specific situation (customary rules, religious rules and state law) that social actors are aware of and rely upon, and the capacity to use and manipulate and circumvent principles and rules. In short, in each case inheritance and succession practices not only involves normative orders, but also results from a specific constellation of economic, social, cultural and political processes.

Beyond the specific ethnography of Marracuene, this study is an intellectual effort to understand the dynamics of inheritance and succession rights and practices in contexts of wider social change. It is a study of a crucial aspect of any human society. One could safely state that the inheritance of material or immaterial property, and the succession to positions of socio-political authority are among the most important elements of any social organization. They are the vehicles of continuity that maintain property and authority through time (von Benda-Beckmann 1979), and as such they are part and parcel of the social fabric of society and culture. However, despite having attracted a great amount of interest among early anthropologists, inheritance and succession have for long been neglected by anthropologists. For Christ Hann (2005), anthropologists should study property relations, investigating material things, knowledge and symbols, and examine the practical outcomes, ideals and moral discourses. Anthropologists should furthermore, Hann argues, appreciate short- and long-term historical processes by looking at the myriad ways, formed by property relations, in which people build up their social identities through holding and using a variety of things, and looking at issues of political power and control over the distribution of things in society.

This study is a contribution to that endeavor, and the findings presented throughout the study are relevant, not only because they reveal the richness and complexity of inheritance and succession practices in the present-day Marracuene, but also because they provide clues to the relationships between inheritance and succession and social systems more generally. It was

on the basis of such an understanding that I have dealt with inheritance and succession practices as economic, social, cultural and political processes. Therefore, the general trends around the practices, rules, norms and sociocultural values and institutions mobilized in the transmission of things and positions of sociocultural and political authority in Marracuene are historically contextualized and accessed as aspects and parts of the general social organization and the wider social change. The contradictions between different local discourses of inheritance and succession, and actual practices were analyzed with reference to the patrilineal kinship system where inheritance and succession rights are reserved for men. Similarly, the continued exclusion and dispossession of widows were approached as an effect of poverty and cultural values and beliefs, and the resistance of people to change towards a so-called ‘modern society’ where men and women are supposed to be granted equal rights. This study also points to the relevance of inheritance and succession as an entry point to the broader anthropological discussion on the difference between “good” and “bad” death, because it demonstrates that inheritance and succession processes may transform a “good death” to a “bad death,” or vice versa. As a research field, the study of inheritance and succession practices is furthermore, I would like to conclude, a particularly productive entry point for the anthropological study of state formation and governance in Mozambique and of the postcolonial African condition in general.

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