
Note from the Editor:

This series of papers deals with the problem of violence in the state-building process in Mozambique. It aims to contribute to a more open and less centralized debate on the state-building process, in the hope that the various social and political positions will accept that they are part of a diversity of opinions and experiences. Acceptance of the diversity and relativity of life experience in Mozambique may be the most effective way to combat extremism in the various corners of the political arena linked to the promotion of, and resistance against, various state-building projects. It represents the views of the different authors and not that of CEPCB and its partners.

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Executive Summary

The Muslim communities of northern Mozambique have been impacted by a symbiosis between Islam and matriliney for many centuries. This symbiosis is still influential today and can be seen as a paradigm found along the Indian Ocean rim. This article looks at the historical and contemporary transformations of this symbiosis through the prism of its interactions with the processes of early Islamization, then colonization and modernization, focusing on the emergence, survival and persistence of the coexistence of matriliney and Islam and associated gender relations, in particular the position of women within the wider Muslim community, families and kinship groups, including women's access to economic and political power.

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A Professora Bonate publicou vários estudos acerca do Islão no norte de Moçambique, ligações entre o mundo suaíli e norte de Mozambique, a participação dos muçulmanos na luta de libertação, e questões de acesso das mulheres muçulmanas aos recursos e poder.

Context

The Muslim communities of northern Mozambique have been impacted by a symbiosis of Islam and matriliney for many centuries. This symbiosis is still influential today, and can be seen as a paradigm found along the Indian Ocean rim. The historical and contemporary transformations of these symbioses can

¹ Liazzat J K. Bonate, “Islam and Matriliney along the Indian Ocean Rim: Revisiting the old ‘paradox’ by comparing the Minangkabau, Kerala and coastal northern Mozambique”. *Journal of Southeast Asian Studies*, 48(3), pp 436–451. The Yao and Muslim Makua of the mainland in Mozambique, Tanzania and Malawi also fall into this category, but are not covered by this article. And of course, there are other regions along the so-called ‘matrilineal belt of Africa’ where matriliney and Islam have coexisted, such as among the Mandinka of

Senegal, Akan in Ghana, and others. See for example, Jean Davison, *Gender, lineage and ethnicity in Southern Africa* (Boulder, CO: Westview, 1997); Edward A. Alpers, ‘Towards a history of the expansion of Islam in East Africa: The matrilineal peoples of the southern interior’, in *The historical study of African religion*, ed. Terence O. Ranger and I.N. Kimambo (London: Heinemann, 1972), pp. 172–201; Christine Okali, *Cocoa and kinship: The matrilineal Akan of Ghana* (London: Routledge, 1983).

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1. Introduction: The Symbiosis of Islam and Matriliney - The Indian Ocean Paradigm

The coexistence of matriliney and Islam is apparent especially along the Indian Ocean rim, in places like Malabar coast of India, among the Minangkabau people of the Sumatra Island of Indonesia and Malaysia, and in coastal northern Mozambique.¹

Senegal, Akan in Ghana, and others. See for example, Jean Davison, *Gender, lineage and ethnicity in Southern Africa* (Boulder, CO: Westview, 1997); Edward A. Alpers, ‘Towards a history of the expansion of Islam in East Africa: The matrilineal peoples of the southern interior’, in *The historical study of African religion*, ed. Terence O. Ranger and I.N. Kimambo (London: Heinemann, 1972), pp. 172–201; Christine Okali, *Cocoa and kinship: The matrilineal Akan of Ghana* (London: Routledge, 1983).

The acceptance of Islam by northern Mozambican populations took place between the eighth and fifteenth centuries when trade in the Indian Ocean was dominated by Muslims to the extent that it came to be regarded as a 'Muslim lake'.² Muslim trade networks and Islam represented one of the factors for the unity of the Indian Ocean, but the spread of Islam was not even or consistent; nor were Muslims the only traders in this Ocean.³ Islam came to the northern Mozambican very early, perhaps in the eighth century, through routes that were already in place long before the Muslim faith emerged.⁴ These routes linked the Red Sea coast, the Persian Gulf, South India, South Arabia, Persia, Southeast Asia, East Africa and China to each other and to the wider Indian Ocean web of connections and exchange.⁵

The Indian Ocean networks produced Sunni Muslims following the Shafi'i

legal school (Ar., *maddhab*). The waves of migrations from the Hadramawt region of southern Yemen had consolidated particular high-status groups claiming to be descendants of the Prophet Muhammad, the Awlad Sharif. The sharifs in northern Mozambique, for example, enjoyed kinship relations with local ruling or upper-class clans and their high social status resulted from both alliances with the elites and from their own sharifian descent. Hadrami sharifs are indicated as ancestors of many northern Mozambican coastal rulers.⁶ As early as in 1517, a letter from the leader of Mozambique (probably Mozambique Island and adjacent area) to the Portuguese King Manuel was signed by Sharif Muhammad al-Alawi, a name which points to his possible Hadrami Alawi sharifian pedigree.⁷ Besides the honorific titles of sharif and sayyid (Ar., lord), they were further empowered by their sharifian ancestry which granted

² Michael Pearson, *The Indian Ocean* (London: Routledge, 2003), p. 95.

³ Michael Lambek, 'Localising Islamic performances in Mayotte', in *Islamic prayer across the Indian Ocean: Inside and outside the mosque*, ed. David Parkin and Stephen Headley (Richmond: Curzon, 2000), p. 64.

⁴ Ricardo Teixeira Duarte, *Northern Mozambique in the Swahili world* (Stockholm: Central Board of National Antiquities; Maputo: Dept. of Archaeology and Anthropology, Eduardo Mondlane University; Uppsala: Dept. of Archaeology, 1993); Malyn Newitt, 'The early history of the Sultanate of Angoche', *Journal of African History* 13, 3 (1972): 397–406; Malyn Newitt, *A history of Mozambique* (London: Hurst & Co., 1995), pp. 3–13; Liazzat J. K. Bonate, 'Islam in northern Mozambique: A historical overview', *History Compass* 8, 7 (2010): 574.

⁵ *The Periplus of the Erythraean Sea: Travel and trade in the Indian Ocean by a merchant of the first century*, <http://www.fordham.edu/halsall/ancient/periplus.asp>

⁶ Liazzat J.K. Bonate, 'Traditions and transitions: Islam and chiefship in northern Mozambique, ca. 1850–1974' (PhD diss., University of Cape Town, 2007).

⁷ João de Sousa, *Documentos arabicos para a historia portugueza copiados dos originaes da Torre do Tombo com permissão da S. Magestade, e vertidos em portuguez, por ordem da Academia Real das Sciencias de Lisboa* (Lisboa: Officina da Academia Real das Sciencia, 1789), pp. 85–6. 23.

them exclusive rights over vital Muslim communal activities, allowing them to serve as *qadi* (the Muslim judge), imams of the Juma mosque (central mosque) and heads of the Sufi Orders (the *khalifa*).

Islamization did not annihilate the preexisting matriliney, and matrilineal kinship continued to be at the base of social relations so that families and lineages and associated with them, inheritance, succession and residence patterns were constituted through mothers, and their daughters and sons.⁸ Children were raised by mothers and maternal relatives. Matriliney empowered women as controllers of land and houses, creating an obvious dissonance with the masculinist discourses of the Islam and later, of capitalism and the modern state. And as such matriliney stood in stark contrast with the prescribed norms of Islam, which not only define kinship patrilineally and put men at the apex of power relations within families as well as broader society, but also provide detailed legal injunctions on inheritance and the rearing of children by paternal side of the families.

Scholars have long puzzled over the reasons for the 'paradox' of Islam not eradicating conflicting local matriarchal and matrilineal practices. Michael Lambek suggests one of the most compelling reasons for the concurrent existence of Islamic and pre-Islamic practices among Muslims of the East African island of Mayotte. He argues that

in the context of Indian Ocean-wide Islamization, it is more accurate to speak of 'acceptance of' rather than 'conversion to' Islam.⁹ Conversion 'privileges an immediate, virtually instantaneous, unidirectional, and distinct shift in self-identification over a gradual change ... insofar as it privileges a private, subjective experience over a collective process; and insofar as it privileges rationalized "beliefs" over ritual order ...'.¹⁰ Acceptance, on the other hand, as David Parkin points out, does not imply an abrupt abandonment of prevailing ideas and practices; it is a process 'which is likely to take longer and to be reciprocally inscribed in pre-existing custom and cosmology Yet it may well typify much Islamisation in the region [across the Indian Ocean] in allowing for Islamic and non-Islamic traits to inter-mingle steadily'.¹¹ Lambek maintains that the local performances of the global Islamic texts provided the basis for a common religious identity shared by the worldwide *umma* (Ar., Muslim community), but the performances themselves responded to local needs and were embedded in local kinship and community:

People ... could not imagine an Islam that was not in part about fulfilling one's obligations and responsibilities to others, not according to an abstract ethics or code of law (though they were

⁸ Liazzat J.K. Bonate, 'Matriliney, Islam and gender in northern Mozambique', *Journal of Religion in Africa* 36, 2 (2006): 139–66.

⁹ Lambek, 'Localising Islamic performances', p. 65.

¹⁰ Ibid.

¹¹ David Parkin, 'Inside and outside the mosque: A master trope', in Parkin and Headley, *Islamic prayer across the Indian Ocean: Inside and outside the mosque*, p. 3.

aware that this existed), but through the immediacy of habitual practice and according to the ways people expected to give and receive from one another on a daily and long-term basis.¹²³⁸

However, it is also true that not all Muslim communities along the Indian Ocean rim remained tolerant towards their pre- or non-Islamic practices. In other words, not all of them accepted rather than converted to Islam. On the Swahili coasts of Kenya and Tanzania just north of Mozambique, matriliney was gradually replaced by patriliney or bilateral kinship.¹³ A closer look reveals that political power, in particular Muslim states such as the sultanate of Zanzibar, was probably essential for this kind of shift. Similar types of Muslim states were absent in northern Mozambique, although some short-lived forms emerged here and there occasionally, and in Mozambique many coastal Muslims saw themselves as subjects of the Sultanate of Zanzibar until its fall in 1964, despite living under Portuguese rule.

2. Colonialism, Matriliney and Islam

In the case of Mozambique, the Portuguese colonial rule did not seem to have much knowledge or capacity to deal with Muslims, except for initial confrontations in the sixteenth and seventeenth centuries, when they conquered some Swahili enclaves along the coast but left others, such as Angoche, to remain independent of their incursions.¹⁴ At the beginning of the modern colonial period, in the early twentieth century, when the military conquests of the 'effective occupation' were almost concluded, the most important measures pertaining to Islam and matriliney had an administrative character aimed at organizing colonies territorially and establishing a new bureaucratic system. The Administrative Reform legislations of 1907 and 1933 incorporated into the administrative machinery chiefs (*wamwenye* in the case of northern Mozambique) who were expected to rule according to local 'traditions and customs' while promoting metropolitan economic interests of collecting taxes and imposing forced labor. Significantly, women were not barred from exercising chieftaincy if that was the 'custom' of local people.¹⁵ The contents of African 'traditions and customs' were not addressed as Portugal did not have the same approach as other European colonies, neither did it boast of politicians or intellectual elites engaged

¹² Lambek, 'Localising Islamic performances', p. 74.

¹³ Kelly M. Askew, 'Female circles and male lines: Gender dynamics along the Swahili coast', *Africa Today* 46, 3/4 (1999): 67–102; David Parkin, 'Swahili Mijikenda: Facing both ways in Kenya', *Africa: Journal of the International African Institute* 59, 2 (1989): 161–75.

¹⁴ Bonate, 'Traditions and transitions'; Liazzat J.K. Bonate, 'Governance of Islam in colonial Mozambique', in *Colonial and post-colonial governance of Islam*, ed. Veit Bader, Annelies Moors and Marcel Maussen (Amsterdam: Amsterdam University Press, 2011), pp. 29–48.

¹⁵ Bonate, 'Matriliney, Islam and gender': 164n8.

in learning and translating Islamic religious sources written in Arabic or Swahili comparable to that of other European regimes of the time. Although the chiefdoms and other territorial units were reorganized anew, which in effect disrupted the pre-existing structures and ideologies of Africans, Portugal insisted on selecting and endorsing chiefs whose legitimacy and authority were based on local 'customs and traditions' in order to reduce African resistance to the colonial power.¹⁶ This attitude to a certain extent safeguarded matriliney, because the chiefs and their retinues became responsible for the application of 'traditions and customs', with dispute arbitrations between the clan or family members with regard to property and inheritance left firmly in their hands.

Among the Islamic reformers who emerged in the mid-twentieth century under such names as *sukuti* (Ar., silent; those who opposed Sufism), 'Deobandis' (under the influence of the Indian Deobandi school) and the Wahhabis (those who studied in Saudi Arabia), almost none addressed matriliney. But some men with a similar outlook but living in rural northern Mozambique and contesting for the positions of chiefs did try to eliminate matriliney or female leadership there.¹⁷ They were, however, unsuccessful due to African resistance

and the Portuguese preoccupation with maintaining 'legitimate' chiefs in order to make the peasants produce what the metropolitan state needed.

During the Estado Novo (1926–1974), the Salazar regime allied with the Catholic Church tried to impose Christianization, but they realized the futility of this undertaking by 1954, when international pressure to decolonize Africa intensified. In the last decade of the colonial period, between 1964 and 1974, the regime undertook for the first time a systematic study of its Muslim colonial subjects to counteract the influence of the independence movements, but decolonization dawned soon after so the policies elaborated from the newly-obtained knowledge were never implemented.¹⁸

3. Modernity and the Survival of the Symbiosis

Research by Isabel Casimiro, Signe Arnfred, Daria Trintini, and Carla Braga indicate that matriliney is still alive among Muslim communities of northern Mozambique despite post-colonial attempts to modernize, secularize and even eliminate related ideas and

¹⁶ Malyn Newitt, *Portugal in Africa: The last hundred years* (London: C. Hurst & Co., 1981), pp. 100–106; Harry G. West and Scott Kloock-Jenson, 'Betwixt and between: "Traditional authority" and democratic decentralization in post-war Mozambique', *African Affairs* 98 (1999): 471; Bonate, 'Traditions and transitions.'

¹⁷ J.A.G. de M. Branquinho, 'Relatório da prospeção ao Distrito de Moçambique (Um

estudo de estruturas hierárquicas tradicionais e religiosas, e da sua situação político-social), Nampula, 22 Apr. 1969'. SCCI, Secreto. Arquivo Histórico de Moçambique, Maputo, Secção Especial No. 20, Cotas S.E., 2 III P 6, Portugal, Lourenço Marques, 30 Dec. 1969, 32; Bonate, 'Matriliney, Islam and gender': 167

¹⁸ Bonate, 'Governance of Islam'.

practices.¹⁹ This does not mean that matriliney has not been altered or has not been undergoing continual transformation, but it is more and more centered on so-called ancestral land, rather than other types of property. As in the colonial period, the 'escape', so-to-speak, from the control of the matrilineal kin group leading to individualization of rights comes through the rules for so-called self-acquired property. This kind of property is owned mostly by men; it can be disposed of individually and it can be inherited by direct descendants rather than the matriclan at large, either in accordance with the statutory laws or the Islamic Shari'a. Thus, in northern Mozambique, matrilineal descent groups are constituted around ancestral land, owned by corporate descent groups, but inherited through female lines, with overlapping rights of disposal vested in

matrilineal kin groups. Individuals within these groups only have usufruct rights. Among the Makua, the ancestral land belongs to a kinship group called *maloko* (pl., sing. *n'loko*) descending from a common female ancestor symbolically identified as *errukulo* ('a womb') or *nipele* ('a breast').²⁰ Each *n'loko* consists of several smaller kinship groups – *nihimo* (sing., pl. *mahimo*). The male head of each *n'loko* is *mwenye n'loko*; and of each *nihimo* is *humu* or *mwenye nihimo*. A senior woman, the real or putative elder uterine sister of the *mwenye*, is called *piya-mwenye* (literally, the female *mwenye*) or *nunu*. Each clan has its own senior man, a maternal uncle or brother of the senior woman called *tata* or *halu*.²¹ The senior women and men overlook and control the distribution and use of ancestral communal land, regulate relationships between members of the

¹⁹ Liazzat J.K. Bonate, 'Women's land rights in Mozambique: Cultural, legal and social contexts', in *Women and land in Africa: Culture, religion, and realizing women's rights*, ed. L. Muthoni Wanyeki (London: Zed, 2003), pp. 96–133; Isabel Casimiro, 'Cruzando lugares, percorrendo tempos: Mudanças recentes nas relações de género em Angoche' (PhD diss., University of Coimbra, 2008); Signe Arnfred, *Sexuality and gender politics in Mozambique: Rethinking gender in Africa* (Uppsala: Nordic Africa Institute; Oxford: James Currey, 2011); Daria Trentini, 'On the threshold of a healer's mosque: Spiritual healing, hazard and power in northern Mozambique' (PhD diss., SOAS, University of London, 2012); Carla Braga, "'They're squeezing us!'" Matrilineal kinship, power and agricultural policies: Case study of Issa Malanga, Niassa Province', in *Strategic women, gainful men: Gender, land and natural resources in different rural contexts in Mozambique*, ed. Rachel Waterhouse and Carin Vijfhuizen (Maputo: Núcleo de Estudos de Terra, Eduardo Mondlane

University and ActionAid-Mozambique, 2001), pp. 199–225.

²⁰ Eduardo do Couto Lupi, *Angoche: Breve memória sobre uma das Capitánias-Môres do Distrito de Moçambique* (Lisboa: Typografia do Anuario Commercial, 1907), pp. 162–7; Joseph Frederic Mbwiliza, *A history of commodity production in Makuani 1600–1900: Mercantilist accumulation to imperialist domination* (Dar Es Salaam: Dar Es Salaam University Press, 1991), pp. 69–71; A.J. de Mello Machado, *Entre os macuas de Angoche: Historiando Moçambique* (Lisboa: Prelo, 1970), pp. 391–2; Nancy Jane Hafkin, 'Trade, society, and politics in northern Mozambique, c. 1753–1913' (Ph.D diss., Boston University, 1973), pp. 49–50, 204–5; Bonate, 'Women's land rights in Mozambique'.

²¹ Bonate, 'Traditions and transitions'; Casimiro, 'Cruzando lugares, percorrendo tempos'.

original kin groups and the newcomers, settle disputes, and oversee internal family matters as well. It is incumbent upon the eldest man or *tata* to take care of his sister's children, as well as play the role of guardian (*wali*) for his nieces in Islamic weddings (*nikah or chuo*), and arrange and oversee their marriage partners as well as their divorce and remarriage, and negotiate their dower (*mahr*).²² Thus, children belonged to the matriclan, and have been under the care of the eldest woman and her brother/maternal uncle.

The father has no responsibility towards them, although nowadays he often pays for their schooling and other expenses. Upon divorce, which is quite common, children are left with the mother or her matriclan; upon the death of the husband, his matriclan has no responsibility towards the children (although the attitude varies nowadays according to individual families). The land rights of a lineage or clan on the coastal northern Mozambique are derived from an idea of a first-comer status, thus, most of the land is owned by the traditional elites, and access to land comes through these elites. Those who are not considered descendants of the original settlers are clients of these clans with regards to the land, and although bracketed within kinship ideology, their relationship is one of patron and client.

In coastal northern Mozambique, exemplified here by Angoche, the alleged

first-comers are called the *Anhapakho*.²³ This group is constituted of four major clans (*nhandare, nhamilala, nhatide and m'bilinzi*), descendants of four sons of the mythical woman founder. The *Anhapakho* are considered to be the putative first-comers who 'own' the land, thus, they are the *wamwenye* (the landowning elites). In this quality, they oversaw its distribution to the later arrivals to whose allegiance they had special claims through marriage and kinship relations. The latecomers were expected to receive a portion of land from the first-comers in return for tribute and loyalty. Nowadays this relationship is expressed by payment of cash, crops or other goods.

During colonial period and after the independence, the duolocal residence pattern of the earlier periods, when a married man did not reside with his wife but visited her daily while residing with his own matriclan, has been transforming into a more uxorilocal pattern since the mid-twentieth century.²⁴ Of course, this varies according to the situation of the individual families, especially when they migrate to the cities or other regions. Thus, features of the idealized matrilineal kinship system are not always strictly followed. Modern Western education and employment, transnational experiences, such as in Gulf countries where stricter Islam is followed, and economic transformations in agriculture and in societies at large, have been engendering

²² Bonate, 'Women's land rights'.

²³ Lupi, *Angoche*, pp. 70, 114–15, 135, 173, and passim; João de Azevedo Coutinho, *As duas conquistas de Angoche* (Lisboa: Divisão de Publicações e Biblioteca, Agência Geral das Colónias, 1935), p. 91; Liazzat J.K. Bonate, 'The ascendance of

Angoche: Politics of kinship and territory in the nineteenth century northern Mozambique', *Lusotopie* 1 (2003b): 121–2; Bonate, 'Traditions and transitions'.

²⁴ Bonate, 'Traditions and transitions'.

many changes. Inheritance and ownership of other property that is not the ancestral land could have become more patrilineal, the residence pattern might vary from uxori-local to patrilocal or even independent, and the power of the nominal heads of clans, be they women or men, could be reduced to overseeing the ancestral land or sorting out family disputes. But so far, the ancestral land itself remains the common point that sustains matriliney.

So, except for the control of the ancestral land, gender relations within the families also went through various transformations since the end of the colonial period.²⁵ Although Northern Mozambican African Muslims have been described as 'syncretistic', 'unorthodox' and even 'opaque' and therefore, unlikely to abide by Islamic norms or laws, various fieldworks showed that Muslims of this region consistently referred to themselves as followers of the Shāfi'ī *madhhab* (Arabic, school of law) and cited in particular *Safīnat al-najā* by Sālim ibn 'Abdullah ibn Sa'd ibn Samīr al-Haḍramī al-Shāfi'ī (mid-19th c.) and,

of course, *Minhāj al-ṭālibīn* by Abū Zakariyyā Yaḥyā ibn Sharaf Muḥyī l-Dīn al-Nawawī (1233–1277), among others, as textbooks with which they regulated their family lives.²⁶ This is not surprising given that the Shāfi'ī legal school predominated historically on the Indian Ocean shores including the East African coast.²⁷ This school therefore is the traditional historical long-term *madhhab* by which northern Mozambican Muslims abide despite matriliney. However, recently, some of the so-called Salafis, those who studied in Islamic schools in Arab countries or were educated locally by the Islamic Council or Ahl al-Sunna movement,²⁸ linked to Wahhabism and the Hanbali legal school through the education at the University of Medina, have shown preference to the patrilineal system, at least in discourse.

As a rule, three legal areas – matriliney, Islam and formal legislation – act simultaneously in many Muslim communities of northern Mozambique, which are constantly reinvented and hybridized. The limits between them are not always clear because of the colonial

²⁵ Liazzat J. K. Bonate, "Muslim Family and Gender in Northern Mozambique: Shari'a, Matriliney and the State Laws in Paquitequete." *Islamic Africa*. Vol. 11, 2020, 184-207.

²⁶ See, for example, Medeiros, *História de Cabo Delgado e do Niassa (c. 1836–1929)*, Maputo, Central Imprensa, 1997, p. 61 and passim; René Pélissier, *História de Moçambique: Formação e Oposição, 1854–1928*, Translated from French into Portuguese by M. Ruas, Lisbon, Editora Estampa Ltda, 2000, 2 Volumes, 3rd Edition, Vol. 1, p. 319–20.

²⁷ John Spencer Trimingham, *Islam in East Africa*, Oxford, Oxford University Press,

1964, p. 69; James Norman D. Anderson, *Islamic Law in Africa*, London, Franck Cass, 1970, p. 1–170; Ahmed Abdallah Chanfi, *Islam et Politique aux Comores: Évolution de l'autorité spirituelle depuis le Protectorat français (1886) jusqu'à nos jours*, Paris, l'Harmattan, 1999, p. 37; Anne K. Bang, *Sufis and Scholars of the Sea: Family Networks in East Africa, 1860–1925*, London, RoutledgeCurzon, 2003, p. 162.

²⁸ Liazzat J. K. Bonate, "Islam in Northern Mozambique: A Historical Overview." *History Compass*, 8/7 (2010); Liazzat J. K. Bonate, "Muslim Religious Leadership in Post-Colonial Mozambique." *South African Historical Journal*, 60/4 (2008), p. 637–654.

legacies and post-colonial contexts, and formal legislation does not cover traditional and Islamic norms, leaving them outside the purview of the statutory laws. Kinship relations, property rights, inheritance and custody of children mainly privilege the maternal side of the family, but uxorelocality have been eliminated in urban areas. The rest of family life is regulated by the norms of the Shāfi'ī *madhhab*. However, when conflicts arise, they are taken to the Community Courts, which not only apply matrilineal and Islamic norms but also borrow from various formal laws in order to settle disputes.

According to people interviewed, the attempts to transform matriliney into patriliney are not dictated by the demands of Islam, but rather by practical convenience of transmitting inheritance from a father to his children. In cities, people tend to separate themselves from the extended matrilineal family and concentrate in a Western-style nuclear family in order to pass down their urban inheritance to the direct descendants and ascendants. When it comes to rural land outside the city, however, this is not possible, because the land is regulated according to local customs and traditions, which are matrilineal. Only those individuals who studied in Arab countries or locally with the Africa Muslim Agency (a Salafi-oriented international Islamic NGO based in Kuwait), or those who belong to the Mozambique Islamic Council or the Ahl al-Sunna movement, are inclined to follow the Islamic patrilineal and patriarchal model.

The situation of some widows is precarious due to the appropriation of their husband's inheritance by his extended matrikin. Matrilineal norms in such cases often override both statutory

and Islamic laws. Although these norms in theory protect a woman's right to inheritance with regard to land and other belongings coming from her own maternal side, with respect to her husband, a widow seldom can inherit. When there are conflicts between the widow and her deceased husband's relatives, especially over a house or other asset, she is accused of having bewitched and killed her husband in order to take possession of his belongings.

With regard to the separation of assets upon divorce, often husbands and their matrilineal extended family, led by the maternal uncles, confiscate all belongings of the former wife and children, including the house and everything in it.

With regards child custody, matrilineal norms also often override both statutory and Islamic laws, as children belong to matrikin and are expected to be supported by a maternal uncle, *tata* or *khalo*. However, in practice children are often left without any support. Sometimes a woman hands her children over to her former husband, forcing him to raise them. Couples sometimes share the children: the younger ones and girls stay with the mother while other children go with the father, who will also take the younger ones once they grow up. However, all this varies from family to family. Thus, not all men take care of their children, despite that most men are aware that it is the man's obligation. But many did not comply. This depends on each man. When woman remarried, a new husband would not allow interference from the former one. But most women remarried, and those who did not, sometimes received support from former husbands.

Although Islamic Law allows polygamy and emphasizes that a man needs to be authorized neither by a judge nor by the existing wife to enter into an additional marriage, provided the number of wives does not exceed four, most Muslims in northern Mozambique do not have more than one wife because, according to those interviewed, polygamy “incurs expenses.”

When disputes are difficult to resolve, the cases are taken to the Community Courts, in which the judges combine various aspects of the three legal orders, the Islamic norms, matrilineal custom and statutory laws, depending on the situation. For example, most cases of the wife's adultery were sorted out in accordance with customary norms by payment of a fine to the husband by the offending male party. However, some Community Courts also applied Article 39 of the Penal Code dealing with public indecency, and to top that the wife was described as “disobedient” in conformity with the precepts of Islamic law and was made to pay a fine to her husband for her “unseemly” conduct.

Often in these Courts, contentious disputes between a deceased person's matrikin and widows around inheritance were resolved completely outside customary and Islamic norms, and categorically in favor of widows and children by citing Article 4 of the Law on Child Protection and the Law No. 5/76 on the real estate built with precarious material.

The same approach was taken with regards children's assets and alimony from their fathers. The Courts advocated that children's rights had to be protected at all costs and it often forced fathers to

maintain their children, by paying for their food, clothes, schooling and healthcare. If a child's father refused, the Court sent a notification summoning him, because most mothers did not have formal employment and often had nowhere to live, and children were left in a precarious condition. Sometimes the alimony was deducted directly from the father's salary in collaboration with his employer, by order of the Court.

In cases of divorce, for example the Court in Paquitequete in Pemba City, applied the new Family Law with regards to divorce by mutual consent when a couple's assets were divided between them equitably. If the divorce was contentious, the assets were divided 75% to 25%, with the faulty party receiving the lesser amount. The judges visited the spouses' household, where, with the support of the neighborhood's heads, they audited assets in order to determine their value and division.

The cases where the matrilineal customary and Islamic norms converged and formal legislation had little effect were related to the so-called “sexual assault of the minor girls,” whereby the Islamic concept of “honor” and “shame” of the family merged with the perceived rights of the progenitors and legal guardians to approve and sanction marriage of their offspring. These cases concerned minors or young people who had sex before wedlock and thus reduced the chances of parents' anticipated joy and honor of a virgin daughter and associated high *mahr* (Arabic, dower). These cases were resolved through the payment of a fine to maternal uncle or father of the girl followed by a speedy wedding. However, when an adult and a minor were involved, the cases were

transferred to the police station and judged according to statutory laws.

Thus, Muslims of northern Mozambique have maintained concurrent legal identities as followers of Islam, matrilineal Africans and citizens of the modern state, and the pragmatic popular consensus of this arrangement can be clearly seen in the way trials are conducted in Community Courts.

4. Women and Power within the Symbiosis

Women in matrilineal societies could access social, political, and spiritual power. In the nineteenth century, when the international slave trade intensified in the region—which was accompanied by increased militarization and acute conflicts and tensions between different political actors—female leaders competed for control of the slave-trade economies.

²⁹ On Maziza, see J. Frederic Elton, *Travels and Researches Among the Lakes and Mountains of Eastern and Central Africa* (London: J. Murray, 1879), 141–142, 196; and Hafkin, “Trade,” 267–272. On Mwana Saiemo, sister of the chief of Mewa, see António Camizão, *Governo do distrito de Moçambique. Indicações gerais sobre a capitania—mór do Mossuril*. Appendice ao relatório de 1 de Janeiro de 1901 (Lourenço Marques, Mozambique: Moçambique: Imprensa Nacional, 1901), 14. On Sygia of Namarral, see René Peélissier, *História de Moçambique: Formação e oposição, 1854–1928*, translated from French into Portuguese by Manuel Ruas, Vol. 1 (Lisbon, Portugal: Editorial Estampa Lda., 2000), 312. On Salima or Sarima, one of the chiefs in Fernão Velozo region under the shehe of Quintongonha, see Mbwiliza, *A History*, 108, 114; and Hafkin, “Trade,” 127–128; and on Dona Rosaura, whose Makua name was Mazi-Praia, see Hafkin, “Trade,” 117–140; and Mbwiliza, *A History*, 54–55. On

Women rulers of northern Mozambique, such as Mwana Saiemo of M'tumalapa, Maziza of Pao at Meze, Salima of Nacala, and Naguima and Fatima binti Zakaria, were as militarized as men and aggressively pursued wars and slave raiding.²⁹ Maziza, for example, did not hesitate to murder Bwana Heri, the *shehe* (Muslim ruler, from Ar. shaykh) of Quitongonha and her superior, when he tried to accommodate Portuguese interests in eradicating the slave trade in the area.³⁰

Fatima binti Zakariya, the *nunu* of Seremaje (Quinga) region of Mogincual, and her mother Manaty, the previous *nunu*, were both known to be brutal slave raiders who also intensely resisted the Portuguese conquest wars (1895–1913).³¹ According to a Portuguese military report from 1897, Nunu Fatima

Ulenjelenje or Njelenje, a Yaawo female chief who was active in the slave trade, supplying Arab caravans, see David Livingstone, *The Last Journals of David Livingstone, in Central Africa, from 1865 to His Death. Continued by a Narrative of His Last Moments and Sufferings, Obtained from His Faithful Servants, Chuma and Susi*, ed. Horace Waller, Vol. 1 (London: John Murray, 1874), 97.

³⁰ Elton, *Travels*, 196; and Hafkin, “Trade,” 267–272.

³¹ Mozambique Historical Archives, Fundo do Século XIX, Governo do Distrito de Moçambique, Cx. (Caixa, box) 8, Maço 5, Nota n° 114 da Capitania Mor de Angoche, datada de 27 de Julho de 1899; see also Liazzat J. K. Bonate, “Muslim Female Political Leadership in Pre-Colonial Northern Mozambique: The Letters by Nunu Fatima Binti Zakaria of Mogincual,” in *AD FONTES: Reflections on Sources of Africa's*

had about 1,000 armed men and 300 firearms at her disposal, and she sailed slave cargoes to the Swahili rulers of northern Madagascar and the Comoros, with whom she had kinship ties.³² She retained slave soldiers and participated in slave raiding herself.

The Namarral Makua “queen” Nagima (Naguema in Portuguese sources), whose immediate ancestors only moved to the coast and became Muslims in the first half of the nineteenth century, was another important warrior and slave trader.³³ She was also one of the leaders of African resistance against the Portuguese conquest, and she withstood a direct military confrontation with Mousinho de Albuquerque, the legendary Portuguese commander of the “effective occupation” campaigns.³⁴

Muslim women were also active in the Liberation struggle (1956-1974) and Liberation war (1964-1974). While many

of FRELIMO’s leaders were from the south, the liberation struggle was fought in the northernmost part of the country. This was due to the support provided by TANU (Tanganyika African National Union) and Julius Nyerere. Already in the 1950s, Mozambican migrants in Tanganyika were drawn into debates over *uhuru* (“independence” in Swahili) by the Tanganyika African Association (TAA), and soon by TANU.³⁵ The Mozambique Makonde Union (TMMU) in Dar es Salaam, founded in 1958, envisioned becoming an all-Mozambican political movement similar to TANU, and in 1960 it changed its name to MANU (Mozambique African National Union). After the proclamation of Tanganyika independence in 1961, MANU’s role as a political movement seeking the independence of Mozambique intensified. It used TANU’s methods of popular mobilization and tapped into existing social networks, such as Christian churches, Muslim Sufi orders, lineage heads, and *piya-mwene*.³⁶

Past, Their Preservation, Publication, and/or Digitisation, ed. Viera Pawlikova-Vilhanova (Brussels: Union Académique Internationale; Bratislava, Slovakia: Slovak Academic Press, 2019), 81–105.

³² Mozambique Historical Archives, Fundo do Século XIX, Governo do Distrito de Moçambique, caixa 8–10, M1. Relatório do Comando Militar de Moginqual, de 17 de Março de 1897.

³³ Amorim, *Relatório*, 16–17; and José Justino Teixeira Botelho, *História militar e política dos portugueses em Moçambique de 1833 aos nossos dias* (2nd ed.) (Lisbon, Portugal: Centro Tip. Colonial, 1936), 496–497, 500;

³⁴ Joaquim A. Mousinho de Albuquerque, *A Campanha contra os Namarraís* (Lisbon,

Portugal: Imprensa Nacional, 1897), 11–12, 50, 60.

³⁵ Yussuf Adam and Anna Maria Gentili, “O movimento liguilanilu no planalto de mueda, 1957–1962,” *Estudos Mozambicanos* 4 (1983): 41–75, here 66–67; Michel Cahen, “The Mueda Case and the Maconde Political Ethnicity: Some Notes on a Work in Progress,” *Africana Studia* 2 (1999): 29–46: 33–36.

³⁶ Branquinho, ‘Relatório, 398–399, 147; Harry G. West, *Kupilikula: Governance and the Invisible Realm in Mozambique* (Chicago: Chicago University Press, 2005), 135; Paolo Israel, “Lingundumbwe: Feminist Masquerades and Women’s Liberation, Nangade, Mueda, Muidumbe, 1950–2005,” *Kronos: Southern African Histories* 39, no. 1 (2013): 204–229; Liazzat J. K. Bonate,

Muslim religious leaders of northern Mozambique, including Shaykh Yussuf Arabi and his wife Mariamo Omar, were also mobilized and took up important positions within MANU and later FRELIMO.³⁷ Moreover, MANU and FRELIMO encouraged women to participate in the political struggle and liberation war.³⁸ Many *piya-mwene* organized popular mobilizations and several were arrested, tortured, and killed by the Portuguese Secret Service, PIDE.³⁹

The female wing of the guerrilla army, called *Destacamento Feminino* (Female Detachment, DF), was officially created in 1966. Yet already before the creation of the DF, Muslim girls and women were participating in military activities at the guerrilla bases in the northern provinces

of Cabo Delgado and Niassa. In 1967, a platoon of twenty-five girls and young women from Cabo Delgado, including Muslim, became the first female group to receive political–military training at FRELIMO’s training camp in Nachingwea, southern Tanzania.⁴⁰

Muslim women serving in DFs participated in direct combat and ambushes and took Portuguese soldiers as prisoners.⁴¹ But they also had to perform “womanly” jobs, such as collecting firewood and water, cooking for men, looking after the wounded and children, and transporting ammunition from Tanganyika to the guerrilla bases inside Mozambique. All the women eventually married and had children. They had three wedding ceremonies: one was called a “ceremony of the banner,” which took

“Traditions and Transitions: Islam and Chiefship in Northern Mozambique, ca. 1850–1974” (PhD diss., University of Cape Town, 2007); and Liazzat J. K. Bonate, “Muslims of Northern Mozambique and the Liberation Movements,” *Social Dynamics: A Journal of African Studies* 35, no. 2 (2009): 280–294.

³⁷ Bonate, “Muslims of Northern Mozambique”; and Liazzat J. K. Bonate, “Muslim Memories of the Liberation War in Cabo Delgado,” *Kronos: Southern African Histories* 39, no. 1 (2013): 230–256.

³⁸ Joel Das Neves Tembe, “Uhuru na Kazi: Recapturing MANU Nationalism Through the Archive,” *Kronos: Southern African Histories* 39, no. 1 (2013): 257–279.

³⁹ Branquinho, “Relatório, 114–125, 236, 243–244, 395–396; Archives Torre do Tombo, Lisbon—“Relatório da PIDE, 14/9/66, Porto Amélia, No 590/66 – GAB, 27/9/66, Islamismo como veiculo da subversão não-violenta,” and “Relatório da PIDE, 8/8/66, Porto Amélia, No 447 –GAB,”

in SCCIM, IAN-TT, Lisbon, Cx. 61, No 410, pp. 359, 362–364.

⁴⁰ Arquivo Histórico de Moçambique, “Primeiro Grupo Feminino Vindo de (Cabo Delgado),” February 2, 1967.

⁴¹ **Liazzat J. K. Bonate, “Muslim Memories of the Liberation War in Cabo Delgado.” *Kronos: Southern African Histories*, Vol. 39, November 2013, 230-256; Liazzat J. K. Bonate, “Muslim Women in Politico-Social Movements. Revolutionary. Tanzania and Mozambique”. In *Suad Joseph, Zeina Zaatari et al, eds., Encyclopedia of Women and Islamic Cultures. Brill Online Reference Works. Leiden & Boston: Koninklijke Brill NV.***

place during the war under the FRELIMO banner. They became pregnant and gave birth while at war. Their second wedding was an Islamic marriage ceremony, which was performed after the war in their own communities with their families present. The third ceremony was a civil registration, which took place years later.

5. The Post-colonial State and the Symbioses

After independence, the ruling Frelimo party declared “the destruction of all vestiges of colonialism and imperialism in order to eliminate the system of man exploiting his fellow man, and to build the political, material, ideological, cultural and social basis of a new society.”⁴² Along with other religious and ‘traditional’ leaders, Muslims fell victim to political excesses committed during these early independence days. For example, a group of Indian Muslims, using their own means, went to perform hajj in Mecca and Medina, but on their return were jailed for up to six months to a year until cleared of allegations of being ‘reactionaries’.⁴³

Similarly, Muslim shopkeepers were summarily fined and subjected to other disciplinary actions, including imprisonment, for keeping their shops closed during the Eid festivals. It was the historical northern Mozambican Muslim leadership, overwhelmingly matrilineal, that suffered more than any other group because the state actively sought to eliminate the pillars of their authority in

both the religious and African ‘traditional’ domains.

The new government seemed to have conveniently forgotten about Muslim participation in the liberation war in northern Mozambique. Especially hard was the situation of those liberation war veterans who had been integrated into the new army, where they were precluded from performing religious rituals and were sometimes fed pork in army barracks. Muslims in Angoche recounted during my fieldwork that in one of President Samora Machel’s visits, he had entered a mosque wearing shoes, saying that ‘religion was the opium of the illiterate and backward masses’.

Machel is also remembered for his remarks equating Angochian Muslims in Inguri to African counter-revolutionary ‘petit bourgeoisie’ for having well-organized streets lined with modern stone-houses, built by the Portuguese colonial government. It was also recalled that the late president suggested raising pigs in order to confront food shortages in an overwhelmingly Muslim Angoche. At the same time, the “classic socialist theories of women’s emancipation” became the guideline for Frelimo’s gender politics.⁴⁴

Frelimo continued to rely on Mozambican Women’s Organization (OMM), which it created in 1973, to address women’s issues but gradually drifted away to a certain extent from the

⁴² Decisões do Conselho de Ministros [Decisions of the Council of Ministers], *Boletim da República*, 1ss Séries, nº 15, 29 July 1975.

⁴³ Liazzat J. K. Bonate, “Muslim Religious Leadership in Post-Colonial Mozambique”,

South African Historical Journal 60 (4) 2008, 643.

⁴⁴ Signe Arnfred, “Women in Mozambique: Gender Struggle and Gender Politics,” *Review of African Political Economy* 14 (1988): 5–16.

stated goal of emancipation and equality by envisioning women as “natural” caregivers and providers of social services. OMM favored programs for literacy and primary healthcare, childcare, daycare, sewing projects, crafts, and cooking.⁴⁵ It demanded women’s participation in vaccination campaigns, in the mobilization for the elections of popular courts at the grassroots level, and in the creation of cooperatives such as collective *machambas* (farms). As Sheldon writes, through these programs Frelimo focused on women’s practical interests but largely ignored “strategic issues of gender equality.”⁴⁶

Women were considered resources of the state and nation, and, as Isabel Casimiro argues, “this type of policy did not question the tasks of the housewife and the working woman.”⁴⁷ By and large, the vast majority of women were not heard or consulted, and there was little progress in addressing the gendered division of labor in households and in rural areas, and therefore patriarchal exploitative practices, especially in the south and center of the country, persisted.⁴⁸ The majority of women continued to be

subsistence farmers because, despite Frelimo encouraging women to enter professional work, opportunities for waged labor remained scarce.

After formally adopting its socialist outlook in 1977, Frelimo and OMM embraced a political line of fighting against the indigenous culture and authority, identified as vestiges of the “feudal society” operating through “habits and customs,” which they accused of exploiting, humiliating, and oppressing women.⁴⁹ Frelimo’s stance in this regard replicated that of the colonial regime, which had also viewed these norms as obscurantist, oppressive, and an obstacle to progress and modernity. The practices, rites, and ceremonies derived from African cultural norms were not criminalized per se, but strong political campaigns were waged against them. As Arnfred points out, “[t]hese were the years of what has later been termed the *abaixo* politics. *Abaixo* means ‘down with,’ and slogans of ‘down with lobolo,’ ‘down with polygamy,’ ‘down with initiation rites’ were shouted at every political meeting.”⁵⁰

⁴⁵ Kathleen Sheldon, “Creches, Titias, and Mothers: Working Women and Child Care in Mozambique,” in *African Encounters with Domesticity*, ed. Karen T. Hansen (New Brunswick, NJ: Rutgers University Press, 1992), 293.

⁴⁶ Kathleen Sheldon, “‘To Guarantee the Implementation of Women’s Emancipation as Defined by the Frelimo Party’: The Women’s Organization in Mozambique” (*Working Paper 206*, Michigan State University, May 1990), 7.

⁴⁷ Isabel Casimiro, “*Paz na terra, guerra em casa*”: *feminismo e organizações de*

mulheres em Moçambique (Recife, Brazil: Editora UFPE, 2014), 236.

⁴⁸ Stephanie Urdang, *And Still They Dance: Women, War, and the Struggle for Change in Mozambique* (New York: Monthly Review Press, 1989), 24, 27–28, 30, 109.

⁴⁹ Signe Arnfred, “Gender in Colonial and Post-colonial Discourses,” in Signe Arnfred, *Sexuality and Gender Politics in Mozambique: Rethinking Gender in Africa* (Suffolk, UK: James Currey, 2011), 122.

⁵⁰ Arnfred, “Gender in Colonial”, 126.

Matriliney was frowned upon because of the frequency of divorce and because of the perceived threat that it posed to a nuclear family that was, like in colonial times, molded on a patriarchal Christian model, with the husband as the “head of the family” and the wife as the *rainha do lar*.⁵¹ The civil war (1979–1992), fought between Mozambican government forces and the rebel group RENAMO (*Resistência Nacional de Moçambique, Mozambique National Resistance*), reduced to a certain extent the reach of the government in some central and northern parts of the country, and matriliney continued to survive under the new political regime. Moreover, as Sheldon writes, there was often a “cultural distance between the government and ordinary Mozambicans.”⁵² People pretended to comply, but secretly they continued with their ceremonies and rituals, and female ritual authority did not disappear.⁵³

One of the nationwide campaigns that mobilized most of them, including OMM, was the reform of the Family Code. In the colonial period, most African families were regulated by “usages and customs” under the control of the *regulos*, except when the marriage was Christian and

registered, in which case it fell under the Portuguese Civil Code. The number of Christian marriages among Africans was insignificant, and the vast majority lived in either *lovolos* or matrilineal marriages (including Muslims). After independence, the Frelimo socialist government intended to produce legislation reflecting the experiences of conflict resolution on the ground, and the Ministry of Justice founded the Department of Research and Legislation (DIL) with a group of newly trained law professionals to address and create solutions to the emerging reality in the country.

The first reform of the judiciary took place in 1975–1978 and aimed to make it accessible to the African majority.⁵⁴ The 1975 Constitution upheld that “all previous legislation which contradicts the Constitution is automatically revoked” and the Council of Ministers began drafting new laws.⁵⁵ The Popular Courts were established in 1978 (Law n°12/78 of 2 December, 1978), stemming from the experiences of Popular Assemblies or Popular Tribunals in the liberated zones during the war for independence (1964–

⁵¹ Arnfred, “Gender in Colonial”, 128-129.

⁵² Kathleen Sheldon, “Down with Bridewealth!” The Organization of Mozambican Women Debates Women’s Issues,” in *Women’s Political Communication in Africa: Contributions to Political Science*, ed. Sharon Adetutu Omotoso (Cham: Springer, 2020), 8.

⁵³ Signe Arnfred, “Winiwa—The Creation of Women: Initiation Rituals During Frelimo Abaixo Politics,” in *Sexuality and Gender Politics in Mozambique: Rethinking*

Gender in Africa (Suffolk, UK: James Currey, 2011), 168-173.

⁵⁴ Albie Sachs and Gita Honwana Welch, *Creating Popular Justice in Mozambique* (London: Zed Books, 1990), 46–47.

⁵⁵ João-Carlos Trindade, “Rupture and Continuity in Political and Legal Processes”, ed. Boaventura de Sousa Santos, João-Carlos Trindade and Maria Paula Meneses, *Law and Justice in a Multicultural Society. The case of Mozambique*, Dakar, Codesria, 2006, p. 31–61: 54, Note 3, 37–38

1974).⁵⁶ These Courts quickly sprawled from the very remote rural areas up to the central government and used local languages for the trials but wrote short summaries in Portuguese.

Soon, these Courts revealed many challenges in the domain of family relations at the grassroots levels, and the government decided to draft a Family Law Project in 1978, which, however, was not ultimately endorsed. In 1982, another Family Law Project was launched but addressed only issues related to mutual consent divorce, dissolution of de facto unions (unregistered and unsanctioned by religion, marriages) and polygamous marriages.

Until the political changes of the 1990s, the official legal system dealt exclusively with the registered marriages still subject to the 1966 Portuguese Civil Code, while the majority of the population lived in non-registered matrimonies with 'traditional' or religious undertones or in secular de facto unions.⁵⁷ As Albie Sachs and Gita Honwana Welch put it, the official position was that, "there is nothing to prevent people from constituting and dissolving their families according to their religious beliefs and traditional ideas. The State does not interfere. It does not recognize but it tolerates. The court does not intervene on

its own initiative, but only when one of the parties invokes its aid."⁵⁸

It was assumed that the traditional norms had no future and could not become a part of the statutory legal system or be applied by the official courts. Some practices such as bride-price and divorce were confronted while matriliney was not seen as something that empowered women; on the contrary the Frelimo promoted patriliney, because in the matrilineal north divorce was frequent.

The 1990 Constitution removed the Popular Courts from the formal judicial system because these Courts worked on the basis of "impartiality, good sense and justice and not according to what is established by law, thus they neither could nor should be part of the judicial system, but should become organs of justice for the purpose of reconciliation or settling of minor disputes" (Article 2, n° 2, of the Law n° 4/92).⁵⁹

But the Law No. 4/1992 restored them in the form of Community Courts, which nevertheless remained outside the official legal system. Following the end of the civil war (1976–1992), the so-called 'traditional authorities' were reinstated by Decree 15/2000 which expected traditional leaders, among other tasks, to assist state officials in conflict resolution and policing.⁶⁰ The 2004 revised

⁵⁶ Sachs and Honwana Welch, *Liberating the Law*, 4, 46–47, 130–13

⁵⁷ Sachs and Honwana Welch, *Liberating the Law*, 66.

⁵⁸ Sachs and Honwana Welch, *Liberating the Law*, 73.

⁵⁹ Conceição Gomes, Joaquim Fumo, Guilherme Mbilana et al, "Community Courts", ed. Santos, Trindade and. Meneses, eds., *Law and Justice in a Multicultural Society*, 203–215, 203.

⁶⁰ Helene Maria Kyed and Lars Buur, "New Sites of Citizenship: Recognition of Traditional Authority and Group-Based Citizenship in Mozambique," *Journal of*

Constitution recognized legal pluralism as long as its constituent elements did not contradict the secular nature of the state and the international agreements such as on Human Rights to which the Mozambican state became a signatory

In 1998, a New Family Code began to be elaborated, and up until 2004 various organizations, institutions, and religious groups participated in the debates surrounding the new legislation. Muslims were habitually divided into two camps: one was Salafist-oriented Islamic Council and affiliated groups arguing in favor of full-blown Shari'a with marriage at puberty, polygamy, sexual segregation and other similar points;⁶¹ while pro-Sufi moderates such as Islamic Congress advocated a more pragmatic stance that considered the reality of the country.

Muslim women's organizations also expressed their views by addressing the permissibility of polygamy in the Qur'an and arguing that it was conditioned rather than automatic, and that women should not accept polygamy.⁶² Some more 'traditionally-minded' people put forward arguments that African customary laws allowed polygamy, bride-price and related customs, which were opposed by Christian groups.

Southern African Studies, 32/3 (2006): 563–581.

⁶¹ For the contradictions among Muslims of Mozambique, see Bonate, "Muslim Religious Leadership". Here are some of the headlines in the newspapers of the time: D. Mugabe, "Um homem, uma mulher. Proposta de Lei da Família provoca celeuma," *Notícias*, April 19, 2000, p. 2; "Os dias de poligâmia estão contados- Movimento

The New Family Code proposal was submitted to the Parliament in January 2002 and the law came into force in March 2005. Afterwards, various Human Rights, women's and legal organizations and NGOs set about to disseminate the new law in the country and many Community Courts received comprehensive training on the matter. This law is overwhelmingly civil but recognizes religious and traditional marriages on par with civil marriages provided they are monogamous and follow other requirements of a civil marriage, thus subjecting customary and religious marriages to civil norms.

6. Insurgency in Cabo Delgado

As pointed above, there is a long historical tradition of Muslim women in northern Mozambique accessing political power, including the military one. The hypothesis then would be that they probably have been supporting the insurgency in Cabo Delgado or participating actively in some of its operations, including military actions, but there is a dearth of research on this matter so far.

Why the *jihad* came into fruition in this particular place of Cabo Delgado and at this particular time of 2017 remains a

Islâmico de Moçambique reage," *Domingo*, 14 May 2000.

⁶² "Numa iniciativa de ammej – muçulmanas discutem a proposta da Lei de Família." *Notícias*, May 12, 2000; P. Velasco, "A proposta da Lei de Família – 'Alcorão não autoriza poligâmia' – proclamam mulheres muçulmanas içando a bandeira de emancipação," *Demos*, May 17, 2000.

point of contention. However, looking back into the history of the region, seeing that the jihadi and other radical ideology had been available to local Muslims both through their connections to the regional and global umma, and through their education, and after observing for five years the situation in Cabo Delgado, it is clear that the neoliberal changes and state and security violence were at the base of this jihad. Factors beyond radical Islam seem to have contributed to the emergence of the insurgency because it is very spatially specific — in the region of future gas industry (Mocimboa da Praia and Afungi in Palma, Cabo Delgado), and in terms of the date — 2017, just as the government announced the construction of the gas processing complex. The Cabo Delgado insurgency is linked to the discovery of gas and the exploitation of natural resources, such as rubies, graphite, coal, phosphate, sapphires and hardwoods. Since the early 2000s, a

major transformation has been taking place in this region, resulting from the implantation of the extractive-mineral industry typical of the neoliberal turn, associated with the “New Scramble for Africa”.⁶³ In many oil and gas producing societies, violent extremism is generated by real or perceived grievances, such as discrimination, marginalization, injustice, repression and other abuses by the state and security apparatus, which have exacerbated pre-existing grievances with a strong historical component.⁶⁴ This is also noticeable in Tanzania where there are high rates of unemployment and poverty in Muslim coastal areas, similar to Cabo Delgado, and probably the Muslim communities of both regions, already historically and culturally interconnected, influence each other’s position with regards the post-colonial state, neoliberalism and transnational jihadism⁶⁵

⁶³ Padraig Carmody, *The New Scramble for Africa*, Cambridge: Polity Press, 2011, 18,28; James Ferguson, *Global Shadows: Africa in the Neoliberal World Order*, Durham: Duke University Press, 2006, Ch. 8.

Latham (orgs.), *Intervention & Transnationalism in Africa: Global-Local Networks of Power* (Cambridge: Cambridge University Press, 2001), 197-215.

⁶⁴ Jean-Pierre Filiu, *From Deep State to Islamic State: The Arab Counter-Revolution and its Jihadi Legacy*, Oxford: Oxford University Press, 2015, 127-146; Jason Sorens, “Mineral Production, Territory, and Ethnic Rebellion: The Role of Rebel Constituencies”, *Journal of Peace Research*, v. 48, n. 5 (2011), 571 ; Alessio Iocchi, “The Dangers of Disconnection: Oscillations in Political Violence on Lake Chad”, *The International Spectator*, v.55, n.4 (2020), 84-99 ; Michael Watts, “Resource Curse? Governmentality, Oil and Power in the Niger Delta, Nigeria”, *Geopolitics*, v. 9, n. 1 (2004), 50-80 ; William Reno, “How Sovereignty Matters: International Markets and the Political Economy of Local Politics in Weak States” in T. Callaghy, R. Kassimir e R.

⁶⁵ Stein Sundstøl Eriksen, *Tanzania: A Political Economy Analysis*, Oslo: Norwegian Institute of International Affairs, 2018, 32; Jannis Saalfeld, *Before and Beyond Al-Shabaab: National Islamic Councils, Contentious Politics and the Rise of Jihadism in East Africa*, Duisburg: Institute for Development and Peace, University of Duisburg-Essen, 2019, 27-28; Andre LeSage, “The Rising Terrorist Threat in Tanzania: Domestic Islamist Militancy and Regional Threats”, *Strategic Forum*, n. 288 (2014), 8-12; Rasmus Hundsbaek Pedersena e Opportuna Kweka, “The Political Economy of Petroleum Investments and Land Acquisition Standards in Africa: The Case of Tanzania”, *Resources Policy*, n. 52 (2017), 222-223.

As Penelope Anthias argues,

the problem of state legitimacy is exacerbated by the spatiality of extractive activity, in which social and environmental impacts accumulate in territories rich in natural resources (often marginal to the national development project and populated by ethnic minorities), while the wealth derived from these resources is accumulated and managed by national elites, often on the basis of state claims to subsoil ownership.⁶⁶

Nibras Kazimi points out, scholars must address the question why Islamic revivalism was launched from that particular region and seek to explain the social, cultural, and economic characteristics therein that lend themselves to the current “revivalist” project undertaken by the jihadis.⁶⁷ Nicholas C. Scull, Othman Alkhadher and Salman Alawadi also argue that radicalism, separatism, and other ideological motivations for terrorism that appear to be intrinsically noneconomic may actually stem from underlying economic conditions associated with a lower level of education in countries with unfavorable socioeconomic, political,

and demographic conditions.⁶⁸ Recent report by The United Nations University World Institute for Development Economics Research (UNU-WIDER) maintains that “Mozambique is not a case of capture of government by a business elite, but of capture of business by the political elite.”

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At the same time, the way the jihad has been evolving since 2019 suggests that the protagonists have opted for the form of jihad as interpreted by the ideologue of the ISIS or Islamic State, which was developed between the 1990s and the present time. Even if the Islamic State has not been engaged from the start in the insurgency of Cabo Delgado and affiliated itself to it only in July 2019, it is clear that what has won over in Cabo Delgado is the jihadi approach and ideology closely associated with the Islamic State, even though as a rule, terrorists appear to be more heterogeneous psychologically, and every terrorist is motivated by his or her own complex of psychological experiences and traits. I call them terrorists because they are engaged in violence to obtain desired ideological, religious, or political outcomes by targeting non-combatant civilians, even though the Cabo Delgado jihad is also clearly an insurgency against the state and the ruling party.

The Islamic State, despite its overt patriarchal norms and masculinist

⁶⁶ Penelope Anthias, “Indigenous Peoples and the New Extraction: From Territorial Rights to Hydrocarbon Citizenship in the Bolivian Chaco”, *Latin American Perspectives*, v. 45, n. 5 (2018), 440.

⁶⁷ Nibras Kazimi, *Syria through Jihadist Eyes: A Perfect Enemy*. Stanford, California: Hoover Institution Press, 2010.

⁶⁸ Nicholas C. Scull, Othman Alkhadher and Salman Alawadi, “Why People Join Terrorist Groups in Kuwait: A Qualitative Examination.” *Political Psychology*, 41/2 (2020), 231-247.

militarist approaches, has signed a manifesto on women by the Al-Khanssaa Brigade, citing a *hadith* that women may go out to serve the community in a number of situations, the most important being *jihad* – if the enemy is attacking her country and the men are not enough to protect it and the imams give a *fatwa* for it, as the women of Iraq and Chechnya did, with great sadness, if the men are absent even they are present. Thus, IS has established training camps around Sabratha, Libya and other areas in the east of the country with an estimated 6,000, fighters, believed to be active there. Experts believe that up to 1,000 women are with the extremists in the region. Some of the women are thought to have a little more than a few weeks training before they begin fighting for the jihadists. "We estimate there are now 1,000 women, 300 of them Tunisian, but also from Egypt, Syria and Morocco and Sudan are with Isis in Libya. They have different roles including fighting," Badra Gaaloul, a women's researcher at the International Centre of Strategic, Security and Military Studies, based in Tunis, told *The Times*.⁶⁹

END

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⁶⁹ Bel Trew, "Hundreds of Jihadi Brides Sent to Combat Training". *The Times*, April 19, 2016.

<https://www.thetimes.co.uk/article/hundreds-of-jihadi-brides-sent-for-combat-training-cg8pn55nh>