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# Violence against Violence

## In Search of Security and Justice

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*We're barricading the streets  
We're blocking the 'chapas'<sup>1</sup>  
Here nobody goes through  
Even the shops are closed  
If the police are violent  
We respond with violence (What?)  
Change the cause to change the consequence  
More than half of my salary goes to taxes and transport  
If my child gets sick, his fate rests with chance  
Meanwhile your son is healthy and strong,  
Lives in affluence, lives the life of a lord  
Living here is a luxury, its cost is very high  
We work like slaves and give everything we have  
Lower the transport fares or raise the minimum wage  
Xiiiiii... that's the least you should do  
Unless you want fire in the petrol pumps*

*Raids on the bakeries and the ministries, imagine  
Destroying your commercial banks, your mine  
Irrational governance contaminates it seems.  
...  
Now they ask for what? ... Consideration  
You should consider then, before doing this shit  
Of raising the costs of living  
And keeping our incomes low  
This government really doesn't improve itself... No  
There will really be a tragedy... Yes  
Really...  
Let them come with tear gas  
The strike is full of oxygen  
They can't stop our task  
I will fight, I won't abstain.<sup>2</sup>*

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In recent years, Mozambique has been the site of numerous outbreaks of violence in the form of popular justice as well as large-scale acts of public protest. In 2008, this reportedly caused 54 deaths,<sup>3</sup> in 2009 78.<sup>4</sup> In this paper, we analyze both these violent non-state phenomena and examine their roots and meanings. We set out some factors that contribute to the widely felt need for what people call 'justice with their own hands' and the violence often implicated in it. Making use of ethnographic material, we aim to illuminate the perspective of Mozambican citizens, who, as non-state actors, engage in violence with the aim of obtaining more acceptable levels of justice and security and therefore enforce the imposition of their own normative orders. This violence can be aimed at achieving both socio-economic and criminal justice, which people view as inadequately provided by the state.

In our analysis, we use a legal pluralist perspective, meaning that in our discussion of law we include other normative orders than state law, acknowledging 'the *theoretical possibility* of more than one legal order or mechanism within one socio-political space, based on different sources of ultimate validity and maintained by forms of organization other than the state' (Von Benda-Beckmann 2002: 37). Hence, it is not necessarily *state* law which is made and preserved; people also have the power to change orders other than that of the state. This point of departure helps us to consider how, through the use of violence, non-state actors are able to make and preserve law, both in a strict sense and in a legal pluralist sense. We argue that the protests and the acts of vigilante justice are forms of 'subjective violence' which are both reactions to the objective, or 'systemic violence' (Žižek 2008) that people experi-

ence. Subjective violence here, is seen as 'a perturbation of the "normal," peaceful state of things' whereas 'objective violence is precisely the violence inherent to this "normal" state of things' (*ibid.*: 2). The latter, then, is the violence widely seen to be caused by the negligence and greed of state actors. A state's response to subjective violence can be just as well subjective, something which Žižek hardly takes into account. Looking at the outcome of the 'subjective' forms of non-state violence from our legal pluralist perspective, we argue that, although the recent vigilante justice and large-scale public protests are extralegal in a strict sense, in the end, they might have both 'lawmaking' and 'law-preserving capacities,' and are able to affect state policy and change other normative orders (Benjamin 2004: 241). Following Black, we consider the forms of collective violence not necessarily as crime, but as 'self-help' and a form of 'social control' (Black 1983) offering alternative forms of social and normative order 'despite the state' (Von Benda-Beckmann and Pirie 2007: 4).

Violence is a relative concept and depends on one's perspective. Under certain circumstances, violence is considered by non-state actors as a 'moral means' to 'just ends' (Benjamin 2004: 236). Thus, although certain acts might be illegal, they are not necessarily considered illegitimate by most citizens. The imposition of violent forms of justice by non-state actors and the degree to which this justice is accepted by the population underline that sovereignty is not monopolized by the state, but can also be 'fragmented' (Gazit 2009; Davis 2010) or 'multiple' (Bertelsen 2009). It has been argued by Benjamin, that '[a]ll violence as a means is either lawmaking or law-preserving. If it lays claim to neither of these predicates, it forfeits all

validity' (2004: 243). In this regard, the making and preservation of law can also come from non-state violence, but only if the latter is used as a means to an end.

In the following, we first turn to the song highlighted at the beginning of this paper. From there, we move on to discuss the linkage between socio-economic and human insecurity and the violence entailed in acts to reduce this insecurity. Next, we move on to the local level of Gorongosa, a rural district in central Mozambique. We discuss several cases to show that the use of collective violence can be understood as people's efforts to increase levels of security and impose popular justice when the state is not adequately providing them. In this part of the paper our focus is mainly on the experiences and responses of the people toward injustice and insecurity. After these cases, we shift our focus more toward the state to discuss some of the partnerships the state is seeking with non-state authorities in an effort to curb the violence and keep control in society. First, we focus on church leaders who seem to be both well equipped and willing to act as a source of normative and cognitive orientation for people as well as for the state. Spirit mediums constitute a specific category of religious leaders. Their capacities make them especially apt partners in cases that involve witchcraft and violently expressed witchcraft accusations. Finally, we provide an outlook on the future and discuss further strategies the state is exploring to ensure lawmaking and law-preserving acts remain in their own hands.

## People's protest: a song

The lyrics cited at the start of this paper come from a song (originally in Portuguese) by Azagaia, a Mozambican popular musician. The lines clearly capture ways in which recent large-scale riots and vigilante justice in Mozambique have been conceived of as a form of communication directed to state officials at large. Azagaia wrote the song in the aftermath of violent protests against the government which took place in Mozambique's capital, Maputo, in early February 2008.<sup>5</sup> The protests were popularly referred to as the '*chapa strike*,' whereas government accounts tellingly described them as 'riots'. The violence emerged in response to the government's plans to increase the fares of semi-public transport in the city of Maputo by fifty to one hundred percent.<sup>6</sup> Frustrated by price increases that made it even more difficult for people to sustain precarious lives, many of Maputo's urban and peri-urban dwellers took to the streets. With burning tires they blocked most major roads and paralyzed public transport in the city, bringing most business to a halt.<sup>7</sup> The protests were vehemently repressed by the police. In the ensuing violence, at least five people were killed and more than a hundred injured, many of them hit by bullets fired from the guns of state officials. The protests appeared to be effective as, soon after, the government revoked its new policy, implementing fuel subsidies for private *chapas* operating in the capital.<sup>8</sup>

Azagaia's words echo a common sentiment that had been simmering below the surface in crowded informal urban neighborhoods in the country, but that never came to expression until the *chapa* protests. All at once – or so it seemed from the outside – Maputo erupted

in a massive protest against both the government and the ruling Frelimo party, which, for many are one and the same; in speech, citizens, but also party members and state officials, often use the words 'government', 'party', and 'Frelimo' interchangeably. It should be noted here that Maputo is a city that had, since independence, been considered a stronghold of Frelimo. Although politically Maputo can be considered as the 'centre' of the Mozambican state, the protesters gave a voice to a feeling of being very much 'at the margins' (Das and Poole 2004), feeling invisible and unheard. In reality, the protests had been in the air already for a longer time.

Remarking on the 2005 riots in suburban Paris, Žižek noted that '[t]he riots were simply a direct effort to gain *visibility*' (Žižek 2008: 77). In Maputo, many citizens described the strike as a wake-up call, helping people to realize they could take matters in their own hands when the rising cost of living had become intolerable. 'People here, already for a long time, feared the government. [The strike] awakened people to recognize [that they have] what is called popular power', as a citizen explained to us. Indeed, soon after the *chapa* strike, 'copy-cat' riots emerged in other places.<sup>9</sup> In Mozambique, just like in Paris and more recently in the Arab world, patterns of violence have both made the concerns of marginal populations impossible for state actors to ignore, and have been self-perpetuating, calling others to engage in public protest to make their concerns visible and to pressure government leaders to make significant changes to the status quo.

As Azagaia's lyrics illustrate, the protesters felt there was no other way than violence to call attention to their concerns and question more latent or everyday forms of

violence from the side of the state. In the following, we discuss the underlying causes of the violence. We set out that these are, in part, related to the particularities of the state's socio-economic policy in the post-war context. Another, related explanation for Mozambican citizens' use of violence lies in people's experiences with a weak formal justice system and a police force that is not able to provide an acceptable degree of public order. Facing the inadequacies of the institutions charged with providing and ensuring justice and order, people feel it is legitimate to take matters of justice into their own hands.

## From socio-economic justice to criminal justice

To understand the roots of the *chapa* strike, it is important to briefly shed light on the wider socio-economic and historical context in which the protests took place. Beginning in the mid 1980's, Mozambique's ruling party, Frelimo, has increasingly abandoned its socialist agenda, proving, over time, to be a willing disciple of the neo-liberal development model advocated by the IMF, World Bank and other transnational donor agencies.<sup>10</sup> Since taking up Structural Adjustment Programs, Mozambique has become known as the 'donor darling' of Southern Africa, at times receiving more than 55 percent of its annual budget funding from international agencies.<sup>11</sup> A quick glance at statistics shows that Mozambique is 'developing' rapidly as real GDP growth since 1993 has averaged 8.1% (Games 2007: 9).

At the same time, there is a growing sense among the population that possibilities for personal prosperity

and wellbeing have evaporated. Despite positive macroeconomic growth, a large part of the population is falling deeper into poverty and the ground under those with a middle-income is increasingly shaky and volatile (cf. Hanlon and Smart 2008). According to a survey by Afrobarometer, in 2005, 50% of Mozambicans were positive about the country's economic conditions, whereas in 2008 only 37% of the population responded positively about it (Afrobarometer 2010). The unfolding HIV/AIDS-crisis and lack of employment contribute further to disillusionment, especially among youth. Compounding this situation, high inflation rates make many basic consumer goods, like rice, bread and corn, increasingly unaffordable. It is important to note here that at the end of the civil war in 1992 people had hopes of better futures. Today however, people frequently complain about the continuation of suffering, with older people reminiscing about the pre-independence period, when Portuguese colonial power holders were strict but at least applied severe punishment to criminals, when prices of basic consumer goods were affordable, and when the youth respected their elders.

Increasing misfortune suffered by the majority of the population plays a role in the steady erosion of the state's legitimacy, contributing to the increasing incidents of public protest. But in malfunctioning states, it is not only socio-economic security which is at stake, but also human security. People experience threats to their lives from many sides, holding the state accountable for removing or containing these threats. If the state does not do so, people might resort to extralegal means to increase their own feelings of security and obtain the desired levels of order in society.

One of the direct responses to the violent *chapa* strike in Maputo was an event which we observed in the central city of Chimoio several days later. The incident clearly showed there is a link between collective violence in the form of riots related to economic security, and in the form of 'private justice' (Henry 1983). Incited by the sudden realization that they could take matters of justice in their own hands, an angry crowd spontaneously took to Chimoio's police station in an attempt to seize twelve suspected criminals who had been captured by the police the day before. The gang had been terrorizing the peri-urban neighborhoods for years and people had grown tired of living in fear. Eager to bring the suspects to justice and distrustful of the police's competence, the crowd converged to raid the police station and publicly burn several of the thieves. By the end of the day, six people had died in the violence, including one police officer, several police vehicles were damaged, and the police station was ravaged.<sup>12</sup> Public reactions we encountered that day in Chimoio revealed that many people noted a direct link between the strike in Maputo in which people protested about socio-economic injustice, and the acts in Chimoio in which the state's criminal justice system was questioned. When rumors about the uproar started to gain ground in Chimoio, most people took them as yet another follow-up of the Maputo strike, which underlines that the protests in Maputo had served as a catalyst, inciting other quests for justice. In both situations, violence was used to fight violence.

## Collective violence as a response to the failure of the state's order

People know that it is against the law to apply justice with their own hands, ... but ... if the one who should apply the law no longer acknowledges the law as such ... then people can apply the law themselves, right? (Mozambican citizen, 28, male).

Having set out the wider context of violence in Mozambique, we will now examine collective violence from a micro-perspective drawing on ethnographic research in the rural district of Gorongosa, located in central Mozambique. Our findings provide more evidence that people in Mozambique perceive recent public protests and forms of popular justice in Mozambique as a direct response to pervasive objective violence from the side of the state. During the course of our research in Gorongosa, we encountered many instances, albeit at a much smaller scale, not only of people taking justice into their own hands, but also of people experiencing shortcomings of the state's provisioning of security and order. Once people observe that the law is not preserved adequately or needs to be shaped differently, they decide to take matters in their own hands and either apply their own laws or follow their own procedures to apply the laws of the state.

Gorongosa is an interesting microcosm of what is happening in the rest of the country. Since the end of the civil war, the district's capital has been undergoing rapid growth. Informal neighborhoods are quickly expanding, disparity of wealth is growing, and kinship ties are becoming looser. As a result, relationships between people become less multi-stranded and levels

of trust lower. No longer living in a war-torn country, people are now expecting society to be better organized than before. They are tired of having nightly fears of gangs of thieves with machetes or firearms. People frequently deplore the recent failure of the justice system in comparison to its effectiveness in the past. Older Mozambicans often express longing for colonial times when thieves were effectively contained by authorities and punishments were more severe. Significantly, even one of the elected lay judges of the district's state court,<sup>13</sup> who was closely involved in the administration of justice himself, referred back to colonial times with nostalgia when he talked about one of the former district administrators: 'He was tough, but he taught us good things. ... Somebody stealing, would get caught immediately.' After these words, he switched to the present tense again and said:

Today it is not like that and you'd better do justice with your own hands. Some time ago, there was a thief that came here at midnight, then he went stealing at some other places and later came back again to try to steal more at my place. I caught the thief and beat him all night long. This thief ... aaahh ... he is now staying at home because he is still suffering from the injuries he got from me. He went to the police to complain about his injuries, but there they asked him who caused the injuries and he told them it was me, because he had been stealing. They sent the thief home but did not call me. The judge [the judge-president of the district court] told me I should not have treated the thief myself, but it is justice.



A situation in which even the bearers of justice resort to 'self-help' as a means of 'social control' (Black 1983) rather than calling the police, reveals the depth of people's distrust in state authorities. In such a context, citizens might consider it legitimate to take justice in their own hands. '[Such vigilante justice] expresses the rage people feel about their lack of security', as an informant told us. The following three examples provide more evidence of how people lose trust in the state's apparatus of justice and control and subsequently resort to their own means of normative ordering, applying their own laws, or enforcing state law according to their own procedures. The first case illustrates how public opinion regarding insecurity and injustice is being shaped. The second case elucidates how people are brought to take justice in their own hands, needing only a small trigger and no large-scale organization. The third case discusses the specific category of the quintessential criminal who brings chronic fear and terror to communities, supposedly aided by nefarious magical forces and whose actions seem to demand more drastic measures than state officials are able to provide.

#### Partners in crime: perceptions of state officials

Over there, at the bus stop ..., in the mornings and afternoons, there's lots of theft. And the thief is never caught. Why? After stealing, they go there to [name of restaurant nearby], and have breakfast together with the police. You see? So, they eat together.

The informant cited above gives a hint of people's perceptions about malfunctioning of the police. The

following case which took place at the district police station illuminates further how widespread convictions that the police work in partnership with criminals are based on people's direct experiences.<sup>14</sup> In this case, a woman came to the police to register a complaint that her brother had stolen lots of goods from her house.<sup>15</sup> She was in town when one of her children rushed over to tell her that he had just watched her brother empty her house of all its valuables. When the woman made her complaint to the police, she explained that her brother had been released from prison the day before. While she was presenting her case, the two police officers interrupted her and confirmed that the man indeed had a reputation of being a thief and had been imprisoned at least five times.

Once she had finished stating her complaint, one of the police officers sighed while taking his mobile phone out of his pocket. In the list of contacts saved on his mobile phone, he looked up a number and then placed a call to the alleged thief. The police officer asked the man whether he knew anything about goods which had been stolen from his sister's house. The man on the other side apparently responded that he did not know anything about it, at which time the officer did not insist but simply ended the conversation and told the woman her brother denied having stolen her property. Subsequently, the police officer asked her whether she still wanted to make an official complaint and take the case to court. She confirmed, explaining that her husband was getting fed up with her brother as well. The officers on duty told her to compile a list of all the stolen goods and give the estimated value of each item: two bed covers of 500 Mt each, a mattress of 200 Mt, et cetera.

While she was elaborating the list of stolen goods, one of the people in the waiting room asked her how one person could carry so many large items alone. One of the policemen laughed and, with clear admiration in his voice, replied that the accused thief was truly *pau forte*, 'strong wood' and would indeed be able to carry such a load. His colleague agreed. The officers considered the case closed and sent the woman on her way, even though she was clearly discontent with the way she had been attended.

This case provides a glimpse into how people's perceptions about the weakness of the state systems of justice and security in Mozambique are being shaped. Narratives of such incidents enter social networks and circulate widely. They then become the basis for further speculation and are continually reinforced, leading many people to conclude that their only recourse to restore order is through popular justice. After witnessing this case, for instance, our research assistant later voiced his suspicions that when the woman's brother was released from prison, he must have been ordered by the policemen to procure certain goods. Our assistant suspected that the police officers' request for a list of the stolen goods was merely a way for them to confirm the value of the goods that they would be receiving. The observation that the police officer was in the possession of the phone number of a renowned thief affirms people's feeling that thieves are working in partnership with the police. It shows how people's experiences with the police apparatus give rise to feelings of insecurity and being unprotected.

#### 'The police were on lunch break': private justice and the preservation of law

In the following case we will look into the consequences that follow from a perceived failure of state authorities. A man named Celestino had been called to trial at the district court for having severely abused a man he suspected of stealing three plates and a pan. In the courtroom, Celestino was asked to give his reasons for punishing the thief himself, rather than turning him over to the authorities. In a matter of fact response, Celestino shrugged his shoulders, commenting: 'I called the police, but they said they were having lunch and that I had to wait. So we decided to start interrogating him by ourselves.' According to Celestino, the suspect already had a reputation in the neighborhood for being a thief. His neighbors had already repeatedly caught him stealing. Each time, he had been sent to prison, and each time he was quickly released, and always returned to stealing. The cycle had been repeated so many times that residents of the area – Celestino included – were exasperated. After the thief had been caught by Celestino's household servant, neighbors quickly gathered and tied the suspect's hands and feet with bicycle tubes and pierced his hands with a fork, leading to permanent damage and numbness. According to Celestino's testimony, the crowd that was involved wanted to start beating the man as well, but he ordered them to wait for the police. During the court proceedings, Celestino did not show any signs of regret. Rather, his behavior and his words revealed his certainty that he had acted in a just manner.

A sense of righteousness in the pursuit of justice, as Celestino displayed, characterizes even the most severely violent cases of popular justice that have been

reported in Mozambique. In acting quickly and harshly to punish or terminate harmful individuals, participants involved in acts of vigilante justice engage in what they see as a noble and selfless pursuit in the interest of the larger community (cf. Heald 1986; Abrahams 1998; Bertelsen 2009). They perceive themselves to be filling a gaping void of justice-seeking that state authorities have left open or do not fill in an adequate manner. Thus, the crime for which Celestino was put to trial was a sort of 'social control'; it was 'moralistic and involve[d] the pursuit of justice' (Black 1983: 34). It can be considered as a form of 'self-help' (Black 1983) in which the laws of the state were preserved by acts of the population rather than by acts of the state.

Since feelings of insecurity are widely shared, people quickly understand the need for intervention and are willing to join. Under these circumstances, there is no need for a clearly identifiable authority to carry out 'law-preserving' acts. Small triggers can suffice to incite the *ad hoc* formation of an acting crowd, even without prior organization or mobilization. Such cases occur especially in areas where there are observed patterns of thefts and where police intervention and arrests either do not happen, or do not remove or reform the threatening individuals for the long term. In these contexts, people continuously live in fear of being the next victim. Such fears, which are magnified by the feeling that the police do not act adequately, legitimate the use of violence even in cases in which the alleged criminal has committed relatively minor offenses, such as stealing nothing more than three plates and a pan. In fact, not long before the aforementioned cases took place, a group of criminals had been attacking residents of Gorongosa's district capital on an almost nightly basis.

In the recurrent pattern, a group of about eight to twelve people, armed with machetes, would break into people's houses, often seriously injuring people who displayed any resistance. Many people hypothesized that the police were involved in these incidents, a suspicion which was reinforced by cases of some of the most notorious thieves in the area repeatedly and seemingly miraculously escaping from prison. Such stories incite persistent fears among the population. In such a context, when people like Celestino catch a thief, they easily resort to violence to channel their own fears and frustrations about living in insecurity.

If the police were effective in establishing order, it is reasonable to expect that Mozambicans would be willing to defer to the action of state authorities. Indeed, Celestino at first called on the police for assistance in vain, and later demanded restraint from the angry crowd so that they might await the intervention of state officials. In recent times, however, many Mozambicans share a feeling that the justice system is not functioning properly, and thus, they resort to their own imposition of order. The worst incidents have turned into what is referred to popularly as *linchamentos* or 'lynchings' that lead to the gruesome deaths of victims. This situation reveals popular 'questioning' of not only the state's claim to a monopoly on the use of force but also of the functioning of the state as provider of 'values and codes' (Martins 1995: 299). Society is acting in such a way as to compensate for the state's shortcomings (Martins 1995; Abrahams 1998). Mozambicans have not only targeted alleged criminals in collective violence, but they have also attacked key sites of the state's justice system, such as the police station in Chimoio. In such cases, it is not simply the targeted

thief or criminal who serves as a 'scapegoat' epitomizing a greater evil (Girard 1986), but also individual officials who are directly addressed as representing the state. People's persistent feelings of insecurity bring them to violently attack even petty criminals. '[T]he persecutors always convince themselves that a small number of people, or even a single individual, despite his relative weakness, is extremely harmful to the whole of society' (*ibid.*: 15). People are hardly able to change the state's system of justice, but they are able to follow their own – violent – procedures to apply state laws. This happens in a context in which people experience 'an extreme loss of social order' (*ibid.*: 12).

### Thieves and witchcraft: the case of Malisani

In the popular imagination, the inefficacy of the state justice system is only partly a problem of police negligence or partnerships with criminals, and a lack of resources. As one of the local government officials admitted to us: 'the police have a problem with lack of qualified staff; they do not have sufficient personnel to be effective.' Compounding the situation is the narrow range of actions the police take to address problems of public order. Measures such as arrest, fines and imprisonment are widely understood by people to be ineffectual in containing the threat posed by certain types of individuals.

One especially problematic category of anti-social individuals are people suspected of using witchcraft or other occult forces to carry out antisocial deeds including theft. Such accusations are often based on circumstantial rather than material evidence and difficult to adjudicate within the purview of statutory law, based largely on a 'Euromodernist' legacy (Comaroff

and Comaroff 2004). Thus, in a situation where citizens perceive witchcraft to be a real threat demanding drastic intervention, the unwillingness of state officials to directly address such concerns bolsters the sense that state authorities are impotent. This contributes to people's willingness to resort to private justice to eliminate significant threats. The following case presents the example of Malisani, an anti-social individual whose misdeeds were difficult to contain within the state's framework of justice and security. The case highlights people's doubts about the functioning of the state and their willingness to take drastic measures to impose their own normative order. At the same time, it shows that such dissatisfaction does not always turn into private justice, but can be controlled as well if state officials show a clear presence.

For decades, Malisani had been terrorizing Gorongosa district through his repeated acts of theft, and for his brutality in serial acts of rape of women, and aggression against men he murdered using machetes with little or no provocation. He had been in and out of the district jail over a period of ten years. In the popular imagination, Malisani was not an ordinary man, but a profoundly anti-social individual, described variously as a thief, a witch, and a 'psychopath'. In popular descriptions, Malisani was not this way by nature, but had become like this over time through the dark and corrupting forces of powerful substances or '*drogas*' which he sought out to increase his own individual power and wealth. These substances allowed him to evade capture by the police, or to disappear from jail even under close scrutiny. People told stories of police officers in pursuit of Malisani whose guns mysteriously faltered or even dropped from their hands when they

took aim at him. Though the police did manage to apprehend him from time to time, whenever he was captured, he managed swift, mysterious escapes. And whenever Malisani was out of jail, word of his presence in the community spread like wildfire and residents lived in fear of him.

Thieves like Malisani are seen by many as the quintessential embodiment of evil. In the Ugandan context, Heald has argued that theft and witchcraft 'can be seen as related to a similar dispositional base' (Heald 1986: 68). Thieves are often feared not only for depriving people of their property, but also for using violence and witchcraft to achieve their nefarious activities.<sup>16</sup> Likewise, witches are feared for their power to bring misfortune, which, amongst others, might also include deprivation of material property. Lynching in rural areas often takes place against such suspected witches and is often carried out by relatives (cf. Serra 2009).

One day in early 2008, after having escaped from prison a few weeks earlier and continuing to terrorize the residents of the district, the police received a tip that Malisani had been seen drinking at a party. A group of police officers quickly descended on the event, initiating a prolonged manhunt through the neighborhoods of the district capital. Finally cornering Malisani, one police officer took aim, firing three shots into his thigh. Minutes after a police vehicle dropped Malisani's unconscious body at the district hospital for treatment, a crowd of area residents had already gathered outside the hospital gates to gaze at the spectacle of uniformed police officers standing over Malisani's sweaty, gritty, and unconscious body lying in handcuffs on the front steps. The crowd of onlookers grew rapidly. People shared their different stories of his horrible deeds and

stared in disbelief at the powerful man who had been captured once again.

A predominant element of the crowd's discussion was a desire to see Malisani die. Given this prevailing mood, it seemed that little would prevent a resort to collective violence to impose justice on Malisani. Many shared the sentiment that if they had been the policeman holding the gun they would have aimed elsewhere to finish Malisani off. They complained about human rights ethics that led the officers to simply shoot him in the leg. Yet, people's actions were contained since Malisani was in the hands of the police.

Malisani's case illustrates a typical scenario of a criminal who is feared as a danger to society, and whose powers are held to allow him to successfully evade the state's system of justice for many years. Because Malisani is understood to possess powers that the state justice system cannot or will not deal with appropriately, individuals like him bring the justice system into question on a more fundamental level beyond simply suspicions of police corruption. Such questioning incites frustrated citizens to take justice into their own hands, especially when the targeted individual is deemed to have possession of dangerous powers. It is especially in contexts in which there is a collectively shared feeling of socio-economic and criminal injustices that thieves and witches run the risk of becoming the target of acts of private justice, especially when the police are absent.

In the case presented here, the public did not take more dramatic steps to counteract the threats with which they saw themselves confronted. However, in the case of Chimoio, people did not hesitate to use violence, even at the police station itself. Celestino and his neighbors started to impose justice with their own

hands but refrained from taking the most drastic steps. Why do people resort to violence in the one case and not in the other? It is our conviction that it is often small triggers which incite people to resort to 'self-help'. Some factors, however, are worth mentioning here as contributing to the phenomenon. First of all, the size of a community seems to play a role: large-scale riots thus far have taken place mainly in the major urban centers, which have also been the location of most of the acts of lynching against suspected criminals. The larger a community is, the less multiplex are social relations and the less important it becomes to maintain social relationships during conflicts (see Gluckman 1955; Gulliver 1979). Drastic measures which fully disrupt social relations therefore might become more likely. Secondly, the gap between rich and poor is often more dramatically visible in bigger cities. Armed banditry and theft are often more rife in these contexts and people are faced with fears on a more regular basis. One informant explained to us about lynching in the cities:

It is not one person – or two or three – like in Gorongosa where people are not used to it ... [In the city], when it started, ... people also did not kill. If they caught a thief, they took him to the police. Only when they realized that people taken to the police did not remain in prison, but got out, there was no other option [than to resort to lynchings].

Higher prevalence of theft in the cities also increases people's levels of interactions with the police. If such experiences are negative, they reduce people's trust in the state, as the quote shows.

An advantage for the perpetrators of most acts of violence is that they are carried out by large groups of relatively anonymous individuals that are minimally organized. Upon investigation, police officers usually encounter silence. Hence they are typically unable to identify individual culprits. Further, since the victims of such violence are usually not well-connected to the higher echelons of society and are mainly considered to be causing problems, policemen often allow such cases to go uninvestigated. In a situation where outward opposition to the government can lead to defamation and the loss of possibilities for civil service employment or other benefits that accrue with demonstrations of loyalty to the ruling party, both of these factors combine to make non-state violence a form of protest that is 'safer' than other visible forms of activism and civil disobedience.

### **The state: seeking partnerships to curb the violence**

Black has argued that '[c]rimes of self-help are more likely where law is less available' (Black 1983: 41). Reflecting on the violence, one of Gorongosa's local state officials explained to us:

You know why this happens? It is because of that thing called 'social contract'. The state institutions arose on the basis of the social contract. Society gives the state the power to resolve social problems... In my opinion, there is a breakdown, a problem of loss of moral values and the rise of distrust between the legal institutions and society.

One strategy the state is exploring to regain control and order in society and diminish violence, is to seek partnerships with other, more established authorities. These actions show that government leaders recognize that the state is not the only source of law and morality. Due to the low level of organization, fluidity and anonymity, the *ad hoc* organizers of violent protests and private justice are difficult for the state to influence in a direct manner. Partnerships with other authorities, such as religious leaders and spirit mediums might be beneficial to reach the population in an indirect manner.

Given the legitimacy many religious leaders and spirit mediums have in the eyes of their followers, they are well-equipped to function as a source of normative orientations for people, but also for the state itself. Without necessarily resorting to violence, these authorities have 'lawmaking and law-preserving capacities', providing people with moral messages. Mobilizing them is a way for the state to reduce the possibility that citizens resort to violence. For many years however, the relationship with these authorities has been tense; the post-independence Frelimo government strongly rejected religious expressions of any kind as 'obscurantism'. In recent years, a certain degree of rapprochement can be noted. In the following, we show that the state is currently seeking cooperation with religious leaders. Our focus is mainly on Christianity and traditional religion since these were the religious practices most prevalent in Gorongosa.

#### The state and Christian leaders

Immediately following the Chimoio riots in 2008, and in the midst of a growing wave of incidents of protests and popular justice around the country, the district

administrator of Gorongosa called a meeting of pastors of local churches to urge them to include messages of peace and reconciliation in their Sunday worship services, in an attempt to stave off what seemed to be a movement of public unrest that was rapidly sweeping the country. He clearly emphasized the need for cooperation between church and state, showing awareness that the state could benefit from the church. He started his speech as follows:

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. ... 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.

The meeting underlined the administrator's awareness that religious leaders are able to influence people's behavior and the moral values to which they adhere. Hence, in our legal pluralist perspective, they can have lawmaking and law-preserving capacities. Looking at Gorongosa, religion indeed seems to have these capacities. Church sermons are loaded with moral messages on how to behave and many people claim to be directed in their lives by their religious beliefs. Several secular authorities in Gorongosa stated there was a clear differ-

ence between people 'from church' and 'people from the world', the former category being guided by biblical rules of conduct and therefore, according to these authorities, knowing how to behave properly (Jacobs 2010).

Does Christianity indeed guide people's day-to-day behavior in Gorongosa? The district's doctor, who treated the shot wounds of Malisani, and a Christian himself, reveals this to be the case. During the treatment, countless people approached him pleading that he should poison Malisani. But the doctor refused their requests. He explained to us that Malisani is a despicable man. He did not have any sympathy for him, especially since he personally had to treat six of Malisani's rape victims in the second half of 2007, five of them being HIV+ as a result. But, he explained, 'it is not in my ability to make choices about the life or death of anyone, even the most depraved,' and he added, 'as a Catholic man, I am bound to leave this up to God.' Thus, the rule of 'God's law' indeed serves as a source of moral orientation and can contribute to order in society. As the doctor's example shows, government leaders' outreach to religious leaders can indeed be a fruitful strategy for the state to indirectly influence the behavior of the population.

### The state and spirit mediums

Another category of religious leaders to whom state officials have been reaching out is spirit mediums (or 'traditional healers'). Cooperation between the state and spirit mediums is often crucial in cases that involve accusations of witchcraft or the actions of spirits. Spirit mediums are thought to be able to give a verdict regarding the truth or falsity of such accusations and

subsequently provide adequate treatments to neutralize the forces at play.

Although the Mozambican state is gradually giving more leeway to spirit mediums, the relationship remains minimally formalized. The legal recognition of spirit mediums is mainly based on their capacities to provide natural medicines in cases of physical illnesses. The extent to which spirit mediums are recognized for their truth finding and conflict resolution capacities in cases of witchcraft is still largely dependent on the position taken by individual state officers. In their official position, police officers cannot take witchcraft accusations seriously, but as members of Mozambican society, they often consider such claims to be legitimate and based in reality (cf. Geschiere 2008). Many officials are reluctant to delegate power to other authorities whose claims are difficult to verify. In cases concerning witchcraft accusations or claims based on spiritual evidence, state officials often have no other choice than to rely on spirit mediums. Usually, they do so in an indirect way: by referring people to the community courts. These courts have been established by the government (Law no. 4/92), but do not fall within the state's judicial framework (Trindade and Pedroso 2006). Hence, they have more 'room for maneuver' and are able to take witchcraft accusations into account. This legally plural system allows the state to cooperate in an indirect manner with the spirit mediums. As one of the local Frelimo party officials told us, '[w]itchcraft is something which in official judgment cannot be proved, but the community courts can work together with spirit mediums... This helps to avoid the problem of justice with people's own hands.'

Over the years, state authorities have sought more



cooperation to tighten control over the spirit mediums and not lose out vis-à-vis non-state actors seeking more drastic measures of maintaining order. A good indication of this can be found in the attribution of office space to spirit mediums' associations within the premises of the local Frelimo office. Frelimo, it is important to recall, is seen by many as synonymous with 'the state'. A local party official explained this in the following way:

The party has a purpose: that the people are organized. This can be done in associations. Therefore, sometimes, the party offers meeting space for associations which do not have one, to help them with their activities.

Asked in which way Frelimo could benefit from this, the official turned to the perspective of the state – indicative that the two largely coincide – and argued:

In a way, they are partners of the government ... We pamper ... associations because then it is easier for the government to work together with different groups to reach the people ... The associations work with the population which the government does as well.

Apart from indirect cooperation with spirit mediums via the community courts, the cooperation between Frelimo and the spirit mediums' associations can be seen as another effort to increase control over other authorities who might otherwise take their lawmaking and law-preserving capacities in a direction which is not desired by the state.

Despite this indirect cooperation, the relationship between spirit mediums and state officials remains tense and uncomfortable. This is especially true when it comes to differences in opinion regarding appropriate punishment, particularly in instances when spirit mediums resort to corporal – and hence, extralegal – punishment. Such measures cannot openly be accepted by the state, even though they might contribute to the maintenance of order. In one such case, the district court found one of the district's most reputed spirit mediums to be guilty of torturing a woman he suspected of witchcraft. As a result of this torture, the woman was partially crippled. The medium spent a week in jail before he was released on bail. While in prison, he lamented: '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!' He clearly saw himself as providing a noble service for the community; maintaining order by harshly condemning and punishing an alleged witch. In similar terms, in the Gisu context of Uganda Heald argued that 'the killing of both witches and thieves is not only regarded as justifiable ... but is also positively acclaimed as a service to the community' (Heald 1986: 66), which underlines that order in society can have sources other than the state.

### **Ways forward: 'Change the cause to change the consequences'**

In the following, we turn to the question of whether the state, since the riots in 2008, has found ways to curb violence and regain control, or to use Azagaia's words from the beginning of this article: whether the state has

been able to 'change the cause to change the consequences'.

Indicatively, despite efforts to sensitize the population via religious leaders, and despite fuel subsidies, new demonstrations took place in Maputo in September 2010. This time, the trigger that led people to take to the streets and block the roads were almost simultaneous price increases for numerous basic consumer goods including bread, rice, water, and electricity. Just as in the 'chapa strike', these so-called 'bread riots' were violent, as was the response of the army and the police. After three days of demonstrations, thirteen people were reportedly killed, over 300 injured, and more than 200 people had been arrested (*Mozambique* 168, 8 Sept. 2010, ed. Hanlon). Apparently, the causes had not (yet) been sufficiently changed in the eyes of the public.

As a response to the events, in early 2011, the government announced a subsidy to be given to the urban poor, enabling them to buy a package of subsistence food at a set price. The violence, although being extralegal, hence had an influence on government policy. The first phase of the program is slated to run from June to December 2011.<sup>17</sup> It is remarkable to point out that the proposed subsidies will be available only to people living in urban areas, and not to the majority of Mozambicans who live in rural areas. Most likely, it is not coincidental that urban areas have been the centre of the most visible and large scale incidents of violent protests and vigilante justice: these are the areas where the government feels urged to provide people with more socio-economic security; almost literally *panem et circenses* to keep people quiet. Thus far, the promise of the subsidies has effectively curbed the emergence of more violent protests, but as of writing

(early August) subsidies have not yet been provided. Many people have begun to feel that the subsidies will remain a promise, making further protests unavoidable in the future. Reflecting on the situation, an informant told us: '[y]ou know, all this, one day will create a *huge* strike! And the consequences will be really grave!' Clearly, the state's claim to a monopoly of violence is not taken for granted by the population.

## Conclusion

In this paper we have shown that violent acts of both private justice and public protest in Mozambique can be understood as a response to the insecurity and injustice people experience in their daily lives and for which they hold the state accountable. Citizens' subjective and visible acts of violence can be seen as an attempt to correct for the objective violence of the state and to impose order (cf. Martins 1995; Abrahams 1998; Von Benda-Beckmann and Pirie 2007; Žižek 2008). In a context in which people feel, as the local state official explained to us, that the social contract between them and the state is broken, violence might become 'a natural datum' (Benjamin 2004: 237). We have shown that, from a legal pluralist perspective, extralegal violence such as the protests and private justice can be perceived as having lawmaking and law-preserving capacities. Violence then serves to impose either the laws and the ideas of justice of the people, or to apply people's own procedures for imposing state law. It is our contention that as long as people experience insecurity or injustice, acts of violent popular justice and protests will continue to emerge, even with only minimal organization. This

situation urges the state to respond with other forms of subjective violence in order to regain control and reestablish its claimed monopoly over the use of violence. This will happen especially in spaces of insecurity 'at the margins of the state' (Das and Poole 2004), where people have little trust in the state and where other sovereignties take over (cf. Bertelsen 2009) to substitute for the state's provision of justice and security.

The challenge for the state is to find ways to reassert its claim to the monopoly on the use of violence and to regain control over the population. One of the approaches the state has explored to achieve this end, is to seek cooperation with other authorities such as religious leaders and spirit mediums whose power is based in parallel legal systems. In contrast to people engaging in private justice and public protests, these authorities are able to engage in the making and preservation of law in a more organized manner, without necessarily resorting to violence. Due to their relatively high levels of legitimacy, these authorities are better equipped than the state to influence people's moral orientations and thus the extent to which they are willing to observe the law, apply their own laws, or follow their own procedures to preserve state law. However, the state's cooperation initiatives remain largely *ad hoc* and vary greatly between regions.

Meanwhile demand for radical change is becoming stronger and stronger in Mozambique. The future will show whether the heading in a recent editorial of one of the leading newspapers will be answered 'What will be the detonator? The 'bomb' is ready.'<sup>18</sup>

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## Notes

- 1 Colloquial indication for the mini-buses that serve as semi-public transport.
- 2 Our translation from the song '*Povo no poder*' from an album with the same title, released by Cotonete Records. We would like to thank Gonçalo Santos for advice on the translation.
- 3 <http://allafrica.com/stories/200904220686.html>. Attorney-General Reports Drop in Recorded Crime. April 22, 2009, retrieved April 23, 2009.
- 4 <http://allafrica.com/stories/201005050991.html>. Mob Justice Killed 78 People in 2009. May 5, 2010, retrieved May 6, 2009.
- 5 The Mozambican government was uncomfortable with this artistic expression of public protest and banned the song from the national media. Nevertheless, it became widely popular. Significantly, Azagaia was thoroughly questioned by the country's general attorney about his motives to write the song (*O País*, 28 April, 2009).
- 6 *Chapa* is the nationally used term which refers to the mini-buses that serve as public transport.

- 7 <http://www.poptel.org.uk/mozambique-news/newsletter/aim355.html#story2>. Fuel Subsidy to Defuse Price Hike Riots, Mozambique News Agency Reports No.355, February 25, 2008, retrieved September 12, 2008.
- 8 *Ibid.*
- 9 *Ibid.*
- 10 See Hanlon (1991, 1997) and Pitcher (2002) for a critical evaluation of the neoliberal policy. Hanlon (1997:5), although not very explicit, links the violent acts of justice to the socio-economic situation. Hanlon and Smart (2008) convincingly argue that economic growth in Mozambique, measured in macro-economic terms, does not imply 'development' or improved quality of life for the whole population.
- 11 According to the UNDP Human Development Report 2007-2008, Mozambique received \$1285.9 million as official development assistance – more foreign aid than all but twelve other countries in the world.
- 12 Based on personal observations and interviews in Chimoio that day.
- 13 District courts are the lowest level state courts. On the level below the district courts are the community courts or neighbourhood courts. Although their existence has been decreed by the government, they are formally not considered as part of the state's structure of justice (Santos 2006). Community courts operate fully with elected lay judges, whereas district courts are presided by people with a legal training, assisted by two to five elected lay judges.
- 14 Significantly, in Amnesty International's annual report of 2011, the police were accused of being the principal violators of human rights in Mozambique, and of engaging in criminal activities such as assault, robbery, extortion and murder. The report was widely discussed in Mozambican popular media.
- 15 For various reasons, the police station is a place of first resort for people who seek intervention by one of the statutory

authorities: the police station in town is always open, it is easily accessible, and people formally do not pay a fee to have their case considered. From the police station, cases might be transferred to the district court, which people typically attend only by referral as it is considered less open.

- 16 See Bertelsen (2009) for a description of a case of a thief using magical substances in the adjacent town of Chimoio.
- 17 <http://allafrica.com/stories/201104140236.html>. Govt Alters Criteria for Allocating Food Subsidy, April 13, 2011, retrieved May 29, 2011.
- 18 <http://www.canalmoz.co.mz/hoje/19673-a-bomba-esta-pronta.html>. Qual Será o Detonador? A "Bomba" Está Pronta, June 17, 2011 retrieved June 30, 2011.

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