Plurality of religion, plurality of justice

Exploring the role of religion in disputing processes in Gorongosa, Central Mozambique

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Introduction:
Religion and disputing

It was a rainy day in the beginning of December 2007 when an accident happened on the muddy road between Gorongosa town and Vunduzi in a rural district in central Mozambique. On a curve of a slippery slope, a pick-up truck hit an upcoming motor bike coming from the opposite direction. The motor bike rider was life-threatening wounded. It was soon rumoured however that the actual 'target' of the incident had not been the motor driver, but the car driver. The latter's wife had died two months earlier under what were considered suspicious circumstances. Soon after the pick-up truck driver's wife had a meal at her sister-in-law's place,[1] she fell sick and died. Her in-laws were suspected of having killed her by poisoning. At the time of the accident, the case was pending at the court of one of the neighbouring districts of Gorongosa, as that was the place were the poisoning allegedly had taken place. According to the quickly spreading rumours, the spirit of the deceased woman did not want to await the court's judgement but felt the need to seek revenge and justice by causing the accident of her husband, who was apparently considered responsible for her untimely death.

   The supposed causal link between the accident and the recent death of the woman highlights some aspects that are central to this dissertation. Firstly, it stresses the pervasive role of the spirits in events in the material or visible world. Secondly, it shows that the acts of the spirits are believed to be closely linked to a sense of justice. The justice of the spirits here can be seen as a complement or

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[1] The car driver's sister. When describing conflict cases, I have chosen sometimes not to mention any names (as in this case), and sometimes to anonymize names to respect the privacy of the disputing parties. Most people however, are cited with their own names to acknowledge their input.

even alternative to the statutory justice that was to be carried out by the district court. Thirdly, considering the additional fact that both the car driver and his wife were Christians, it highlights the plural religious options that are open to people to find orientations in their lives, and afterlives. Despite having been a Christian throughout her life, the woman – it was thought – sought retaliation by sending a revenging spirit to her husband after her death. Sending spirits to non-related people is more difficult than sending spirits to one's relatives or spouse. The husband, as representative of his family, was probably the most vulnerable target. The fact that the case was already pending in a district court was apparently not sufficient. The spirit of the deceased woman had to seek revenge and justice before she could find eternal rest.

Central question

In the following section, I will outline the main question of this dissertation. From there, I will move to my theoretical approach to religion and disputing, two concepts that are central in this thesis. In the last part of this chapter, I will pay attention to how I approached the field and set up my research. The aim of this dissertation is to explore the role of religion in disputing processes. Secularisation and modernisation theories long predicted the demise of supernatural forces in the lives of people after the Enlightenment. By the end of the twentieth century however, scholars slowly came to recognise that a belief in the supernatural was not disappearing at all but, in fact, gaining momentum in many parts of the world. One of the first proponents of this thinking was José Casanova. In his 1994 book, 'Public religions in the modern world', he argued that

> Religion in the 1980s "went public" in a dual sense. It entered the "public sphere" and gained, thereby, "publicity". Various "publics" – the mass media, social scientists, professional politicians, and the "public at large" suddenly began to pay attention to religion. The unexpected public interest derived from the fact that religion, leaving its assigned place in the private sphere, had thrust itself into the public arena of moral and political contestation. (Casanova 1994: 3)

Religion is thus no longer considered to be restricted to the religious realm, but pervading other realms as well (cf. Hefner 1998; Berger 1999; Habermas 2006; Turner & Kirsch 2009). At the start of the third millennium, 'we are witnessing the end of hegemonic European Christianity due to a dual process of advanced secularisation in post-Christian Europe and of the increasing globalisation of a de-territorialised and de-centred Christianity' (Casanova 2001: 417). Religion in the Western world today finds expressions in far more different ways than in the past. There is a shift from organised religion to individual spirituality and more and more people admit to 'believe in something' (cf. Furseth 2005). In addition to the new ways in which religion finds its expression, 'religious tradi-

tions and communities of faith have gained a new, hitherto unexpected political importance' (Habermas 2006: 1). Yet, it seems that we do not fully grasp the ways in which religion pervades realms that are not primarily religious. Especially the role of religion in disputing remains under-researched. Reflecting on religion and disputing, prime associations are often with religious disputes, like some of the large conflicts that have raged at various hotbeds across the world. Other associations are with the most exotic appearances of religious law, especially the strictest forms of Islamic law. But religion has another side, another appearance as well, that is, as a positive factor that contributes to the prevention of disputes, the mediation of conflicts and the settlement of disputes. Especially in the light of ongoing religious conflicts around the world, it is important that we not only understand the role of religion in fuelling disputes, but also in preventing and solving disputes.

Looking at the role of religion in disputes, it is especially interesting to focus on an area where religion is vibrant and increasing in importance. The African continent is such a region where religion continues its steep growth in various directions. The flourishing of religion is shown, amongst others, in the tremendous growth of the number of churches. Some are still strongly oriented towards the earlier missionary churches, others blend African traditional religion with Christianity, and yet others strongly reject this tradition. Parallel to the rise of Christianity is a rise in Islamic movements in certain parts of Africa. Despite the rise of the more institutionalised world religions, traditional African religion is not losing its strength and is flourishing more than ever. Traditional religious practices prove to be highly dynamic and provide people the orientations they are looking for in a changing world. The capacities of traditional healers to bring fortune and prosperity are often highly sought for in an increasingly capitalised world and many scholars come to conclude that this aspect of traditional religion is, in fact, gaining importance. A large body of literature shows the scholarly interest in the topic (cf. van Binsbergen 1981; Janzen 1992; Comaroff & Comaroff 1993; Geschiere 1997; Bond & Ciekawy 2001; Moore & Sanders 2001; Niehaus 2001; Meyer & Pels 2003; van Dijk *et al*. 2004). Discussions on whether or not to classify such practices as religious are vigorously taken up (cf. Ranger 2007; ter Haar & Ellis 2009; Meyer 2009).

Whereas religious practices tend to become more individualised in certain parts of the world, religion in Africa often constitutes a rather central aspect of social life. Adhering to a certain religion means that one can become an integrated part of a group; one can make use of the socio-economic safety networks that religion offers; or make use of the healing powers of a church, for example. Also many political leaders are aware of the power of religion and make use of it to strengthen their own position. Moreover, religious ideas, religious authorities,

and religious law are increasingly mobilised in processes of disputing. They are used to prevent conflicts from happening but also to solve them. Therefore, the central question of this dissertation is: what is the role of religion in processes of disputing? The omnipresence of religion in daily life in Africa signals our attention towards the question what exactly the influence of religion entails. If religion is so pervasive and if we assume that religion also plays a role in spheres of disputing, what does that mean? In order to analyse the impact of religion, we need to look not only at the religious authorities as the most obvious representatives of religion, but also at the religious norms, values, and ideas that prevent conflicts from happening and the arguments that are used when conflicts occur. This will give us indications of the way in which religion affects social behaviour and, as a normative order, constitutes a part of the plural legal landscape of society. We will have to look at the various ways in which religion finds its expression in society.

Various modes of traditional religion have probably always been present in Africa. In the past centuries, Islam already complemented traditional religion. Preceding colonial times, Christianity was present in Africa only limitedly. Colonialism spread Christianity in large parts of Africa. Over time, African societies became increasingly plural in religious terms. Today, religious plurality can be observed not only within one society, but also within one person. But plurality is not confined to religion alone. The same goes for the legal repertoires people use. It is not difficult to encounter examples of legal plurality in most African societies, as well as within persons. At a certain point in a dispute, religion or religious norms may play a role, at other points they may be fully absent. In some phases of a dispute certain laws might play an important role, in other phases they may not. There are thus interesting parallels to draw when studying disputes and trying to understand their dynamics, especially in relation to religion. Moreover, the normative and legal elements that religion might have, urge us to reflect on the role of religion in the context of legal pluralism. In my research, I focus on Gorongosa, a rural district of central Mozambique, in which religious and legal plurality are inherent parts of the organisation of daily life. I will further introduce my field site later in this chapter.

The concept of religion

Ever since scholars started to write about religion, they have been challenged by the daunting task of defining the concept. Numerous scholars have tried their hand already, but it seems none of them has been able to find a universally accepted definition. Some have given short, general definitions; others have come to far more comprehensive lists of phenomena that characterise religion. In the following, I will first shed light on some definitions that have been used

widely by scholars of religion and discuss the various criticisms that have been levelled at these definitions. Obviously, this overview is far from complete. I merely present those views of religion that provided food for thought in my own research. For this, I will go back to some of the classics. As Chidester rightly pointed out, 'the study of religion requires a sense of its own history'(Chidester 1996: 141).

Although in this chapter I will mainly trace part of the scientific 'genealogy' of the concept of religion (Asad 1997), I will in later chapters focus more on the empirical history and on the religious reality in my field site (Chapters 2 and 3). After the discussion of different usages of the concept of religion, I will move to a more operational approach of religion that best suits the purposes of this research. It is not my ambition to add yet another definition to the existing ones, but rather to highlight some of the aspects of religion that are central in the light of my study. In this regard I thus agree with scholars, like Talal Asad (1997: 29), who argue that there cannot be a universal definition of religion 'not only because its constituent elements and relationships are historically specific, but because that definition is itself the historical product of discursive processes' (see also Smith 1991; Fitzgerald 1996, 1997; Beyer 2003). Despite the sheer impossibility of providing a universal definition of religion, I do not agree with scholars who prefer to do away completely with the concept (cf. Smith 1991). In the following I will show that looking at various definitions of religion is helpful in presenting the focus of this research. I will look especially at definitions of religion that pay attention to the relation of religion to the secular and to power rather than looking at definitions that emphasise the symbolical value of religion or the rituals per se. Such a contextual approach highlights the importance of religion as a normative order among other normative orders.

Religion as a belief in spiritual beings
The foundation of the anthropological study of religion is generally traced back to 1871, when E. B. Tylor published his book 'Primitive Culture' in which he was concerned with the origins of religion. From this publication comes an early, rather rudimentary, minimal definition of religion as: 'the belief in Spiritual Beings'. Although it is this basic definition that is still often cited, Tylor, in fact, gives a much more elaborate description of what he means with religion. For Tylor, spiritual beings could be both 'the souls of individual creatures, capable of continued existence after the death or destruction of the body', or they could be higher ranking spirits 'upward to the rank of powerful deities' (Tylor 2002: 24). For Tylor, the belief in these spirits results in some active kind of worship. Religious ideas are considered adequate to come to an understanding of the world

and to explain things otherwise unexplainable. Moreover, Tylor acknowledged the moral orientations religion provides to societies:

> (It) is clear that among its greatest powers have been its divine sanction of ethical laws, its theological enforcement of morality, its teaching of moral government of the universe, its supplanting the "continuance-doctrine" of a future life by the "retribution-doctrine" supplying moral motive in the present. (Tylor 2002: 32-33)

At the same time, Tylor acknowledges that 'the general problem of the relation of morality to religion is difficult, intricate, and requiring an immense array of evidence' (ibid.: 32). The feature of morality however, is, according to Tylor, restricted to 'higher religions' and cannot be found in 'the lower systems'. Such a claim is no longer amenable today as it is considered to be too much centred on the religions with which the Western world is most familiar. Among Tylor's contemporaries, such a view was not uncommon.

Providing normative orientations
Another early influential scholar on religion who deserves mentioning here is Emile Durkheim. Durkheim, in his 1912 book, *The Elementary Forms of Religious Life,* like Tylor, was concerned with the origins of religion. For Durkheim, religion is a fundamental and permanent aspect of humanity and it is intrinsically connected to morality. His definition is more comprehensive than Tylor's basic notion:

> A religion is a unified system of beliefs and practices relative to sacred things, that is to say, things set apart and forbidden - beliefs and practices which unite into one single moral community called a Church, all those who adhere to them. (Durkheim 2008: 47)

Religion as the *sacred* then is that which is set apart from the *profane* or the secular, but communication between the two worlds is said to be possible. Reality, of course, is much more interwoven and it is highly disputable whether it makes sense to speak of such a distinction as made by Durkheim or not (see also Eliade 1987; Malinowski 1992). Yet, to view the group of religious adherents as a single *moral* community seems to me an attractive way of viewing religion, as I will explore in Chapter 3. I agree that religion indeed often serves as the glue that can hold society together'; people feel closer to each other once they know they share the same religious ideas. Religion frequently serves as a way to identify with a group, or create bonds with strangers who are part of the same moral community. As a collective social identity, a religious group does not require personal relationships among group members, for a person to be able to identify him/herself with that group (Brewer & Gardner 1996). At the same time however, one should note that, parallel to group inclusion, there is a process of group exclusion as well, which can give rise to frictions.

More indications on the role of religion in providing normative orientations for behaviour can be found in Durkheim's texts when he speaks about religious phenomena. For Durkheim, in studying religious phenomena we can distinguish two basic categories: beliefs and rites. The first are states of opinion and consist of representations; the second are particular modes of action and rules of conduct in relation to sacred things. The conceptions and beliefs, i.e. the representations, are considered the essential element of religion for Durkheim: '… the real function of religion … is to make us act, to aid us to live. The believer who has communicated with his god is not merely a man who sees new truths of which the unbeliever is ignorant; he is a man who is *stronger*' (Durkheim 2008: 416, orig. italics). This clearly suggests that man is guided in his behaviour by his religious conviction; '*its true function is to make us act*' (ibid.). Religion provides meaning to one's life (Firth 1959). Strong emphasis on the moral aspects of religious behaviour was later taken up by a.o. Meyer Fortes in his study of the Tallensi religion in Northern Ghana (Fortes 1987). To study morality, Fortes called for an actor-centred approach to religion in which we have to look at the moral meanings religion has for the actors and for the societies in which they live (Goody 1987: x). One of the aims of my research is to explore exactly these moral motives and orientations that religion provides to people and how this religiously-oriented morality is rooted in society. The religious plurality, which characterises my field site, allows for a comparison between the traditional religions and different forms of Christianity and to what extent they provide normative motivations to people.[2]

For Durkheim, the principal object of all religions 'even the crudest' is thus to provide moral orientations (Durkheim 2008: 420). Moreover, he argues that for a long time moral and legal rules were similar to ritual prescriptions. In fact, all the great social institutions are rooted in religion according to him. Looking at religion today it is interesting to explore the question to what extent there is still such a connection between moral and legal rules and religion; between religious institutions and other social institutions. And what does a comparison between the functioning of religious authorities and secular authorities show us? Can we mark similarities? If religion is indeed the social glue that holds society together, what consequences does this have for societies that are religiously divided? Can we speak of two different 'glues' and do they stick together? And more specifically, do different religions ask for different modes of justice and different ways in which disputes are handled?

To turn back to the conceptual foundations of religion, let me now turn to Max Weber who laid an important groundwork for thinking about religion in the then emerging secular modern society at the turn of the twentieth century. Putting

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[2] I will come back to this plurality later in this chapter.

emphasis on work ethic, Weber explored the way a specific religious thinking, Protestantism, influenced rational behaviour (Weber 1930). It inspired Geertz to come to the following definition of religion:

> (1) a system of symbols which acts to (2) establish powerful, pervasive, and long-lasting moods and motivations in men by (3) formulating conceptions of a general order of existence and (4) clothing these conceptions with such an aura of factuality that (5) the moods and motivations seem uniquely realistic. (Geertz 1973: 90)

Geertz presented this definition not with the aim of establishing the 'true' definition of religion, but rather aimed at providing an orientation of thought. For Geertz, systems of symbols are also cultural patterns, which can be models *for* reality, but also models *of* reality. Just like others, Geertz has been criticised for trying to give a universal definition and omitting the power dimension by emphasising too strongly the meaning of symbols (Asad 1983). The value of this definition, is that it points to the argument that religion is considered to direct people's behaviour: it establishes 'powerful, pervasive and long-lasting moods and motivations in men', such that the motivations seem 'uniquely realistic'. This suggests that people deem it possible to act according to the motivations that are established by religion. It is this aspect of religion – of providing motivations – that is of special interest in the light of my research, especially since these motivations can lead to certain ways of behaving. To explain this behaviour, reasoning is often leading back to these motivations.

Religion as a pluriform Western concept?
It is not only the separation between sacred and profane that has been made fashionable by Christians, it is also the concept of religion itself that has been highly influenced by Western Christianity-oriented thinking. In this regard, it is all the more important to consider the history of religion, not only the genealogy of the concept, but also the way the concept has been shaped at various points in time, especially in colonial times. Chidester provides a compelling analysis of how religion has been perceived in the Southern African context by tracing the shifts from perceptions among colonial representatives of denying the presence of religion in the colonies, via recognising forms of superstition, to recognition of a primitive 'indigenous religion'. To him, there is an 'intimate relation between category formation in the study of religion and European colonial domination of "exotic" and "primitive" societies' which is not analysed adequately in conventional studies (Chidester 1996: 141). Also John and Jean Comaroff have provided convincing accounts on the hegemony of the Western world when it comes to defining religion. Their widely cited expression 'colonisation of consciousness' is much revealing in this regard as it points out the way in which people were taught to think in Christian manners (Comaroff & Comaroff 1989, 1991).

Establishing that religion is a Western concept does not mean, however that within the Western world there is a commonly accepted notion of what religion entails. Clearly some adhere notions that are strongly theological, and sometimes biased towards the 'own' religion, others try to approach the subject more objectively. Beyer introduced yet another approach by distinguishing between 'scientific' and 'theological' meanings of religion, but also what he calls the 'official' meaning. With this third meaning, Beyer draws our attention to 'systems',

> that in their own characteristic processes have dealt with the question of religion most consequentially and most directly. These are the legal systems of various states, that is courts; the political systems of those states, namely governments; the mass media, especially news and information sources; and the educational systems of states, where religion becomes a subject of school curricula. (Beyer 2003: 155-156)

Although I agree that the 'official' dimension adds another important dimension to viewing religion, there is still a view lacking in this regard. This is the 'emic' view of the religious group of believers. Having outlined some analytical observations in regard to approaching religion, we are able to explore the emic view of religion and investigate to what extent the emic view of religion corresponds with the analytical qualification of religion. An emic view might have been influenced by the other views described. In areas with a historically strong presence of missionaries, the emic view might be influenced by the missionary view. Moreover, there might well be a plurality in the emic views as well. In the following I will turn to the ways in which we can approach religion in the field, departing from some of the theoretical assumptions I have described in the preceding section.

Approaching religion in the field

Family resemblances of religious beliefs

How can one approach religion in the field? For this, I think it is helpful to look at religion in terms of Wittgensteinian family resemblances (Wittgenstein 2008), as has been suggested by various authors, who argue that '(t)he many religions of the world relate to one another by family resemblances, by similarities that differentially overlap and criss-cross, not by sharing some essence' (Saler 2008: 222; cf. Smart 1973; Byrne 1988). In doing so, these scholars of phenomenology avoid giving a clear-cut definition, although some come up with elaborate lists of what these resemblances might comprise.[3] To me, it is useful to view different religions as being connected to each other by family resemblances, as it allows applying a broad approach of the concept. Nevertheless, I do not think an elaborate list of these resemblances is illuminating in this regard, since it is in a way

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[3] Saler, although rejecting a family resemblance definition, lists fifteen features of a scholarly model of religion (2008: 222).

still as general and universal as many other descriptions. Two basic family resemblances which I want to highlight are: 1) religion as 'a belief in spiritual beings', and 2) religion as providing normative orientations. These elements are the basis of my analytical approach.

Keeping in mind the criticism that a narrow definition of religion (i.e. as mainly referring to Christianity) reflects a Western-biased thinking, I propose to use a broader and more-inclusive approach to the concept. This means that looking at my field site I not only consider Christianity as a form of religion, but I will also focus on what people generally refer to as 'tradition'. I realise that in doing so, my usage of the concept is not in line with the categorisation my informants commonly apply. Looking at the way people in Mozambique refer to religion, it is clear that the use of the concept still reflects the colonial – or what Chidester (1996) calls the imperial – view with a 'tacit theological agenda' (Fitzgerald 1997: 98). Talking about religion for most of my informants in Gorongosa meant talking about Christianity in the first place. Instead of referring to traditional, African, or indigenous religion, they would usually refer simply to 'tradition', which to me underlines the pervasiveness of the westernised or Christian view of religion in the emic discourse. Traditional religion, for them, was not part of religion, at least not in terminology. Nevertheless, people typically categorised themselves and others as being either 'people from church' or 'people in tradition'. To me, this echoed a felt compatibility and relatedness between the two, as I will show in Chapter 3. For historical reasons, it is understandable that my informants did not refer to tradition in terms of religion and had a different understanding of the term. Yet, the homology my informants created made me feel that for them there was also an underlying concept that was shared by Christianity and tradition. Therefore, I think it makes sense to include tradition in my analytical approach towards religion. Throughout this dissertation I will thus use the term 'tradition' to refer to forms of traditional religion. I am explicitly *not* referring to the in Mozambique politically – and ideologically – loaded concept of tradition that refers to traditional authority structures, used in various instrumental manners by subsequent regimes.[4] Moreover, it should be noted here that I take tradition, just like other forms of religion, as a dynamic concept – a concept that is rooted in history but continuously subject to changes. The two main categories of religion which I distinguish in this study are Christianity and tradition. The reader will probably note that more attention is being paid to the latter one than to the former. This rather unbalanced attention reflects, I believe, the reality of my field site, where traditional religion still is most prominent.

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[4] In Chapter 2 and Chapter 7 attention will be paid to this political concept of tradition.

Tradition and spirits

When people in Gorongosa spoke about 'tradition', it often meant a reference to the spirits. Taking Tylor's basic definition of religion as 'the belief in Spiritual Beings' then, shows that 'tradition' can surely fall within the category of religion. Here I want to highlight the suggestion by Ellis & ter Haar, who – elaborating on Tylor – define religion as 'a belief in the existence of an invisible world, *distinct but not separate* from the visible one, that is home to spiritual beings with effective powers over the material world' (2004: 14, italics added). Taking into account the prevalence of religion in the daily life of people in Gorongosa, I prefer not to make a clear-cut distinction between the sacred and the profane as suggested by Durkheim. The invisible world interacts strongly with the visible world. It is not only spiritual life that is pervaded by religious ideas and beliefs, but also the secular life. Starting from these religious ideas, Ellis & ter Haar argue, we can then look deeper in the social context and the consequences of religious ideas for social behaviour. Whereas I think this can be a useful operational definition that enables me to include 'tradition' under the broad concept of religion, I feel the definition, in itself, does not point out the more practical implications of religion in people's life. Looking at these implications is helpful for an operational approach of religion in the field. It is here that we should recall Geertz and Durkheim again. Think of part two and three of Geertz' definition of religion 'as establishing powerful, pervasive, and long-lasting moods and motivations in men by formulating conceptions of a general order of existence' (Geertz 1973: 90), as well as the argumentation of Durkheim that the essential function of religion is to make people act according to the moral orientations that are provided by religion. This rather classical functionalist aspect is an important part of my approach towards religion which I will use throughout my study. It will allow me to look at the practical implications of religion in people's lives; to the way religion affects and directs people's behaviour; and, more specifically, at the role of religion in processes of disputing. An emphasis on the morality of religion makes sense also in the present (cf. Barrett 2000; Wilson 2008).

Witchcraft and magic as part of tradition

Thus far there is no clear agreement on how to classify witchcraft, magic, or traditional healing in regard to religion. Religious scholars especially often tend not to include them under the general concept of religion. As I argued above, I include tradition in my analytical concept of religion and do not treat it any distinctively from Christianity. Applying the broad approach as I am advocating in the preceding parts, it means that one should also include the more nefarious side of tradition as being part of religion – the side of magic and witchcraft. Many scholars have argued for making a distinction between religion and magic,

but have also noted relatedness. Malinowski for instance categorises both magic and religion as 'the sacred' that contrasts science and 'the profane' (Malinowski 1992). Durkheim put efforts in explicitly distinguishing magic from religion, pointing out that '*there is no Church of magic*' (Durkheim 2008: 44). Magic, in contrast to religion, is viewed by Durkheim as a phenomenon that does not bind people together and unite them. Looking at my field site, I notice that there is indeed no publicly visible community of adherents of magic and witchcraft. Yet many people seem to believe in the existence of organised groups engaging in practices of *uroyi*, which depending on the context can be translated as either witchcraft or sorcery, and in some cases as magic.[5] Numerous accounts – although often second-hand – circulate narrating about groups of women uniting and planning to 'eat' their husbands together, about witches uniting to plan the festive meal, etc. These accounts suggest that there can be something that binds people together in witchcraft and magic. Besides, a belief in spiritual forces is clearly present in the nefarious side of tradition.

Rather than fully rejecting magic and witchcraft as religious phenomena, I will consider them as aspects of 'tradition', because a belief in spirits of tradition usually also includes a belief in the nefarious side of tradition – a belief in the powerful forces of witchcraft, sorcery and magic. Moreover, many members of the Christian community in Gorongosa do believe in such malevolent forces as well. The more literate Christians however will determine these forces as diabolic instead of spiritual. Looking at religion in terms of family resemblances, I think magic and witchcraft possess sufficient resemblances to be classified as being part of the family of religion, more specifically of traditional religion. Nevertheless, I feel there is a need to give at least some *status aparte* to these terms, as they do not carry the same positive connotations as religion usually has for its believers. I agree with Ranger that magic and witchcraft deserve to 'be studied in their own particularity' (Ranger 2007: 277). A detailed study of practices of magic and witchcraft however does not fall within the scope of this research.

A further clarification that should be made here on the concepts of witchcraft, sorcery and magic, is that I am using them in the sense in which my informants used them. This means that magic here does not refer to traditional religion in general, as has often been done by missionaries and colonialists. In Gorongosa, both magic and witchcraft refer to the use of nefarious spiritual powers with often worldly aims of material enrichment. In that regard, therefore, they do not fit within the 'category' religion (McCutcheon 1995) as it is perceived from an

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5   In the local language (and in Portuguese), there is no distinction made between witchcraft and sorcery. Yet, it is usually assumed that the witchcraft used by women is inherently different in nature than the witchcraft by men. Women can inherit witchcraft from their mothers, whereas men usually obtain witchcraft via actively purchasing it. Witchcraft of men could probably be defined analytically as sorcery.

emic perspective – from the perspective of the group of believers. Most religious people abhor practices related to witchcraft, magic, and bad spirits and therefore would have strong objections against including them within the 'category' religion. Religious people connect religion to morality, whereas it is clear that witchcraft and magic contradict many moral orientations. In this regard, religion can hardly be dealt with as a neutral concept. Nevertheless, it is my contention that if one wants to abstain from using ideologically or religiously loaded approaches and use the concept in an analytical manner, one can not just include the 'good' – aspects of – religions, but has to include the beliefs that are generally viewed as 'bad' as well. Ter Haar & Ellis rightly point out that spiritual power, which is 'crucial to understanding religion in Africa, can be employed for both socially constructive and destructive purposes' (2009: 400). Indeed, spiritual forces are in reality often Janus-faced and have both a good side (f.e. bringing economic fortune) and a backside (bringing this fortune only at the expense of a sacrificed family member). Neatly separating them is not possible. Also within the emic view there is often a connection made between the different concepts. Therefore, I consider witchcraft, magic, and sorcery as variations of traditional religious beliefs. The two basic family resemblances of religion which I set out before justify such an approach.[6]

Religious agents
When talking about the religious agents, one obviously has to talk about the category of religious believers, the adherents of both Christianity and traditional religion. Studies on religion in Africa over the last century always show an impressive growth of Christianity. At the same time however, traditional religion is far from disappearing. Presenting oneself as a Christian does not automatically preclude the possibility of adhering, to a greater or lesser extent, to ideas that are part of traditional religion. Religious pluralism is omnipresent. It is being understood here as 'the capacity of political entities to accommodate a multitude of religious groups and institutions *and* the ability of individuals to follow more than one religious orientation at a time' (Fabian 1985: 139). Membership of the categories of religion is fluid.

Next to, or as part of the group of religious believers, is the group of religious authorities that help people to find normative orientations in religious beliefs by setting out the path people can follow. In the case of Christianity these are mainly the pastors and the church councillors. Besides, some of the churches work with prophets that are especially consulted when prayer is needed in cases of illness. To be able to make a useful comparison between the different churches I focused

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[6] I recall them here: 1) Religion as 'a belief in spiritual beings', and 2) religion as providing normative orientations.

mainly on the pastors as they were elements of the church structure that were present in all churches, unlike the church councillors and the prophets. The pastors furthermore are often the first point of reference for their believers and the prime representative of their church. When talking about the agents of traditional religion, I usually refer to spirit mediums as an umbrella term to indicate the leaders locally designated as *nyanga* (Chi-Sena/Chi-Gorongosi) or *curandeiros* (Port.).[7] I realise that other scholars often prefer to employ the locally used notions or make reference to terms like traditional healers or witchdoctors. The term spirit medium highlights the capacity of the mediums to communicate with the spiritual world. During consultation the medium as a person can even be fully possessed by the spirit 'serving as an intermediary between spirits and men' (Firth 1959: 141). Although the spirit mediums usually provide natural medicine to people and also engage in physical healing, it is their link to the spiritual world that is of most interest in the light of my research. Truth seeking is central in their practices of intervention. At the core of the truth seeking practices is the capacity to mediate between the material and the spiritual world. Spirits are supposed to have infallible knowledge and to convey trustworthy truths to the ones consulting them. To highlight the communicating capacity I use the term spirit medium throughout this dissertation. Spirit mediums are thus the principal protagonists of traditional *religious* authorities, which is another category than the 'normal' traditional authorities. These are the *régulos* and their lower level adjutants: the *chefe de população* and the *mfumus*. Whereas the spirit mediums usually do not have an explicit governing function, the 'traditional authorities' do have such a function.[8]

The context of legal pluralism

Apart from the religious plurality that characterises both society and individuals in Gorongosa, there is another plurality that is present within both society and individuals; i.e. legal plurality. In the following, I will elaborate a bit further on the concept of legal pluralism as it is a crucial concept that has guided my research from its early beginnings onwards. An early basic definition of legal pluralism that is still often used is 'the presence in a social field of more than one legal order' (Griffiths 1986: 1). The concept was developed to challenge the then dominant position of the ideology of 'legal centralism' that assumed that the only law is and should be state law. A similar statement as Griffiths had been made earlier by among others, F. von Benda-Beckmann (1970), Vanderlinden (1971),

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[7] Besides, the term *cuscuxeiros* is sometimes used by people. This refers to traditional healers that mainly make use of natural medicine to heal people but do not claim a connection to the invisible world.

[8] As I have mentioned before, I will pay attention to this 'tradition' and their leaders in Chapters 2 and 7.

Pospisil (1974) and much earlier Van Vollenhoven (1909). Legal pluralism should be considered not as a theory but more as a 'starting point for looking at the complexities of cognitive and normative orders, and the even more complex ways in which these become involved in human interaction' (F. von Benda-Beckmann 2002: 40). Legal systems then are no longer considered as the property of society as a whole and as being dissociated from the structure of a society and its subgroups (Pospisil 1974). Instead, they include both state and non-state forms of normative ordering (Merry 1988: 870). We can find plural normative orders 'in virtually all societies' (ibid.: 873).

A way of approaching various normative orders in the context of legal pluralism was proposed by Moore who suggested that

> the small field observable to an anthropologist be chosen and studied in terms of its semi-autonomy – the fact that it can generate rules and customs and symbols internally, but that it is also vulnerable to rules and decisions and other forces emanating from the larger world by which it is surrounded. The semi-autonomous social field has rule-making capacities, and the means to induce or coerce compliance; but it is simultaneously set in a larger social matrix which can, and does, affect and invade it, sometimes at the invitation of persons inside it, sometimes at its own instance. (Moore 1973: 720)

The rules that are generated within any semi-autonomous social field can be perceived as 'law' if we follow a legal pluralist perspective that holds a broad definition of law as 'a short term for a very complex aggregation of principles, norms, ideas, rules, practices, and the activities of agencies of legislation, administration, adjudication and enforcement, backed by political power and legitimacy' (Moore 1973: 719). Hence, law can be seen as 'a dimension of social organisation, rather than a specific domain' (F. von Benda-Beckmann 2002: 48).

Looking at the social organisation, we can distinguish many factors that contribute to legal plurality. Various legal systems, norms, agents, and ideas constantly interact with each other and people continuously 'shop' between different 'forums' (K. von Benda-Beckmann 1984) in order to defend their rights, or find a solution for a conflict they are struggling with. I will shortly describe the fora available to people at my field site later in this chapter and come back to them more elaborately in other chapters. In this dissertation, I will study the various normative orders and the way in which people make reference to these orders and address representatives of these orders in cases of disputes. Customary or traditional law might be the most usual suspect to explore in the context of legal pluralism, as the co-existence of this order next to the state is often considered as the textbook example of legal pluralism. This is not my main focus however and therefore I will not further elaborate on debates on how to define the various non-legal and informal forms of ordering here.[9] Instead, as I stated before, my main focus is on the role of religion as a normative order in a context of both religious

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[9] But see e.g. the Bellagio papers edited by Allott & Woodman 1985.

and legal plurality. Religion can be seen as part of the plural legal landscape. The role of various normative orders becomes often most visible during disputes. Let us therefore in the following focus on processes of disputing and discuss some theoretical orientations towards disputing.

Disputing

Why study disputes?

If we go back to the 'ancestors' of the field of legal anthropology, it is clear that most classic studies focused on the legal systems of various 'exotic' societies across the world (e.g. Malinowski 1926; Schapera 1938; Llewellyn & Hoebel 1941; Holleman 1952; Gluckman 1955; Bohannan 1957; Pospisil 1958). For many legal anthropology scholars 'local dispute-watching has been the principal form of social voyeurism' (Moore 2001: 99). Legal pluralism has broadened this scope.[10] But especially in contexts where important legal rules are not written down, disputes are considered as important foci of study as through disputes such unwritten orders become most palpably visible. Until today, legal anthropologists continue to look at disputes as a 'favoured way of entering a contested arena' (Moore 2001: 95). This research fits within this tradition of studying everyday processes of disputing. Despite being expressions of temporarily disruptions of social order in a society, disputes can teach us a lot about the way in which societies are organised; about rules that are applied; norms that are invoked; and behaviour that is considered appropriate, since disputes are 'part of the fabric of everyday life in all societies' (Caplan 1995: 8) It is in disputes that we can see 'social relations in action' (Caplan 1995: 1). The dispute processes 'provide the context in which manifest trends and transformations in social patterns are brought into relationship with the normative order' (Comaroff & Roberts 1981: 81). Studying disputes as a point of entry for a better understanding of societies at large has been at the core of my research.

What does it mean to talk about *processes* of disputing? Whereas in common parlance, the terms conflict and dispute are often used interchangeably, I follow Abel in making a distinction between the two in that a conflict turns into a dispute when claims are asserted publicly, 'i.e., if the claims, and their incompatibility, are communicated to someone' (Abel 1974: 227). This resonates with Gulliver's earlier statement that 'no dispute exists unless and until the right-claimant, or someone on his behalf, actively raises the initial disagreement from the level of dyadic argument into the public arena, with the express intention of

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[10] Legal pluralism has broadened the scope. For more comprehensive reviews of the development of the field of legal anthropology with more or less emphasis on disputing see e.g. Snyder 1981; Merry 1988; Caplan 1995; Moore 2001, 2005; Griffiths 2002; Mundy 2002; F. & K. von Benda-Beckmann 2002; K. von Benda-Beckmann 2003; F. von Benda-Beckmann 2008.

doing something about the denied claim' (Gulliver 1997 [1969]: 14). Disputes then, can be seen as 'social constructs'(Felstiner *et al*. 1980: 631);or as 'nothing more than a form of social relationship, a developmental stage through which any relationship may pass' (Abel 1974: 226-227). To be able to engage in a dispute relationship, Abel argues, 'the participants must first make physical contact with each other, and that contact must lead to significant *interaction*. Such interaction must contain an element of *conflict*- the parties must develop inconsistent claims to a resource' (ibid.: 227, italics in orig.). Although I agree with Abel that a dispute can be seen as a form of social relationship that requires a certain inter-action, I do not deem it necessary that there is physical, or close contact. Think-ing of the disputes in Gorongosa in which spiritual forces are invoked, I consider it very possible that conflicts develop into disputes without close contact with the other party. In such instances, the dispute process can even serve to make visible and known previously unknown relationships or interactions. I am thinking here for instance of revenging spirits of war victims that return to one of the heirs of the perpetrator to ask for justice (see also Chapter 5).

Processes of disputing
To be able to understand the dynamics of a dispute, it is of importance to in-vestigate not only the actual scene at which a dispute is being mediated or adju-dicated. Rather, as commonly accepted, we have to study disputes as processes (cf. Comaroff & Roberts 1981). First of all, it should be noted that for a conflict to reach the stage of a dispute, steps have to be taken to transform an 'unper-ceived injurious experience' into a perceived one, subsequently turn this experi-ence into a grievance, and ultimately turn the grievance into a dispute. These various stages of dispute transformation have been described by Felstiner, Abel, and Sarat as 'naming, blaiming, and claiming' (1980). It should be clear however that not all conflicts develop into disputes, nor do all disputes reach the formal judicial institutions that are destined to handle disputes by mediating, negotiating, or adjudicating. These conflicts are settled without much ado and after some time people might not even remember that they had a conflict: 'The conflicts I have are always of short-term only. They start in the morning but by afternoon they are over', as one woman in Gorongosa told me. I acknowledge the interest and importance of not only studying disputes but also the so-called 'trouble-less cases' as they not only 'reveal the relevant principles and regularities, *as well as much of the permissible leeway*, of lawful conduct' (Holleman 1973: 594, italics in orig.).[11] Yet, the primary aim of this dissertation is not to study the laws of a

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[11] Holleman surely does not argue that one has to do away completely with the trouble-cases but recognises the value of case studies. His plea is to combine the study of trouble cases with the study of 'trouble-less cases'.

society but to look at the role of religion in disputes. Once we have come to a better understanding of this role, we might be able to say something as well about the underlying, more general topic of the role of religion in society. Understanding 'the dispute process may provide an essential key to the disclosure of the socio-cultural order at large' (Comaroff & Roberts 1981: 249). Similarly, understanding the role of religion within the disputing process may help us to understand better the role of religion in society at large.

Once a conflict has transformed into a dispute, the disputing process might continue with the enrolment of a third, intervening party. It is of importance here to look deeper into the process to see what is happening exactly. To be able to analyse disputes better as process, K. von Benda-Beckmann (1984: 22-32; 1985) suggested four different stages, which can be helpful to distinguish which norms and rules are invoked at which stage of the process. I will present them here briefly:

1) Presentation of the claim, definition and specification of the issues;
2) Provision and evaluation of evidence;
3) Final decision;
4) Realisation of the decision.

By looking into more detail at what actually happens at which stage, one will not overemphasise the importance of the final outcome of a dispute, but also pay adequately attention to norms and rules that are not being translated in the final outcome, yet might play a significant role in the course of the process.

Once the disputing stage is reached, mediation or adjudication should take place to settle the dispute; in the former generally via consent, in the latter via command (Gulliver 1979; McEwen & Maiman 1984). This does not necessarily imply a final solution is found for a dispute. In this regard I reckon the term 'processes of disputing' as useful because its connotation, in contrast to the term 'dispute settlement' suggests that the outcome of disputes is not necessarily the ultimate end of a dispute (Gulliver 1979; Snyder 1981; Colson 1995).[12] To understand the implications of a settlement it is useful to follow-up on cases, to find out whether a proposed compensation is paid; a punishment is accomplished; a treatment is being carried out; and most important, whether parties involved are satisfied with the outcome of a dispute or whether disagreement, frictions and strifes continue. This can all be captured within the suggested fourth stage of the process (cf. K. von Benda-Beckmann 1984, 1985). Furthermore, in case people

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[12] I am aware of the almost identical term 'dispute processing'. This term however is generally used as referring to the procedural forms of a dispute. Although I agree with legal scholars that it is important to look at this 'processing', looking at the whole 'process' can bring us further in understanding disputes in their social context, as is the aim of this dissertation. I will therefore not further elaborate on dispute processing (but see Felstiner 1974).

are not satisfied with an outcome, they might decide to continue their search for an adequate solution within another institution. This might well be the case as it is argued that in smaller societies the boundaries between formal and informal systems of justice are often blurred and can be crossed easily (Nader & Todd 1978: 3). In such instances, part of the process cycle will be repeated, as the people in the other institution will again have to make their claims. Although the process will be (partly) repeated, the actual content of the process might be very different as people probably not only shop between different fora, but also shop between different idioms, causations, and claims at the moment they are facing another institution where other normative orders might apply.

Religion in the disputing process

Where and when can we possibly encounter religion in the disputing process? For this, it is helpful to scrutinise the already mentioned stages of a disputing process as set out by K. von Benda-Beckmann (1984, 1985) and trace the presence, or absence, of religion at these various stages at various institutions. Possibly because of the invisibility of spirits in the human world, formal policy and legislation hardly accommodate religious reasoning. The role of the spirits in disputing processes has not surprisingly only received limited scholarly attention. Renowned studies on traditions have usually paid more attention to traditional authority structures as their main focus, describing the customary laws that are applied in such settings, with or without the invocation of spirit mediums as expert witnesses (e.g. Evans-Pritchard 1937; Marwick 1952; Colson 1953; Gluckman 1955; Comaroff & Roberts 1981; Bohannan 1989; F. von Benda-Beckmann 2007). In more recent times, attention has been paid mainly to that most 'exotic' part of traditional religion: witchcraft and witchcraft-related violence (Fisiy & Geschiere 1990; Geschiere 1997; Niehaus 2001; Pelgrim 2003; Comaroff & Comaroff 2004a, 2004b; Ashforth 2005). Yet other studies have focused on the private solutions to deal with witchcraft, which often result in mob justice (cf. Green 1997; Ciekawy 1998; Ogembo 2001; Israel 2009). It can be expected that there is a wide variation between the way in which religion comes up in the disputing process, depending on variables such as: religiosity of the disputing parties; religiosity of the intervening actor; room for manoeuvre provided by the institutional framework; and nature of the dispute. Some conflicts might have a religious component and therefore be duly discussed in religious terms; others clearly lack any religious component. Yet others at first sight might seem not to have anything to do with religion, whereas at a later stage religious aspects might appear to play an important role in explaining a dispute, or in coming to a solution of the problem. In analysing my ethnographic material I will discuss the ways in which Christianity and tradition appear, or are con-

spicuously absent, at various stages of the process and within various 'rooms' of disputing (Galanter 1981). This requires a concise analysis of the arguments that are used, the norms that are invoked but also the motivations people express to explain their own behaviour or to assess the behaviour of others. It does not suffice to simply establish the presence of religion within the disputing process. One also has to pose the question: to what extent does this presence actually affect the course and the outcome of a process?

To understand the role of religion within disputing I will look not only into the actual intervention stage of a dispute but pay attention to the larger process (cf. Comaroff & Roberts 1981; K. von Benda-Beckmann 1984) and shortly describe as well what happens after an intervention has taken place. An analysis of the norms that are invoked and the argumentations that are used during the process is important as it might provide significant information regarding the generally accepted norms but also about power relations between the various actors. Comaroff & Roberts, based on their research among the Tswana, argue that 'explicit normative utterances … are associated with efforts to assert control over paradigms of argument' (1981: 104). If there is no disagreement to be expected over the paradigms, there is usually, according to them, no explicit reference to norms (ibid.). Von Benda-Beckmann had similar findings in West Sumatra (1984). In a religiously plural society, normative orientations might go less undisputed and might be subject to continuous negotiation, as people have to defend their position against people who possibly have another position. Invocation of norms, be they religiously-oriented or not, might thus be a sign of disagreement about these norms. In this research, I will look at such instances in which norms are invoked by actors in the disputing process and analyse the impact this invocation has.

Agency of religion and religious actors
This research emphasises the importance and pervasiveness of religion also in conflicts that are not primarily about religion, or that are not necessarily taken to religious authorities for intervention. As mentioned previously, this research parts from the assumption that religion provides people with moral and normative orientations on how to live their lives. Religion can affect processes of disputing both positively or negatively. My focus is especially on the way religion affects processes of disputing that are not primarily religious in nature. The various religious categories of Christianity and of traditional religion in Gorongosa can be considered as normative orders that have their influence within 'semi-autonomous social fields' (Moore 1973) and thus have their own agency. The various categories of religion are not neatly separated, nor are the people who populate these categories. Sometimes they overlap, sometimes they do not. In

some instances one religious category might invade the other category, at other instances they might carry out their influence outside the religious realms. Actors often do not act fully autonomously but operate within larger frameworks. Churches for example are frequently subordinate to larger mother churches whose guidelines they have to accept. Many spirit mediums are member of spirit mediums' associations that ask membership fees and provide the mediums with guidelines on how to steer their practices.[13] Within the non-religious 'rooms' of disputing, religion might figure as an element in the disputing process for both the disputing parties and for the acting authorities themselves. Actors continuously shift between different normative orientations, forums, and idioms (cf. Von Benda-Beckmann 1984; Spiertz 1991). Sometimes there might be tension and animosity between the various orientations, other times relations might be more cordial and cooperative. By studying dispute processes and the invocation of various institutions, rules, and norms in these processes we can learn more about the position of religion within the semi-autonomous field.

Choice and suitability

Various normative orders imply various ideas about the way a dispute has to be settled and justice is dispensed. This means disputing processes are not necessarily carried out along the same normative lines. Religion is one of these normative orders and can thus be seen as a part of the plural legal landscape. In this research, I will look into the compatibility of various disputing mechanisms and try to unravel to what extent ideas about justice that are put in practice by various actors contradict, coincide, or complement. Research by R.A. Wilson on the Truth and Reconciliation Commission (TRC) in South Africa clearly indicates how the 'dominant view on reconciliation in the TRC's was created through an amalgam of transnational human rights values and a Christian ethic of forgiveness and redemption' (Wilson 2000: 80). These ideas, Wilson argues, diverge from notions of justice as they are expressed in the local township courts. Mozambique did not set up TRC's after the civil war. Nevertheless, similar incompatibilities might become visible between/among the state, traditional authorities, or religious leaders, and their ideas of settling a dispute. If people were free to choose the institution of their choice; if they had adequate knowledge of the modes of justice that are applied; and if outcomes of disputing processes were fully predictable, such incompatibility would not be a problem. But of course, in the real world there are many factors that might hinder people's choices; limit their knowledge on the possibilities available, or render the course of a disputing

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[13] E.g. training that informs mediums on the sterile use of razor blades during treatments for which incisions are required. Such training is often provided by medical organisations and information is channelled through the presidents of the associations to their members.

process unpredictable. Social relations, social status, gender, financial resources, spatial and temporal access to an authority, and knowledge about the institution are probably a few of many factors that might affect the path people take in a disputing process (cf. Felstiner 1974; Galanter 1974; Nader & Todd 1978; F. von Benda-Beckmann 1985). All these factors might influence the course of a disputing process and possibly result in unsatisfying outcomes for people that are looking for settlement of their disputes, resulting in decisions that are not being finalised (K. von Benda-Beckmann 1984).

In some instances the path that is followed might be defined mainly by the disputing parties, in other instances it might be highly influenced by the intervening actor. In this research, I will analyse the extent to which various modes of disputing imply various normative ideas about doing justice. If religion, religious rules, leaders and ideas indeed affect the behaviour of people and the way in which they approach disputes, it means that a plurality of religion might result in, contribute to, or necessitate a plurality of justice. In case incompatibility between various ideas about justice is too high, institutions might loose their legitimacy and power to function as intervening actors within a disputing process, which is potentially problematic. Moreover, cooperation between various actors might be hindered if mutual understanding about the applied practices is lacking.

Trust and order

Understanding is needed not only between the disputing parties and the intervening authority, but sometimes also between different authorities. This might be especially the case at the moment there is a 'problem of order' in a society (cf. Parsons 1949 [1937]; Wrong 1994). Based on Hobbes' idea of *homo homini lupus est*, Parsons argues that man is not devoid of reason, but that reason is subservient to desires and passions. Without any restraining control, people will use the most efficient available means to achieve their desires and thus resort to force and fraud. When others then, feel the need to correct such behaviour, they will equally resort to the most efficient available means, which are often violent means. To prevent such a situation from developing, a sovereign authority is required that restricts the liberty and provides its citizens with a sense of security (Parsons 1949: 89-94). At the moment citizens take the law into their own hands in absence of restraining control, the state's order is clearly questioned (cf. Martins de Souza 1995; Serra 2009) The sovereign authority supposed to restrict liberty and provide citizens with a sense of security in such cases is not functioning properly. When this happens, state officials might need to seek cooperation with other authorities. Religious leaders can possibly fulfill a role here as congregants's trust in religious leaders might often exceed trust in state officials. Religious leaders might therefore be better able to direct people's

behaviour without the use of force in cases in which there is a general disruption of social order in society. In this thesis, I will explore the modes of cooperation that exist between religious and non-religious authorities to investigate to what extent they can complement each other, especially in relation to 'the problem of order', but also in more specific disputes.

Introduction to the field of Mozambique

The African continent is a particularly interesting place to explore questions concerning religion as this is one of the areas in the world where various forms of different religions have gained an increased importance over the last decades. Mozambique is such a country where people are turning more and more towards religion to find normative orientations in a rapidly changing world. Despite having been declared a secular state immediately after independence, the Mozambican state is increasingly, yet often hesitantly, recognising the importance of religion, religious actors and religious networks. Tensions between various religious groups sometimes come to the surface, especially when one group feels disadvantaged by the state in comparison to another group.[14] In general however, there is a widespread agreement among the population that there is freedom of religion everywhere and that there are no religious conflicts. The lack of conflicts is often ascribed to the fact that there is no clear religious majority in the country that is able to dominate over others. The latest census showed the picture presented in Table 1.1 for the central province of Sofala, the province where fieldwork was carried out.

Apart from the religious plurality that characterises Mozambique, there is another feature that makes Mozambique an interesting country in the context of this research. This is the formal recognition of legal pluralism within the 2004 constitution. Article 4, titled 'Juridical Pluralism', states as follows:

> The state recognises the different normative systems and [different systems of] conflict resolution which co-exist in the Mozambican society, as far as they do not contradict the fundamental values and principles of the Constitution.

But to what extent is this pluralism not only recognised by state law but also acknowledged and facilitated at a local level? Do state officials actively seek cooperation with religious leaders in conflict cases? How do they approach re-

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[14] Cf. Morier-Genoud (2000) on the '1996 Muslim Holidays Affair'. A group of Muslim parliamentarians had drafted a law that would create two official Islamic holidays (*Id-ul-Fitr* and *Id-ul-Adha*), which would be the first religious holidays in Mozambique since independence. Despite opposition the law was finally approved in parliament but later declared to be unconstitutional by the Supreme Court. The president sent the legislation back to parliament either for reformulation or cancellation. There it was shelved for an undefined period. It should be noted here that the 25th of December is a public holiday, yet not defined as Christmas but as 'family day' and therefore not considered unconstitutional.

Table 1.1   Adherence to religious belief in Sofala

Religious denomination	% of men	% of women	% of total population
No religion	35.5	30.9	33.2
Evangelical/ Pentecostal	20.4	22.1	21.2
Zion	17.6	20.2	18.9
Catholic	18.3	18.7	18.5
Other	4.0	4.2	4.1
Islamic	2.6	2.3	2.4
Anglican	1.1	1.2	1.2
Unknown	0.5	0.5	0.5

(Based on final results of the 2007 National Census).[15]

ligion when it comes up in disputes? Are religious leaders valued by the state for the moral orientations they might provide to their congregants? Are religious leaders better able to change the behaviour of their congregants in a desirable way?

Setting the scene of Gorongosa

Within Mozambique, one could probably choose many interesting field sites to carry out research, as religion plays a role almost everywhere in this country of over 20 million inhabitants (www.ine.gov.mz). When looking for a suitable site for my research, my attention however was soon directed towards Gorongosa district, located in the centre of the country. It is known throughout the country that traditional religion is still strong in this district: 'people often identify Gorongosa as a locus of magical and spiritual strength' (Bertelsen 2004: 180). The persisting popularity of traditional religion combined with an increasing popularity of Christianity makes the district indeed a suitable place to explore the role of religion in processes of disputing. In this exploration I have focused on both Christianity and traditional religion. Striking similarities as well as differences between the two religions can be noted. The Islamic community in Gorongosa was virtually non-existent and therefore Islam is excluded from my comparison.

For this research, I gathered data at various locations in the district, but the main site of study was Gorongosa town. Historically, the town is an interesting place. During the civil war Gorongosa town was for long under government

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[15] Based on data retrieved from http://www.ine.gov.mz/censo2007/rdcenso09/Sofala/rel/, accessed on 22.06.2010. No aggregate data on the national level are available. Nationwide, Islam reaches higher levels than becomes clear from this figure. Especially in the Northern provinces it is the main religious denomination. Typically, people adhering to traditional forms of religion are classified as not having a religion. Several religious leaders have commented that the categorisation of religious groups has not been made adequately.

Figure 1.1 Map of Mozambique

control and was a relatively safe place in an area that was highly contested by the striving parties. Whereas the Frelimo, the governing party, always had a strong presence in town and was able to mobilise followers, the surrounding areas of the district were largely in the hands of the opposition movement Renamo, which was widely supported by the population. As a relative refuge, Gorongosa town attracted many refugees during the civil war and witnessed a rapid growth in population. The influx of war victims permanently changed the structure of society. After the war, the town continued to grow and the structure of society never turned to the pre-war situation. People no longer know everybody living in the vicinity and family networks are loosening as more and more people settle

independently of their families. One of the local leaders in Gorongosa town complained to me that in the past he used to know everybody living in the area under his authority. Newcomers would come to him and announce their plans to settle and he would register them. Today, people are moving in one day, and moving out the next day without him being informed. Relationships between people are more fluid and less historicised. This is also reflected in the dispute resolving institutions that are sought for by people. Nowadays, traditional authorities only play a minor role in most parts of the district, especially in Gorongosa town. The disputing institution of first choice for many people is the police office, where little attention is paid to the background of a relationship. Abel argues that this is a general characteristic of societies that are moving to 'modern' times (Abel 1979). Yet, in the district of Gorongosa traditional norms, values, and beliefs remain to play an important role as a dynamic force. The term *mitemu* is used locally to indicate (traditional) laws, norms, or rules. According to Simbe (2004), an additional translation is deliberation; decision resulting from deliberating. Also in front of the more 'modern' authorities, people continue to invoke traditional factors as crucial to the conflicts at stake. The authorities however are often not able to cater for such arguments, leaving people not fully satisfied with the outcome of a disputing process, as I will show in this dissertation.

Gorongosa is one of 128 districts in Mozambique, located in the central province of Sofala. The original inhabitants of the area define themselves as Ma-Gorongosi and speak the Chi-Gorongosi dialect, which is usually considered as a dialect of Chi-Sena. Through the influence of migrants in the district, people increasingly mix the two languages. People with some years of education usually master Portuguese as well but often feel less comfortable in speaking it.

The latest census reveals a rapid growth of the population in the district: from 77,877 in 1997 to 117,129 inhabitants in 2007, of which 53.8 % is aged under 15. The district is sub-divided into three administrative posts: The first one is located in Gorongosa town, the other two posts are Nhamadzi-Canda and Vunduzi. Gorongosa town, which was elevated to the level of municipality in 2008, is the major centre of the district. According to the latest census, the centre of the town counts 18,761 inhabitants, compared to 11,968 during the previous census in 1997. The wider agglomerate of Gorongosa town counts 59,585 inhabitants.[16] It is situated along the highway, N.1, that connects North and South of the country. For a long time however, the road was in poor condition and traffic on it was rather limited. When reconstruction works ended in 2003, accessibility of Gorongosa town greatly improved, changing the town to a more bustling trading node and thus attracting many new settlers. Favourable climatic conditions for

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[16] www.ine.gov.mz. The town is sub-divided into three 'localities'; the locality of the centre, Tambarara (33,255 inhabitants), and Pungue (7,569 inhabitants).

agriculture have given the area the reputation of being the granary of the country. This reputation however is mainly based on the agricultural conditions at Mount Gorongosa (see also Chapter 4). Levels of malnutrition and undernourishment nevertheless remain puzzlingly high throughout the district.[17]

Collecting honey ...

This dissertation is largely based on anthropological fieldwork carried out between February 2007 and September 2008, usually with the help of a research assistant. During the research I cooperated with three different assistants, who all had their own skills and knowledge that helped to improve my research. They assisted in setting up contacts, identifying areas of interest, made me sensitive towards cultural differences and supported in translation whenever needed.

   Doing field research can be an activity that is difficult to understand for people in the surrounding of a researcher. Most of the time is spent on sitting with people, talking, and listening. I often wondered what people were thinking of me and thought they would probably consider me a rather strange person. Silverio, the spirit medium I often visited, took away some of my doubts one day when he said that: 'People might think that you just like to sit and talk without really doing anything, but you are like a bee, who is collecting bits of nectar from a lot of different places and then, in the end, without anybody knowing where it really came from, there is honey; your work is like that as well. You are collecting bits of information from many different people and then in the end, you will write a book about it'. Silverio's remark showed me that he in fact did have a clue of what I was doing and did not just consider me as a curious onlooker, lazily sitting around, not working. Moreover, his words functioned to me as a reassertion at moments I felt I did not proceed well enough with my gathering of data: I did not need to produce honey just at once, but had to collect it in bits and pieces, which required patience.

Finding honey ...

Apart from frequent talks with people at their homes or at other places where I encountered them, I spent a large part of my time during field work at the 'hot spots' of disputing processes. For me these were essential places to produce my honey. This included the government institutions where conflicts were dealt with. First was the district's police station located at the heart of Gorongosa town. Considering the high number of people usually waiting to be attended, there was not a high threshold to go to the police in case of conflicts. This made the place highly interesting for me. Observations at the police station offered me a valuable

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[17] From personal communication with Laura Hunter, working at the Non-Governmental Organisation Food for the Hungry.

insight into the day-to-day affairs of Gorongosa's citizens and in the position of this government institution. But whereas for citizens access was relatively easy, getting access for me was more difficult and my relationship with the superintendent was for some time quite tense. Careful mediation by the district court's prosecutor solved some of the tension and allowed me to proceed with my fieldwork at the police station, although I continued to feel some unease at the place. The day I bade farewell however, the second commander in rank emphasised that my presence '*valeu*'; 'had been worth it'. This final recognition helped to take away the uneasiness I always felt at the place and although not serving for my fieldwork anymore, it helped me in analysing the data with more confidence and a positive outlook.

The second government institution primarily charged with conflict resolution was the district court. Hearings were usually scheduled for Tuesdays and Thursdays. Other days of the week were scheduled for the preparation of the processes and the more informal mediation in conflict cases. Therefore I regularly frequented the court, not only on the days of hearings but also on other days, often under the pretext of doing archival work (which in fact I did as well, but combined with observing other things going on). Parallel to this, I was able to observe the work of the district's prosecutor whose offices functioned in the premises of the court as well. He often applied rather informal ways of mediating in case of conflicts. Whereas access to the police office was easy for citizens and difficult for me, the contrary seemed to hold true for the district office; I did not have difficulties at all in getting access to the place, whereas many citizens seemed to be rather reluctant to enter the court.

On the semi-governmental level, I attended meetings of several community courts in the neighbourhoods of Gorongosa town, most notably the court of the neighbourhood I was living myself, Tsuassicana. The number of cases coming to this court was rather limited however and I felt urged to gather more insights in the functioning of other courts as well; at the neighbourhood courts of Matucudur, Mapombwe (both also in Gorongosa town) and at the community courts of Vunduzi and Canda. The latter was definitely the most active court, headed by a relatively young and well-educated judge. In terms of representativeness however, I felt the court of Tsuassicana was a suitable research site and therefore I always kept this court as the main focus of this part of the study and it was usually the first place to drop by on Wednesday mornings. On many days however, I returned without 'honey' on specific disputes. Instead, I ended up chatting with the judges who, just like me, were dutifully awaiting possible plaintiffs. On these days, the honey often came from the judges who patiently answered my questions. The traditional three-layered authority structure of *régulos*, *chefes de população* and *mfumus* was also still in place in Gorongosa district, but there were

great variations in their functioning. Some of these traditional leaders still played a considerable role, others had lost most of their power. In Gorongosa Town – where I carried out largest part of my fieldwork – they no longer played a significant role.

... at opposite places

Being interested in a comparative research on the role of religion in processes of disputing, I had to focus on both the Christian community and the traditional community to gather data. Although the boundaries between the two are blurred, doing research among both was not always an easy combination. Right from the beginning, I was warned by my assistant that I should better not combine the two too much at the same time, because pastors would probably not like to hear that I was working with the spirit mediums. Indeed, Christians often heatedly argued against the practices of the spirit mediums. Soon however, I noticed that spirit mediums and their adherents often had less problems with Christians and perceived them as partners in the fight against witchcraft. Because of this, I decided to start out my research by focusing on the Christians in Gorongosa and not emphasise the other foci of my research too much. Once I had got what I required and felt I needed new points of view, I started out to do research among the spirit mediums and their adherents. By then I had already gained acceptance among my Christian informants as 'their sister'. When asked about my shift, I explained that I needed to get to know the places where people solve conflicts and therefore had to go to the spirit mediums as well because they were still important places for many of the people. Although I had cooperated very well with my field assistant, Gabriel, until then, I felt his Christian background made him less open to work with me among the spirit mediums. Therefore I carried out that part of my field work with Fabiao, a Zion pastor who had been a spirit medium in the past and knew both worlds.

The absence of war

A topic that is not a prominent part of this research is Mozambique's civil war. Evidently, the war greatly impacted on the daily life of people in Gorongosa, an area that was a central war zone during the battle between Frelimo and Renamo. Some people might argue that war should figure more centrally in this dissertation. I fully agree that this episode is underrepresented in my study and I pay only limited attention to it. This has been a conscious choice, for which I will give my reasons here. During interviews with my informants I have often been rather reticent in asking people to recall their war memories. Mozambique's civil war has usually been described as extremely violent (Geffray 1990; Wilson 1992;

Figure 1.2   Conflict mediation by a spirit medium

Nordstrom 1997; Lubkemann 2008) and this has definitely been the case in Gorongosa (cf. Igreja 2007; Schuetze 2010). I realised that reviving this history was often painful and traumatic for people. Not having any specialist knowledge on this field, I felt that I did not have the adequate tools at hand to raise these issues. It was only when I felt people were really willing to talk about their war experiences that I pushed a bit further with questions about it when I needed some of that information to understand today's society. Of course relative lack of attention to the war sometimes made me feel that I was missing some vital information. But I tried to compensate for this possible deficit by using side-tracks; archival data, existing literature, or inquiring with people that experienced things a bit more from a distance, for instance in Beira, which was refuge to many people from Gorongosa during the war. I realise however that much more blood flowed than I have heard about, much more violence was used, many more families were torn and unnecessary victims were made. Doing anthropological field research probably always gives the researcher the feeling of just 'taking' from people without having to offer anything. I felt asking people to revive their war memories, was asking too much from them, which I could not myself justify. Having given me insight into numerous other aspects of their lives already makes me indebted enough.

Another reason for not focusing primarily on the war episode is that I felt it would eclipse the history of the pre-war period. During this period, decisive changes took place that still affect current society: Migrations, colonial domination, the beginning of Christianisation. In my research I pay attention to such events when I feel they are an essential part of the disputing processes I am studying or when they are part of the context. This also means that the war comes

up every now and then, but more so when it is a relevant factor in the context of a dispute or because it reveals something about the actual functioning of society. The colonial period that preceded the civil war is often positively recalled by people as a time in which their lives were well organised. Looking at this period can help us to come to a better understanding on the functioning of society. Moreover, processes of Christianisation that started in this period obviously have their impact on the way society is organised today. To understand aspects of society today, one needs to look not only at the recent past of the civil war, but also at the more remote past to gain a more balanced perspective. These reasons, I argue, show that the relative absence of war in my research is not necessarily a shortcoming.

Structure of the book

In Chapter 2, I will sketch historical developments that were decisive for the government and governance structures in Mozambique. I will describe some crucial legal changes that took place and show how these affected Gorongosa. Furthermore, I will pay attention to the position of the various religious groups in Mozambique and show how their position shifted due to political and social developments. By shifting back and forth between the national level and the specific local level of Gorongosa in this chapter, I will highlight some of the particularities of the situation in Gorongosa.

Having set out the theoretical and historical basis, I will turn to the daily reality in Gorongosa and describe the role of religion in people's lives in Chapter 3. I will describe the way the introduction of Christianity in the area changed the religious landscape, turning a traditional religious landscape into a more plural one. People have to find a delicate balance between tradition and church. Despite strong conversion narratives, most of the Christians still adhere at least partly to traditional religious ideas that direct their behaviour and motivate their actions, under certain circumstances. The religious plurality is thus not only visible in society at large but also in individuals. To organise society along different religious lines, shifting from one to the other is essential.

In Chapter 4, I will focus on a dispute in which people mobilise spiritual arguments in order to defend their rights over a territory against the management of a National Park. The rules over the land as they are set out by the spirits are communicated via the local population, most notably the local spirit medium. As the 'owners' of the spiritual discourse, local people are able to set the rules of the game by referring to the spirits. In doing so, people show to be able to elevate their power position and – at least for some time – successfully claim their rights without mediation of an authority.

Chapter 5 looks into conflict cases that are being mediated by religious authorities, most notably by spirit mediums and pastors. An extended description will be given of a new instrument that was introduced by one of the spirit mediums and rapidly gained popularity among the population. At the end of the chapter, I will present a comparison of the conflict mediating practices of the spirit mediums and the pastors and explore differences and similarities.

After the focus on religiously-oriented modes of dispute management in Chapter 5, Chapter 6 will look at the role of religion in state rooms of dispute management, most notably the police station and the district court. The presence of religion in these rooms underlines the pervasiveness of religion in manifold realms of society. Despite the limits of the law, that do not allow for recognition of 'spiritual arguments', people frequently refer to the spirits as a way to explain their behaviour, or defend their rights. Government officials are usually reluctant to accept such arguments, even though many of them share the same religious ideas and follow the same lines of reasoning in their private lives.

Chapter 7 continues with an exploration of the role of religion in non-religious rooms of disputing. Here the focus is on the semi-government structures and the neo-traditional authorities. The first part of this chapter will focus on the community courts. These courts are created and recognised by law (no.4/92), yet they are not part of the judicial system of the state. Being situated in an institutional limbo, the judges are able to accommodate a wide range of arguments, norms, ideas, and laws, without having to be hesitant to do so. In the second part of this chapter, I will focus on the traditional authority of one of the rural communities in the district. Instead of discussing disputing processes of citizens, I will here focus on a conflict over the actual leadership position itself. This conflict between two brothers reveals the intricacy of spiritual and worldly power that is ingrained in the position of the *régulo*.

Considering the taken-for-granted pervasiveness of religion on the lives of people, in both trouble cases and trouble-less cases, it is important for the state to take a position towards religious ideas, authorities and laws as well. In Chapter 8, I will describe the phenomenon of 'justice with one's own hands', that is gaining momentum in Mozambique. Reflecting a problem of order, this phenomenon urges Mozambican government officials to seek cooperation with other authorities. I will explore the dependency relations that exist between religious authorities – spirit mediums and pastors – and other authorities in this regard. I will show that the relationship between religious authorities and government officials is a much more ambivalent one than the relationship between religious authorities and local authorities or community courts. For all the authorities it goes without saying however that the relationship continuously needs to be re-confirmed in order to maintain its meaning. Strong relations help to increase legiti-

macy from below and from above. Whereas the preceding chapters have focused mainly on the local level of Gorongosa, this chapter will combine the local level with 'looking up' to the national level.

In Chapter 9, the concluding chapter, I will turn back to the main research questions and show to what extent religion, i.e. traditional religion and Christianity, plays a role in disputing processes in Gorongosa district. I will come back to the main conclusions of the separate chapters and, based on these conclusions, try to provide a more general outlook of this study in which I combine and compare the various conclusions.

A history of Mozambique,
a history of Gorongosa

This chapter is about the history of Mozambique and – more specifically – the history of Gorongosa. But it is not about history in general. It is about the specific parts of history that are relevant for this dissertation. Apart from some general context that is needed as background knowledge to understand the specific, I describe the development of the various constellations of law and authority that took place in Mozambique, as well as the changing positions that religion and religious leaders occupied in the Mozambican society. In order to highlight the parallels and differences between the national level and Gorongosa, I will frequently shift my point of view from the national to the local level. In certain aspects the history of Gorongosa clearly parallels the general history of Mozambique; in other aspects it is more anomalous. In my account on Gorongosa's history, I will highlight especially these parts of history that were highlighted in the collective memory of Gorongosa's citizens.

Early history

African kingdom: Mwene Mutapa

Going back to the early history of Mozambique, is going back to a territory that was not yet known as Mozambique.[1] What now constitutes Mozambique was, as far back as we know from early historical sources (ca. 1000 AD) always subdivided in a number of kingdoms, as was common in other parts of Southern and

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[1] In pre-colonial history the territory was home to a number of different kingdoms. When the Portuguese started colonizing the area, they referred to it as the colonies of 'Portuguese East Africa'. This continued until 1951when the 'colonies' came to be defined as Mozambique in a single 'overseas province'.

Central Africa at that time as well. The extended kingdom that came to exercise control over central Mozambique (stretching from the Zambezi to the Limpopo River) in medieval times was the empire of Mwene Mutapa[2], a ruler whose power base was in today's Zimbabwe. The kingdoms generally owed their name to one of the great rulers of their time, whose subsequent heirs carried the same name. Mwene Mutapa[3] therefore was one of a long line of kings, all called Mwene Mutapa but whose 'own' names were much less known. The empire was organised as a 'loosely centralized political system' (Chanaiwa 1972: 424). Kingship was considered sacred, but not based on absolute power. A number of other authorities functioned within the kingdoms (Wilmot 1896; Isaacman & Isaacman 1975). In the case of the Mwene Mutapa kingdom, the lower ranking power holders were called *mfumus*. *Mfumus* had to be appointed by King Mwene Mutapa himself. They were generally chosen from among the king's relatives or from his personal favourites. Often however, they simply remained in charge at the moment there was a change in Mwene Mutapa. Although initially appointed by the Mwene Mutapa, the position of *mfumu* in the longer run became hereditary along the paternal line (Chanaiwa 1972), which is comparable to the way *mfumus* nowadays function. Like it is today, in the past, there were relatively large differences between the positions of *mfumus*; the size of their territory, the number of their subordinates, their legitimacy and the position vis-à-vis the king, etc. Because of these variations, it is difficult to come up with generalizations of these local level power holders.

Early encounters with others
There have always been contacts with other empires and tribes throughout history, either amicable or hostile. The earliest contacts with people from outside the region of Southern Africa were probably contacts with Arab and Swahili traders who started a vast trading network as early as the 10th century and would continuously be present in Mozambique, most notably along the coastal areas in the North and along the main rivers. At the start of these contacts, trading was mainly in gold and ivory. The Muslims that currently constitute a majority in the North of Mozambique can be traced back to the strong presence of the Islamic traders in earlier times. In contrast to the North, no significant Islamisation took place in Central Mozambique, despite the regular presence of Muslim traders along the rivers in the area. It has to be taken into account here that traders settled on a more permanent basis in the North, which was not the case in Central Mozambique. An explanation for the different degrees of Islamisation in today's

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[2] Lit. 'Lord of the conquered land', in Portuguese documents usually written as Monomotapa.
[3] Mwene Mutapa was the praise name of the second chief in this line, meaning 'Master Pillager'.

Mozambique can probably be ascribed to this difference in settlement patterns (Bonate 2007).

The first European contacts with Mozambique date back to 1498 when Vasco da Gama and his Portuguese fleet sailed up the coast of northern Mozambique. The coastal town of Sofala in Central Mozambique would be occupied a little later, in 1505. The Portuguese Crown's[4] interest in the area was mainly driven by trade. It demonstrated special interest in obtaining access to the elusive gold fields[5] in the interior empire of Mwene Mutapa (Isaacman 1975). The Portuguese, by force of arms, quickly took over the existing trade network in the interior of the country, compelling the Mwene Mutapa king to do business with them (Chanaiwa 1972: 429). The trade network set up by the Portuguese was one of 'fairs' – fortified marketplaces (Port: *feiras*) – along the coast and along the inland rivers. The fairs were ruled by captains, who had a wide jurisdiction over both Portuguese as well as Africans; 'the captain of the forts had to fulfil certain of the judicial and even ceremonial functions of chieftainship' (Newitt 1969: 69). Captains were elected by the (few) Portuguese residents but those appointments had to be confirmed by the reigning Mwene Mutapa. In the largest part of the territory, Portuguese presence was rather unobtrusive due to the restricted assets of Portugal that could help to exercise control and impose rules.

Gorongosa's Zimbabwean roots

Going back to early history in Gorongosa, one encounters an area scarcely populated by humans but abundantly by animals, many of which ferocious to humankind. Groups from neighbouring areas recognised the region as good hunting grounds. People from (what is today) Zimbabwe even used to come to Gorongosa to hunt elephants and trade the ivory with Arab merchants in early medieval times. Familiar with the area because of the hunting, a group of people originating from the Zimbabwean area of the Mwene Mutapa Empire decided to go to Gorongosa to settle permanently on the mountain.[6] Local narratives do not specify when this migration started. The lineage of the *régulos* in the district is traced back only five generations.[7] Settlement however seemed to have started earlier as oral history narrates of a time in which the Portuguese had not yet settled in the area but trade with the Arabs had already started. Probably this was

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[4] 'Portugal', 'Lisbon', 'the crown', 'the metropole' are all different expressions commonly used to indicate the colonial power holder.

[5] By then Spain had already discovered large gold and silver deposits in Mexico and Peru. Portugal aspired to find Africa's equivalent. They were even described in the famous epic poem by Luis Vaz de Camões *Os Lusiadas* (1572).

[6] Because of their Zimbabwean roots, Magorongosi (people from Gorongosa) share some of the features of the cosmology of the Shona cult (see a.o. Lan 1995 (1985); Maxwell 1999; Spierenburg 2004; Van Dijk *et al*. 2004).

[7] This was the case for *régulos* Sayundzira, Khanda & Tambarara.

in the 17th century. The decision to migrate was, according to oral history, initiated by a conflict about succession among three brothers of a chiefly family:

> Settlement here was indicated by a fight between brothers about power. It is that way, if there is power, there are always fights.

<div align="right">(Celestino Sacaune)</div>

Portuguese land ownership and the end of Mwene Mutapa's empire

In the same period of the gold fairs (roughly the second part of the sixteenth century), individual Portuguese started acquiring land titles in their own right from African paramount chiefs (*régulos*). Together with these land titles, jurisdiction was granted over the inhabitants of the territory. It would be the basis of future Portuguese growth, gradually weakening the African chiefdoms (Newitt 1973). In 1629, the then Mwene Mutapa was eventually forced to cede sovereignty of his whole kingdom over to the Portuguese after a period in which the Portuguese made optimal use of internal conflicts within the kingdom. By creating dependency on their arms and intervening when necessary, Portugal managed to erode the power of the African king (Newitt 1969: 71). From then onwards, Lisbon started to grant regular land titles. The titles most commonly handed out were based on the system of emphyteusis, a system commonly used in Portugal as well.[8] It was a way of leasing land either perpetually or for the duration of three generations as long as a small rent was paid. In Mozambique, the leaseholder had to supply soldiers from among the inhabitants under his jurisdiction in case of need (Newitt 1969: 72). The lands were referred to as *prazos* or *prazos da corão* (lit. 'terms of the crown'). It was an easy way for the Portuguese Crown to delegate its powers. This way, it could, potentially, attract white settlers and promote economic production in the area under its control in a cheap and easy way (Newitt 1969). The lack of a well-trained bureaucracy and the presence of only a small military force in the area made Portugal highly dependent on these early settlers as representatives of the colonial state (Isaacman & Isaacman 1975). In reality however, well-off white settlers from Portugal were more interested in settling in other colonies of the Crown, especially Brazil and Goa. Migration to

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[8] Emphyteusis and superficies, traceable to Roman law, leases granted either for a long term or in perpetuity with most of the rights of full ownership, the only stipulation being that an annual rent be paid and certain improvements made to the property. Both are originated in the early empire and were initially granted by the state, the former for agricultural purposes, the latter for building. The main purpose was to encourage individuals to develop land without the threat of removal once the development was finished. Even before the time of Hadrian (early 2nd Century AD) the rights of emphyteusis and superficies began to be granted by private persons. They could be inherited, were transferable, and were protected in the courts. The basic principles and form of emphyteusis and superficies have survived on to modern times in many civil-law countries.
Encyclopædia Britannica. 2009. Encyclopædia Britannica Online. 20 Jan. 2009
<http://www.search.eb.com/eb/article-9032554>

the *prazos* in Central Mozambique was limited and Portuguese influence remained restricted.

Secularity and divinity combined: cooperating authorities
In the wake of the Portuguese explorers' and merchants' advent followed the Portuguese Catholic missionaries. The first Catholic Church in Mozambique was erected in 1505. Church arrival indicated the beginning of foreign efforts to impose a new religion on the population. For a long time however, Christianisation efforts remained restricted to the coastal areas, alongside a minimal presence of Portuguese colonial officers. In Central Mozambique, religion thus continued to be characterised by the omnipresence of a large array of spiritual forces, either ancestral or derived from a certain space, in the sense of the territorial cults as described by Schoffeleers (1979). Spirits were important regulatory players in the social world. Local leaders as well as higher level authorities frequently appealed to spirit mediums to set out their strategy of governing, to make decisions on warfare, to solve conflicts between subjects, to find out the truth, and to administer justice. There was no strict division of the different powers, not only between secular and divine powers but also not between the legislative, executive, and judiciary branch. All were strongly interwoven, and often embodied in the same person, most typically the paramount chief, designated as *régulo* (Chanaiwa 1972; Newitt 1995).

The most common offences the local leaders had to deal with were witchcraft, theft and adultery. There was no clear distinction between criminal and civil cases, and both were treated alike by the local leaders. Trials took place with the assistance of a leader's judges or by (poison) ordeal. The poison ordeal could be carried out in various ways, amongst others by ordering the accused to swallow pieces from the bark of a certain tree. Vomiting as a consequence indicated guilt, not vomiting indicated innocence. In the latter case, the accuser had to submit to the ordeal as well (Wilmot 1896: 140). This was done to prevent people from making unfounded accusations. Some leaders probably carried out the ordeals themselves; others made use of skilled spirit mediums that were better able to explain the signs of the spirits. Later, under colonial rule, the poison ordeal became illegal, but was nevertheless still applied, as was the case elsewhere in Africa (cf. Evans-Pritchard 1937; Seidman 1965; von Benda-Beckmann 1970; Isaacman & Isaacman 1982: 289).

The traditional authorities in the Mwene Mutapa empire were not the only ones uniting secular and divine authority. The Portuguese rulers in Mozambique by then also often operated hand in hand with the church, most notably the Roman Catholic Church. From the beginning of the colonial period onwards, the Catholic Church had a positive attitude towards the Portuguese expansion be-

cause of the evangelisation opportunities it provided to the Church. Papal bulls even explicitly recognised Portugal's rights of sovereignty over the lands of discovery (Serapião 1972: 34). It would become a durable partnership that benefited both parties immensely for a long time.

Makombe kingdom

Although upon arrival the early Zimbabwean settlers did not encounter a large indigenous population, they came in contact with other powers, most notably the Makombe[9] who was one of the heirs of the legendary Mwene Mutapa and controlled the territory from his basis in Barue, to the northwest of Gorongosa.[10] In its early days in the 16th century, the Makombe kingdom probably functioned as a vassal-estate of the Great Mwene Mutapa and became independent only later.[11] Makombe's territory included Gorongosa. The kingdom lasted until 1918 (Isaacman 1973).

For a long time, the Portuguese believed that the Makombe elite had undergone Christianisation at an early stage. This claim was based on the use of 'baptismal' water (*madzi-manga*) in a ceremony to appoint the heir apparent of a deceased king from at least the 17th century onwards (Isaacman 1973). This water came from the Sena region and was brought to Barue by a Portuguese official, who was charged with the protection of Portuguese merchants along that same route. In the use of 'sacred water', the Portuguese saw an indication of the incorporation of Christian baptism elements into the succession rite. Since nobody from outside the royal family was allowed to attend the sacred ritual, this claim could not be verified. Basing his arguments on oral tradition, Isaacman (1973) convincingly refutes the syncretic part of this persistent legend. It thus seems that claim of early Christianisation in the area can be challenged, despite the efforts of the visiting missionaries. The use of the 'sacred water', brought by a Portuguese official, was beneficial for both parties because it provided external legitimisation of the power of the Makombe king and, at the same time, a cooperative stance helped the Portuguese to obtain secure access to the trading route that was otherwise dominated by the Makombe. Other evidence that Christianity was not a clear part of Makombe culture can be found in the rejection by the Makombe of an offer by Lisbon to establish a number of mission stations in the area in an effort to increase Portuguese sovereignty. The Makombe appeared to be much less of an ally than the Portuguese had expected or hoped for: a number of con-

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[9] As for Mwene Mutapa, the name Makombe has been used for subsequent kings of the empire.

[10] Although Newitt (1995) describes Gorongosa as falling under Gaza reign, which was probably true for some time, I will start my description with Makombe here since oral tradition does not refer to Gaza but to Makombe. There is lack of clarity about the time period in which the kingdom came into being, but it was probably in the 16th century (Alpers traces first evidence about the kingdom of Makombe in Barue at 1513 (1970: 212), whereas Randles traces it back to around 1575 (1974: 224-225).

[11] In 1617 according to Randles (1974: 224-225).

sequent uprisings are clear evidence of this. In Gorongosa people still recall stories on the resistance Makombe showed against the Portuguese. These fights are usually recalled as the first time Portuguese colonisation came to be felt in Gorongosa at the end of the 19th century:

> When the Portuguese came here for the first time, the 'president' here was Makombe, who lived in Barue. When he heard that the Portuguese were coming, he waited for them in Mata-kamachawa.[12] There was a fight and the Portuguese withdrew their troops. When they left, they went to Chimoio[13] to cross the Pungue River from that direction to get here. Makombe heard about it and he awaited them again. When the Portuguese were crossing the river with their small boats, Makombe started fighting them on the water and again the Portuguese lost.'
>
> <div align="right">(Paulo Dombe)</div>

The administration of justice in the Makombe area was more or less similar to the way it took place in the Mwene Mutapa Empire. Makombe rulers also made use of *mfumus*, just like the earlier chiefs had done. As for the Mwene Mutapa, secular and divine powers were closely related for the Makombe as well and spirit mediums played an important rule in governing the kingdom. Drawing on oral history, the people in Gorongosa remember the Makombe king as a powerful and brutal leader. They usually recall his reign as one that subjected their ancestors to slavery. A statement often heard is that Makombe made people into dogs; he cut off the arms and legs of people and forced them to work in his house. Others, who compare the Makombe times with the atrocities experienced during the civil war, feel that the Makombe reign was not that bad:

> During the Makombe time, we suffered, but only a little. There were only a few weapons and these were weapons you could flee from. Later, during Mozambique's civil war, you could not flee from these automatic rifles.
>
> <div align="right">(Felisberto Chombe Jakob)</div>

Intensifying colonisation

The power of prazeros[14]

Despite the ambitions of the Portuguese Crown to induce large-scale migration to Mozambique by offering attractive settlement conditions, the number of migrants remained restricted for a long time. Therefore, during the eighteenth century, Lisbon gradually changed its requirements for obtaining a *prazo*. As a result, the characteristics of the *prazeros* changed as well. The initial *prazeros* were individuals loyal to the Crown, who had a good standing in the metropolitan society, or had performed outstanding as royal agents. The migrants constituted a stable closed social milieu, closed off from African society. In the long run, lack of

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[12] Settlement some kilometres to the south of Gorongosa, lit. 'red earth'
[13] Town about 120 km to the south-west of Gorongosa
[14] *Prazo* refers to the leased territory, *prazero* refers to the leaseholder.

young women, lack of migrants in general, and high mortality rates among them – caused by the less favourable climate and tropical diseases – contributed to changes that significantly altered the settler community in Mozambique. A less strict migration policy was initiated. As a result, other groups became interested in migration. Not only Portuguese from the *metropole*, but also Portuguese Indians from Goa, decided to settle in Mozambique. Some of the settlers even started to marry African women, something that was never considered a serious option by the noble first settlers. As a result, the 'Portuguese' community became much more heterogeneous. With heterogeneity came decrease in direct Portuguese power. Lisbon started to lose control. Although the nominal power was in the hands of the Portuguese Crown, the territory was in fact subdivided in a number of smaller and larger *prazos*.[15] The prazeros became the *de facto* rulers of their territories. Some of them were still loyal to the Crown, others were more interested in setting up their own businesses, which usually comprised trade in slaves, land, and ivory. Governing became more and more based on the rules of the *prazero*. Some of them became subjects that in effect had more power than the government itself (Newitt: 1973).

An interesting characteristic of the new *prazeros* that reveals much about Portugal's rather limited influence is how the new landholders acculturated. Deprived from luxurious consumer goods from the *metropole*, not having sufficient potential spouses where they were, many of the *prazeros* from the eighteenth and nineteenth century became incrementally immersed in African society. Instead of forming a frontier culture, as early settlers generally tended to do, the *prazeros* became 'transfrontiersmen' – 'people of European descent who permanently settled beyond the limits of Western society' (Isaacman & Isaacman 1975: 2). They often married several (African) women, adopted the local material culture, adopted local cosmology and religion, made use of the poison ordeal (*muabvi*) to protect themselves against witches, and sought predictions of spirit mediums. All these adaptations helped them to gain a strong position among the local population. Strategic marriages reinforced alliances with local leaders, who subsequently vigorously supported their political paramount lord. Their position was fortified, often by very large regiments of *chikunda*, slave warriors, either captured during raids in other areas or constituting men that voluntarily joined the *prazero* in order to get protection. Although there are only rough estimates, the lowest estimations still claim that a powerful *prazero* had a thousand slaves (Newitt 1969).

Although the Mozambican territory was colonised, the administration of justice was hardly influenced by colonial forces. The residing *prazeros* made use of

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[15] The *prazos* varied greatly in size. Territory of a *prazo* often coincided with territory of the chieftaincies. The biggest *prazos* were probably hundreds of square miles.

similar rules as their African counterparts. This also holds true for the religious beliefs of the *prazeros*. Those beliefs were very different from either Christianity (for the migrants with Portuguese roots) or Hinduism (migrants from Goa) that were followed by the *prazeros*' forefathers. Instead, they called upon the advice of influential spirit mediums, invoked the spirits themselves and emphasised the relationship between natural phenomena and social order. This is supported by their performing rain ceremonies, first fruit ceremonies, and the setting up of ancestral shrines, for example (Isaacman & Isaacman 1975). All this made the *metropole* to realise that the *prazeros* no longer were the imperial agents of the crown but had actually become individual rulers holding large territories. Many of the *prazeros* mainly served their own interests, disregarding the interests of the state. But the Portuguese government lacked the capacity to enforce its legislation and to hold the *prazeros* to their obligations – the payment of taxes, and provision of military assistance, among others. The autonomy of the land was formally still in the hands of Portugal, but in reality it was in the hands of a restricted number of individuals with Portuguese roots. On a local level, power of the *prazeros* was generally undisputed because of their close connections with the traditional local leaders (Newitt 1973, 1995; Isaacman & Isaacman 1975). The territory of a *prazo* often coincided with the territory of the old chieftancies, or sub-chieftaincies and the new assimilated *prazero* was often perceived as the chief in the eyes of the population. Replacement of the former chiefs however was not always without resistance. Assimilating local rules and religion in some cases was probably a strategy to become accepted by the local population. The early captains of the fairs based their authority on the power attached to their offices and their strategic cooperation with the African authorities, but *prazeros* had to employ different strategies. Instead of cooperating with the African authorities, they adopted the rules and norms of the local culture to gain legitimacy.

Gouveia in Gorongosa: History of a transfrontiersman
The general result of Portugal's influence in Mozambique slowly became noticeable in the smaller region of Gorongosa. The first permanent settlement of a Portuguese representative in the area of Gorongosa was by Manuel Antonio de Sousa, locally known as Gouveia. Although the Portuguese previously visited Gorongosa, as traders, or soldiers, none of them had settled permanently in the area, probably due to its inland location, which made it less favourable than other *prazos* that were located by the Zambezi River. Gouveia was from a catholic Goanese family. On arrival in Africa, he first took over the *prazo* of an uncle and started making a career as a trader. Soon however, he started expanding his property. Probably around 1855, he constructed a permanent settlement in Mu-

codza, on the foot of mount Gorongosa (Newitt 1973). The relationship between Makombe and Gouveia at first was tense; the former saw the latter as a Portuguese intruder. However, as a typical 'transfrontierman', Gouveia seemed to have adapted well to local traditions. Soon he became an ally of Makombe:

> One day, Makombe went out on elephant hunt, armed only with an axe. Gouveia, who used to go hunting with a gun, arranged for a gun for Makombe as well. That was how the latter gained confidence in Gouveia and he even gave him a medicine that was meant to protect him from bullets. Later, Gouveia married to the daughter of Makombe, which was a way for him to enter there …
>
> (Paulo Chombe)

Although the quotation suggests an amicable relationship between the two, fights took place between them (cf. Newitt 1973). A more important aspect the quotation emphasises is that, in many ways, Gouveia was seen as a local governor. As an exemplary 'transfrontierman', he married dozens of wives, all from local elite families, consulted spirit mediums before going on expeditions, adopted local ways of living and did not have strong contacts with the other Portuguese.[16]

Missionaries on the prazos and outside
A specific group of *prazeros*, lacking many of the characteristics of the traditional and 'new' *prazeros* described above, were the missionaries. Both Jesuits and Dominicans, Catholic orders that had been respectively present in Mozambique since 1560 and 1570, were able to acquire a number of *prazos* until they were expelled from those lands by a decree issued in 1760 stating that no *prazos* were to be given to the church.[17] For Portugal, the missionary *prazos* did not contribute enough to the *prazos'* general aims of strengthening the position of Portugal (Newitt 1995). It did not mean the complete expulsion of missionaries from Portugal's colonial territories, though.

For a long time, the Jesuits and the Dominicans were the only Christian denominations present in Mozambique. In 1856, the explorer David Livingstone descended the Zambezi River, from Angola, which led to the founding of the UMCA[18] a year later. Protestantism was thus added to the religious landscape in Mozambique and its influence became especially felt, from the 1870s onwards, in the Shire highlands close to Malawi. In the South of Mozambique, labour migrants got to know Protestantism while working in South Africa's mining industry. On their return to Mozambique, they took their belief with them (Harries

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[16] When listening to the stories of people about rulers from the past, it took me some time before I realized that Gouveia was actually not an African. Talking about the early rulers from the past, people commonly referred to Mwene Mutapa, Makombe, and Gouveia. The onset of colonial time, for my respondents, was only later, in the time of the Mozambique Company, as I will describe later.

[17] Decree of April, 3, 1760 (Newitt 1969: 75).

[18] Universities' Mission to Central Africa.

2007). It led to the founding of a number of different mission posts in the South. Most notable was the founding of the first Swiss Mission posts in 1875 (Newitt 1995: 436). I will turn back to the Swiss Mission later in this chapter. In the specific area of Gorongosa, lasting evangelisation had not yet taken place at that time. Although missionaries probably passed through the area, a permanent mission post was founded only in 1947, as I will describe later.

Defending a colony

Scramble for Africa

The 1884-1885 Berlin conference – where power struggles over the African continent between different colonisers culminated in an agreement on the division of Africa – was seminal in Africa's colonial experience. Setting up basic rules for this division, the imperialist powers agreed that 'pacification' and effective control were the minimum requirements for international recognition of claims over territories. 'Effective occupation' meant firstly legal control of the territory be established and, secondly, developing the economy within the area of control (Vail 1976). The Congress of Berlin was a slap in the face of the Portuguese crown, which, until then, had been dreaming of a Portuguese African territory stretching from the west to the east coast. It came to realise that it would not be able to do so. In the period before the Congress, both Britain and Portugal had become more aware of strategic interests and economic opportunities of Central Africa (mainly what now constitutes Zambia and Zimbabwe). Agreements signed at the Congress of Berlin provided Britain with a legal tool to have more of a presence in the area because Portugal did not seem to be able to establish legal control of Mozambique. By the force of the agreements of the Congress therefore, Portugal did not have the right to claim the territory. British powers, most notably the British South Africa Company led by Cecil Rhodes, were on the prowl to take over territory, especially the so-called Beira-corridor which would provide them a connection to the Indian Ocean from landlocked Rhodesia (Zimbabwe). An ultimatum for effective occupation was set in 1890 by the British. As a result of this, Mashonaland fell to the BSAC and became part of what constitutes Zimbabwe today. Portugal was made all the more aware of the importance of establishing its presence in the colony. New strategies had to be explored, one of them was to start large military expeditions to overthrow the *prazeros* and regain power over the territories that had become virtually independent of the state. For the areas that were too powerful to overthrow, the Portuguese worked out new alliances. After all, the land the *prazeros* were holding was still state land, leased temporarily.

A law, issued in 1880[19] formally put an end to the *prazos* and strengthened Portugal's position vis-à-vis the *prazeros*. Luckily for the Portuguese, many of the *prazos* had already ceded control of their areas in the 19th century because they had been caught in an uncomfortable position of trying to maintain legitimacy from above and from below. The desired economic development by way of a plantation economy could never really be achieved by the *prazeros*, due to lack of investment capital and limited agricultural surplus for exportation (Henderson 1976: 143). Once Portugal had realised this, it was eager to get rid of the *prazeros* and regain most of the territory in its own hands.

The end of Gouveia's prazo

When the old Makombe king died in 1880, Gouveia, who had married the king's daughter, took over the whole kingdom, claiming that his son was the legitimate heir of the territory (Alpers 1970). It was then that Paiva de Andrada, a Portuguese army officer sought alliance with Gouveia, in an effort to establish more clearly Portuguese presence and the rule of law. The two lay ambitious plans to expand the territory even more, plans that seemed to be successful in the beginning. In 1890 the two headed together for the Manica Mountains, on the assumption that the territory was theirs. But the British South Africa Company, which had claimed control over the region, captured and imprisoned them. The subsequent prolonged absence of Gouveia and the desertion of soldiers who, on the guidance of a spirit medium, had shirked their responsibilities further weakened the *prazo*. It finally led to the collapse of Gouveia's empire. When the BSAC released him in 1891, Gouveia returned to Gorongosa trying to reconquer the area but he got defeated by one of the heirs of the Makombe dynasty, this time represented by a son of the previous Makombe.

Although written sources do not describe the circumstances and manner of Gouveia's death, the people of Gorongosa tell legendary stories about the unfortunate occasion. The following is one of them:

> Gouveia died on the mountain, but he was difficult to kill. He had come together with the armed forces to fight against Makombe. But today he is still living there because he was doped. He had said before: 'The person that wants to kill me, has to bring *nyakassungoro*[20], a red cloth and no weapon, on the head a *nguwawa*[21] and then to kill me, one has to prick me at my armpits'. When Gouveia finally died …, that place where he was buried, there was nothing left, only fat and *murumbe.*[22] Five years later, *murumbe* was growing there abundantly. It is a medicine that helps people to get very old. You have to eat one for every year you want to live. People that eat it can get very old, but then they are not able to do anything themselves anymore. Gouveia, he never died, but he has killed many people. (Albino Roque)

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[19] Decree of October 27, 1880 (Newitt 1995: 337, ft. 41).
[20] Local plant with spines.
[21] Rolled cloth commonly used as a basis to transport all kind of goods on one's head.
[22] Very fine seeds of a local plant.

When I asked for some clarifications, my informant explained to me that Gouveia had consulted spirit mediums to get protection from the spirits in order not to die. Again, this is in line with the image that is sketched of other trans-frontiermen (Isaacman & Isaacman 1975): in order to exert power, the *prazeros* had to adjust to local rules and norms. Knowing about his protection, Gouveia had been able to explain in specific terms in which way he could be killed. The growing of the *murumbe* indicated that Gouveia had eaten the seeds during his life to reach very old age.[23] Other stories recall the protection Gouveia had had from the spirit mediums for not being hit by bullets. The legends people tell about Gouveia show remarkable similarities with the stories told about other, indigenous rulers from the past, like Makombe. Gouveia was clearly a ruler for whom spiritual power and secular power were closely linked – just like it is and always has been for most traditional authorities in Africa. Gorongosa was thus confronted with an external, yet assimilated ruler without fully external rules.[24]

Chartered Companies
Having gradually overthrown the *prazeros*, the Portuguese went on to set up a new phase in the colony of Mozambique. Effective occupation had to take place but government lacked the assets to do so. To avoid losing its territory, Portugal handed over 'majestic powers, powers of public right and state functions' to a couple of private companies, most notably the Companhia de Mocambique in 1891.[25] This 'majestic company' was to tackle the problems of economic development, pacification and administration in the provinces of Manica and Sofala. Another majestic company, the Niassa Company, obtained sovereignty over the northern part of Mozambique, while the South, and the area between the Zambezi and Lurio river remained under direct Portuguese colonial administration. In these areas, Portugal expected to be able to exercise control on its own (Henderson 1976; Vail 1976; Newitt 1995). In the same period, 1890s, Portugal issued a number of labour and tax regulations that supported the majestic companies in their functioning. A clear distinction was made in the regulations between natives and non-natives (*indígena* and *não-indígena*). The latter was the 'civilised' group of the whites. The former group, with the exception of local leaders and those practising a profession, was automatically subjected to forced labour and also compelled to pay taxes (Newitt 1995). It was the early start of a dual system that would become much more elaborated and comprehensive as I will show later.

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[23] Gouveia was born in 1835 (Newitt 1973) and died in 1892, which might have been old at that time but definitely not extremely old.

[24] However, some elements of Gouveia's ruling were external. The introduction of fire arms is a good illustration of this.

[25] Decree of 11.02.1891, arts.6, 21, 30, 33, 34 in Gentil 1947: 50-51 (AHM).

Companhia de Moçambique

The most successful and influential of the Companies that were set up was the *Companhia de Moçambique*.[26] It was the company that had most influence on the economic development of the country. In the following section, I will mostly focus on this Company since it is more relevant for my study than other Companies that did not play a crucial role in my research area

The Mozambique Company was established in 1888 and received its charter in 1891. By then, the charter was valid for 25 years. Only some years later, it was prolonged for another 25 years. To give in to part of the objections of Britain, the Company constructed a railway connecting the port of Beira with the hinterland in Rhodesia (Newitt 1995). By handing out sub-concessions, the share of Portuguese capital soon diminished and although central Mozambique was nominally under Portuguese administration, Portugal's power was reduced more and more. Contrary to Portugal's intentions, British influence actually increased via British capital coming in. Therefore, the BSAC, on behalf of Britain, was able to negotiate terms for the economic development of its landlocked colony of Rhodesia like the construction of the railway and access to the port of Beira, the coastal city that was *de facto* British territory during this period.[27] Both rights and obligations of the Company were hardly observed in the whole territory. One of the few rights that generally applied was the right to impose taxes on the population, which provided the Company with some additional – and highly welcomed – capital.

Another attractive part of the agreement for the Company was that they – as the *prazeros* in older days – obtained power over the indigenous inhabitants of their territory, which in practice meant that they were allowed to force people to labour on plantations, railways, etc.[28] Pressure to provide labour for the Company increased because people were obliged to pay high hut taxes and needed an income to be able to pay this. To enforce the rules, the Portuguese built military posts. The Portuguese officers were assisted by *cipais*: Company police, recruited from among the ranks of the local population.[29] This was of course a strategic way of imposing authority since it helped the Company to have at least some local people in their favour and under their control. The *cipais* received a very small remuneration which they often supplemented by raiding or levying extra hut tax. The *cipais* were not on the list of the Company employees. These lists (published in the monthly bulletins of the Company) only included the Portuguese employees. This emphasised the distinctions made by the Crown.

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[26] Hereafter referred to by its English name Mozambique Company.
[27] British stamps used in Beira are evidence of this.
[28] Slavery had been abolished in the Portuguese territories in 1869, but until 1878 ex-slaves still had to work for their former masters under a contract (Newitt 1995: 383).
[29] Also written as *sipais*, *supais*, *cypaes*, *cipaios*.

Through the *cipais, régulo*s were put under pressure to act as puppets of the colonial power. Although the *régulo*s and their *mfumus* (sub-chiefs) were traditional authorities, the Portuguese officers removed those whom they considered uncooperative and replaced them with more pliant men. At this point, the Mozambique Company started to impose its own rules, making use of its henchmen. The *prazeros* were feared by the population for their ruthlessness, but the rules they imposed were largely similar to rules imposed by former local leaders. Under the regime of the Company people were faced with another external force, which did impose external rules. One of the older people in Gorongosa described the order imposed on the population as follows:

> The *régulo*s received orders from the administrator and then the *régulo*s ordered the chiefs. It is a structure that had already been in existence before the whites came here but the Portuguese put somebody else in place if there was somebody available who knew to speak Portuguese and whom they trusted.
>
> (Courtice Yakubu Castigo)

From the time of the Company onwards, the rules imposed on the population by the traditional authorities had to reflect the ideas of the coloniser. The 'palimpsest of political and legal cultures' (De Sousa Santos 2006) gradually started to take shape in Gorongosa as other structures superseded the former structure:

> We entered in a partnership by then, partly in tradition, partly of the whites.
>
> (Courtice Yakubu Castigo)

However, Company influence did not go much beyond taxation and forced labour. For their day-to-day issues, people still went to their traditional authorities that continued to carry out their function alongside the Company's officials.

Companhia de Moçambique, Companhia de Gorongosa
The changes induced by the Mozambique Company affected the inhabitants of Gorongosa as well, as it was located within the territory of the Company. After Gouveia's death, especially the Mozambique Company figures prominently in Gorongosa's history. It was the first time that colonisers started to impose *their* rules systematically in Gorongosa. As I have already mentioned, the Mozambique Company soon started to hand out sub-concessions to other investors (Vail 1976). On the 18th of March 1895 such a contract was signed between the Mozambique Company and the Gorongosa Company, then valid for a period of 10 years (Ribeiro de Sampaio 1898: 64). The Gorongosa Company's establishment initially faced difficulties as the number of uprisings against it testifies (Newitt 1995). The Makombe king, who had taken over power after Gouveia's death, strongly resisted the administration of the Gorongosa Company. On a lower level, there was great variation in the response given to the new Portuguese rulers;

some of the *régulos* and *mfumus* strongly resisted while others were more cooperative. For example, the *régulo* of Tambarara caused little problems for the Portuguese and did not fight against them, while on the mountain there was more resistance.[30] Despite this resistance, the governor of the Gorongosa Company, in his report to the directorate of the Mozambique Company, shows confidence in his ability to control the region:

> I consider though, in general, the *colonos*[31] of Gorongosa as pacific and friends of the whites and I can boldly make this affirmation because two months of relations with them sufficed for me to capture their affection. … With laws, repressive but tutelary, something good can be done and a lot of bad can be removed.
>
> <div align="right">(Ribero de Sampaio 1898: 6-16)</div>

After the fall of Gouveia's rule however, it was difficult for the colonial administration to gain full control over the territory of Gorongosa. Several uprisings, mostly initiated from the neighbouring area of Barue affected the order in Gorongosa as well. These uprisings would continue until 1917, when the Barue fighters got finally defeated by the Portuguese. From then onwards, Portuguese control over the territory increased.

As I have already described, the Company made use of *cipais* to enforce its rules, to collect taxes, and to recruit labourers. Although the *cipais* were local people, they represented an external authority in the eyes of the other inhabitants. People often talked about the strict regime that was imposed on them by then, much stricter than they had ever known:

> The whites used *barbatolha* and *xamboca*[32] and there was a prison as well. *Mfumu* and *régulo* do not use *xamboca* but they can send the *cabos da terra*[33] to tie people up.
>
> <div align="right">(Dominga Faustina Dique)</div>

> The *régulo* always coordinated with the Portuguese and obeyed the Portuguese. Everybody feared the Portuguese.
>
> <div align="right">(Arnaldo Changadeia)</div>

Although pre-colonial in origin, the *régulo*s thus generally obeyed the Portuguese rulers and speedily became adapted to the colonial system. Another authority layer that was probably added during this period was the 'chief of the population',[34] whose hierarchical rank is between the *mfumu* (lowest traditional level) and the *régulo* (highest level). At current, the chief of the population is considered by the population just as much part of the traditional authority structure as the *régulo* and the *mfumu*. Some people even argue that they always existed

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[30] What is today Gorongosa Town falls under the jurisdiction of *régulo* Tambarara

[31] *Colonos* is a term generally used to indicate the indigenous population.

[32] *Barbatolha* is a kind of torture instrument, *xamboca/xamboco* refers to flogging or beating.

[33] Sort of messengers/police men of the traditional authorities

[34] *chefe da população*. In parts of the district they were called *sapanda*, which hints at a longer history preceding colonial times.

just like the other traditional leaders, whereas others confirmed that they were installed by the Portuguese.

The New State

A military coup in Portugal in 1926 led to a new regime that would impact highly on Mozambique. Known as the *Estado Novo* (New State), it was led from 1933 onwards by Salazar.[35] The new regime soon gained a reputation of being authoritarian, conservative, and pro-Catholic. Decisive steps were quickly taken to formalise the dual regime that was already slowly gaining ground in the territories of the Mozambique Company. The groundwork for this dual system that would characterise the colonial part of the *New State* was laid in the 'Political, Civil and Criminal Statute of the Indigenous of Angola and Mozambique'.[36] It stated that

> The overseas government of Portugal has historically followed the Christian, humanitarian and patriotic norm of maintaining and civilising the populations of our vast colonial domain and of incorporating it fraternally in the political, social and economic organ of the Portuguese Nation. … One can increasingly see, that the general aim of civilisation and nationalisation that we aspire to achieve … will only succeed by an organisation that responds to the conditions proper to the indigenous existence … .We will maintain a judicial order proper to the state of their capabilities, of their mentality of primitives, of their sentiments, of their life …

From this reasoning the first article of the statute starts with the statement that

> The Portuguese Republic guarantees to all indigenous persons the rights concerning liberty, individual security, and property.

'Indigenous people' are defined in Article 3 as 'the individuals of the negro race or descendents of them'. The Portuguese constitution did not apply to the indigenous part of the population. For them, rights had to be regulated according to the uses and customs of the population (Art. 4). Article 8 states that 'the State assures the well-functioning and the progressive perfection of the political institutions of the indigenous population and maintains the traditional authorities, recognised as such by the administrative (i.e. colonial) authorities'. Having ensured that local leadership positions were occupied by puppet officials on the hands of the colonial authority, the indirect rule, already formally in effect at the time of the *prazeros*, was complete.

Justice and local leadership in the New State

For the administration of justice, the same statute provided the foundation of 'tribunals peculiar to the indigenous' (*tribunal privativo dos indigenas*). The limited percentage of the population perceived as 'civilised' would be subjected

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[35] Some time before, in 1910, another revolution had brought an end to the monarchy of Portugal. The subsequent first republic however appeared to be unstable, which led to the military coup in 1926.
[36] *Estatuto político, civil e criminal dos indígenas de Angola e Moçambique,* issued in 1929.

to the rule of Portugal. Figures from 1930 show that only 35,570 persons were classified as non-natives: either Europeans, Indians, or of 'mixed' race. The African population by then numbered almost 4 million. The 'civilised' part of the population of Mozambique was thus less than 1% of the total population (Anuário Estatístico 1930).

The decree stipulated that the indigenous chiefs should assist in the judgements of the indigenous courts, but the courts were not headed by an indigenous person but by the colonial administrator (Art. 12-18). In doing so, the Portuguese ensured that the ultimate power was still in their hands. From invoking the local *régulos* to the spirit mediums was only a minor step and the latter's assistance could be called upon when need required. In the acts of the administration of Gorongosa at that time, the head of the court is either mentioned as 'administrator' or 'president of the tribunal'. Both indicate the same position. Nonetheless, authority was still attributed to the traditional leaders who could continue to function independently of the indigenous tribunal.

Although not explicitly stated in the statute, the aims of this discriminatory policy were the reinforcement of labour exploitation and the entrenchment of colonial authority (Cruz e Silva 1998a). In that regard, the implementation of indirect rule was perceived by Portugal as rather successful; the local authorities transmitted orders of the white authorities, collected taxes, recruited labourers, and opened the roads (Nunes 1929). All of these were services that supported the Portuguese government. At the same time however, the local authorities were able to maintain parts of their own identity and position; in many (especially small) cases, the population continued to consult the *régulo*s and their lower-ranking assistants for solutions.

Tribunal for the indigenous in Gorongosa
In 1926 the Portuguese established tribunals for the indigenous population. One of these tribunals was founded in the circumscription[37] of Gorongosa. From archival material and oral history, it is possible to get an impression of the cases the tribunal dealt with. It seems that the conflict cases that were common during the colonial period were not much different from the cases that come up today. These cases mostly included robbery, theft, adultery, rape, labour conflicts, trespassing and subsequent hunting, witchcraft, and cannibalism. One of the punishments given for 'elements of disorder on the lands' was labour in exile. This punishment meant that people were sent to other regions of the country or as far as the island of São Tome. Cases on witchcraft and cannibalism were dealt with

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[37] Circumscription was the basic administrative unit in rural areas during that time, headed by a colonial administrator. The circumscription was subdivided in different *regedorias*, territories headed by a *régulo*. The territory of the current district of Gorongosa is roughly the same as the circumscription.

by the tribunal for the indigenes as well, whereas today the district court only re-
luctantly deals with these cases if strong material evidence is available, as I will
show in later chapters. By dealing with witchcraft cases, the tribunal acted almost
parallel to the traditional authorities yet within a framework created by the gov-
ernment.

A different category of cases dealt with by the indigenous court no longer
exists today. These are the requests by members of the 'indigenous' population to
become classified as 'assimilated'. Others, either 'assimilated' or 'civilised' were
required to testify of the good behaviour of the 'indigenous person'. These testi-
monies contained proof f.e. of the person mastering the use of forks and spoons,
instead of his or her hands to eat; having some modern furniture, instead of only
some bamboo mats; and of not participating in the 'parties of the indigenous peo-
ple'. Church marriage instead of a traditional marriage with *lobolo* (paying bride
wealth) was another requirement of which proof needed to be given. Church
marriage was thus a pre-requisite for obtaining a legal status as 'assimilated'. In
today's legislation, church marriage is recognised as a formal marriage, whereas
a 'traditional' marriage is not.

Although lots of proof were required and the process to become recognised as
'assimilated' was a rather elaborate one, there was still the desire among some
people to become part of the 'civilised' world of the Portuguese colonisers. Be-
ing formally recognised as 'civilised' certainly had advantages, especially in rela-
tion to paying taxes and labouring; indigenous people were automatically held to
forced labour. Of the people elevated to the status of 'assimilated' and holding a
certain power position within either the state's structure or the traditional struc-
ture, biographic excerpts were held by the administrator. These excerpts were an-
nually updated and summarised the 'assimilated's' behaviour with little space for
nuances: 'indolent and little convinced of his duties', or 'useless' are two ex-
amples of such descriptions.

The oaths sworn by informants and witnesses reveal the various orientations
people had. In one case, the first witness swore 'by his traditions and customs to
tell the truth'. In another case, it was stated that the witness who was '– married
religiously according to the Catholic rite – sworn to God to tell the truth and
nothing but the truth'. The second swearing act is illustrative of how Christianity
was gaining ground in Gorongosa at that time.

Changes on the way
In the first years after the issuing of the 'statute for the indigenous', some minor
modifications were made but the key idea of recognising a different legal reality
for the indigenous population was maintained. Other changes were on their way
for the coming decades. First of all, an important ministerial decision was taken

on the 10th of February 1941 ending the majestic powers of the concessionaries in the territory of Mozambique. A decree issued on 27th of February 1942 fixed the 18th of July as the date of the reintegration of the territory of Manica and Sofala into the direct administration of the State.[38] With the end of the Mozambique Company came an end to the hawking out of government functions to non-governmental institutions, with the exception of education for the *indigenes*. The end of the Mozambique Company was hardly noticed by the local people but had a lot of impact on government level since Portugal was itself now responsible for governing the whole territory. The indigenous population still had to pay taxes and it was still forced to work under labour contracts. Officials working for the Company were given similar charges under the State Administration (Portuguese government 1942: 239). Gradually, the traditional authorities became more and more integrated into the colonial administration in the 1940s. A decree issued in 1944[39] is illustrative: *régulo*s and their assistants officially obtained the status of 'administrative assistants' (de Sousa Santos 2006).

Church and the new state
In the year the 'statute of the indigenous' came into being (1926), Portugal issued another statute concerning missionary activities. It emphasised the role of especially the Catholic Church in civilising the population and teaching them a sense of Portuguese nationhood. Further legislation, enacted in 1929 and 1930 and subsequent decrees published in 1933 elaborated on the promotion of Portuguese interests. This legislation impeded non-Catholic missionaries in Mozambique regarding education, an instrument that was seen as a threat to Portuguese sovereignty when not carried out according to the perceptions of the *metropole*. Teaching at many of the mission schools, Catholic and Protestant alike, was carried out in local language to the dissatisfaction of the Portuguese. Therefore, government officially prohibited the use of local languages in all forms of education. A bigger role was attributed to the Catholic Church which was seen as a partner of Portugal in striving for the 'Great Portuguese Nation'. This favoured position given to the Catholic Church sharpened the divide between the Protestant and Catholic Church in Mozambique. At the same time, it promoted the cooperation between different Protestant churches, most notably the Swiss Mission (then Presbyterian) and the Methodist Church (Cruz e Silva 1998a, 2001).

Cooperation between the colonial government and Rome was further formal-ised in 1940 by the *Concordato e Acordo Missionário* and in 1941 by the *Estatuto Missionário*. The accord reads:

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[38] Decree No. 31 896, February 27, 1942
[39] Decree No. 5.639, July 29, 1944

> Explorer, colonisers, missionaries are all the revelation of the same collective being – a manifestation and ramification of the same national politics.

The politics of the Nation and liberty to evangelise were seen as mutually reinforcing, as these decrees show. This however, seems to have applied mainly to the Catholic Church which from then on was explicitly charged with the education of the *indigenous* population at 'rudimentary' schools. The Protestant missions could only continue their educational effort in a non-formal way (Cruz e Silva & Loforte 1998). Until the Liberation war the Catholic Church remained, in effect, the official religion of the state. The church received a lot of privileges (Newitt 1995: 479) and the population identified it with the Portuguese government (Serapião 1972).

Initiating Christianity in Gorongosa

The first Christian church that was founded in Gorongosa was Catholic. The mission post of Cristo Rei, in Gorongosa's neighbourhood Mapombwe was founded on the 6th of April 1947 by the White Fathers. For some years, this was the only church in Gorongosa. Its impact was relatively high. Many of the older people in Gorongosa today, are still members of the Catholic Church community. In 1955 a second church, the Igreja Evangelica Assembleia de Deus, was founded in the district.[40] An important difference between this and the Catholic Church is that this church was not brought to the district by missionaries but by two labour migrants from Gorongosa (Pastor Jofrisse and Pastor Alberto) who spent several years in Zimbabwe where they became members. Returning to Gorongosa, they started to preach and convert people. Back in those days, following the Missionary Concordat, the colonial government still only favoured the Catholic Church. The Portuguese regime therefore was not cooperative towards other church denominations. The two pastors initially faced a lot of difficulties:

> When we started preaching here, it caused great conflicts with the Fathers. I was imprisoned by the Portuguese many times. The Fathers, they were white, and had contacts with the government whom they could complain to. Then, we went to the government as well to ask why they were still causing problems for the protestant churches, whereas in Lourenço Marques[41] the Igreja Evangelica Assembleia de Deus already existed and did not have any of these difficulties. We sometimes had to smuggle Bibles to Mozambique over the Zimbabwean border. If they caught you at Immigration[42], they killed you. It was forbidden to import Bibles. They [the Portuguese] did not want us to learn, because Zimbabwe had close connections with America and that is where they had a lot of knowledge. I always felt fear when I was in the train with my Bibles crossing the border, but I was never caught.

> (Pastor Alberto)

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[40] Evangelic Church Assembly of God
[41] The capital, now Maputo.
[42] On the Mozambican side of the border.

Figure 2.1   Pastor Alberto and his wife

Because the Portuguese regime favoured Catholicism it was not easy for other churches to get established during those years. Nevertheless, they slowly started to gain ground in Gorongosa.

Independence and civil war

Fighting for independence

A significant change in Portugal's colonial history took place in the early 1960s when people in Angola started revolting against colonial rule. In the broader African context, this was not a surprising event; it was a period in which many African countries were gaining independence, with or without the use of violence. Portugal's President Salazar however was not willing to hand over the colonies without a fight. As a result of the revolt in Angola, the latest version of the statute of the indigenous, dating from 1954,[43] was revoked in a decree issued in 1961.[44] Formally it meant the end of the dualistic system that opposed citizen and subject (cf. Mamdani 1996). The judicial regime of the colony that did not apply to the

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[43] Decree No. 39 666, 20 of May 1954.

[44] Decree No. 43 893, September 6, 1961. Note that the statute was equally enforced in all Portuguese colonies and that therefore it is not strange that events in Angola could trigger legal changes in Mozambique.

majority of the population was abolished. At the same time, Mozambique was no longer treated as a colony but rather as an 'overseas province'. Forced labour was abolished, although it could continue in situations of emergency (see a.o. O'Laughlin 2000; Bonate 2003; Meneses 2005; de Sousa Santos *et al.* 2006; Araújo 2008). Despite the shift from 'colony' to 'overseas province', Portugal actually continued to colonise its African territories.

Increasing self-consciousness among the population then led to the foundation of the Mozambique Liberation Front (Frelimo) in 1962. Due to the intolerance of the political climate towards nationalist groups, Frelimo was founded in Tanzania by nationalist leaders in exile. In 1964, Frelimo started its struggle for independence, entering Mozambique in the north, where they invested much in winning the hearts of the rural population. In the late 1960s, the Northern zones of the country were defined as 'liberated'. During these first years of existence, Frelimo gradually adapted the Marxist ideology. Frelimo's first head was Eduardo Mondlane.[45] As many others of the Frelimo cadre in early years, Mondlane had received his education at the Swiss Mission.[46] Through increased 'indigenisation', churches had become more firmly rooted in the Mozambican society (Rossouw & Macamo 1993: 537). The education at the mission posts developed an increased sense of self-consciousness among the converted population. Cruz e Silva even argues that the Swiss Mission was crucial in developing an identity and a political consciousness for many of these leaders by feeding their desires to strive for an independent Mozambique (Cruz e Silva 1998a, 1998b and 2001). The establishment of Frelimo would have far-reaching consequences and was the onset of the war for independence. The influence of Frelimo soon reached the rural areas and triggered national consciousness of the general populace, not only the educated elite. This was expressed to me by an old woman in Gorongosa as follows:

> In the past, we did not know. Then came Frelimo and we learnt that we were living in a country called Mozambique. Before we did not know, we just knew that the country was from the '*colono*'.

In the light of these developments, Portugal's position became increasingly weak. The people become aware that the country was actually *theirs*. Although the Catholic Church used to be a close partner of the colonial regime it now no longer indiscriminately accepted all orders issued by Portugal, just like the population was no longer subservient. The Bishop of Beira, Soares de Resende, a Portuguese himself, was one of the first to denounce colonial injustices – a personal

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[45] Mondlane was murdered in 1969, presumably by order of the Portuguese intelligence service. He was succeeded by Samora Machel, who would become Mozambique's first president. Machel died in 1986 in a plane crash. Complot theorists still argue that the crash was caused by forces within South-Africa's apartheid regime.

[46] Critics argued that Frelimo was too much an 'intellectuals party' that did not know the country well.

mission, which he continued until his death in 1967 (Serapião 1993; Soares Tomas 1999). Further proof of a critical turn can be found in the role played by several (European) priests that reported a number of massacres[47] and other war atrocities committed by the colonial forces, especially in the early 1970s. The limited international support for Portugal's colonial ambitions that still existed crumbled under the general indignation that arose after the publication of the priests' reports, horrifying in their detailed descriptions of the way the massacres had been committed (Hastings 1974).[48] A clear statement against the Portuguese government was the decision of some of the White Fathers[49] to leave Mozambique since they no longer wanted to be part of a regime of oppression that aimed at 'Portugalising the masses' (Serapião 1972).

The Carnation Revolution in 1974 in Portugal itself that led to the fall of Caetano's[50] dictatorial regime in the *metropole* accelerated the fall of the colonial regime. On June 25, 1975 Mozambique finally became independent. After attaining power, Frelimo soon abandoned its initially positive attitude towards the churches since this conflicted with Marxism, which the party had adopted. It resulted in a tense relationship between state and church in the years to come. The decision of Frelimo to take an anti-church position alienated the party from large part of the population, who sought and found an alternative voice in the church institution. This strengthened Frelimo's view that the Church was a threat to state power (see a.o. Newitt 1995; Vines & Wilson 1995; Morier-Genoud 1996; Soares Tomas 1999). The Protestant Churches, many of them since 1948 united under the inter-denominational umbrella of the Christian Council Mozambique (CCM), always had a stronger alliance with Frelimo because of their stronger ties with Portugal (Serapião 2004).

New local powers after independence?
The rupture that independence created at government level was obviously felt at the local level as well. As argued by Sachs, the strong identification of what was called 'traditional-feudal power' with the colonial regime caused the collapse of these traditional powers after the fall of the colonial government (Sachs 1984: 102). Before independence it had been beneficial for the local leaders to be co-operative with the colonial government. After independence, this affiliation was no longer appreciated. The first years after independence saw the leading Frelimo

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[47] Of the massacres announced, the Wiriyamu case in 1972 was most influential since it was published by Father Hastings in The Times magazine a couple of days before a planned visit by Portugal's president Caetano to Britain. Other reports described massacres in Mucumbura, Marara, Chawola and Inhaminga.

[48] See http://mozambiquehistory.net/atrocities for a number of news clippings.

[49] A Catholic denomination of missionaries that traditionally has a strong presence in Africa, also in Mozambique.

[50] After Salazar's death in 1968, Caetano was appointed as the new president.

party trying to replace the traditional rulers with *grupos dinamizadores*, 'dyna-mising groups' to increase local participation and get rid of structures (*régulos*) they associated with colonial times. Chieftaincy became formally abolished as, according to the Marxist ideology of Frelimo, it was considered an archaic and backward institution (Gonçalves 2006).[51] Although mainly charged with admini-strative functions, the political component of the dynamising groups was very important as well. Members of the 'dynamising groups' were generally chosen from among the Frelimo ranks. The groups consisted of 8 to 12 people, headed by a secretary. Initially they were explicitly charged with the resolution of small conflicts. In 1978, however, a decree was issued that provided for the creation of popular courts, from the local to the national level. The law followed a strict hierarchy from Supreme Popular Court, to provincial popular courts, to district popular court, and – on the lowest level – to the local popular courts. Neighbour-hood popular courts were created in urban areas where population density neces-sitated this.

In the case of Gorongosa, most of the dynamising groups simply merged into the popular courts. In other cases, the dynamising groups continued to exist, alongside the popular courts, the former mainly to promote good relations in the neighbourhood. Minor conflicts were to be solved by the dynamising groups as long as they were not within the competence of the popular courts (cf. Sachs & Honwana Welch 1990; Gundersen 1992; West & Kloeck-Jenson 1999; O'Laugh-lin 2000; Buur & Kyed 2005; Trindade 2006; Trindade & Pedroso 2006; Araújo 2008).

Judges of the popular courts at local and neighbourhood level were all elected. Reconciliation between the parties concerned was generally the aim of the admi-nistration of justice by the popular courts on a local level. When reconciliation was not possible, the judges – generally without formal legal education – were supposed to decide on the basis of common sense and justice. As a result the local popular tribunals became the embodiment of legal plurality; referring to state law, folk law and common sense. They came to function as mediators be-tween the various legal orders (Gundersen 1992). When necessary, they did not refrain from consulting the spirit mediums, cooperating with them in a similar way as the traditional authorities. Other cases, requiring the use of state law, were solved accordingly. The use of spirit mediums and local practices of conflict resolution contributed to a stronger local rootedness for the popular courts and helped them to respond to a reality that the state law was not always able to capture; a reality that often consisted of spiritual accusations of which no mate-rial proof could be provided. The state itself at that moment was not yet ready to acknowledge the role of the spirit mediums and give them a place in their legal

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[51] Decree no.6/78 of April 22, 1978.

system. Local popular courts were not tied to just one legal system and therefore fitted better in the local context.

Local powers and the reality of war

As shown above, the popular courts had a high potential to become an important judicial power at the local level. The time in which all this took place was not a favourable one though. The resistance movement Renamo, founded in 1975, soon started a civil war against the Marxist Frelimo government.[52] The war lasted until 1992. During the civil war, the local popular tribunals did not function in the same way throughout the country. Significant differences were observable between Frelimo territory and the zones under Renamo control. In general, Renamo was more associated with a 'traditionalist' approach, whereas Frelimo had a 'modernist' ideology. The expressed policy of Frelimo was to set up communal villages throughout the country which were to replace the traditional settlement structures. Until today, Renamo is much more associated with traditional authorities than Frelimo, although it is currently argued that Frelimo is now also turning more and more towards the traditional leaders since they have come to realise that they cannot do without them. Indeed, despite the efforts to replace the *régulo*s and other traditional structures, people still continue to appeal to these leaders, who have a considerable legitimacy. Creating the popular courts and the dynamising groups just added an extra institutional layer to the plural legal landscape that already existed.

War in Gorongosa

Whereas the war for independence was fought most severely in the North of the country, the subsequent civil war had other centres. Gorongosa suffered heavily as Renamo headquarters were located at different localities within the district. Frontlines continuously shifted and as a result people, even without physically moving, continuously moved between Frelimo and Renamo territory which made loyalty a complicated matter for the inhabitants. In general terms however, the area of Mount Gorongosa was, and still is, characterised as a Renamo stronghold, which is often explained in terms of tradition. People on the mountain are associated with 'living in tradition' by the people living in Gorongosa town, the latter

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[52] Renamo stands for *Resistência Nacional Moçambicana*, the Mozambican National Resistance. Until 1978, it was known as MNR. The movement, which started out as a guerrilla movement was backed by the white regimes of neighbouring Rhodesia and South-Africa who feared Frelimo support of the independence movements in their own countries. When the white regime in Rhodesia was indeed replaced by Mugabe's ZANU in 1980, Rhodesia's support for Renamo crumbled. From then on, support for Renamo came more from South Africa and US, which disagreed with the Marxist-communist Frelimo regime that was supported by Cuba and the USSR.

group being more in favour of Frelimo.[53] Asked about their daily conflicts during the civil war period, people generally responded that there was no time to quarrel or have issues with others, since they often had to flee. Some observations can still be distilled from popular remarks, namely that in the Frelimo zone, people generally went to the police forces to solve conflicts.[54] In Renamo zones, traditional authorities were more respected and therefore people felt free to continue to appeal to these authorities. During a period in which most people became used to physical violence, it was not uncommon to resort to the use of force in order to solve conflicts.

Religion throughout the civil war

Throughout history it has often been proven that people tend to become more religious during periods of crises, disasters or wars to find hope, solace, and a sense of security. Mozambique's case has not been any different. Many people in Mozambique were convinced that the war, like other bad events such as drought, hunger, and flooding, took place, especially because rituals to satisfy the ancestors had not been carried out adequately, and tradition was not respected properly (Honwana 1993). The fact that severe droughts hit the country during several war years was proof of this, for natural events are perceived to be regulated by the ancestral spirits. The years from 1982-1984 especially were extremely dry and many people died of famine. Honwana emphasised that people turn to tradition, especially at moments of crisis, be it personal or societal. To appease the upset spirits, it is important to carry out the right ceremonies and rituals. Moreover, people consulted the spirits through the mediums to find out whether or not it was safe to go to war or whether or not it was safe to go to the agricultural fields. Another service provided by the spirit mediums was to give protection against bullets. This was done either by turning the bullets into clay and thus making them harmless, or by making a person unassailable by bullets. This sense of protection was sought by soldiers and non-soldiers alike. Clearly, the spirits guided many people through the war by giving them hope, consolation or predictions of intended attacks. Schafer, in her study on the motivations and challenges of guerrillas (i.e. Renamo) in Manica province, explains how the guerrillas appealed to their ancestral spirits to get protection in the fighting (Schafer 2001).

Although Frelimo openly rejected almost everything related to religion, individual Frelimo soldiers frequented spirit mediums as well, in the same way as

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[53] During the municipal elections (Nov.2008), Frelimo obtained 82% of the votes, Renamo 11,8% (Hanlon 2008). These are data on the town of Gorongosa only. No such data are available for the rest of the district since the elections only took place in the urban area. It is generally assumed however that Renamo is still popular in the rural parts of the district.

[54] Most of the time, Gorongosa town was located in a Frelimo zone.

Renamo soldiers would do. Honwana cites one of her informants, a spirit medium, in talking about the war: 'The spirit mediums know how to make war. The mediums can fight or win a war. Here, there was disdain for the spirit mediums. We were treated badly (…). There are many mediums that worked with Renamo, some out of fear but others because they were not happy with the way the spirit mediums were treated' (Honwana 1993: 33). Indeed, spirit mediums often treated Renamo and Frelimo soldiers alike out of fear. In other instances, soldiers consulted them as ordinary civilians (not wearing uniforms) and the spirit medium would not know that the client was a soldier, let alone on which side of the fight.

Churches and the peace process
Parallel to traditional religion also the churches were flourishing despite the repressive regime of Frelimo. Just like the spirit mediums, the churches were able to provide solace to the people. Renamo generally tried not to hinder religious practices. When they attacked communities, they often left church premises untouched. In this way, Renamo hoped to gain religious legitimacy (Wilson 1992: 540). Frelimo's policy was less tolerant regarding religious freedom and clearly oppressed religious acts. But despite the often forced departure of most foreign missionaries from the country, churches continued to grow, led by local leaders who did not have similar escape options as the missionaries. Because of their religious conviction and evangelising efforts, many of the local church leaders were sent to prison or re-education camps by the Frelimo government (Alves da Sousa & da Cruz Correia 1998). This is also recounted by early converts in Gorongosa.

Despite the counteractions by Frelimo, voices of resistance against the war were continually expressed by the Christians. A number of documents addressed to the President show the concern of the churches over their lack of freedom. Other documents encouraged the people to keep faith in the face of the state's persecution. A significant turn of the Marxist regime was taken in 1982 when President Samora Machel stated that the party would respect religious beliefs and would cooperate with the churches to understand better the people and to improve their situation. It was a decisive move that opened the way for cooperation. In the years to come, the church would prove to be an important promoter of peace in the country. Throughout the war pastoral letters (*Cartas Pastorais*) proved to be important instruments which the Catholic Church used to appeal for peace. These letters carried titles like 'A Call for Peace', 'Let's Stop the War and Construct Peace', 'The Peace the People Want', and 'Peace Needs Reconciliation'. Church leaders from various denominations increased their power by cooperating to set up a common strategy to achieve peace. Central points were to:

- look for what unites rather than what divides;
- discuss problems step by step;
- keep in mind the suffering that so many people endure during the war;
- work with the friends and supporters of both sides – this is fundamental;
- remember the deeper dimensions of peace such as forgiveness, justice, human rights, reconciliation and trust;
- and work with other groups

(Sengulane & Gonçalves 1998)[55]

By the end of the 1980s, the churches had gained the right momentum to play a vital role in the peace process. As Vines and Wilson (1995: 147) describe:

> The churches in Mozambique were recognised by political leaders, the fighters of both sides, and by grass roots communities, whatever their particular religious affiliations, as having a legitimate and independent interest in achieving peace. This position was only achieved in Mozambique after a long struggle by large sections of the churches to achieve a recognised status in a hostile political environment. The erosion of state legitimacy and authority in the armed conflict led to the churches providing virtually the only other conceivably 'national' institutional framework.

Efforts by Dom Jaime Gonçalves, Archbishop of Beira to bring together Renamo and Frelimo representatives deserves special mentioning, as he is usually recalled as the key figure in setting up the negotiations that finally brought peace.[56]

As a sign of hope that the war could come to an end, people in Gorongosa, and elsewhere in Mozambique, still recall the trip made by the bishop in 1988 to the Renamo base in Gorongosa to contact the president of Renamo, Dhlakama. In the same year, another often commemorated trip to Gorongosa was made, this time by the Pope (Soares Tomas 1999). Until today this visit is vividly remembered by the people as a sign of hope that fed their dreams of peace. The effect of the Pope's visit to Mozambique is often described in lyrical terms: 'He irrigated the land and the hearts of all as a good rain. The Mozambican land, instead of continuing being a deserted land, made desolate by the armed forces, started to be a fertile land, that, in short time would bear the fruits of peace' (Alves da Sousa & da Cruz Correia 1998: 205). After the first contacts had been made, peace talks soon started. Again, Beira's archbishop played the role of mediator. Additionally, the Catholic missionary lay institution Community of Sant' Egidio played a pivotal role. As a 'neutral' actor, it succeeded in bringing together the different parties. The base of this organisation in Rome would be the scene where the final peace agreement was signed in 1992. Dom Matteo Zuppi, one of the mediators

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[55] The Anglican Bishop Dom Dinis Sengulane was president of the Christian Council Mozambique; Dom Jaime Pedro Gonçalves is Archbishop of the Diocese of Beira

[56] His personal motivation to end the war, was mainly that he felt it unjust that the church's property was nationalised and that there was no room to evangelise. These reasons were much more centred on the church than on the suffering of the population, which is the reason generally given for his efforts (based on personal interview).

on behalf of the Community Sant' Egidio, explains the perseverance of his institution in putting pressure to have negotiations as follows:

> It is a conviction that, I would say, all churches have. Because with the lectures in the Bible, with the dialogue, there is always hope to solve conflicts

> (Dom Matteo Zuppi in: O País, 5.10.2007)

When 15 years of peace were commemorated in Mozambique in October 2007, the independent newspaper *O País* published an extensive article in which the different religious actors – principally Sant' Egidio, Bishop Sengulane and Bishop Gonçalves – were feted as key actors behind the screen of the peace negotiations. To me, this illustrated the important role the population attributed to religion in this respect.

After peace had been achieved in Mozambique, efforts were still needed in the next years to maintain it. Having initiated the peace talks, churches continued to feel responsible for its sustenance:

> CCM[57] contributed considerably to the peace process and after that had to continue with peace keeping and reconciliation. From that time onwards, we (CCM) have been working on the resolution of conflicts within and outside the church.

> (Rev. Eduardo Tivane)

Post-war reconstruction

Post-war healing

After signing the peace agreement, peace building still had to take place on the grassroots level; the wounded society at large had to be 'healed' and violence had to be 'unmaked', as described by Nordstrom in her book 'A different kind of war story'. Although Nordstrom acknowledges that it is impossible to speak of a whole nation as a single entity, she nevertheless claims that 'a culture of resisting violence and of peace building did develop in Mozambique' (Nordstrom 1997: 228). Nordstrom concludes that Mozambican peace building was special in two regards – in comparison to other post-war countries: '1) The antiwar/peace building sentiments were encoded throughout social life – from parables to medicine; from song and theatre to land tenure settlements; from the crafts of street vendors to the classes of primary school teachers; 2) These many arenas were extensively linked and formed a space of thought and action free from party politics' (Nordstrom 1997: 230-231). Throughout the country many small-scale peace and reconciliation procedures were accomplished.

Part of the peace building process was taken up by the churches, which had already started to prepare the population for peace in the last years of the civil war, as I have shown before. Religious leaders were generally well trusted by the

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[57] *Concelho Cristão de Moçambique*, cooperation of different (Protestant) churches in Mozambique

population and therefore had enough legitimacy to play a reconciling role. Christian-based NGOs like *JustaPaz* and *Caritas* trained local leaders and laymen to focus on reconciliation and restorative justice. At the grassroots level, the spirit mediums constituted another central institution that assisted the population in reconciling and healing the spiritual scars. Honwana argues that these traditional healers were essential in bringing back balance, harmony and social stability in the war torn communities (Honwana 1996). Other research carried out in post-war Mozambique confirms this picture. Resentment and previously untold stories of atrocities are spoken out openly during the rituals carried out by spirit mediums and attended by patients, their family members and other close community members. Having carried out the right rituals, the thwarted spirits can get rest and no longer bother the people. Knowing what has happened helps to reconcile the people within the community (see a.o. Nordstrom 1997; Schafer 2001; Granjo 2007; on Gorongosa see: Igreja 2003b, 2007).

Neo-liberal reform
Steps had to be taken to maintain peace but not only on a grassroots level. On the national level, a number of changes had to be made to ensure a stable democracy and replacement of heritages of colonialism and the civil war. The national government however mainly focused on economic rather than social reconstruction. In 1990, when the war was still on, Mozambique, under international donor pressure, had changed from a single party socialist regime to a multiparty regime oriented towards a market economy. The new constitution, adopted in the same year, clearly recognised a number of political and human rights, of which I would like to mention the freedom of religion and worship here.[58] Although still a secular state, the addition of this new law shows that the position towards the churches has become a little milder than during the early communist years after independence. According to some, this change in position can be ascribed especially to the mediating role of the churches during the peace process.

Judicial structure
The new Constitution also entailed a number of changes for the judicial branch. It defined the courts as 'sovereign bodies which guaranteed and reinforced the legal order, securing the rights and freedoms of citizens and the legal interests of the different bodies and entities officially in existence' (Trindade & Pedroso 2006: 119).[59] Further specificities were set in a subsequent 'Law on the Organisation of

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[58] Article 78 in the 1990 Constitution. Another revision of the constitution in 2004 maintained these articles.
[59] Article 169 and 161

Figure 2.2   Legal plurality in Mozambique (from: de Sousa Santos 2006: 54).

the Judiciary' which was adopted in 1992.[60] According to this law, local courts were defined as 'sovereign organs which administer justice in the name of the people' (Trindade & Pedroso 2006: 119).

The new judicial organisation became limited to the district level as the lowest level and thus excluded the grassroots courts since they did not uniquely refer to legal criteria, i.e. written law. The local popular courts were excluded from the judicial organisation of the state (Trindade & Pedroso 2006).

The majority of cases that the district court deals with today are criminal cases. Depending on the category in which a district falls, the competence of the district court is set by decree 24/98. Courts located in districts of the first class have jurisdiction over: questions of family issues; cases involving minors; cases involving money that does not exceed the value of 30,000 Mtn; crimes punishable with imprisonment from two to eight years. District courts falling within the second class have the jurisdiction to decide on processes of minor cases not surpassing a value of 15,000 Mtn; and crimes punishable with imprisonment not any longer than two years (Decree 24/98; Trindade & Pedroso 2003: 267-271). During my research, Gorongosa's district court fell in the latter category. At the time of writing, and after the elevation of Gorongosa to the status of municipality, the court's status has been elevated to the first category. In Chapter 6, I will come back to the functioning of the police station and the district court. Before reaching the level of the district court however, most cases have first been dealt with by the district's police station. Although not primarily responsible for the civil

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[60] Lei Orgânica dos Tribunais Judiciais, Law no.10/92, 6th of May.

cases, police officers often engage in mediation of these cases, as I will show in Chapter 6 as well.

At the time the Constitution was adopted, another law was passed (Law No. 4/92) which created Community Courts as 'bodies for conciliation and the resolution of minor conflicts under what could be defined as the informal administration of justice' (Trindade & Pedroso 2006: 119).[61] Local popular courts formally ceased to exist. In practice, however, not much changed, as most local popular courts simply changed their name to Community Court or Neighbourhood Court, in urban areas. Their functions did not really change; the courts continued to be ruled by the same principles as laid out above; no new elections took place for the judges and the personnel thus remained the same.[62] As a result, the change in judicial organisation was mainly a formal change: the local courts were no longer considered as part of the state structure. It hardly affected the way things worked at the local level because many of the previously elected popular judges continued to fulfil the same position in the framework of the community courts. In Chapter 7, the functioning of the community courts will be described in more detail.

Local level authority

In addition to the already mentioned law on community courts, a number of other laws and decrees nowadays recognise the power of lower level authorities, especially community leaders. The first is the Municipal Law, (Law No. 2/1997), which provided for democratic elections in 33 municipalities described as *autarquias locais*, local autarchies. These municipalities are only located in urban and some semi-urban areas. In April 2008, the national government announced that Gorongosa town would be elevated to the status of *municipio*, news that quickly reached the local level. The first municipal elections subsequently took place in November 2008. During these elections the Frelimo candidate won convincingly, underlining that the Renamo reputation of the district is mainly based on the rural areas outside Gorongosa town.

During my fieldwork, Gorongosa had not yet come under the Municipal Law. Applicable then was a decree concerning community authorities which was issued in 2000. This decree (15/2000), applicable in the remaining semi-urban areas and in the rural areas, legally recognises three categories of community authorities:

a) traditional authorities;
b) *secretários de bairro* (secretaries of neighbourhoods or villages); and
c) other local leaders perceived as legitimate by the communities concerned.

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[61] Law No. 4/92, 6th of May.
[62] In fact, in many cases judges steadily resigned because of age, lack of remuneration, lack of time, etc.

Religious leaders are an example of the last category. But despite the legal recognition and in spite of the efforts of Frelimo in the early years after independence to replace the traditional authority structures with structures more strongly linked to the state, it seems that thus far, in the overwhelming majority of cases, a traditional leader came to be appointed by the population as community authority.

Entering the legal framework: Ametramo

In 1991 another element had been added to the plural legal landscape with the foundation of the 'Association of Traditional Healers of Mozambique' (Ametramo).[63] Popular judges often had to call upon the assistance of spirit mediums to come to a verdict. The state felt the need to obtain a certain level of control over this unregulated group of mediators. A way to do so was to incorporate them into a formally recognised organisation (Meneses 2004a, 2004b). Trusting the self-screening capacity of such an organisation to prevent charlatans from being members, the state had now found a mechanism to be able to instrumentalise the capacity of individual spirit mediums. In 2005 a group of dissident members formed a second association, AMETIM (Association of Independent Traditional Healers of Mozambique), and that obtained legal recognition as well.[64] In Chapter 5, I will analyse the function of the spirit mediums in processes of disputing. In Chapter 8, I will focus on the relationship between state and spirit mediums.

Religious diversity

Once the smoke of war had cleared, the war refugees had returned to their area, and room had been made for setting up new structures, the number of church denominations appeared to have grown at a very fast rate.[65] The number of churches continues to be on the rise until today. In 2007, 732 religious denominations were registered with the Department of Religious Affairs of the Ministry of Justice.[66] The boom of religious denominations was mainly stimulated by the tremendous rise of the syncretic African churches, also known as African Independent Churches, often small breakaway units of larger denominations. As one pastor told me:

> When a child grows up, there is a time he has to leave his parental house to get his own household. It is the same with being in church. Once I had grown there, I had to get my own church.

Reflecting the national trend, the religious landscape in Gorongosa district is no longer defined by only a handful of religious denominations.

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[63] *Associação dos Médicos Tradicionais de Moçambique.*
[64] *Associação dos Médicos Tradicionais Independentes de Moçambique.*
[65] This despite Frelimo's efforts to thwart church activities during the war.
[66] International Religious Freedom Report 2007.

Figure 2.3   The Catholic Church in Gorongosa Town

The government's district plan of 2002 stated that there were 4 official religious denominations registered: Roman Catholic, Assembly of God, Zion, Islam. Besides, it is stated in this report there are 'other religions with little impact'. In 2006 however, the district plan already mentioned the presence of 32 officially registered religious denominations. During my fieldwork (2007-2008), the government administration had a list of over 60 churches with different backgrounds that were officially registered in the district. The Muslim community is equally registered under the heading 'church' namely as 'Islamic Church'. Registering a church officially is a slow and complicated process. The number of unregistered churches is difficult to estimate. Looking at this religious diversity in Gorongosa, one has to realise that the majority of the churches is syncretic and that an increasing number of Christians does not automatically imply a decrease of people adhering to traditional religion. I will come back to this later.

The number of Muslims within Gorongosa is rather insignificant; there are about 40 Muslims registered. The 'indigenous' Magorongosi Muslims are believed to be descendents of a single Swahili trader that settled in the area in the early colonial period. The leader of the Muslims in Gorongosa is a prominent

person in the society, an influential trader as his forefather alike.[67] He also acts as one of the elected judges in the district tribunal. Other Muslims are people that are not originally from Gorongosa, like the judge-president of the district court or merchants making a stopover in the community. With a big smile, one of the Muslims in Gorongosa remarked to me that the first Gorongosan Muslim convert still had to be born. Unlike in the urban centres of Mozambique, no attempts to convert people to Islam have been carried out thus far in Gorongosa.

Religion and the state

Looking at the way the post-war state deals with religiosity, we see that the state is still defined officially as laic or secular. It is public knowledge however, that the current president, Guebuza is a devout Christian and one of the biggest donors to his church. The government's position definitely has become one of more tolerance than in the early Frelimo years. Catholicism is said to be more strongly connected to Renamo,[68] and thus to the opposition than to Frelimo and the state. Over the last years, the relation between the state and Islam has experienced some periods of tensions. A clear expression of this was the so-called 'Muslim Holidays Affair' in 1996. A group of Muslim parliamentarians had drafted a law that would have created two official Islamic holidays: *Id-ul-Fitr* and *Id-ul-Adha*. Although the Parliament approved it, the Supreme Court rejected the law as being unconstitutional and sent the legislation back to Parliament for reformulation or cancellation.[69] Until today the issue is pending, to the disappointment of the Muslim society in Mozambique, who argue that Christians already *do* have their public holiday (Morier-Genoud 2000). And indeed, it is difficult to deny that Family Day, celebrated on the 25th of December is not a religious holiday. Though in legal terms Mozambique is a laic state, in reality, religious institutions do play a considerable role not only in society but also in government.

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[67] Although seen as a religious leader, he did not have any clerical education. The community has been told by their order that an imam will be sent to Gorongosa once the believers have managed to fund and build a mosque.

[68] This is due to colonial times, but also to prominent figures like the bishop of Beira, who clearly has a 'Renamo-reputation.

[69] The secularity of the state is enshrined in the Constitution.

3

In search of spiritual security in a changing world

> The things the youth is doing now, one could not do that in the past because you would be killed immediately. There were people living out there in the forest that would turn into lions at night and come to town to govern.

Talking with elders in Gorongosa about the changes in society over time, they often referred to the strength of tradition in the time they grew up. They referred especially to the strength of the belief in spiritual forces, forces that played a regulatory role in society. One of the remarkable features of religion by then, as they recalled it, was the belief in spiritual animals. It is to these spiritual animals that reference is made in the above citation, which comes from 78-year old Mr. Albino Roque. Albino has lived for largest part of his life in Gorongosa town. He mentioned the words during a conversation about the changes taking place in society. Albino, like many older people, deplored the changes that, according to him, were caused by the loss of tradition. With the loss of tradition, spirits got enraged and therefore, according to people like Albino, caused the disruption of social order and a feeling of insecurity.[1] In contrast with this view, is the view of others, often younger people, who adhere less to tradition. They welcome the changes brought by the churches, freeing them from the shackles of tradition. They claim to have lost their fears of witchcraft, ancestral spirits, and bad spirits potentially causing illnesses, misfortune, and distorted social relationships. A lot of fears in the lives of those 'in tradition' do not impact on the lives of those having lost 'tradition' and as a result once widely accepted moral orientations get lost. By now, the weakening of tradition has shown to be a slow process. Until

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[1] See also French (2009) on the social and ecological instability that resulted from the civil war-related violence in Gorongosa District.

today people continue to seek for a balance in the religiously plural world they inhabit. Religious pluralism in Gorongosa not only pervades society but infringes as well on the life of individuals and therefore ambivalent feelings seem to run through both society and individuals.

In this chapter, I will focus on the normative orientations religion provides to people, helping them to order society and organise their lives (cf. Durkheim 2008). Both tradition and Christianity can be seen as 'collective identities', i.e. representations 'containing – or seeming to contain – a normative appeal to potential respondents and providing them with the means of understanding themselves, or being understood, as members of a larger category of persons or as participants in a larger assemblage' (Donahoe *et al.* 2009: 2). Next to tradition and Christianity, partly parallel and partly overlapping, there is another factor that strongly affects the way in which people organise their lives and the extent to which they are willing to follow moral guidance of either tradition or church. This is the aspect of 'modernity', which, as I will show later, is sometimes fully detached from both tradition and Christianity, at other instances overlapping.[2] The way people identify themselves in discourse does not necessarily coincide with social behaviour people display (cf. Hogg & Abrams 1988; Brewer & Gardner 1996). Context is important in one's self-categorisation (cf. Turner *et al.* 1994). In defining themselves and others in their surrounding, people usually distinguish mainly between tradition and Christianity. People that do not fall within one of these categories, are simply seen as the ones ignoring the socially accepted categories. But does identity discourse coincide with social behaviour in the plural context of Gorongosa? In trying to answer this question, my focus will be mainly on the categories of tradition and Christianity. These categories were more visible in Gorongosa than the third, only loosely defined category of non-traditional and non-Christian.

Reality shows that the categories of tradition and Christianity are often intricately interwoven and that it is not possible to make neat distinctions, as boundaries are extremely fluid (cf. Hastings 2000; Kirsch 2004). This chapter will take up 'the challenge to chart shifts and interactions' (Maxwell 2006: 394) between Christianity and 'tradition' and show how people relate to the different religions to find moral orientations. The fluidity of the boundaries enables many people to continuously shift – both in praxis and in doxy – between the different identities. Although for the observer this shifting often seems to be contradictory, for people in Gorongosa it seems to be a convenient way of uniting two realms that can both provide normative orientations for one's behaviour.

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[2] I do not use the term 'modernity' here in an ideological sense that is connected to modernisation theory. Rather, I want to highlight modernity as another way to organise one's life without fully embracing the dominant normative orientations of tradition or Christianity.

Figure 3.1   Mr. Albino Roque with some of
his grandchildren

By discussing the role of 'tradition' in the life of people who have converted to Christianity, I will touch on the debate whether conversion means a clear break with the past (cf. Kiernan 1992; Meyer 1998; van Dijk 1992, 1995; Robbins 2003, 2007) or whether in fact the continuity aspects deserve to be highlighted with more emphasis (Sundkler 1961; Comaroff & Comaroff 1991). To explore this question, I will mainly look at the way religion provides normative orientations to people on how to behave in a variety of situations rather than focus at the ritual practices or the linguistic aspects of religion as others have done (cf. Engelke 2004). In other words: did the advent of Christianity in Gorongosa bring about major changes in religious orientations that help people to organise daily life?

After a general overview of some features of the religious landscape in Gorongosa, I will shift my focus to the everyday followers, taking already mentioned Mr. Albino and his social surroundings as an example. As pointed out by Engelke, these everyday-followers have received little attention in accounts on Christianity in Africa. Yet, the everyday followers are just as well part of what Comaroff and Comaroff call the 'long conversation' that formed Christianity in Africa (Engelke 2004: 84; Comaroff & Comaroff 1991: ch. 6). However, conversion is not just an individual process but also a social one (cf. Luig 1997).

Therefore, I will not only look at the individual experience of conversion, but embed the individual experience in society and look at the way 'social and individual processes interact over time' (Hefner 1993: 4).

Changing society, changing beliefs

Until 1947 the religious field in Gorongosa was dominated by traditional religion. People to a greater or lesser extent all believed in tradition; i.e. traditional ideas, beliefs, and rules. Traditional religion is part of a larger complex of tradition, consisting as well of traditional rules, and a traditional governing structure. As mentioned already in Chapter 1, my use of the term 'tradition' follows the usage of the term of my informants. Tradition therefore, refers mainly to the traditional belief system and to the rules that are derived from this system and much less to the, in Mozambique politically loaded, concept of tradition that refers to the traditional authority structure. Although the term 'tradition' might invoke associations with a historical past, I want to emphasise here again that I consider tradition as a dynamic force; rooted in the past but continuously subject to change. Traditional prescriptions on how to organise one's life cannot be static. Otherwise, they would loose their function as soon as changes affect society. To remain their validity, traditional religion, as a normative order, is constantly remoulded and developed, 'until it attains, once more, its pristine level of explanatory coverage' (Horton 1971: 102).

Central to traditional religion is the belief in spiritual forces. This belief, as pointed out by Horton in more general terms on Africa, 'provides an impressive instrument for explanation, prediction, and control' (Horton 1971: 101). The spirits provide people with guidelines on how to behave vis-à-vis each other and vis-à-vis the spirits. These guidelines regard lifecycle rituals, but also on what to do in case of physical, psychic, or social illness. It is believed by people that many of these guidelines only bring the desirable outcome when followed by the whole society. An individual who does not act conform the spiritual guidelines is believed to put the whole society at risk. Group pressure to comply with the spiritual prescriptions is therefore high among people who adhere to tradition. Beliefs reinforce this social pressure (Douglas 1996).

The spiritual world is not inhabited by a homogeneous group of spirits. Spirits, just like people, have their own characters, yet they can be divided in a number of categories. The main category of spirits prevalent in Gorongosa are the *mizimu*; ancestral spirits that reside at the homestead of their offspring and provide protection and guidance. 'Ancestors make the perfect parents' (Lan 1995: 32). Relationships with spirits are not taken for granted, and people have to pay due respect and maintain social norms in order not to loose their protection. It is said that an ancestral spirit that is not well respected, might cause illness among his

offspring to signal its dissatisfaction. Many people in Gorongosa attributed the severity of drought and famine during the civil war to the severe violations of the traditional laws and the wrath of the ancestral spirits about this. Apart from the ancestral spirits, there are other categories of spirits in Gorongosa, like *madzoka*, *npfukwa*, and *magamba*. These spirits however, testify of their presence mainly via spirit mediums. I will discuss them in Chapter 5.

A simple example of the way in which also guidelines of the spirits change in response of changes in society, can be found in rules regarding the bonfire of a homestead. Elder people recalled the time in which matches were still unknown to them and fires were lighted by rubbing small twigs. Because of the tediousness of the process it was important not to extinguish the fire once it was lighted and people tried to keep a fire as long as possible, sometimes up to 30 or even 60 days. Exchange of fire was kept to strict regulations: only one of the elders of a household could go to another household and ask for a burning twig to light the fire. A small ceremony had to be carried out before handing over the fire to appease the ancestral residing spirits as they had to approve the exchange of the fire. With the introduction of matches it was no longer necessary to keep fires going for days on end. Yet, elders attribute this change not only to matches. One of them – without me asking about the reason – set out: 'When we got matches, this was all no longer needed. It stopped because of the churches'. Change is thus attributed to innovations that reached society but also to the advent of Christianity. Today there is often a lively exchange of burning pieces of charcoal between neighbours to facilitate the process of getting the fire going. It is no longer required that one of the elders goes out 'to look for fire'. Instead, it is often one of the younger girls in a household that is charged with this task and apart from showing the usual respect when asking a favour, there is no special ceremony required. But exchange is still not without any restrictions; it is widely said not to be allowed to ask for pieces of charcoal once the sun has set. One day at the district court, a suspected thief defended himself by arguing that he entered a house not to steal, but to ask for a burning piece of charcoal to be able to make a fire to prepare his evening meal. After the final sentence, in which the thief was found guilty, the judge explained to the thief that 'according to the rules of tradition here, you should not go to ask for fire after sunset and surely you cannot go to ask for fire to people you don't know'. Traditional prescriptions have thus changed slightly over time, but did not completely disappear. Until today, they serve to create order and are used as 'analogies for expressing a general view of the social order' (Douglas 1996: 3). Such an 'order implies restrictions' (ibid.: 95). Not only is it not allowed to go to strangers after sunset to ask for fire, it is not allowed in more general terms to go to strangers after sunset anyway and this is the general order that is supposed to be maintained. Somebody who trans-

gresses these 'ways of the ancestors' and enters a homestead against the will of the residing spirits will run the risk of enraging the spirits and disrupting social order.

Spirit animals

The words mentioned by Albino in the beginning of this chapter refer to a specific category of spirits; spiritual animals. The lions Albino talked about, were not 'real' lions of flesh and blood, but were 'spirit lions'. In the past, these lions constituted an inherent part of the cosmology of the people in Gorongosa. What are spiritual animals? And what is their function? The phenomenon of spirit animals is not unique to Gorongosa or to Mozambique. Others have described spiritual transformations of humans into animals in the hereafter as well. Some characteristics seem to be general to the spiritual animals; others are more place-specific.[3] Many of the older people recalled how, in the past they were told that in order to achieve a spiritual animal status in the material world a medicine could be taken that prevented people from dying. This medicine was provided by a limited number of spirit mediums, as knowledge about it was kept secret. Ingestion of the medicine (based on a certain plant root) turned one into a spirit animal in the after-life. By now, most knowledge about the medicine has gotten lost and it is said that most of the spirit animals have died; often they got killed during the civil war by people 'from outside' that were not aware of the spirituality of the animals. Also for people that are aware of the existence of spirit lions it can be difficult to distinguish between a spirit lion and a normal lion. Therefore, it seems understandable that foreigners had even more problems in making distinctions.

Generally, 'average' people did not turn into a spiritual animal, but into a 'regular' ancestral spirit. Some people however resorted to the medicine, allowing them to change their status in the after-life. Irrespective of occupation or social rank during their life, they could thus still turn into a spirit animal after their worldly death. For traditional authorities, it was always much more common and self-evident to turn into a spirit animal. The *régulos*, being the highest authorities, typically transformed into sacred or spiritual lions (*mhondoro*) (cf. Isaacman 1973; Lan 1995; West 2005, 2007; Schuetze 2010)[4], the *chefes* into a certain species of 'solitary' monkeys whereas the *mfumus*, lowest in rank, transformed into goats. The lifetime-hierarchy thus roughly continued during the spiritual

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[3] On other regions of Mozambique see: Bertelsen 2003; West 2005; Israel 2009. On Southern Africa, see: Hammond-Tooke 1974; Lan 1995; Niehaus 2001; Ashforth 2005.

[4] Reference is made to both 'sacred' and 'spiritual' but since the latter was more commonly used, I will use this here as well. The former seems to be a more Christian-oriented expression that is probably introduced in the language at a later point.

animal-life as well.[5] Spirit animals like the lions, provided protection and prosperity for their life-time subjects. The lions of chiefly spirits were considered to be especially powerful. But protection provided by the lions does not come unconditional and people have to live according to the prescriptions of the spirit lion. These prescriptions reflected 'the way of the ancestors' and instructed people on how to live together peacefully, both with each other and with the spirits. This is set out as well by Lan for the Zimbabwean context: 'If incest, murder or witchcraft take place drought follows and the crops will fail, thus the "laws of nature are dragged in to sanction the moral code" (Douglas 1996: 3). But if the descendants of the *mhondoro* obey his laws and perform his ceremonies in due time, they will live in peace and plenty' (Lan 1995: 32).

After his 'human' death, the spiritual lion would wander around in the vicinity of his descendents' yard and scare off other, dangerous lions.[6] Spiritual lions do not kill recklessly; they only protect, and provide the people with a sense of security, thus contributing to order in society. It is to the category of spirit lions that Albino referred when talking about the lions that were governing in the past. These lions however were not uniquely embodiments of deceased people but could in some instances also represent living people who were able to transform into a lion during the night or who 'domesticated' and controlled lions themselves:

> In the past, there was a man called Bongoma who had two spiritual lions. He lived in the (National) Park, in Casa Banana and he was famous for his lions, which he kept in his pockets. When he was around, nobody would sleep peacefully. … That Bongoma … whaah … he sucked[7] a lot. If he came, and he was not treated well by people and you did not know he was carrying these lions in his pockets, you would not have a good sleep. If somebody was treated badly, people could go to Bongoma to complain and ask him to do something. He would send his lion and the lion would take that person.
>
> Albino Roque[8]

Spiritual lions functioned as strong deterrents directing people's behaviour in the past. Albino was not the only one who vividly remembered the fear that was invoked by the reign of the spiritual lions. It became apparent to me when I asked Deolinda, one of my older respondents whether in general she was afraid of the

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[5] Lan argues that *mhondoro* in Zimbabwe are uniquely the spirits of deceased chiefs. He gives two explanations for this. The first is simply that 'chiefs are chiefs'. The second is that 'chiefs eat certain medicines which at their deaths transform them into *mhondoro*' (1995: 34). In the case of Gorongosa however, the use of the medicine does not seem to be restricted to the chiefs and has been more widespread.

[6] This refers to real lions. Considering that they are much less abundant in the area than in the past, it seems to be evident that there is less a need for protection by the spirit lions and that also the spirit lions are more rarely reported by people in the district.

[7] In Portuguese (*chupar*) the expression does not have the same connotation as the English 'to suck'. Using *chupar*, Albino was euphemistically telling that Bongoma caused the death of a lot of people.

[8] That the belief in 'magical' domesticated animals is still persistent in especially the rural areas of Mozambique is confirmed by Serra (2009).

spirits in the past. Her answer revealed that the prime association with fearsome spirits of the past was the association with spirit lions:

> Yes, we were afraid of the lions. We had two sticks to lock the door so they would not be able to open. Nor did we go out at night.

Both danger and security were thus mirrored in the lion; on the one hand the lion provided protection and security to the people who lived according to its rules; on the other hand it would correct the misbehaviour of people violating the rules. Danger is needed to threaten transgressors and to guard the ideal order of society (Douglas 1996). These danger-beliefs are as much threats which one man uses to coerce another as dangers which he himself fears to incur by his own lapses from righteousness.

Witchcraft belief
Another particular aspect of traditional religion is the belief in the nefarious forces of witchcraft. The wrath of the above discussed spirits can be curbed by complying to the laws of the spirits again and by carrying out required ceremonies, but the misfortune that is caused by witchcraft (referred to as *uroyi* or *ufiti*) can be more persistent.[9] As set out in chapter 1, I consider witchcraft, and belief in witchcraft as an aspect of traditional religion. In many instances, it is mainly the fear of witchcraft that affects the way in which people organise their lives. Fear of witchcraft can in some instances be a positive, regulatory force, whereas witchcraft itself is primarily negative. Witchcraft is not just sent by the spirits, but is sent by people, *via* the spirits. In many instances, envy is said to be the underlying reason. Witchcraft can cause similar problems as enraged spirits can cause. Yet, the treatment of witchcraft is said to be more complicated and usually requires the intervention of specialised spirit mediums, or in some instances from church leaders. Under the influence of today's Christian discourse, many people today now refer to enraged spirits simply as 'bad spirits' and group various categories of spirits together. Thus, specific characteristics of specific spirits vanish to the background. 'Sending' bad spirits can even indicate a subtle reference to witchcraft. People that are more inclined towards tradition, usually do not make use of this generic category, but refer to the more specific categories of spirits.

Although today many people do not like to talk openly about their witchcraft beliefs, there seems to be widespread agreement that the actual practice of witchcraft is on the rise. In former times, witchcraft belief was more dominant in public discourse and was widely considered, even in the indigenous courts of the colonial state. As mentioned in Chapter 2, these courts operated with colonial

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9   When the violations of rules is very severe, it can also take many years before the ancestral spirits get settled again. The land, in such instances remains 'hot' (cf. French 2009).

officers together with local traditional authorities. The following court record of a criminal process treated by the '*tribunal privativo dos indigenas da Circunscrição da Gorongosa*' in 1951 is illustrative. Witchcraft plays a crucial role in a murder accusation. The acts start with an explanation by the plaintiff of which the main lines are as follows:[10]

> It happened at around midnight. The indigenous Chicone Conde was with his family consisting of his wife and two children – at home. Suddenly he woke up by a sound … looking around he saw his son was missing. From a small bush close by he heard screaming and the sound of a small fight, which made him leap to it. There he saw a silhouette leaving. He thinks it was a leopard … He leaped himself to the place where he heard the fight and there he found his son on the ground with his throat full of blood, his mouth torn as if it had been covered to prevent any screaming. There was a deep hole in his crane … He took his child … when he arrived with him at his hut, the child had died already. The next day he found footprints of the leopard, which you could follow … They led to the entrance of the hut of the 'indigenous' Saio, wife of Alface. She is originally from Sena but has moved to Gorongosa in 1949. That was when in that area a gang of indigenous people was discovered that was dedicated to the practice of killing for witchcraft and anthropophagy aims. Her father was a member of that gang and he was exiled from the area.
>
> The next day he saw new footprints of a leopard at his door and again they led to the entrance of Saio's hut. Since he thought it was strange, he called two others – Penga and Sane – to verify the fact and they as well established the repetition of the scenario. Because of this, he reported the occurrence to the chief of the population Juchenge who sent his police officers to find the woman and to present her at the Administration since the Senhor Administrator was already alert on them since he has the task of diligence to distrust suspected acts of some of the indigenous that moved from Sena in 1949. On the occasion of being detained by the police officers, Saio has declared that 'she was in fact the owner of a leopard that grasps children and sometimes corpses and then gives them to her to eat.

Then, one of the police officers testifies:

> Saio indeed said that the leopard is hers and that she has gotten angry with the family of Chicone Conde because they had not given her cucumbers and pumpkins and that therefore, she has sent her leopard to grasp the son of Chicone Conde to eat, which, by the way, was her habit and that she had already eaten all her own children which she had with her husband, the indigenous Alface.

On questions asked by the courts, Saio answered as follows:

> Her mother has given her a leopard which she herself raised and that she indeed has sent the leopard to catch the son of Chicone. When asked, she admitted that she had eaten one of her children already. She does not feel any regret because when somebody possesses witchcraft, that person does not feel any regret of something. These were not the only cases. The leopard has already gone out hunting several times to provide her with food, not only other living children. When the leopard does not find living ones, he digs up corpses to give her to eat. She does not know where the leopard is at the moment and supposes he has fled … Furthermore she clarified that she does not like the meat of the whites very much since it is very sweet and that she prefers the meat of the black because it has a better taste.

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[10] The description is not a literal translation since the archaic Portuguese that was used in the acts would require archaic English as well, which I feel is not beneficial for readability.

Unfortunately, some parts of the file were missing and some parts unreadable, but it is clear that the case was transferred to the 'Provincial Direction of Civil Administration of Manica and Sofala' in Beira. There, the case was judged as cannibalism, preceded by homicide. In this part of the acts, doubts are expressed however on whether it was really a leopard and not the woman herself. To find more evidence, the case was sent back again to the tribunal in Gorongosa where it was eventually settled.[11]

One thing that this case illustrates is that the officials of the indigenous court did take cases that involved spiritual accusation or witchcraft serious. The court was acting closely to the way traditional authorities were acting, conform locally held beliefs.[12] The report by the secretary of the Provincial Civil Administration however expresses more doubts on the existence of witchcraft powers and suggests that the woman might have dressed up herself with the skin of a leopard. These doubts were not expressed by the local court in Gorongosa which suggests that on the lower level there was room for witchcraft beliefs within the statutory framework of justice at that time.

Entering Christianity

Elders in Gorongosa attribute many of the changes regarding tradition to the introduction of Christianity in Gorongosa. It was no longer obvious for all to act according to the guidelines set by the spirits. Some people discovered that when not acting according to the guidelines, they were not affected by the expected harm. As a result, they decided to abandon the rules of tradition. As mentioned, the first church in Gorongosa was founded in 1947, at a relative late stage in history compared to many other regions in Africa.[13] Elder people in Gorongosa consciously experienced this change. In other contexts, it has been claimed that conversion and change are derived from the idea of transition from closed societies to open ones (cf. Horton 1971, 1975a, 1975b; van Binsbergen 1981). In Gorongosa however, people had come into contact with members of other societies long before they started to take over religious beliefs. In fact, *prazeros* like Gouveia rather took over locally held beliefs instead of conveying Christianity.[14] As set out in Chapter 2, the Catholic Church was greatly favoured during the Portuguese period. In the first years of independence, Frelimo strongly suppressed all religious beliefs. This started to change only gradually and it would

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[11] From the remaining parts of the acts I could conclude that final judgment was made in Gorongosa but I unfortunately was unable to decipher the handwritten verdict.

[12] In Chapter 6, I will show that today the district court is usually more reserved towards witchcraft beliefs.

[13] Christianisation in Mozambique for a long time focused on the southern areas. In 1930 f.e. 794 foreign missions were present in Mozambique, of which 783 in the southern provinces of Lourenço Marques (today's Maputo) and Inhambane (Newitt 1995: 436).

[14] cf. Chapter 2.

take until the final years of war that Christianity really started to boom. The list of officially registered churches that is kept by the Department of Religious Affairs in Gorongosa is indicative. It shows that before the war started, only four churches were registered: the Catholic Church (1947), the Church of John Maranke (1950), the Igreja Evangélica Assembleia de Deus (1953) and the Assembleia de Deus Africana (1980). At the end of the war, a number of about 15 churches were registered. In 2008, the list contained over 60 different churches.[15] Next to these, there are several unregistered churches. Their number is difficult to estimate, but they seem to be growing continuously.[16] To understand the change in religiosity, one has to note that this change was not only brought on by the changing religious needs of the population, but also that the Mozambican state slowly became more tolerant towards religion and the religious marketplace more liberal, allowing people to found churches without facing a lot of opposition.[17]

For an outsider it is not easy to find the way in the plural Christian landscape in Gorongosa district. Most churches can be grouped within the large receptacle of what are called African Independent Churches (AICs) and Pentecostal-Charismatic churches (cf. Fernandez 1978; Meyer 2004). Many of these churches have – or aspire to have – connections with missionary churches abroad. On the ground, it is difficult to categorise the churches, as some do not have clear ties to larger churches, or have become detached from the mother church. Therefore, I do not follow the classical categorisation of 'Independent Bantu Churches' in 'Ethiopian' and 'Zionist' as suggested by Sundkler (1961: 38-64), nor do I clearly distinguish between Pentecostal-charismatic and other churches. In the Mozambican context of today, these boundaries have become blurred due to the numerous reorganisations of the churches, and the variety has become much higher (Cruz e Silva & Loforte 1998). The emic distinction made by my informants was usually between Catholics and other Christians. The Catholics were not considered as real Christians by many people as they were allowed to drink and made less use of the scripture. Besides, some people saw the churches with prophets as a separate group of churches. These latter churches however played a minor role in the religious landscape of Gorongosa.

Although the official registration of a church is a time-consuming and rather bureaucratic process, the founding of a physical church is less difficult. A lot of

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[15] List of 28.3.2008, provided by the Department of religious affairs of the district government of Gorongosa. The small Islamic community of Gorongosa is listed under 'churches' as well as 'Muslim Church' (*Igreja Muçulmana*).

[16] Schuetze (2010) argues that the total number of churches exceeds the 100. Registration is a rather slow and costly process whereas it does not bring a lot of direct benefits. Therefore not all churches register (and subsequently might face charges for being 'illegal').

[17] Finke & Iannaccone (1993) point out that religious change often can be explained by looking at 'supply-side explanations', emphasising 'opportunities and restrictions confronting religious organisations and their leaders'. Although their focus is on religious change in America, I think their suggestion makes sense for Gorongosa as well (cf. Iannaccone 1991).

the churches in Gorongosa are constructed on the yard of the practising pastor in the same way as most of the houses in Gorongosa: a framework of bamboo and wooden sticks, walls covered with clay and a roof of grass (sometimes complemented with an extra layer of plastic). The more prosperous churches are covered with zinc roofs, for which funding is generally raised among the adherents. Once a church has managed to purchase these roofs, it is said to become easier to attract new members, as people know they will not be asked constantly for contributions to construct a proper building. The Catholic Church – that has the longest history in the district – has, apart from its mission post that is located just outside the town's centre, a large brick church in the centre, constructed fully by its members. Today, the Catholic Church is probably still the biggest church in the district, although it attracts a relatively low percentage of youth. In number of adherents, the second church in the district is the Igreja Evangelica Assembleia de Deus (IEAD).

Whereas spirit mediums are predominantly female, church leadership is in the hands of men. Interestingly, the clientele of spirit mediums is rather mixed, whereas church members are mainly female.[18] A possible explanation for this can be found in the monetary realm; consulting spirit mediums can be quite expensive, whereas attending church is usually not. For women, it is often more difficult to raise the money that is required for the consultation of a medium. In a rural African economy, men are usually involved in cash cropping, whereas women cultivate food crops. As a result, men often dispose more freely over financial resources.[19] Within the church structure, women are often organised in groups of women or 'mothers', just like men and youth have their own groups. Daily life concerns are discussed in these groups and people are educated by the leaders of the group on how to behave. The peer groups within the church have an important function in providing moral guidance to people. Whereas people 'in tradition' used to be taught by the elders how to behave, Christians are taught how to behave via the church sermons but also via the peer groups that more specifically focus on the guidance that a certain group requires. Discussions in youth groups for instance could evolve around the topic of (sexual) relationships. In the women's groups, discussion is about how to be a good spouse and mother. Another structure that can be encountered in most churches is that of the church council. Generally the council consists of elder church members that are perceived as wise. Often at least one woman is part of the council. Their task is to

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[18] Pfeiffer *et al.* (2007) even contend that in the adjacent province of Manica clientele of spirit mediums is predominantly male.

[19] Some churches however demand high donations from their members, up to one-tenth of a person's income. Membership of these churches is especially high in the urban middle-class. A particular example of such a church that is booming in Mozambique is the *Igreja Universal Reino de Deus*, originating from Brazil (cf. van de Kamp forthcoming). In Gorongosa, this church has only minor influence and is mainly frequented by passing merchants and travellers.

assist the pastor. Sometimes they get consulted as well in case of conflicts. The pastor, sometimes assisted by his wife, is the main point of reference in conflict cases. In the next chapter, I will focus more specifically on the way in which church leaders influence the course of a dispute.

Deploring the loss of a tradition

Albino, presented in the beginning of this chapter, deplored the behaviour of the youth, as is probably common for elderly people around the world. But he shared his concerns with many others, who complain about people hanging around in town at night, running amok and being drunk. Moreover, many people express their concerns about the increase of criminality in the district; stories abound of people being robbed at night by groups of bandits carrying machetes. For Albino, the negative changes in society are an indication that the 'danger-beliefs' no longer fully function. Watching videos in clubs, a popular pastime at night, is considered to harm the morality of people. Critics of this modern phenomenon amongst them both adherents of Christianity and of tradition, point out that the popular martial arts video genre stimulates the use of violence. They argue that people are not able to distinguish between reality and fiction and subsequently imitate the violent acts they have seen.[20] These people are not afraid to go out in the streets at night, whereas in the past people were too frightened to do so in fear of an encounter with the spiritual lions, as the previously mentioned words of Albino and Deolinda show.[21] In the past, it is said things like today did not happen. Belief in the corrective acts of the spiritual lions was widespread and could function as an important mechanism to organise people's lives; everybody agreed that the rules imposed by the lions had to be accepted.

As mentioned already, many of the spirit animals are believed to have died during the war, whereas at the same time the coming of churches has changed people's perceptions about the lions, together with a general loss of many traditions. The spirit lion no longer rules.[22] Nevertheless, there is still a widespread belief that some spirit lions, representing the most powerful *régulos* in the area are still alive and have settled in the Gorongosa National Park, most notably the *mhondoro* of Chitengo, Canda, Tambarara and Nhanguo. It is said that they once a year leave the park for a mission of peace to mount Gorongosa where they renew their powers. Although nowadays people only incidentally come across ferocious animals outside the national park, crossing with the spiritual lions on

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[20] Critics generally did not mention the probably second-popular movie genre: 'Nollywood' movies from Nigeria that often convey highly moralistic messages. If the martial arts videos are supposed to have an effect on the behaviour of people, it seems likely that the Nollywood movies have an effect as well.

[21] People explicitly mentioned fear of the spiritual lions as a reason and did not mention the fear of the 'real' lions that were abound as well.

[22] Based on talks with a.o. Albino Roque, Deolinda Cruz Ferro, Messina Perreira, Francisco Seda, Celestino Sacaune Canda, Jorge Tambarara (*régulo*).

their annual pilgrimage does not provoke fear because everybody knows the lions are on a mission of peace. Until today it is still regularly claimed by some people that they have heard the roar or caught a glimpse of one of the spirit lions. People like Albino however greatly deplore that the strength of tradition is diminishing.

Figure 3.2   A video club. Video clubs are not only frequented at night but also during the day

A welcome farewell to tradition

In the above instance, Albino deplored the loss of tradition as a guiding force in organising society. But it does not mean that he always defended tradition. Like other people, he did not regret the decrease of some of the traditions in the context of modern times and the coming of churches. To some extent he was proud as well of losing fears of witchcraft, sorcery, ancestral spirits, and bad spirits, who could all potentially cause illness, misfortune, and distorted social relationships. Many of the fears in the lives of those 'in tradition' do not impact on the lives of those having lost the tradition. The most noted traditions that many people eagerly abandoned are traditional prescriptions on life cycle events. The entailed rituals have to be carried out adequately: the deceased need to find proper eternal rest, a new-born has to be welcomed. It is believed that rituals not properly carried out will have an influence on the social well-being of the person, the family, or even on the whole community. Although the rituals mainly take place during life-cycle events, they thus have a wider impact. Many people,

however, no longer fulfil these rituals since 'today we have learnt not to fear the spirits anymore'.

Also Albino has become less strict in regard to some aspects of tradition. This is shown by the example of his daughter, Rosa. When she lost her husband 12 years ago, she did not marry anew, contrary to what was commonly expected according to tradition. In Gorongosa, as in many other areas in Central Mozambique there used to be a widespread belief that after the dead of a man, his widow, as well as the homestead, needed to be purified, according to the *kupita kufa* ritual.[23] Apart from levirate, the purification rite entails for the woman to have unprotected sex with her brother-in-law for three times a day over the course of a week. When the rite is not fulfilled properly, this can lead to misfortune in work or in private life, health problems or even death of family members.[24] Nowadays, more and more people have abandoned the belief in the ritual and not every woman faces exclusion from the family when refusing the ritual. Ignoring tradition becomes easier in an environment in which non-traditional ideas are gaining momentum and social pressure decreases. It has become more widely

Figure 3.3   Rosa Albino Roque

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[23] Lit. 'to enter death'
[24] See also PlusNews 17.11.2008.

accepted that women run their own household. With the support of the wider kin network they are able to do so, as the example of Rosa shows. When Rosa became a widow, she had 8 children. The youngest was still breastfed. According to tradition, it would have been normal for her to stick to the *kupita kufa* ritual in which she would have become 'owned' by a brother of her deceased husband. Women often face a lot of pressure by the respective families to do so. Rosa however, did not re-marry, with the consent of Albino. In this case, Albino, as *pater familias*, thus decided not to follow the orientations of tradition, but rather let his daughter decide independently on the way she wanted to organise her life.

Although it was a clear break with tradition and outsiders had been sceptical, Rosa is nowadays very much admired by a lot of people as 'the woman who has managed to raise her children alone and even sent all of them to school'. Rosa is a strong woman but not being excluded from her family when not re-marrying helped her; being a widow *and* excluded she would probably have faced more difficulties. Rosa manages her life very well and is happy that tradition is no longer as full-blown as it used to be and enjoys the freedom the loss of tradition brings. Already during the war, when her husband was still alive, she showed her emancipated side as she was one of the provincial deputies of the Frelimo party. This position probably also helped her in being elected as (the only female) lay-judge of the district court of Gorongosa, a position which she fulfils until today. But it is not only her family who supports her in her decisions. Her Christian belief also helps her. Rosa is an active and well-respected member of the Baptist Church. Within the meeting group of 'mothers' in the church, she is one of the most authoritative mothers. Apart from her kin network, she can count on support of the church network when need arises. When her eldest son suddenly died, church members raised money to support her bearing the costs of the funeral, as everybody understood the great loss his death meant for her. The son had been working in Maputo and used to regularly send her money as a means of support.[25]

Other aspects of tradition that are increasingly rejected by part of the population are *madzade* and *ntsanganiko*: the all-embracing terms for the complex of rituals and behavioural rules that have to be carried out at birth and death respectively and when not fulfilled, are believed to have similar consequences as the unfulfilled *kupita kufa*; sickness, death, misfortune. Also *madzade* and *ntsanganiko* consist of a wide spectrum of rules; *madzade* generally ends five months to two years after the birth of a baby. Once ended, the parents are allowed to have

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[25] Soon after his death, rumours started to circulate that he had died because of sorcery. People said that the young man had been very healthy and therefore considered it unlikely that he could die so unexpectedly. The only reason, for them, was sorcery. Envy was given as an explanation for this nefarious act. People explained that he was a very talented young man, who soon after taking up his job, became the favoured employee of his boss. Some of his colleagues allegedly could not stand this.

sexual intercourse again. Before that moment, it is believed that the baby can easily die when people in the baby's surrounding do not stick to the rules (f.e. not touching the baby when just having had sexual intercourse). *Ntsanganiko* is related to burial rituals. What is marked most by people is the fact that *ntsanganiko* prescribed people to burn all material property of the deceased. Inheritance of property could only bring bad luck to the new owner.[26] The rituals and their attached rules do not only apply to the person affected and his close relatives but are supposed to have a wider influence on the social equilibrium in the whole community. The potential to affect lives on a community level can effectively turn the ritual into something obligatory through the eyes of community members. People can be put under high pressure to participate. Failure to properly fulfil the rules can result in *piringaniso*; physical sickness of the newborn (in case of *madzade*) or of relatives of the deceased. An affected person loses weight while eating normally; feels cold; suffers from headaches, etc. When not diagnosed and adequately treated, *piringaniso* can lead to the death of the affected person. Like a couple of other illnesses, it is said that *piringaniso* can not be treated in the hospital but only by spirit mediums.[27] Spirit mediums here are the key for restoring the disrupted social order.

During the civil war, people often failed to fulfil prescribed rituals due to adverse circumstances. Performance of rituals was hampered by lack of assets, constraints put by the soldiers – e.g. on freedom of movement – and other hardships of the civil war.

> During the war, the spirits got annoyed because people were moving a lot to other places and the spirits could not get any rest. It was difficult during the war, there was no space to listen to the spirits; people were always fleeing.
>
> Ricardo Varisse[28]

It is believed by some that the distress of the spirits about the lack of proper ceremonies resulted in several severe years of drought and famine during the war. After the war, efforts had to be undertaken to appease and calm the spirits again. Moreover, the spirits had to be thanked for helping the people to survive the war. This was not only common among the 'civilians', but as well among the soldiers. The majority of Renamo soldiers in Manica province interviewed by Schafer admitted having spent part of their demobilisation pay on organising a ritual to thank the spirits for their safe return from war (Schafer 2001). At the same time

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[26] For an elaborate description of the rules, especially on *madzade* see Igreja 2003a.
[27] It is argued by some that many people who in fact have HIV/AIDS, deny this and tell that they have *piringaniso*. At the same time, others argue that spirit mediums who claim to treat HIV/AIDS are in effect treating *piringaniso*. These opposing claims illustrate the adherence to tradition of some and its abandonment by others.
[28] President of the local Ametramo (traditional healers association of Mozambique) branch in Vunduzi

however, others did *not* return to the rituals because they had come to realise that not fulfilling the rituals did not provoke the supposed consequences.

For the people that are in church today, it is a relief to abandon at least some aspects of tradition; they claim that there is no longer need to fear the wrath of the spirits, 'now that we know God'. But discourse and practice do not always coincide and many Christians continue to respect the ancestral spirits and fear the wrath of enraged spirits. Interestingly, lay Christians do not mention a fear for the devil or Satan, whereas this is a discourse frequently used by pastors during church sermons. Also during interviews I had with them, pastors often referred to Satanic forces misleading people. The spirits of tradition are presented as spirits that are sent by Satan to take over power at the expense of God. In a way, there are many similarities between fearing invisible spirits and fearing an invisible devil. Both the spirits and the devil serve as explanatory devices for the spells, misfortunes and illnesses people might encounter during their lives. But in both church and tradition, there is a way to escape from the misfortune that is potentially brought by the nefarious spiritual forces. As long as one behaves according to the rules of either the ancestors or the church, one will be blessed with protection from the spiritual world.

As mentioned briefly already, especially the older people were the ones that frequently emphasised the importance of the rise of the churches in changing society. They are the ones that consciously experienced the shift from a society oriented towards tradition to a society that blends tradition, church, and modernity. Therefore, the older people are the ones that most likely faced social pressure to remain 'in tradition'. Evidence of the existence of this pressure is shown by the reactions newly-converts might still face of their non-converted family members. The first to convert in a family often faces group exclusion and pressure is still put on the person to join in the rituals. There is the belief that f.e. *madzade* not properly carried out by *all* people in the surrounding of the newborn can lead to the death of a child. Would a converted Christian not participate in the rituals because he no longer believes in it, he or she would be held accountable for possible bad luck or illness occurring in the aftermath of an only partly fulfilled ritual. The remaining parts of the previous belief that might still be present might increase the social pressure that is felt. At present, Christianity has become more main-stream in society and people are no longer called by relatives, elders, or peers to account for not sticking to the rules of tradition; 'nowadays even the children of the spirit mediums are in church'. Although fear for the spirits might still play a role for a converted Christian in adhering to some of the rules of tradition, group pressure has reduced greatly now that conversion is becoming more central to the larger society. Recent converts by now often openly empha-

sise their rejection of the traditional belief and stress the force of their newly acquired belief.

Converting or entangling?

The life-cycle rituals mentioned previously are today no longer commonly carried out and at a quick glance people seem to have abandoned tradition in large numbers without any major problems. In common discourse, Christianity seems to dominate as identifier; people are eager to express their religious (i.e. Christian) conviction. Meeting with new people, it often occurred to me that one of the first questions posed was whether I was a Christian. Often this question even ranked first, only followed thereafter by 'what's your name?' and 'where do you come from?' It was this very simple question that made me realise the importance of religion; even with complete strangers, a quick connection could be set up in early contacts by noting that 'we are all brothers in Christ'. Religion often served as a common denominator to detect a sense of brotherhood and shared identity between strangers looking for mutuality; when looking for conversation partners during long mini-bus rides; when negotiating prices in the market, etc.[29]

Whereas the civil war indisputably played a role in changing the adherence to traditional rituals – as described above –, it is not the main factor of change people in Gorongosa distinguish. More often the conversion to Christianity was pointed out as a factor of decisive influence in changing belief systems and perceptions on how to organise society:

> The rules from the past were the rules of our ancestors. If you were suffering, you had to ask the spirits of your ancestors for help (…). In the past, people were more inclined towards tradition. That changed in the time the church started to grow and then people left behind tradition. Church changed the life of the people that entered it. Now, if you are in church, you have to pray to God for help if you have problems.
>
> (Agnes Dorica)

> The church changed a lot in our lives. Before, there were many traditions (…) and now we don't do these anymore (…) Now we obey to the church, government and the *régulo*.
>
> (David Azauice & Milia Cinabale)

The distinction here is clearly between 'church', and people who are not (yet) in church and live 'in tradition'. The 'church' was emphasised as the vehicle of change; differences between church and non-church are said to be clear. Agnes, who was one of the elected judges in the community court and a member of the Igreja Evangelica Assembleia de Deus, argued that she could see the difference in court between people from church and people from the world. From observing someone's behaviour, she said she could tell to which 'group' somebody be-

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[29] One should note that such an identification at the same time can lead to exclusion.

longed. David and Milia, a Catholic couple of older age, put a similar emphasis on the difference:

> You cannot have good friendship with people from outside, it is not real friendship … If we see somebody who does not go to church, we advise the person to come and attend as well.

<div align="right">(David Azauice & Milia Cinabale)</div>

Has Christianity indeed become the point of reference for people in Gorongosa and, more general in central Mozambique where Christianity is the main religion? In fact, it has not completely. People easily shift between Christianity and tradition and change their behaviour or discourse accordingly, making optimal use of the freedom of choice offered to them on the 'religious market' (cf. Iannaccone 1991; Finke & Iannaccone 1993; Spickard 1998). It does not take much time to catch somebody who portrays himself as a Christian (or even a pastor) on belief in the acts of the spirits. References to the spirits were often made by Christians in casual manners. They did not seem to be simply slips of tongues of people that otherwise were eager to portray themselves as Christians and revealed remnants of ideas they had in the past. Rather their pronouncements were reflections of their world view, of what they perceived as the functioning of civil society.

To understand the apparent incompatibility of discourse and practice, one has to note here that Christian converts 'tend to represent the process of becoming Christian as one of radical change' (Robbins, 2007: 11). It can be argued that due to the influence of Christian missionaries, discourse has become largely dominated by Christianity. People present themselves in these terms as they think it is *bon-ton* to do so. Moreover, it can help recent-converts to strengthen their own belief and stress to themselves that they have left tradition behind. This does not mean however that Christianity itself is just as dominant as its discourse (cf. Comaroff & Comaroff 1991). In line with this dominant discourse, conversion itself is presented as a clear rupture. At the same time, Robbins (2007: 11) argues:

> When one is dealing, as anthropologists often are, with whole groups of people who have converted from a non-Christian religion to Christianity, the structure of the individual conversion narrative often comes to shape people's accounts of their collective history.

This is what we see back in the words of Agnes, David and Milia. Their individual conversion narratives shape the collective history in Gorongosa on the way society used to function before Christianity and how it functions today.

The actual conversion for individuals is often described by people in Gorongosa as a sudden rupture with the past (thus in line with Robbins' claims on conversion), yet the abandonment of traditions in practice is a slow social process that is continuing until today. By incorporating elements of tradition, many churches even allow for a transformation rather than an abandonment of tradition by

their believers. Contrasting to Robbins' view that conversion is a sudden rupture, is the view of Pollman who argues that converts often underplay the radical nature of changes but instead see their conversion as an evolutionary process. She argues that '[the convert] may not, for instance, want to think of his past life and the culture in which he lived as totally bad, or he may want to claim that he really has always been what he is now and minimise the contrast between his former and his present self' (Pollmann 1996: 52). Although seemingly paradoxical, I suggest that both happen at the same time in Gorongosa. On the one hand, people present their own conversion and the conversion of their society as a clear rupture with the past, whereas on the other hand, the actual conversion of religious beliefs and practices is a gradual, evolutionary process and people in many instances continue to behave according to the moral orientations that are given to them by the ancestral spirits. In most instances, a courageous person is required who does not fear the wrath of the spirits when breaking with the past.

Talking with people about these changes, I was told several times to simply look around and count the ever increasing number of houses with zinc roofs. For most people, zinc roofs were not just a sign of the augmenting prosperity of the district, but above all an indication of a partial break with tradition. I was told that until some years ago people believed that their ancestral spirits would leave them as soon as they would construct a house with a zinc roof. To have a prosperous, healthy life, one needs to offer shelter to these spirits in one's house, but as the spirits were human beings in the past, they only knew houses of the past: with thatched roofs. Therefore, such was the widespread belief; the spirits would not feel at home in houses with zinc roofs and abandon these houses. Deprived of the ancestral protection, one would face a lot of problems. Américo, one of the first people in Gorongosa town who constructed a house with a zinc roof, told me that a lot of people warned him at the beginning, but that after a while, when they noted that he was not facing severe problems, decided to purchase zinc roofs as well.[30] Today, even some of the spirit mediums live in houses with zinc roofs, but they all continue their consultations either in the open air or in small huts with thatched roofs, testifying that tradition is not a remnant of the past but alive until today. Another impediment to the visual display of wealth is that many people are afraid of invoking envy among their neighbours or kin. Envy, it is said can be a reason for witches and sorcerers to unleash their nefarious powers. Somebody too visibly showing his wealth might provoke envy and thus the use of witchcraft against him (cf. Bertelsen 2009). At the same time, a wealthy person might become accused of using nefarious powers himself in order to accumulate wealth.

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[30] Obviously, demands of the spirits are not the only reasons not to have zinc roofs and it would be wrong to conclude that every person living in a house with a thatched roof adheres to tradition. Economic factors clearly play a role as well.

Witchcraft is 'an ever-present threat, an *existential* predicament' (Englund 1996: 264). Fear of either being accused of witchcraft or of becoming the target of witchcraft is persistent until today, not only among the people 'in tradition' but to some extent also among the people 'in church'. This fear can be considered an aspect of tradition. Persistence of fear of witchcraft, as an element of tradition, is indicative for the persistence of tradition in more general terms. The slow and evolutionary process of changing thatched roofs into zinc roofs is characteristic for the way conversion takes place in praxis in Gorongosa; although the conversion narratives highlight the radical change taking place, practices show that there is a high level of continuity.

Let us here turn back to Albino again, who so much regretted the loss of the spiritual lions. I should add here to the story that Albino in fact defined himself as a Christian; he had been among the first converts of the Catholic Church. Several years later, he abandoned the church, only to turn back again to the church after the war at the time he was suffering from tuberculosis. His illness made him afraid of God. This time, he chose not to join the Catholic Church because he was happy to have overcome his drinking problems and did not want to get into that pitfall again. Therefore, he decided to become member of a church where alcohol consumption was strictly forbidden; the Evangelical Church Assembly of God. Until today, he is a pious and respected member of this church and people perceive him as a good Christian. The church provides Albino with clear guidelines on how to organise his life and he considers these guidelines as valuable for his relatives as well and he has tried to impose Christian values on them as well. One of Albino's sons was often among the notorious trouble-makers in town. In an attempt to correct and change his behaviour, Albino sent him for several months to a Catholic boarding school and according to him, his son indeed behaved much better by then. Hoping that the improvement would last, the son returned to the family again, but after some months, the son lapsed into his old behaviour again. This time, Albino could not afford another period at the boarding school. In his despair about his son's misbehaviour, he then decided to turn to more worldly orders and went to the police to request them to capture his son. There he did not find a positive response; the police officer simply told him that a father is responsible for correcting the behaviour of his children. Not knowing what to do, Albino had now decided to expel his son – who was of age already – from the yard. The son was now hanging around in the streets, finding shelter at various places. Every now and then he would still pass the path in front of the yard, often fuddled, and would then shout at his family members who clearly felt uncomfortable. Whereas Albino tried to provide moral guidance from Christianity to his son, his regrets about the loss of the traditional lions show that being a church member does not

mean to do completely away with tradition. This was not only expressed in a longing back to a bygone past but also in his actual practices. Albino told me the story of his wife's persistent sickness. As part of this 'sickness', she was constantly running away from home and subsequently getting lost. Besides, she refused to eat and therefore was losing a lot of weight. Albino felt responsible for keeping an eye on her, which put a heavy burden on him. For healing, they had first consulted both hospital and church but found relief only after having consulted a spirit medium. There, they were told that the woman was possessed by an evil spirit. Every person in Gorongosa will agree that this kind of illness can not be cured with biomedicine: in the few cases doctors manage to heal a patient, this is said to be temporary only. The spirit (and with it the sickness) will always return. To expel a spirit, relying on biomedicine is ineffective: the cause of illness often lies in the disruption of the connection with the spiritual world. Without repairing this connection, the illness will not disappear for good. One needs the expertise of a spirit medium or, in some cases the power of prayer. If one method does not bring the desired remedy, it is not more than self-evident to turn to another method. Therefore, Albino had to take her subsequently to the hospital, church, and a spirit medium.

Tracing Jacky Chan: More than all-in-one?
As I have set out shortly in the beginning of this chapter, the way in which people think about their lives in terms of religiosity is also affected by more general changes in society. Being open to change and innovation is what makes religion in Gorongosa dynamic and therefore able to correspond with people's changing needs in a rapidly changing world. This often results in curious mixtures of tradition, Christianity and more worldly elements. The following statement is indicative:

> I have heard about another church that came to the district in 2002. People say that they have very strong prophets as well, prophets that know how to cure people from bad spirits. I think it is called Sao Lucas Jackie Chan but I don't know this Jackie Chan.

One morning, before setting out for our field work, I am talking with Fabião about the prophets in his church when he makes the remark cited above.[31] Hearing about a new church being established, my attention was not yet very much attracted. In the preceding months, I had talked already to over 50 pastors of different churches who all had their own reasons for establishing their *own* church (see also Chapter 5). Hearing rumours about new churches is nothing remarkable in a place where the 're-fishing' of believers from other churches is

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[31] Fabião was one of my field assistants. He is pastor in the *Zioni City Church* (ZCC), a church that itself has a reputation of having strong prophets.

common practice, especially by newcomers.[32] The more noteworthy part of Fabião's remark was of course the name of the rumoured church: Sao Lucas Jackie Chan. Not many of us would associate the name of movie actor Jackie Chan with Christianity. To be able to understand the naming of this church, some context is needed, namely that Jackie Chan is indisputably popular among many of the people, especially youth, in Gorongosa district. This is mainly due to the presence of several video clubs in the district.[33] In Gorongosa town, many of these have come up over the last couple of years. The process is sped up by electricity becoming more general available but even out in the district, in areas still deprived of electricity, a few movie clubs can be traced thanks to small generators. Movies were brought first to Gorongosa by Mozambicans that were sent to Eastern Germany for education during the communist times under the regime of the first Mozambican president Samora Machel.[34] Since then, people have been fascinated by the movies.[35] Children beg their parents every day for one Meticais (about €0.03) to be able to attend the movie in one of the clubs. In more distanced places like Vunduzi, where there are no music clubs that compete with the video clubs for visitors, also adults are frequent visitors of the movies. It is especially the younger population that is converting at a fast rate. Therefore, calling your church after a movie actor can be a compelling strategy for the 'fishing' and 're-fishing' of new members.

The interesting point here is the reference to Jackie Chan. It draws our attention to the fact that there is more to identity than just tradition and Christianity. Jackie Chan shows that there is also a connection to a more global identity, only loosely attached to religious ideas. Yet, there is a strong opposition. This is namely that the church was supposed to have especially strong prophets. Such prophets are consulted by people in search of healing the spiritual causes of their illnesses. The function fulfilled by the prophets in Mozambique is very similar to the function of the spiritual healers; some prophets have even become members of the Traditional Healers Association. Although praying is an important component of the healing practices of these prophets, several make use of medicinal

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[32] The eloquent term of 're-fishing' (Port. *repescar*) was used by Pastor Domingos Tomo, Igreja do Nazareno de Mocambique.

[33] The genres most popular were the martial arts and 'Nollywood': highly moralistic movies from Nigeria

[34] In 1979 an agreement was signed between GDR and Mozambique. Mozambicans were to be send to the GDR to labour in industry. After being trained, they were sent back to set up similar industries in Mozambique. Between 1979 and 1990 over 20,000 Mozambicans came to the GDR this way. For Mozambique it was a way to acquire certain skills, for the GDR it was a way to solve its problem of labour shortage.

[35] Many of the pictures for instance I took of groups of children, portray at least one of them in a Kung-Fu position; arms lifted up and crossed, knees bent a little, a warlike look on the face, a characteristic position for the movie genre that has the highest popularity.

plants to support the process, the traditional spirit mediums alike.[36] An important difference is that not all prophets 'name' the cause of an illness, and that illness therefore does not become relational. For healing, these prophets do not consider it to be of crucial importance to set out by whom an illness was caused.[37] Especially people that adhere to the more mainstream churches perceive churches with prophets as being very close to 'tradition'. Nevertheless, this African Independent Church has chosen a name that gives the impression of having an outlook towards the modern world rather than towards the local tradition. In a way, the Sao Lucas Jackie Chan Church with its renowned prophets can be seen as the hybrid embodiment of tradition and modernity within Christianity; Jackie Chan connecting to the outer world via the 'modern' artefact of the movie, the prophets connecting to the local tradition via their reputation of being good healers. Fisher already stated that 'both Islam and Christianity have been deeply influenced by their African setting is almost a commonplace' (Fisher 1973: 30). One could extend this statement by arguing that similarly, African traditional religion, like the one practised in Gorongosa, has been influenced by Christianity and global forces that reach the local level. In Chapter 5, I will elaborately present an example of a traditional, yet 'modern' method of truth finding that is used by one of the spirit mediums in Gorongosa.

Another aspect which I want to point out with the example of the Jackie Chan Church is that it is not only the believers that are creatively shopping at the religious market and creating new forms of religiosity. Religious institutions themselves do so as well, creating dynamic and modern forms of religiosity that suit well the needs of their believers. By corresponding to the shifting needs of their adherents, they are able to function as a powerful source of moral orientation for their congregants. In a rapidly changing world, many people are continuously in need of exactly such an orientation. Modernity is not only considered a threat to religiosity but mobilised as a positive force that can be used to make religion more dynamic and better adapted to the demands of today's society.

Conclusion

In this chapter, I have looked at the changes in Gorongosa's society since the first church was founded in 1947 and explored what conversion to Christianity meant for individuals and for society. It has been argued by Van der Veer that: '(T)he

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[36] Another important difference is that prophets usually do not 'name' the cause of an illness and that illness does not become relational. For healing, prophets do not consider it of crucial importance to set out by whom an illness was caused. This difference is less emphasised by people when discussing the difference between spirit mediums and prophets. In Gorongosa, the churches with prophets do not play a major role in the religious landscape.

[37] Some of the prophets however do 'name' the sender of the spirit but this does not seem to be common practice.

description of the "old" religion that one has left is often a part of the conversion narrative' (van der Veer 1996: 1). Also in Gorongosa, people proudly talk about their conversion to Christianity and in public discourse Christianity is gaining influence over tradition. What is emphasised in discourse, seems to be mainly the self's collective social identity, distinguishing this identity from the identity of 'the others'. At the same time, reference to what Van der Veer calls the 'old' religion, is colloquially made, but whereas in discourse tradition is defined predominantly as 'something from the past', practice shows that tradition continues to effectively play a role in today's reality. Different religions, i.e. different representations of religion might contain different normative appeals to people. Nobody would dispute that Albino is a good Christian, but that does not mean that his life can not be affected by other forces and he can openly acknowledge these. For Albino, his behaviour was not inconsistent; rather he was creatively using the options offered at the religious marketplace in order to fulfil the shifting spiritual demands of himself and his social surroundings. Different orders and beliefs are entangled within one society but also within one person. Seemingly incompatible behaviour can be understood by looking at this entanglement. Conversion to Christianity is both a radical break with the past and a gradual change. People in Gorongosa have come to realise that switching between tradition and church is required in order to reach the level of security they need for themselves and to appease the spirits. By accepting new and modern elements within their religious beliefs, they are able to find the moral orientation and guidance they need to navigate through the modern world. It is not only the belief in spirits that has changed, but also the guidelines that are provided by the spirits and the importance attached to them.

But then, still one question remains; why is it so important for many people to define themselves as Christians and keep this, at least in discourse, separate from tradition? Three main arguments can be given for this. The first lies in the rather recent conversion of most people in Gorongosa. Christianity is not a religion that has always been there and with which people grew up. Recall that the big boom of churches in the district started only in the 1990s. For many of the converts, the choice for Christianity was a deliberate decision, made despite social pressure. To strengthen one's belief, it can be helpful for an individual to stress the point of conversion, not only to convince others, but also to convince oneself that you can do without your former belief. Secondly, we have to recall the fact that the dominant Christian discourse has been imposed by missionaries (cf. Comaroff & Comaroff 1991). These missionaries claimed exclusiveness, forcing Christians to completely do away with other beliefs. People who convert might therefore feel they have to abandon tradition to present themselves as good Christians. In this claim for exclusiveness lies also the reason why people do not discuss traditional

religion in terms of religion but simply as 'tradition'. Tradition has to do with culture, and, therefore is seen as being part of every citizen. Not referring to tradition as religion makes it less incompatible with Christianity. This makes it easier to unite the two in practice. Thirdly, and related to the other two arguments, we have to return to the issue of identity again. As set out in the beginning of this chapter, I consider the religious identities of Christianity and tradition as collective, social identities. Social identity leads to self-stereotyping (Simon & Hamilton 1994). Extending one's identity from an individual to a collective one, means that 'the self' becomes extended, that 'the boundaries of the self are redrawn, and the content of the self-concept is focused on those characteristics that make one a "good" representative of the group or of the relationship' (Brewer & Gardner 1996: 84). This is exactly what people in Gorongosa are doing when defining themselves. Habermas, in the context of religious change has stated that:

> Religious citizens must develop an epistemic attitude toward other religions and world views that they encounter within a universe of discourse hitherto occupied only by their own religion. They succeed to the degree that they self-reflectively relate their religious beliefs to the statements of competing doctrines of salvation in such a way that they do not endanger their own exclusive claim to truth. (Habermas 2006: 14)

In practice many people in Gorongosa show to be guided by both tradition and Christianity to face the demands of a religiously plural world. They have developed an attitude that allows them to combine tradition and Christianity in their lives. Emphasising the difference between Christianity and tradition can help people to give a sense of organisation and of order. Douglas argued that it is 'only by exaggerating the difference between within and without, about and below, male and female, with and against, that a semblance of order is created' (Douglas 1996: 4).

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Navigating through a landscape of powers, or getting lost on Mount Gorongosa

> If you do not obey the rules of tradition there …, you will get lost; all trees will look the same to you and you will never find the track again.[1]

In the previous chapter I have highlighted the way in which religion provides normative orientations to people in daily life. In this chapter, I will look more into detail at the way in which traditional religious prescriptions might play a role in disputes. I will focus on a land conflict between the local population and an adjacent National Park. The various actors involved do not appeal to authorities – either religious or secular – directly. Instead of asking the intervention of mediating authorities, people rely on the spirits to defend their position and their rights. Invoking religious rules imposed by the spirits serves as a powerful mechanism to defend rights over a territory and bring a conflict to the public sphere (i.e. turn it into a dispute). Reference to the spirits here is not made by just one individual but by a group of people who claim a special relation with territorial spirits residing in their area. I will show that a group of people, who could otherwise be considered as rather powerless, is able to take a stronger position towards other actors due to the relationship with these territorial spirits. In order to highlight the strength of tradition in this regard, I will also pay attention to the other actors involved.

I have already set out that Gorongosa District has a countrywide reputation of being the centre of tradition (cf. Bertelsen 2003). This reputation is not only

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[1] Villager of Vunduzi

based on the supposed strength of the abundant number of spirit mediums in the district, but also on the traditional rules that form the backbone of the organisation of society. Arriving in Gorongosa Town, the capital of the district, one is soon directed to the adjacent Mount Gorongosa as the genuine core of tradition. People in Gorongosa itself consider tradition to be much stronger on the mountain than in their own town. Mount Gorongosa is the landmark of the district, a massive inselberg of 30 km in length and 20 km in width. The mountain is home to powerful territorial spirits. For one to be allowed to set foot on certain parts of the mountain, the performance of specific ceremonies is required to appease the spirits. Talks about Mount Gorongosa often evolve around the power of the spirits present there and give expression to a great respect for the residing ancestral spirits. This respect is expressed by a wide range of people and not restricted to the group of people perceived as 'in tradition'. Another topic related to the mountain that was widely discussed was the interest of the adjacent National Park in the area. At the time of my field research, it was widely rumoured that the management of the National Park wanted to extend the limits of the park to include the mountain into its territory as well. This was clearly of great concern to most of the mountain dwellers, who vehemently opposed the plans and strongly claimed their rights.

In this chapter, I will set out the 'landscape of powers' on mount Gorongosa (Hirsch 2003) and show how the different actors involved navigate through this landscape in order to defend their supposed rights over the territory.[2] Navigating through a landscape of powers and referring to different property regimes to claim rights, is clearly not uncommon in the 'landscape of justice' in Mozambique that is, as mentioned before, notoriously plural (de Sousa Santos & Trindade 2003; de Sousa Santos 2006). With this legal pluralistic framework in mind, I will discuss the positions of the Park's management, the government, the traditional authorities, the 'spirits', population, and Christians respectively. I use the concept of landscape to give room to the various positions; landscape as 'a view or prospect of natural inland scenery, such as can be taken in at a glance from one point of view' (Oxford English Dictionary online). Different actors have differing landscapes; they attach different meanings to them, have different interests in them and refer to different repertoires of rules to claim their power over them. Attached to each view is a different 'bundle of rights' that gives the actors the feeling to be entitled to claim rights over the property (cf. F. von Benda-Beckmann *et al.* 2006). Albeit from various angles, all actors look at the same moun-

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2   I am aware of the 'spatial' metaphors employed by f.e. legal anthropologists (cf. F. von Benda-Beckmann *et al.* 2009). Here, I prefer to use the concept of 'landscape'. In this concept, the notion of plurality is already engrained; different actors view the same 'space' or 'place' but perceive this differently. Both place and space are related to the concept of landscape however; place in the foreground, and space in the background (following Hirsch 1996).

tain. Landscape then is a 'social construction' that captures these different angles adequately (Luig & von Oppen 1997). The various actors involved in the struggle over Mount Gorongosa all have their own 'cognized model' of the mountain (Rappaport 1984). With the 'cognized model', Rappaport referred to 'the model of the environment conceived by the people who act in it' (Rappaport 1984: 238).[3] It is my contention that there is not just one cognized model, but that there is a number of different models, each of which contains its own legality.

The mountain landscape functions as the 'social interface' at which the spiritual, economic, political and ecological concerns meet and where each actor invokes its power to defend specific interests, rights, and rules. Besides, the mountain is the object itself of the interface. This 'social interface' is defined in Long's terms as 'a critical point of intersection or linkage between different social systems, fields, or levels of social order where structural discontinuities, based upon differences of normative values and social interest, are most likely to be found' (Long 1989: 1-2, but see also Long & Long 1992).

Considering the plural interests, it is hardly surprising that the 'landscape of powers' is both dynamic and contentious. Indeed, it seems that '(n)othing evokes more varied symbolic connotations or more intricate legal philosophies. Nothing excites deeper passions or gives rise to more bloodshed than do disagreements about territory, boundaries, or access to land resources' (Shipton 1994: 347). I will argue that the repertoire of rules based on the sacredness of the mountain is an important source of power and plays a crucial role in the relationship between people and nature, as is often common in 'territorial cults' (Ranger 1973; Schoffeleers 1979, 1992). In these cults, as I will illustrate later, the local 'owners of the land' are able to set the terms of access to the territory. Although the sacredness is based on the presence of the territorial spirits, the local dwellers are the actual 'owners' of the rules and therefore are able to adapt these rules when need arises. Successful navigation through the landscape of powers can elevate the power position of different actors involved, whereas a faulty turn can lead to the erosion of power. I will show that the local traditional authorities especially get easily trapped in the maze of different powers. The local dwellers, who at first sight seem to be relatively powerless actors, then appear to be prominent power holders when they invoke the appropriate landscape and the rules they emanate from it. Hence, I will show how tradition pervades the landscape and how traditional rules are imposed outside the traditional realm and serve as a dynamic and powerful instrument in the hands of the local 'owners of the land'. For one

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[3] Rappaport contrasts the 'cognized model' to the 'operational model', i.e. the model constructed by the anthropologist through his research. Here, I am not using the 'cognized model' in opposition to the 'operational model', but rather I want to emphasize the plurality of the 'cognized model'.

Figure 4.1   Map of the National Park and the mountain area

not to get lost, it is essential to navigate through the landscape of powers in a careful manner.

Mount Gorongosa: Locating a landscape of powers

Gorongosa District has been known throughout history as an area of wilderness, offering 'some of the best wildlife viewing in Africa' (Fisher 1972). In 1921,

large part of the district officially turned into a Game Reserve.[4] This reserve was in 1960 decreed to become Mozambique's first National Park.[5] In its heyday the Park enjoyed the reputation of being the most attractive nature park in Southern Africa.

Mount Gorongosa is indisputably the most important landmark of the district besides the park. The number of people living permanently on the slopes is limited but a larger group of people makes use of the favourable cool climate for agriculture. The district's reputation of being the granary of the country is mainly based on the fertility of Mount Gorongosa, which provides the farmers with an abundant harvest that allows them to sell a large part of their produce and earn considerable amounts of money.[6]

Besides being valued for the high fertility of the land, Mount Gorongosa is also widely valued for its sacredness. It is a place with a strong connection to the spiritual world in similar veins as other mountains across the world have been ascribed a spiritual status (cf. Grapard 1982; Fisiy 1997; Schnell 2007). A sacred mountain can be seen as 'an *axis mundi* connecting earth with heaven' (Eliade 1987: 38). Human activity is concentrated more in the valley or on the plains, whereas the mountain is 'untouched' and an area 'of nonactivity' (Grapard 1982). Although people in Gorongosa do not generally refer to 'heaven', the mountain indeed constitutes an important connection to the spirit world, a world that is believed to control and condition many aspects of the material world. These beliefs are reinforced by heroic stories on the spirituality of the mountain that circulate widely. Many of these stories hold that foreigners who violated the rules of the spirits, either out of ignorance or out of disrespect, were beset by ill-luck and even death or generational curse. The oldest stories relate to the myth of origin of the name Gorongosa, which is said to be derived from '*Goro, ndi kuna ngozi*'. Locally, people translate this as 'Goro, it is a disgrace here!' This was said to be the exclamation of early conquerors who – faced with inexplicable but powerful forces on the mountain – fled the area.[7] Others however, have pointed out the Shona meaning of the word *ngozi* as 'vengeful spirit' in this context and thus emphasize the spiritual tradition (Galli 2003; French 2009; see also Lan 1995).[8] In both versions, the myth as a narrative of events has sacred quality and serves as an explanation for the current sacredness of the mountain (cf. Cohen 1969).

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[4] Order no. 4178
[5] Decree no. 1993
[6] The higher part of the mountain is one of the few areas in Mozambique that is suitable for cultivation of potatoes (batata reina); a highly valued cash crop.
[7] *Goro* refers to 'mountain' in neutral terms.
[8] Considering the fact that the early settlers in Gorongosa originated from what is today Zimbabwe, it is not unlikely that this was the original meaning of the word. Chi-Gorongosi, the language that is spoken in the area today is generally classified as a dialect of the Chi-Sena language but there are clearly Shona influences.

The myth does not clearly define who the actual conquerors were; various people mention various groups. For the mythical reputation of the narrative it does not seem to be of importance; in any version the strength of the first settlers and their spirits is highlighted. By claiming to be descendants of these early settlers, the relationship with the spirits becomes personalised (Tylor 1958) which allows current dwellers to claim ownership not only of the land, but as well of the discourse of sacredness. The more 'modern' stories narrate how angered spirits caused a helicopter to crash, cars to burn, and tourists to get lost and even devoured by a snake. These stories carry a similar morale as the myth of origin: foreigners who enter the mountain will suffer if they do not respect the rules of the spirits. The frequent recounting of the stories raises awareness on the traditional rules, which are said 'to carry much less weight for the people from the area than for outsiders'.

The natural richness of mount Gorongosa has attracted not only the local population, but also the management of adjacent National Park Gorongosa. Since an extensive study by an ecologist has shown that the waterways springing from the slopes are crucial for the balance of the greater Gorongosa ecosystem and of the flood plains in the National Park (Tinley 1977), the park management has become aware of the importance of conserving the natural montane habitat. A possible way to ensure this would be to include the mountain in the National Park and extend nature conservation programmes to the area (Tinley 1977). During the civil war these plans could not be elaborated but, backed by a US-based foundation, the Park's management is currently trying to breathe new life into these plans. A request for co-management was made to the government, but for a long time it was not made publicly known that an agreement had been signed already by the Mozambican government on the conservation of the mountain area.[9] Although I expected this to happen, based on avoiding answers during talks with the Park's staff members and with the director of the department of agriculture in Gorongosa, nothing was announced in public. Despite the official secrecy on both sides, most of the people were aware of the Park's interest in the mountain.[10] The issue raised important concerns about freedom under many people

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[9] The agreement was, in fact, signed in January 2008 but not made public until June/July 2008. Before that time I had heard a lot of rumours about it and people argued that the two parties would delay the announcement until after the municipal elections (the first ever for Gorongosa Town). These elections were initially scheduled for that period but eventually took place in November 2008. The intention of the Park authorities was to include the whole mountain within the National Park. According to that proposal, almost the whole district of Gorongosa would become part of either the National Park or the 'buffer zone'.

[10] When I refer to 'the Park', I generally refer to the management staff of National Park Gorongosa who expressed a rather unequivocal position. Local employees of the Park often had more ambivalent feelings in regard to the mountain. In the following I focus mainly on the position of the management staff. When referring to the spatial territory of the Park, I refer to 'the National Park'.

living on the slopes and cultivating the land there. As one resident of Vunduzi put it:

> We thought we were liberated from war and that we could live free, but now we feel that we are again losing our freedom.

Gorongosa people are clearly unsettled by these developments. Older people recounted experiences of past forced displacements from the National Park. These recollections feed fears of imminent or future displacements in case of enlargement of the protected area (cf. Galli 2003; French 2009).[11] But the (potentially) affected people are not passive. Buoyed by their fears, people increasingly talk about the possibility of a new war in case of forced displacement.

In the following, I will further explore the landscape of power by setting out the strategies employed by the different actors to defend their interests on the contested Mount Gorongosa. I will show how the different actors strategically navigate through the landscape of powers, searching for connections with other powers, and in doing so change their discourse in order to correspond better with their goals, interests or rights. My focus is mainly on the community at the (foot of the) eastern slope of the mountain: Vunduzi. This community is located at the east side of the mountain, in-between mountain and the National Park and should become a protected buffer-zone, according to the plans of the Park.

The Park's powerplay

For the Park management, the mountain is a landscape of interest mainly for its ecological value. In discourse, the management emphasizes the alarming rate of deforestation that – without intervention – is said to reach the point of no-return within a couple of years (Beilfuss 2006). It is argued that people are rapidly destroying the forest and inhabiting the area in far greater numbers than in previous times, which is contested by the local population. Concerning protection of the forest, the Park finds support in the Forest Law of 1999 and its regulations that were issued in 2002.[12] The law provides legal tools to enforce rules of conservation. Being a forested area, exploitation of the mountain has to follow a number of criteria. The most important practical implications are that it is prohibited to log trees along its waterways and that cultivation for agriculture is not allowed above the 700-metres line. Besides, it is explicitly stated in the law that burning down fields, forest, bush or shrubs is a crime that can lead to imprison-

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[11] A number of people living on the eastern slopes of the mountain area originates from a chiefdom that was originally within the National Park. They were expelled from their home lands in 1948 by the Portuguese government. They then settled in the area of another chief but never felt they were really 'at home'. They fear having to leave another time. 'If we move to another place, later the Park will come and chase us there as well'.

[12] Law no.10/99 (*Lei de Florestas e Fauna Bravia*) and decree no. 12/2002

ment of defaulters of up to one year plus a fine.[13] In viewing the landscape, the Park's staff focuses on nature conservation. This view is difficult to combine with the view of the farming population. Nevertheless, the staff always showed great confidence that there would not be any problems with the population, even when all other parties I spoke to were convinced that there would be problems. One of the Park managers stated:

> The Serra (i.e. the mountain) has been mythologized. There is no problem with the Serra. The problem is something others make of it. In the '40s, during the colonial time, there were also big companies at the Serra which used the land but it did not create big problems.

Apart from the focus on nature conservation, reality shows that there is a more powerful unexpressed view: the view of the landscape as an attractive economic resource with tourist potential. Should nature conservation be prioritized, the prime focus of the Park's projects would be on the eastern side of the mountain where problems of deforestation and erosion seem to be most persistent and alarming. The waterways that are thought to be of importance for the ecosystem of the Gorongosa National Park spring from this side. For tourists, the west side of the mountain is more attractive; the forest is denser and it is the side of the waterfalls and home to an endemic bird species.[14] Conservation and educational programmes of the park thus far focus mainly on the west side of the mountain. To this end, a nursery, with seedlings of indigenous plant and tree species that will be replanted on the mountain, has been set up; a fiscal committee has been constituted charged with the control of agricultural and logging activities on the mountain; and an agreement has been signed between the local *régulo* and the Park management that assures the community on the west side of a certain amount of money for every tourist that visits the area. At the time of my field-work, no such activity was undertaken on the east side of the mountain.

The campaign to convince local level authorities and institutions of their pro-grammes seemed to be quite intense, at all local level government premises I came across calendars of the National Park. Moreover, I often encountered local traditional leaders wearing t-shirts or caps with the Park's emblem. Asked where they got these items from, most of them would enthusiastically tell stories about trips to the National Park they had been offered. The aim behind offering these outings was twofold. First, it helped to get the local leaders on the side of the Park, so that they would be more cooperative in preserving nature and receiving tourists. Secondly, via the community authorities, the Park management hoped to have better access to the population that had to be sensitized on nature conserva-tion. To preserve the larger Gorongosa ecosystem, it is said to be essential that

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[13] Law 10/99, art.40 (*Crime de queimada florestal*).
[14] Green-headed oriole

Figure 4.2   Mount Gorongosa viewed from the east side

people no longer log wood along the waterways at the mountain, and do not practise slash-and-burn agriculture at the higher slopes. Showing the traditional leaders educational movies on the effects of deforestation and erosion was supposed to convince them of the importance of the message so that subsequently they would convey this to the population. The concerns of the population were trivialized by the Park management. One of the managers told me that the people had always been living as nomads so that resettlement would not be a problem for them; they should be able to just leave and go to another place. Moreover, he argued that it did not make sense to compensate the people for the loss they would suffer as a result of not being able to cultivate their lands. Because of the short-term perspective, giving money would just be a waste. Besides, he continued, the people were not interested in material property because it would just prevent them from moving.

The government

The agreement that empowered the Park to manage the mountain area was signed by national government officials, although local-level community consultations had *pro forma* taken place at an earlier stage. Decision on the concession had to be taken on the level of the council of ministers. Nevertheless, the local government had its interests in this decision as well. For a long time, the district's

government officials did not take a clear position. A not-so-impartial map hanging on the wall of the District Administration gave some indications however: the map showed the proposed borders of the National Park and its buffer zones. By using almost the same colour for the planned boundaries as for the current boundaries, the impression was given that a decision had been made, although the map just showed suggestions done by the Park's management. Despite this map, the administrator of Gorongosa District argued that until then he had not yet taken a position but had mostly been listening.

The mountain revealed different landscapes to the government. Since each view called for different forces to be mobilized, the government remained long time in doubt on which position to take. To the administrator, the interests of the Park management corresponded quite well with the interests of the government and extension of the boundaries would be beneficial. At the same time he realised he had to take the interests of the people into account as well and could not simply 'put them in misery, because it would cause a lot of problems with the people'. At the District Service for Economic Affairs (mainly charged with agriculture), a similar ambivalent stance was taken but here expectations of conflicts in the future were more clearly expressed by the government official:

> Between the Park and the population there will be a conflict in the future but there is no conflict yet. There will be a conflict at the moment the Park forces the people to leave the Serra. If the people there at the mountain get angry, '*não vale a pena*'.[15]

Another dimension that was not mentioned by the government officials but was publicly known was that many of the higher officials exploited agricultural land on the mountain as well. Although they did not till the soil themselves but rather used contract labourers, they obtained considerable profits from these fertile lands. If the mountain was turned into a National Park, this would no longer be possible.

Descending further to the local government level, awareness of the proposal to include the Serra in the National Park was restricted. In Vunduzi, at the east side of the mountain, I talked to the *chefe de posto*.[16] He told me that a Park representative had indeed informed him about some programmes they intended to set up at the mountain but, according to him, these programmes were mainly aimed at nature conservation, like decreasing the logging of trees on the mountain. He showed confidence that the Park would not take the whole mountain and remove

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[15] Lit.: It's not worth it. It was used to indicate that it is not worth discussing with them because the people are very stubborn. People from Gorongosa and especially from the mountain are often described as '*não vale a pena*' by others in the region.

[16] Lit.: Chief of the post. Title used for the local level government officials that steer the administrative posts at the sub-level of the district. The administrator – who I mentioned above as well – is responsible for the whole district.

people, 'because there had been community consultations and all communities rejected the programme'.

The clear ties the population observes between Park and government take away their trust in the capacities of government leaders to successfully negotiate their interest. Clearly also, local people take notice of the Park's maps and calendars hanging prominently in different government premises.[17] There is a widespread notion that whenever the government takes the side of the Park, the population has to obey, although threats of resistance remain. One of the villagers of Vunduzi expressed it this way:

> The park can tell us to leave, but government has more influence. If government decides that we have to leave, we will have to leave, but not really because we want to leave ourselves. In the future, when there will be real war, we can leave. If it is not the government that tells us to leave but the park, we will not leave. To convince us, they (the Park) will have to prepare for war.

Government is thus seen as a powerful actor and there is a widespread notion among the people that 'if government orders, we have to obey'. Nevertheless, dissatisfaction is ventilated as well and people note ways to protest:

> The population does not agree. It is our task now to mobilise the people. The *chefe do posto* also has come to a meeting at the mountain to talk with the people but the people were just angry and told him that next time they won't vote for Guebuza (Mozambique's president).
>
> (*chefe de população* in Vunduzi)[18]

Traditional authorities took similar positions as the population and expressed their respect for the government. A *mfumu* in Vunduzi expressed this as follows:

> When we were taken for that meeting (between park and traditional authorities), we also saw government cars and that was where we lost our power and could not do much anymore, because the government has power.

The traditional authorities: Multiple interests, divided loyalties

As I have argued above, management of the Park put a lot of efforts in convincing the local chiefs of their programmes. Considering the views the chiefs gave of the landscape, this has been quite effective. On most occasions when I addressed the topic of the National Park in conversations with traditional leaders, their discourse clearly seemed to be influenced by the Park. They would start to say that in the past they were just cultivating land but that now the people of the Park had explained to them that they should not log trees and clear land along the waterways because such actions would lead to erosion. Further enquiries often

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[17] I noticed calendars of the Park at the local police office, the district court, district administration, and local administration.

[18] A *chefe de população* is a traditional authority on the level below the *régulo*. A *m'fumo* is the lowest level traditional authority.

revealed that their perceptions were based mainly on having received goods from the Park and having been invited to join nice excursions. One *mfumu* in Vunduzi told me:

> We were taken to the (National) Park to be shown how the animals live there, not with the intention to show us how we have to leave the mountain.

In more general terms, people from the area relate the high compliance with external non-state actors, like the Park or development agencies, to the aftermath of Mozambique's civil war. During this period the country was evaded by humanitarian aid and development organisations, which resulted in a 'cargo cult' in which people were simply waiting for development to be brought to them (Hanlon 2004). Since Gorongosa District was one of the most severely war-torn areas in the country, it received bulks of this assistance. Some of my informants gave this as an explanation for the comportment of many citizens and the perception they have of external actors as providers of benefits. In the case of the mountain especially, the higher ranking traditional authorities reaped the early benefits of the Park's involvement in the landscape and as a result they were the ones who expressed predominantly positive sentiments about the Park. When *régulo* Sadjundjira[19] explained the situation around the mountain to me, he showed that he had picked up the Park's message well, adopting almost word-for-word some of the official discourse of the managers:

> I went to the mountain in a helicopter with the people of the Park, together with the *chefe do posto*. … They invited us there to show how the mountain was being destroyed. We saw the trees, the rivers, the fields … and they told us that for the rain to fall, clouds are needed and that otherwise the rivers would dry up. The logging of trees causes drought and that is a problem, for us – for the people and for the animals. So now, we (traditional leaders) are mobilizing the community, the people living on the mountain …

Initially, it seemed that the local authorities were safe in their adoption of the Park's programme and the hoped-for accompanying personal benefits. But it is beginning to appear that the local people are losing trust in their leaders. *Régulo* Sadjundjira expressed this in the following way:

> Things are changing now. People are against me now. They reproach me for negotiating with the Park and surrendering the mountain to the Park. … People are no longer respecting the limits (of where they were traditionally allowed to settle and cultivate), because they no longer respect the traditional authorities and also because they go to church and they don't respect the ancestors. … There is a parable amongst the people about a man who was getting married. When he came in the house of the girl, he first said that he was not a bad person. It was only when it was accepted that he could marry the girl that he showed his vengeance. This is the story the people are telling about the park: the park will do bad in the future as well.

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[19] *Régulo* Sadjunjira rules over large part of the east side of the mountain; the area where benefits were not going to. I will come back to him in chapter 7.

The loss of legitimacy of *régulo* Sadjundjira is not an isolated case.[20] *Régulo* Canda, on the west side of the mountain, faced a similar fate. Although he himself was much less in favour of the plans and was hesitant of taking a position, several of his sons got employed at the Park. To the population this was a sign that their *régulo* was on the side of the Park. At a certain point, his family even suggested to him to resign from his position because of the complicated situation he had got into. The first time this *régulo* received money from the Park management for the tourists that had climbed the mountain, he organised a party for the population, providing them their share of the profit by way of drinks and food.[21] It is indicative for the *régulo*'s legitimacy crisis that none of the local people turned up at that party.[22]

Having started diplomacy at the highest level of the traditional authority structure, the management of the Park subsequently descended to the level below the *régulo*. Dressed in a National Park t-shirt and a cap, one *chefe de população* told me:

> I wonder why we should not accept? We are lower than the authorities and it is better that we accept (the Park proposal) and ask for more education because the Park tells us that our wealth will stop, the rain will stop and the soil will be bad.

The diplomatic efforts clearly had been less focused on the lowest level authorities; the *mfumus* generally expressed greater concerns:

> I regret the situation around the Serra. We are all with tears because of what is happening there. The Park intimidates people and it is a great sadness (…). Consider my age! My parents and grandparents were already living here. If we are not allowed to live here, they should have told that right in the beginning.

Taking into account the differences in positions taken by the higher and lower traditional authorities, diplomacy changed perceptions at least on the higher levels of authority. It is questionable however whether these perceptions were based on the conviction that the area should be indeed managed in a different way, or whether it was based simply on the 'cargo cult'. In the first case, the Park's management might count on the higher authorities to convince the lower authorities and subsequently the population. In the latter case, diplomacy will have to be extended to the lower level and the population as well in order to reach the intended aims of nature conservation (i.e. not logging trees along the waterways, not cultivating land above the 700 meter line).

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[20] In Chapter 7, I will show that other issues were at stake as well that decrease *régulo* Sadjundjira's legitimacy.

[21] An agreement had been signed by the *régulo* (on behalf of the population) and the Park. The Park was to pay a fixed amount of money to the community for every tourist that climbs the mountain.

[22] From communication with Christy Schuetze.

Listening to the spirits

In their efforts to obtain better access to the mountain, the Park management from the beginning had seemingly overlooked an important aspect: the sacredness of the Mountain. As Eliade argues 'for religious man, nature is never only "natural", it is always fraught with a religious value' (Eliade 1987: 116). Geographically reaching out to the heavenly other world, high mountains are ascribed magical or spiritual forces in many cultures. The spiritual forces can support 'the owners of the land' in positive ways; providing strength, protection, and rainfall alike. Nevertheless, people believe that the presence of ancestral spirits on the mountain can be felt in negative ways as well, especially for those who do not respect the rules set by the spirits. For 'outsiders', these rules are said to be stricter than for the 'owners of the land'.[23] The sacredness of the mountain is thus not restricted to the local population, but, in the form of the rules, it is imposed on others as well. As a result, spirituality pervades the whole landscape and has to be considered by all actors, regardless of their interests. The position of the spirits in the landscape corresponds with that of a 'territorial cult': 'an institution of spirit veneration which relates to a land area, or territory, rather than to kinship or lineage groupings' (Ranger 1973: 582; Schoffeleers 1979, 1992; van Binsbergen 1981).[24] The main function of the spirits is to ensure the moral and material well-being of the population of the territory (Ranger 1973). The 'autochthonous' owners of the land communicate directly with the ancestral spirits of the land, and at the moment another party invades the land, that party is tied to the rules that are imposed on the landscape by the spirits through communication with their offspring in the visible world (Schoffeleers 1992; cf. Unruh 1998; Spierenburg 2004).

The traditional authorities that have been the focus of the Park's diplomacy do not figure centrally in the discourse on the sacredness of the mountain. The performance of this role is for the highly-respected spirit medium, Samatenge, who can be seen as the 'cult principal' (Schoffeleers 1992: 10).[25] Werbner – who

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[23] Port. *donos*, refers to the 'traditional owners' of the land, not necessarily the legal owners. All land in Mozambique is owned by the state according to the Mozambican land law (Law 19/97, art.3). Mozambicans can only have rights of use and usufruct (DUAT: *direito de uso e approveitamento da terra*). For communities, there is the possibility to have their land delimited as a community, which is the case for the community on the west slope of the mountain but not for Vunduzi at the east side. Community delimitation provides more security in case of requests for land by external parties like commercial investors (cf. Tanner 2002 for an excellent analysis of the land law).

[24] Territorial cults roughly overlap with Victor Turner's earth and fertility cults (Turner 1974). I am aware of the alternative classification of land in 'places of power' and 'land shrines' as suggested by a.o. Vansina (1990) and Colson (1997), but I prefer to use the term territorial cult. It is my contention that characteristics of both places of power and land shrines can be noted in relation to Mount Gorongosa. Territorial cult gives better expression to the combination of spiritual and political power engrained in the land for the local dwellers.

[25] Just like different generations of régulos bear the same name as their ancestral predecessor, the name of Samatenge does not change over generations.

employs the term 'regional cult' – has argued in this sense that mediums act in the first place as representatives of their people in a non-differentiated society, whereas the political power holders, i.e. the chiefs have stronger interest in asserting social differentiation (Werbner 1977: xiv).[26] Chiefs rank high in political hierarchy and it is almost evident that the chiefs benefit more from the Park than their subjects in this phase. Although it is said that Samatenge today has less spiritual clout than the original Samatenge, he still commands a lot of power and respect among the part of the population that is strongly oriented towards tradition. The mountain dwellers always argued that Samatenge was on their side and this is indeed what he himself has always claimed as well. Not only is he responsible for the rain ceremony, he also acts as a crucial gatekeeper to certain parts of the mountain on the eastern slope. Upon arrival in his zone, visitors are expected to fulfil a ceremony for the spirits.

Initially, the Park's staff was clearly not aware of the strategic importance of the spirit medium and had not targeted him in the strategies of 'winning the hearts and minds' of the population through their leaders. Only later, did the staff make a trip to the zone of Samatenge to discuss the programme with him. The first encounter with Samatenge and his ancestral spirits resulted in a clear triumph for the spirits, judging from the glorious stories that are circulating widely among the population. These stories again contributed to the maintenance of the narrative of the mountain as a place where spirits are strong. Crucial mistake in the managers' strategy had been to enter the area in a red-coloured helicopter. The spirits in Samatenge's zone are believed to loathe the colour red because it is the colour of blood and, hence, also war-related.

In the past, the only allowed 'colours' had been black and white and although today this has become less strict, visitors are still not supposed to wear any red item of clothing to enter the area. The unfortunate choice for a red helicopter was taken as a sign of disrespect for the ancestral spirits. Yet another setback was soon to show its face. One of the curious onlookers that had quickly gathered around the helicopter noticed a snake. Many of the local people believed it was not a normal snake,[27] but an ancestral snake that had come as a messenger to signal that the spirits would not accept the ceremony and that the visitors were not welcome. No ceremony took place that day and the team had to return at a later stage, after having invited the spirit medium for an excursion in the National Park and a helicopter flight over the mountain. Although the management got convinced that Samatenge was then on their side, the people felt assured that their spirit medium, in contrast to their traditional leaders, did not take the side of

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[26] To Werbner, regional cults are 'cults of the middle-range – more far-reaching than any parochial cult of the little community, yet less inclusive in belief and membership than a world religion in its most universal form' (1977: ix).

[27] In some versions of the story, the snake was two-headed.

the Park. The population feels even more confident that the spirits, are on its side. One of the villagers argued: 'The spirits are annoyed already because they live close with us and will follow us wherever we go'.

The sacredness of the mountain was often a central issue in the objections raised against the conservation proposals. Germinating conflicts were described much more in terms of a conflict of men (the Park) versus the spirits and much less as a conflict between the population and the Park. This was strongly rooted in the population's belief that the spirits would not like the presence of the Park, a belief shared even by the less traditional Christian part of the population, as proved by the following words of a pastor:

> Certain things are not accepted there. The Park has some rights, but not all. There will be war between men (the Park) and spirits, but men will be conquered by the spirits … Dhlakama[28] fled from this area to go to Casa Banana, not out of fear for Frelimo, but out of fear of the spirits.

The omnipresence of the spirits in the landscape is clearly used as a source of power for the population and helps them to claim their rights against other parties. The ceremonies restrict access to the mountain, which is a clear advantage for nature conservation. Allegedly, other traditional taboos served similar aims in the past in relation to the logging of trees, hunting, or making use of the rivers on the mountain (French 2009). Other studies on nature conservation in Africa have shown as well that the positive role of tradition should not be downplayed (Schoffeleers 1979; Fairhead & Leach 1996; Byers *et al*. 2001). Nevertheless, the Park managers seem to view tradition mainly as a complicating factor that they have to be sensitive to. At the same time however, the spirituality of the mountain provides an interesting extra characteristic of this tourist attraction. The mountain is portrayed not only as a place of nature and wilderness, but also as a place of an untamed and unspoilt tradition, an exotic place where rules are not defined by legal-rational human beings but by ancestral spirits. On the Park's website it reads: 'Reaching the summit of the *mystical* Mount Gorongosa is like stepping through a portal into a hidden world' (www.gorongosa.net; italics added). Tourists that were guided by the Park's employees on day trips to the (west side of the) mountain had to carry out ceremonies for the spirits before climbing up. Whereas the sacredness of the mountain constitutes a hindrance to smooth access, the same sacredness is also exploited by the Park to attract tourists to this magical mountain.

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[28] Dhlakama, the leader of opposition movement Renamo, for some years during the civil war, had his base in Casa Banana, on the verges of the National Park.

The local population: ambivalent feelings, shared interests

The traditional authorities were evidently easy to get on the Park's side, but the local people, apart from some of the younger people interested in possible employment opportunities, were not.[29] Among the younger generation, it was more common to shift position and take the side of the Park. They attached less value to the sacredness of the mountain but viewed the landscape especially as a place where economic benefits could be derived from, especially in the tourist industry.[30] In general however, there was a widespread fear among the population of them being forced to move from their homes and lands. Some people were arguing that they would prepare for war again if the people of the Park would extend their sphere of influence to the mountain. The people's recognition of the power of the Park's management – backed by central government – led them to strengthen their ties with their ancestral lands, which is not uncommon in many African cultures. As Luig & von Oppen argue: 'rural African people cannot be seen as just living "inside" nature, but instead are related to nature in different ways, both physically and symbolically' (Luig & von Oppen 1997: 21; cf. Schoffeleers 1979; Colson 1997; on Mozambique see Unruh 1998; Virtanen 2005). In this sense, it is evident that the meanings attached to a place are not static, but rather change over time and place (Luig & von Oppen 1997).

Indeed, the discourse on the mountain shows significant changes over time and the landscape of powers proves to be dynamic (cf. Magadlela & Hebinck 1995). In relation to this, different myths of origin were narrated about the mountain in which spirits were ascribed different positions of importance. Some people argued that there had always been people living on the mountain because of the fertility of the soils. Others argued that the mountain had served as a refuge during Mozambique's civil war because 'the zone of the spirits was a safe zone' and that afterwards people did not return to their homesteads on the foot of the mountain. Different voices argued that people began to occupy the higher parts of the mountain only after the war. From these narratives, it is difficult to tell when settling on the higher parts of the mountain began. An explanation for the differences in the narratives can be found in Malinowski's writings. He argues that individuals or groups tell those narratives of origin that can best help them to claim their rights (Malinowski 1992; see also Schoffeleers 1992).[31] Not sur-

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[29] In public discourse the Park portrays itself as a provider of local employment opportunities. 'Local' however seems to be defined rather widely: many Mozambicans in the staff of the Park originate from cities like Beira and Maputo, people that are not considered as locals by the inhabitants of Gorongosa district.

[30] See Fisiy (1997) on Mount Oku, Cameroon for a similar process in which traditions get rather easily abandoned to make room for economic activities.

[31] According to the land law, rights of use and usufruct can be acquired based on customary norms and practices (Art.12a, Law 19/97) or when land is occupied in good faith for at least 10 years (Art.12b, law 19/97).

prisingly in this regard, the spirituality of the mountain was most strongly emphasized by the most fervent opponents of the Park, whereas others were willing to treat the sacredness mainly as part of a bygone past (cf. Virtanen 2005).

Turning back to the relationship between the spirits and the 'owners of the land', there is another aspect that needs elucidation, namely 'the human freedom to shape this relationship according to their needs' (Luig & von Oppen 1997: 21). In regard to sacred traditions, Malinowski has argued that 'a society which makes its tradition sacred has gained by it an inestimable advantage of power and permanence'(Malinowski 1992: 40). In the case of the mountain, the power of the population lies especially in possessing the keys to define – and when necessary even change – the tradition. To critics though, this shaping could easily be taken as an 'invention of tradition', a manipulation of rules to suit one's personal interests and defend special rights. As was argued by one of the more critical family members of the *régulo* on the west side:

> Nowadays they require ceremonies for which 5 litres of wine and a package of tobacco have to be offered to satisfy the spirits. That is not what the spirits are asking for. These spirits are ancestral spirits and they don't know these products from the period in which they were living. The ancestors used to make a kind of liquor made of millet, called *pombe*. Wine was introduced here first in the '60s, so it's not true that the spirits are asking for this. Tobacco also did not exist. Before the Portuguese time, people used opium. The people are just profiting by setting these rules but they don't understand the past. They are still young [he refers to the *régulo*, who is his cousin] and they will learn and understand later but things are not the way they should be and are not in the way the spirits would ask.

Reference to the spirits is perceived here as a pragmatic strategy rather than as a sincere belief. The sacrifices however, have to be seen not so much as reflecting the tastes of the spirits, but have to be taken as symbolic acts to show respect (Appiah 1992). This respect is shown by offering something that is seen as valuable – in this case wine and tobacco. Appiah argues that the 'element of ceremonial is not what is essential; what is essential is the ontology of invisible beings' (Appiah 1992: 112). It is exactly the strongly-felt presence of the spirits on the mountain that is decisive for the population in claiming their rights over the territory. The presence of the spirits allows the population to claim that ceremonies are necessary for entering the mountain. As 'owners' of both the land and the spiritual discourse, the population is able to define the terms of the access ceremonies and to set the rules of the game with which the Park has to reckon. A major advantage of the presence of the spirits is that responsibility can be transferred from the population to the spirits, either by referring to them, or by invoking them. A spirit medium of the Samatenge family pointed out:

> For us, we are still following the traditions of the mountain, but others are not obeying and that causes problems with the land … If the government allows the Park, we can allow them as well. We will not do anything. We won't be guilty, but we are people and we can understand. What the spirits will do, that is their case … We will not carry any responsibility

for what will be happening there. People might disappear. Long ago that happened with others that disobeyed as well.

Although the majority of the people on the mountain clearly does not want any involvement of the Park,[32] the general feeling is that the spirits will take up their responsibility and act in support of the population to prevent the Park from taking over the mountain. Confidence in the spirits even leads some people to take a rather indifferent position. As a villager recounted:

> People now are saying that they don't care if the Park is bringing animals here.[33] They are just saying that they will be happy with the nice *caril*[34] they can make from the meat.

This feeling of 'not having to take care' that exists among the population seems to be based mainly on the confidence that the spirits will take care of them. The 'ontology of invisible beings' (Appiah 1992) is thus a crucial 'weapon of the weak' in their resistance against the Park.

Christians

Locally, the landscape of the present is no longer mainly viewed through a traditional spiritual lens that defines the rules of access. Today many church denominations have founded a church in the area of the mountain as well. Because of the belief in the presence of strong spirits, many of the Christian denominations were initially reluctant to set up branches of their churches in the zone that is most sacred. Nevertheless, even the zone of Samatenge now has a church, 'but it was difficult because tradition was occupying all space there and there was no room for a church' as a pastor explained. The spirits in the area are said to be different from the spirits of God, and some of the pastors suppose these might be spirits sent by the devil.

One of the Park's staff members argued that churches had been unhelpful to the cause of managing the natural resources on the mountain because:

> Churches disrupted the customs of the people. First, people did not log trees for instance out of a fear that the spirits would get angry. Then the church came and the priests told the people not to be afraid of these spirits as nothing would happen to them. That is when people started to log trees.[35]

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[32] Some people express this in terms like 'we will prepare for war again'.

[33] One of the assumptions people have about the Park getting involved in the mountain. The re-introduction of ferocious animals on the mountain, it is argued by some, will lead to the forced re-settlement of people.

[34] Lit.: Curry. Generally means the sauce/relish people eat with maize/millet/sorghum porridge.

[35] I felt that his view was not really rooted in actual observations of the situation on the mountain but rather on a general idea that traditions got lost because of Christianity. Whereas in many other contexts I have been confronted with a clear 'opposition' between church and tradition, people did not express this in relation to the forest management at the mountain. When referred to in oppositional terms, the opposition here was more one of 'those that are in tradition' and 'those that have lost tradition'. In my view, the loss of tradition was partly due to the churches, but partly as well due to general changes (see also Chapter 3).

People generally argued that there had indeed been some changes in the ceremonies carried out on the mountain, but only to some extent were they caused by the churches. For converts to Christianity, the ceremonies were not as important as they were for the people 'living in tradition' and the spirituality has become less loaded, which could also be argued to facilitate access to the mountain for the Park. However, the zone of Samatenge remains different in that respect and tradition is still obeyed in his area, even by church members. It is commonly agreed that 'at certain ceremonial places, the churches can never come'. By influencing the 'owners' of the spirituality on the mountain, the churches have proven to be more successful in changing the rules of the game than the Park management has proven thus far. Churches did not only focus on the traditional leaders but also on the regular citizens, which has led to a reduction in spirituality on the mountain. But the 'people in tradition' are still trying to impose their ceremonies on everybody and succeed in this at least in the most sacred zones.

Although the entrance of the churches on Mount Gorongosa facilitated access to the area for a number of people (including people of the Park), the Park's staff members did not express a very positive opinion about the churches, as is shown above. Apart from the reason mentioned above (disrupting custom), another reason can be found in the institutional ties of the local churches with other branches of their church. Most notably in this case was the affiliation of the local Catholic Church with the commission of *JustiçaPaz* (Justice and Peace Commission). *JustiçaPaz* is the department within the Catholic Church that provides training in matters of social justice and peace. This training is not only meant for church members but reaches a wider audience. Alarmed by complaints from Catholics living on the mountain, the provincial *JustiçaPaz* Commission decided to provide training in the mountain communities to inform people about the rights they have over their lands. One of the Commission members expressed their task as follows:

> It is the work of the Commission to listen to the population and prepare them for the things that might happen. They [population on the mountain] have to be informed about possible scenarios that might occur. As a Commission, it is our task to fight against injustice and what is happening there is injustice. It is not that we are simply against the Park.

Coincidentally, the Commission happened to be around in Vunduzi exactly on the day the Park had planned a community consultation. At this point, the Park must have realised that the Church was not an obvious ally. Indeed, when discussing the situation at the mountain with local people in Vunduzi and surroundings, it struck me that they often made reference to training provided by *JustiçaPaz*. A villager in Vunduzi told me:

> Because the people from the Catholic Church told us, we now know that we have rights over the land and that the Park cannot just tell us to leave.

Negotiating with people who are aware of their rights is obviously more laborious. But the Commission did more than divulging the land law. Whereas the traditional authorities told me that logging trees was no longer permitted because the Park management had told them to stop, the villagers argued that they were no longer logging trees because the Commission had explained it would harm their soils because of the erosion and would entail negative consequences in the longer term. Whereas staff members of the Park had not reached the local level, *JustiçaPaz* clearly had managed to do so. Both Commission and the Park oppose extensive tree logging along the waterways of the mountain. An essential difference however is that the Commission is against it because it takes into consideration the consequences for the farming population, whereas for the Park the management of the mountain is of importance because of the impact on the greater Gorongosa ecosystem. The church, although not directly involved in the dispute, is thus an important actor in defining the landscape, partly striving on the side of the Park and partly on the side of the population.

Conclusion: Getting lost or finding the way?

Early 2008 developments all seemed to be in favour of the Park. A co-management agreement was signed between the Park and the Mozambican government, committees of 'fiscals' were set up to control the ban on logging trees, and tourist excursions to the mountain were promoted by the Park. Everything indicated that the Park was increasingly taking over power on the mountain and imposing its view of the landscape on others; a view in which tourism benefits and nature conservation were prioritized. Nevertheless, whenever the Park's staff was guiding tourists on the mountain, the ceremonies of access always had to be obeyed, which was already an indication of the enduring power of tradition. Some months later however, at the start of the new tourist season, the Park started informing interested tourists that excursions to the mountain were adjourned and that 'the mountain was closed because of the confusion'.[36] Today, the mountain no longer figures on the website of the Park as a possible excursion, but is only presented as a target for nature conservation.

Although at a glance it seems that the Park management is the most powerful actor in the landscape, the resistance of the local population appeared to be powerful enough to adjourn the tourist activities on the mountain at least for a certain period of time. This was achieved not with the intervention of a mediating

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[36] This happened at the start of the tourist season 2008 (April/May). Until today the excursions are not taken up, although a new private tourist operator is planning to take up excursions again. Operating from Gorongosa Park and in close cooperation with the Park it remains open whether they will be able to portray themselves as detached from the Park. The Portuguese word *confusão* is used in Mozambique to indicate a wide range of conflict cases, from a small quarrel about the price of three tomatoes to civil war.

external party, but by an effective use of the alleged power of the spirits. What should be noted here is that the claims of spirituality are not based on a commonly-shared perception. Christians generally tend to reject tradition, but observing the advantages of tradition in regard to their rights over the land, makes them to defend the traditional landscape as well, not so much out of sincere belief, but more for strategic reasons.[37] As the 'owners' of the spiritual rules, local people have the power to impose these rules on the wider landscape and bear the fruit of these rules. Not coincidentally, the sacrifices that had to be made to the spirits in the ceremony of access corresponded well with the needs of the local population. Referring to the spirits was an indirect way for the population to set its rules and conditions of access, and – as argued by some critics – became increasingly used as a powerful discourse. Revitalising tradition was a clear response to the powers of external actors (cf. F. von Benda-Beckmann *et al*. 2003). The rules of tradition on the mountain, that reflect the relationship between spirits and people are dynamic and can be remoulded to correspond better to people's needs and defend their rights. This is also underlined by the changes in discourse after *JustiçaPaz* provided training on land rights and nature conservation.

Has the Park management completely annulled its mountain projects? This seems unlikely. It seems more likely that the management is just suspending its interventions to 'cool down the hearts' of the local dwellers. But also to be successful in the future, the strategy of the Park will have to consider the vitality of tradition and respect the ritual rules that are inscribed in the landscape by the local population with the assistance of the ancestral spirits. Schoffeleers' reflections on territorial cults are helpful in this regard. Elaborating on Clyde Mitchell, Schoffeleers argues that in the case of 'invasion' by a group of conquerors, the political and ritual power over a territory can be separated; the conqueror taking over the political leadership, the invaded party as 'owner of the land' remaining responsible for ceremonial tasks (Schoffeleers 1992). Taking the term 'invader' loosely, the Park can be seen as a modern invader, who – supported by formal arrangements with government – might be able to take over political control. But religion, by way of the territorial cult, is a pervasive factor also in nature conservation and agriculture in Gorongosa – as elsewhere in many parts of Africa – and should therefore be considered seriously to avoid a 'misreading of the landscape' (Fairhead & Leach 1996). Without taking the traditional prescriptions into consideration, the Park management might have a hard time finding cooperation with the population. Mutually respectful co-habitation

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[37] Obviously, many Christians hold syncretistic beliefs in which there is also room for tradition. This does not necessarily indicate a contradiction, nor is tradition always based on pragmatism (see also Chapter 3).

between the Park and the population requires that the ritual domain of the landscape remains under the control of the local population.

What seems to be at risk with such a division of power is the position of the *régulo*s. Taking too explicitly the side of the Park might provide them certain (material) benefits but at the same time weakens their position vis-à-vis the population. In order not to get lost, they will have to find their own way in navigating through the newly constellated landscape of powers. Developments show that the traditional rules of the territorial cult are unlikely to disappear. Therefore, the *régulos* should consider not only the Park as a strategic partner. Tradition deserves to be considered a source of power as well in the mountainous landscape of Gorongosa.

Epilogue

July 20, 2010, the spokesperson of Mozambique's Ministerial Council announced that the government decided to extend the protection of its natural resources by extending the limits of the Gorongosa National Park. The new boundaries will now include the parts of the mountain higher than 700 metres. Additionally, the buffer zone that was suggested by the Park management will be installed. In explaining the reasons for his decision, the government's spokesperson echoed the Park management, emphasising that without any significant changes irreparable harm will be done to the ecosystem within less than five years.[38] At present, it seems unlikely that people will be able to continue cultivating their rich lands on the mountain but it also seems unlikely that people will be able to find land that will provide comparable yields. This is likely to cause frictions, not only between the local 'owners of the land' and the management of the Park, but also between the population and the government as people will become more dramatically aware that government is on the side of the Park. In the mountain area, where people have historically always fiercely opposed the Frelimo government, this seems to be a cause for concern. Empowered by the spirits, people will not easily be seduced to give up and abandon their lands.

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[38] Jornal Notícias, 21.07.2010, http://www.jornalnoticias.co.mz/pls/notimz2/getxml/pt/contentx/1054109.

5

Conflict mediation by spirit mediums and pastors

In a society like the one in Gorongosa, where religion plays a significant role in daily life, an important role is naturally given to those who profess to bridge the spiritual and the material world: the religious authorities who mediate between the spirits and the people, or between God and the people, i.e. spirit mediums and pastors. Whereas much scholarly attention has been directed at traditional authorities and community courts as providers of alternative modes of dispute resolution (cf. Gundersen 1992; Bertelsen 2003; Buur & Kyed 2005), religious leaders have been much less at the centre of attention as autonomous forces within the legal landscape. Yet, they do play an important role, independent of other authorities. Because of their autonomy, they are often even able to serve as a counterforce to other established authorities (cf. Garbett 1969; Lan 1985; Schoffeleers 1999; Spierenburg 2004).

In this chapter, I will focus on religious authorities and their 'mediatory' role in conflicts, independent of other authorities. The adjective 'mediatory' here has a double meaning: it means related to the capacity of religious authorities to mediate on the one hand between people and the spiritual world; and on the other hand between people themselves. I will present and discuss the types of conflicts adherents bring to religious authorities and analyse the methods applied by religious leaders to (re)solve these conflicts. Additionally, I will seek to make clear that authority and legitimacy derive not only from the access these leaders are thought to have to the invisible world (Ellis & ter Haar 2004), but also from their performative capacities. Furthermore, I will show that religious leaders are highly respected and legitimated by their followers. Therefore, they provide a

reliable and viable alternative to the regular 'secular' mechanisms of dispute management offered by the state. Their authority and actual functioning however are generally restricted to their own group. This means that religious authorities can successfully mediate in intra-group conflicts but much less so between people that belong to different religions.

When talking about 'religious conflict managers', I will distinguish two different categories. First of all, there is the large group of spirit mediums that is consulted everywhere in Africa by people in need of conflict intervention, mediation, or healing of distorted relationships, for example (cf. Devisch 1985; Janzen 1992; Ashforth 2000; van Dijk *et al.* 2004; van Binsbergen 1991, 1995). Parallel to that is the rapidly expanding group of church leaders, most notably pastors, playing an increasingly vital role in the organisation of social order in Gorongosa district. In the first section of this chapter, I will look at the spirit mediums and the position they hold in society. I will start the chapter by illustrating how somebody becomes a spirit medium. Under certain circumstances this can, by itself, be considered a matter of disputing in itself. I will give a general description of the problems dealt with and the disputing practices followed. From there, I will zoom in on a new and 'modern' method of truth seeking: 'the video', an instrument that within a couple of months gained immense popularity among Gorongosa's population. In the second section of this chapter, I will look at the role of church leaders in managing disputes, focusing mainly on the pastors and specific pastoral acts related to the mediation process. In order to shed light on the reasoning behind this process, I will refer to Bible verses that are used by pastors to legitimate their actions.

Having described the role of both spirit mediums and pastors in conflict management, I will explore the question: to what extent religious leaders provide a viable alternative to the secular modes of dispute resolution. In this chapter, I will make short references every now and then to the secular modes of conflict management. More elaborate descriptions of these modes will follow in the next chapters.

Dispute management by spirit mediums

Spirit mediums are central actors in a large body of scholarly literature on the spiritual realm in Africa. Often, this literature focuses on the decisive influence of spirit mediums on political leaders. Whether it is *marabouts*, witchdoctors, rain makers, or fortune-tellers, these spiritual leaders are often respected both by government and customary authorities and their judgements are highly valued (cf. Ranger 1986; Niehaus 2001; Ellis & ter Haar 2004; van Dijk *et al.* 2004). They wield great influence in social decision making. As actors in processes of disputing, spirit mediums in large parts of Africa, including Mozambique, are en-

gaged by other institutions as partners. This is most common in cases that require truth claims, especially related to witchcraft or spiritual accusations (cf. Fisiy & Geschiere 1990; Meneses *et al*. 2003: 410-413; Meneses 2004a, 2004b; Geschiere 2008). Their expert services are co-opted by traditional leaders, the community courts, district courts and the police (Gomes *et al*. 2003).

Gradually, the role of spirit mediums as expert witnesses is being acknowledged even by government authorities. As spiritually-based claims are not disappearing in Mozambique or elsewhere in Africa, this expertise remains to be needed (cf. Geschiere 1997; Niehaus 2001; Meneses 2004a, 2004b; Ashforth 2005). What still tends to be largely overlooked by both policy makers and scholars though is the capacity of spirit mediums to reveal the truth and mediate in conflict cases on their own, *independent* of other authorities. In my analysis, I will highlight the conflict management capacity of the spirit mediums and show that in many instances, they do not rely on other authorities to resolve conflicts, in ways considered as satisfactory by the parties involved. Spirit mediums are increasingly being valued not only for their capacity to heal illnesses, but also for their capacity to solve conflicts. Due to their high level of internal legitimacy, they are able to provide a viable alternative to the 'Euro-modernist' hegemony of the mechanisms of justice provided by the state (cf. Comaroff & Comaroff 2004b). In this chapter I will show that by rooting their practices in traditional methods of truth-seeking whole at the same time incorporating modern elements, spirit mediums are able to provide an alternative, up-to-date mode of dispute resolution.

In Mozambique, spirit mediums are mainly considered as healers, who intervene in cases of physical, spiritual, or social illnesses caused by disturbed social relationships (Honwana 1997; Luedke 2006; West 2006). Treatment is partly based on the spirit medium's knowledge of natural medicine. But part of that knowledge has a spiritual basis as the spirits usually reveal to a medium in dreams which medicine to apply and where to procure this. Although this raises the impression that healing is just about physical illnesses, the proficiency of a spirit medium reaches far beyond this. Often, the mediums situate such personal cases of ill-health within the matrix of the entire society's well-being. This means, by implication, that when individuals are sick, the entire social make-up needs treatment (Chavunduka 2001). Consultation of a spirit medium can be of help to reveal conflicts that are sometimes simmering below the surface but that have not yet reached the stage of being spoken out. Consultation therefore serves as a 'mechanism of social redress' (Turner 1972: 46). In other cases, conflicts or problems are easily discernable and intervention of a spirit medium can help to bring parties together and prevent people from suffering more harm. Some of the cases are from the beginning expressed in spiritual terms and are accordingly

understood as related to the spiritual realm. Yet other cases appear as regular conflict cases or illnesses and only later turn out to have a spiritual origin. My focus in this chapter is more on social illnesses and conflicts rather than on physical illnesses.

Becoming a medium

Significant distinctions can be made between the practices of various spirit mediums in Gorongosa. Methods used depend mostly on the spirits that are 'owned' by the practising medium. Certain spirits are good at indicating natural medicines, others in truth-seeking, or in cleansing one off malignant spirits.

   In the following, I will first describe the different ways in which somebody can become an 'owner' of a certain spirit. The most 'traditional' spirits with which mediums work fall within the broad category of family spirits, or spirits from a distant past that can become incorporated within the lineage. One usually becomes a medium by inheritance.[1] The common pattern is that of the 'wounded' or 'afflicted healer' (cf. van Binsbergen 1991; Janzen 1992; Ashforth 2000; van Dijk *et al*. 2004). When somebody falls ill or faces a lot of misfortune, and after a series of failed treatments, either in hospital or by a spirit medium, that person's troubled state is attributed to a spirit. The illnesses that fall within this category are wide-ranging, including, sleeplessness, nightmares, miscarriages, infertility, epilepsy, and skin problems. The spirit is often believed to have descended from a deceased family member that used to practise as a medium (cf. Janzen 1992; Reis 2004; Schuetze 2010). The ancestral spirit is, by means of these illnesses or misfortunes demanding a restoration of the relationship (cf. Van Binsbergen 1991). In most cases, the aspirant medium has already learnt a lot about the deceased medium because, for example, he/she was the most favourite child or grandchild. After other mediums conclude that the illness of the medium-to-be is caused by the spirit, it becomes clear to everybody that the person should become a healer and he/she can start to work with the now-appeased spirit. In some instances, the new medium will be in apprenticeship to acquire the supplementary skills under the supervision of another spirit medium. In other cases the prospective medium could have acquired the necessary skills from a practising family member. Going through the process of affliction and healing, therefore, enables the healer to obtain a legitimate leadership position in society (Janzen 1991: 290, 1992; Ashforth 2000). Once somebody has accepted to 'work' with a certain spirit, the 'job' *has to* be carried out, in cooperation with the spirit. A spirit that is

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[1] Typical ancestral spirits in Gorongosa are *mhondoro* (connected to the inheritants of the royal dynasty), and *mzimu* ('normal' ancestral spirits). The *madzoka* spirits, consisting mainly of *nguni* and *sipais* have meanwhile become incorporated to some extent within lineages and although not ancestral, descend along lineage lines. I will not elaborate on this in detail here but see Schuetze (2010) for an in-depth description of the various spirits that are prevalent in Gorongosa and their origins.

left idle can turn against the owner again and cause sickness of the body (24.3.2008, Adalia). A spirit that is actively addressed by a medium to 'work' is gratified and thus appeased and will not cause any problems for the medium.

Apart from the family spirits (see Chapter 3), there is a distinct category of spirits that constitutes an important part of the spiritual world in Gorongosa. These spirits, called *npfukwa* and *magamba*,[2] do not descend from one's lineage, but are the spirits either of civilians or of young soldiers who got killed – sometimes unduly – in one of the violent episodes of the past. *Npfukwa* are said to have their origins mainly in the colonial time, the *magamba* are traced back to Mozambique's civil war. From all accounts, both *npfukwa* and *magamba* are described as violent and difficult to handle as they are in search of revenge for the unjustice done to them when they got killed.[3] Yet, they are also viewed as very powerful and able to assist spirit mediums in even the most difficult tasks. *Magamba* spirits, especially, have been on the rise over the last decade. During the last war, which ended in 1992, a lot of foreign soldiers died in the district of Gorongosa. Among them were *komrades* from Zimbabwe, but also soldiers from other areas in Mozambique. Moreover, there were innocent civil victims (cf. Igreja 2007; Schuetze 2010). Because many war victims died violently and far away from home, they did not have a proper and befitting burial ceremony. Therefore, the deceased was not able to find eternal rest and peace, far away from his relatives. In order to find rest, both *npfukwa* and *magamba* spirits, first have to claim justice and take revenge, for which they might turn to people in the area of Gorongosa where they died. In some instances it is argued that a spirit turns to a specific family member of his supposed murderer in order to seek a kind of intergenerational justice and revenge. Since many of the soldiers were young, unmarried men, the typical victim for *gamba* spirit possession is a young female. The foreign origin of many *magamba* is reflected in the language the patient or medium uses in the trance state. Many of the *magamba* speak Shona,[4] a language that is rarely spoken by the 'owner' of the spirit when not in trance.

Other *magamba* 'owners' are said to have acquired the spirit by eating human body parts, most notably the bones of corpses, during the war. As these spirits were considered especially powerful in providing protection against the horrors of war, people actively sought to obtain their protection (cf. Marlin 2001; Schuet-

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[2] Plural. The singular form is gamba.

[3] During the period of fieldwork *magamba* spirits were still more 'unsettled' than the *npfukwa* spirits. Despite still being prominent in the spiritual world of Gorongosa, the *npfukwa* had calmed down much more than the *magamba*, who had been killed more recently. Therefore, I will in the following focus mainly on the *magamba*. Many of the characteristics of these two sorts of spirits are similar, although the *npfukwa* meanwhile are becoming more integrated within the lineage and sometimes already descend along generations, just like the ancestral spirits.

[4] Shona is spoken in large parts of Zimbabwe. Significantly, the word *gamba* is Shona for soldier or warrior.

ze 2010). Although a *gamba* medium will never confess having acquired the spirit in this way, stories about this phenomenon are persistent. It is generally held that *magamba* do not choose male mediums for instance. Male *magamba* mediums are therefore almost automatically prone to the suspicions of having 'eaten' the spirit. Other accounts say that during the war, spirit mediums made porridge out of ground bones of the war dead and gave it to their patients, who, not knowing the substance it contained, ate it and later found out to be possessed by a violent spirit. One of the male *gamba* mediums I spoke to explained that he was sitting under a tree, without knowing that there was a *gamba* spirit in it. Then, he added, the *gamba* fell on him from the tree and he had to start working with it. Yet my research assistant countered his account. According to him, *magamba* do not reside in trees, in contrast to some other spirits. My assistant opined that the medium must have 'eaten' the spirit. When a woman is possessed, she usually falls ill, suffers from very bad nightmares, can have problems to get pregnant, or her children might die. Often when such a woman consults a spirit medium, the problem is attributed to a *gamba* spirit.

The healing process is often attended by the patient's family members. When 'coming out' during a successful ceremony, a *gamba* normally speaks. It explains why it took possession of the patient. The anger of a spirit often lies in the fact that one of the patient's family members murdered the spirit's body or dug up parts of its buried corpse to eat them.[5] The presence of family members is necessary since the spirit might make claims and demands that will not only affect his medium, but also the relatives of the medium. In some instances, it is even one of the patient's family members that is pointed out as the defendant. The relatives (or his/her offspring in case of death) have to accept to provide the spirit's demands. As an act of penitence, the medium and his/her relatives, often under social pressure, acknowledge the wrong that was committed in the past. Although in many cases the penitence is based on actual behaviour, there are instances as well in which accused family members admit deeds that they did not actually commit but feel forced to make the admission under the pressure of the spirit medium and her attending kin. Claims made by spirits are generally accepted as true and can hardly be disputed. Once committed deeds are acknowledged, the next step is to provide the spirit with the things it requests.

Often the irate *gamba* insists on 'getting a wife', like some other spirits do as well. For a woman to marry a spirit, means taking up the job of becoming a spirit medium and 'working' with the spirit during consultations. A 'spirit's wife' can not marry a man of flesh and blood unless the man comes to live at the home-

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[5] Most notably penes and testicles are said to have been eaten by people in order to gain force.

stead of his maternal kin after the spirit has given his approval.[6] The woman's husband then has to obey the orders of the spirit, which often indirectly provides the wife with more power in the relationship with her 'human' husband, as convincingly shown by Schuetze (2010). Such a spiritual relationship puts men in a difficult position as they are not the real 'owners' of their wives. At the same time however, spirit's wives can be attractive to men as they – through their co-operation with their spiritual husband – are often able to run flourishing practices as spirit mediums, providing the human husband with more possibilities for purchasing material wealth.

Although it is argued by some that 'you cannot negotiate with the spirits', others argue that some spirits do allow for negotiations and can agree on the sacrifice of a goat instead of a woman. The *magamba* also often ask for items of a soldier's equipment: a gun, military boots, or a knife. If a spirit accepts this alternative sacrifice, it can return to find rest with its own family instead of bothering the family of the counterpart in the conflict.

The process of becoming a *gamba* spirit medium in these instances is in itself a process of intergenerational dispute management and of healing the traumas suffered from a violent past. Moreover, the process allows for the restoration of a disrupted relationship between spirits and people. By making somebody sick or bringing misfortune to a family, the spirit takes revenge (*hanya*) for its unde-served death when it was a human being:

> The spirits (*magamba)* come to take revenge. It is not just about finding a home. It is punish-ment, retaliation, and after that, the spirit can go home.
>
> (Mariazinha, spirit medium)[7]

In the context of Southern Italian tarantism, anthropologist De Martino argues that the possession ritual serves as 'a symbolic apparatus for evoking and con-figuring on the mythical-ritual level those psychic conflicts which had not found a resolution on the level of consciousness and which operated in the darkness of the unconscious, with the risk of appearing as neurotic symptoms' (de Martino 2005: 46). Although in a different context, similarities with the Mozambican *gamba* possession are striking. Also here, conflicts and traumas are hidden below the surface and result in neurotic symptoms or physical illness. When a spirit attests itself in the patient during the trance phase of the ritual, the conflict can be revealed and named (cf. Taussig 2003). For Janzen, 'possession and trance are part of a world view or ideology of order and misfortune, of health and disease, in which individual experience is brought together with culturally normative

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[6] Normally, marriage is uxorilocal in Gorongosa. Many men therefore will not agree on a marriage under these conditions.

[7] For an elaborate description of the role of *magamba* in post-war reconciliation in central Mozambique, see Igreja 2007 and Marlin 2001.

knowledge' (Janzen 1991: 300). This holds true for the *gamba* treatment as well. For a ceremony to be successful, the attendance patient's kin's, who will hear the story of suffering as well, is required. Next to this, ceremonies of 'calling the spirits' usually require the attendance of an audience that assists in beating drums, clapping, and singing. The audience informs the larger society of the proceedings. Acknowledgement of the injustice done to the spirit can be seen as a first step of penitence, the subsequent material sacrifice or the marriage between spirit and the patient a second step. After completion of these steps, revenge is neutralised and all necessities are fulfilled for reconciliation to take place between the human and the spiritual world.

Problems dealt with by spirit mediums
• 'Spirit problems': Witchcraft and bad spirits
Problems that are typically solved by spirit mediums are health-related. In a society where bio-medical healthcare is not easy to access or not always of good quality,[8] it is not surprising that people still turn *en masse* to spirit mediums in cases of physical sickness. Moreover, it is said that diseases caused by spirits cannot be healed by bio-medicine anyway. Spirit-caused diseases can have different roots. First of all there are the family spirits. These can be the rather innocent spirits that can turn the patient into a wounded healer (see above); family spirits belong to one's family and do not need to be sent away. Secondly, there is a category of 'bad spirits of the generation', which the above discussed *magamba* spirits are a part. These spirits come to take revenge for the deeds of one's family members. These deeds can range from having 'eaten' somebody or simply theft. In any case, there is a strong feeling that injustice was done and justice has to be restored. In some instances the perpetrators could still be living, in others the perpetrator could already have died and the spirit seeks retaliation only at a later stage, transcending generations. It is argued that a spirit always comes back if wrong is done to him. An explanation for revenge being inter-generational, can be found in the following account of a spirit medium:

> Often it happens that the person who did something wrong knows that what he did was wrong. He knows that he has to do something to calm the spirit in order not to be punished. For instance, he could buy a goat so that the spirit can transfer to the animal. But then, if that person dies, *epa* ... ! There is nobody who knows what has to be done and the spirit no longer receives any sacrifices. Then the spirit will start demanding the sacrifices himself.

> (Mariazinha)

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[8] There is a medical clinic in Gorongosa town. Medical costs are low but the quality of services is poor and ineffective. Added to this services do not reach the desirable level and patients have to wait for hours or even days to be attended (but costs are generally low). In case of serious illness, transfers have to be made to hospitals in Beira or Chimoio.

There is a possibility that a dying offender can instruct his/her offspring to continue to perform a certain ceremony; but since the reason for doing this is generally not explained because the offender often keeps it secret, the children do not understand the importance of the ceremony. As a result, the appeasing ceremony might stop after a while. It is argued that, in the past, children were more willing to follow their ancestors and obey to their instructions. Therefore, they continued the appeasing even though they did not understand the reason for the ceremony (cf. Appiah 1992). In today's Gorongosa however, where many traditions are weakening, or disappearing and people are increasingly becoming Christian or turning to churches to solve their problems, such ceremonies, as I describe in Chapter 3, are less significant than previously. How to carry out these ceremonies and appease the spirits, no longer constitute common knowledge. As a result, tradition-sensitive Gorogosans explain that spirits that have not been appeased for many years are getting annoyed. This, they believe, is the reason for a plethora of bad spirits, that finds its expression not only in wounded individuals but also in a wounded society. This state of being is reflected in the high number of people practising as spirit mediums.

Other spirits that can cause illnesses are spirits that are 'sent' by somebody with the intention of doing harm. Often, family members are accused of being responsible. Harm can be done either by sending a 'bad spirit'[9] (in euphemistic terms) or by 'sending witchcraft' or 'sorcery'.[10] Witchcraft and sorcery have clear negative connotations. The difference between 'sending a bad spirit' and witchcraft or sorcery is in practice rather small. What is often at stake in the case of witchcraft and sorcery is magic in a negative sense.[11] In Gorongosa, 'magic' clearly has a negative connotation and is closely related to sorcery. There is no distinction made between good magic and bad magic, as made in the classical sense, first suggested by Evans-Pritchard (1968). When referring to magic, I thus refer to what is in literature often described as 'bad magic'.[12] The witches and sorcerers are the anti-social counter-figures of the regular spirit mediums. Where-as spirit mediums are charged with healing people and society, witches are seen

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[9] *Muzimu zva kunyangara*. In reality however, there is hardly a difference between 'sending spirits' and 'sending witchcraft'. It was my impression however that people were often more hesitant to take up the latter term than the former. This might have to do with the fact that witchcraft is widely condemned. Accusing somebody of witchcraft has been curbed since colonial times. Converted Christians especially usually used the term 'bad spirits' instead of witchcraft or sorcery. 'Sending spirits', in many cases is a euphemism for witchcraft.

[10] *Ufiti /uroyi*

[11] Witchcraft is usually considered a force that is inherited by women. It can inflict death, misfortune, or illnesses to others. Sorcery is a force that is 'bought'; obtained via '*drogas*' or acts of magic in order to increase fortune or wealth, often at the expense of the life of others. Acts of witchcraft and sorcery often bring the same results and in the local vernacular both are referred to as *uroyi* or *ufiti*. Therefore, I will not make a clear distinction between the two.

[12] The spiritual power used by mediums working with family spirits would probably be a good example of 'good magic'. People do not refer to this in terms of 'magic', but in terms of 'tradition'.

as the ones who destroy, cause misfortune and death. Many of the spirit mediums perceive it as their main task to fight witchcraft and its related ills. Obviously, it is difficult to encounter people who openly confess to being witches and find out about their reasons for becoming witches. Nevertheless, the subject triggers people's imaginations and often provokes a lot of stories in which it can be difficult to distinguish between fact and fiction. The general idea in Gorongosa's society is that 'witches eat human flesh because it provides them strength'. It is said that witches generally do not kill directly but send a spirit to make their target sick. Such an illness normally results in the victim's death. When the deceased is buried, the witches, it is believed go, often in teams, to the graveyard, sing a certain song, dig up the corpse and feed on the decaying flesh. People accused of witchcraft by the spirit mediums often face expulsion from their family, as long as no counter-evidence is delivered or no treatment is carried out to terminate the witchcraft. Before the counter-evidence is given, suspected witches are often kept 'in custody' at the yard of the spirit medium, awaiting the moment kin have collected enough money to carry out a ceremony in which innocence can be proven. The whole process can take a long time:

> Her family is not showing up and bringing her any food or money, because they know that she is dirty and has killed people. One does not want to spend food on a monkey like that!

> (spirit medium about an accused witch)

During the process of 'finding the witch', the supposed perpetrator has to bear insults and often severe physical violence from the spirit medium and the medium's assistants. It often occurs however that people accused of witchcraft do not immediately succumb to the mediums' or society's pressure and do not straight-away confess. In such cases a second-opinion treatment is requested from another spirit medium, often indicated by the president of one of the traditional healers' associations in Gorongosa. However, getting a second opinion can be hard for somebody who gets excluded from the kin group because of the accusations. Getting resources together for a consultation is difficult for the accused when effectively 'imprisoned' at the yard of the spirit medium. Therefore, in many instances, an accused confesses. Spirit mediums generally have a high degree of legitimacy and are considered as generally infallible, since they are supposed to convey the message of the spirits. Therefore, it is difficult to counter claims made by spirits, via spirit mediums: A woman that was accused of witchcraft had this to say:

> I am accused of being a witch, but others will tell that I am not (if we will carry out the ceremony). But if the spirits say I am witch, I am one indeed.

Once guilt is beyond question for all parties involved, the suspected 'witch' is subjected to an anti-witchcraft treatment. This includes the medium making an

incision on the lower back of the accused, preparing a concoction and rubbing it on to the incision. The number of female witches is said to exceed by far the number of male witches, therefore I use the female pronoun here. After the treatment, the accused witch has to surrender her witchcraft instruments to the medium, who will burn them.[13] The anti-witchcraft treatment is supposed to render the accused witch ineffective. If however, the witch attempts to revert to witchcraft, she will either experience that she no longer has the power to use witchcraft, or simply die.[14] Somebody who accepts to undergo the anti-witchcraft treatment stands the chance of being re-integrated into broader society, since people will feel safer, knowing that the witchcraft has been disabled. This is not always the case however as stigmatisation sometimes persists.

Bad spirits or witchcraft can be sent by person A to person B because a conflict exists between the two, because of jealousy, or vengeance. In some cases, these interpersonal conflicts are public knowledge prior to consulting the spirit. The task of the spirit medium is simply to 'name' or 'reveal' the conflict. In other cases however, the victim who consults the medium is unaware (or pretends to be unaware) of any existing hard feelings against him/her. This makes people critical of spirit mediums. They claim that mediums do not really 'name' or 'reveal' conflicts but actually create them. One has to consider here that spirit mediums are part of a small-scale society in which a lot of gossips are exchanged and in which there are a lot of connections between people. Mediums are part of this society and have their own networks of information. Based on their experiences, mediums have developed good 'antennae' for what is at stake in a community and, assisted by informants, they are often well able to touch the sore spot when attending people. For an impartial intervention, therefore, it is often said to be better to consult a medium that lives far away and does not have any knowledge on one's personal circumstances. For spirit mediums, being aware of the underlying social relations can thus sometimes be considered an impediment for a successful intervention in a disputing process as it is more likely the verdict will be received with scepticism by one of the parties. Having knowledge of multiplex social relations (cf. Nader & Todd 1978) is thus not necessarily an advantage.

A medium's assessment is not always considered infallible. Repudiation of a medium's claims can lead to a whole string of new accusations and counter-accusations. As a result, already existing tensions in a relationship, family, or within a neighbourhood can easily increase. A case in point is about a woman

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[13] At times, the medium keeps the instruments as trophies or advertisements of his/her competence at neutralising witches' power. Silverio kept the confiscated instruments hanging in a tree.

[14] During the course of my fieldwork, I did not come across any instances of this, but the effect of such an anti-witchcraft cutting was widely known and acknowledged by my informants. It was usually stated that fear from being detected again prevented the witches from continuing their practices.

accused of witchcraft. She denied and blamed her sister for having 'sent a spirit to her'. She argued that the spirit had made her to kill several of her grand-children, without being really aware of the actions. She was asked by the practising spirit medium what she wanted now:

> I want my sister to suffer like I am doing because I did not know anything about it. We should call her to expel all the spirits. I don't want to suffer because of things from others. I only want to suffer because of things hat I have taken in my hands myself. My sister … she has been accused before. She has killed a son-in-law in Chimoio as well, I have heard about that. She went to his house and prepared food for him. I, myself, ever since I got married, I have never been accused of anything like this.

The possibility of the woman's sister having indirectly caused the deaths was soon taken over by other family members around while they recalled the suspicious death of the sister's husband during the war. During the subsequent night-long ceremony held by a well-respected medium in another village and also attended by the sister, the spirits that came out did not reveal much. The only information the spirit repeatedly gave via the woman who was in trance, was that the dead victim's name was Antonio and that he had been eaten. Yet, the spirit did not manifest itself as a war spirit but as a *madzoka*, a family spirit which is usually not 'being eaten'. When more questions were posed, Antonio changed into João and did not talk anymore. Attending this ceremony until dawn, I was a bit disappointed by the few words spoken by the spirits, but to the others in attendance it was proven that the woman was not affected by a bad spirit sent to her, but was in fact a witch and just trying to accuse her sister to free herself from accusations; a normal spirit would not be silent but would talk when asked by whom it had been eaten. The family thus decided to proceed to yet another medium to force the woman to undergo the anti-witchcraft treatment.

Taking out a bad spirit can be an exhausting and dangerous process for the spirit medium. When the bad spirit is much stronger than the spirit of the acting medium it can even lead to the medium's death. The mediums' task of detecting witchcraft and bad spirits can be complicated as some of the 'senders' use magical substances to make them undetected or free them from blame. In such cases, the truth will remain hidden during the course of the treatment. Following Evans-Pritchard, Taussig, in this context, argues that 'because what we might call scientific procedures of verification or falsification of the efficacy of magical healing are either not available, not practiced, or by definition inapplicable, there is always a way of explaining failure away' (Taussig 2003: 282). Arguing that the witch is using a magical substance to make her go undetected can be seen as a way of explaining failure to provide adequate evidence. I will further elaborate on ways of 'explaining failure in the section on Silverio's movie.

Theft

Apart from dealing with many kinds of spirits and sicknesses, spirit mediums address a wide range of issues that underpin the social order and tackle the disturbances of society. An example of such a disturbance is theft and the threat of theft. In the rural areas especially, homesteads are often scattered and social control by neighbours is therefore low. With houses lacking proper locks, there is always a risk of theft. Agricultural fields are often not located in the direct vicinity of the homestead and control of the fields during the time of harvest is difficult. As a result, many people are in need of extra protection against theft in both their yards and fields. Spirit mediums offer this protection by providing a certain medicine that ensures that thieves cannot go undetected (cf. Ashforth 2000). Such medicines can either prevent thieves from entering somebody else's property, make a thief 'freeze' at the moment he illicitly leaves the house with the stolen goods, or turn a perpetrator sick right after the theft. In the latter case, the thief will have to make himself known to the owner of the stolen goods as the ill thief will depend on the cooperation of the owner of the goods to cure his illness. It is believed, that only the owner is able to reveal the source of the illness and the cure; knowledge which he obtains when buying the anti-theft medicine.[15] Alternatively, once theft has already taken place, spirit mediums can help to detect the thief. Instead of reporting theft to the police, people often refer to the spirit mediums to find out who the thief was. Once the perpetrator is unmasked, the medium can, upon request, write a report to inform the police on his findings. Measures of punishment can subsequently be taken by the police, who usually accept the spirit medium's accusation as valid. In addition, some spirit mediums profess the ability to return stolen goods to their lawful owners. Since not everybody makes effectively use of the theft-prevention medicine, there is obviously also a market for spirit mediums who serve those that have been robbed.

   Another important dimension to theft is the supposed protection thieves can get from magical substances in order to go undetected when robbing and stealing. These *drogas* are often provided by spirit mediums. Many people have had experiences of waking up in the morning and discovering that they have been robbed in their house, without anybody waking up and noticing. Often, there are even no signs of breaking-in. The powerful substance that is said to be used in many cases is 'cemetery water'.[16] When sprinkled around the doorway of a victim's house, a thief is able to enter the house and take whatever he wants without the residents waking up. The degree of power of the applied medical substances will then define the outcome: will a thief gain access to others' property or will

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[15] Many people do not like to talk openly about having this medicine but my field assistant, a Zion pastor, told me that he as well put this protection on his fields and he said he already experienced a case of theft after which the thief came to announce himself because he got sick.

[16] The water used to bathe a corpse before it is buried.

the legal owners be able to defend their property via the medicine? Once successful, a thief can get further support from *drogas* to prevent being apprehended. In case thieves get caught, the medicine can enable them to escape from prison. Spirit mediums are thus able to prevent, provoke, and solve theft cases.[17]

Truth seeking

In order to handle disputes, there is a wide range of strategies that spirit mediums can employ. The service a specific medium offers depends on the spirits he or she 'owns' plus the skills the medium acquires through other mediums. As mentioned already, a large part of a medium's work consists of healing patients. My interest here however, lies mainly in presenting the capacity of spirit mediums to provide an adequate outcome when truth has to be revealed in order to solve a conflict. An important 'procedure' to diagnose what happened and establish the truth is divination. Divination, here is understood as 'the entire set of procedures intended to acquire knowledge which is of a supernatural nature or which is otherwise not available through everyday means such as are based upon direct sensory perception' (van Binsbergen 1995: 114; cf. Peek 1991). Traditionally, the poison ordeal has been a widespread practice for establishing the truth in large parts of Africa, including Mozambique (cf. Richards 1935; Douglas 1967; Evans-Pritchard 1968; von Benda-Beckmann 2007). This practice is today formally abolished and no longer widely accepted as legitimate. But spirit mediums have always followed various paths to be able to establish the truth and diminishing importance attached to the poison ordeal does not mean that there are no other ways to provide a verdict.

A relatively simple method of finding the truth is the *nsango*: i.e. the use of the divining seeds (*hakata*). Just like the poison ordeal, this is a practice which is widespread in Africa, although it can take different forms.[18] Consulting the *nsango* is generally the first step to take towards solving a conflict. The divining 'seeds' that are used don't have a strictly prescribed form and can consist of various materials, depending on what the spirit medium has been able to collect or inherit. Pangolin scales,[19] small (animal) bones, seeds of the *mungomu* tree,[20] and buffalo nails are examples of the variety of 'seeds' I came across.

After being introduced to the problem, the medium starts to ask directed yes-or-no questions. Casting the seeds provides the answer. For example, a medium

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[17] In a way, this does not differ much from other providers of security in society. The general idea about the police is not much different.

[18] Cf. van Binsbergen 1995 for an overview article on what he calls 'four-table divination as trans-regional medical technology' in Southern Africa.

[19] *Manis spec.*

[20] *Schinziophyton rautanenii*

Figure 5.1   Set-up of divining seeds and a mirror during a consultation

could ask, 'Was it person X who stole the goods from the house of person Y?'; 'did so-and-so get sick because of a spirit sent by her aunt?' When the seeds fall with the open side up, the answer is affirmative, when they fall upside-down, the answer is negative. In case of a mixed outcome (i.e. three seeds 'open', three seeds 'closed'), no decisive answer can be given. The procedure then either has to be repeated, or is transferred to another spirit medium for another consultation.

In cases in which the *nsango* does not provide an adequate outcome or leaves the people in doubt, the person can proceed to a *phadza* spirit medium. The *phadza* (ploughshare) functions in similar ways as the *nsango*, but provides a more dramatic verdict; the medium asks directed questions while the iron blade of a ploughshare is resting in a fire. To find the answer, magical oil is dribbled on the burning hot blade. In case of guilt, the oil will catch fire. If the accused is innocent, the drip will only produce some smoke. Somebody that is freed of accusation can ask for white flour to be dusted on his head as a sign of his innocence and purity.[21] Obviously, a person that is found guilty will not obtain this

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[21] Even for procedures other than the *phadza*, a person can ask for flour to be dusted on his or her head once innocence is proven.

sign of innocence. In case the guilty person denies the accusation, he or she will be forced to pick up the burning hoe himself when the question is asked, running the risk of burning his hands. Once the accused has confessed, a medium can decide on the punishment. But such punishment always has to be carried out within the limits of the law, which sometimes leads to frictions between the medium and state officials as I will show later (in Chapter 8). Cases that require harsher punishment are supposed to be reported by the spirit medium – sometimes through the president of the spirit mediums' association – to the police office, where the medium's verdict is generally taken over.

The movie that shows the truth

• Inventing a truth seeking practice

Apart from the practices of *nsango* and *phadza* that have a long history in Gorongosa, spirit mediums engage in the continuous (re)invention of practices that are better suited to the needs of their clients, making use of both 'old' ancestral spirits and newer spirits. The *magamba,* already mentioned, are a good illustration of such 'new' spirits. In the following, I will describe a newly 'invented' traditional practice of finding the truth and coming to a verdict. This practice appeared during the course of my field work. To carry out the practice, an innovative and modern instrument was used: the video of Silverio. The description will make clear how a 'traditional' practice of truth seeking was introduced and accepted as a legitimate method of conflict resolution.

Mr Silverio Soda is not an average spirit medium.[22] He is the district's president of Ametramo, the spirit mediums' association. Nevertheless, during the first months of my fieldwork, his business is not doing well and he is spending more of his time at the homestead of his recently-married second wife than at his yard where he practices as a spirit medium. Often when I pass by his place, I encounter only his first wife and some of the children who are charged with hosting the visitors and patients in Silverio's absence. On returning from a field break in February 2008, I find out that things have changed a lot. As soon as I return to Silverio's yard, he enthusiastically welcomes me, saying that he has discovered a new 'instrument' in which I will be very interested. It is a big spectacle he tells me and I should definitely see it. He has recently started working with a new 'method' of seeking the truth. He argues that if he would just show me the instrument, I would probably not believe his story; therefore he urges me to see it myself. Although I know Silverio as somebody who is good in telling 'big stories', I am nevertheless curious. Silverio proceeds to take the

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[22] Although I am aware that Silverio can not be considered as emblematic for spirit mediums in Gorongosa, I think his story is nevertheless worthwhile exploring. I am convinced many other communities have their own 'Silverio' who is able to reshape tradition in similar ways.

instrument out of a plastic bag. What I see, is a rectangular wooden board with two nails on the long side, to which a cord is attached. The board can be hung against a wall by the cord. Silverio tells me that the instrument is called 'the video':

> It originates in Tanzania, but also over there it is a relatively new method of telling the truth. It was discovered by an old woman. I heard that she was travelling and I asked her to come to Gorongosa. Now I have learnt it as well. (…) Before, I made use of a mirror to show the truth but if you use a mirror, there is always still an explanation needed from the spirit medium.[23]
>
> The board is like a black box that makes people to know. It shows things that have happened in the same way as on television. (…). The way the 'video' works is secret. The wood that is used to make the 'screen' has to be a bit reddish because otherwise the video will not be clear. (…) You have to connect (*ligar*)[24] to the spirits, for instance if you want to see something in the US, the way your grandmother has died, you have to talk with that spirit. To 'connect' to the spirit, you need a certain medicine and because these spirits are family spirits of already deceased family members, they know what has happened.

Examples of cases Silverio tells me that he has already dealt with, suggest that the 'average' conflict cases in society are common practice in Silverio's videos as well: theft, witchcraft, bad spirits, domestic conflicts, and adultery. Initially, Silverio explains to me that he does not deal with cases of adultery because it is not appropriate to show these kinds of things on a video. But I soon notice that he reviewed this stance and incorporated adultery as well. Probably Silverio's business instinct told him it would be beneficial to attend to such cases as well, since a substantial number of complaints were about adultery or problems with relationships generally.

Whereas the mentioned use of a mirror is rather widespread in Mozambique, as elsewhere in Africa, the 'video' seems to be more innovative. Interestingly, Delius reports the use of an 'African television' by a medium in South Africa that seems to use a similar method. The South African 'television' however was predominantly used for witch finding, whereas Silverio's instrument seeks the truth in a wider range of cases. According to Delius, the youth were especially attracted to the instrument which they saw as modern (Delius 1996: 192-198). Although Silverio relates his instrument frequently to modernity by describing it and its function in 'modern' terms, I feel that touch of modernity is not its only appeal. Silverio's video captivates both young and old. Despite being 'modern', Silverio's instrument is still strongly rooted in traditional practices of truth seeking and thus attractive to 'traditionalists' as well.

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[23] It seems to be common throughout Africa to use methods in which either medium or client has to provide the explanation (cf. Devisch 1985: 52). The use of a divinatory mirror is also reported by Sugishita (2009) in neighbouring Zambia. In her case, the client has to see the truth in the mirror, whereas in Silverio's case it is Silverio himself.

[24] Interestingly, also here Silverio uses an idiom that refers to modern technology: Port. *ligar* is used as 'to connect' (by phone).

During the remaining months of my fieldwork, 'attending videos' becomes a recurrent activity. The local population quickly discovers the video and ever more people are consulting Silverio to express their interest in watching the video. On an average afternoon, he plays three to five 'cassettes'. Silverio, who is a skilled performer, continuously adds small acts to the practice. For the people that attend the video only incidentally it is hardly notable but for me as a more regular attendant it is interesting to observe the way the ritual expands. In the initial stages of the video, there is hardly any ritual involved in the performance: an individual who has a problem pays 100 Mtn. Silverio pours a medicine from a 1.5 l. water bottle in a small cup for the client to drink. While drinking, the client has to announce what he wants to find out via the video, like for instance: 'I am asking [to the spirits, through the video] to show all the things that have been stolen, to show the people who committed the theft.' After drinking the potion, the person has to wait for about half an hour for the spirits to respond to the 'call' and turn up.[25] Meanwhile Silverio notes down the names of the deceased ancestors of the patient to be able to call their spirits since they are the ones that will reveal what has happened. Next, Silverio asks for detailed information about the client and the problem; 'What is it that has been stolen? What did the stolen goods look like? To whom did the goods belong? Where were they kept?', and, crucial to invoking the right spirits: 'What is the name of your deceased ancestors?'

To start 'playing' the video, the client enters a small hut (about $2\text{x}2\text{m}^2$), where the video screen is hanging on the wall. Because of lack of windows, the room is rather dark. The client sits down on a rattan in front of the screen. Silverio stands at the door post – half in and half out – and starts a rhythmical clapping of his hands. Meanwhile he calls the ancestral spirits of the client:

> *Sekulu*[26] Ngomba, I am asking you, please show us everything, it is good for you to show everything and not to hide. I am asking you to show everything, *sekulu* Chingopa, do not hide anything, *sekulu* Ngomba, *sekulu* Chingopa, please show us everything; how the thieves entered the house, show us! How the thieves took out the mattress, show us! Everything, show us! The bicycle … how the thieves took it out, show us, everything, the suitcase, the clothes! Everything, *sekulu* Chingopa, Ngomba, show us! We are asking you to come to us and show us! Christina wants to know where her goods are now.

When the ceremony is successful, the client starts to see 'the movie' of what has happened. The client is supposed to tell everything he sees on the movie screen to Silverio, partly because it allows Silverio to ask for complementary information from the spirits, but also because it allows him to inform the crowd

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[25] I.e. for the hallucinogenic qualities of the potion to take effect. The use of hallucinogens in these settings thus far is, to my knowledge, unreported in Mozambique (personal communication with Bjørn Enge Bertelsen, 19.3.2010). Unfortunately, I have not been able to find out what root was actually used by Silverio to produce the potion.

[26] Grandfather, ancestor.

waiting outside at his yard and invoke awe and admiration from them. During the 'video' Silverio is always conscious of the time and after about half an hour he calls the session to an end. Leaving the 'cinema', the client has to wash hands and feet. That way, the 'called' spirits are sent off and the client will not be bothered at night by bad dreams – in which the 'video' is replayed over and over again. Also the client is not allowed to talk to anybody right after the consultation because that will discourage the spirits to leave. At later points however, most of them are excited to give their accounts of the video experience.

Figure 5.2   Video screens. Video screens are getting charged in the sun. To the left, the bottles with the pre- and post-video medicine.

Extending a ritual and establishing legitimacy

Where the 'video' ritual in the beginning was rather basic, it got extended over time, underlining the 'creative acts of religion' (Malinowski 1992: 37) and the dynamics of practices of traditional religion. The 1.5 l. bottle containing the pre-video viewing concoction was replaced after some time by a 5 l. jerrycan, whereas the post-video medicine that was first kept in a very small bottle was substituted by a 1.5 l. bottle. Washing hands and feet was extended to the washing of hands, feet, and face. Besides, after some months, people had to pay an extra 10 Mtn on top of the 100 Mtn to buy a bottle of Coca Cola. This soft drink had to be drunk by the client after watching the video. It was my impression that this became an especially important issue during hot days when the potion seemed to provoke stronger reactions. The Coca Cola probably had a detoxifying effect. In some instances clients even fainted and completely lost consciousness. In one case I witnessed, a woman reacted rather strongly and was unconscious for several hours. When she regained consciousness, she was shivering and clear-

ly in pain, crying out that she was dying. According to Silverio, this reaction was an indication that the woman was in fact a witch and had used medicines to prevent the truth from being displayed on the video. Silverio's explanation of the woman's reaction clearly hinted at the poison trial of former times. Failed poison trials were also explained by arguing that witchcraft was too powerful or prevented the truth from being unmasked. This allusion was again a way to connect the functioning of the new practice to a long established and legitimated practice of truth seeking. After some hours, the woman was able to leave but she had to lean on her husband as she was still unable to stand on her own feet. She never returned to Silverio.[27]

A good indicator of the popularity of the 'video' business was the number of screens in use. In the beginning Silverio owned only two screens which he used interchangeably. Half a year later when I was about to leave the field, he was using five different screens. The screens were no longer simply taken out of a plastic bag and hung against the wall when situations demanded. Instead, before starting the actual 'video' Silverio would take the screens out in the sun in order to get 'charged' by its energy. Only by doing this, he argued, would the screens show clear images. Another element of the ritual process that was added later was the rule that a client had to take off his/her shoes before entering the 'cinema'. Later also, he forbade clients from wearing red items of clothing because, as Silverio argued, 'the spirits don't like that colour'. Strikingly, the colour red is also forbidden in certain areas of mount Gorongosa, where the spirits have an especially strong presence. This prohibition has a long tradition on the mountain and is well-known in the district. It is said that the spirits from the mountain do not like to see the colour red since it denotes blood and war.[28] Prohibiting the colour in the video-room established a linkage between local tradition and this modern imported instrument.

By progressively adding to the pre-'cinema', 'cinema' and post-'cinema' ritual, Silverio was performing what Jansen (2009) calls 'impression management'. Every single stage in the 'video' process was emphasised by Silverio as being crucial for obtaining the desirable result. 'The skilful display of tricks and magical feats' (Taussig 2003: 277) was an essential part of the ritual process of the movie. Whereas taking a medicine with probably hallucinogenic effects was at the core of the ritual, the other acts that were carried out functioned as important contributions to the performance of Silverio as a powerful spirit medium. He was

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[27] I was unable to trace her place of living – which was not in Gorongosa town – and hear more about her experience.

[28] Just like black and white, red is also a core symbol in many African cultures, as Victor Turner for instance has shown in his work among the Zambian Ndembu (1972) or Jacobson-Widding on the Lower Congo (1979). A slightly different explanation on these colours in the Ghanaian context is given by Kirby (1997).

always confident at every stage of the process and the respect he was gaining was probably largely based on the performative acts of the ritual. Carrying out different acts during the process, Silverio responded to the expectations of his clients who were looking for a 'spectacle' that provoked much more imagination than just the medicine per se would have done. When Silverio had a tight schedule to complete before sunset though, he skipped some of the ritual elements. The screens did not need to be 'charged' in the sun for instance, or washing hands and face afterwards was not deemed very necessary. Taking the potion and subsequently waiting for half an hour 'to connect' to the spirits was nonetheless always an essential part of the practice. In his explanations, Silverio only revealed part of what he was doing and consciously concealed other parts, which contributed to the admiration of the puzzled spectators.

The 'modern' instrument of the 'video' quickly gained a high degree of legitimacy and acceptance among the part of the population that was open to traditional truth seeking practices. This underlines that there is not only magic in modernity (cf. Comaroff & Comaroff 1993; Meyer & Pels 2003), but that there is also modernity in the magical or traditional world (cf. Luedke & West 2006; Geschiere 1997). There is a reciprocal influence in both spheres, which enables the spirit mediums to root their traditional practices in the present. It should be pointed out here that the video was presented as an innovation originating from Tanzania.[29] Throughout history, African spirit mediums have incorporated such innovations in their practices and it is commonly accepted that spirit mediums do so. In fact, it is often held that the most powerful spirit medium lives in the neighbouring village, district, province or country, depending on one's perspective. Spirit mediums who are able to get themselves acquainted with the practices of more powerful colleagues from far away are supposed to be more powerful than their more local colleagues, as the various examples in the edited volume by Luedke & West (2006) on 'Borders and Healers: Brokering therapeutic resources in Southeast Africa' convincingly highlight. Silverio's video is yet another example of an innovative instrument with foreign origin that achieves wide acceptance.

Innovation and modernity were important but a connection to tradition had to be established as well for the instrument to be accepted as a viable practice. To achieve this, Silverio constantly had to accentuate that although the 'video' was an innovation, the method bore many similarities with the more traditional method of the 'mirror' which he had been using before. That way, he connected modernity and innovation with a dynamic tradition. Indeed, as argued by West & Luedke, it is important that 'the unfamiliar forces and resources that healers de-

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[29] Although Silverio told me that the instrument was 'invented' in Tanzania, a lot of other people later told me that the instrument was 'invented' in Malawi.

ploy must not be altogether unrecognisable to clients' (2006: 10; cf. Colvin 2006). Soon I would hear stories about Silverio's video as 'a great instrument of tradition', which reconfirmed my impression that the video got easily established as 'tradition', despite Silverio's frequent use of a 'modern' discourse: video, cassette, tape, etc. The people attending the spirit mediums – often portrayed by others in Gorongosa as 'traditional' and not open for modern innovations – thus accepted the innovations as long as they were considered to be connected to tradition. The 'video' functioned as a similar yet improved version of the older 'mirror'. Within less than two months, people were telling me, "Once you enter there, afterwards, nobody will doubt anymore and everything will be clear" (21.3.2008). Silverio had managed to establish the video as a legitimate alternative instrument to reveal the truth, a central aspect in his diagnostic procedure that was to lead to effective mediation in the disputing process.

Explaining failure

It is widely agreed that spirit mediums, witch doctors, shamans, and the like, use tricks in their performances and that there is always a way to explain failure (cf. Taussig 2003). This holds true for Silverio as well. In case somebody was not able to see anything on the screen, he always came up with an explanation. These were varied. For example, a certain medicine could have been used by the viewer to prevent truth from being revealed. Images were vague because the viewer did not know the culpable person and therefore it was impossible to recognise the face. Another person was told that her inability to see anything was she, herself, was guilty of witchcraft. At other times, this inability was explained as related to the darkness outside that prevented the video showing clear images. When different people viewing the same 'video' did not see the same images and there was no consensus on what had happened, Silverio suggested it was because both were all – in different ways – involved in the affair and did not actually want the truth to be revealed. In the cases when the 'video' did not reveal the truth clearly, Silverio usually suggested that his clients attend another time or bring somebody else along. Silverio's explanations were generally accepted as plausible and often, for just one case, the 'video' was shown several times or attended by several people, which provided Silverio with a fair amount of money. In the end however, most people would accept the truth that was finally established via the video.

In cases in which he felt the effectiveness of the instrument was being doubted by his clients, Silverio was quick to switch to other methods, like the 'mirror' or the *nsango* to respond to the client's concerns (cf. Graw 2009). Using these methods, Silverio had a bigger influence on the result of the truth finding process than with the video itself. Whereas in the viewing of the video, the clients themselves have to tell what *they* see, with the 'mirror' or the *nsango*, Silverio is

the one who conveys the outcome to the people. Being able to use various practices contributes to the high degree of legitimacy Silverio had among his clientele. In case people were not satisfied, Silverio was quick to provide an adequate explanation on why the desired result was not achieved and would either repeat the video session or quickly switch to another method. Having confidence in Silverio's capacities of finding the truth, clients were usually willing to accept a repeated video or switch to other methods, accepting different truths at different moments in time.

The following theft case underlines the willingness of people to accept different truths given by Silverio. Moreover, it shows that Silverio's practices have a higher degree of acceptance than some of the other spirit mediums. A woman, Luisa, came to Silverio because several clothes and an amount of 500 Mtn had been stolen from her house. She suspected somebody from the neighbourhood prior to the video session because of that man's bad reputation. When watching the video, she and her husband discovered that a man from the neighbourhood, named Manuel, was the suspect. Later that day, they went to Manuel to accuse him. But Manuel denied and said he wanted to attend the video himself to refute the accusation. Shown again, with both Luisa and Manuel in attendance, it appeared that the thief was in fact not this man, but another man, named Manuel as well. In order to confirm this accusation, they then continued to consult the *nsango*. Indeed, by this method, the second Manuel was found guilty. When the second Manuel was informed, he denied as well. However, he did not have the financial means to consult the video himself and therefore it was more difficult for him to refute the claim. Instead, he suggested placing a 'medicine' in the house of Luisa that would compel the thief to return the stolen goods. When I visited him, he explained to me:

> I want the theft to be solved as well, so that I will no longer be accused of it. I went to a spirit medium I know, an old man who lives close by. He has been able to return stolen goods in the past. The medicine that he gave me will compel the thief to return the stolen goods and drop them in front of the house, accompanied with property of the thief as well, so that it will be possible to identify the thief. I consulted Luisa about this and she accepted to leave some of the medicine in the house. So now it is there and we'll have to wait.
>
> (Manuel)

When I returned to Luisa a week later, her husband told me that indeed some of the least valuable goods had been returned. Added to the stolen goods was the ID-card of the deceased brother of the first Manuel. Although this seemed to point again to the first Manuel as the culpable, Luisa and her husband considered the truth ultimately established by Silverio as true and thus continued to believe in the guilt of the second Manuel. The return of the goods was not ascribed to the power of the medicine, but rather seen as a confirmation that the second Manuel had been in the possession of the goods. Some days later the second Manuel,

under continuing pressure, confessed the theft and was taken to the neighbourhood secretary with a document signed by Silverio and there the case was settled. Manuel was told to pay back an amount of money equivalent to the value of the stolen goods, which he did with some delay. Luisa was convinced that without Silverio's intervention, the thief would not have been discovered.

The shifting accusations during the process highlight the flexibility in what people believe to be true. Due to his high level of legitimacy and respect, Silverio is able to 'sell' different, even contradictory, truths at different points in time, without losing his position as provider of 'a solution and the truth'. As long as Silverio provided convincing and adequate explanations of why the truth got changed, people were willing to accept his explanations as they ultimately led to a satisfying resolution of their conflict or problems.

Once the truth is revealed …

The role of spirit mediums in disputing processes lies especially in diagnosing the problem by divination (van Binsbergen 1995). They indicate which spirit is causing illness, who is practising witchcraft or point out the culpable in theft cases. But what happens after a medium has revealed the spirits' truth? Often a case is not simply closed after the truth is revealed but involvement of other people is required. This assumes the willingness of the other party to cooperate. In the following, I will look, in more detail, at the case of Yacintha which highlights the necessity of a willingness to cooperate when enforcement tools are largely lacking. Yacintha was a woman in her 40s who suffered a lot of illnesses during her life. Besides, she repeatedly suffered from miscarriages. Before consulting Silverio's video, she frequented a number of spirit mediums as well as a church prophet. They all told her that she was sick because of a spirit sent by her 'aunt',[30] but during the treatments the spirit kept refusing to leave and return to her aunt. She explained to me what she saw at the movie:

> My aunt had a spirit, which was eaten by her mother, but my aunt wanted to get rid of the spirit. She had ten children and the first six died. My aunt was getting tired of that. She knew it was because of the spirit, so she needed to find a new place for the spirit. My aunt went to my dad to discuss it with him and he suggested giving the spirit to me. In the movie, I saw my aunt walking towards me with the spirit in her arms. That was how I got the spirit. The spirit decided that I would never have a baby anymore because the spirit did not want to have 'wee-wee' anymore (i.e. did not want to have small children anymore).

When I visited Yacintha a couple of days later, I found out that she had informed her aunt and other family members about the results of the video. Her family had accepted the truth established in the video and agreed on getting money together for the ceremony to return the spirit. Her aunt, in fact, had come to realise that some of the health problems from which her son was suffering

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[30] The 'aunt' was in fact the second wife of her deceased father.

were probably caused by the same spirit and she acknowledged the importance of treating it. Although at this point no follow-up treatment had yet taken place, Yacintha told me that she was feeling better already, confident that a treatment was going to take place. A month later the next ceremony eventually took place and the spirit returned to Yacintha's aunt. The returned spirit however soon started bringing bad luck to the family of the aunt, out of revenge. It was said that yet another ceremony would have to be carried out by the aunt to bring the spirit back to its own home. Since he had been eaten by the aunt's mother, the home of the aunt was not his rightful home and therefore the spirit would continue to create problems unless yet another ritual would be carried out. Yacintha however, felt really satisfied with the truth revealed by the video and Silverio's subsequent treatment. She was now on speaking terms with her aunt, who had even already come to visit her for a short talk about one thing or another, something which had never happened before. Yacintha was satisfied about this reconciliation and she said that she felt 'peace in her heart'.

Punishing?

After revealing the truth, Silverio in this case was able to help Yacintha to take a next step in the disputing process, leading to the reconciliation of Yacintha and her aunt. In other cases however further necessary steps could not be taken under the supervision of Silverio. He explained:

> The video shows people what has happened, it shows them the way. Then the person can decide on how to proceed; go to the neighbourhood secretary or to the police for instance.

In taking the next steps, Silverio is dependent on the people's willingness to cooperate. In the case of Yacintha, the aunt had to agree on treatment. This is not always the case; sometimes Silverio has to appeal to his own 'community police', assistants that have a reputation of violently forcing people to turn up at Silverio's place, to undergo a treatment.[31] It is important to note here, however, that room for manoeuvre of the spirit mediums is limited by the law. The mediums lack a legal basis for 'punishing'. Their intervention therefore remains mainly restricted to diagnosing and reconciling, unless all parties involved agree on the medium's intervention. To go through other stages of disputing within this realm, people have to rely on the acts of the spirits. Alternatively, they can resort to other authorities.[32]

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[31] Silverio's community police is thus not the same as the institution of the community police as it has been set up by the government to support the state's police apparatus (cf. Kyed 2009).
[32] I will elaborate on the relationship between state and spirit mediums in Chapter 7.

Another point of view

To be able to assess the legitimacy of spirit mediums, it is important to look not only at the clients who praise the capabilities of the spirit mediums but also at how spirit mediums' expertise is perceived by the general public (Kresse & Marchand 2009). In the preceding sections, I have given voice already to the people who attribute a lot of respect to the judgement of the spirit mediums and highly value their diagnosis. I have argued already that the clients of spirit mediums are generally satisfied with the consultations. In cases in which there is no clear outcome, they always have the possibility to proceed with another method or consult another medium – as long as they have the financial means to do so. Let us now hear the views of the people who are more critical towards the work of the spirit mediums.

Criticism towards the spirit mediums most often comes from Christians in Gorongosa. They do not consider the methods of the spirit mediums as 'naming' (Felstiner *et al.* 1980-1981) or 'revealing' conflict, but rather as creating conflict. For them, the accusations are not based on valid claims but are just haphazard, and the work of the spirit mediums is based on superstition, rather than on real belief. Often, accusations are denied by the accused who stoutly tries to free him/herself from the charge. Often this results in accusing somebody else. In that sense the 'video' is not any different from other practices of establishing the truth that are used by the spirit mediums. I fully agree here with Evans-Pritchard who, in his classic work, noted that: 'Some men are less credulous than others and more critical in their acceptance of statements made by witch-doctors. These differences of opinion depend largely upon modes of upbringing, range of social contacts, variations of individual experience, and personality' (Evans-Pritchard 1968: 183). Indeed, people brought up in Christian families were usually much more sceptical about the work of the spirit mediums, whereas people, who grew up 'in tradition', would be more easily inclined to believe the spirit mediums.[33] Moreover, when problems emerge, people would often be advised by others in their vicinity – family, friends and neighbours – to consult a specific medium, based on prior experiences. In the case of the video, people often told me they had been told by others about their positive experiences with the instrument. Based on these experiences of others, they themselves expressed willingness to attend the video as well in case the need for it would arise.

Apart from the Christian criticism on the general methods of the spirit mediums, there were also other criticisms raised against some aspects of the work of spirit mediums. This criticism mostly originates from the people that were

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[33] Obviously dividing lines are in reality not that sharp, as I showed in Chapter 3 because people are , in practice, continuously crossing the dividing lines. Nevertheless, in discourse, the division is often emphasised by people and it seems crossing the dividing lines is uncommon.

strongly adherent to tradition and were directed against the more 'modern' practices of the spirit mediums. According to these 'traditionalists', Silverio made use of 'magic' and a 'bought spirit', just like many of the *magamba* mediums. 'Bought spirits' are regarded critically by people adhering to the more 'pure' tradition, because they have to be paid annually with human sacrifice, as they are not from one's own lineage. The death of a certain *magamba* medium was explained as follows to me:

> She died because of the spirit. She was working with a *magamba* spirit who always asks for a sacrifice. She had finished sacrificing all her family members. The spirit was still asking for more and therefore she, herself, was taken and she died.
>
> (Damares)

Those who decide to start working with a 'bought spirit' are said to be very courageous. With a hint of cynicism, people in Gorongosa often said that spirit mediums need to have a lot of children and wives because they will need them as sacrifices for the spirits. Many of the 'traditional' spirit mediums working with spirits of the lineage, would never consider working with a 'bought spirit'. According to them, Silverio would not be able to continue his practices for a long time in such a way. But on to the beginning of 2010 no signs of decay had set in yet and Silverio's spirit business was still flourishing, as my field assistant told me.

Christian-oriented dispute management

People that do not trust the capacities of spirit mediums to resolve their problems can follow yet another path in which religious beliefs play an important role. This is the path that is set mainly by the pastors in Gorongosa district. Pastors nowadays seem to solve small-scale conflicts on an almost daily basis among the ever-growing community of Christians in Gorongosa district and they are the principal agents in the Christian-oriented modes of dispute management. Although the number of churches is high, I did not encounter major differences in the strategies applied by the pastors in the disputing process. The characteristics of the churches and their pastors, as I will describe them, are therefore the characteristics of 'an average church' in Gorongosa, unless I explicitly state otherwise. A crucial part in the Christian disputing process is prayer. Reference to different Bible verses is also often made, although not all pastors are literate in reading the Bible. In the following I will set out the methods generally applied by pastors in order to solve conflicts, analyse Bibles verses[34] that are commonly

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[34] All Bible verses I cite are derived from my talks with pastors or on observations of their mediation efforts. Since my focus was on conflict resolution, the verses in general portray a peaceful message. I am aware of other Bible fragments that show another image. It is not the aim of this chapter to focus on these in detail.

used by them and show how emphasis is often put on reconciliation. After finishing this discussion I will turn to a comparison of the methods employed by pastors and spirit mediums.

Becoming a pastor

As I have said already, the decision of becoming a spirit medium is often not a matter of choice but of being called by a spirit for the task. This is not any different for many pastors. When they are 'touched' by the Holy Spirit and called to become a pastor, they feel they have to do so:

> I got a vision from God that told me to found a new church, but at first my heart did not want to.

> (Pastor Mariano, Igreja Evangelica Salvação de Jesus Cristo)

Serving the Lord was a calling many pastors felt they could not escape from. One of the pastors explained this to me with reference to Romans 12:6 'We have different gifts, according to the grace given us. If a man's gift is prophesying, let him use it in proportion to his faith'. Others presented more down-to-earth reasons for their decision to become a pastor:

> Once you have grown up in church, you have to leave and get your own church. Just like a child that at a certain point has to live on his own at some distance from his parents. Once mature, you have to become independent.

> (Pastor Gango, Gloria de Deus em Moçambique)

In Chapter 3, I paid attention to the process of founding a church. I also showed that changing church affiliation is not uncommon. This also goes for the church's leadership. Sometimes people leave in order to set up their own church. In other instances they join an already existing church. Sometimes, they could already have attained a leadership position within this church, and other times they could not have. In certain cases, conflicts were the basis of a pastor's decision to leave a church to set-up a new branch, because 'there has to be peace in a church', as one such pastor told me. The resolution of the conflict then was simply to leave the church that the conflict emerged in. A more critical explanation I heard for the mushrooming of new churches in Gorongosa was that "they all want to become pastors because they receive free labour from their followers in their (agricultural) fields".

Once a church is founded, 'fishing and re-fishing'[35] of congregants begins. This is, among other actions, done by sending out adherents to the neighbourhoods to convince others to join the church. More wealthy churches, often with transnational ties, sometimes have access to printed material to support their conversion talks. Membership seems to be most stable among the 'older' established

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[35] As expressed by Pastor Tomo.

churches. The churches that have a good reputation of healing people have an especially fluid membership. People join these churches at the moment they are sick and return to their 'home-church' once they are healed. Aware of this fluidity, pastors make extra efforts to evangelise people in search of healing:

> They only attend church because they have a problem to solve. Then, when the problem is solved, they leave church again. In these cases we have to make efforts to show the love of God so that the person gets convinced that praying[36] is good.

> (Pastor Eduardo Senga, Igreja Metodista Wesleyana de Moçambique)

Intervening in disputes is generally considered by the pastors as a divine imperative as written in Deuteronomy 16:18 of the Holy Bible. A pastor pointed out to me: 'Appoint judges and officials for each of your tribes in every town the Lord your God is giving you, and they shall judge the people fairly'. In fact, 'it is not the pastor that transforms conflicts, but it is Jesus via the pastor' (pastor Bartolomeu, Igreja Evangelica Assembleia de Deus). At the same time, the Christians are supposed to recognise and respect the state authorities as well, as stipulated in Hebrews 13:17, and emphasised by several pastors: 'Obey your leaders and submit to their authority. They keep watch over you as men who must give an account. Obey them so that their work will be a joy, not a burden, for that would be of no advantage to you.'

Why consult a church leader?
The range of problems dealt with by pastors is not as broad as the range of problems dealt with by spirit mediums, but also the pastors frequently encounter conflicts among their congregants:

> There is no lack of conflicts. Our world is a world of problems, and where there are problems, there are sinners.

> (Pastor Gabriel Chapo, Igreja Luz do Mundo)

The most important category of conflicts in which pastors are asked for intervention, is conflicts with relationships: conflicts between husband and wife, fiancés and fiancées, or ex-partners. These conflicts are often described by the population as 'bad understanding in the house'.[37] They are similar to the 'social cases' that frequently enter the police office and that are reluctantly dealt with by the officers (as I will show in the next chapter). For most people, going to the police office cannot be compared to going to a church leader. Although in general people go to the police easily, there seems to be a threshold for many Christians. For them, there is an element of shame involved in exposing such

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[36] 'Praying' was colloquially used as *pars pro toto* and stood for 'being a Christian'.
[37] *Mal entendimento em casa*

deeply private matters to the public 'structures'.[38] Therefore, Christians prefer to keep problems 'within the house' if possible and discuss their conflicts with the church leader.[39] It is said that 'the pastor knows your heart already and he knows your household'. Hence, solving a conflict with the assistance of a pastor is like solving a conflict 'within the house'. The conflicts dealt with by pastors can thus not be viewed as 'disputes' if we follow the definitions by Abel (1974) and Gulliver (1997) as presented in the introduction. According to those definitions, conflicts turn into disputes when they reach the public stage. Since pastors intervene 'within the house', conflicts do not reach the public stage. The frequent involvement of the pastor's wife in the mediation process strengthens the idea among the people that they are being attended by 'their parents'. It is important to discuss pastors' roles as they have an important function in preventing conflicts from turning into disputes.

When I asked congregants about the reasons for taking their conflicts to a church leader, they often highlighted the inadequacy of other institutions (outside the church) to deal with their problems satisfactorily. There was a high level of trust in the churches as places 'where God is always in front'. Comparing the churches with other institutions, people often highlight that in church there is no corporal punishments, whereas this is rather common at the other institutions.[40] Although the Christian laity stressed the absence of floggings in church as an important difference, when compared with other authorities, pastors themselves commonly emphasised similarities with the other institutions. In their, view, Christianity also punishes, albeit in a different way:

> If I talk with a loud voice, it is the same as the police beating somebody. It is the way of acting that is different.
>
> (Pastor João Pedro Saveka, Igreja Assembleia de Deus Africana)

The fact that the church does not physically punish people is argued as being made up for in the hereafter. Therefore, pastors say there is a basis of comparison between the church and the police.

> The difference between the police and the church council is not that big. We use the Bible whereas the police beat people, but we both sensitise the community not to commit crimes. The prison of the church is hell where sinners will go in the hereafter.
>
> (Pastor Manvença Eduardo Casimiro, Igreja Bethania)

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[38] Secular authorities of police, district court, and community court were generally indicated as 'the structures'.

[39] Going to a spirit medium is usually not discussed in terms of 'inside' or 'outside' the house. Spirit mediums however can be considered as 'out of the house' as many of the practices are publicly displayed. Since people usually consult spirit mediums who do not live in their proximity, there is still a certain degree of anonymity. 'The structures' are located in the vicinity and people from the neighbourhood might be able to observe the consultation.

[40] *Xamboca* is generally used to indicate these punishments, that generally consist of beatings. I witnessed this punishment being carried out by police officers, spirit mediums, and traditional community leaders alike.

Pastors state that a good Christian should first consult church leaders. They base their arguments on 1 Corinthians 6:1: 'If any of you has a dispute with another, dare he take it before the ungodly for judgement instead of before the saints?' In practice however, it appears that mainly conflicts between people from the same church are being attended to by the church leaders. Some conflicts dealt with by pastors and their councillors are conflicts between Christians that are members of different churches. As long as the conflicting party accepts the authority of the church leader, it is possible for him/her to mediate since members from other churches 'have already been touched by the Holy Spirit' and 'we all use the same Bible'.[41] Things become more complicated when the conflict is between a Christian and a non-Christian.[42] Although most pastors expressed their willingness to mediate in these conflicts, they rarely do because, in their view, 'the mind of somebody that does not pray is different'. Pastors in these instances lack legitimacy, trust and the means to enforce mediation on people 'of the world'. For the Christian party in a conflict, it necessitates a return to the secular authority structures, but:

> The ones that have already drunk the water of religion (i.e. Christianity) loose prestige if they go to the police, so they prefer to solve (the conflict) themselves.
>
> (Police commander)

Intervention by a pastor
Once the conflicting parties have agreed on mediation by the church leaders, the next step is for the leaders to bring them together. Mediation can then be carried out only by the pastor, by the pastor and his wife, or by the pastor, assisted by his councillors. Generally, mediation will start out rather small, with only the pastor. In some churches, congregants' first option is to go to one of the church councillors/elders, but this is rather rare since most pastors prefer to be in control themselves. For the pastors, this is supported by Matthew 18:15-17:

> If your brother sins against you, go and show him his fault, just between the two of you. If he listens to you, you have won your brother over. But if he will not listen, take one or two others along, so that every matter may be established by the testimony of two or three witnesses. If he refuses to listen to them, tell it to the church.

In some churches however, monthly or bi-weekly meetings are organised in which the Church Council attends people and solves their conflicts. For conflicts requiring urgent mediation – as often the case in domestic conflicts when feelings get heated – directly knocking on the door of the pastor's house is more convenient.

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[41] In general terms, it is often stated that Catholics are not 'real Christians' since they have not been touched by the Holy Spirit. In relation to conflict mediation by pastors, this seems to play a minor role. It seems that conflicts between Catholics and other Christians can equally be mediated by church leaders as conflicts with 'other Christians'.

[42] Catholics here stand a bit apart as many Christians do not consider Catholics as 'real' Christians as they are not 'touched by the Holy Spirit'.

Praying

The typical first step in the mediation process is for the pastor to sit with the parties in conflict and pray. In cases of illnesses, praying is seen as essential. Contrary to traditional belief, not all Christians believe that illnesses are caused by spirits sent by living human beings, but they are often seen as caused by Satanic forces. Being sick is for Christians thus less an indication of disrupted social relations than it is for the people 'in tradition'. A good Christian is much less vulnerable to the bodily perpetration of 'sent' spirits and people would often boast that they could not be struck by an evil spirit as long as they gave convincing testimony of their faith through good religious practice. Others claimed however, that anybody could potentially be afflicted by a spirit, regardless of his belief. Once afflicted, it can be difficult to expel the spirit as it will try to stay to inflict more harm and increase its power over the person. A Christian struck by 'sent' spirits will often resort to spirit mediums. Spirit mediums are often able to provide a more adequate treatment to spiritually-inflicted harms than the church leaders can give. The presence of spirits in one's body can even be the reason for a converted Christian to turn back to tradition:

> I was in church for some time, the Zion Christian Church. I was sick because of spirits. The spirits were from my father, who was a spirit medium. I had thought the spirits would leave if I went to church …. They took the spirits out of my body in the river, but it did not give me peace, so therefore I left church and turned to the spirit mediums again. I am now working as a medium. … I don't think of church anymore because going back to church would mean I would suffer again.

> (Sabrina)

For people just suffering from 'sent' spirits and not family spirits that want to work with them – as in the case of Sabrina – it is also possible to consult a spirit medium without explicitly informing the church about it. This is in fact what a lot of people do when struggling with spirits, since they do not want to be expelled from church. Church leaders are generally aware of it. They know that it is difficult to abolish it completely. As an alternative, they try to expel Satanic spirits from a victim's body through prayer. This praying can be done at any time, not only by pastors or other church leaders, but also by the laity.[43] Nevertheless, the end of church services seems to be the most apt moment for healing prayers; everybody who is sick or suffering because of problems is invited to come to the fore and kneel down in front of the church leaders who lay their hands on the head or parts of the body of the patient to make the positive forces of the Holy Spirit flow on to the patient-congregant.

The churches that work with prophets have a stronger position in regard to spirits and healing. In Gorongosa, these are most notably the Zion Christian

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[43] One day when I was sick, word had spread quickly to a number of pastors. Five of them had soon gathered around my bed, praying all at the same time in a cacophony of sounds.

Church, the Zion Apostles Church and the Church of John Marange. Whereas the regular churches expel spirits through praying in order to heal people, the prophets recognise the existence of 'sent spirits' and sometimes even 'name' the sender. Prophets, similar to spirit mediums, work with ancestral spirits as well, but complemented by the Holy Spirit. Since the prophets usually do not actively intervene between two conflicting parties, I will, in the following, not elaborate on their practices. Besides, the churches with prophets do not play a major role in the religious landscape of Gorongosa.

As I have said, in cases of illness, praying is supposed to lead to healing. With other problems though, praying is just a step in a long mediation process, which brings many other people together. Praying is said to make people aware of the presence of God, in the process, giving them the patience to listen to each other and to find a solution through unity. Also, special prayers can be requested by people as a support mechanism for other modes of conflict resolution. Elena Macade Magares for instance, was a young woman I met at the district court where she sued her husband. She was her husband's first wife; but he had taken a second wife, without her consent. According to tradition, he should have asked her permission. Her husband had been appointed as a school teacher in Casa Banana, about 40 km from Gorongosa town. As a result, he was in Gorongosa only during the weekend and then had to divide his time between his two wives. Elena, his first wife, felt she deserved more time with her husband than his second wife. Besides, she argued in court that she needed a higher allowance from her husband for her living expenses and the support of their one-year old son. Coincidentally, I met Elena again the next day. This time it was in the compound of my field assistant, a pastor. Awaiting the outcome of the court case, she had gone to pastor Fabião to ask for a prayer, hoping that the prayer would sway the court's verdict her way. Elena had not known Fabião before.[44] She was advised to go to him by her godmother who knew about Fabião's reputation for effective prayers. Praying here did not only function as consolation, or as the starting point of a mediation process, but was requested as support of another conflict resolution path – the court system.

Reading the Bible

The Bible serves as an important guide in the management of conflicts. After praying, a pastor usually picks up the Bible for moral guidance. As I argued above, the Bible tells pastors that part of their leadership consists of mediating in conflicts, and it instructs Christians to respect this leadership. Also, the Bible urges the Christian community to live in peace with one another, as stated in 1 Corinthians 1:10: 'I appeal to you, brothers, in the name of our Lord Jesus Christ,

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[44] Nor did she know about my connection to him.

that all of you agree with one another so that there may be no divisions among you and that you may be perfectly united in mind and thought.' As this is a very general guideline, it can be applied in almost all conflicts. Because it comes from the Bible, such advice is not simply seen and responded to as a commonplace order but as a divine instruction. Biblical texts can be applied to almost any situation. They also prescribe how to solve specific conflicts, hence their efficacy. Pastors often encourage, 'we are not the first ones who experience these problems'. Hence:

> The Bible is of great assistance, because all social problems are described in it.
>
> (Pedro Feniasse Thayamanya, Igreja Ministério Trono de Misericórdia)

Most of the conflicts that pastors in Gorongosa deal with are about 'bad understanding in the house', and these have Biblically prescribed (re)solutions. In dealing with cases of conflicts between a couple, pastors most often refer to Ephesians 5:22-24: 'Wives, submit to your husbands as to the Lord. For the husband is the head of the wife as Christ is the head of the church, his body of which he is the Saviour. Now as the church submits to Christ, so also wives should submit to their husbands in everything'. At the same time reference was also made, although less frequently, to Ephesians 5:25: 'Husbands, love your wives, just as Christ loved the church and gave himself up for her'. Church leaders generally discourage polygamy, making reference to 1 Corinthians 7:2: 'But since there is so much immorality, each man should have his own wife, and each woman her own husband'. However, pastors who are themselves not monogamous wisely do not mention this verse.

An important source for conflicts within a marriage is caused by fertility problems. A husband's being with a wife that does not conceive is often considered a licence to the husband to marry an additional woman or to get into extra-marital relationships to prove his masculinity. Women are usually the ones blamed for these problems. Using the Biblical examples of Rebecca (Genesis), Sarah (Genesis), Hannah (1 Samuel), and Eliza (2 Kings 4), pastors in these cases emphasise that the couples should be hopeful because 'one day God will send them a child'.

It is generally argued by the pastors that solving conflicts of 'real' Christians is not too difficult, since:

> The ones that really pray, know the truth. If they do something wrong, it suffices to say that the Bible does not allow it. But somebody from outside …, somebody that is drunk … That person does not want to listen.
>
> (Jeremia Zimba, Igreja Zione de Moçambique)

The use of the Bible provides a shared ground for all Christians. This allows a pastor to mediate as well in conflicts between one of his own believers and somebody from another church as people adhering to church are all supposed to

respect the content of the Bible. Reference to the Bible contributes to the legitimacy of the pastor. Not only does the Bible justify the authority of the pastor, it also enables the pastor to explain why certain rules of tradition (e.g. in regard to polygamy) are no longer allowed for a person 'in the church'. Adherents to Christianity in Gorongosa, in the main, respect pastors not only for their personal capacities, but also because their instructions come from the Bible or are Bible-based. A pastor who is not confident in his own moral judgement can find comfort in aspects of the Bible to make up for his inadequacy. The pastor then is merely the messenger and translator of the word of God, just like the spirit mediums are the messengers/translators of the spirits.

Mediating: Towards forgiving and reconciliation
Once parts of the Bible have been read by the conflicting parties, the actual mediation process can start. This usually consists of a lot of talking and arguing. The role the pastor takes in this phase consists of listening and advising. Most of the pastors refrain from making explicit judgements on the behaviour of the parties involved. Pastors are not in the position to impose verdicts and therefore it is important for them to educate people and show them how they should behave, according to the Bible. A lot of emphasis is put on the importance of forgiving one another, which is based (a.o.) on Matthew 18:21-22: 'Then Peter came to Jesus and asked, "Lord, how many times shall I forgive my brother when he sins against me? Up to seven times?" Jesus answered, "I tell you, not seven times, but seventy-seven times.'

The aspect of forgiving is considered to constitute an obstacle for successful mediation between church members and non-church members, just like 'not knowing the Bible' constitutes a bottleneck. It is argued that

> For us, cases are easy to solve, but 'people of the world' don't know how to forgive and do whatever they want.
>
> (Pastor Mauricio, Missão Evangelica)

Once forgiving has taken place, the next and final step in a successful mediation is to reconcile both between the disputing parties and between the parties and God. Apart from Biblical calls to reconcile, pastors in Mozambique are strengthened in their ideas to work towards reconciliation by history. When asked about their motivations, pastors frequently recalled the mediating role of the churches during the Mozambican civil war (see Chapter 2). It is commonly accepted that these mediation efforts contributed to the reconciliation of the contesting parties. This reconciliatory role is still echoed in today's mediation as the clergy continues to feel the responsibility to bring people together and reconcile them. This way, pastors help redress Gorongosa's social imbalance (which I discussed earlier in this chapter) that conflicts are believed to cause.

Forgiveness and reconciliation are aspects of the mediation process that are emphasised by Christians as being characteristic for their conflict resolution. In church, it is said, there is no punishment or retaliation. The Bible does not call for that: Romans 8:1: 'Therefore, there is now no condemnation for those who are in Christ Jesus.' This is highlighted as a key distinguishing factor between the church and other authorities. Others, it is said, want to sentence and point out the guilty party. The lack of punishment therefore makes pastors' mediation not very useful for some people. In many cases people, basing their reasoning on traditional conflict solution mechanisms, feel there is a need for punishment before reconciliation can take place. In low-level conflict cases though, the pastors are very important, especially when it comes to mediation between Christians. Keeping conflicts 'within the house', pastors are well-able to cater for a solution in the frequently occurring marital conflicts especially.

Conclusion

In this chapter I have presented the strategies employed by spirit mediums and pastors in processes of disputing. Which methods do they use and what differences and similarities can be observed? A simplistic schematic overview of the different stages covered by the religious leaders might help in comparing the two groups of leaders. Although the pastors and spirit mediums ultimately have similar aims of bringing people together in a reconciliatory way, different paths are followed to reach this aim. Based on the description I have given above, I suggest that such an overview looks as follows:

Spirit mediums:	truth seeking	retaliation & punishment	reconciliation
Pastors:	prayer, reading bible	forgiving	reconciliation

Without necessarily explicitly referring to reconciliation, I argue that this is in fact what both pastors and spirit mediums usually aim at and how their mediation is perceived by their adherents. Reconciliation can be seen as 'fundamentally a process whose aim is to lessen the sting of a tension' (Dwyer 1999: 96). Apart from reconciling the conflicting parties, the spirit mediums reconcile man and the spirits whereas pastors reconcile man and God. Central to the intervention of the spirit mediums is actively invoking spirits in the disputing process as spirits often have a crucial role in the disputing process. Pastors pray and read the Bible together with the conflicting parties, invoking God's presence. Forgiveness is not only asked from the counterparty, but from God as well. There is thus a clear spiritual dimension to both processes of reconciliation (cf. van Binsbergen 1999) and religious connotations to the concept of reconciliation are not restricted to

Christianity as is often assumed (cf. Dwyer 1999; Wilson 2000).[45] As I presented in Chapter 1, Wilson argues that ideas on reconciliation are strongly fed by Christian values and human rights discourse and contradict locally-held notions of justice. In the townships of the Vaal in South Africa, where he carried out his fieldwork, the more prevalent discourse is on revenge. It is my contention that indeed, in the local discourse of the traditional spirit mediums retaliation and punishment play an important role. Yet, this is mainly perceived as a step in the disputing process that can lead to reconciliation. The result at which both pastors and spirit mediums finally aim in their intervention is reconciliation.

Reference to the spirits or to God is important not only because it provides orientations to people, but also because it strengthens the position of the religious leaders as mediators. Judgment is not simply based on their own opinion, but is in fact echoing the position of the more powerful spirits or of God. Having a better overview and better knowledge of the human worlds, both spirits and God are better equipped than humans to make judgments. The involvement of the spirits becomes clear during the consultation, whereas the echo of the word of God is mainly found in Biblical scripture. The infallibility that is attributed to the judgment of God or the spirits reflects on the religious leaders and provides them, to a certain degree, with a similar aura. The spirit medium tells what he has been told by the spirits; the pastor explains the word of God as it is given in the Bible. As messengers of the infallible invisible forces, both are mostly seen as right and their authority is respected. Adding to the respect gained by Silverio is his capacity to strongly root his innovative and dynamic practices in tradition.

In-group legitimacy of the religious leaders is thus high which makes them viable alternatives for the regular secular modes of disputing. But are they viable alternatives as well in cases of conflicting parties coming from different religious groups? At this point the position of religious leaders is clearly much weaker in comparison to the regular secular authorities. Religious leaders lack a means of enforcing their judgments and depend fully on the willingness of the parties involved to cooperate. When there is a felt need for punishment, religious authorities have to rely either on the invisible forces or find cooperation with other authorities. Reliance on the invisible forces in the case of spirit mediums means reliance on the retaliatory acts of the spirits, which can be expressed via illnesses, misfortunes or deaths. These retaliatory acts will only end when the avenged spirit feels satisfied. Retaliation is thus a precondition to achieve reconciliation;

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[45] I am aware that 'reconciliation has become a buzzword in the literature on retroactive or transitional justice' (Meierhenrich 2008: 224). Most of this literature on transitional justice however, focuses on reconciliation processes that take place in the aftermath of violent conflicts, often nationwide (think f.e. of Truth and Reconciliation Commissions and *gacaca* tribunals). Although Mozambique is a post-war country, my focus has been mainly on the micro conflicts that are not necessarily related to the war period. Therefore, I will not extensively discuss this literature (but see f.e. Minow 1998; Teitel 2000; Sarkin 2001; Elster 2004; Huyse & Salter 2008)

the latter can only be achieved once retaliation or punishment has taken place. During their intervention, pastors put much less emphasis on such a direct retaliation as a precondition for reconciliation. Yet, this does not mean that Christians do not believe in or use retaliation. For them, it is clear that God will punish people for their wrongdoings in the hereafter on Judgment Day. During their sermons, pastors often highlight this to encourage their believers to behave in a proper way.

Despite the retaliatory acts of the spirits, many spirit mediums feel the need to carry out punishment themselves, especially in regard to cases that involve witchcraft. In Chapter 8, I will show how the conflict mediation by spirit mediums at this point potentially clashes with the government authorities. In cases of witchcraft, spirit mediums consider the pastors as more natural cooperation partners. This is in line with Chavunduka (2001), who argues that it is a characteristic of traditional African religions to accept other religious systems that may be equally valid. For a spirit medium like Silverio it was clear that both pastors and spirit mediums were fighting the same enemy: witches and their nefarious practices:

> In church, the pastors should pray as well and say that the ones that 'eat' people (i.e. witches) are good for nothing and that they will not go to heaven. At the places where church wakes up the people, witchcraft will diminish. In church they should start to sensitise people. If there is a lot of 'playing',[46] there will be more and more witchcraft.
>
> (Silverio)

Nevertheless, in the eyes of many pastors, spirit mediums fall in the same category as the witches they are combating and therefore pastors do not consider spirit mediums as like-minded partners. For the pastors, 'every healer is a witch' since to be able to fight witches you have to know their secrets, a contestation that is commonly held throughout Africa (cf. on the Azande: Evans-Pritchard 1968 (1937): 187; on Zambia: Sugishita 2009; on Mozambique: Agadjanian 1999; Fry 2000). Basing their ideas on the Bible, pastors feel obliged to fight both witchcraft and spirit mediums: Exodus 22:18: "Do not allow a sorceress to live" and Deuteronomy 18:10-11: "Let no one be found among you who sacrifices his son or daughter in the fire, who practices divination or sorcery, interprets omens, engages in witchcraft, or casts spells, or who is a medium or spiritist or who consults the dead".

In this chapter, I have shown that both pastors and spirit mediums are considered to be well-equipped for the tasks that their clients' problems present them. Whereas spirit mediums are being consulted in a wide range of conflicts, pastors are mainly consulted in 'social' cases that people prefer to keep 'within the house'; i.e. conflicts within a family. Religious leaders are usually highly re-

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[46] Lit. *brincadeira*

spected by the people consulting them. Reference to the forces of the invisible world strengthens their position as interveners in the disputing process. Religious leaders provide a viable option for people in search of intervention in a dispute especially when it comes to intra-group conflicts, i.e. conflicts between people of the same religious group. Lacking a means of enforcement, religious leaders have to rely fully on the willingness of their adherents to follow their advice. Although conflicts are not always fully resolved by the intervention of pastors and spirit mediums, they are often made at least more liveable and containable. Instead of immediately trying to convince people to come to a solution, pastors and spirit mediums guide their clients through a process that prepares them for reconciliation; a conflict has to be named first before the transformative step towards solving can be taken. This can change a troubled present into a more peaceful future.

<div style="text-align: right; font-size: 2em;">6</div>

Spirits at the police station
and the district court

> I have to beat my wife because of the bad spirit that is in her.[1] Otherwise the spirit will cause me sickness.[2]

The words above were spoken by one of the parties in a conflict case at the police station. The man had sent his wife back to her parents because he had become fed up with the spirit that possessed her. Both the man and his in-laws agreed that the woman needed to be cured of the bad spirit by a spirit medium. Yet a conflict emerged over who would have to pay for her treatment: the husband, or the wife's family. The spirit, he argued, acted violently towards him and he was afraid that he would fall sick because of it. Because of the spirit, he felt that he had the right to send his wife back to her parents and get divorced. He was not responsible for his wife's welfare anymore and consequently refused to pay for her treatment. Instead, he argued, the woman's family had to pay, since the spirit allegedly originated from among her ancestors. The wife's parents, although acknowledging the spirit, invoked other traditional norms by arguing that it was the husband's responsibility to pay for a spirit medium's services because he was still the formal 'owner' of the woman, as tradition specified. The police officer was now consulted to mediate in the conflict and advise the parties on how to proceed (a) to get properly divorced, and (b) find the proper treatment for the woman so that she would be cured of the spirit. In the ensuing discussion, the police officer was hesitant to acknowledge the spirit right away; but as he felt the impasse could not be overcome without consulting a spirit medium, he sent the

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[1] Note the Christian discourse of 'bad spirit' that is used (see Chapter 3).
[2] The woman in fact was a 'spirit's wife' (see Chapter 5). The man in this case had clearly not yet accepted his subordinate position and was still competing with the spirit.

spouses and family members to a spirit medium. He ordered the man to pay for the treatment, thereby recognising the argument of the parents that, according to tradition, a man has to pay for the expenses of the wife he owns. The officer did not accept the husband's claim that the spirit originated from an ancestral spirit from the woman's side as this would have justified the family of the 'sender' paying for the medium's services. The police officer ordered them to go to a spirit medium to 'heal the woman's illness' but left open whether he thought the illness had a spiritual or a natural cause.[3] He did not tell the people to come back once the spirit medium had established the truth of what was going on.[4]

The example shows that spirits are not only present in the disputing processes in the traditional realm of the spirit mediums, but can also be at the core of disputing processes in the secular, formal rooms of disputing of the state. Religion, and especially traditional religion, tends to seep into secular 'rooms' of disputing (Galanter 1981), like the police office and the state courts, where people rely on tradition to explain disturbed relationships, to justify behaviour or to defend certain rights. In these situations, there are explicit references to spirits and the guidance they provide to people in the material world. In this chapter, I will pay attention mainly to the ways in which traditional religion saturates cases that face government's judicial structures. This often happens by acts of citizens, irrespective of traditional authorities and without making reference to customary laws. Traditional religion here is not necessarily about witchcraft, but can be about 'spirits' in a more neutral and socially accepted sense. Throughout this chapter, I will refer to this specific invocation of tradition that is often used to 'allocate responsibility' (Gluckman 1972) in secular rooms of disputing as 'spiritual arguments'. Obviously, traditional religion consists of much more than just spiritual arguments, as I have shown already in previous chapters. Yet, the most important way traditional religion features in secular rooms of disputing is through spiritual arguments. The various ethnographic examples will make clear how and at what stage of the disputing process spirits are mobilized in conflict cases in secular rooms. Having a nationwide reputation of being 'at the heart of tradition', Go-

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[3]   A major problem in dealing with this case at the station was language. The police officer could not speak the local vernacular well and the wife and her family could not speak Portuguese. There was no police officer around who could translate the case into each side's language of convenience. Therefore the husband, who had proficiency in both languages, acted as translator. When the police officer ordered the man to take his wife to a spirit medium, and pay for the treatment, my assistant and I noted that he erroneously translated that they (the woman's family) should take the woman to a spirit medium. The incident reveals much about the existing levels of inequality in regard to access to justice. It is however not within the scope of this chapter to discuss this fully.

[4]   Since the woman usually acted violently when the spirit manifested himself, it was already expected that the spirit was one of the *magamba*, war spirits (see Chapter 5) that took possession of the woman to seek revenge for war crimes. This was confirmed by the spirit medium they consulted. The costs of the consultation were eventually shared. The people, as far as I know, did not return to the police with the result of the consultation. Afterwards, the couple got divorced and the woman returned to her parents.

rongosa District is a particularly suitable place to explore the role of traditional 'spiritual arguments' within non-traditional realms of disputing.

The first part of this chapter will mainly focus on the role of spirits at the police station. To place the police station in the wider secular context of dispute resolution, I will refer to the district court in the second part. I will mainly focus on the sort of conflicts that the police officers themselves referred to as 'social cases'. These are civil cases of domestic violence, child marriages, and divorce that do not normally require the intervention of the Criminal Investigation Police. My reason for this is twofold. First of all, these cases are more compatible with the cases attended by spirit mediums, pastors, and community courts and therefore make comparison more useful. The second reason is more practical: I simply was not allowed to attend hearings of the criminal cases that the Criminal Investigation Police (PIC) dealt with.[5] I will start the chapter with a description of two cases that illustrate the way spiritual arguments come up in conflict cases at the police office. The police office in Gorongosa town is probably the place most frequented by people in conflict situations. Therefore it goes without saying that this is an obvious place to focus on when discussing 'tradition' in secular realms of dispute resolution. Yet, surprisingly little research has been done thus far on the actual functioning of the police in Mozambique. Studies on the police mainly focus on the place of the police within a democratic system (cf. Seleti 2000; Baker 2003), police accountability (Amnesty International 2008) or community police and vigilante justice (cf. Kyed 2009; Serra 2008; Bertelsen 2009). Most of these studies, however, do not look into depth at the actual functioning of the police in regard to local traditions, culture, or the spirits. Moreover, as mentioned in Chapter 1 already, classical studies on the role of tradition focused mainly on the traditional authority structures. In more recent times, attention has often shifted to the most 'exotic' part of traditional religion: witchcraft and witchcraft-related violence. Nevertheless, I think that more general 'spiritual arguments' are relevant and worth to explore, especially in the Mozambican context.

The Gorongosa district police station

Approaching the *Comando Distrital da Gorongosa*, the district's main police-station, one can usually observe several groups of people hanging around the premises, awaiting the police's attention. They sit either outside in the shade of a mango tree, or on a wooden bench in the small waiting room just before the main section of the building. Common complaints are about marital conflicts that include violence against women, petty thefts, unpaid debts, and fights, often started

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[5] The first mentioned reason made me feel I did not have to push further to get access to these hearings as I was afraid it would make my not-always-comfortable relationship with the officers tense and potentially hurtful to the access I had created into 'social cases'.

during drinking-bouts. Filing a complaint seems relatively easy; people go to the station in the heat of a dispute and most of them expect to be attended right away, and this usually happens. Because of the speed with which people are attended and the lack of costs involved, the police station seems to be a highly favoured place for people to go in case of conflicts, at least in Gorongosa town. Another explanation of the popularity of the police station might be found in the social structure of the town. Having grown rapidly during and after the civil war, the town no longer has people living close to each other and relationships have become less personal and less multi-stranded. People tend to turn more and more to mechanisms of justice where the social ties are not or hardly taken into consideration (cf. Gluckman 1955; Abel 1979; Gulliver 1979). In Gorongosa, the police station seems to be the prime representative of such an institution. The concentration of activities at the police station in town stands in sharp contrast with the silence that usually surrounds the much smaller police station in Vunduzi. In Vunduzi, the station functioned with only two police officers. One of them told me frankly: 'On some days, really, nothing happens here and I sleep in the office the whole day'. The reason for this striking difference is not fully clear to me and various factors probably play a role. The lack of attention paid to the complexity of social relations might be one factor, as the community is small and social relations more complex in comparison to Gorongosa Town. Furthermore, there is a strong community court in Vunduzi, as well as stronger traditional structures. The fact that Portuguese is the dominant language used at the station might be another factor of importance that is more strongly felt in Vunduzi, as compared to Gorongosa town.[6] The police station of Gorongosa Town is the main site of reference in this chapter.

A special section at the police station was the 'Cabinet for Treatment of Women's and Children's issues', which, as the name implies, deals with cases of violence against women and children.[7] This unit has been in Gorongosa since November 2003 (cf. Mejía *et al.* 2004). For several years it was headed by a female officer. During the time of my research, however, there were no female police officers in Gorongosa and the unit was headed by a male police officer who had received extra training on the issues at stake. At times when he was not on duty, the cases were simply attended by a 'regular' officer rather than being postponed to a later point. The following marital conflict was referred to the special unit as well.

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[6] I am not sure whether the difference between Vunduzi and Gorongosa Town is indicative for the whole of Mozambique since data on the police are rather limited.

[7] Gabinete de Atendimento da Mulher e da Criança.

Elena v. Julio

Elena and Julio had been going to the police station because they were having several problems in their marriage. Elena was in her late 20s, her husband, Julio, was some years older. They were directed to the police officer who was responsible for the 'Cabinet for Treatment of Women's and Children's issues'. Before he started to look into the individual complaints, the officer gave me a short summary of what he knew of the conflict, since it was not the first time that the couple had gone to the police station with those problems:

> The two are married. She has given birth to nine children already. Six of them have passed away, three are alive until today. Each time they go to the spirit mediums, they tell them that the children are dying because of a drug that the man used in the past for which he did not pay the 'contribution'. Therefore, things are now coming back to the children. Another spirit medium has told them further that the conflict will remain unless they apply a particular treatment. He is now collecting 'these things'[8] but she refuses to participate. Since the situation was not becoming any better, the woman no longer wants to live with her husband. These things are spiritual cases. What will happen in the future? One does not know and that's why she does not want her husband anymore.

In explaining what had happened, the police officer put emphasis on the complexity of the case because of the drugs and spirits involved. When somebody goes to a spirit medium to ask a certain spirit for a service or a favour, the spirit normally has to be 'paid' for this because it means work. This payment can take many forms, e.g. the sacrifice of a chicken, a goat, or even a person.[9] Spirits of war often ask for military boots, a weapon and bullets. In case a payment is not fully made, the spirit, itself, will come for its remuneration. Although in many other cases police officers – in front of the people whose complaints were being heard – express disbelief about spiritually-based claims, the officer here remarkably recounted the role of the spirit as an essential part of the story. After the police officer had introduced the dispute to me, the following unfolded:

Elena: I don't want him anymore. He intimidates me.

Police: Should we send you to another place? He has said that he will take the children for a treatment but you don't want them anymore, so things now depend on you.

Julio (to Elena): The police have advised us to stay together and they said that if one of the other children dies, the problem will be looked into. The children cannot stay with me as long as I haven't done the treatment. Once the spirits are gone, the problem is solved.

Police: We cannot establish whether this is real, this has to be solved by the spirit mediums.

Elena: I don't want to and I will not accept to take part in the ceremonies.[10] I am tired of it.

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8 I.e. the sacrifices that, as part of the treatment, have to be made to the spirits for the conflict to be settled.
9 Women especially were being 'sacrificed' by becoming 'spirit wives'. The case in the beginning of this chapter shows that marrying such a woman has certain implications for the human husband.
10 They had not yet done any of the suggested ceremonies.

Police:	Children should stay with their mother.
Elena:	Might be, but they won't remain with me because they will be attacked by the spirits of their father.
Julio:	Children need to be with their mother. I will call them to do the treatment and then, mother, they can go back to you afterwards.
Police:	This is not good, in this way.
Police (to Elena):	You are not talking straight. You want your children but you are afraid of what will happen if the treatment is not done.
Elena:	I only want them back after they are cured.

At this point, the police commander (i.e. the highest-ranking police officer) passed by. Not hampered by lack of knowledge about the case, he was quick to come to conclusions, asking Julio whether he did not want his wife anymore. Julio replied that he did. The commander turned to Elena and asked her whether she had a boyfriend. She replied in the negative. The commander shrugged his shoulders and stopped his intervention, advising the officer to stop treating the case because there was no significant problem. However Julio, who had first looked as if he was losing the argument, found new impetus and further accusation in the commander's words:

Julio:	She is often going out with her *concunhado*.[11] That is conspicuous.
Police:	Do you, after 9 children, still not trust your wife? Are you jealous of her?
Julio:	No, I'm not.
Police:	Why then are you controlling her like that? There is no need for that.
(At this point the police officer explains the background of the case to the commander in similar terms as he had done to me.)	
Elena:	I don't have another man.
Commander:	You should go to the district court.

On the advice of the commander, the police officer started to write a referral to the district court. To me, the decision to transfer the case to the district court seemed rather inadequate, because it was mainly based on the commander's limited knowledge of the case. Knowing the way the district court functioned, I could already tell that the problems with the spirits would hardly be taken up, despite this being at the core of the couple's problem. The court would probably only decide on the monthly allowance Julio would have to pay when they indeed get divorced. Considering the way the officer had started the talk with the couple and the emphasis he had put on the problems with the spirits in explaining the case both to the commander and to me, he might have suggested to follow a different path towards achieving a solution. It struck me that even to his commander the officer explained the problems with the spirits. The commander was a man I had come to know as rather impatient. He only wanted to hear what he considered as the crucial points and did not want to spend time listening to what he saw as endless detail. The officer acknowledged the spirits as constituting an essential part of the case he was dealing with. Nevertheless, in the 'solution'

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[11] 'Brother-in-law', but in this case had a broader meaning, referring to a male not-related in blood terms.

offered to the couple the spirit argument was not considered as a serious factor and the dispute was reformulated and 'transformed' into a regular divorce case to make it fit better within the formal framework of justice (cf. Felstiner *et al.* 1980 on the emergence and transformation of disputes).

   In the afternoon I had a talk with the couple while they were on their way back home to the mountain:

Julio: I married her when she was eight years old. She gave birth to nine children, but they always die. Now, there are three left. My wife sees that she is not getting any benefits this way and she wants to go back to the house of her parents. The first years of marriage were good but then she started seeing that she was just losing the children. We did not manage to solve the problem at home and went to a spirit medium. The spirit medium discovered a *mukwambo* spirit, a spirit that came from a son-in-law of our family that died in the house of my father. The spirit medium also told me that I was involved in other affairs. Some medicines I once got from another spirit medium were contributing to the problem as well. My wife went to her parents where a friend of ours met her, so she told him that she had had enough of me. Because he was a friend of hers, he took her to Catandica to flee![12] They should have told me that. This all happened within 10 to 20 days.

Elena: I did not want to await the things. We have been to several spirit mediums but they don't get to the point.

Julio: Now, she left me with the children[13] and they are crying for their mother. I cannot take care of them alone. … When we went to the spirit medium, we were told that the things the spirit is doing are not good. My idea now is to gather with the whole family to beat the drums and get the spirit out. I have saved money now for the treatment. The 'ceremony of hope' … I have done that one already. Then the spirit medium explained to me that I needed to present what the spirit required for the next treatment: a new plate without flowers, a knife, and 10Mtn. I have collected these things now. If we sacrifice this, the spirit will talk to cure the children. It is a ceremony of hope, we are not asked to sacrifice a woman for the spirit, but the spirit might ask for that at a later stage.

Carolien: What kind of treatment did you get in the past that is now causing these problems?

Julio: I had a *barraca*[14] and went to a spirit medium for *mitombo*[15] so that the business would go well but together with the 'medicine', the spirit medium sent the spirit of a dead person to me, but I did not know about that.

Carolien: Have you gone to other places already for your conflict to be solved?

Julio: We passed by the community court but it was closed and then we decided to go back home. My wife is in doubt now about where to go but I prefer to solve the problem with the treatment instead of going to the district court

[12] Catandica is a small town close to the Zimbabwean border, roughly 180 km from Gorongosa.
[13] The baby was with the woman, but the two girls were staying with Julio.
[14] A small kiosk where various goods are sold, usually things like biscuits, drinks, cigarettes, soap, cooking oil, salt and sugar.
[15] *Mitombo* is usually translated as 'medicine'. It refers to traditional medication provided by spirit mediums. In cases like this however, there is often an allusion to *drogas* (lit. drugs) in the usage of the term *mitombo*. *Drogas* is a negative term that refers to the powerful substances one can buy from certain spirit mediums to obtain material wealth and personal prosperity, which is considered an act of sorcery.

	(that was where they were referred to now). It would be good for us to sit together.
Elena:	I am not refusing to go there (to a spirit medium). We often went there when one of the children was sick, but they all get sick and die. The spirit mediums do not help. We have often been there when we needed them. They all say that there were no bad spirits from my family, but from the side of my husband. He first did not want to go there but today he believes in it. When our first child died, the spirit of that child came back to the sister of my husband and that is how we got informed about the spirit that is killing the children. Treatment could help, but I'm not going to wait any longer. I had already told him that we needed to do the treatment when the fourth child died.
Carolien:	Will the spirit accept to leave if a sacrifice is offered?
Julio:	Yes, he will. I have gathered these things already.
Elena:	The problem is that he did not tell me about it before, otherwise we could have sacrificed one of our children a long time ago.
Carolien:	Will you await the treatment?
Elena:	No, I am fed up with it. The spirit will continue to kill the children, also if they are living with me in the house. There is a lot of confusion.[16] We both have our own house but there are many conflicts. 'Father'[17] here wants me to come back but the children already do not belong to me, they belong to the spirit. I will stay with the baby but I can no longer stand the others.
Julio:	They should all be treated, the three of them, not just the two that are staying with me. If the baby is not treated, she will die.
Elena:	The baby can die. I don't have any problems with that.

The conversation lingered on for a while, with my assistant, Fabião, trying to convince the woman to participate in the ceremony. Elena however, continued to refuse and, from some of the things she was saying, it seemed as if there was another strand to the conflict. It became clear to me that some of the wounds she had on her arms and neck were caused by Julio's violence. This had not been discussed at the police station, although the 'Cabinet for Treatment of Women's and Children's issues' would have been an appropriate place to do so. In the end Julio concluded:

> My decision now is that I will take the children with me and take care of them. We both should get our own house. Everything has to come to an end, like every war eventually comes to an end.

Some days later Julio contacted me to say that he had the suggested ceremony carried out by a spirit medium for the three children, without Elena's attendance. He felt that they were now safe. They would continue to live with their mother, in a new household, separate from their father. In contrast to many other women who get divorced, Elena refused to receive a monthly allowance from her ex-husband, because as she said 'if he provides me a house, I cannot take another husband. Every time he will come to visit us, he will want to have sex with me. I

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[16] Port. *confusão*, a term widely used to indicate any kind of conflict or tension, ranging from very small misunderstandings to war.

[17] Refers to her husband.

don't want any threats.'[18] Despite the police giving them a letter to go to the district court, they never went there.

What does this case show us? First of all, it shows that the couple was 'forum shopping' in a rather haphazard way (cf. K. von Benda-Beckmann 1984). They did not follow clear directives on where to go to find a solution for their problem; at the community court they were not immediately attended to and – instead of waiting – they decided to make the trip to the town's police station. This took them two days of walking.[19] Community courts indeed do not operate full-time but usually have one or two set days per week for their hearings. For the rest of the week it is generally possible to address one of the judges of the community court and arrange the time of the next hearing. However, not all people are familiar with this procedure. The case therefore reveals an important reason for the attractiveness of the police office in town: it is continuously open, relatively easy to access and very cheap.[20] Although not completely within the police's jurisdiction, the so-called 'social cases' constitute a major part of their case load. Though the police normally look into such cases, at times, they are less committed.

As my conversation with the couple afterwards showed, an immanent part of their problem was spiritual forces that were not under their control. That six of their children had already died caused problems to their relationship, but at the root of the death of the children was the problem with the 'unpaid' spirit. In the beginning of the talk at the police station, there was room provided by the officer to discuss this fact and he acknowledged it as a real part of the problem. Although he had not captured the specificities of the problem and its origins, he was at least trying to examine the claimed spiritual dimension. When the police commander came in and started to intervene, things took another turn. The officer had first suggested that 'this has to be solved by the spirit mediums', but he did not (or could not) object to the commander's referral of the case to the district court. This partly has to do with the hierarchy within the police organization. The commander would probably not have tolerated any challenges to his order, which could have been seen as insubordination. Also, the police officer himself might personally have had his ambivalent feelings as well in regard to the assumed role of the spirits. He might have believed in the power of the spirit that was destroying the household, but at the same time he was trained to work within a judicial framework that leaves little room for these considerations (cf. Comaroff &

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[18] Based on this, Fabião told me that he suspected Elena indeed did have another 'husband' already. A woman alone, he argued, would normally not refuse to receive an allowance enabling her to make a living.

[19] The distance was not that far but because they had taken their two young children along they could not walk very fast and halfway through, they had to spend the night at a relative's place.

[20] Tariffs charged by the community courts vary but in most courts amount to 50 Mtn for each party involved, which is a considerable amount of money for a lot of people (€1,35).

Comaroff 2004a, b for an analysis on the situation in South Africa). Yet another factor could have been that the officer feared the possible personal harmful effects would he blame the husband for the conflict. The man had shown not to refrain from purchasing powerful *drogas*.[21] By sending them to the district court, the police was acting according to the statutory structure of justice. Instead, the couple took another path. They turned their back on the state[22] again by going to a spirit medium to deal with their problems.

If the police officer himself had sent the couple to a spirit medium, the couple possibly might have returned to the office with a declaration from the spirit medium. Subsequently proper arrangements could have been made about the child care and the allowance to be paid and the police officer would still – to some extent – have been in control over the final outcome of the case. By sending the couple to the district court without informing them about what they could expect there, the police made the complainants to lose faith in the statutory justice system and made them turn away from it. Arrangements on the monthly child allowance to be paid by Julio were not made. For the couple, it was clear that the spirit played an essential role in the problems they were struggling with. Yet, the police officer left the role of the spirits out in his final advice and simply directed the couple to the district court. By going to a spirit medium instead of to the district court the couple was able to bring the spirit back into the disputing process and define their problem in their own terms. Only in this way could their dispute be settled in a satisfying way. The way of the spirit medium paid better attention to the complexity of the conflict.

What would have happened if government officials had considered spiritual arguments not only during the hearings but also in their judgment? Would state law have lost its power if government officials in their judgement had considered spiritual arguments like the one used by Elena and Julio? Since spiritual arguments are usually formulated by citizens in their own terms it is difficult for government officials to establish the spiritually-based truth that is claimed. Spiritual arguments refer to individuals' personal relationship with a specific spirit, invisible to others. This might lead to some loss of power and control because spiritual arguments are formulated by the citizens. Such arguments are not captured within state law and its essence can hardly be controlled by government officials. On the other hand, not taking the spiritual reasoning of the population seriously might lead to an even bigger loss of power and control. Being dissatisfied with the state's solution, people take alternative paths that can easily lead to non-state actors. In this case the path chosen by the couple led them to a

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[21] In this case I did not talk with the officer to hear his personal opinion but in other cases he had shared opinions that showed me that he believed that 'among these people, these spiritual things can happen'.

[22] 'The state' here refers to the police office and the district court; institutions that fall within the statutory framework.

spirit medium, independent of what the police officer told them. In other cases, paths lead to the traditional authorities that *do* acknowledge the impact of spirits on people's behaviour and well-being. If a state aims at achieving, maintaining or increasing legitimacy, it has to be able to attend the concerns citizens are struggling with. State law should not only serve its standards, but should deal with the social problems people are confronted with (cf. Hoebel 1942). Although the state has created community courts to deal with the concerns of their citizens regarding 'social cases', people continue to ventilate such concerns within the state rooms of justice. The framework of justice has drastically changed since independence, but the prevalence of the spirits at the police station shows that the content of the framework has not necessarily shifted.

Within the colonial context, Evans-Pritchard warned that 'the European may be well advised to remember that such acts of magic, the performance of which are public enough to be brought to the notice of his office and have to be proved to have taken place, are little likely to be condemned by public opinion as illegal or immoral' (Evans-Pritchard 1931: 53-54). Today, despite the arrival of the churches and the partial loss of traditional rules, norms, and beliefs, not all things have changed very much (see Chapter 3). Although European officials have been replaced by Mozambicans, Evans-Pritchard's argument still holds. Public opinion still largely acknowledges the use of spirits and refers to their acts. Despite this continuing presence of the spirits in secular realms, state officials usually do not go far in accepting it. It is in this light that we have to understand Abel, who pointed out the risk of aiming at too high a level of internal coherence:

> Process can become internally coherent only at the cost of turning away from the outside world. The institution develops a carapace, impermeable to external information, prescription, or influence. Behaviour grows introverted, preoccupied with its own norms and activities. The problems it handles are the problems defined by the institution, not the society; the solutions it generates are solutions for the institution, not the society (Abel 1974: 265).

If people's concerns are rooted in fear of spirits, it means that acknowledging these spirits is crucial to adequately attend to them. The case of Elena and Julio shows that if people do not find this acknowledgement in government institutions, they might decide to seek justice elsewhere. The case I introduced at the beginning of the chapter however shows that sending people to a spirit medium is a possibility that is taken into account under certain circumstances and by some police officers. By carefully phrasing his sentences, the police officer in that case was able to engage in the spiritual reasoning of the people but without explicitly acknowledging the spiritual arguments used: 'go to a spirit medium to find out about her illness'.

State officials and the 'laws from the mango trees'

The police officer that heard Elena and Julio was one of the 'locals'. He came from the area and spoke the language of the people. In his reactions, he showed sympathy for Julio's conviction that the problems were caused by a spirit and he subtly suggested to them to go to a spirit medium and have the problem solved: 'We cannot ascertain whether this is real, this has to be solved by the spirit mediums'. Nevertheless, he did not try to push through the option of the medium but instead transferred the case to the district's attorney. He put some emphasis on the role of the spirits but at the same time aimed at a solution that gave primacy to the rationality of the law. It reveals the ambivalence representatives of the law face. In other cases the police officers ignored the role of the spirits, even though its importance was highlighted by plaintiffs or defendants.

In the preceding section, I set out how citizens employed spiritual arguments in conflict cases at the police office and what impact this had on conflicts. In these cases however the spirits were invoked by the people themselves as a prime part of the conflict. Next, I will look more closely at the police officers themselves. Apart from having to find ways to deal with spiritual arguments raised by citizens, they also have to find out how to give a place to their own spiritual beliefs and modes of reasoning. Often being raised with the belief in spirits themselves, some police officers share many of the thoughts of complainants and defendants. At the same time, they have been trained in applying a rational sense of justice. Not surprisingly, they are often caught in a position of ambivalence towards the spirits and have to decide on ignoring or acknowledging the spirits; accepting or eradicating them. The following case is an illustration of this.

Eduardo v. Victoria

Early one chilly morning in June 2008 when it was still relatively quiet at the police station, I noticed a woman nervously hanging around the station. With her embroidered clothing, golden earrings and straightened hair, she seemed rather out-of-place in the rural Gorongosa environment. Besides, she spoke Portuguese instead of the local language which told me that she was probably not originally from Gorongosa. After a while a man turned up. He was also well-dressed in a suit, a tie kept in place with a tie-pin, a brand new-digital camera in his hands. He looked at least as nervous as the woman, and although the two did not communicate, I felt there must be a connection between the two. The man told the police officer in charge that he was nervous and that he had a big problem. He explained that he felt like 'somebody drowning in the water until his mouth'. I knew the man vaguely as Eduardo, a young man from Gorongosa who, despite being only basically literate, had become a successful businessman, owning a shop in electronic equipment and a commercial mini-bus.

Now Eduardo, as the town gossip mill had been saying and by his own admission, had been having problems. It soon became clear that the well-dressed woman who had gone to the police station earlier was at the centre of his troubles. Eduardo and Victoria (the well dressed Portuguese-speaking woman) had been having a relationship, although both of them were married and had families. But one day, Victoria's husband discovered some amorous SMSs of Eduardo's in the inbox of Victoria's mobile phone and decided to divorce her and – following local traditional prescriptions – had sent her back to her parents. Eduardo, after the discovered text messages, had ended the affair with Victoria and therefore no longer supported her financially (as he had done during their affair) because he wanted to 'save his marriage'. Victoria had gone to the police office to make a claim on a huge amount of money from Eduardo as compensation for her broken marriage: 60,000 Mtn.[23] She argued that she needed that amount of money to construct her own house and set up her business – all of which would enable her to make a living until she would find a new fiancé. If she did not get the money, she threatened to go to Eduardo's house and live with him. Eduardo clearly did not want Victoria to do this. Foreseeing conflicts between Victoria and his current wife should he be situationally-forced to becoming polygamous, he could not accept Victoria's alternative. But Victoria was uncompromising and she threatened further that if her wishes were not granted, 'I will kill and this case will become a criminal case'. Eduardo argued that he was only capable of paying 20,000 Mtn but Victoria did not accept. Since the two had been co-offenders of adultery there was no official solution. The police could not impose a payment on Eduardo. Adultery is not a crime in Mozambican law. Since no agreement was worked out and Victoria continued to insist on her preferred amount of money 'otherwise people will die', the police officer decided to transfer the case to the district court to decide on the possible payment.

When the two had left, a conversation continued about the subject. It was mainly between the PIC commander – who had followed the case from aside – and the 'chief of the operations'.[24] The chief argued that the woman was a clear and present danger to Eduardo. 'The woman intends to go "up there", to the mountains, where the laws are different from the laws of the state we have', he opined. The chief was clearly suggesting that the woman would go to a spirit medium in order to kill Eduardo as the mountain is home to the most famous and powerful spirit medium of the region. The PIC commander recalled how in the past there used to be different laws for the different groups of people: 'There were laws for the indigenous people and laws for the assimilated and civilized part of the population'. In some regard, he would not regret going back to that

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[23] Equivalent to over €1,700. For many similar cases amounts of €10-€50 were demanded.
[24] The *chefe das operações* ranks second to the highest commander.

time and have these laws applied again. This division made sense to him as it was possible to apply the laws *of the people*. The chief defined the practices as superstition but he seemed very much convinced that the woman would use magical powers to kill the man if no solution was found. He argues:

> Her husband (of Victoria) was married to another woman first and in order for her (Victoria) to marry the man, she killed his first wife. Her husband knew about the magic she uses and is happy to have a reason to abandon her. That's why he did not ask for the bride wealth (*lobolo*) to be paid back. He wanted to abandon her already before, but without having a reason he feared being killed by her.

Normally, when a couple gets divorced the husband will demand (part of) the material costs he invested in his wife during the marriage, as well as the bride wealth. This money has to be paid either by the woman's family (when she returns there) or by a new prospective 'owner', like Eduardo in this case. Instead it was Victoria who was asking for money from Eduardo. For the policeman, the fact that the husband did not make his due, indicated that there was more going on than just adultery. The chief, suspected that Victoria could turn to the *leis nas mangueiras*: the 'laws from the mango trees', indicating the mountain area and referring to the spiritual world. The 'laws from the mango trees' is an apt metaphor referring to all traditional authorities and spirit mediums. Generally, these authorities hold their first consultations in the shade of a mango tree in their compounds as most of them lack official premises to attend their clients. By pointing in the direction of the mountain range, he was clearly referring to the spirit mediums on the mountain who had the reputation of being particularly strong.

The PIC-commander is, we should note, a pious Seventh-Day-Adventist and told me that the Bible inspired him a lot, both privately and professionally. To him, that case was especially complicated because the Bible says that adultery is bad and should be punished whereas the state law does not say so. These were competing demands and he found it is difficult to prioritize one over the other.

Some days later, Victoria and Eduardo appealed to the district court, like they were told to do by the police officer.[25] At the district court, they were received by the District's Attorney. The Attorney is seated in the premises of the district court and therefore often considered by citizens as part of 'the district court'.[26] Legally, however, the District Attorney, like Attorneys at other levels, 'enjoys autonomy in relation to both the Ministry of Justice and the official court system and is bound only by the criteria of legality, objectivity and exemplary behaviour'

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[25] One of the reasons Victoria and Eduardo did go to the district court and Elena and Julio did not, might be the higher socio-economic position of the former 'couple'. From my observations at the district court (of the attorney), I have the impression that the better-off often felt more at ease there. For them, the district court seemed to be closer, whereas community courts or traditional authorities seemed to be more accessible for people with a lower socio-economic position. As I have mentioned in footnote 3, an analysis of the access to justice is not within the scope of this chapter.

[26] A new, separate building for the attorney was under construction.

(Trindade & Pedroso 2006: 129). Thus far, the position of the Attorney within the legal landscape is not very clear, not to the Attorneys themselves, but also not to the population (Trindade & Pedroso 2006).

'Social cases', like the one of Victoria and Eduardo, that enter the police station are often transferred to the attorney, sometimes to the court itself. This usually means a decision is made on the compensation a man has to pay (back) to his ex-wife. In front of the attorney, Victoria again demanded a large amount of money. The attorney also felt that the money was much higher than what could normally be expected. But Victoria remained resolute, unwilling to give in one bit. Finally, no agreement was reached. Some days later, I learned that Victoria had moved to Eduardo's homes. Whether she had used nefarious magical powers to achieve this was hard to assess, but since the case was public knowledge, I heard a lot of gossip in that direction. The police officer was clearly not the only one who suspected Victoria of being intent on applying the 'laws of the mango trees'.

The case shows the ambivalent position state officials find themselves when they are consulted in conflicts that involve spiritual elements. It is not only about respecting citizens' arguments (as in the case of Elena and Julio) and taking seriously what people perceive as their reality. Just as well, even when no explicit spiritual claims are made, police officers themselves might be convinced of the involvement of spiritual forces. In the conflict resolution process, statutory authorities have to decide on being loyal to the state or to 'the people' (cf. Gould 1999 for a similar discussion on Navajo police officers). Personal beliefs in a Christian God or ancestral spirits, loyalty to the people, and adherence to the law all have their influence on the position a police officer takes when attending people. In the case of Elena and Julio, the spiritual argument was made explicit by the people themselves, which was only partly and hesitantly taken up by the police officer on duty. The discussion that emerged after Eduardo and Victoria had left the police station shows that spiritual arguments in fact can play a role in the reasoning of the police officers as well, although not being made explicit during the consultation process by the plaintiff, defendant, or the police officer. The case reveals the ambivalence that is intrinsic to the position of local police officers who are supposed to apply the rationale of the law but at the same time might consider the rationale of spiritual arguments as being valid and applicable as well.

Spirits at the district court

Whereas people feel a low threshold to enter the police station, the threshold to enter the district court seems much higher and people often feel clearly uncomfortable while they are waiting to be called inside. Most people only go to the district court when they are ordered to do so by another authority, either the

police or the community court. The only time I noticed a person heading straight to the district court, this person was a woman who had personal contacts with the president of the court. She was not deeply entrenched in social life of the community and did not have to bother about the disruption of social bonds. Instead of waiting outside the court to be called in by one of the employees, as convention required, she directly entered the district court and knocked at the door of the judge. Although breaking the conventions of the court, she was immediately attended to. Her close connection to the judge was probably helpful here.

When a case reaches the district court, the court officials have the possibility to refer them to the lower level of the community court. Over a period of about six months, I consistently took note of the types of cases that reached the court room. Below is a record of the different cases that were referred to this higher court and their numbers.[27]

- corporal injury: 17
- theft and robbery: 15[28]
- traffic accidents: 11
- voluntary manslaughter: 5
- violence against women: 5

Less frequent cases were swindling, arson, abduction, poisoning, extortion, defamation of character, illegal gold mining, and growing and consuming marihuana. There were also a few cases of illegal hunting in the national park. The cases do not differ substantially from the categories of cases that are presented by other studies on district courts in Mozambique (cf. Pedroso & Cristiano José 2003: 485-513).

Most civil cases do not reach the district court. From the police station, they are usually referred to the community courts, and sometimes to the attorney. Since the attorney holds office within the premises of the district court, most people do not distinguish between district court and attorney. In fact, the distinction is rather small, as the attorney on day of court hearings also acts as the public prosecutor. The attorney uses a more mediatory style than the judges of the district court. He dealt with a more limited number of cases and since he did not have set hours to receive people, I have not been able to systematically gather data on his work. Therefore, the following analysis mainly covers the district court.

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[27] Up to the end of my fieldwork, there was no district court in the neighbouring district of Maringue. Therefore the court of Gorongosa also dealt with its cases. This overview does not distinguish between Gorongosa and Maringue cases. The number of cases presented at the district court was larger, but not all cases were adjudicated there.

[28] I am here taking together the categories of *furto* and *roubo*.

Hunting spirits haunting the district court: Ignore or acknowledge

A specific category of cases that, during times of hunger, are dealt with at the district court on an almost weekly basis, are cases concerning trespassing in the Goronogsa National Park, usually in combination with illegal hunting or poaching.[29] A typical pattern can be distinguished in most of these cases: a group of young men is caught hunting in the National Park. Generally, the poachers do not have firearms but machetes, knives, and traps. The interrogation usually starts with the question of the judge whether the person does not know that hunting in the National Park is forbidden. As this is common knowledge in Gorongosa, all trespassers agree that they had known about this before the proceedings proper. Subsequently, these poachers are asked whether they had been to the Park often. All the poachers deny. When asked why they decided to go there, the common answer was essentially 'suffering at home'.[30] Since poachers were usually caught

Figure 6.1   The district court of Gorongosa

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[29] I always felt the number of court cases related to poaching was very high but this did not seem to discourage other poachers from areas around the Park and probably many of them were successful in doing so. Signs of their poaching can be seen in the quantities of bush meat sold in the district, and the number of poachers brought to court.

[30] *Sofrimento em casa*.

red-handed, there was no way to deny the accusations. The Forest Act and associated regulations, pronounce heavy fines for illegal hunting in a National Park. These fines can amount to several thousands Euros.[31] Obviously such amounts are impossible to be paid by Gorongosans. Hence, the fine is usually converted into several months of obligatory labour in the National Park. The frequency of poaching cases brought to court meant that the National Park had a steady flow of labourers.

That case I attended at the district court in July 2008 at first did not seem to differ much from other 'hunting cases'.[32] A group of eight men was tried for having illegally hunted in the Gorongosa National Park. Two brothers were considered as the leaders of the group. Both had illegal firearms.[33] Although they had spent two days there before being caught, the men – individually interrogated – all maintained they had only been able to trap one warthog. My attention was raised more when one of the brothers was being interrogated. When asked about his gun he argued that he had bought it 'to protect my home'. When his brother, Joaquim, was interrogated, it became clearer what this 'protection' meant. Asked why he had bought the weapon, he responded:

> It is tradition of our house. My grandfather used to have a weapon, so we had to have one as well. For a long time we did not have one, but then there was a bad spirit and we consulted a spirit medium that told us we would need a weapon to make that bad spirit to leave. So we cleansed our life but it brought us little success.

That evening at home, I discussed the case with a friend who had noticed that the brothers were being heard at the district court.[34] After I had explained the issue at stake to him, he laughed and said that the brothers had a long-standing reputation as hunters. My friend said that he had even accompanied them on several hunting trips during the civil war when the National Park was a common destination for many men in Gorongosa desperately searching for food. To him, the spiritual argument was just an excuse of the brothers to defend their wrongful behaviour.[35] Later however, I discussed the case with my assistant Fabião as well, but he showed more understanding for Joaquim's argument. Before becoming a pastor, Fabião had been working as a hunting medium, which means he used to work with a hunting spirit (*mzimbu*) as well. He explained that hunting spirits required a weapon, but then, the weapon could not 'stand still' and had to be used.

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[31] The *Lei de Florestas e Fauna Bravia* has been issued as law no. 10/99. The regulations as decree no. 12/2002.

[32] Process 22_2008, 3.7.2008.

[33] It was a weapon of *fabrica caseira*: homemade or traditional. They said that they had bought it from a trader and that it worked with 'aluminium and powder'.

[34] Hearings at the district court were generally public and open to everybody, therefore I felt I could tell my friend about it and ask for his views. Cases at the police station, in which I alone was given access for research reasons, I did usually not discuss with others.

[35] Note that to use the family spirits as an explanation for one's behaviour, is in a way not very much different from characterising something as a family trait as is done in other cultures.

However, it did not mean that the 'owner' of the hunting spirit can go hunting everywhere and at anytime; certain rules have to be obeyed to satisfy the spirit. Before a group can go hunting in the park, a certain ceremony has to be carried out (*ntsembe*), for which tobacco has to be offered to the hunting spirit. One of the oldest hunters accepts the tobacco, they shake hands and say they have come to ask for *caril* and request the spirit to show the places where the animals are hiding. Once in the park, certain 'rules of tradition' have to be obeyed as well. For Fabião, Joaquim's defence was completely acceptable. When there was no weapon in the household, the hunting spirit of the family could not feel at home and other spirits could infringe on the spiritual stability in the family.

These two different reactions on how Joaquim allocated responsibility to the spirit highlight the existence of various attitudes towards spiritual argument, ranging from scepticism to acceptance not only among government officials but even among the general population. An important impediment to spiritual arguments being positively evaluated and widely accepted is rooted in the fact that such arguments are based on an individual's personal relationship with a specific spirit. Though the notion of the spirits is central to Gorongosa's culture, spiritual arguments are primarily based on one's personal relationship with a specific spirit. The relationship with the spirit can be used as a means to shift responsibility from the person to the spirit. Hence the person can no longer be blamed for wrongful behaviour as the spirit would be characterised as being in control. This is not to say that a person can fully deny his actions and the consequences but is mainly giving an explanation of his behaviour and allocating causality. Spirits therefore, can potentially be invoked throughout the disputing process; they are the root *explanans* of a conflict. Because spirits are invisibile, spiritual arguments can be difficult to contest or accept. Not surprisingly, the argument provokes a variety of responses from people who all apply their own rationality in deciding whether or not an argument is legitimate.

Silencing the spiritual argument
Reactions of the general population towards Joaquim's argument varied, but how did the court officials react on Joaquim's argument? Did it affect his sentence? I will first look at the district court itself. The district court is headed by a president who had been legally trained and rationalises issues accordingly. The president of the Gorongosa District Court was not originally from the area, but from the North of the country. He was a Muslim and not naturally familiar with the central features of tradition in Gorongosa. During the court sessions, the judge was assisted by two of the five elected lay-judges, who had alternate schedules.[36] Their role

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[36] The lay-judges all but one describe themselves as Christians. One of them is a Muslim.

Figure 6.2   The president of the court, flanked by two lay-judges

during the sessions varies. In cases in which plaintiffs and/or defendants are not able to speak Portuguese, the problem was more compounded because the judge-president was not fluent in the local language.

The reaction of the judges in the hunting case was indicative for the general position of the district court in such cases. The argument was not taken up by any of the court officials during the process. The members of the hunting group were all fined 18,200 Mtn. Since Joaquim and his brother were considered the leaders of the group, they had to pay an even higher fine: 28,200 Mtn.[37] All of those charged pleaded that they did not have the money to pay the fine, Therefore, the fine was converted to forced labour in the Park for a period of four and six months for the lesser offenders and the brothers, respectively.

Although I attended several cases at the district court in which the defendants referred to the spirits, I did not attend a single case in which the role of the spirits was taken up by the judges as a convincing argument. Only in one instance did the defendant's official counsel[38] take up the argument in his plea to reduce the punishment. Looking at the records of the court hearings, I noticed that the 'spiritual argument, was never noted. Joaquim's spiritual argument brought in as a

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[37] About €480 and €740 respectively.
[38] Lit. *defesa civil*; an employee of the district court tasked to defend accused. In most cases, the preparation of the counsel consisted of taking apart the accused for a couple of minutes before the hearing would start and having a short talk with him. Most of the time the person responsible for the official defence did not add any comments when it was his turn to talk.

mitigating circumstance was similarly not in the record. A kind of 'sanitisation' of the court documents had taken place; the documents did not show anything irreconcilable with the legal-rational thinking that shaped the government's justice system initiated by the neo-liberal reforms that started in the 1980s. The officials acted in such a way that the process would correspond to the logic of the 'Euromodernist' (Comaroff & Comaroff 2004b) legal thinking that started to gain ground in Mozambique already in colonial times, as in other African countries (cf. Moore 1992). Somebody only looking at the court documents would not find any indication that the spirits are present in the court room as well.[39]

   Despite the sanitising of the court documents and the denial of spiritual arguments as valid, the officers at the district court showed some sensitivity to local traditional rules and ideas of justice. This however came only to the fore at the moment the verdict was to be explained to the parties involved. After reading the laws applied in sentencing, the district judge often fell back on customary rules to clarify the sentence and the law applied. 'We base our judgement on all religious and traditional norms when suitable', the district judge explained to me. In other court cases the local norms were not foregrounded but kept in the background, leading to verdicts that slightly deviated from prescriptions in the law. Good examples of this can be drawn from cases of domestic violence. According to state law this should be strongly condemned, but 'if we would apply the law, almost all men in Gorongosa would have to be imprisoned', observed the district judge.[40] Therefore, in most of the domestic violence cases, the violating husband was sentenced to prison on probation only. Despite being silent in the actual hearings and in the documents, the spiritual argument or the more general traditional argument was actually present in the secular and modern conflict resolution rooms of the state. This is in line with findings of Demian on the courts in Papua New Guinea, where she argues that 'custom is excluded until the conclusion of the case', but kept apart from the actual court proceedings. She suggests that this is 'possibly because it carries "too much" moral weight to be of use to magistrates trying to achieve straightness between litigants' (Demian 2003: 106). It is my impression however, that in the case of Gorongosa, court officials profit from the moral weight attached to tradition by making reference to it in explaining the sentence to people. After pronouncing the verdict in legal terms, the judge would often address the defendant again to explain why he came to the verdict. In such explanations, he often alluded to tradition or culture. The reason for not taking up spiritual, cultural, or traditional arguments during the actual

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[39] This might be the reason the topic has hardly been taken up by researchers thus far.

[40] There is an allusion here to 'cultural defense', as it has been discussed by various scholars in multicultural settings (cf. Golding 2002; Renteln 2004; Demian 2008). The Mozambican context is slightly different as the cultural or 'spiritual defense' is here used by a majority group rather than by a small minority.

court process seems to be related more to the incompatibility of such arguments with statutory law, and to the personal opinion of the officers in regard to the arguments than to the moral weight.

Conclusion

From the early years of independence onwards, the Mozambican government aimed at introducing a 'socialist legal system' that was supposedly owned by the people (Isaacman & Isaacman 1982; see also Chapter 2). Within this model of popular justice, room for locally held traditional ideas, rules, and beliefs was created in the popular courts. The official government stance however was to strongly condemn tradition. But it does not mean that tradition completely disappeared and stopped infringing the state's rooms of disputing like the police station and the district court. In this chapter, I showed that people continue to make reference to the spirits as a way to explain, justify, or defend their behaviour in various stages of disputing processes, also within the state's rooms of disputing. I described such reference to the spirits in the context of conflicts as 'spiritual arguments'. I also showed that such references to the spirits are made not only in the traditional realms of disputing where they are most 'at home'. They also play a role, albeit less visibly, in a variety of conflict cases within secular rooms of disputing like the police office or the state's district court. The arguments were often treated as complicated for government officials. In many cases they were based on an individual's personal relationship with a specific spirit and therefore it was difficult to assess their validity. Government officials, including police and court officials, are often hesitant in taking up such arguments and evaluate them positively. They have been trained to apply the law and this law is silent on or at times averse to spirit arguments. These officials have the unwritten prerogative on whether or not to attribute a role to the spirits. However, incompatibility with the legal rationality does not seem to be the only reason for the police officers' reluctance to deal with spiritual arguments. The various reactions to the hunting case also show that the general population is divided on how to assess the validity of these claims. Some people tend to show understanding and willingness to acknowledge the spirits, whereas others tend to refute reference to the spirits as an easy, often unjustifiable, way of shifting responsibility and blame. This contributes to a further complication for government officials: not only are spiritual arguments at odds with the law they are supposed to apply, they are also contested among the population. Among officers – who are themselves part of this population as well – ambivalences exist and the rationales of state law and tradition are vehemently competing with each other. In some instances some of them showed an understanding and acceptance of spiritual arguments, in others cases they did not.

Distinguishing the different stages in a dispute, as suggested by K. von Benda-Beckmann (1984) and as presented in the introduction of this thesis, we can question the extent to which spiritual arguments are present at the various stages. The cases presented in this chapter make clear that spiritual arguments are prominent throughout the disputing process with the exception of one stage. Actors bring up spiritual arguments while presenting a claim and while specifying the reason of a conflict (stage 1); people refer to claims made by spirit mediums that acknowledge the validity of the argument (stage 2); police officers refer to spirits when discussing the possible continuation of the dispute, conflicting parties turn to spirit mediums to bring the spirits back in even when government officials have recommended otherwise (stage 4). Remarkably however, the spirits hardly play a role in stage 3, at which a final decision is taken by the intervener. Besides, despite the manifold manifestations of the spiritual theme in the statutory rooms of disputing, the Mozambican state does not usually give spiritual arguments a place in police or court documents. By ignoring the role of the spirits in the decision-making stage of a dispute, disputing parties might often be left with a feeling of not being adequately attended, resulting in people turning their backs on the state and following a path that lies outside the state's control. In the very few cases I attended in which people were sent to a spirit medium by a police officer, no specific directions were given. I had the impression that it was merely an easy way of sending people off and not having to be involved anymore instead of taking serious cognisance of the validity of spiritually-based claims.[41]

Although the influential role of the spirits is not widely acknowledged by government officials like the police men and the district court's staff in the final decision-making, counterparties, plaintiffs and defendants continue to use spiritual arguments. Considering official incognisance of spirit-based claims, in the secular, state rooms of disputing, it does not seem to be especially beneficial for a conflicting party to use spiritual arguments. Why then do people still refer to it? I argue that although public opinion about spiritual arguments is divided, for many people it is often the correct explanation for some actions. For the majority of people, spiritual forces are often perceived as being at the root of their conflict and therefore an essential part of the causation. Because the invocation of a spiritual argument is not often successful does not mean that it is always a spurious argument to allocate responsibility with the spirits. Most often, invocation of the spirit argument can be based on sincere convictions of the people involved. The despair of Julio and the stoicism of Elena were indicators of their strongly-felt convictions that an avenging spirit was indeed taking the lives of their children. Moreover, their case shows that government officials, who do not take spiritual arguments seriously, risk making people seeing the law as inhibitive and lead

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[41] In Chapter 8, I will elaborate more on the cooperation between various authorities.

them to other ways of getting satisfying solutions of conflicts outside government justice structures. Judging from the differing reactions of the population towards the employment of the spiritual argument, it seems potentially useful for individual cases to be studied on their own merits and to establish the validity of the claim. The persistence of spiritual arguments shows that spirits will not disappear from the secular rooms of disputing and people will continue making reference to the 'invisible realm' (cf. West 2005; Obarrio 2007) and use 'spiritual arguments' in conflict cases. The absence of the spirits in the final decision-making stage of the disputing process therefore is not an indication of the weak role of the spirits in disputes that have a spiritual element. Rather, it is an indication of the limitations in statutory modes of dispute settlement in regard to this specific category of cases.

7

Religion in hybrid
rooms of disputing

> Try to go to church; it will help you to change your behaviour. … You should change your
> head, You should start praying. Why don't you go to church?

The words above could probably be easily attributed to a religious leader trying
to win a convert. In this case however, they were uttered by the neighbourhood
secretary, while he was mediating in a marital dispute. A neighbourhood secre-
tary is a representative of the semi-formal government structure set up to solve
conflicts between/among citizens of a specified neighbourhood.

Having presented the way in which religion, especially traditional religion,
pervades the formal state rooms of disputing in the previous chapter, I will, in
this chapter, turn to an exploration of the way in which religion comes up in
disputing stages taking place within hybrid rooms of disputing: semi-state, neo-
traditional, semi-formal. As these structures do not fully fall within the juris-
diction of the state, there is more 'room for manoeuvre'. This allows these autho-
rities to accommodate a broader range of arguments. In varying degrees, the
above mentioned neighbourhood secretary, the Community Courts and the tradi-
tional *régulos* can all be considered such institutions that do not fully fall within
the state's judicial structure. Each authority structure has its own particularities,
its own roots, and its own way of dealing with disputes. Yet, what they all have
in common is that they are able to accommodate a plurality of arguments, includ-
ing religious ones, and are not strongly bound by statutory frameworks of justice.
Within the framework of justice, their place is somewhere in-between state and
traditional governing structures. Some of them have strong ties to the state and
actively maintain these ties; others operate as autonomously as possible. I con-
tend that it is difficult to evaluate the extent to which various authorities operate,

either autonomously or in tandem with the state. A lot depends on an individual's relation to the state. The secretaries, community court and *régulo* I present in the following should therefore not be taken as typical for other secretaries, courts or *régulos*. Some general features can nevertheless be distilled from the case material. In the following, I will present the various authorities and show in which way religion pervades these authority structures. I will start with a description of the functioning of the neighbourhood secretary and the community courts and then, in the second part of this chapter, focus on the *régulos*.

Semi-state: Neighbourhood secretary and community courts[1]

What kind of person is the neighbourhood secretary and why did he advise the couple to go to church? Rafaelo, the neighbourhood secretary in the case above acted alone, – without other judges – in the neighbourhood of Matucudur, one of the more populous neighbourhoods of Gorongosa town. The walls of his small 'cabinet' give proof of the orientations that potentially inform his judgements. The portrait of the former president Joaquim Chissano and Frelimo banners are hoisted on the main wall; next to these is a Christian poster stating that 'God blesses the small ones'; then comes the cover page of an NGO-report.

   As a neighbourhood secretary, Rafaelo is in charge of the administration of the citizens under his authority, 'to control the people', as he himself puts it. Rafaelo used to be part of the 'dynamising groups' that were set up by Frelimo in the early years after independence in order to increase local participation in the government structures.[2] The structures here were set up because 'the government recognised the need to construct a new legal system that would reflect and reinforce the aspirations of the popular classes – workers and peasants – although it assigned this task a lower priority than the economic transformation' (cf. Isaacman & Isaacman 1982: 281). In these early years, before the popular courts were founded, the dynamising groups were charged with the resolution of minor disputes among citizens. With the founding of the popular courts, and later of the community courts, the dynamising groups have lost their function, but nevertheless some people in Gorongosa Town continue to consult the secretaries of their respective neighbourhoods in conflict cases and the neighbourhood secretaries continue to advise their citizens. Just like many of the dynamising group members, neighbourhood secretaries have strong ties to the ruling Frelimo party. In

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[1] Because of the interconnectedness between these institutions, I discuss them here under the same heading. Characteristics of the neighbourhood secretary are generally valid for the community courts and vice versa.

[2] For more background on the history of the various judicial structures in Mozambique see Chapter 2 (but see also Isaacman & Isaacman 1982; Sachs & Honwana Welch 1990; Gundersen 1992; de Sousa Santos 2006).

the case of Rafaelo it seems to be understandable that people continued to consult him because he was also the president of the neighbourhood court of Matucudur. As the court's president, he was usually assisted by some of the other judges, but he did not always bother to call his colleagues and mediated in conflicts independently of them as well. Moreover, Rafaelo was one of the elected judges of the district court. This latter position provided him additional status also when acting as a community judge as most people were aware of his status as a judge at 'the tribunal'.[3] Sometimes his dual functions posed difficulties for him when he had to choose between being present at the district court or at his own 'cabinet'. I noticed that in such cases, the District Court would generally prevail over the neighbourhood court/the secretariat. This resulted in people having to wait at the neighbourhood cabinet for their secretary/judge to finish his work at the District Court. However, in the District Court he was limited in the scope he could draw judgement from because it mostly excludes religion, which he normally used in other situations, for example in the case above.

Rafaelo's transformation from membership of a dynamising group into becoming local popular court judge and subsequently into becoming Community Court member is not exceptional. Such transformations have frequently been made in the transition process of the legal structure. The law on community courts states that the judges of the local popular courts, like the neighbourhood courts, should continue to exercise their function within the community courts as long as no new elections have taken place (Art.15, Law No. 4/92). Since these new elections, which are supposed to be organised by the government had not taken place thus far, judges continued to remain in function. Not surprisingly, people continued to refer to the courts as 'neighbourhood courts' instead of 'community courts.[4] The lack of newly-elected judges implied that court rulings were backed by an ever declining number of judges. The early local popular courts were run by eight to twelve judges, whereas nowadays Gorongosa's community courts have problems in bringing together the legally required three judges. This seems to be a general problem for all community courts and for the larger population in Gorongosa District. In town, I attended sessions at the court of Tsuassicana that were usually held with 2 to 4 judges; in Mapombue, 2-3 judges; and in Matucudur: 2 judges. The Vunduzi Community Court was relatively strong and functioned with 3-5 judges and so was the community court of Canda with 3-5 judges. According to the law on community courts however, all

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[3] When talking about the District Court, people usually referred simply to the *tribunal* or sometimes to *tribunal nkulu*; The big tribunal. The community/neighbourhood courts were most often indicated simply as the *bairro* (neighbourhood), sometimes as the *tribunal ngono*: The small tribunal.

[4] I partly picked up this habit and usually indicate the community courts located in town as 'neighbourhood courts' to give a spatial indication. The courts functioning in the rural communities are indicated as 'community courts'. I use 'community courts' as a generic and formal term.

of the courts are supposed to function with at least two judges in addition to the president (Art. 8, Law No 4/92).

The reason generally given for the low presence of judges is that they do not receive remuneration and prefer to spend their time working in their fields. Natural attrition obviously plays a role as well, considering the fact that no re-elections had taken place (cf. Gomes *et al.* 2003; de Sousa Santos 2006). The way the courts function varies from court to court (ibid.). Some courts have a permanent building in which they reside; others meet in the shade of a mango tree. Some meet twice a week for hearings and always have several cases pending; others meet only once a week and often wait in vain for people to turn up. In some places, the judges are very dedicated to duty. They painstakingly note down the specifics of cases. In general however, both the secretaries and the community courts keep only very basic records of the cases they deal with.[5] In other places, judges are less dedicated and had to be repeatedly reminded by plaintiffs to turn up and when they do so sometimes they were very drunk.

The president of a neighbourhood court often doubles as the neighbourhood secretary, as in the case of Rafaelo. Structures are thus often interwoven. The neighbourhood court of Tsuassicana had a different set-up.[6] This court operated completely separate from the secretary. Both secretary and neighbourhood court had their own place, time and function, although their way of mediating in disputes did not differ much, nor were they charged with handling very different disputes. There was no cooperation between the two. The reason for this mutual exclusivity was not completely clear to me. I never heard an explanation that seemed fully acceptable. Today, many of the judges do not feel a clear connection with the state when carrying out their tasks. The lack of recognition discourages them in the work they are doing. The following complaint ventilated by one of the judges is illustrative of the state's neglect:

> Government here, it is a big failure! A person here has to work without benefits. We are invited by them to work and here we are: listening, but they don't want us to work well that is why they do not help us. I have complained about it, but nothing, not even a stamp, a notebook, not a single pen has been given to me! They told me that I have to buy them from my own money, but it is not like that. I don't have (the court as) my private company. The court is from the Assembly of the Republic and is approved by the Chief of the State!

But there is a deeper underlying problem in regard to the community courts. Despite being created and recognised by Law (No. 4/92), their actual operations

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[5] When I was at the District Court, I heard from a neighbourhood judge/secretary that he had written monthly reports of the cases dealt with which he sent to the District Court. When I asked the District Court officials, one of the officials acknowledged that the community court leaders were indeed supposed to send monthly reports. Another official, who was expected to be in charge of these documents, said that he was unaware of their existence. At the District Dourt, nothing was done with these reports, nor did most of the local judges bother to send them in.

[6] Tsuassicana was the neighbourhood where I was residing for a large part of my field work. It is one of the central neighbourhoods of Gorongosa Town.

have never been regulated by law and they are not formally part of the judicial system of the state (see Chapter 2). The courts are left in an institutional limbo and function as 'the legal hybrid institution par excellence, particularly in what concerns the official/unofficial dichotomy' (de Sousa Santos 2006: 56).[7]

The neighbourhood secretary of Tsuassicana, José Carlos, did not run a 'cabi-net' like Rafaelo, but heard cases at his own yard. There were no set times for consultation. It could be quite difficult to meet him at home as he was also the director of a school, a teacher, a pastor, the secretary of the *Encontro Fraternal*,[8] and the leader of a group of widowed women. The most suitable time of the day to meet him was probably shortly after sunset when he was returning home for dinner. People who were lucky enough to meet him at home, were usually heard right away. Due to his multiple tasks, the number of cases attended to was limited. The Tsuassicana Court operated independently from the Tsuassicana secretary. Meetings of the Court were held once a week, on Wednesday mornings, in the shade of a mango tree at the crossroads of two minor sandy roads that head into the neighbourhood. When there is no meeting, there is no physical structure that testifies of the existence of a court. On days of attendance, one of the judges usually goes out to lend some chairs from adjoining houses for them to sit on. The conflicting parties sit on the floor or on the up-popping roots of a tree. The complainant usually presented his/her conflict to the court's president privately, prior to the session. Subsequently, the president informed his colleagues and sent one of them to notify the counterparty to turn up in court on a set day. People are also free to make their complaints on the 'day of judgement' directly. Despite the judges dedicated weekly attendances at the court, only a few people made use of their services. This might partly have to do with the fact that the district's central police station is also located in the neighbourhood of Tsuassicana. At the police station services are for free, whereas at the community courts, each of the disputing parties has to pay 50 Mtn.[9]

Christianity and tradition in the community courts
• Try to go to church!
Having provided more information on the structure of the neighbourhood secretary and the community courts, I will now turn to the words spoken by the neighbourhood secretary which I quoted in the beginning of this chapter. The secretary was addressing a young couple with marital problems. The couple had been

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[7] The UTREL (Technical Unit for Legal Reform) has drafted a much more comprehensive new law on Community Courts . See www.utrel.gov.mz

[8] Pastors in the majority of the churches are members of the *Encontro Fraternal*. I discuss the function of the *Encontro* in more detail in Chapter 8.

[9] In comparison to the sum of money demanded by spirit mediums, this is still a relatively small amount of money. It would be helpful to recall that to benefit Silverio's video (see Chapter 5) each person has to pay 100 Mtn.

working together in their field in a remote location. In the evening, the man had connected wires from an old car battery to the bulb of his bicycle. His wife was excited about this light in a dark semi-forested area and said that the lighted bulb almost looked like a bar in town at night. This enraged the husband who apparently felt that his wife was talking too much. During the ensuing quarrel the man insulted the woman. Subsequently he left his wife alone on their plot and returned to their house in town alone. Feeling depressed about the quarrel, he drank some acid from the old car battery in an attempt to commit suicide. When he was taken to the hospital, he said he decided to drink the battery acid because his wife wanted to get a divorce. Due to the marital problems, the woman often got insulted by her in-laws. She had now come to the neighbourhood secretary to ask for a settlement as she felt that she could not continue to live with her husband, in the face of her in-laws' disrespect for her.

In the beginning of the mediation process, the young woman firmly opposed the idea of continuing to live with her husband. During the process however, she was slowly persuaded to return to him. A middle-aged woman, who was waiting to discuss an issue with the secretary as well, intervened in the conversation after having listened attentively. Addressing the young woman she said, 'You should know that if you get divorced and try other men you will find out that they are the same. This man is God's plan for you. Do you go to church?' When the troubled wife answered in the negative, the older lady added, 'If you would go to church, things would change a lot.' The neighbourhood secretary actively took up the point and started to argue along similar lines to the couple and raised the words that are mentioned at the beginning of this chapter: 'Try to go to church. It will help you to change your behaviour. … You should change your head, you should start praying. Why don't you go to church?' In his advice, the secretary was furthermore strongly pushing for reconciliation. Like other secretaries, he was always aiming at reconciliation in whatever dispute he was asked to intervene. After a lot of talking, he eventually succeeded in this and the woman agreed to return to her husband, which she did the following day.

Whereas the government officials presented in the preceding chapter were reluctant to take up or raise spiritual or religiously-oriented arguments, the neighbourhood secretary was less reluctant to do so. After another woman – unrelated to the disputing parties – had raised the point that going to church would change a lot of things and would help the couple, the neighbourhood secretary rapidly took over this mode of reasoning. He strongly advised the couple to turn to a church in order to find orientations that could help them change their behaviour in a positive way and improve their relationship. Religious reasoning was thus not absent in this room of disputing, but was actively invoked during the process by the authority once it had been raised by another attendant.

Figure 7.1   The judges of the community court of Tsuassicana neighbourhood

Find money to go to a spirit medium!

Also for community court judges, reconciliation is important. It is even the task of the judges in the first place to aim at reconciliation of the striving parties, according to the law on Community Courts (Art. 2.1, Law No. 4/92). This has to be achieved by applying 'equity, common sense, and justice' in judgements (Art. 2.2, Law No 4/92). In what way do community court judges deal with spiritual arguments in conflict cases? Do they raise such arguments themselves in the disputing process? The following case took place at the neighbourhood court of Tsuassicana. The principal parties in the dispute were a father; his son, Vasco; and Vasco's wife, Celia. It was alleged that bad spirits within the family were affecting relations between the father and his children. When Vasco got married, he soon decided not to live with his father anymore but instead went to live close to the yard of his in-laws, especially since his wife did not get along with his father at all. In Gorongosa however, it is rather uncommon that men abandon their parental yard in order to settle in the vicinity of the parents-in-law. The couple's little daughter frequently suffered from different illnesses. Five different spirit mediums had already been consulted by the child's grandmother (the

mother of the woman) and all mediums confirm the presence of a bad spirit in the child's body. Not long afterward, the bad spirit started to ask the afflicted daughter to become his wife. Allegedly, the spirit was sent from the paternal side of the family. Fearing for the life of her child, Celia was now pushing for a divorce. Another concern she raised was that her husband did not contribute any money to the household expenditures, nor to the child's medical treatment.

During the hearing, extensive time was given to all the parties in attendance to tell their story, give their opinion and suggest a solution. There were no other cases pending that morning and the judges listened attentively. Although not directly involved, the husband's mother-in-law had taken the child to the spirit mediums; she was therefore the one who provided the most vivid evidence of how the bad spirit was causing the child's suffering. After all the parties had given evidence, the president of the court told them that the time had come to give a verdict. He asked for the opinions of the other judges in attendance.[10] Although he had not been taking notes, the president was nevertheless able to give a detailed and balanced analysis of the whole situation by pointing out which traditional norms or socially held conventions had been violated:

> Every family member has done wrong. The son was wrong because he decided that he wanted to live on his own and left his parent's home to live close to his in-laws. He could have left and then have chosen a place that was really his own. That would have been better. But now, the children belong to both their father and the mother so they have to take care of them together as well, especially when they have health problems. I have heard for instance that the child was ill at a certain point and was sleeping in the house without somebody taking care of her.
>
> Then, they went to the spirit medium with the child, but the grandmother went alone. In these cases you always have to go there together with others to prevent conflicts. If somebody goes to a spirit medium alone it causes conflicts. Additionally, one always has to consult a spirit medium that is not from the zone one lives, because they already know about the social problems and will just declare a person guilty because they had been hearing about the problems.
>
> Next, you (the whole family) have treated the spirit badly. You even tried to expel the spirit from the child by attempting to transfer it to a goat! It is bad to make a spirit live in a goat. If the conflict continues, will you take another goat to be sacrificed instead of a person? Do you really think that that will solve the conflict and satisfy the spirit? Or was there maybe somebody who spent money so that the spirit would keep itself hidden for others?[11] The child is still small. Would it be possible to offer the child to the spirit so that her father and mother can stay together?[12]

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[10] That day the president and two other judges were in attendance. One of the judges was a woman but she did not actively engage in the hearing, apart from nodding or shaking with her head as a sign of agreement or disagreement with the words spoken.

[11] It is generally assumed that a certain counter-medicine can be used that prevents spirits from being detected by the spirit mediums. In guarded terms this was an insinuation targeted at the grandfather, who, it is believed, had been using counter-medicine.

[12] This question assumed that once the child was sacrificed, the spirit could be satisfied and would no longer cause problems between the couple.

It would be best for the couple to go and live at another place. That might be better. The spirit mediums say that the spirit wants the child as his wife and you have already started to work on that but it is not solving anything. Does that maybe mean it is not true?

After the judge has finished his deliberations, all the attendants wanted to speak at the same time and they started to do so in a disordered way, showing little respect for the authority of the judges and mainly addressing each other directly. After a while there was a bit more order in the discussion and the attendants started to address the judges again.

Vasco: I want to have another wife other than this one and she also wants to divorce. If I no longer have a wife, how then, can I have a child to offer to the spirits? I left my (parental) house together with my wife because of a conflict with my parents. But my parents did not tell me anything about the spirit problem and I did not know about it. But what I know is that also the other children of my father are no longer willing to live with him.

Vasco's father: It all depends on the will of my son. I cannot oblige him to stay at a certain place.

Judge (to father): If you want to have your children with you, you will have to take care of them as well. Now there are lots of rumours and gossiping. People say that your children have left (your homestead) because of your behaviour.

President (wants to end the discussion): We have listened to you, so now we can start to solve the problem and come to a conclusion. (*Turning to the father*) What lies behind all the conflicts that are occurring to people close to you?

Father: The reality is that I want to have a place where my children are living in peace, either with their own father or with their in-laws.

Judge: There are conflicts because of bad spirits that are treating the children badly. What do we have to do to solve the illnesses? We have to sit together to find out whether the illness of the child is indeed caused by a bad spirit and then we have to solve that.

Father: My house is being destroyed. There are others who have children that help their parents, but for me it is not like that. My children do not contribute anything. My heart is hurting because my children have abandoned me and are not staying close to me. I would like to have my children close, to have them come and greet me in the morning.

Vasco: If my father wants to have his children close by, he has to call the others as well, not just me. My eldest brother also does not want to live there with my father.

Judge: You should call everybody to sit together and find out what is happening.

President: You should find money to go to a spirit medium to find out and solve the problem. But you should not go to a medium in your neighbourhood! Your neighbours are your friends. They know the problem and they will just say what you want to hear. The fact that Vasco is living closer with his in-laws than with his own family creates conflicts with his own family because he prefers his in-laws. … Vasco and Celia should go to the spirit medium together to find out what is happening.

At this point, all the attendants again started to talk at the same time. The judges were no longer listening to what the parties were saying. Laconically, the judge president told me:

> The question now for them is who has to pay the spirit medium. They all don't want to pay. They don't want to listen and they all think they are right. There is already no understanding anymore between them. They don't want to follow the verdict of the judge but are just creating more conflicts. They are all talking but don't want to listen to each other.

Having the feeling that the discussion should come to an end, the judge who has spoken before, addressed the family again:

> We already delayed (applying) the law. You should go to the spirit medium today straightaway. The conflict will not end here. You have to hear the reality from the spirit medium and then you can return here and things can be solved. This is all about spirits. So you go to the spirit medium and then you can come back here for the next step – the solution.

After these final words, the family is sent away and told to go to the president of the spirit mediums' association. When they had left, the president of the court told me that he knew the father. According to him, the grandfather used to be known as a sorcerer and he supposed that after his death, the father must have taken over the tradition. This allegation however was not brought up during the court session. Instead, he had emphasised that, according to the proceedings, everybody had done some wrong.

In the previous chapter, I showed that most police officers preferred not to engage in the spiritual elements of a dispute. This is much less the case for the judges of the community and neighbourhood courts. The case above shows us some intrinsic characteristics of the disputing process as it takes place at the community courts.[13] First of all, the judges in their analysis did not point out one person as culpable. Instead, the judge started his exposé by stating that every family member has done wrong', which put the parties at an equal footing. He then continued to give reasons for thinking that they had done wrong. Not only did he give a central place to the presence of the spirit in the child's body, he also referred to *mitemu*, traditionally accepted norms and rules that had been violated. The norms were made explicit, which underlines that there was some erosion of the locally held norms; a claim that is often made in Gorongosa as I showed in Chapter 3. If the norms had been commonly accepted, there would not be a need to make them explicit (cf. Comaroff & Roberts 1981; K. von Benda-Beckmann 1984). The first breach of the norms lies in the fact that the man moved away from his parental yard to live at a place that is close to his in-laws. Whereas virilocal marriage is the commonly accepted norm in Gorongosa until today, the judge showed that he would be willing to give consideration to other options as well. He argued that it would have been better in their case to settle at a 'neutral' place, not belonging to any of the relatives. With this message, he showed that there was some degree of flexibility in applying the traditional norms. Uxorilocal residence however, is at the other end of the extreme and not acceptable. The

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[13] Comaroff & Roberts (1977) point out the importance of looking at the internal detail, or intrinsic features of individual systems.

next reference to a commonly accepted norm is made when the judge points out that the child's grandmother had done wrong by consulting the spirit mediums on her own, with no accompanying family members. Besides, she had gone to spirit mediums living in their vicinity, which should not be done either. The family should have taken care of the child together. Once aware of the presence of the spirit, the family members had not taken good care of the spirit and provided the appropriate respect. It is clear that a spirit which is treated badly will no longer provide protection to its offspring. The family had even tried to transfer the spirit to a goat, something which seemed to be inacceptable to the court members.

At one point, the judge demonstrated that he had some prior background knowledge about the case. Although it had not been mentioned by one of the people in attendance, he pointed out that it had happened that the child had been left alone at the house while being sick. Moreover, after the hearing, the president felt confident to tell me that the father of the old man used to be known as a sorcerer. Both statements revealed the profound knowledge the court members had of their clients. Being familiar with both the existing social relations between the parties, and with some of the issues at stake already prior to the hearing, puts the community judges at an advantage in comparison to the government officials presented in the preceding chapter. Having a long experience of living in the neighbourhood, judges are usually well aware of the social relations of their clients. Things are a bit more complicated when one of the parties involved is not from the neighbourhood but from somewhere else. In such instances, judges might decide to call the assistance of judges from the court operating in the area where the person resides. Doing so, they can compensate for their lack of knowledge about the people involved. Paying attention to social relationships often makes cases more complicated, but it can contribute to a more adequate solution of a dispute. If the disputing parties are connected to each other through multiplex relationships, the acting intervener needs to find a way that will enable the parties to continue their relationship (Gluckman 1955; Nader & Todd 1978). Indeed, most of the court sessions I attended aimed at bringing together the contesting parties. Negotiations took place until a solution was found that was – at least seemingly – acceptable to all and could bring reconciliation for the time being. It did not always mean that conflicts were fully brought to an end. I noticed that frequently conflicts continued to simmer below the surface only to erupt later. For some time however, the reconciliation efforts of the judges would enable the disputing parties to live together amicably.

Generally, the judges do not refrain from cooperating with spirit mediums in coming to a verdict. The mediums however do not constitute an intricate part of the court structure itself; they are not present at the hearings, but come in only when the judges feel there is a need for their expertise. From the community

courts, people are generally sent to the president of one of the spirit mediums'
associations[14] to ask for advice in matters related to spirits. The Ametramo
president can decide on treating the case himself or transferring it to one of his
members. Generally the president will look for a medium that has the necessary
skills that can provide the most adequate treatment of the specific problem. After
the treatment, the spirit medium is then supposed to write a short note addressed
to the community court to inform its members of the outcome of the consultation.
The judges of the community court, just like the government officials, are often
not familiar with the specific skills of the mediums.[15] As a result, they do not
refer people to a specific medium. In certain cases this leaves people in doubt on
where exactly to go and conflicts can easily linger. In the case above, the family
went to another spirit medium but did not bring a report back to the Community
Court and therefore the case did not continue in this court. Nevertheless, after
having treated the spirit of the woman, the couple decided to go and live at
another place away from their parents and in-laws, as had been suggested by one
of the judges. In other cases, when people did return to the court with a report
from the spirit medium, the judges usually accepted the truth revealed by the
mediums and based their final judgement on the outcome of such consultations.

While the spirits of tradition were given a central place in the disputing
process, most of the community court members I know adhered to a form of
Christianity rather than to tradition. Some of the judges and neighbourhood
secretaries functioned as pastors, others were prominent church members. Some
of the Christians believed that their position in church had contributed to their
credibility and therefore had allowed them to take up a position in one of the
authority structures. Others had previously been occupying the position before
becoming devout church members or leaders. When I asked some of the judges
about the apparent incongruence between their Christian identity and their judge-
ment based on the verdict of the mediums, I encountered a simple shrugging of
shoulders with remarks like: 'But it is like that. It is our African reality'. For
them it was clear that other logics applied to the lives of the non-Christians in
Gorongosa, and that they had to reflect this logic in their verdicts. By channelling
people's concerns to the spirit mediums and relying on the authority of the
mediums to reveal the truth, the judges avoided applying their own judgement in
cases for which they lacked the adequate tools themselves. This was an option
that was much less explored by the police officers and the district court officials.
Whereas Christians clearly presented themselves in the hybrid structures of the
secretaries and the community courts, adherents of tradition were less visible.

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[14] Either Ametramo or Ametim.
[15] Some community courts however have more profound connections with specific spirit mediums. In
Gorongosa Town, the connections are generally less tight than in the surrounding rural areas of the
district.

There were no spirit mediums among the community judges. Part of the explanation for the absence of the mediums might be that they often kept their distances from the state as they did not feel respected and appreciated by the government. Although the high-sounding socialist ideology of early independence has been abandoned, traces of it are still present and memories are vivid of times in which government was strongly condemning the spirit mediums and their practices. Many of the judges had had (or had) a strong connection with the governing Frelimo party. Although members of Ametramo automatically become members of Frelimo, they generally did not feel strongly connected to this party. Besides, most community court members had been elected when the government strongly opposed tradition and spirit mediums were not regarded highly, thus diminishing the chances of spirit mediums to obtain a position of power.[16]

Spirits and the Bible at the community court
Practice shows that community court officials and secretaries not only refer to traditional norms, ideas, and beliefs but that they, when the need arises, also shift to other normative orders, especially the Christian one. The case of Rafaelo, already mentioned, gave an indication of this. Given the predominant Christian background of the judges, this is not surprising. But also within one case, reference can be made to a mixture of different norms. This is illustrated in a case I attended at the neighbourhood court of Tsuassicana. Virginia cultivated sorghum, manioc and pigeon peas in her field on a small scale. Repeatedly, goats which had managed to escape from a neighbouring pen ate or destroyed most of her crop. Virginia had become fed up with these ravages and went to the court to seek compensation from the goats' owner. The compensation she demanded was huge: 2,000 Mtn plus five bags of corn.[17] The request was disproportionate to the damage that was done, but Virginia did not show any willingness to negotiate and change her request. One of the judges then argued:

> We should reach consensus here. This is not the way things should be done. You have to forgive them and lower the amount a bit otherwise we will think that you have another spiritual way of solving this problem.

With the reference to a 'spiritual way of solving the problem', the judge was hinting at Virginia's possible use of spiritual, harmful forces to get her compensation. Still, she did not want to give in and continued to insist on the 2,000 Mtn plus five bags of corn. Noticing this, the judge apparently decided that he should use another argument to convince her and he said:

> You should forgive him and reduce the amount of money a bit. Think of how Joseph did to his brothers in the Bible.

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[16] See also Chapter 2 (on the history) and Chapter 8 (on the relation between government and the spirit mediums).

[17] 2,000 Mtn is about 50 Euro.

Apparently, the judge struck the right chord with this argument and Virginia, a Catholic woman, said she would 'forgive a bit' and lowered her compensation demand to 1,500 Mtn. When the goats' owner had agreed to the reduced compensation, a date was set at which the parties had to come back to the court and transfer the money. Although at the agreed date the owner had not yet managed to collect the requested money, he ultimately paid the sum some weeks later and both Virginia and the owner of the goat felt the case was satisfactorily settled.

The case clearly shows how the Community Court judges are able to invoke a wide repertoire of norms and rules and can shift from the one to the other. Since the judges do not have a clear connection to one or the other system of rules, they can shift without their credibility being doubted. Spiritual arguments and Christian consideration are given their due recognition. The judges do not refrain from bringing in moral messages. When one remembers that the people of Gorongosa continually shift their normative orientations (as I showed in Chapter 3), invoking a contradictory mix of orders, one could understand the court's admixture. As Santos pointed out, the community courts function as 'legal hybrids, that is, legal entities or phenomena that mix different and often contradictory legal orders or cultures, giving rise to new forms of legal meaning and action' (de Sousa Santos 2006: 46). Although the low level of state recognition is often pointed out by the judges as an impediment to their functioning, the state also provides them with a relatively high level of freedom in adjudicating, using arguments they feel are reasonable. This freedom allows them to choose from among many options, the most suitable path to follow in disputing processes. The path often chosen usually leads to an agreement that is acceptable for both parties. The already mentioned 'institutional limbo' (de Sousa Santos 2006), often considered a disadvantage for the community courts, under certain circumstances thus turns into an advantage as it provides the judges more freedom. The relative unpopularity of the community courts (in comparison to the police office, for instance) has thus not really to do with the institutional limbo in which they are. It has more to do with other factors that have been mentioned before but which I would like to point out again. Firstly, the courts do not function permanently but only once or twice a week. Therefore, the court system is less practical for people who are in search of an instant solution. Secondly, the conflicting parties are supposed to pay an amount of money to the court, which is not really high when compared to the solutions offered by many of the spirit mediums, but high enough when compared to the police station where nothing is being paid. Yet another factor might be hidden in the appointment procedure of the community courts officials. Most of the judges had been elected in the early years of independence, when having connections to the Frelimo party was a critical factor. These days, the
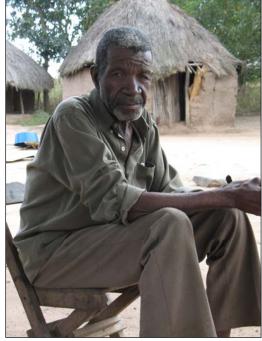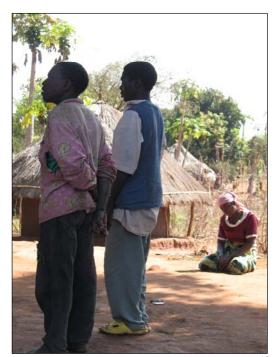
Figure 7.2   Régulo Tambarara

Figure 7.3 Hearing at a community court[18]

older people in Gorongosa especially complain that community judges do not have the right skills to solve conflicts adequately. Many of them prefer the leaders that are part of the traditional structure. One of the elders in Gorongosa complained that

> … these people (i.e. the judges) don't know how to solve conflicts. They didn't learn it when they grew up. Our traditional leaders, they have always been used to it. Since their childhood they had learnt how to do this; when their fathers solved conflicts, they were present and could see how things should be done. The community judges, they don't know this tradition of solving and they just solve *qualquer maneira* (i.e. in whatever way).[19]

These are serious drawbacks that impede the judges' functioning as mediators in disputes. In today's Gorongosa their function is rather limited.[20] Nevertheless, the hybrid institutions of community courts and neighbourhood secretaries are able to accommodate a wide range of arguments, as the cases discussed above show. In doing so, the judges are potentially able to satisfy many people who struggle with conflicts.

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[18] The people portrayed are not mentioned in the case study above.

[19] The expression *qualquer maneira* is often used in a rather pejorative way. Here it can be explained as 'lacking clear directions'.

[20] This does not mean however, that in other communities in Mozambique, the courts have similar limited influence. I am aware of studies that show the importance of community courts and do not want to contest them (e.g. Gomes *et al*. 2003). Yet, I am convinced that in Gorongosa Town the courts are of minor significance.

Régulos

Apart from the community courts, there is another non-state structure in place in Gorongosa district, varying in strength at various locations in the district. This is the traditional governing structure that nowadays consists of three layers. At the highest level is the *régulo* (Port.) or *nyakuaua* (Chi-Gorongosi).[21] This is the paramount chief who resides over an extended territory. The *régulo* who presides over the territory of Gorongosa town is named Tambarara. At the intermediate level below the *régulo* is the *chefe de população* or *sapanda*. The lowest level of the traditional authority structure is constituted by the *mfumus*. Although the various authorities are still predominantly considered as 'traditional structures', a lot of them have strong ties to the government.

The strength of the various traditional authorities varies widely in the district, as elsewhere in Mozambique, and probably in Africa. In general, traditional authorities tend to be stronger in the more remote areas where the state is less present. In the urbanised area of Gorongosa Town they did not play a major role. From the colonial time onwards the authorities who showed insufficient willing-ness to cooperate with the government were replaced by more cooperative offi-cials. In the early years of independence, Frelimo strongly rejected everything that had to do with 'tradition'. One of the ideas underlying the efforts to set up a system of popular justice (culminating in the secretaries and community courts described in the previous section) was to fully replace these authorities. In con-trast, the opposition movement Renamo enthusiastically embraced the traditional structures. Over the years however, Frelimo has been accepting a certain level of the traditional structures, probably prompted by the realisation that the *régulos* and their lower-ranking assistants were not disappearing. A decree issued in 2000 paved the way for the formal recognition of traditional authorities like the *ré-gulos* as a category of 'community authorities'. This step can be seen as part of the project of reconstruction of the nation state aimed at 'reclaiming the state's legitimacy and extending administrative control over the nation's rural areas' (Kyed & Buur 2006: 564). The authorities are supposed to act as intermediaries between the state and their subjects. Today, a lot of these structures can hardly be considered as traditional or non-state. They have become a sort of neo-traditional and semi-statal powers. As these structures have been 'reinvented' (West 1998) several times, they have become 'betwixt and between' (West & Kloeck-Jenson 1999) and, just like the community courts, they have become a sort of hybrid arrangement. Considering the state's recent formal recognition of hybrid courts,

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[21] *Régulo* is the generic Portuguese term that is used throughout the whole country of Mozambique. The local word *nyakuaua* is also used in Gorongosa, but seems to be a little less frequent today. In the following, I will use the term *régulo*. The territory of Gorongosa district is divided into seven *régulados*, all having their own *régulo*: Tambarara, Canda, Nhanguo, Sadjundjira, Sacudzo, Chicale, Jutchenge.

it seems likely that they will come even closer to the state in the future. Therefore I discuss them in this chapter next to the community courts as a sort of hybrid, having various sources of legitimacy and paying tribute to various sides.

Régulos *and the rain: The case of Sadjundjira*

Despite having come closer to the state authorities over the course of time, most *régulos* and their lower ranking adjutants have maintained strong connections with the world of ancestral spirits. There is an intricate relationship between the secular and spiritual power of the *régulos*. Combining secular and spiritual power is an important aspect of the leadership position of a *régulo*. One way in which this aspect becomes visible, is through the special relationship each *régulo* has with a special 'assistant'. The most important declared task of this assistant (*nyarumbe*) was to bury the *régulo* after his death.[22] This has been the position of the *nyarumbe* ever since the first *régulo* died and the intimate relationship between the two offices dates back to this period. Just like the position of *régulo*, the position of *nyarumbe* is nowadays obtained via inheritance. The relationship between *régulo* Sadjundjira and his *nyarumbe* seems to be an especially significant one. His *nyarumbe* is the powerful spirit medium Samatenge.[23] The provision of rain in the *régulado* of Sadjundjira (i.e. Vunduzi and surroundings) has traditionally always been a twin task of the *régulo* and Samatenge:

> They work together. The work is the same, but the *régulo* is superior to Samatenge. They cooperate like a couple; the *régulo* is like the man and Samatenge the woman. If Samatenge is going to hold the ceremony, he informs the *régulo* about that and then the *régulo* contributes as well. They can never work completely apart. Whatever Samatenge does, the *régulo* has to know about it as well, but they both hold the ceremonies at their own place.

> (Mario, chief of the population of Nhaurire)[24]

Yet, a *régulo*'s ties to the spiritual world are not only shaped by his cooperation with spirit mediums like the *nyarumbe* but are equally based on his personal and direct relationship with the spiritual world via the *mhondoro*.[25] This is the spirit of the founding chief that has to ensure the well-being of the clan members as long as the latter behave according to the socially prescribed norms. As descendant of the chiefly family, the *régulo* has lines of communication with the *mhondoro* that can help him in the secular affairs of ruling, but also in matters like rainmaking. These tasks are traditionally interrelated and achievements in both fields contribute to the *régulo*'s respect and legitimacy among his subjects. Also *régulo* Sadjundjira has always been charged with the provision of the rain

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[22] Both *régulo* Sadjundjira and *régulo* Tambarara told me this story in relation to their *mwarumbe* (plural).

[23] See Chapter 4 for more on Samatenge.

[24] Mario is subordinate to régulo Sadjundjira.

[25] For more on spiritual animals like the *mhondoro*, see Chapter 3.

and his capacities to do so within his *regulado* contributed to his respect and legitimacy. Being able to make rain was seen as a characteristic of a good *régulo* and showed the close connection between religious and secular leadership in this sense (cf. West 2005; Convery 2006).[26]

The imbrications of secular and spiritual power have always been an essential characteristic for most of the *régulos* in the area. It does not mean however that this interwovenness is taken for granted and inseparable. During my field research the combination of secular and divine power was in fact subject to a struggle between the two sons of the deceased *régulo*. The population commonly referred to this struggle as, the '*guerra de nyakwawa*': the war of the *régulo*. I first learnt about the problem when I heard many people in the area of Sadjundjira complaining about the drought, while in adjacent areas there did not seem to be such problems. At first, people did not want to explain much about the reason of the drought. The only thing they wanted to mention was that 'somebody was keeping the rain', i.e. preventing the rain from falling.[27] Although it is assumed that also sorcerers can prevent the rain to fall, the drought in this case was related to a power struggle. The following explanation on the cause of the drought by *chefe* Mario shows what was going on:

> It is a big problem, already since 2003 or 2004. There are a lot of conflicts caused by people that stop the rain. It gives ground to a lot of problems in the time of the rain. The greatest problem is a conflict between the two brothers *régulos*. When their father – the former *régulo* – died, the first son was chosen as the *régulo* of Sadjundjira. On a day he had a social problem (i.e. a conflict) with his father-in-law and later there was a meeting at the administrative post in Vunduzi. At that meeting, the population was asking for another *régulo*. Normally then, when a *régulo* is elected, he is elected only by the population. Here however, the youngest was chosen by the state structures (i.e. the government authorities); the *chefe de posto*, the judge Geroni,[28] and party representatives. The population did not really have a voice at that meeting, although they normally should have been consulted. The ones that chose did not care about experience and what tradition says about the young in relation to the old.
>
> The people saw that the sun was shining but without food coming off the land. So, then there was again a meeting with the *chefe de posto*, the population and the two brothers. At that meeting they forced the youngest to divide the work, telling him that they [the population] can not suffer because of the fight between two brothers. They proposed dividing the roles. They made the older brother responsible for the traditions and the younger for ruling over the population. It was a compromise that was suggested because the population already knew that the younger would never give up everything so they forced him to accept a shared

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[26] Note that in Chapter 4, I cited *régulo* Sadjunjira, explaining that for rain to fall clouds are needed and that logging causes drought, which is a problem. There is no contradiction in the rainmaking position of the *régulo* and his explanation on drought; for most people in Gorongosa it is clear that rain is partly a natural phenomenon and partly a spiritual one.

[27] People in Gorongosa say that if someone waves the tail of a hippopotamus at the sky when the clouds appear the rain will flee. Obviously the actual practice is more comprehensive than just waving the tail. The specificities are known by the insiders only.

[28] Geroni is the powerful president of the community court of Vunduzi. He is one of the key figures in the village and a good friend of Manuel, the youngest brother. A *chefe de posto* is responsible for an administrative post, the level ranking below the district level.

leadership. That same day, the eldest brother held ceremonies and immediately a lot of rain was falling.

    Until today they are dividing the tasks in the way suggested by the population, but both are not really satisfied and the conflict is still getting on. It is even getting worse. When they are drinking especially, they accuse and offend each other. The younger says that he had never heard before about a division of (the) powers between tradition and governing; therefore, he wants everything back.[29] The older also wants to keep his position. … Of course it has to do with sacred spirits, but the population should have a voice as well in this. The older brother knows the traditions better and is now preventing the rain to fall and making the community to suffer. Sometimes it starts raining, but then soon it stops.

<div align="right">(Mario, Chief of the population of Nhaurire)</div>

When I later talked to the two brothers individually, both Manuel and Perreira denied that they were having a conflict and emphasised everything was fine between them. Nevertheless, Manuel – the younger, charged with the governing tasks – admitted to me that there used to be a conflict because his brother wanted to have a position of authority as well and that they therefore had to divide the tasks between them. He argued:

For me, there is no conflict, but I don't know about the deepest feelings of my brother. First, I was charged with everything and that is when my brother was causing this conflict. The people saw that things did not work and suggested the division. They said that I am not able to do the ceremony in the right way, but God is God and there have always been periods of drought. … Last year, the other (his brother) did the ceremony but there was also a lack of rain and then people changed their minds again. They said my brother is not able to make the rain to fall and that he is a sorcerer and is keeping the rain because he wants total power, in both tradition and governing. I don't know anymore what the population wants.

<div align="right">(Manuel, régulo Sadjundjira)</div>

In the past, rain-making was an intricate part of *régulo* Sadjundjira's range of duties. His rain-making skills always contributed to the respect he gained among the population. Each year, the rain ceremony was to provide new evidence confirming the *régulo*'s capacity to control the spiritual world. When rain was 'kept' i.e. not falling on time, the *régulo* could easily become subject to criticism. In fact, the rainmaking ceremony is the annual event that can confirm the *régulo*'s capacity to effectively communicate with the spiritual world. A successful ceremony can also positively impact on the general leadership position. But in the case of Sadjundjira, where the tasks of governing and rainmaking have become detached, the power is no longer two-fold and positive achievements in one area do not automatically increase the general respect a leader receives.

The conflict between the two brothers however showed that there is a possibility to separate control over the spiritual and the mundane spheres. Many people and the older brother, Perreira himself portrayed him (self) as the '*régulo* of tradition', while Manuel, the younger brother, was portrayed as the one 'charged

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[29] Having the tasks divided is indeed uncommon as far as I know.

with governing'. The population accepts this separation but not unconditionally; the positions have to be re-confirmed over and over again. Wielding only partial power, the brothers, as individuals, show themselves as having only limited powers and that their positions are prone to erosion.

Régulos and conflicts

On matters of administering justice, the traditional authorities such as the *régulos* often employ methods similar to the Community Courts. Just like the Community Court judges, the *régulos* are free to decide themselves on which repertoire of norms to invoke. But whereas the community judges employ the whole range of religious arguments, varying from tradition to Christianity, *régulos*' and their adjutants' centre of attention is traditional beliefs and rules (*mitemu*). The general aim is the same: bringing the parties together and reconciling them. The *régulos* also transfer cases to spirit mediums when the need arises. In such cases however, people are more pointedly expected to return to the *régulos* afterwards for final action. There is an important difference in this cooperation compared to the community courts: *régulos* often have a more personalised relationship with spirit mediums and are acquainted with their practices. This allows them to transfer cases to a specific medium and have more control over the path people follow once they are sent off.

> People cannot decide for themselves on where to go, because then they will go to the medium of their own preference.[30] I decide with my judges to whom they should go. We often cooperate with a medium in Tazaronda,[31] named Said, but now Ametramo is approaching as well. In cases of witchcraft, we send people to Ametramo. After going there, the person comes back to me and the case is resolved here.
>
> (Manuel, *régulo* Sadjundjira)[32]

Just like *régulo* Sadjundjira, other *régulos* as well have a close relationship with the spirit mediums, often through the formalised structure of the associations of spirit mediums. In Canda, some of the Ametramo members are always on 'stand-by' at the seat of the association on the Saturdays when the *régulo* is attending people, just in case their expertise or services would be required (Schuetze 2010). Community Court leaders and traditional authorities make use of the services of the spirit mediums in similar ways when it comes to the resolution of conflicts in which spirits play a role. But since the cooperation between traditional authorities and spirit mediums is more personalised, *régulos* are able

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[30] It is generally hold that people should not go to a spirit medium in their vicinity. Instead you have to go to a medium that does not know anything about you before since this will ensure an independent truth.

[31] A neighbouring community.

[32] Sadly, *régulo* Manuel died in June 2009. Therefore the situation has changed. Yet when I refer to the present in this section, I refer to the time of my fieldwork: June 2007-September 2008. One of my informants told me that *régulo* Manuel Sadjundjira was succeeded by his brother.

to have control over the outcome of an intervention. The cooperation runs either directly or with Ametramo as in-between. In both cases, the authorities rely on the truth seeking capacities of the spirit mediums to come to a verdict themselves. After consultation, people are supposed to return to the authorities for a final verdict. Spirit mediums are the crucial key to understanding conflicts that contain a spiritual element or in which contested truths have to be revealed.

It should be noted here that although the *régulos* were gaining more recognition from the state, it was still important for them to maintain their intimate connection to the spiritual world. The close cooperation with the spirit mediums was part of this connection, but their personal ties with the ancestral spirits are crucial as well. Despite the separation of the visible and invisible powers in the rain case of the brothers Sadjundjira, a certain level of mutual dependency between the two realms nevertheless remained and is recognised by the population. A complete separation would not be accepted by the people. At the moment there was a clear conflict between the two brothers, the connection between the two realms was unstable and the population started to grumble. At the time of my research, rumour doing the rounds was about major dissatisfaction. Not all people were convinced that both *régulos* used their powers in appropriate ways. This doubt implicitly led people to accuse one of them of keeping the rain by using sorcery. This state of affairs underlines Geschiere's statement that 'one must inevitably take into account notions of the occult, of sorcery and witchcraft. Nearly everywhere in Africa, discourses on power continue to be marked by these notions' (Geschiere 1997: 7). Power always flows, and is supposed to flow, between the visible and the invisible world (cf. Schatzberg 2001; West 2005). This is not only the position taken by those holding the power, but just as well the expectation of the population, as the confusion about the division of powers shows. *Régulo* Manuel Sadjundjira argued that 'people from here now know that we divided the powers, but for people from outside it is difficult to understand and I always have to explain'. Connections between the different powers were clearly dynamic and subject to change. A close connection with the divine power however contributed to the legitimacy of the secular leader. Although there is a separation nowadays, the '*régulo* of tradition' always calls his brother – the '*régulo* of governing' – when performing the rain ceremony. The situation underlines the taken-for-grantedness of the intricate relationship between the visible and the invisible world. Under normal circumstances, people would expect the position to be fulfilled by just one person instead of two. Although such an intricate relationship between the visible and the invisible exists throughout society and its maintenance is of utmost importance to almost everybody, the ordinary people and authorities alike, the connection becomes most visible in the position of the *régulo*. Considering the usual strength of the connection, it is

therefore not surprising that after Manuel Sadjundjira's unexpected death, the position of *régulo* is again in the hands of just one person, namely the older brother.[33] The rain case of the *régulo* underlines that spiritual and secular worlds of power are closely linked in Gorongosa, as is the case elsewhere in Africa (cf. Niehaus 2001; Ellis & ter Haar 2004; West 2005). These powers are dependent on each other, but they are not completely inseparable.

Conclusion

In this chapter, I showed some characteristics of the functioning of the hybrid, semi-state and semi-traditional authorities in regard to disputing and showed the extent to which religion plays a role in these 'rooms'. Being less bound by the statutory framework of justice that is imposed by the state, these authorities are able to accommodate a wide range of arguments based on people's perceived needs. The examples presented in this chapter show that traditional beliefs especially find their way into the semi-state structure of the community court and in the traditional structures. Indeed, to extend Geschiere's statement 'one must inevitably take into account notions of the occult, of sorcery and witchcraft' (1997: 7) and notions of tradition and the spirits in more general terms also. Arguments referring to tradition or to the spirits are brought up by both conflicting parties *and* by the mediating judges. Christian norms are usually not invoked by conflicting parties but are, in fact, actively invoked by judges of the Community Courts who are most often Christian. Yet, despite the Christian background of many of them, the judges do not refrain from referring to traditional norms when it is their impression this can be of help to bring an end to a dispute.

Recalling now the role of religion within the state rooms of disputing (as presented in Chapter 6), it is possible to compare the state rooms of disputing with the hybrid rooms. In the former, tradition was important but mainly as a factor that was brought up by the disputing parties. State officials hardly took into consideration this argument and, as a result, tradition played only a minor role in the phase at which a decision was taken. Although Christianity was not openly referred to, it played a minor role in the background through the personal conviction of the state officers. Within the hybrid rooms of disputing tradition was brought up by both disputants and interveners. Christianity was actively brought up by the interveners. What accounts for this difference? The cases that are dealt with within the hybrid and state rooms are more or less comparable, so that is not where the reason for this difference should be sought for. An important fact that accounts for the difference is that within the hybrid, semi-formal rooms

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[33] From phone contact with former assistant, March 2010.

of disputing there is more freedom to accommodate a wider range of arguments. This results in tradition having a more prominent place at all stages of the disputing process. It can be added here that the more traditional an institution is by nature, the closer its connection to traditional religion and the more important it is to emphasise this connection. *Régulos* actively maintain their link to the spirits of tradition and make this connection visible to their subjects by performing certain ceremonies. Another important difference between the state rooms and the hybrid rooms is that in the latter there is a stronger emphasis on bringing together the disputing parties and reaching reconciliation. This is similar to the mediation by the spirit mediums and pastors as I describe in Chapter 5.

For traditional authorities like the *régulos*, tradition is not only a factor that can play a role in disputing processes in which they have to mediate, but it also plays a role in the respect they gain from their subjects. The connection with the spirit world for them functions as an asset, as long as this connection is well-established, the spirits can support the position of the traditional authorities and add to the legitimacy that is attributed to the authority by his citizens. Once the relation gets disrupted however, it can negatively affect the position of the *régulos*.

In the previous chapter, I showed that spirits were banned from the formal rooms of disputing at the decision-making stage, although they were present at the other stages. Contrastingly, this chapter shows that the spirits can be continuously present within the more informal rooms of disputing where more freedom is given to the authorities to apply the modes of disputing of their and of their subjects' preferences. In that sense, the general idea of the government behind setting up popular courts (the predecessor of the community courts) to bring justice closer to the people seems to make sense. Religion, which is important in the lives of many people in Gorongosa, is considered as a central issue throughout the various stages of the process, including the final decision-making stage and when steps have to be taken towards arriving at a decision. It is especially in the latter two stages of the dispute (see Chapter 1, cf. K. von Benda-Beckmann 1984) that the role of religion is much more prominently visible in the semi-formal rooms of disputing than in the formal ones which I described in Chapter 6. For both Community Courts and *régulos*, calling on a spirit medium to assist in the process of a final verdict or to execute a decision was standard practice. Cooperation between secular and religious authorities can be essential, either because it is the only way to solve conflicts, or because it is necessary for the leader himself to maintain or establish legitimacy.

Another remark that should be made here is that functioning of various institutions to a high degree depends on the personal positions of the individuals leading these institutions. If they feel a religious element has to be taken into

consideration, they are free to do so. It has been argued that 'informal justice can extend the ambit of state control' (Abel 1982: 270) and, in the Mozambican context, that 'the "community court" has become a sphere through which the state approaches the "customary" and, in articulating with it, enhances its own legitimacy' (Obarrio 2010: 168). I agree that the existence of an informal structure provides the state a way to approach tradition, as the state officials have the possibility to transfer cases to the community courts when there is a need to take into account spiritual arguments in the disputing process. Nevertheless, I feel the courts hardly contribute to enhancing the legitimacy of the Mozambican state, as Obarrio argues. People consider the courts' judges mainly for their individual skills; most of them only decide to go to community courts because they personally know (one of) the presiding judges and trust his/her capacities to intervene in the dispute they are struggling with. The population does not see Community Courts and the *régulos* as obviously associated with the state. The fact that the connection to the state is very loose for both community courts and traditional authorities is exactly what allows these authorities to accommodate a place for the role of religion in disputing processes. If the state increased its control even more, the hybrid authorities might become more limited in accommodating religious arguments.

Justice 'with one's own hands' and how to respond

In search of justice and social control

The Maputo chapa[1] strike: Setting off a wave of collective violence

> Vehicle owners, car drivers, ticket collectors, children of the poor, people at the low levels of society and symphatisers of the *chapa* mini-buses, we are suffering. Children of the ministers, deputies and other high functionaries don't take *chapas*, but they go round in four-wheel drives which their parents have stolen from the taxes we pay. Yet it is our [school] children that miss classes. The *chapa*-rider is more and more trampled upon and discredited. On the 8th (tomorrow), no car should circulate, nor any person.[2]

February 7, 2008 I was in one of the peri-urban neighbourhoods of Maputo, when I received the SMS cited above. The message came after some turbulent days in the country's capital. Two days before, violent riots had taken place, road blocks were set up; cars were pelted with stones or simply set ablaze; tyres were burnt to maintain roadblocks; and shops looted. At the end of the first day of the strike, there were some reported deaths and several hundreds of people were injured, many by stray police bullets.[3] In the following days, the city slowly returned to normal but still smoking tyres, burnt-down petrol tanks and cars, and big stones were scattered in the streets. The atmosphere still had the smell and

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[1]   *Chapa* is the colloquial term for the mini-buses that serve as public transport throughout the country. The buses, however, are privately owned, usually by members of the urban elite, who hire drivers. Especially in the urban centres *chapas* operate in a dense network and many people depend on their services.

[2]   Translations of Portuguese texts in this thesis are mine.

[3]   The exact number is difficult to estimate as various sources cite various numbers. The number of deaths ranges from one to six, the number of injured between hundred to over 250. See e.g. oficinadesociologia. blogspot.com, 05-02-2008; www.allafrica.com, globalvoicesonline.org.

feel of the riots about it. What was going on? Early in 2008, the Mozambican government had announced that, due to rising world oil prices, the fares for public transport would have to be raised by between 50 to 100 percent. This would put a heavy burden on the budgets of many people who depend on the *chapas* for daily commuting to work or school and back home. The prices were supposed to take effect on the 5th of February. Responding to the planned increase, violent crowds of mostly young people took to the streets of Maputo that day. *Chapa* drivers went on a universal strike. Although the intended price increase served as a direct trigger for the riots, the widely-circulated SMS indicated that there was more general dissatisfaction with the government. Indeed, in the days following the riots, I heard many people complaining in public about rising food prices, unemployment, increasing socio-economic disparity, and corruption.[4] 'The state' was seen as scapegoat and widely criticised by the public in the following days. Before the *chapa* drivers' strike, it was much less common to hear such openly pronounced criticisms about the Mozambican state. In Maputo especially, criticism used to be rare as it had always been a firm stronghold of the ruling Frelimo party. The riots had the intended effect: some days later, the Minister responsible for trade and petroleum announced that the proposed increase was annulled and that instead, *chapa*-owners would receive a subsidy to compensate for the rising fuel prices. The riots had served as a wake-up call for both the state and the general population. People argued that, due to the *chapa* riots, they came to realise that they could 'take justice in their own hands' and curb the course of events. The state officials came to realise that they had to listen to the collective voice of the population.

For many Mozambicans, within and outside the country's capital, the Maputo riots served as a beacon for what could be achieved when a determined population is impelled by socio-economic stress to take the law into their own hands. The riots had a wider impact. In the following weeks a number of other incidents of collective violence took place in the country. Although these incidents had different causes, they were often analysed by the population and in public media as connected to the riots in Maputo. It was widely argued that the riots in Maputo had served as a catalyst, sparking off other acts of what people called 'private justice' or 'law into one's own hands, including macabre acts of lynching. These acts were usually carried out by groups of people who felt dissatisfied with the state's general performance and that of its functionaries like the police officers and court officials. In this chapter, I will present and analyse several, sometimes extremely violent, incidents that took place in the aftermath of the Maputo riots.

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[4] Normally, prices of many goods rise during December festivities and subsequently decrease in January. In 2008 however, people complained that the prices of many goods remained high even after the festive period. This was especially the case with rice and bread, which are staples for many of the urban citizens.

After presenting a number of these outbreaks of violence that took place countrywide, I will zoom in on how they were viewed and responded to in Gorongosa, and discuss the response of the district administration to these non-state forms of justice. Not well-equipped to control such situations, the state, although often reluctantly, seeks cooperation with other sources of normative orientations. Religious leaders are, to a certain degree, able to provide such orientations to their adherents, and sometimes even beyond their own group. In this chapter, I will show that religious leaders and the government to some extent strive for similar aims and depend on each other to achieve these aims: of maintaining, constructing or restoring social order in society. Yet, there is a lot of ambivalence in the relationship between the state and religious leaders in this regard. This chapter is thus less about specific conflict cases but more about the responses by state and religious leaders to disruptions of social order and the partnerships that are sought to tackle the phenomenon of 'taking the law into one's own hands', *acting* instead of *being acted for* or *acted upon*. Within their own group, religious leaders are more trusted than state authorities. Yet, religious leaders lack coercive power and therefore are not able to enforce their rules, ideas, or decisions. Government authorities might be less trusted but they are, to a higher extent, able to enforce certain decisions as they are supposed to dispose over 'the monopoly of the legitimate use of physical force within a given territory' (Weber 1984: 33). As the cases in the following show however, this monopoly is mainly a theoretical achievement (cf. Black 1983: 39).

'Justice with their own hands': Lynching thieves and witches

A few weeks after the Maputo riots, I travelled from Gorongosa to the city of Chimoio in a *chapa*. On our way to the city, drivers of oncoming cars were increasingly sending mainly incomprehensible signals to our driver. It soon became clear to the passengers that the signs meant that there were rumours of 'a strike' in Chimoio.[5] When the rumours continued to increase, the driver told all passengers on board of our vehicle to get out at a certain point in Chimoio's suburbs because he did not want 'his car to suffer the same fate as the Maputo *chapas*'. As I was trying to find out what was going on, I continuously heard people referring to the 'strike' in Maputo and the population's discontent about government. Knowing that the price increase order had been annulled, I wondered what really was going on. Soon however, the rumours were no longer about a 'strike' but about a *linchamento*; a 'lynching'. It appeared that the police captured a group of suspected criminals the day before. Members of the gang had been accused of carrying out armed robbery in one of the popular neighbourhoods in Chimoio. Allegedly, the suspects had been using spiritual forces to

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[5] The word *greve*, i.e. strike, was often used to refer to the riots in Maputo.

make them go undetected when entering the houses of their victims. Despite the apprehension of the thieves and the anticipation of the law taking its course, the ordinary people were not satisfied. People assumed that the thieves would probably be released soon without serious punishment, a pattern they had observed before with other criminals. The next morning therefore, a crowd gathered at the police premises and resolved to take over the police station, free the suspects and impose justice on them 'with their own hands'. The police officers could not give in to the demand. What followed was the crowd breaking into the police station, grabbing the suspected thieves from their cells and lynching them. In the turmoil, a police officer got killed as well. In the following period, similar acts of collective violence swept through the country. At the end of 2008, the number of incidents reached 68; 54 people had died and 26 got injured (allafrica.com, 22-04-2009). The year 2009 did not bring any improvement; the number of people being lynched rose to 78, of which 33 cases were reported in Sofala Province, the province in which Gorongosa is located (allafrica.com, 05-05-2010).

   People that become victim of lynching fall in two main categories. First, there is the category of suspected criminals: people accused of theft or sexual violence, for example. These incidents take mainly place in the peri-urban areas, where crime is rife and people live in almost permanent danger of being violently robbed at night. A cry of 'thief' often suffices to trigger violent collective action of neighbours who feel strengthened by their number to take justice in their own hands. The second category is constituted by people accused of witchcraft. This happens predominantly in the rural areas. Victims are often older people, predominantly female, who are suspected of using harmful spiritual powers to prolong their lives. These elders are especially vulnerable targets because they might lack the socio-economic resources to counter the claims (cf. Serra 2009). A tragic example that was extensively discussed in the national newspapers took place in March 2009 in Matola, an urban area part of the Maputo conglomerate.[6] The journal *Notícias* (10-03-2009), reported that five sisters, aged between 21 and 33, were questioning the unusual high number of deaths in their family. Amongst others their parents and two brothers had died under, to them, unclear circumstances. They came to suspect two old uncles, aged 75 and 80, of using witchcraft to prolong their own lives at the expense of the deceased family members. The uncles lived in the same house where they practised as spirit mediums. The sisters went together to the house of their uncles and brutally killed them with machetes. The article furthermore noted that there were already problems in

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[6]   Note that probably the largest number of witchcraft lynchings takes place in more remote rural areas (Serra 2009). These incidents however do not always reach the national media. The case in Matola obtained much media attention as it took place in one of the urbanised, modern areas of the country, where people felt such things usually did not happen.

the family for some time, which had taken them to the local police office and the court, but without resolution.

'The police were on lunch break': Private justice in Gorongosa
Dissatisfaction about the functioning of the government is not restricted to the main urban centres of the country. Also in Gorongosa such dissatisfaction is rife. Thus far, there have not been any major outbreaks of collective violence in Gorongosa which led to loss of lives. Nevertheless, there have been a number of cases in which severe violence was used by a group of people against an individual in what was described as an act of 'justice with one's own hands'. Such violence is often also a response to correct misbehaviour that is considered as not being adequately dealt with by the state officials. This is well-illustrated in the following case at the District Court. A middle-aged man, Celestino, was taken to court for severely abusing a man he had suspected of stealing goods from his house. When Celestino was asked about his motivation to punish the thief himself, assisted by some neighbours, he simply shrugged his shoulders and said: 'I called the police, but they said they were having lunch and that I'd have to wait. So we decided to start interrogating the thieves ourselves'. The trial against Celestino had been preceded on the same day by the trial against the accused thief. Therefore, I had already learnt that the suspect was accused of having stolen three plates and a pan, which did not seem to be an immense offence.[7] But the relatively minor offence was given weight by previous complaints from other people in the neighbourhood about various thefts of their property. This accused thief, it seemed, became the face of those accumulated unresolved thefts. He was possibly that faceless thief that had been caught not by the state but by them, the people, and so they would be agents of their own justice dispensing. Added to this, the suspect already had a reputation of being a thief; he had often been caught, sent to prison but soon after released. Emboldened, the thief returned to stealing. When Celestino's household servant 'caught' the man, a crowd soon gathered to help him with the 'justice dispensing'. They tied the suspected thief's hands and feet with bicycle tubes. Besides, his hands were pierced with a fork, which, according to the court's testimonies, led to permanent damage and numbness. Celestino felt he had not acted in a wrong manner and argued that he had even prevented the crowd from beating the man, ordering them to wait for the police. During the court process, the public prosecutor pleaded for a strict punishment for Celestino:

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[7] The two cases were scheduled on the same day. In the first case the thief was seated at the small wooden bench meant for the defendants, whereas Celestino sat on the wooden chair of the plaintiff. At the start of the second process both seats and roles were swapped: the thief became the plaintiff and Celestino became the defendant. The chair on which the plaintiff is supposed to sit is considered to be a bit more comfortable than the bench of the defendant.

> … taking into account other cases of 'private justice' that are occurring in the whole country, especially in Beira and Chimoio where people even burnt suspects. This cannot be accepted because it is a violation of the physical integrity of others.

The thief, who confessed guilt, got condemned to two months of imprisonment. Celestino and his household servant were both condemned to three months of imprisonment.

Collective violence and private justice

Whereas the *chapa* riots and the lynching or torturing of suspected criminals or witches at first sight might not seem to have much in common, they all indicate the population's distrust about the functioning of government in relation to the social order in society. That people felt there was a relation between the Maputo riots and the lynching in Chimoio is shown by the terminology people used: even when the 'strike' in Chimoio turned out to be a 'lynching', many people continued to recall it as a strike. Besides, people often explicitly stated that it was the Maputo riots that 'woke people up' also elsewhere in the country and led to the more conscious and open questioning of the functioning of the state. Many Mozambicans experience an increasing socio-economic gap between rich and poor, in spite of hopes of a better future after the end of the civil war (cf. Hanlon & Smart 2008). The state is often held responsible for this. Tied to the increasingly marginal position of many, is the feeling that both criminality and witchcraft are on the rise, as these are desperately sought alternative means of enrichment. Altogether, people feel more and more insecure in their daily lives.

Cases of lynching of thieves and witches can usually be explained in two ways. Firstly, there is the felt need to punish the suspects and to seek vengeance. Secondly, people might fear to become the next victim of the suspect's actions and therefore, as a preventive measure, decide to kill a person before more harm can be done. Underlying these reasons is on the one hand the feeling that the state will not be able to protect its citizens and prevent harm from being done. On the other hand, there is the feeling that the state will not provide the kind of justice people are looking for. Therefore, they deem it more appropriate to take the law in their own hands. For these people, self-help seems to be a better and more efficient way to correct a conflict situation and inflict punishment. Violence then can be seen as a form of social control to correct deviant behaviour for which state agencies provide no solace (cf. Black 1983; de la Roche 1996). By correcting the deviant behaviour of a suspected witch or thief however, the correctors commit a crime as well, as they lack the legal justification to impose such violence. This crime, as argued by Black is 'moralistic and involves the pursuit of justice' (Black 1983: 34).

People pursue justice themselves, because they feel the state does not. After people in a peri-urban neighbourhood of Beira had lynched a thief, somebody told me:

> This morning, the police came to pick up the corpse. They are now investigating the case further and trying to find out who killed the man, but the people are united and they won't say anything. … It's not good that the people killed the man, but in a way it is understandable because they were fed up with the situation and afraid and the police did not do anything. People think the police cooperate with the thieves as well and that they (the police) get their share (of the loot). At least the thieves will stay away there for some time out of fear. But in fact, the people should have gone to the government.

There is thus a strong connection between collective violence and the extent to which legitimacy and trust are attributed to the state. The acts of 'justice with one's own hands' indicates people's dissatisfaction with the order imposed by the state. By taking the law into their own hands, the population questions the state's order (de Souza Martins 1995; K. von Benda-Beckmann and Pirie 2007; Serra 2008). The violent acts of lynchings can be seen as 'a necessary contribution to the rearrangement of order' (Turner 2007: 90). In the context of lynching in Brazil, it has been argued that it is not only about questioning disorder, but also about questioning power and the institutions that, based on impersonal laws, should ensure the maintenance of values and codes (De Souza Martins 1995: 299). The words of the Mozambican citizen mentioned above indicate that there is another complication for the state. This is that the violence is often carried out by large groups of relatively anonymous people. Police officers investigating such violence often encounter a public that is resolved to be collective uncooperative with it. This means that it is almost impossible to find individuals that can be arrested as guilty to the violence. At the same time everybody is guilty and nobody is accountable.

Responses of the state

What does the Mozambican state, at various levels, do to deal with the 'problem of order' (cf. Parsons 1949; Wrong 1994)? At the moment citizens take the law into their own hands, the state's order is clearly questioned and the restraining control gets lost. There is thus no properly-functioning sovereign authority that restricts liberty and provides citizens with a sense of security. In Chapter 5, I showed that the order constructed by the religious leaders – the pastors and the spirit mediums – is much less challenged and that these leaders are highly trusted. One of the strategies that the state uses to challenge the 'problem of order' is to find more active partnerships with these religious leaders. In the following, I will look into these partnerships that the state seeks. First however, I will briefly discuss the background of the relationship between state and religion. In Chapter 2, I have described part of this background already in a historical context. I will

recapitulate some key features, and then take a more detailed look at the present relationships that exist in the field of justice.

State and religion

Frelimo, at independence, advocated a socialist government. This meant that both churches and traditional authorities, including spirit mediums were suppressed. If we look at the situation today, we can see that the gradual opening-up of the ruling Frelimo party still continues. Despite the state being officially secular, it has taken steps that show the recognition of the importance of religious leaders, not only within the religious realm but also within the public, secular realms. A good indication of this can be found in the members Frelimo recently appointed to the Council of State. Among the five members named by Frelimo, were 1) a retired Catholic Archbishop,[8] 2) an Anglican Bishop and former President of the Mozambique Christian Council,[9] and 3) one of the prominent figures of the Islamic Congress of Mozambique (Hanlon 2010).[10] Considering the strong anti-religious stance of Frelimo in the early years after Independence, appointing three (out of five) religious leaders as members of the Council of State can be seen as indication of the gradual change of position that has taken place on the government level towards religion.

Like other African states, the Mozambican state is struggling to find appropriate ways to deal with spirits. One step was the formal recognition of the traditional healers association Ametramo in the early '90s, when the field of medicine was liberalised. Although this paved the way for the state officials to call upon the advice of spirit mediums, the recognition, in practice, mainly means recognition of the medical capacities of the spirit medium and not so much of the capacities of the mediums to regulate social order, administer justice, or curb acts of private justice carried out by the population. Despite the reluctance of state officials to take up spiritual arguments and to involve spirit mediums in cases, on a personal level, many of the officials might value spirit mediums as well. It was not exceptional to encounter state officials as well at the yard of spirit mediums awaiting attendance. As Ellis & ter Haar (2004) argue, many of the political elites in Africa have intensive personal contacts with spirit mediums. Yet, as I showed in Chapter 3, the dominant discourse is to define oneself as Christian, which leaves little room for tradition, at least not formally. Church leaders therefore, seem to be more obvious cooperation partners than spirit mediums.

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[8] Cardinal Alexandre dos Santos
[9] Rev. Dom Dinis Sengulane
[10] Sheik Abdurrazaque Ali Salimo

State and spirit mediums in Gorongosa

In Chapter 6, I explained that police officers and district court officials in Gorongosa have difficulties in dealing with spiritual matters. But they were reluctant to cooperate with spirit mediums, in a bid to give pre-eminence to the state's laws. During my fieldwork there was hardly any cooperation between the spirit mediums and the police or the District Court. Nevertheless, many of the spirit mediums I met claimed that the police over the years would send people to the spirit mediums in cases of conflicts that involved spiritual elements. That this was not the case during the time of my fieldwork might have to do with the recent appointment of a new police commander. He was member of the Baptist Church and he professed that he abhorred traditional practices. It should be noted here however, that state officials like the police and the court officials in a more indirect way do make use of the spirit mediums. Cases of conflict are sometimes transferred from the state structures to the community courts or the traditional authorities. In doing so, state officials may indirectly involve spirit mediums in the disputing process. Whereas this might seem to be only a very minor step towards rapprochement, it is nevertheless an important step in a country where spirit mediums have been greatly oppressed for many years.

State and christianity in Gorongosa

Some weeks after the lynching outbreak in Chimoio, the district's administrator of Gorongosa called a meeting with the pastors of the *Encontro Fraternal* (Fraternal Meeting). The pastors that were members of the *Encontro* regularly meet with the local government officials to discuss very important issues and otherwise intractable problems. In Vunduzi, the intention of the *chefe de posto* was to meet once every two months, but when I attended an *Encontro* in November 2007, I found out that the minutes of the previous meeting that were outstanding were from July 2007. In Gorongosa Town the meetings seemed to have a more *ad hoc* format and were called together when the administrator felt the need had arisen to do so.[11] By means of an *Encontro*, the administration can reach a large portion of the church leaders of the district. Although a meeting was announced at rather short notice and without information given on the subject prior to the meeting, twenty-seven pastors turned up and waited for more than two hours for the belated administrator. The meeting took place at the church of the president of the *Encontro*, a well-respected pastor who lived in the centre of town, almost opposite the district administration. After a prayer of grace, all people present introduced themselves briefly. Despite the state being professedly secular, its representative, the Administrator, introduced himself as a member of

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[11] Some pastors however told me that they could propose such a meeting as well. But during my fieldwork this did not happen.

the Free Methodist Church. It soon became clear that the *chapa* riots and the lynching in Chimoio were the reasons the Administrator had summoned the meeting. The Administrator's subsequent address was wide-ranging. He emphasised his government's respect of the churches, the clergy and their role in the society:

> I have come to talk with the leaders of the churches so that my message can reach many tables …. The church has friendship with government. The church helps government. As the fruit of independence, the State is now open. We have to be united and fight common problems as one. Today we are here to address some difficulties. There are some problems in our country. There have been illegal demonstrations in Maputo, Inhambane, Gaza, and many times in Chimoio. What will be the next step? We don't know. In Beira, Chimoio … We are concerned. Therefore, we are here to ask the leaders of the respective churches to spread a message of peace. The Administrator (he was speaking reflexively) cannot solve this on his own, we have to sit down and solve together. Our society should not use any violence. Our style is to sit down and to talk, just like we did in Rome (during the peace negotiations); we have acquired peace and we are now living in harmony. There is understanding among Mozambicans. If there are any problems, we have to sit down again. The problem in Maputo was the rising price of fuel but it was not government that was augmenting the price. Imagine for instance if there is a lack of tomatoes and many people are in need of tomatoes, then prices of tomatoes will rise as well and that is what happened in reality with the fuel.
>
> The state is the instrument – that is how we call this – an instrument to maintain order. This is carried out by the police. In case of 'confusion',[12] there is nobody who cannot go to the police to talk.
>
> I don't want these things to happen in our district and therefore I am asking for your help as religious leaders, to talk to the people so that these things will not happen here. It is necessary to inform our believers that they should not act like they have been doing. Instead they should talk to the Administrator. The religious leaders are the best people to tell the population that they should not lapse into disorder. Therefore, I am asking you to reserve two minutes during your church service for announcing this message (28-03-2008).

After his address, the Administrator raised some quick questions about development projects in the district. He thanked the pastors for having been together in 'the house of God', accepted the food items offered to him as a show of respect, and left. The government official responsible for religious affairs remained to take other questions from the pastors.

As is clear from his words, the Administrator attributed an important role to the pastors in promoting order in society. He emphasised that the pastors and the government had to work together to provide guidelines to the population on how to behave. Nevertheless, although the administrator gave the impression that the pastors were an important partner of the state, the exchange of ideas to me seemed rather one-directional. When the Administrator finally turned up he rushed on to his address and soon left, saying that he was extremely busy. He did not make the time to accommodate the pastors' concern or to facilitate a thorough discussion of the state's new proposal.

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[12] As I noted earlier, the word *confusão* is widely used in Mozambique to indicate any kind of conflicts, ranging from very small ones to war.

The meeting in town was quite different from a meeting I had attended in the village of Vunduzi some months earlier. Let me therefore present this meeting here as well. During the meeting in Vunduzi, called together by the *chefe de posto*,[13] there was ample room for the pastors to raise issues that were of concern to them to exchange ideas. It was much more reciprocal. The meeting was not related to the acts of private justice, but is nevertheless interesting to discuss here, as it reveals more about the church as a cooperative partner of the state.

Just like the meeting in Gorongosa Town, the meeting in Vunduzi started with a collective prayer. Instead of proceeding to his address, like the Administrator, the *chefe* asked the opinion of the pastors on a number of issues:

> Have you, as leaders, noticed any irregularities in the population census thus far? We, as government leaders have a deep respect for you as religious leaders. We have our own opinion, but it is important for us to also ask the opinion of the church.

The pastors were subsequently given ample time and latitude to react and express their opinions. When the pastors suggested that the census period be prolonged, the chief promised to do it. The *chefe* then went on with a further explanation:

> We, as leaders, are responsible for advising the population, for the civil education. In our house, also religious leaders are responsible. I have talked about the tax-collectors.[14] The flag of the state covers everything and is not related to a party. So if you have a complaint about this, you can come and announce it here to the administration. (…)
>
> Another hot topic is about changes in people's moral conduct. This has to do with the comportment of society. I have been here now for one year and I have heard already of six people who died because of alcohol. Alcohol causes a lot of problems. What are your perspectives? There is a government study on alcohol in Gorongosa district that shows that people have the feeling to be liberated now, free from war, and that therefore they are also free to drink. But sometimes, if I talk about these problems with people, a drunkard tells me, 'No, *chefe,* I no longer drink alcohol because I am now in church'. To me, this shows that the church has a role in this, a responsibility to society and that the church is very important.

The response of one of the pastors clearly showed he felt free to express negative feelings about government officials and the meeting proved to be a forum for the frank exchange of ideas:

> We are free to talk here, because this concerns us. In the (colonial) past, the government used to cooperate with the church and today they do so again. That is a big change. It would be best if the *chefe* speaks and then subsequently takes appropriate action (i.e. does not make empty promises). Everything that you have said is clear. We all have to help. I have already spoken with the *chefe* about the bicycles,[15] for instance, and the drunkards working as

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[13] The *chefe de posto* is the government authority below the district level, usually responsible for a number of villages.

[14] This was an issue discussed at the preceding meeting.

[15] In Gorongosa District, bicycle owners are obliged to register their bikes at the government administration. They require a riding licence and an annual tax. In total, the requisite documents cost almost 3 Euro, which is a considerable amount for people in the rural areas. If one is accosted by the tax collectors and cannot provide the required documents, one's bike is confiscated and only returned after

government officials, especially the teachers. In my zone this is not a problem, because there are many religious people. In church, such things are normally not tolerated. Maybe in the centre of the village this is worse. … If somebody drinks, he has to be told to stop. Many of the government officials are themselves drunkards and they should not be the bosses, but people are often afraid to tell them so because they are the bosses. Working with a bottle of liquor does not make sense. That place where cases are judged (referring to the Community Court), there is always liquor on the table of the one who is judging and then subsequently he asks for more. They don't adjudicate; they just want alcohol. … The role of the church is strong in regard to drunkards. One of my believers used to sleep outside the house, but now he is in church and a lot of things have changed in his life.

Towards the end of the meeting the *chefe* again emphasised the importance of cooperation:

Churches contribute a lot to society and therefore we will continue to consider them.

During the meeting in Gorongosa town, the pastors were mainly receivers of a message. For the Administrator, they served as a means to reach large part of the population, as he urged them to take up his message of peace during the Sunday worship services. Although he recognised the role of church leaders in influencing the behaviour of their believers, he nevertheless approached them in a rather top-down manner: just telling them what they had to do but not reserving much time for their input. During the meeting in Vunduzi, the input of the pastors was taken more seriously; the government official approached the pastors as partners on a more equal basis and took into consideration their opinion as well.

The meetings in Gorongosa Town and in Vunduzi reveal that there is not a clear format to which local state officials comply when approaching church leaders. A lot depends on their personal position vis-à-vis the churches.

Responses of the religious leaders

Having shown that government officials seek cooperation mainly with church leaders but much less with spirit mediums to contain outbreaks of collective violence, let us here look into the responses initiated by the religious leaders themselves. Do religious leaders feel they should take up the task of playing a role in the containment of practices of private justice and collective violence that are increasingly sweeping through the country?

Spirit mediums' responses
Spirit mediums are largely ignored by local level state officials when it comes to the containment of outbreaks of violence. The Administrator called a meeting with the pastors to talk about the acts of justice carried out by citizens with their

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the necessary payment has been made. In the previous meeting, the pastors had suggested that these requirements should not be placed on old bicycles.

own hands. Later, he also called a meeting of the traditional authorities, but significantly, he did not summon a meeting of spirit mediums. The functioning of the spirit mediums shows that several of them are willing to take a role in the containment of witchcraft. Effective containment of witchcraft can correspondingly lead to a reduction of accusations of witchcraft. Such accusations potentially result in acts of collective violence directed against suspects. In tackling violence against suspected witches spirit mediums are capable of playing a role. The mediums themselves often consider it an important task to engage in conflicts that have a spiritual dimension, and, even more important, to fight witchcraft. Yet, as I showed in Chapter 6 state officials are reluctant to seek cooperation with the spirit mediums when they are dealing with disputes that have a spiritual dimension. They seem to be equally reluctant to seek cooperation in cases that are primarily about witchcraft.

  Some people in Gorongosa argued that the reported tremendous power of today's witches makes a lot of spirit mediums afraid – to the extent that they no longer dare to act against the witches in the way they did before. Silverio, the 'video' spirit medium presented in Chapter 5, was one of the mediums who continued to tackle witchcraft by detecting and announcing witches to the public. But Silverio himself told me that he believed that the witches in Gorongosa were becoming more numerous and dangerous. As a result, he further argued, many mediums refrained from pointing out culprits, fearing that they might be spiritually attacked by the witches. The presumed strength of the witches thus contributes to the erosion of mediums' witch-hunting capabilities and activities. Besides, treating suspected witches and paralysing their powers, requires skills and capabilities that not all spirit mediums possess. It is said however, that from time to time witch-finding movements settle down in an area for a couple of weeks but then generally 'flee' once the witches start organising themselves to counter the witch-finder's efforts.[16] People in Gorongosa still vividly recall how, a couple of years ago,[17] an itinerant spirit medium settled in town for some weeks at the yard of the president of one of the healers associations. People took others they accused of witchcraft to him. The accused person had to step on a kind of 'stairs' that collapsed under the weight of a guilty witch. This method, *tsika ntanda,* served as a public judgement and some years later still invoked awe and admiration among people in Gorongosa. It is argued that because of the mounting powers of today's witches, witch-finders cannot stay in the same area for a long time since they will be killed by witches who fear to be unmasked.

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[16] For a description of witch-finding movements in other parts of Africa, see e.g. Auslander 1993; Green 1997; Smith 2005.
[17] Allegedly in 2004.

Apart from fearing the power of witches, spirit mediums have limited room for manoeuvre within the statutory framework of justice. I have shown already in Chapter 5 that spirit mediums, when mediating in disputes, often feel the need to impose punishment and seek revenge for the injustice that has been done. Applying such measures however is not always accepted by state law. At a certain point, Silverio was even taken to the District Court where he was tried for having tortured a woman suspected of witchcraft. The woman kept on denying the accusation even though one of her accomplices had confessed going out with the woman together on nocturnal hunts and that they had indeed killed a child of the woman's brother. Convinced of her guilt, Silverio ordered his assistants – who he, importantly, called his 'community police' – to torture the woman. Due to the torture, the woman's arm became numb. She went to the district police to make a complaint. The case was transferred to the district court, where Silverio, to his discontent, was found guilty and sent to jail. He complained:

> It doesn't make sense … they leave the witchcraft out there and put me in jail, when I am doing work to clean the community of these things![18]

After a week, Silverio was released on bail. He felt great injustice had been done by condemning him, and not condemning the woman. Yet his accusations against the woman were based on spiritual rather than material evidence; therefore, the District Court did not find his charges admissible. Silverio felt things should have been the other way around as he was, in fact, helping the state to fight witchcraft.

The imprisonment of Silverio reveals a serious concern that is shared by many of the spirit mediums. As long as all parties involved in a dispute are willing to cooperate, spirit mediums are capable of presiding over the disputing stage after the truth is revealed when specific actions have to be taken to restore the disrupted relationship by punishment and retaliation.[19] Without going through this stage, it is impossible to reach reconciliation and the restoration of order, as I show in Chapter 5. Things got more complicated when Silverio revealed a truth that was not accepted by all the actors, especially when punishment was required to make the next step towards reconciliation. In some of these cases Silverio was willing to cooperate with other authorities and transfer the case to them. In other cases he was more reluctant to do so. Conflicts related to witchcraft or harmful spiritual forces are laden with spiritual evidence and therefore difficult to adjudicate within the legal-rational framework of justice that is applied by state actors. In such cases, Silverio often feels urged to appeal to his assistants to force people to turn up at his place to undergo compulsory treatment. State authorities do not always agree with Silverio's methods of punishments. Being a 'regular' citizen,

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[18] Jacobs & Schuetze, n.d.

[19] See for instance the case of Yacintha as described in Chapter 5.

Silverio is supposed to act within the limits of the law, but he feels it is a great injustice that the state does not allow him to punish accused witches and torture them. Silverio considers himself as a good citizen who is helping the state to fight witchcraft and restore order. He feels he should be allowed to act in cases in which he signals injustices. Not having the legal position to apply corporal punishment, or anti-witchcraft treatments, spirit mediums like Silverio run the risk of getting sentenced for unlawful behaviour while they are convinced that they are fighting the evils in society. The case shows that, based on different normative orientations, state, population, and spirit mediums come to different solutions to overcome the problem of order in society.

When sticking to the rules of the law, spirit mediums have only limited room for manoeuvre to punish people *they* found guilty of wrongful behaviour. In practice therefore, they depend on cooperation with those statutory institutions that have the legal means to use violence. Whereas Silverio has a rather negative opinion about the police, some other spirit mediums are less negative and actively seek cooperation when need arises. This usually means that they send people to the police office with a short letter which is a summary of what they found out. This letter is a plea for sentencing, for punishment, or imprisonment. Not having the legal means to impose these sorts of punishments, spirit mediums are forced to appeal to the statutory bearers of justice and depend on them in coming to a satisfactory sentence. Some spirit mediums told me that this was 'common practice'. The president of the other spirit mediums' association in Gorongosa, Mister Bola, for instance, argued:

> I have solved a lot of cases here already. If people in the end reject the solution, I send them to the police. Normally the police agree with me and send the people back to me again.

Nevertheless, during my observations at the police office, I never noticed people bringing a letter from one of the spirit mediums in Gorongosa. It seems to me that this 'common practice' might have got lost or was not as common as the mediums claim. The reasons might be the same as the reasons the police were not actively seeking the assistance of spirit mediums. This might partly have to do with the imprisonment of Silverio and it might partly be related to the personal opinion of the highest police commander who does not take a cooperative stance towards spirit mediums. In general however, it can be said that a lot depends on the personal position of the state officials and that relationships may greatly vary in time and space. Another factor that might contribute to the hesitations of the state officials to actively explore the possibilities for cooperation with spirit mediums to fight witches, is inherent in the position of the spirit mediums. People that are critical towards the work of the spirit mediums especially often emphasise that 'to be able to treat witchcraft, one has to know the secret of the witches'. There is an implicit accusation here that spirit mediums who engage in

fighting witchcraft are themselves witches. Spirit mediums are in general more prone to become suspected of witchcraft because they are known to have an intimate relationship with the relevant spirits. Such relationship can be used either for good or bad ends and the good can easily slide into bad, and vice versa. The already mentioned two elder brothers that were lynched in Matola were both working as spirit mediums. Their lynching shows how easily a position can turn from respected spirit medium to suspected witch.[20] Cooperating with spirit mediums, might therefore be seen by parts of the population as a dubious cooperation as it brings the state closer to those 'who know the secret of the witches' and who might themselves possibly use witchcraft. Feelings of ambivalence are hardly escapable in the relationship between the state officials and spirit mediums.

Church responses

The *Encontro Fraternal* showed that state officials actively engage church leaders to mobilise and sensitise the population. But do church leaders also actively engage in this themselves? Because the outbreaks of collective violence rapidly spread throughout the country, I will pay attention here to mechanisms that have the potential to surpass the local level. In Chapter 2, I referred to the 'Pastoral letters' written by the Catholic bishops of Mozambique to appeal for peace during the civil war. Bishops until today continue to regularly divulge such letters. Church leaders continue to feel a responsibility to engage in maintaining it and additionally ensuring order and stability in the country. Many of the pastors I spoke to expressed such feelings. The pastoral letters continued to function as an instrument for the bishops to influence public opinion, denounce social abuses in society, and advice people on how to behave. As such, the target group of the letters is dual: the population and government. The letters are generally read by the Catholic leaders during the services and therefore reach a wide public.[21] Besides being announced among Catholics, the letters' contents generally generate articles in major Mozambican newspapers, as a result reach a wider audience, including non-Catholics. Thus, the riots and lynchings of early 2008 spurred the bishops to write such a letter, titled, *Justice Yes, Violence No.*[22] The opening sentences clearly resonate a Christian motivation:

> Faced with this worrying situation, moved by the apostolic zeal that devours us and the love for our people, we feel ourselves obliged to express this view.

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[20] Clearly also, 'normal' people can be accused of witchcraft. But the chances of this seem lower, compared to those of mediums who are generally perceived as having spiritual powers which equip them to counter the witches.

[21] The language used by the Bishops is rather archaic. I noticed however that church leaders generally 'translate' the letters in more comprehensible Portuguese or translate them into the local languages.

[22] The letter was dated 20.02.2008 and signed by all the Catholic bishops of Mozambique, under the auspices of the *Conferência Episcopal de Moçambique* (CEM).

In what follows, the letter explicitly recognises the socio-economic situation in the country as the root of the violence and refers to the rising prices of basic consumer items and the increasing gap between rich and poor:

> The people are tired of watching the ostensive economic power of a mysteriously[23] super rich minority next to the loss of that power by the majority, deprived of the minimum that is required, leading a life that is infrahuman. If those who are in the position to do so, will not take policy measures to redress the economic situation of intolerance, we fear that the situation of violence in our country will become more widespread.

Other parts of the letter more explicitly address the government, on behalf of the population:

> The Mozambican people charged those on whom they have invested power, that is, the rulers to solve their problems. Therefore, it is the responsibility of the government to find solutions to the problems that afflict its citizens, guarantee them a good and harmonious life, without exclusion from any social stratum.
>
> The government has a political responsibility over the country, but, above all, a moral responsibility … The government should understand the suffering of its people. In our understanding, the violent incidents … reveal the saturation of a people devastated by a situation of penury, deprivation, and injustice. … We urge the government not to ignore this situation because it would be an even greater violence than the violence (committed) by the people. We call on all members of the government to take to heart the suffering of the people and to seek better ways to calm the people down always.

The letter not only addresses the Mozambican government, but also contains a clear call to the population not to resort to the use of violence:

> Without any doubt, the picture is not at all rosy, it justifies concern. Nevertheless, this situation does not authorise the use of violence by anybody or even attacks which can harm innocent people. We, bishops, do not approve this violent method. If demonstrations are fair and even covered by law, there are legal mechanisms for their use. We regret that these events are turning into violence causing deaths and injuries which increase the degree of suffering of the same people. We do not deny that the high level of suffering can excite the minds and even interfere with the normal functioning of reason, but even then, we cannot approve exaggeration and violence.
>
> We therefore call on the people to effect a peaceful and organised presentation of their concerns to the relevant authorities. Mozambique is a democratic and constitutional state and citizens have the prerogative to be able to demonstrate and demand their rights. But we do not agree that this exigency should result in destruction.

The police then are critically addressed as bearer of public order:

> … the Police, as the guarantor of public order, are called to intervene when this order is questioned. But we disagree with its use of force, sometimes excessively, to ensure order. The use of lead bullets to disperse demonstrators is incomprehensible and unacceptable because it endangers the lives of many people. … We therefore appeal to the police to always bear in mind that its mission is to guarantee order and preserve human life and not to intimidate citizens. The force which it uses should always be proportional to the potential danger.

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[23] From the context it is not clear what the bishops mean with 'mysteriously'. The explanation can be twofold; either hinting at the use of nefarious forces by the rich to become richer, or at the unjust enrichment via corruption and bribery.

By addressing both the population and the government, and more specifically the police, the bishops took a position that is above the various actors; they could not be said to be only on the side of the government, nor could they be blamed for uncritically taking the side of the population. Standing both between and above the state and the population, the bishops could direct criticisms at both parties. 'Moved by the apostolic zeal' that emboldens them, the bishops emphasise the normative orientations they find in their belief that makes them feel 'obliged to express this' and to instruct the Mozambican people, the government – in general terms – and the police on how to behave in the troubled situation. The letter clearly shows that church leaders felt the responsibility to play a role in society and provide moral guidance on how to behave.

Conclusion

In this chapter I presented the problem of order in the Mozambican society that found expression in outbreaks of collective violence in which people tried to take the law into their own hands. People use personalised routes to justice as they do not trust the state to be able to provide the justice they are looking for. The violence is usually meant to punish individuals who are supposed to have shown deviant behaviour. It is not an expression of disorder, but a questioning of the order that is provided by the state (cf. de Souza Martins 1995; Serra 2008, 2009). By taking the law into their own hands or by seeking the intervention of non-state actors, people show that their ideas about government and maintaining and restoring order do not coincide with the ideas the state imposes on the population, leaving the state without control over the situation.

State officials in Mozambique were greatly concerned about the outbreaks of self-help justice. Gorongosa District was not affected by any of the more tragic events leading to the death of suspects. Yet, the District Administrator called a meeting of the pastors in an attempt to curb the momentum-gaining phenomenon of justice carried out with people's own hands. The meeting with the pastors revealed the awareness of the District Administrator that church leaders are highly trusted by their congregants. His estimation was that the church leaders would be able to provide normative orientations to their congregants that could positively influence their behaviour. The District Administrator mainly relied on the pastors to change the behaviour of the people. At the same time, however, other local state officials, like the *chefe* in Vunduzi, organise similar meetings. But the *chefe* used these meetings not only to make use of the pastors as instruments that provided normative orientations for the population, but he also actively asked them for advice on the way his local state apparatus should function. Thus, the meeting encouraged the pastors to provide normative orientations for both the congregants and the state. The different approaches of the admini-

strator and the *chefe* show that there is no uniform line among state officials on how to cooperate with church leaders.

People have little belief in the state as the acts of individual and collective violence make clear. Church leaders and spirit mediums are better trusted by their in-group of adherents. Therefore, religious leaders might be better able to contain the acts of collective violence described in this chapter. But whereas state officials today are much closer to the church leaders than they were in the early years of independence, the cooperation with spirit mediums is still rather limited. The administrator called a meeting first with the church leaders, and then with the traditional authorities to air his concerns about the possibility that the collective violence would reach his district as well. He did not call a similar meeting with the spirit mediums. As I showed in Chapter 6, the cooperation between state officials and spirit mediums in cases that involve spiritually-oriented arguments is *ad hoc* and state officials often deny the role of the spirits. The case of Silverio who was imprisoned on the orders of the court for torturing a woman accused of witchcraft reveals some of the challenges which both the state and the spirit mediums face. The Mozambican state, as other African states, is clearly in search of finding the right balance in its relationship with the spirit mediums. This is a contentious issue. It is said that people who claim to be able to unmask witches and neutralise their powers have to know the secret of the witches – and thus could be witches as well. Cooperating with such individuals might therefore be a tricky issue for the state to handle. The formal recognition of the spirit mediums' associations in the early 1990s can be seen as a step towards rapprochement.

Looking at the position taken by the pastors and the spirit mediums themselves, it is clear that both groups feel a responsibility to provide normative orientations to people by telling them which behaviour is acceptable, and which is not. Spirit mediums feel this duty especially when it comes to witchcraft accusations. They are trusted by the population to be able to provide a truth and subsequent punishment that are acceptable. But this is not the only reason they can play a role in witchcraft conflicts. Spirit mediums are also supposed to be able to provide treatment that can neutralise witchcraft powers and thus make suspected individuals harmless. Many of the violent acts against suspected witches are rooted in a felt need for punishment, but also in the fear that one could become the next victim. Yet, the normative orientations on which spirit mediums base their practices do not always coincide with the orientations that are provided within a statutory framework of justice and this is where friction between state and spirit mediums arises, as we have seen in the case of Silverio.

The role of church leaders in the containment of forms of collective violence is slightly different from the role of the spirit mediums. Spirit mediums are able to play a role in the concrete category of witchcraft accusations but much less in

more general acts of collective violence. Church leaders play a more general role that aims at providing guidelines to people on how to behave properly and thus prevent conflicts and collective violence from taking place. Church leaders focus on maintaining social order by providing normative orientations to people. When the central position of religion in the lives of many citizens is taken into account, it is not surprising that religious leaders are seen as significant players in this order. Church leaders are willing to take up a role in keeping order in society and to sensitise both the state and its subjects on how to find normative orientations in religion. But can they also have an impact on the directed violence against suspected witches? As I discussed in Chapter 3, many people claim that Christianisation has greatly affected the way they thought about traditional beliefs. Moreover, many people claim to be less vulnerable to witchcraft because of their belief in a Christian God. Church leaders thus clearly have an impact on witchcraft practices and beliefs, as they are the ones that play a role in conveying the normative orientations of Christianity to their adherents. At the same time however, this role should not be overestimated: I made clear as well in Chapter 3 that many people keep their traditional beliefs (including witchcraft) along with their Christian beliefs, despite claims of church leaders that they are successful in fighting witchcraft.

Why do church leaders seem to be better able to provide normative orientations to people and why is it that government officials estimate church leaders higher? It is not because spirit mediums are less willing. It is my contention that the key lies in the fact that church leaders do have a 'church', a physical place where the community of believers meet.[24] Church services are events that enable pastors to convey normative messages to a public of adherents. For spirit mediums it is more difficult to get messages across to a large group as they do not have such public forums in which they can speak openly about their concerns. The only time they can convey normative messages to people is when people consult them because of their problems. In such instances however, people are mainly concerned to hear how their problem can be solved. Nevertheless, at such moments, when people are open for advice, it might be relatively easy to get a message across. For state authorities however, it is more convenient to mobilise church leaders to reach the population, 'the message will reach many tables' as the District Administrator pointed out. The letter written by the Catholic Bishops however clearly shows that the ideas of the church leaders in regard to the acts of private justice also do not fully coincide with the idea of justice that are proposed by the state; the letter also contains criticism of the state. The previous chapters have shown that the normative orders of tradition and Christianity do not always coincide with ideas about the desirable normative order as advocated by the

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[24] Cf. my discussion of Durkheim's definition of religion in Chapter 1.

Mozambican government. It is likely that plurality of religion contributes not only to a plurality in ideas about justice, but also in a plurality of practices of justice as religious leaders are able to direct the behaviour of their adherents. The outbreaks of 'justice with people's own hands' underline that the state is not always considered the optimal choice for people who are in search of justice.

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Conclusion: Plurality of religion, plurality of justice

For a long time, it was expected that religion was bound to disappear. But we have come to realise that this is far from being the case. In today's societies across the world, religion is no longer confined to religious sphere, but has entered 'the public arena of moral and political contestation' (Casanova 1994: 3).[1] In the global South especially religion is blossoming. But whereas scholars now widely agree that religion, as a normative order, is of importance in organising people's daily life, it is not very clear in what way religion actually works as a source of normative orientation. Apart from pointing to the religiously-motivated wars ravaging many parts of the world, we seem to have only a limited awareness and understanding of the way in which religion is mobilised in all kinds of conflicts that are not uniquely about religion. The main aim of this dissertation has been to come to a better understanding of the role of religion in processes of disputing. To what extent do religious norms, values, ideas, and leaders affect disputing processes? And if religion plays a role in disputing, in what stages of the process does this occur? Does religion play a role in the prevention of disputes? Let me, in the final chapter of this dissertation, wrap up some of the presented research findings from Gorongosa, Central Mozambique, and try to provide a broader outlook of this study.

'We don't have war on religions; there is easiness of dialogue'

Before looking at the role of religion in disputing, I will first of all say some words about religion in daily life in Gorongosa. In Chapter 3, I have shown that

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[1]   Cf. Hefner 1998; Berger 1999; Habermas 2006; Turner & Kirsch 2009.

there are two major categories of religious identification in Gorongosa: 'tradition' and 'Christianity'. The former category is locally not defined as 'religion'. I have argued that not defining tradition in terms of religion makes it more compatible with Christianity. To be able to cope with the plurality of religion in both society and on an individual level, people need such compatibility. Although many people define themselves as Christians, they in practice adhere to tradition as well. If we take as the true function of religion 'to make us act' (Durkheim 2008: 416), we can then comfortably state that many people are poly-religious. Both Christianity and tradition provide normative orientations to people, leading them to different modes of behaviour in their daily life interactions with one another and with the spiritual world.

Despite the existence of religious plurality in Mozambique, many Mozambicans argue that 'we don't have war on religions; there is easiness of dialogue with all'. This is a notable fact in a world in which many states are struggling to govern religiously divided citizens. Or am I naive in merely presenting religion as a positive force, rather than a divisive one – a cause of/for conflicts? Do I overlook the conflictual potential? Surely, there are frictions between different religious groups, but it is my impression that the actual grounds for these frictions are often not to be found in the religious, but rather in the socio-economic sphere. At the root of many witchcraft acts and accusations is f.e. socio-economic inequality or suspicions of illicit enrichment rather than a conflict that is based on religious convictions.

Does the Mozambican state contribute to the religious tolerance? According to the 2004 Constitution, the Mozambican state is secular and recognises the freedom of religion (see Art. 12 and Art. 54 of the 2004 Constitution). Most Mozambican citizens feel that the state usually puts this legal provision into practice as well (cf. International Religious Freedom Report 2009). The 'supply-side' (Finke & Iannaccone 1993) of the religious market is thus not hindered by the constitutional framework or interventions from the state. But the state is not the only actor determining religious tolerance in a country. We also have to look at the population. I believe that there are two major factors that inform Mozambicans' religious tolerance and acceptance of inherent diversity. First of all, there is no declared or observed religious majority in Mozambique and the religious landscape is highly fragmented. Therefore, no religion clearly dominates another religion. Even in regions in which one religious groups is relatively dominant, there is usually a lot of differentiation within this group; not just one Zion Church for instance, but various. This is visible also in Gorongosa, as I have shown. High levels of fragmentation impede strong domination. Secondly, as I showed in Chapter 3, the plurality of religion is not only ingrained in society, but also in individuals. This might increase understanding and tolerance towards other reli-

gious groups. Taking religion as 'the glue that holds society together', my findings from Gorongosa show that different glues can tolerate each other and stick together as well.

Despite processes of Christianisation in Gorongosa, tradition continues to play a significant role in daily life. Spirits are everywhere, and have the power to exert control and impose their rules. In Chapter 4, I have presented a conflict between the management of a National Park and the local population in the district. The conflict reveals the force of the spirits as the 'owners of the land'. By referring to the rules that the spirits imposed, people were able to defend effectively their rights over the land and allocate responsibility to the spirits. In complicated rules of access to the land, people shift blame to the spirits; therefore deemphasising human agency and culpability. The local villagers, as descendents of the spirits, are to some extent able to manipulate the rules, being confident that the spirits are on their side. Also here, religion is thus a defining factor throughout the disputing process, as the Park's eventual submission to the ritual prescriptions for access to certain areas illustrates.

'*Pano ndi mesmo para julgamento*'[2]

To come to a better understanding of the role of religion in the disputing process, it is of importance to look closer at this process. In this dissertation, I first of all looked at the religious leaders that mediate in disputes of their adherents. In Chapter 5, I compared the modes of disputing within the traditional and Christian realm. 'Here it's [the place] for judgement indeed', were words used by the spirit medium, Silverio, while he was attending some clients that did not take a co-operative stance at first. He tried to make clear that they would have to follow his guidelines to end their dispute as he was the right person to judge what had happened and what needed to be done. It reveals the clear conviction of Silverio that he had a crucial role to play in the disputing process, especially in the 'social cases'. Pastors also play a mediatory role in similar conflicts, when they concern their group of congregants. People who consult pastors often have the feeling that their conflict is kept 'within the house', which is a comfortable feeling for people when they have conflicts about private matters. Intervention of both pastors and spirit mediums is usually only appreciated by their own group of believers, which puts a limit on the number of conflicts in which these leaders can potentially play a role. Both categories of religious leaders aim at reconciliation when they intervene in disputes but they follow different paths to get there. I argued in Chapter 5 that a short schematic comparison between these two categories of religious leaders can look as follows:

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[2] 'Here, it's (the place) for judgement.

| Spirit mediums: | truth seeking | retaliation & punishment | reconciliation |
| Pastors: | prayer, reading Bible | forgiving | reconciliation |

Christians' reasoning is strongly rooted in reconciliation and generally does not emphasise retaliation or punishment. Spirit mediums and their adherents reason that spirit mediation is principally oriented either towards revenge for the plaintiff or giving an enraged spirit eternal rest. It is only after this revenge has been effected that the focus can be shifted towards reconciliation.

'*Utongi ndi pano*'[3]

The religious forums are not the only ones where judgement is made, nor are these the only places where religion features in disputes. One of the community judges argued that 'justice is [done] here', words that almost echo the words of Silverio mentioned before. In Chapter 6, I have discussed the functioning of the police station and the district court in disputing and the role of religion within these statutory forums. In Chapter 7, I discussed the hybrid forums of the Community Courts and the traditional authority structure. Case studies presented in these chapters show that the types of disputes brought up here do not differ much from the types of disputes that are presented to the religious leaders; they are mainly 'social cases', i.e. cases about adultery, marriage problems, conflicts between relatives, money problems, and drinking-bouts. Also in the non-religious forums, religion frequently surfaces in disputes that are originally not about religion. This can be firstly, because one of the disputing parties feels the need to bring religion in. Traditional religion especially is taken to the non-religious rooms of disputing by use of what I call 'spiritual arguments'. Such arguments, which allocate responsibility to the spirits, are invoked by people to explain disturbed relationships, justify behaviours or to defend or claim their rights. The use of spiritual arguments in disputes is sometimes based on clear conviction, but at other times such arguments are used as an easy excuse to conceal other intentions. Secondly, religion can be actively brought in by an intervening actor. Depending on the room for manoeuvre that is provided within each forum, this can be either tradition or Christianity.

In general, it can be said that the closer to the state a forum is, the less frequent religion is brought in throughout the disputing process. Within the formal structures of the police station and the District Court there is only limited room for religion and intervening actors themselves usually do not refer to it actively, as I have shown in Chapter 6. Disputants here actively bring in spiritual arguments especially in the first two stages of the process, i.e. when the claim is presented

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[3] 'Justice is (done) here.

and when evidence is provided and evaluated. Within the decision-making stage of a dispute, state officials are reluctant to take up spiritual arguments and only incidentally refer people to spirit mediums in order to find out the truth of the claims presented. In the background, and implicit, religion might play a more important role than is apparent. The words of the police commander – that Christians should know better how to behave and therefore need more severe punishment when they commit errors – illustrates this.

Looking at the hybrid rooms of disputing, which are further from the state, religion plays a more visible role throughout the whole process of disputing. In these rooms, religion is not only actively brought in by the disputing parties, but also by the intervening actors who try to stay close to the disputants' reasoning when they present their claims. In these forums, there still seems to be an intimate connection between moral and legal rules and religion. In some instances, punishment or compensation payments can be imposed but reconciliation is also an aim. In comparison to the religious forums, reconciliation is put less at the foreground. Hybrid authorities like the community judges and the *régulos* are usually aware of the background of a dispute and the complexity of social relationships between the disputants. They are therefore aware of the importance of reconciliation. Reconciliation, I argue, is thus not only based on the Christian or human rights discourse imposed by the global West as suggested by Wilson (2000), but rather seems to be rooted in local culture in Mozambique, and maybe even in more general to Africa (cf. van Binsbergen 1999). Spirit mediums, community courts and traditional authorities strive for reconciliation just as pastors do. Within the formal rooms of disputing of the state, focus is often placed on sanctioning rather than on reconciliation (cf. Trindade & Pedroso 2003: 294). The formal rooms of disputing can thus clearly be distinguished from other forums, which do have a focus on reconciliation.

Different modes of disputing

Comparing the modes of disputing that are applied within the various rooms, one can ask the question why there is an emphasis on reconciliation within the non-formal rooms of disputing like the religious and the hybrid rooms, whereas the formal authorities pay much less attention to reconciliation. To understand the different foci on reconciliation and sanctioning, it could be useful to recall some essential characteristics of the disputing forums. First of all, within the locally-based informal and hybrid rooms of disputing, much attention is paid to the multiplex social relationships of the disputing parties. Often, the intervening actor knows the background of a conflict and is aware of the importance of continuing the social relationship between the disputants in one way or the other. Although disputes might not always come to a final end when the aim is to re-

concile at all costs, people are usually – at least for some time – able to continue their relationship. Lacking a strong means of enforcing their decision, the non-state authorities' most feasible option is to aim at reconciliation. State officials are most frequently consulted by people in the urban areas of the district. Relationships between people are often less complex and state officials are usually not aware of the background to a conflict, nor do they invest much time to get an understanding of this background. Instead, they aim at speedy intervention, a characteristic that is highly valued by people and that distinguishes them from the other rooms of disputing, where ample time is given to all parties to narrate their side of the story. But a quick intervention means that there is little time to prepare the people towards reconciliation and state authorities often just judge on who is guilty or responsible and on compensation payments that have to be made. The legal means to enforce their judgement help them to accomplish the claims that they make. Little is done however to repair disturbed social relationships. Disputes might end by such means, but so too might relationships. In the case of the non-formal authorities, disputes might not fully end, but fairly good relationships might continue. To understand why people choose for a certain forum of disputing, we should look beyond the followed path of disputing. People's choices of one forum over another could be the result of pragmatic considerations. A number of factors can be decisive. To point out but a few, there are considerations of: costs, speediness of attendance, and geographical distance to/from a forum.

What can cooperation bring?

As mentioned above, there are important differences in disputing processes taking place within the formal realms of the state and the less formal realms like the religious. But the different authorities do not always act mutually exclusively. Sometimes, they choose the path of cooperation. At other times, they are more or less forced to cooperate to be able to exert a certain level of control; police officers are sometimes compelled to send inflicted to spirit mediums; spirit mediums have to seek cooperation with the court for lawful measurements of punishment. In Chapter 8, I discussed a specific problem of order that is increasingly raising concerns for the Mozambican state. This is the problem of 'taking the law into one's own hands' – collective violence directed mainly against suspected thieves and witches. Dissatisfied with the order provided by the state, Mozambicans increasingly impose 'justice with their own hands'. I showed that at a local level, government officials seek the assistance of the church leaders to curb these quick action justice dispensations. Church leaders are asked to instruct people on how to behave properly. State officials thus rely on the church leaders to provide adequate normative orientations to people, hoping that this will sensitise people and prevent them from imposing their own justice. But church

leaders are not simply on the side of the state in this regard. Pastoral letters, written by the Catholic bishops, show that there is also critique against the state in this regard. Spirit mediums take up active roles in the fight against witchcraft and play a role in the containment of violence against witches. Yet, the state does not always approve both the practices and the normative orientations they provide to people. Both spirit mediums and church leaders however enjoy high levels of trust among their adherents and are probably better able to direct people's behaviour. Acts of collective violence clearly indicate distrust of the state. Religious leaders are not seen as affiliated to the state and therefore it is likely that people will more easily accept guidelines their religious leaders provide than the state's orders. One should note however that trust in religious leaders is usually restricted to the own group of congregants and does not extend much beyond this group. Therefore, the potential of religious leaders should not be overestimated.

Plurality of religion, plurality of justice

In daily life, people in Gorongosa clearly distinguish between tradition and Christianity, but in practice, their behaviour is often an amalgam of the normative orientations that are provided by both tradition and Christianity. In this dissertation, I have shown that various normative orders imply various ideas about the way a dispute has to be settled and the kind of justice that has to be dispensed. This means disputing processes are not necessarily carried out along the same normative lines. Religion is one of these normative orders and can thus be seen as a part of the plural legal landscape. In Chapter 5, I showed that spirit mediums and pastors followed different paths towards reconciliation and were guided by different normative orientations. The paths that were followed indicate different ideas about what justice entailed. Chapters 4, 6 and 7 showed that not only religious leaders use their agency to impose religious ideas on the disputing process, but that religion, by itself, can also direct a dispute through disputants' and interveners' perceptions and more directly by the agency of the spirits. Chapter 8 showed as well that spirit mediums and churches have different ideas about justice than the state and that these different ideas are also conveyed to their followers. To conclude, I think I have shown in this dissertation that religion plays a significant role in disputing processes in Gorongosa, not only within the religious but also within the secular realms. The various normative orientations that religion provides to people contribute to a variety in the modes of disputing and in the kind of justice that is sought by disputants and that is dispensed by the various authorities. Normative orientations provided by religion do not necessarily coincide with the orientations provided by the state. Plurality of religion thus contributes to a plurality of justice.

What can we learn from this?

In the introductory chapter of this dissertation, I mentioned that understanding 'the dispute process may provide an essential key to the disclosure of the socio-cultural order at large' (Comaroff & Roberts 1981: 249). I suggested that in accordance with this, understanding the role of religion within the disputing process may help us to come to a better understanding of the role of religion in society at large. Let me here, at the end of my dissertation, try to provide a wider outlook and make some suggestions on the role of religion in society. I realise that people might criticise me for becoming normative here, but I feel it is also a task of a scientist to engage in problems in society and I think that a topic like this one deserves some reflections. I previously presented the opinion shared by many scholars that religion had entered the public sphere in recent years. At the same time, others, chief among whom is Taylor, have argued that we are living in a secular age (cf. Taylor 2007). I agree with Taylor that being religious for many people has become more a matter of choice than an imperative imposed by social pressure. Yet, I think that this is exactly what is making religion stronger in many parts of the world. People who consciously choose to become religious are also more conscious of the consequences, the chances and the drawbacks religion can provide to them. Such people make a more active use of the chances religion might offer them, be it a way to escape from poverty, a way to express resentment against powerful actors in this world or a way to achieve political power.

In Mozambique, one's religious identity is not fixed and many people shop at the religious marketplace at the moment need arises to do so. Religion can thus serve many purposes, both positively and negatively. In this dissertation, I have shown that Gorongosa is a religiously plural society, but that there are no major religious frictions. I have shown that people often emphasise in discourse the difference between tradition and Christianity; yet the modes of dispute processing that are applied by spirit mediums and pastors eventually have similar aims: Reconciliation. The divisiveness of religion, therefore, should not be overestimated; Gorongosa society shows that the gap between different religious categories might be easier to bridge than we often tend to assume.

Considering the importance attached to religion by many people in Gorongosa in particular, and in Mozambique in general, it does not seem to be likely that religion will fade out soon. For people in a plural society like Mozambique it will be essential to maintain the balance between the various religions in their lives, also when the world around them evolves or changes rapidly. The same probably goes for other African countries that face similar challenges as Mozambique. It might be helpful to realise that religion can provide normative orientations to people and thus influence their behaviour. Various religions provide various orientations, but it is not impossible to stick together different glues.

Annex: Timeline

Table A.1   Broad overview of important events in Mozambican history subdivided in four different spheres (socio-political context, religion, legislation and Gorongosa)

Period	Sphere	Description
>900	Socio-political	Arab and Swahili traders at coast and along rivers in Mozambique
>1400	Socio-political	Central Mozambique part of Mwene Mutapa kingdom
1498	Socio-political	Arrival Portuguese colonizers
	Religion	Arrival Portuguese missionaries
1500	Gorongosa	Beginning Makombe kingdom (vassal Mwene Mutapa)
1571	Socio-political	First formal treaty btw. Portuguese and Mwene Mutapa
1600-1700	Gorongosa	First settlers in Gorongosa
1629	Socio-political	Start period of leasing out land by Portugal (*prazos*), Portugal takes over sovereignty of Mwene Mutapa
1855	Gorongosa	Gouveia settles in Gorongosa
1875	Religion	First Swiss Mission post in Mozambique
1880	Gorongosa	Gouveia takes over Makombe territory
1884-1885	Socio-political	Congress of Berlin
1890	Socio-political	Ultimatum Britain to Portugal to effectively occupy territory
	Gorongosa	Gouveia imprisoned by BSAP
1891	Socio-political	Phasing out *prazos*, beginning Chartered Companies, among others Mozambique Company
	Gorongosa	Gorongosa part of territory Mozambique Company
1892	Gorongosa	Death Gouveia, Makombe takes over rule
1895	Gorongosa	Gorongosa Company
1918	Gorongosa	End of Makombe kingdom
1926	Socio-political	New State
	Religion	Statute for the indigenous
	Gorongosa	Foundation tribunal for indigenous
1933	Legislation	New Constitution
1940	Legislation	*Concordato e Acordo Missionario*
1941	Legislation	*Estatuto Missionario*
1941	Legislation	Decree issued to end land concessions
1942	Socio-political	End of Mozambique Company
1947	Religion/Gorongosa	Foundation of first mission post in Gorongosa: *Cristo Rei* (by White Fathers)
1948	Religion	Foundation Christian Council Mozambique (CCM)
1955	Religion/Gorongosa	Second church in Gorongosa: *Igreja Evangelica Assembleia de Deus*
1962	Socio-political	Foundation Frelimo
1964	Socio-political	Start of independence war
1972	Socio-political	Wiriyamu massacres announced
	Religion	Departure White Fathers from Mozambique
1974	Socio-political	Carnation Revolution in Portugal
	Religion	Nationalisation church property
1975	Socio-political	Independence
1975	Socio-political	Foundation MNR, predecessor of Renamo
1976	Legislation	'Dynamising' groups
1977	Socio-political	Start of civil war
1978	Legislation	Popular courts
1988	Socio-political	Reconciliation talks initiated by bishop Beira
	Religion/Gorongosa	Visit Pope to Mozambique, including Gorongosa
1990	Socio-political	Shift from single-party socialist state to multiparty market economy
	Legislation	New Constitution

Table A.1 continued

Period	Sphere	Description
1991	Legislation	Foundation Ametramo
1992	Socio-political	Final peace talks
	Legislation	Community Courts
1994	Socio-political	First democratic elections
1996	Religion	Muslim Holidays Affair
1997	Legislation	Law municipalities
2000	Legislation	Decree community authorities
2004	Legislation	New Constitution
2005	Legislation	Foundation Ametim
2008	Legislation	Gorongosa Town elevated to level of municipality
	Gorongosa	First municipal elections in Gorongosa: landslide victory for Frelimo

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Summary

Secularisation and modernisation theories long predicted the demise of supernatural forces in the lives of people after the Enlightenment. By the end of the twentieth century however, scholars slowly came to recognise that a belief in the supernatural was not disappearing at all but, in fact, gaining momentum in many parts of the world, especially in the global South. Religion is (back) at the centre of attention. The current attention, however, appears to be mainly to religion in a negative sense; to fundamentalism and religiously-oriented wars that are wreaking havoc in many parts of the world. Less effort has been made to come to an understanding of the role of religion in disputes that are not necessarily about religion. This dissertation explores the role of religion in disputing processes in Gorongosa, a district in Central Mozambique. Religion might provide important orientations to people on how to behave in everyday life vis-à-vis each other and vis-à-vis the spiritual world. But which normative orientations does religion provide to people in the prevention, mediation, and resolution of disputes?

In Chapter 1, theoretical approaches towards religion and disputing are discussed. Central to religion is a belief in spiritual beings, which provides normative orientations to people. In the context of Gorongosa, Christianity and traditional religion play important roles. The latter is usually referred to simply as 'tradition' by people in Gorongosa. After the discussion of religion, follows a discussion of theoretical approaches towards processes of disputing in the context of legal pluralism. At the end of the chapter, the selection of Gorongosa, Mozambique for the study is explained and the field site is introduced.

Chapter 2 provides a historical overview of key developments in Mozambique in general, and in Gorongosa in particular, especially in relation to governance and religion. Crucial legal changes are described and how they have affected the society of Gorongosa. It is shown that the first lasting evangelisation in Gorongosa started only in 1947, which is relatively recent. Therefore, many of the older people still vividly recall times in which traditional beliefs held a more central role.

Chapter 3 further elaborates on the changes brought to society and individuals in this society from early Christianisation onwards. Today, plurality of religion is ingrained in both society and individuals. In this chapter, I describe the way in which people identify with tradition and Christianity in discourse and in praxis. Many people define themselves as Christians, but when looking for normative orientations to guide their behaviour, they frequently shift between tradition and

Christianity. Both categories of religion play a role in providing normative orientations and spiritual security to people in a rapidly changing world. Religion, to people in Gorongosa typically means Christianity, not traditional religion. It is argued that this is partly due to missionary discourse that defines Christianity as the one and only religion. Not defining tradition in the same terms as Christianity makes the two categories more compatible. It also makes it easier for people to more efficiently shop at the religious marketplace when they are in search of normative orientations.

In Chapter 4, I present a case study of a conflict over land in the Gorongosa district. At the centre of the conflict between the local population and the management of Gorongosa National Park was a mountain. For the Park management, the mountain was of interest because it is part of the park's watershed and, it was argued, essential for the Park's ecosystem. For the local population, the mountain is an important resource, with fertile lands due to the favourable climatic conditions. Additionally, certain parts of the mountain are believed to be sacred and access is tightly regulated due to ritual prescriptions laid down by the ancestral spirits. The case shows how people can empower themselves by referring to the spirits.

The role of religious leaders in disputing processes is described in Chapter 5. The first part of the chapter describes the way in which spirit mediums participate in the disputing process by first revealing the spiritual truth and subsequently by retaliation. Only once these phases have been fulfilled, steps can be taken towards reconciliation. Special attention is paid to 'the video'; an innovative method to reveal the truth that one of the spirit mediums in Gorongosa introduced early 2008. Within a couple of weeks, this method was fully accepted by large parts of the population. I show that the instrument was innovative, yet strongly rooted in tradition. The second part of the chapter shows the mediatory role of the pastors in disputes. Pastors follow a different path through the disputing process than spirit mediums, but they strive for a similar aim; reconciliation. To achieve reconciliation, pastors first pray and read the Bible with the disputing parties. The next step is mutual forgiveness. Once this is done, the way to reconciliation is open. Pastors mainly intervene in conflicts that people want to keep 'within the house'.

In Chapter 6, I move from the religious realms to the staterooms of disputing; the police station and the district court. When religion does appear in these settings, it is mainly traditional religion, via a reference to the spirits. People – plaintiffs and defendants alike – allocate responsibility to the spirits to justify or explain their behaviour and to defend their rights. Although many of the local state officials share a belief in 'the spirits of tradition' with their subjects, 'spiritual arguments' are seldom taken into consideration in the decision-making

stage of the disputing process. I show that this sometimes leads to dissatisfaction among the disputants, who subsequently turn their backs on the state and search for a solution outside the control of the state.

Neighbourhood secretaries, community courts, and *régulos* are more or less hybrid authorities who have more freedom to accommodate a wide range of arguments when they are consulted to mediate in conflicts. In Chapter 7, I show that these authorities not only assist in the mediation of a wider range of arguments, but that they themselves also actively invoke normative orientations provided by both Christianity and traditional religion. Although these shifts in orientations might seem inconsistent, I argue that they are in line with the shifting orientations of their subjects, as presented in Chapter 3.

In Chapter 8, I will describe the 'problem of order' that the Mozambican state faces. In recent years, Mozambique has been increasingly affected by waves of 'private justice'; often very violent forms of justice that citizens impose with their own hands. Targets of these acts of justice are mainly people suspected of crimes, witchcraft, or a combination of the two. I describe several of these incidents and discuss in which way they are linked to each other. I argue that this private justice should be understood as a questioning of the order that is imposed by the state. I use this phenomenon of private justice to show that to regain control the state is driven to cooperate with other authorities who are more trusted by the people. After independence, the Mozambican state has taken a strongly secular stance and rejected religion. Yet, the acts of private justice led the local state administration in Gorongosa to seek the cooperation of church leaders to indirectly sensitise the population. But typically, no such cooperation has been solicited from the spirit mediums. The state thus seems to be approaching the Christian leaders but much less the spirit mediums. This is despite the fact that both categories of religious leaders feel they are able to give their responses to these forms of violence meant to impose justice.

In the concluding chapter of this dissertation, Chapter 9, I come back to the main question: what role does religion play in disputing processes? It is argued that religion plays a role not only through religious leaders who engage in the mediation of disputes but also via normative orientations that might prevent conflicts from taking place. Moreover, religion is not as absent in secular rooms of disputing as might be expected. Spirits, particularly, also play a role in disputes taken to the police station and district court, yet, their role is often downplayed as being insignificant. For complainants and defendants however, this is often a crucial aspect in a conflict and when not recognised within the secular rooms of the state, people can turn their backs to the state and find justice somewhere else. In conclusion, I argue that a plurality of religion contributes to a plurality of justice in Gorongosa via the different normative orientations it provides.

Samenvatting (Dutch summary)

Lange tijd voorspelden secularisatie- en modernisatietheorieën de neergang van bovennatuurlijke krachten in de levens van mensen na de Verlichting. Echter, eind twintigste eeuw kwamen academici steeds meer tot het inzicht dat geloof in bovennatuurlijk leven niet aan het verdwijnen was. Integendeel. Op veel plaatsen in de wereld, in het bijzonder in het Zuiden, is religie steeds belangrijker aan het worden. Tegenwoordig staat religie dus (weer) volop in de belangstelling van de wetenschap. Maar deze aandacht is vaak vooral gericht op religie in negatieve zin; men spreekt volop over fundamentalisme en religieus-georiënteerde oorlogen. Minder aandacht is er tot nu toe voor het beter begrijpen van de rol van religie in conflicten die niet-religieus zijn.

Dit proefschrift verkent de rol van religie in het voorkomen en oplossen van conflicten in Gorongosa, een district in Centraal Mozambique. Religie kan mensen normatieve oriëntaties geven; aanwijzingen over hoe ze zich behoren te gedragen in het dagelijkse leven, ten opzichte van elkaar, maar ook ten opzichte van de spirituele wereld – de goden en de geesten. Maar spelen deze normatieve oriëntaties ook een rol bij het voorkomen van conflicten en bij het oplossen van geschillen?

In hoofdstuk 1 worden theoretische benaderingen van religie en geschillen besproken. Bij religie staat een geloof in spirituele wezens centraal. Dit geloof kan mensen normatieve oriëntaties bieden. In Gorongosa spelen zowel traditionele religie als het christendom een belangrijke rol. Wanneer mensen in Gorongosa spreken over traditionele religie, verwijzen ze meestal kortweg naar 'traditie', een gewoonte die ik volg in mijn dissertatie. Na de discussie over religie, volgt een discussie van theoretische benaderingen van geschillen-beslechting gezien vanuit een rechtspluralistisch perspectief. Aan het eind van het hoofdstuk leg ik uit waarom ik heb gekozen voor Gorongosa als mijn veldwerklocatie en beschrijf ik kort enkele karakteristieken van deze plek.

In hoofdstuk 2 geef ik een historisch overzicht van belangrijke ontwikkelingen en gebeurtenissen die hebben plaatsgevonden in Mozambique in relatie tot recht en religie. Ik schenk ook meer specifieke aandacht aan Gorongosa. Zo werd de eerste missiepost in Gorongosa pas opgericht in 1947. Dat is relatief laat in de geschiedenis van Mozambique. Veel oudere mensen in Gorongosa kunnen zich dan ook nog levendig de tijd herinneren waarin traditionele geloofssystemen een centrale plek innamen in het leven.

Hoofdstuk 3 gaat verder in op de veranderingen die kerstening bracht voor zowel de gemeenschap als voor individuen in die gemeenschap. Tot op heden is religieus pluralisme eigen aan zowel de samenleving als aan individuen. In dit hoofdstuk beschrijf ik de manier waarop mensen zich in woord en daad identificeren met zowel traditie als het christendom. Veel mensen zien zichzelf in de eerste plaats als Christenen, maar wanneer men kijkt naar de manier waarop mensen zich laten leiden in hun gedrag door regels, normen en waarden, blijkt dat ze vaak wisselen van oriëntatie; op het ene moment volgen ze regels gebaseerd op traditie, op het andere moment regels gebaseerd op het christendom. Beide religieuze categorieën vormen dus een bron voor normatieve oriëntaties en bieden spirituele zekerheid aan mensen. In een snel veranderende wereld hebben mensen daar behoefte aan.

Religie staat voor mensen in Gorongosa voor het christendom, en niet voor traditionele religie. Ik beargumenteer dat dit deels komt door het *discours* dat werd gebruikt door missionarissen die benadrukten dat het christendom de enige juiste religie was. Door het niet-definiëren van traditie onder dezelfde noemer – religie – als het christendom, is er minder tegenspraak in het combineren van beide religies. Dit maakt het makkelijker voor mensen om efficiënt te winkelen op de markt der religie wanneer ze op zoek zijn naar normatieve oriëntaties.

In hoofdstuk 4 presenteer ik een casus van een landconflict in Gorongosa. In het conflict tussen de lokale bevolking en het management van het Nationale Park Gorongosa staat een berg centraal. Voor het management van het park is de berg belangrijk omdat enkele rivieren die op de berg ontspringen, uitmonden in een meer in het park. Voor het in stand houden van het ecosysteem van het park zijn deze rivieren van groot belang. Voor de lokale bevolking is de berg een belangrijke natuurlijke hulpbron. Door de hogere ligging is het klimaat er gunstig voor landbouw. Verder worden enkele gedeeltes van de berg als heilig beschouwd. Toegang tot deze gedeeltes kan slechts dan worden verkregen wanneer men zich houdt aan de rituelen die zijn voorgeschreven door de vooroudergeesten. De casus laat zien hoe mensen zowel kracht halen uit de voorschriften van de geesten alsook hiernaar verwijzen om hun rechten te claimen.

De rol van religieuze leiders in geschillenbeslechting wordt beschreven in hoofdstuk 5. Het eerste gedeelte van het hoofdstuk beschrijft de manier waarop geestenmediums deelnemen in het proces van geschillenbeslechting. In het eerste gedeelte van het proces richten geestenmediums zich op het onthullen van de waarheid, daarna volgt er vergelding. Wanneer deze twee fases zijn doorlopen kan men de stap naar verzoening zetten. Geestenmediums gebruiken verschillende methodes. Een van deze methodes beschrijf ik uitgebreider. Dit is de methode die 'de video' wordt genoemd; een innovatief instrument om de waarheid aan het licht te brengen. De video werd geïntroduceerd door een van de geestenmediums

in Gorongosa in de periode dat ik er veldwerk deed, begin 2008. Binnen enkele weken werd de video door velen omarmd. Ik laat zien dat het instrument weliswaar innovatief was, maar ook sterk geworteld in traditie. In het tweede gedeelte van het hoofdstuk beschrijf ik de bemiddelende rol van pastors in geschillen. Pastors volgen een ander pad door het proces van geschillenbeslechting, maar hebben het zelfde einddoel als de geestenmediums verzoening. Om verzoening te bereiken, bidden pastors eerst met de ruziënde partijen, daarna lezen ze samen in de Bijbel. De volgende stap is wederzijdse vergeving. Als dit gebeurd is, kan verzoening plaatsvinden. Pastors komen voornamelijk tussenbeide in conflicten die mensen binnenskamers willen houden.

In hoofdstuk 6 richt ik me op de overheidsautoriteiten die zich bezighouden met geschillenbeslechting: het politiebureau en de districtsrechtbank. Religie verschijnt ook in deze settings, maar dan voornamelijk als traditionele religie, via een verwijzing naar de geesten in wat ik noem 'spirituele argumenten'. Zowel aanklagers als beschuldigden leggen in voorkomende gevallen verantwoordelijkheid bij de geesten om hun gedrag te verklaren of te rechtvaardigen en om hun rechten te verdedigen. Veel overheidsfunctionarissen in Gorongosa geloven zelf ook wel in de geesten van traditie. Toch worden spirituele argumenten zelden daadwerkelijk in overweging genomen door functionarissen wanneer ze een beslissing nemen over hoe het conflict moet worden opgelost. Ze zijn gebonden aan de mogelijkheden die het recht hen biedt. Ik laat zien dat dit tot onvrede kan leiden bij de ruziënde partijen, die vervolgens kunnen besluiten om het advies niet op te volgen maar een oplossing te zoeken buiten het machtsveld van de staat.

'Buurtsecretarissen', gemeenschapsrechtbanken en *régulos* (traditionele chiefs) zijn autoriteiten die, in meer of mindere mate, geworteld zijn in traditie, maar ook verbonden zijn met de staat; ze zijn 'hybridisch' en hebben daardoor meer vrijheid om een breed scala aan argumenten in overweging te nemen wanneer ze geraadpleegd worden vanwege een geschil. In hoofdstuk 7 laat ik zien dat deze autoriteiten religieuze argumenten serieus nemen wanneer een van de ruziënde partijen deze gebruikt. Tegelijkertijd gebruiken de hybridische autoriteiten zulke argumenten ook zelf wanneer ze een geschil beoordelen en tot een voorstel moeten komen om het geschil op te lossen. Deze rechters gebruiken normatieve oriëntaties die gebaseerd zijn op zowel traditie als op het christendom. Op het eerste gezicht lijkt het misschien inconsistent wanneer autoriteiten dan eens gebruik maken van het ene normen- en waardenpatroon en dan weer van het andere. Dit is echter in overeenstemming met de wisselingen in oriëntaties van de bevolking, zoals ik laat zien in hoofdstuk 3.

In hoofdstuk 8 bespreek ik het ordeprobleem waarmee de Mozambikaanse overheid kampt. De afgelopen jaren komt het steeds vaker voor dat mensen voor eigen rechter spelen. Deze incidenten komen vaak in golven; het ene incident

geeft de aanzet tot het volgende. Het toegepaste eigenrecht is vaak extreem gewelddadig. Slachtoffers van deze – vaak collectieve – vorm van eigenrecht zijn voornamelijk mensen die worden verdacht van misdaden of van hekserij. Sommige slachtoffers worden verdacht van beide. Ik beschrijf enkele van deze incidenten en laat zien dat er vaak een verband is tussen incidenten. Vormen van eigenrecht ('private justice') moeten niet simpelweg worden gezien als ordeloosheid, maar als het in twijfel trekken van de orde die de staat oplegt. Voorvallen van eigenrecht brengen de staat ertoe om samenwerking te zoeken met andere autoriteiten die meer vertrouwen hebben onder de bevolking. Na de onafhankelijkheid promootte de Mozambikaanse staat secularisme en verwierp religie. De voorvallen van eigenrecht brengen de staat weer terug naar de religieuze leiders, die wel vertrouwd worden door hun aanhangers. Via deze leiders probeert de staat de bevolking weer te beïnvloeden en onder controle te krijgen. Ik laat zien dat in Gorongosa de staat actief samenwerking met de pastors zoekt, maar dat vergelijkbare samenwerking met de geestenmediums niet gezocht wordt. De geestenmediums echter hebben zelf het gevoel dat ze ook in staat zijn om een antwoord te geven op deze vormen van geweld die gericht zijn op het opleggen van gerechtigheid.

In het concluderende hoofdstuk (hoofdstuk 9) kom ik terug op de hoofdvraag. Welke rol speelt religie in procedures van geschillenbeslechting? Ik benadruk dat religie niet alleen een rol speelt middels de religieuze leiders die ruzies oplossen, maar ook via normatieve richtlijnen die religie biedt en die er toe leiden dat conflicten voorkomen worden. Voorts is religie niet volledig afwezig in de seculiere fora waar geschillen worden beslecht. Vooral geesten spelen hier vaak een rol, maar door de overheidsfunctionarissen wordt deze rol vaak afgedaan als niet belangrijk. Voor de ruziënde partijen zijn spirituele argumenten vaak essentieel in een conflict en wanneer deze argumenten genegeerd worden, kan dit de partijen doen besluiten hun heil elders te zoeken, bij bijvoorbeeld de geestenmediums. Mijn conclusie is dat pluraliteit van religie in Gorongosa bijdraagt aan pluraliteit van vormen van gerechtigheid; verschillende religies geven op verschillende manieren richting aan menselijk gedrag.

Resumo (Portuguese summary)

As teorias da secularização e da modernização, desde há muito, desde o iluminismo, prevêem a decadência e extinção do sobrenatural na vida das sociedades e dos indivíduos. Contudo, no final do século XX, os académicos viram-se obrigados a reconhecer que a crença no sobrenatural não vinha, de todo, desaparecendo; na realidade, ganhava ímpeto em muitas áreas do globo, e especialmente no hemisfério Sul. A religião está (de novo) no centro das atenções, mas a atenção parece agora centrar-se sobretudo nos seus aspectos negativos: no fundamentalismo e nas guerras religiosas, que lançam caos e devastação em tantas partes do mundo. Menos esforço tem sido dedicado à compreensão do papel da religião na resolução de conflitos de origem não religiosa. Esta dissertação explora o papel da religião na condução de processos conflituosos no distrito da Gorongosa, no interior de Moçambique. A religião pode fornecer uma importante orientação na forma como os indivíduos se comportam na sua vida quotidiana, no intercâmbio social com os outros e no plano espiritual. Mas que orientações normativas são dadas pela religião às pessoas, no âmbito da prevenção, mediação e resolução de disputas?

No capítulo 1 são discutidas as abordagens teóricas à religião e ao conflito. A crença em entidades espirituais é central na religião e proporciona orientações normativas aos indivíduos. No contexto da Gorongosa, o cristianismo e a religião tradicional desempenham papéis importantes. A última é normalmente referida como "tradição" pela população da Gorongosa. No prosseguimento da discussão sobre religião, segue-se a discussão sobre as perspectivas teóricas dos processos de conflito num contexto de pluralismo legal. No final do capítulo, expõem-se as razões pelas quais a Gorongosa foi escolhida como modelo de estudo e apresenta-se o seu âmbito regional.

O capítulo 2 é dedicado à perspectiva histórica dos desenvolvimentos chave da Gorongosa e de Moçambique em geral, em particular os referentes à governação e à religião. As mudanças legais cruciais e o modo como afectaram a sociedade da Gorongosa são descritas. Demonstra-se que a primeira evangelização duradoura na Gorongosa teve início apenas em 1947, sendo portanto relativamente recente. Assim, muitas das pessoas mais velhas ainda se lembram vividamente dos tempos em que as crenças tradicionais desempenhavam um papel mais central.

O capítulo 3 desenvolve o tópico das alterações sofridas pela sociedade e pelos indivíduos desde os primórdios da cristianização. Hoje, o pluralismo religioso está enraizado tanto na sociedade como nos indivíduos. Neste capítulo, é descrito o modo como os sujeitos se identificam simultaneamente com a tradição e com o cristianismo no discurso e na prática. Muitos indivíduos descrevem-se a si próprios como cristãos; mas quando procuram orientações normativas para conduzirem o seu comportamento, alternam frequentemente entre tradição e cristianismo. Ambas as categorias religiosas desempenham o seu papel, oferecendo orientações normativas e segurança espiritual num mundo em rápida mutação. Quando as populações autóctones da Gorongosa usam o termo "religião", referem-se tipicamente ao cristianismo e não à religião tradicional. Defende-se que isto se deve parcialmente ao discurso dos missionários que definiam cristianismo como "a" (única) religião. A definição de tradição em termos diferentes dos do cristianismo torna as duas categorias mais compatíveis. Facilita também a procura das orientações normativas mais eficazes no "mercado religioso" por parte das populações locais.

No capítulo 4 é apresentado um caso de estudo de um conflito sobre terras, ocorrido no distrito da Gorongosa. No centro deste conflito entre a população local e o Parque Nacional da Gorongosa encontra-se uma serra. A administração do Parque tem interesse nesta serra, pois ela constitui parte da bacia hidrográfica do Parque e, portanto, segundo defende a administração, é essencial ao ecossistema deste Parque. Para a população local, a serra constitui um recurso importante pelas suas terras férteis, consequência de condições climatéricas favoráveis. Além disso, certas das suas áreas são consideradas sagradas pela população e o seu acesso é estritamente controlado devido a prescrições rituais ditadas pelos espíritos ancestrais. Neste caso mostra-se como a população pode amplificar o seu poder recorrendo aos espíritos.

O papel dos líderes religiosos nos processos de disputa e litígio é descrito no capítulo 5. A primeira parte deste capítulo descreve a forma como os curandeiros participam nos processos de disputa, primeiro revelando a verdade espiritual e, posteriormente, através de formas compulsivas ou de retaliação. Só depois destas fases se terem processado podem ser dados passos na direcção da reconciliação. Atenção especial é dada ao 'vídeo'; um método inovador de revelação da verdade que um dos curandeiros introduziu na Gorongosa no início de 2008. Em poucas semanas, este método foi completamente aceite por uma grande parte da população. É demonstrado que este instrumento, embora inovador, enraizou-se fortemente na população. A segunda parte do capítulo expõe o papel mediador dos pastores nas disputas. Nos processos litigiosos, estes seguem uma via diferente da dos curandeiros, embora procurando atingir o mesmo objectivo: a reconciliação. No sentido de conseguirem obter uma reconciliação, os líderes da igreja

rezam inicialmente e lêem a Bíblia com as partes em conflito. O passo seguinte é o perdão mútuo. Depois disto, o caminho para a reconciliação encontra-se livre. Os pastores intervêm, sobretudo, em conflitos que as partes envolvidas querem manter "dentro de casa".

No capítulo 6 transfere-se o foco do plano religioso para o palco dos conflitos litigiosos: as esquadras da polícia e os tribunais. Embora a religião esteja também presente nestes cenários, encontramos sobretudo a religião tradicional, através de referências aos espíritos. Os indivíduos envolvidos – tanto queixosos como arguidos – declinam a responsabilidade nos espíritos para justificar ou explicar os seus comportamentos e defender os seus direitos. Embora muitos dos representantes da hierarquia local do Estado partilhem com os seus cidadãos as crenças nos espíritos da tradição, poucas vezes os argumentos espirituais são tidos em consideração nas fases de decisão dos processos de disputa. É demonstrado que isto conduz, por vezes, à insatisfação das partes em litígio, as quais, subsequentemente, "viram as costas" ao aparelho estatal e procuram uma solução longe do controlo oficial do funcionalismo.

Secretários de bairro, tribunais comunitários e *régulos* são mais ou menos autoridades híbridas, que têm mais liberdade para acomodar um largo espectro de argumentos quando consultados na mediação de conflitos. No capítulo 7, é demonstrado que estas autoridades não apenas apoiam a mediação com um espectro mais largo de argumentos, mas elas próprias invocam também activamente orientações normativas promovidas tanto pelo cristianismo como pela religião tradicional. Embora esta alternância entre diferentes orientações possa parecer inconsistente, defende-se neste capítulo que ela está em sintonia com a alternância de orientações dos cidadãos, como apresentado no capítulo 3.

No capítulo 8, descreve-se o 'problema da ordem' que o estado de Moçambique enfrenta. Recentemente, Moçambique tido sido crescentemente afectado por ondas de "justiça privada", formas de justiça que os cidadãos impõem pelas suas próprias mãos, muitas vezes de grande violência. Os alvos destes actos de justiça são sobretudo pessoas suspeitas de ter cometido crimes, feitiçaria, ou uma combinação dos dois. Descrevem-se diversos destes incidentes e discute-se em que medida eles estão interligados. Defende-se que esta justiça privada deve ser entendida como um questionar da ordem que é imposta pelo Estado. O fenómeno da "justiça privada" é usado para mostrar que, para recuperar o controlo, o Estado é obrigado a cooperar com outras autoridades em quem as populações depositam mais confiança. Depois da independência, o Estado moçambicano adoptou uma clara postura secularizadora e ignorou, ou mesmo hostilizou, o fenómeno religioso com suas instituições e ritos. Contudo, os actos de "justiça privada" conduziram a administração estatal local da Gorongosa a procurar a cooperação dos líderes da igreja para, indirectamente, sensibilizar a população.

Mas, como norma, a cooperação dos curandeiros não é solicitada. O Estado parece, portanto aproximar-se dos líderes das igrejas cristãs, mas não tanto dos curandeiros. Apesar de ambas as categorias de líderes religiosos se sentirem capazes de dar resposta a estas formas de violência destinadas a impor a justiça.

No capítulo conclusivo desta dissertação, capítulo 9, regressamos à questão principal: qual é o papel que a religião desempenha nos processos de resolução de conflitos? Defende-se que a religião desempenha o seu papel não apenas através dos líderes religiosos envolvidos na mediação de disputas, mas também através das orientações normativas que podem evitar os próprios conflitos na sua origem. Além disso, a religião não está tão ausente nos espaços seculares de litígio como se poderia esperar. Os espíritos, em particular, desempenham um papel na resolução das disputas que se desenrolam nas esquadras da polícia e nos tribunais. Contudo, o seu papel é muitas vezes desvalorizado e tido como insignificante. Para queixosos e arguidos, porém, este é muitas vezes um aspecto crucial do conflito; assim, quando não reconhecido nos espaços seculares do Estado, conduz ao afastamento desta entidade por parte dos indivíduos, que passam a procurar justiça junto de outras instâncias.

Em conclusão, e na área de estudo da Gorongosa, defende-se que a pluralidade da religião contribui para uma pluralidade de justiça, através das diferentes vias normativas que ela disponibiliza.

Curriculum vitae

Carolien Jacobs (1981, Beesel) studied International Development at Wageningen University. After her BSc, she specialised in Sociology of Rural Development. For her internship, she carried out fieldwork in Indonesia on community forestry. For her Masters thesis she carried out fieldwork in Angola and Mozambique on land rights. In November 2006, she began her PhD-research at the Max Planck Institute for Social Anthropology in Halle/Saale, Germany, where she was a member of the project group Legal Pluralism. During the fieldwork for her PhD-thesis she was affiliated to the Centro de Formação Jurídica e Judiciária in Matola, Mozambique.

During her stay at the Max Planck Institute, she taught a course on religion in Africa at the Martin Luther University, Halle-Wittenberg.