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The Spirit of the Laws in Mozambique

Juan Obarrio

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Mozambique has been hailed as a success story by the international community, which has watched it evolve through a series of violent political upheavals: from colonialism, through socialism, to its current democracy. As Juan Obarrio shows, however, this view neglects a crucial element in Mozambique's transition to the rule of law: the reestablishment of traditional chieftainship and customs entangled within a history of colonial violence and civil war. Drawing on extensive historical records and ethnographic fieldwork, he examines the role of customary law in Mozambique to ask a larger question: what is the place of law in the neoliberal era, in which the juridical and the economic are deeply intertwined in an ongoing state of structural adjustment?

Having made the transition from a people's republic to democratic rule in the 1990s, Mozambique offers a fascinating case of postwar reconstruction, economic opening, and transitional justice, one in which the customary has played a central role. Obarrio shows how its sovereignty has met countless ambiguities within the entanglements of local community, nation-state, and international structures. The postcolonial nation-state emerges as a maze of entangled jurisdictions. Ultimately, he looks toward local rituals and relations as producing an emergent kind of citizenship in Africa, which he dubs "customary citizenship," forming not a vestige of the past but a yet ill-defined political future.

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