Oñati Socio-Legal Series (ISSN: 2079-5971)
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Mutations of customary law and state law in the south of Mozambique: paths of hybridisation on gender and family matters

OÑATI SOCIO-LEGAL SERIES FORTHCOMING
DOI LINK: HTTPS://DOI.ORG/10.35295/OSLS.IISL.1972
RECEIVED 5 JANUARY 2024, ACCEPTED 16 JUNE 2024, FIRST-ONLINE PUBLISHED 18 NOVEMBER 2024

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Abstract

This paper departs from the sociolegal study about the "Norms and Practices of local populations in Conflict Resolution and Access to Law and Justice". Specifically, we will focus the Chókwè district, in the south of Mozambique, on the social space of the family, namely the paths of hybridisation on gender and family matters, in three main topics: the norms and practices in the family social space, pointing out the tensions between customary law and state law in a context of legal pluralism; the identification and analysis of the norms and practices and the main actors involved on this conflict resolution, by drawing a map of instances and their interactions; and different paths of hybridization between customary law and state law reflected on the practices related in the fieldwork. We argue that Chókwè reflects an emergence of a new Mozambican configuration of legal pluralism in family matters – a composed Local Law.

Key words

Legal pluralism; gender and family; customary law; state law; Mozambique

The authors would like to thank the Swiss embassy in Mozambique for funding the project "Norms and Practices of local populations in Conflict Resolution and Access to Law and Justice".
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Resumen

Este trabajo parte del estudio sociojurídico titulado *Norms and Practices of local populations in Conflict Resolution and Access to Law and Justice* (normas y prácticas de las poblaciones locales en la resolución de conflictos y el acceso al derecho y a la justicia). En concreto, nos centraremos en el distrito de Chókwè, en el sur de Mozambique, en el espacio social de la familia, concretamente en las vías de hibridación en materia de género y familia, en tres temas principales: las normas y prácticas en el espacio social de la familia, señalando las tensiones entre el derecho consuetudinario y el derecho estatal en un contexto de pluralismo jurídico; la identificación y análisis de las normas y prácticas y los principales actores implicados en la resolución de dichos conflictos, trazando un mapa de instancias y sus interacciones; y las diferentes vías de hibridación entre el derecho consuetudinario y el derecho estatal reflejadas en las prácticas relacionadas en el trabajo de campo. Sostenemos que Chókwè refleja la emergencia de una nueva configuración mozambiqueña de pluralismo jurídico en materia de familia: un Derecho Local compuesto.

Palabras clave

Pluralismo jurídico; género y familia; derecho consuetudinario; derecho estatal; Mozambique

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1. Introduction

In Mozambique, the social and administrative landscapes are shelter to an extremely heterogeneous set of cultures, habits, beliefs, norms, and legal practices.

Bearing this in mind, the Center for Legal and Judiciary Training (CFJJ), in partnership with the Socio-Cultural Research Institute of Mozambique (ARPAC) and the Center for African Studies (CEA) of Eduardo Mondlane University, launched a national project whose main objective was to know and understand the norms and practices used by the population in conflicts resolution and to access to law and justice.[1]

The research project started in 2021, and had the objective to study 31 districts[2] of the south, the centre and the north (inland and coast line) of Mozambique, in the following dimensions: a) Survey of norms and practices, in each district, with which communities regulate inter-individual or social conflicts (in the social space of the Family, of the community and of the State); b) Survey and mapping of the Institutions that resolve disputes in the district (State, Administrative Authorities, Community, etc.); c) Study the individual and collective actors or instances that "produce" norms and practices to regulate social relations and resolve disputes; and d) Develop training curricula related to community norms and justice. The main hypothesis of the study is that the local customs and habits as captured and analysed in the different periodization's of the 20th century, whether in the colonial or post-independence period, may not exist today. Societies simply live in processes of continuity and change.

In this paper we will present only the research done in the Chókwè district focused on the social spaces of the family, namely, the paths of norms and conflicts resolution hybridisation on gender and family matters.

Chókwè is a populous district (182,967 inhabitants)[3] dominated by the Changana ethnolinguistic group,[4] historically of patrilineal lineage, in which the decision-making has been patriarchal. The language of the great majority of the inhabitants is Changana,

[1] The project "Norms and Practices of local populations in Conflict Resolution and Access to Law and Justice" and its theoretical and methodological framework was proposed by João Pedroso and was coordinated by João Pedroso and Elisa Boerekamp with a team of 6 researchers from the CFJJ, 4 researchers from CEA, and 4 researchers from ARPAC, which includes the other two authors of this article - Carlos Fernandes and Virgílio Pinto Augusto. Regarding to the Chókwè district, in the context of the national project, the results of the investigation will be published in a monography entitled "Paisagens das normas e das instâncias de resolução de conflitos – o caso de Chókwè" by Carlos Fernandes and Virgílio Pinto, reviewed by the coordinators of the project. The fieldwork in Chókwè (the interviews and the focus groups) which we present in this article was therefore carried out by Carlos Fernandes and Virgílio Pinto (2024).

[2] The district is the local smallest administrative unit where state institutions meet and coexist with the communities, their organisation, and their leaders. It's at the district level that the administrative structure of the State and the District Judicial Courts converge and interact with the informal structures and the community structures.

[3] Mozambique covers more than 800,000 square kilometres and has 30,832,244 million inhabitants. It is officially designated as the Republic of Mozambique, is in the southeast of the African continent, bathed by the Indian Ocean to the east and bordering Tanzania to the north; Malawi and Zambia to the northwest; Zimbabwe to the west and Eswatini and South Africa to the southwest.

[4] The changana are one of the three largest ethnolinguistic groups included with the Tsonga. The Tsonga people include diverse ethnic groups living in South Africa, Zimbabwe, and south of Mozambique. They are all united by their shared use of the Bantu dialect and cultural heritage as traders who barter goods along waterways (Tatomir 2023).

and they don't speak Portuguese, the official language used by the state administration. As the district is near the frontier, there is a relevant flow of male immigration to work in South Africa. The main economic activities are agriculture and cattle breeding. Outside the administrative centre of the capital the whole district is a rural area, "where the local models of social reproduction are very strong and even the predominance of local languages can become a barrier between the people and the state" (Patrício 2021).

The research fieldwork was carried out in the capital town (Chókwè), at the Administrative Posts of Lionde, Macarretane and Xilembene, in 2021. Throughout the district, 62 semi-structured interviews and 14 focus groups were carried out in all district locations: Nkavelane, Machel, Lionde, Conhane, Malau, Macarretane, Machinho, Matuba, Xilembene e Chiduachine. The purpose of the study – to understand, in different communities, how the population activate various norms, mechanisms and instances to resolve their social conflicts – led to a qualitative approach which is based on the ability to capture the living experience, involving an interpretative and naturalistic approach to the subject under analysis (cf. Denzin and Lincoln 1994). So, the interviews and focus groups were the methods chosen to provide access to the experience of individuals through their own reflexivity on abstract or more concrete situations, and thus, understand, interpret, and construct meanings based on their content. The target group were the members of the state bodies where positive law applies (Judges, Prosecutors, Police, IPAJ, local administrative authorities, etc.), and members of the community, where norms and practices of customary or non-formal law predominate (community members, community leaders, neighborhood secretaries, members of the Community Court, religious leaders, members of non-governmental organizations (NGOs), traditional doctors, etc.). Besides the semi-structured interviews, the focus group method was conducted to discuss collectively topics related to conflicts and their resolution. The selection of the interviewees and members of focus-group (only men; only women; only young; old; men and women) was based on a double criterion: one institutional and the other informal/random. The institutional criteria benefited from the fact that there was a ceremony to officially launch the project, in the city of Chókwè, on March 1st, 2021. In this ceremony, not only members of the local government participated (the Secretary of State of the Province, the District Administrator, heads of Administrative Posts, Judges, District Attorneys, Police Commander, etc.), but also members of different communities (community leaders, traditional leaders, and representatives of local civil society organizations and the population in general). The informal and random criteria was based on a selection that took place in streets, markets, transports, NGOs, churches, etc., with the aim of having access to a plurality of sources. This allowed the researchers to establish contacts, giving start to the fieldwork focusing on norms and conflicts resolution institutions in three main social spaces: in the social space of the family, in the social space of the community and the social space of the State.

Given this and the theoretical framework (legal pluralism; heterogenous state; hybridization; access to law and justice) the results from the fieldwork in Chókwè district are the main source to this article which is structured in three main topics. The first one focus the norms and practices in the family social space, pointing out three core tensions between customary and state laws in a context of legal pluralism: 1) the role of *lobolo* which still has a fundamental role in structuring family relationships and is directly linked to specific conflicts which confronts the family law enforced by the state; 2) the

union or "social marriage" between an adult and a child that was criminalized by the Parliament Law and that dissents from the society's tolerance, which highlights recent societal practices due to the socioeconomic context and poverty of families and arises new issues to the state law; 3) and the conflict of "lack of assistance" to the children by the absent male parent which highlights the tension that comes from family state law that is mobilised by the women to gain access to Judicial Court of the District, as an alternative to family or community instances.

Thus, in the second topic we proceed to the identification and analysis of the norms and practices used by the local populations to regulate these family conflicts, and the main actors involved on this conflicts' resolution, by drawing a map of instances and their interactions. This is relevant to understand why the population resorts to the different instances, which are the predominant ones and to show how the norms and practices flow from the customary law to the state law and vice-versa, setting a plurality of normative orders. Finally, on the last topic, departing from Santos (2006) concept of hybridization, we identify three paths of hybridization reflected on the practices related in the fieldwork present in the norms and practices of the traditional usages and customs with the norms of the positive State law: the role of the awareness, in the sense that it paves the way for change by providing information on how the state law works and the rights entitled by the state law; the influence/mobilization to the formal, which streams from the fact that even though the traditional norm is somehow "powerful", the formal law forces the change through the creation and application of law; and the effective cross contamination of the traditional law with the formal law. which creates a new norm or practice. From this analysis, we argue that the district of Chókwè reflects an emergence of a new Mozambican configuration of legal pluralism in family matters – a composed Local Law.

2. Norms and practices in the family social space: tensions between customary and state norms in a context of legal pluralism

Mozambique has an historical path that encompasses its history under the Portuguese colonial rule, the economic influence by South Africa, its post-independence period with the socialist and post-socialist experiences, which shaped and continue to shape, what Santos (2003, 2006) calls a political and legal palimpsest and Juan Obarrio (2014) considered as "a multi-layered pastiche" of various legal and regulatory regimes, combined with various normativities, sedimented throughout colonial and post-colonial history.

This highlights the concept of legal pluralism. For this article, as John Griffiths (1986, 1) simply puts it, legal pluralism is the "presence in a social field of more than one legal order".[5] In an analysis of Griffiths' concept, Sara Araújo (2014, 57) points out the dynamic character of this approach which contemplates not only the presence of several normative orders, but also the interaction between them. In fact, Griffiths (1986, 38) states that

[5] The concept of legal pluralism has been widely studied, as shown by the work of John Griffiths (1986), Sally E. Merry (1988), Keebet von Benda-Beckmann (1981), Franz von Benda-Beckmann (2002), Boaventura De Sousa Santos (1987), Brian Z. Tamanaha (1993), Anne Griffiths (2002), Sara Araújo (2014, 2016), among others.

> [l]egal pluralism is a concomitant of social pluralism: the legal organization of society is congruent with its social organization (…) [it] refers to the normative heterogeneity attendant upon the fact that social action always takes place in a context of multiple, overlapping 'semi-autonomous social fields', which (…) is in practice a dynamic condition.

This presents the law as the result of a great complexity imbedded in unpredictable patterns of competition, negotiation, interactions and so on (Griffiths 1986, 39). The introduction of Sally Falk Moore's (1978, 55; 57) concept of "semi-autonomous social fields" that can generate customs, rules and symbols internally but are "vulnerable to rules and decisions and other forces" from the wider world, enrich this perspective of legal pluralism because understanding the processes whereby endogenous rules are effective is important, as these are the very processes that will often determine whether or not state-made legal rules end up being adopted within the social field. So, there's the need to examine how social fields articulate with one another, as in complex societies fields are interdependent (Moore 1978, 57–58). This framework allowed to study the normative orders found in Chókwè, considering their specificity, their autonomy and capacity to exercise resistance, but also to exam these normative orders inserted in a logic where other fields can determine and influence their norms and practices and at the same time creating a field of competition between the various standards.

In Mozambique, the social and political conditions that account for the heterogeneity of state action and legal pluralism are undeniable linked to its history (Santos 2006). As Sara Araújo (2016, 22) states,

> (…) between the colonial period and the present, there were several radical transformations that the Mozambican State went through that influenced the type of relationship it assumed with the community justice, sometimes excluding or ignoring them, other times integrating them, appropriating them.

Recognizing the importance of the different periods from the colonial to the "socialist transition", and post-socialist context to the present, in this article we choose to depart from and highlight the constitutionalization of legal pluralism that occurred in 2004, with the revision of the Constitution of the Republic, which establishes that the State recognizes various normative systems and the Judicial Courts and community instances of conflicts resolution, to the extent that they do not contradict the fundamental values and principles of the Constitution (article 4).[6]

[6] However, this process started from the mid-1990s when the African states began to accept the existence of other forms of social organisation, namely those of a "traditional" nature, attempting to control and fit them into the state-building process, particularly at the local level in rural areas, highlighting legal pluralism has a great and topical social space in this process of state-building (Florêncio 2012). The resurgence of traditional authorities in sub-Saharan Africa from the 1990s onwards is directly related to the crisis of independent African states, expressed in a profound inability to control, and manage significant parts of their territories and their populations. With the end of the single-party systems and the introduction of the multi-party systems, a process that became known as the transition to democracy, new political actors emerged in rural Africa at the local level, such as members of churches, teachers, elements linked to non-governmental organizations, etc. In this sense, also traditional authorities, which had played a preponderant role in colonial administrative regimes, ended up progressively re-emerging, occupying the social places that independent States and state actors were leaving empty, especially in rural areas (Florencio 2008, 370). From the mid-1990s onwards, and after the first impacts of the transition and election processes, the States and the old national political elites remained, in general, in governance and sought to capture the new rural

This marks a "de jure" break with the state-centric rule of law approach of the 1990s. The recognition of legal pluralism is the accumulated effect of a variety of legislative measures drawing the post-war state towards more inclusion of customary law and community-based mechanisms of justice, where the Decree nº 15/2000 of 20th of June, represents the most noteworthy legislation (Kyed 2013, 989). It opened the official recognition of traditional leaders for the first time in the post-colonial history of Mozambique, under the label of "community authority", with the role to assist the state in local administration, policing and conflict resolution (idem). According to Kyed (2013, 989), based on Santos's (2006) analysis, it reflects the "retraditionalisation across southern Africa since 1990's, which has been influenced by wider processes of globalization and state-deregulation".

Therefore, it means that in the field of law and conflict resolution, the Constitution recognises the social production of a plurality of laws and instances, which assume different configurations whether they are produced internally by state institutions, by communities or other spaces of society, or by national or international organizations (Santos 2003). Thus, non-formal conflict resolution bodies are legitimized by formal power, such as religious committees, community leadership, community courts, and several others, and state sovereignty is continuously challenged by alternative claims to authority and forms of ordering (Kyed 2013).

The recognition of legal pluralism is also related to the concept of the heterogeneous state, highlighting how the Mozambican state is a "multifaceted state", with multiple forms, logics, and practices (Bertelsen 2007). According to Santos (2006, 44), the heterogeneous state is "(…) itself reflected in the total break-down of the already shaky unity of state law, with the consequent emergence of different politics and styles of state legality, each of which operates with relative autonomy". In fact, the Mozambican post-colonial state has been constantly challenged and even shaped by external and internal logics of sovereignty.

It is important to mention that the new states that emerged from Portuguese colonialism in the mid-1970, suffered the consequences of new global imperatives that affected the basic tasks of state-building, which led the African nation-state to lost centrality and dominance by the emergence of supra-state political processes. However, these same processes, and in a paradoxical way, led to the reemergence of infra-state actors to question the centrality of the nation-state. This, in turn, led to a double decentring of the state – infra and supra state level. So, the state turns itself into an increasingly complex social field in which state and non-state, local and transnational relations interact, merge and confront each other, contributing to an increase in the functional heterogeneity of the state (cf. Santos 2006, 43–44).

This plurality confronts us with the need to clarify the concepts of "law" and "access to law and justice". So, we resort to Santos (2000, 269) concept of law which assumes a broad conception of normative and justice systems and is based in

> a body of regularized procedures and normative standards, considered justifiable in a given social group, which contributes to the creation and prevention of disputes, and

elites, especially traditional authorities, for the governance process, in order to restore or restore the legitimacy and political control lost during previous decades (*idem*).

> for their resolution through an argumentative discourse, articulated with the threat of force [violence].

This concept has the potential to include all the realities of law and justice, i. e., access to legal norms (of the community law and the State law), procedures and conflicts resolution in a broad sense. We also choose to use the concept "access to law and justice" since it seems to be, in our perspective, the one that most easily allows us to cover the whole meaning of the object of the study according to the pre-understandings of all citizens. We think that everyone will understand that this concept is intended to encompass knowledge and awareness of the right(s), the mobilization of law and rights, legal and judicial representation by professionals, namely lawyers, as well as judicial and non-judicial conflict resolution, i. e., the access to the plurality of legal systems and means of resolving disputes that exist in society (Pedroso 2013, 5).

So, Chókwè reflects this new Mozambican configuration of legal pluralism, where we find a plurality of normative orders and conflict resolution instances coexisting in the same social space, whether formal such as: the Judicial Court, the District Attorney's Office, the IPAJ (The Institute of Legal Assistance), the police, administrative authorities among others; "hybrid" instances, such as the community Courts, which bring together elements belonging to the normative orders of the State (since "they are recognized by law, but are outside the Judicial system"), and the informal logics of the community based, not on books or written codes, but on orality, on persuasion, on dialogue between the disputing parties and, ultimately, on the idea of a restorative justice; and, finally, there is also instances of conflict resolution strictly non-formal, such as the family, religious committees and associations.

In general, most individual, and social conflicts are resolved outside the judicial courts. Studies in Mozambique show that there is an intense interlegality between courts and other conflict resolution instances, especially community courts (Santos and Trindade 2003, Kyed *et al.* 2012, Araújo 2014, 2016, Obarrio 2014, José *et al.* 2016, Patrício 2016).

Despite the affirmation of formal State power, from 2004 to the present, there is a tendency to make the plurality of normative orders increasingly "plural". In the same sense, there was also a willingness to improve the legal framework, whether in the sphere of the family, the community, or the State.

Regarding the state family law – Law n. º 22/19, of 11th of December – in its article 4º, "local uses and customs are recognized and valued in everything that does not contradict the Constitution of the Republic and this Law" and "In resolving family disputes, one should seek guidance in prevailing local usages and customs in the socio-family organization in which the conflicts are integrated".[7] Besides, traditional marriage is placed at the same level as the civil marriage, its article 17º states that "Monogamous, religious and traditional marriage is recognized as having the same value and effectiveness as civil marriage, when the requirements that the law establishes for civil marriage have been observed". So, the state family law recognises customary law with the limit of constitutional and legal principles such as the legal principle of gender equality.

[7] Available at: https://reformar.co.mz/documentos-diversos/lei-22-2019-lei-da-familia.pdf/@@download/file/Lei%2022-2019%20-%20Lei%20da%20Familia.pdf

In this paper we intend to analyse specifically the social space of family. Following Bourdieu (2008, 13–33), the social is interpreted as a multidimensional space, where agents and groups of agents are thus defined by their positions in this space, which are also based on power and dominance. In Chókwè, families are mostly structured by the concept of "extended family", which includes the father/stepfather, mother/stepmother, children, stepchildren, uncles, aunts, and grandparents. Therefore, it is within this typology of families that we intend to explore family conflicts and analyse how the populations of the district of Chókwè, in 2021, use the norms – and the configurations of the use of these norms – and their strategy to access and use the local instances to solve their family conflicts.

2.1. The role of lobolo *in "couples fight", widowhood and separation: the tension between customary law and family law and criminal law of the state*

In the family social space, the *lobolo* is the traditional marriage, and has a fundamental role in structuring family relationships even despite the mutation in some customary norms and social practices due to the progressive social dissemination of the principle of equality, the rights of women and children enshrined in the Constitution.

The *lobolo* is a compensation paid by the man to the parents of the future wife or to her patrilineage and it can be understood as a customary and recurrent marriage in southern Mozambique (Domingos 1996, Fernandes 2018). According to Henry Junod (1996), based on studies carried out in the 19th century, *lobolo* is the legitimate form of traditional marriage which assumes a kind of contract between two groups: the groom's family and the bride's family, where on the one hand there will be the loss of one of its members, and on the other, the addition (Junod 1996, 257).Traditional marriages based on *lobolo* entitle men, or at least increase the possibility, to consider their wives as property, as part of a social and economic exchange between the families. Once the man is obliged to pay the *lobolo*, it creates the idea that the wives become their property (Granjo 2006).

The axiology of values and social representations of *lobolo* produces, among others, four social conflicts regarding gender inequality: the first one reflects the power of men over women, which entitle them to use authority and even physical violence over women, leading to the emergence of domestic violence outbreaks in the communities; the second, in which the woman has no right of inheritance following the death of her husband; the third, the widows in *lobolo* tradition marry the deceased husband's brother; and the fourth, the allocation of ownership of the couple's property and custody of the children in connection with final separation or divorce in traditional marriages relying on the institution of the *lobolo*.

Regarding the first one, domestic violence according to the State Law of Mozambique is considered a crime. The Law against domestic violence in Mozambique was approved in 2009 by the Parliament of the Republic of Mozambique, stating that all acts perpetrated against Women that cause, or may cause, physical, sexual, psychological, or economic harm, including the threat of such acts, or the imposition of restrictions or arbitrary deprivation of fundamental freedoms in private or public life.[8] According to the Demographic and Health Survey (2022) from the National Institute of Statistics (INE)

[8] Cf. Law Nº. 29/2009 of 29th of September.

in collaboration with the Ministry of Health (MISAU) and the National Institute of Health (INS), the origins of violence can be associated with the social structure, cultural issues that form values, traditions, customs, habits and beliefs that are directly related to sexual inequality in which the victims of violence are mostly women and the aggressors are almost always men, showing how social structures sustain and reproduce this dynamic.

This is also reflected in the communities of Chókwè district, where violence between couples, which they call "couples fights", is a type of conflict considered to be of the restricted field of the relationship between husband and wife. Usually, it is resolved within the family structure. Thus, even in cases where mediation is carried out by other family members, it is still managed within family networks. Teresinha da Silva (2003, 144) claims that

> [i]n the construction of domestic violence by common sense, the central idea argues that it is a private matter, and as such, its resolution is up to the family forum. All interference (state or otherwise) is considered abusive and offensive to culture and tradition.

An elderly woman[9] mentioned a case of a "badly behaved" daughter-in-law who went to complain to the police that she had been beaten by her husband. According to this elderly woman this conflict is a fight that should be resolved by the couple and if this is not possible, it should be resolved by the family represented by the elders, uncles, aunts, and godparents. However, other participants of this focus group, including the elderly, argued that when there is violence at home the matter is no longer a matter for the family, but for the police.

The divergent opinions allowed us to question whether the norms used to resolve this type of conflict, which were presented in the focus group, could be related to a generational difference between "older" and younger people. Even though is a complex issue, we can state that in the focus group it did not emerge as a generational conflict, since there was no consensual view among the elderly on the resolution of the (violent) conflict between the couple. Instead, what was underlined was a conflict of different worldviews and not exactly a conflict of generations. On the one hand, the weight of "tradition" in those who emphasized the exclusive nature of family norms in resolving marital conflicts, and on the other hand, the weight of "modernity" in those who highlighted the semi-autonomous nature of the family field and the need for intervention by formal state bodies in this scenario. This tension between traditional and current norms remains when the researchers asked a farmer (elderly), in an interview, if a man could marry two women, which he replied: "yes, but it is only done by those who have followed the old traditions, like we do". However, when asked if a woman could marry two men, the answer was abrupt: "No! No because this is the nature of the past, of the tradition, and that cannot be changed".[10]

In what concerns the second conflict related to the right of inheritance, following the death of the husband,[11] the core of the problem resides in the possession of the

[9] Elderly women from the focus group of the Religious Conflict Resolution Committee of Chókwè, 17/3/2021.
[10] Interview conducted in 2/03/2021.
[11] In the field work, it was acknowledged that this conflict revolves mainly around the death of the male partner (the husband).

inheritance of the land(s) and the house(s) that the man left. The traditional norm states that the woman has no right of inheritance following the death of her husband mainly because "one day they will leave the house to be 'lobulated' by another man who is not from the family".[12] Nevertheless, it's important to mention that other community members said that the norms behind this practice of taking away all inheritance right from women no longer exist today, because the community accepted the tradition and today young women do not accept it[13] (*idem*). An elderly man also added in another focus group involving elderly people, that in fact "(…) there was that tradition of the husband's family taking the goods to their house, but due to the teachings of structures and organizations things tend to change".[14]

The interviews suggest that society is increasingly becoming more enlightened by the "teachings" that its members have been acquiring, both from the "structures" of State and from the NGOs. In fact, the younger people, given the modernisation and social change brought about by the growing urbanisation of rural spaces, the expansion of the education system, migration of populations during the war, etc., are socially "closer" to these factors of social change and modernity (Florêncio 2012). Although, this is not general to all population, given that in the more remote parts of the rural areas, where the presence and legitimacy of the state are limited or even non-existent, there is still a significant incapacity by the local state administration "to compete" with customary law and traditional authorities (*idem*).

Alongside the inheritance, the woman is turned into an inheritance herself, meaning that now that the husband has died, the tradition is that the brother of the deceased must marry the widow. This position, in fact, corroborates many of the studies carried out by ethnologists and anthropologists who studied the southern region of Mozambique (cf. Patrício 2016). From the point of view of kinship studies in Anthropology, this practice is called levirate marriage – in the case of a husband's death, some societies prefer that a woman marry one of her husband's brothers (Gilliland 2018). This follows the customary law, as the levirate does not create a new marriage but merely perpetuates the existing union, the rights and duties of the substitute towards the widow, and those of the widow towards the substitute, are only slightly different from the reciprocal rights and duties that obtained between husband and wife before the former's death. Similarly, the substitute's duties towards the deceased's children are no different from those which any household head is normally expected to fulfil with regard to his own children (Hartman and Boonzaaier cit. in Bekker and Buchner-Eveleigh (2017, 91). *This collides with the formal law in terms of family rights, following explicitly the traditional law.*

During the fieldwork at the Chókwè communities, the authors came across two distinct positions about this traditional norm. Some interviewees stated that it was the older brother, and others that it was the younger. According to a farmer "(…) it used to happen, but now it doesn't. Women gained the freedom of being able to choose a person which they were fond of, because before they were given to a man that they didn't approve".[15]

[12] Mixed (men and women) focus group, Religious Committee, city of Chókwè, 17/03/2021.
[13] Mixed (men and women) focus group, Religious Committee, city of Chókwè, 17/03/2021
[14] Focus group of elderly people, 1st neighborhood, Chokwé periphery, 17/03/2021.
[15] Interview to a farmer, city of Chókwè, 2/03/2021.

This was soon contradicted by an elderly person at a focus group, which stated that the woman is afraid to be cursed if she chooses to be with a man outside the family. Yet, also regarding this practice, is seems to be something of the "old days". In the present due to the state norms and the work performed by the NGOs, this seems to be in the past and not a current practice anymore. In the same sense, the religion also played a central role in changing this old practice. In the elderly focus group, it was stated that "I don't know. Because in our area the Nazarene Church predominated, and a lot of tradition was cut. If that happened, it was hidden because the church did not allow such things".[16]

These changes, however, don't eradicate completely the "power of tradition", some of the interviewed pointed out that there are still some cases where, for example, the woman is "inherited" by her husband's brother, which shows that these past-in-the-present dynamics may still exist, or that they are carried out "in secret."

Finally, regarding separation or divorce in traditional marriage that likewise depends on the *lobolo* institution, as stated by a member of a community court,

> (…) when it is the wife that says she no longer needs her husband, she must return the *lobolo*, but when it is the husband, he must make a declaration saying that he no longer needs her, and he must take that declaration to the civil registry for stamping and photocopying, then he keeps one copy to himself, and the other copy is for the court. However, he cannot ask for the *lobolo* back.[17]

And so, through the action of the Community Court, the divorce of the traditional marriage, interpenetrates with the norms of the civil registry of the State. However, family conflicts between couples who are, for example, on the verge of divorce, are only resolved by community bodies (community court or community leadership), in cases where the couple is united through *lobolo*.

The *lobolo* also defines the norm for the cases when the woman begins a relationship with another man, according to a peasant,[18]

> (…) by the ancient/old laws the man must pay a fee or fine to the husband. And it is the community leader or the healer who handles this case. (…) And when the judgment is scheduled, the husband decides what he wants as compensation.

It is also worth mentioning the norms and practices related to adultery that are inherent to gender and family matters. Conflicts related to adultery become more serious when it is the woman who commits them, in part, as we can infer from this notion that the man has "bought" the woman. It was, in fact, in these terms that the community leader of Chaquelene spoke. Consequently, when community justice is dealing with a case of adultery, the "sentence" has been to pay a "fine", where the value is associated with what the man paid in *lobolo*. As one of the community leaders in the district stated, "the man has the right to demand what he should receive, because he paid *lobolo* to that woman whom the other had adulterated". However, we also find different positions in the district. There are those who argue that if the man who committed adultery pays the woman, symbolically this act of payment would mean that he would, in fact, be "buying the adulterous woman".

[16] Focus group conducted in 17/03/2021.
[17] Secretary of the Community Court from the Administrative Post of Xilembene, 16/03/2021.
[18] Interview with a peasant, Macarretane Administrative Post, city of Chokwé, 12/03/2021.

The *lobolo* still plays a fundamental role in the regulation of family social relations in Chókwè. Although in some conflicts, state law is beginning to be mobilized, showing a change in women's awareness of their rights through state law, motivated by the "teachings" (activism and advocacy) of the State and the NGOs. For instance, when there is violence women resort to the police, and start fighting for their rights in terms of separation and inheritance conflicts, but instances of family and the community remain the main choice for resolving family conflicts using customary law (or mutations of this norms). This makes clear the tension between customary law based in the traditional norms and practices of the *lobolo*, and state law based on family law and criminal law. It also shows the changing character of the customary and state law, where the traditional norm and the official law of the state are reciprocally confronted.

2.2. The union between an adult and a child: patriarchy and poverty against customary and state law

A "premature union", according to Selemane (2019), is the union of two people, with the purpose of forming a family, when both or one of them is under 18 years old, the age defined by Mozambican legislation. According to a study conducted by this author, which is in line with other previous analysis (Osório 2015, UNICEF 2015, MISAU 2018), there are three main causes for early unions in Mozambique: firstly, the predominance of a patriarchal culture in Mozambican society; secondly, the modality and certain contents of the initiation rites, based on the promotion of a cognitive-cultural framework of "formatting the mentality" of children to be blind followers of the patriarchal culture; and thirdly, multidimensional poverty (income, consumption) which turns the early marriage as an escape from poverty, perpetuating it instead of mitigating it (Selemane 2019, Fórum da Sociedade Civil para os Direitos da Criança – ROSC – 2019).

As in other districts in the south of Mozambique, one of the central conflicts in Chókwè district is related to early unions that can be divided into two groups: unions between young people (for example, a 15-year-old girl and an 18-year-old boy); and between children with adults (ROSC 2019).[19] In this paper we focus our analysis on the major social problem of unions of a female child with a male adult.

In the fieldwork, the police officer and chief of the PRM's (Police of Republic of Mozambique) Office for Assistance to Women and Children Victims of Violence of Chókwè,[20] told us about a concrete case concerning this social conflict of early unions that she received and managed, not by criminalising this practice with a criminal procedure, but through raising awareness. The police reinforced this strategy of "raising awareness" rather than criminal procedures on early unions because on the one hand there is the dominance of the patriarchy over women, and on the other hand, the perception is that many families are forced to carry out these unions due to what several people alluded to as "poverty" and a "guarantee of material support" strategy. This is

[19] In 2019, the Parliament of Mozambique approved the Law to Prevent and Combat Early Unions – Law nº 19/2019, 22nd of October - which sets 18 as the minimum age for marriage. Through this law, early marriages in the country are criminalised and punished, and the traditional or religious authority that authorizes the celebration of early marriage will be sentenced to two years imprisonment. Family members and others who coerce the child by threat to accept the union will face two to eight years in prison.

[20] The Police of Republic of Mozambique created with an international support in all of districts an office specialised care for women and children victims of violence.

one of main conclusions of the fieldwork performed, and the interviewees, specifically the elders and the community leaders, stated that even though this was a custom, it was not conceivable, for example, a 12-year-old girl marrying an older man. The fieldwork shows us that early marriages between a female child and an adult male seem not to be mainly rooted in ancestral cultural norms and practices. They are a sign of recent times directly linked to social and economic issues which turn early marriages in a way of overcoming and minimizing difficulties regarding family support. These are seen as a way of economic stability for the family through the *lobolo*. The relevance of the economic factor is in line with many studies regarding the early unions in Mozambique (IPAA 2014, Sitoe 2017, Bassiano e Lima 2018).[21]

Many families see early unions as way of guaranteed material support due to the rising poverty, and the patriarchy cultural tradition allows the local populations (and police) to tolerate this new social fact. Although, this socioeconomic context and social dynamics of early unions between a female child and an adult male challenge both the tradition, the universal and national rights of children and the criminal state law.

In the words of this police officer, "a girl, when she is 12 or 13 years old, has reached maturity, she can now go home, she can be 'lobulated' regardless of the age of the man who is related to her, the important thing is the commitment [the ring] and the cattle, which that family will bring"[22].

The idea of the dissemination of early unions is mainly associated with the economic vulnerability of families and with the male parent decision in rural communities. As a 26 years old human rights activist[23] from the city of Chókwè stated,

> What causes early marriages on the other hand is poverty, so to speak. Because here in the communities, a father is perhaps only a simple farmer or a peasant when a man appears (…) here, for us, the practice here in Chókwè, when a man who works in South Africa has a car, has a good life, he has a mansion, when he arrives, he says, 'hey, I like your daughter'. The first person to marry prematurely is the father himself. To guarantee material support. It is the father himself who guarantees this material support. He just says to the daughter, 'you have to marry that person' (…). So for me, those who influence early marriages, mainly in communities, are the fathers themselves. Because the mother has no voice, she accepts it one way or another, she will always accept, forcing the child to marry.

As we can see, not only does poverty play a central role in the occurrence of early marriages, but also the issue of gender inequality, where both the girl and the mother do not have a "voice" in the father's *lobolo* decision.

While unions of this kind still exist, we also noticed, both in the focus group discussions and in individual interviews with members of formal and informal instances, that there

[21] According to a recent report from the World Bank (2023, 62), Mozambique faces substantial development challenges, including widespread poverty and inequality, and limited structural transformation, where three-quarters of the population live in poverty, being one of the most unequal countries in Sub-Saharan Africa. Besides, the economy's dual focus on labour-intensive, low productivity agriculture and capital-intensive extractives, with limited economic links, constrains inclusive growth and over half a million people enter the labour force each year, but less than 30,000 new formal jobs are created annually (World Bank 2023, 62).

[22] Police officer and chief of the PRM's (Police of Republic of Mozambique), city of Chókwè, 25/03/2021.

[23] Human rights and social activist, former NGO worker, Nwety, city of Chókwè, 5/3/2021.

is a widespread perception that early marriages must be condemned. The formal state bodies, NGOs, as well as associations and community committees have played a central role in raising the awareness of local populations to eradicate this practice. We found that religious congregations – the ecumenical groups as well as the Religious Community Committee – play a preponderant role in social pacification in Chókwè.[24] Accordingly, a pastor told the researchers:

> (…) [W]e are the ones here in the communities, especially there in the churches, at the neighbourhood level, teaching parents about child marriage/early marriage (…) We find a girl and we sit and talk with her family, explaining that she is still a child (…) she must return to her parents' home (…) we try to raise awareness (…) and thus, we communicate to the police.[25]

And this awareness-raising work is not only done by church members, but also in instances such as community courts. In the past, community radio has also played an active role in the campaign against "child marriage".

2.3. The conflict of "lack of assistance" by the male parent: the emergence of judicialization of these disputes

The conflict of "lack of assistance" by the male parent in which he does not contribute to the support of the children, to name what the judicial instances referred to as "alimony", is central in the life of the Chókwè communities. One of its features rely upon the fact that the Chókwè district is characterized by an intense migratory flow of Mozambican labour to South Africa, thus there are several cases of parents who do not comply with the State's rules regarding child support because they live there.

From the interviews and the focal groups with local members of the district's communities, it became clear that families are already aware of the parents' legal obligation to cover the costs of food, education, and clothing for the child. It was also evident that conflicts related to alimony are exclusively related the "lack of assistance" from the male parent.

The role of state institutions, NGOs, community committees such as the Religious Committee for Conflict Resolution existing in the district, is clearly visible in raising awareness among the people of the district for the promotion of children's rights in accordance with the legal norm of the State. As stated by a 23-year-old woman in a mixed (men and women) focus group of the religious committee of Chókwè,

> (…) if he doesn't' give me food for our child, I'm going to complain to the police, it's not like the old days when our mothers and grandmothers didn't care because they thought that it was exclusively the women's responsibility to provide for the children.[26]

The police is the gateway to judicialize these conflicts, given that the process starts with mothers exposing to the police, mainly to the Office for Assistance to Women and Children Victims of Violence, the absence of the father to support the child's needs, and then the police give the notice of this exposition to IPAJ (public legal aid services) or to

[24] This action of the churches is a specificity of Chókwè. In the other districts of south of Mozambique studied in the project the researchers did not find similar actions.
[25] Pastor of the Church "Assembly of God", city of Chókwè, 5/3/2021.
[26] Interview conducted in 17/03/2021.

the Public Prosecutor's office. Both institutions have legal competence to initiate legal proceedings, in representation of the mother or on behalf of the children, against the male progenitor and with the objective of the Chókwè District Judicial Court to condemn him to pay alimony to his children.

The emergence of the judicialization of the conflict of father's lack of assistance to the children withdraws these disputes from the family and community instances of conflict resolution and from customary law or from the dialogue and consensus between the couple in the context of family or community instances mediation. The demand for state law and state instances (police, IPAJ, public prosecutor and judicial court of district) undermines the traditional way of resolving these disputes proving to be a clear sign of mutation demanding law and access to justice.

This conflict in family sphere is now being litigated in state instances to be resolved with state law. It happens by sensitising women to the need of alimony for their children. The mobilization of the mothers and the women reflects the activism and advocacy of state and society instances to promote gender equality, and the rights of women and children.

3. Normative orders and the gender and family conflicts resolution: drawing a map of instances and their interactions

In Chókwè district, a "kaleidoscope" of formal and non-formal justice operates simultaneously. We found and mapped the following instances of family conflict resolution originating in the community or integrated by community members: the family (uncles, aunts, etc.); community leaders (community leader, neighbourhood secretary and chiefs of area and zone); traditional leaders ("*régulo*"); the Community Courts; the religious Committees; non-governmental organizations; and AMETRAMO (Association of traditional doctors of Mozambique).

In the field of State institutions, we found: the Police (district command, and police post, and, with autonomy, although integrating the police, the Office of Assistance to Family and Children Victims of Violence), the administrative authorities (district administrator, head of the post, and head of the locality); the Institute of Legal Assistance (IPAJ); the District Public Attorney's Office/Prosecutor's Office; and the Judicial Court.

3.1. The predominance of resorting to Family and Community Instances in family conflicts: from family dialogue to community consensus

The convergence of tradition, customary law (*lobolo* norms), family and community structures and the absence of State instances away from the capital town of Chókwè have the natural consequence that the vast majority of conflicts in family matters are resolved with local norms and practices in search of consensus in family dialogue or in family instances represented by the elders, uncles, aunts, and godparents and the best men/women at the *lobolo*. (e.g., "divorce"; inheritance; couple fights; adultery). Only if this family mediation fails because one of the litigants does not accept the solution, the family conflict follows its path to the community instances. These instances call these disputes "social cases" which are brought before the authorities or community leaders, church committees or community courts, as a hybrid instance created by the state but composed of lay-judges from local communities who decide with equity and according to local norms and practices.

This brings us to the role of the community authorities. The concepts of traditional authority and community authority have different histories and dynamics in Mozambique. In the first Republic after the independence (1975–1990) the current vocabulary revolved around the annihilation of the "traditional authority" to give rise to the political "dynamizing group". It is only, therefore, in the period of the introduction of the second Republic, in 1990, that one begins to speak of "community authorities".[27]

However, in Chókwè district we could see that within this general category of "community authorities", there is a central figure in the conflict resolution who is designated as the "community leader". In the interview with the local chief in Macarretane about the conflicts resolved by this instance he answered that "the problems that are solved by this leadership are basically all the problems presented. He only transfers them in case he can't solve them".

As the community leader from Chate said, "(…) first we call the *madodas*, then we call the man who was betrayed and the woman. We spoke to them and sensitized the couple to forgive each other and live in peace".[28] The Madodas are a selected group of the "elders", the most respected in the village, that are counsellors to the community or advisors to the community leader which are included in the community authorities.

Thus, when the community leader is unable to resolve a "social case", he refers it to the administrative head of the locality, except for those disputes involving physical aggression that are referred to the police. Conflicts resolution in community leadership involves the collection of monetary values or material goods in certain cases. According to the head of the locality, in some cases the leadership determines a monetary value to be paid.

In this district, another informal instance takes on a great prominence: *the church committees*. The religious confessions were pointed out in the interviews as one of the unofficial instances of conflicts resolution, especially those in the family forum. We also find a great plurality of religions in this district, where Catholic, Protestant, Evangelical and Muslim congregations coexist in the same social space. The field work showed several conflicts resolution groups created within these different churches. For instance, there are also several types of community conflict resolution committees – Catholic Church, Zione, Assembly of God, Nazareno, among others – and ecumenical ones that in addition to their missions of evangelization, are committed to the management and resolution of the conflicts of the local populations. All these committees focus on the resolution of social conflicts (mostly within families) and work on a voluntary basis, even though they have different origins.[29]

[27] The Decree-Law nº 35/2012 determines as community authorities, "traditional chiefs, neighbourhood or village secretaries and other leaders legitimized as such by the respective local communities". The community authorities are organized as follows: at the most micro level, there are the head of the 10 houses, the head of the zone, the secretary of the neighbourhood and finally the community leader. Immediately after the leader would be the authorities of the local State, the head of the locality and after this, the head of the administrative post. The recognition of traditional chiefs as community authorities is a complex political process with many tensions.

[28] Focus group of community leaders, Macarretane Administrative Post, 29/3/2021.

[29] In Chókwè, for example, there are three types of community dispute resolution committees. First, the more restricted committees, created on the initiative of the religious confessions themselves. Here we could mention, for example, the Fraternary, a network of pastors from various churches. These have a more

In 2020, the District Committee was founded due to the combination of the Churches, the Ministry of Justice and Human Rights and Religious Affairs, and NGOs with activity in District. The cases they resolve are mostly marital conflicts and conflicts of gender-based violence, gender sexual violence and sexual violence against children, and alimony. As in other community instances, the members of this Committee are aware that all cases involving physical or sexual aggression must be directly forwarded to the formal instances of the State such as the police or the Judicial Court. In the remaining cases, and depending on their severity, or on the necessary involvement of the judicial bodies, they are resolved by the Committee. For their resolution this instance uses dialogue, persuasion, awareness, and legal education. As a "hybrid" Committee – a specificity of this district – the procedure for conflict resolution is also different. They use a combination of values from common-sense, law and religion.

The Community Courts[30] resolving all family disputes such as divorce, "couple fights", inheritance conflicts. The work of the Community Court requires the local community to pay a fee for "resolving problems". In fact, all community Courts visited charge fees for presenting problems, for resolution, and, at the end of the sentence, for the fine charged to the offender.

When the couple cannot reach an understanding the community court working as a hybrid instance (formal and informal) refer the conflict to the Judicial Court. However, some conflicts are returned to the community courts because the judge of the judicial court sees the conflict as a community conflict and not a judicial one. This was referred by the interviewees in the fieldwork, especially by the actors from the state law, which recognized that in some matters, particularly those related to witchcraft, are sent back to the traditional authorities with knowledge over the subjects.

To conclude this topic, the community Courts, and the community leaders, despite having a complementary relationship with each other, also have some tensions in this relationship, partly derived from the issue of charges, but also from the negotiation for a greater volume of social capital in the communities. The Community Courts also feel the competition arise from community leaders. Within the community leadership, it is

restricted focus on conflict resolution within churches and intra/extra-family conflicts of its members. Second, we find committees that bring together leaders of various religious congregations and that were created from initiatives of provincial departments subordinated to the Ministry of Justice, Constitutional and Religious Affairs. This is the case of the Social Affairs Commission, which according to one of its members in the focus group was created "within the district religious affairs commission in 2016 and which brings together 12 members from different district churches." This group has a more intricate radius of action. They deal not only with family conflicts, but also with conflicts related to the legalization and supervision of churches, litigation within churches and even cases of "magic". The members of these committees believe that they have an advantage over other community instances of conflict resolution insofar as some of these commissions have members and religious leaders from various churches. Lastly, we find a more hybrid community instance of conflict resolution (combination of several committees), called the "District Committee."

[30] The community Courts in Mozambique were formally created in 1992 (Decree-Law No. 4/92) in the context of the end of the "socialist experience and the establishment of multipartyism and the market economy" and replace the "popular Courts". Community Courts were given the legitimacy to deal with the local "norms and practices" of local populations. The rule of the State determines that "the Community Courts are also responsible for carrying out all the acts entrusted to them by the Judicial Courts".

the community leader and the formal structure of the village who end up playing a central role in the resolution of community conflicts, highlighting a hierarchy.

These tensions within the community and between the various instances of conflict resolution are also linked to broader struggles about political legitimacy over conflicts resolution, involving competition with extra-community bodies.

3.2. The State bodies (Police; Legal Assistance; Public Prosecutor; Judicial Court): geographic, cultural, and social distance

The Police[31] primary role was not to resolve community conflicts. In this regard, the Permanent Officer at the Macarretane administrative post reiterated in a focus group with police officers that "the police is not here to solve problems. They are here to listen to both parties, draw up the record and forward it to the Public Prosecuter's Service".[32] But, in the Chókwè district we observe that their action goes beyond the field of official rhetoric. As already mentioned, they also spend a great deal of time dedicating part of their work to explaining and sensitizing the population on how to handle their disputes, and in other cases to resolving conflicts themselves.

The cases where the police, on an *ad hoc* basis, intervene as a solution to the conflict are those linked to what the main Inspector called "social cases", namely, adultery, "couples' fights" (without serious bodily harm) and family conflicts in general that also do not involve serious physical violence. There are cases in which the police choose, as mentioned above, to raise awareness, and even use/abuse violence, and there are others that end up following the legal norms of the State.

Patrício (2016, 162) concludes in her research the PMR is primarily a "distributor of disputes through local authorities", but is also an informal actor, that solves conflicts. In the cases in which the Police do not act informally, the normal course is to refer the conflict from the police to the Public Prosecutor's Office and then to the Judicial Court or to the IPAJ, for a possible initiation of legal proceedings.

IPAJ, the Institute of Legal Assistance[33] has a district delegation in the city of Chókwè, in the same building as the Civil Registry and the Notary Office. The centrality of this instance in the resolution of conflicts in the district, lies in the legal support that it gives to economically needy citizens and particularly to children, women victims of domestic violence, and the elderly. The most frequent cases received by the IPAJ, according to its delegate, are related to:

[31] The police of Mozambique Republic (PMR) have an office for the Permanent Officer, an Office for Assistance to Children and Women Victims of Violence, which is in the command's courtyard, and five more divisions linked to the administrative, operational, criminal and investigation sectors - which work closely with the Prosecutor's Office – and a road inspection and management.

[32] Focus Group with police officers from the Macarretane Police Station, 26/03/2021.

[33] IPAJ, it's a legal aid state institution subordinated to the Ministry of Justice, Constitutional and Religious Affairs, "which aims to guarantee the realization of the constitutionally enshrined right of defence, providing the economically unprotected citizens with the legal support and legal assistance they need" - Cf. *Boletim da República*, no. 34, I Serie, 26 April of 2013, Mozambique. This conflict resolution instance has its headquarters in the city of Maputo, and is represented throughout the national territory, through provincial and district delegations.

> Alimony, people's separation, disputes over children, theft, mainly of cattle, and now we have situations of labour problems. There have been, for example, dismissals, lack of payments especially in fulfilling employers' obligations. On the other hand, we have also received people who have had problems with AMETRAMO members. It seems that there are doctors in bad faith who charge fees and do not perform their duties or perform them poorly.[34]

We could also verify that the IPAJ in Chókwè has the practice of documenting all its legal counselling work[35] and promotes awareness lectures, about conflicts and their resolution, and promotes training activities. The cooperation and legal support are the elements that coordinate these activities with the state bodies as well as with the civil society, mainly national and international NGOs (Association of people living with albinism, Vukoxa – Association of Support for the Elderly, ADPP, etc.). IPAJ also works with "paralegals" who, without a degree in law, have basic knowledge of official legal norms and practices. Some organizations (formal and informal) when receiving a case that requires intervention by the formal instances of the State, contact IPAJ for legal assistance.

Most of the cases that come to IPAJ are conflicts unsolved that were first in family instances as well as in different communities. Like the non-formal instances of justice, the action of the IPAJ strength lies in the use of dialogue, awareness-raising, and reconciliation of the parties, and mainly in the fact that it provides a free service, as well as its "procedural speed". The IPAJ works closely with the Police, and together they are a gateway to the access to law and justice at the Attorney General's District Office (Public Prosecutor) and the District Judicial Court.

The District Attorney's Office is the local Public Prosecutor's Office with jurisdiction over the respective district.[36] The most frequent conflicts that come to the Office of the Attorney are related to the crimes of cattle theft, home theft, domestic violence, and bodily harm. When interacting with the Public Prosecutor, we noticed that conflicts were presented as "legal conflicts", as a way of reiterating that the Public Prosecutor's Office is competent in resolving certain types of conflicts, without, however, failing to address all the concerns of the community. The District Attorney's Office besides criminal proceedings, plays an important role in advising citizens and establishing a connection to the community. Besides criminal proceedings, the Public Prosecutor's underlines its role of advising citizens and establishing a connection to the community, stating that

> (…) the community leader is the link between formal and non-formal justice, the community justice. (…) and we always inform that when they see anything abnormal, they should approach the Prosecutor's Office, they have the (phone) numbers there.[37]

There's a reference group created by the Public Prosecutor's, at national and district level, in partnership with the NGO Save The Children International (SCI) for the protection of children and fighting human trafficking, which brings together elements of the Public Prosecutor's Office, the Court, the civil registry, the education, health and

[34] IPAJ Delegate, city of Chókwè, 15/03/2021.
[35] We found through its annual reports, that it has received around 1400 to 1600 cases per year, also including those processes that result from the care they provide in other institutions.
[36] In Chókwè it operates in the district headquarters, in the same building where the Judicial Court operates.
[37] Interview conducted in 5/03/2021.

police sector. In specific cases, the Prosecutor's Office requests the involvement of all these institutions, as the Prosecutor stated:

> [B]ecause of this group the interaction is very strong, and that's why the purpose of this group is, for example, the issue of child trafficking. And in those cases, the child needs to continue in school, so we ask the education sector to help that person.

The Prosecutor also referred that the course of a conflict through the various formal and informal instances, as well as its importance for the populations, is influenced by the country's own urban and rural dynamics. In other words, the further away from the centre of power (the capital city, for example) and, the greater the likelihood that the conflict will go through non-formal and official instances.

Last, but not least the Judicial District Court is in the heart of the city of Chókwè. The Judicial Court share the same building with the District Attorney's Office. The fact that these two instances of conflict resolution are in the same physical space, reinforces the popular perception that they are the same institution and have the same function. As stated by the Judge of the Judicial Court,[38]

> There is some confusion here, and I believe it is not just in Chókwè. Because most of the time, the Courts operate in the same building as the Attorney's Offices. When it comes to the Attorney General's Office, people think they have come to the Court.

The most recurrent conflicts that come before the Court are mostly in the criminal area and are related to robbery, theft, physical aggression, and breach of trust. In the civil area, the children alimony process and paternity investigation (DNA tests) were the most relevant conflicts. The district's geographical and historical connection with South Africa plays a central role because of the high rates of immigration. Several of the cases linked to conflicts in the family and in the community, such as couples' fights (without physical violence), were not mentioned by the Judge. This dynamic is partly because in the Chókwè district there is only one Judicial Court, which is social and geographically distant from where most of the population resides. As stated before, this distance turns out to be also symbolic, because once the presence and legitimacy of the state are limited or even non-existent, the population resort to the traditional (and close) forms of conflict resolution (Florêncio 2012).

In fact, the Judicial Court (1st and 2nd section) is in the heart of the city of Chókwè and has no representation in other Administrative Posts and locations. In the fieldwork, for example, we learned that some people must travel around 30 kilometres to resolve a dispute in the State's judicial bodies. This geographic distance is an important factor that leads the population to resolve their disputes in the community. Besides, and also based on the fieldwork, other relevant social factors are based on the kinds of goods or money that each instance requires to solve a conflict, the leader's reputation in resolving conflicts and kinship, friendship or ethnic affinities with a particular leader of the instance. The cultural distance – most of the population don't speak Portuguese, the official language of the state institutions –, and the traditional norm is still the mainstream regarding to conflicts resolution due to the proximity and familiarity to the community – is reflected on the fact that many of the conflicts in communities do not reach the Judicial Court because they are resolved within these communities. The social

[38] Interview conducted in 5/03/2021.

distance of populations to the formal instances is based also in economic factors. The economic activity of the district is fundamentally based on agriculture, the poverty rate is around 60% and the most disadvantaged and vulnerable group are the peasants and cattle breeders which represent 75% (Abbas 2018).

4. Paths of hybridisation on gender and family matters

Following the main tensions of customary and state norms and practices in the social family space and the mapping of the instances of family conflict resolution and how they interact with each other, we conclude that there is a plural configuration of hybridization present in the norms and practices of the traditional usages and customs with the norms of the positive State law.

We resort to the concept of hybridization of Santos (2006, 39), with the purpose of showing the porosity of the boundaries of the different legal orders and cultures and the deep cross-fertilizations or cross-contaminations among them. According to the author, legal hybridization results in "a new kind of legal pluralism [which] challenge conventional dichotomies to the extent that legal practices frequently combine the opposite poles of the dichotomies and contain an infinite number of intermediary situations" (Santos 2006, 46). The conventional dichotomies referred are the official/unofficial, formal/informal, traditional/modern, monocultural/multicultural (*idem*), but also as Santos recognize, on an analytical level, the dichotomies are a good starting point, if it is clear from the outset that they will not provide the point of arrival (idem). Taking this in consideration, we aim that the hybridization happens not only between the formal/informal, as for there are some porosities between the awareness, the influence/mobilization to the formal, and concrete hybridization between traditional and state law, creating a *continuum* and intersection at the same time.

The concept of hybridization is here used as an epistemological umbrella which stands on a pluralism that results from the mix between the conventional dichotomies mentioned above. In this sense, porosity is a feature of this process and pluralism is its result. Recognizing that concepts such as syncretism caused a negative and positive evaluation as a subjective meaning in reconciling oppositive views (Siegel 2013), the aspect we wish to highlight is the existence of a legal hybridization in the sense of a continuum and not opposition.

Following the two topics of this article (norms and practices; instances of family conflicts resolution), we identify three paths of hybridization reflected on the practices related in the fieldwork.

The first is regarding how awareness can also be a form of hybridization, in the sense that it paves the way for change by providing information on how the state law works and the rights entitled by the state law. The awareness is reflected in the production of a discourse that is constructed in accordance with the formal law but bearing in mind the meaning of traditional law. The influence of the State's public policy and the State's legal norm, through the action of its bodies, and of the NGOs and the Church associations, question and mitigate many of the "traditional" norms and practices. The norms of the positive State law are disseminated by public institutions, NGOs of human rights activists and by the action of the Churches in promoting the state's legal norm, namely, in matters of gender equality or children's rights, especially regarding the parents' legal

obligation to the children and the prohibition of early marriages. In fact, in this district the existence of a plurality of churches and committees between them contributes to the emergence of a new actor which intervenes essentially in family matters – the church committees. For example, for the family conflicts resolution this instance uses dialogue, persuasion, awareness, and legal education. As a "hybrid" Committee – a specificity of this district they use a combination of values from common-sense, law and religion. Also, from the "teachings" (activism and advocacy) of the State and the NGOs, women are becoming aware of their rights in issues such as domestic violence, separation, and inheritance conflicts.

In the fieldwork, the change is reflected in the discourse about the "old days", given that in the present due to the state norms and the work performed by the NGOs, customs such as the woman not having the right of inheritance following the death of her husband, are said to be in the past and not a current practice anymore. Besides, there's also communication between the state bodies and national and international NGOs. For example, the IPAJ promotes awareness lectures, about conflicts and their resolution, and promotes training activities.

The second path of hybridization, which is deeply connected to the previous one, streams from the fact that even though the traditional norm is somehow "powerful", the formal law forces the change through the creation and application of the law. The Law Nº. 29 /2009, of 29th of September, Against Domestic Violence in Mozambique, that was approved in 2009, and the Law to Prevent and Combat Early Unions – Law nº 19/2019, 22nd of October – which sets 18 as the minimum age for marriage and criminalizes and punishes early marriages, approved in 2019, are examples of how the law tries to change the customary norm and the social practices of the local population of communities.

As we have seen, the *lobolo* is crucial in structuring family relationships, and by doing so, there's also some norms and practices that perpetuate gender inequality. The *lobolo* still represents the patriarchal society that identify women with housework tasks and childcare, being totally dependent of the male partner, seen as the element that supports the family. Even in situations of domestic violence, this type of conflict is resolved within the family and most of the times, it underlines the dominance of men over women in the family sphere. The same thing happens regarding separation or the death of the husband, women have always their rights diminished. Customary law collides with the state law, because in these specific issues, traditional norms and practices are still much in action. However, state law also begins to be mobilized by the population, which leads to changes on how conflicts must be handled enhanced by the state law application. In some conflicts like the lack of assistance by the male parent, in which he does not contribute to the support of the children, families are already aware of the parents' legal obligation to cover the costs of food, education, and clothing for the child, which leads to initiate legal proceedings – the process starts with mothers exposing the case to the police, mainly to the Office for Assistance to Women and Children Victims of Violence, explaining the absence of the father to support the child's needs, and then the police give the notice to IPAJ or to the Public Prosecutor's office, that in representation of the mother or on behalf of the children, against the male progenitor initiate legal proceedings with the objective of the Chókwè District Judicial Court to condemn the father to pay alimony

to his children –, changing the traditional means of conflicts resolution to the domain of formal instances.

The same can be said about early unions/marriages. The formal instances of the State, the NGOs, as well as associations and community committees have played a central role in raising awareness of local populations for the eradication of this practice, which was criminalized in 2019 (the union as if it were a marriage, between an adult and a child). The strategy of "raising awareness" is effective partly because of the perception that many families are forced into these unions because of what several people referred to as "poverty" and a "guarantee of material support" strategy, in which, once again, the male parent decides, through the *lobolo*, the fate of the women in the family. In this sense, not only does poverty play a central role in the occurrence of early marriages, but also the issue of gender inequality, where both the girl and the mother have no "voice" in the *lobolo* decision. Nevertheless, the traditional norm or practice from the customary law seems not to be the main factor that collides with the state law, it could be said that this is a new practice created by "modern times" and tolerated by society where socioeconomic vulnerability turns into a legal issue to the state law through these early unions between a man and a child as a way of escaping poverty. The porosity here is between a custom that is enhance as a practice, not because it is a traditional norm (or at least, not only because of that), but mainly as a mean to escape poverty. In doing so, it automatically turns into a legal issue, condemned by the state law.

The third path is the effective cross contamination of the traditional law with the formal law. In family matters, there's a predominance of resorting to family members and Community Instances, yet there are also state instances in conflict resolutions regarding gender and family conflicts. The family field places more emphasis, for example, on reconciliation and dialogue, with the aim of keeping the family together and respecting the traditional norms and practices. Still, regarding the awareness of women's and children's rights by the state and NGOs, some conflicts (violence, alimony) are being mobilized to the Police, who judicializes the process to the Prosecutor's Office and/or to the Court. And the hybridization here lies in the fact, for example, that the police use norms of the customary law such as the dialogue and mediation with the aim to settle the conflict, even though is a formal/official institution of the state. There are cases where the police, on an *ad hoc* basis, intervene as a solution to the family conflicts that do not involve serious physical violence. The police also act like an informal actor, using "traditional norms" and not referring the cases to the Public Prosecutor's Office and then to the Judicial Court or to the IPAJ.

Yet, from the opposite angle, regarding the separation or divorce in traditional marriage, through the action of the Community Court, the divorce of the traditional marriage, interpenetrates with the norms of the civil registry of the State. In the fieldwork, the interviewees referred that when is the husband who wants to end the marriage, he must make a declaration saying that he no longer needs the wife, and that declaration must be send to the civil registry for stamping and photocopying, keeping one copy to himself, and the other must be send to the court.

5. Conclusion

The research in the district of Chókwè reflects an emergence of a new Mozambican configuration of legal pluralism in family matters – a composed Local Law based on processes of hybridization between customary and state law through different means – awareness; change through the creation and application of the law; and the effective cross contamination of the traditional law with the formal law. This reflects a plurality of normative orders and instances of conflict resolution which coexist in the same social space, such as the formal ones like the Judicial Court, the District Attorney's Office, and the IPAJ (public legal aid), or the "hybrid" instances such as the Community Courts, and the informal community logics of conflict resolution based on orality, on persuasion, on dialogue between the disputing parties and, ultimately, on a reference frame grounded on the idea of restorative justice. The non-formal instances of conflict resolution coexist in the same space, such as the family, the religious committees, and the associations. The fact is that the district's population moves through all these instances as if it were a "shopping forum", going through each instance as a dynamic process in which the different conflict resolution instances have their own juridical and social role (Benda-Beckmann and Benda-Beckmann 2013, 117). The population "navigates" through different instances with a certain level of reflection, which means that it is not simply about coping with circumstances but includes the idea that people can still find ways of dealing with them, and perhaps even by taking advantage of them or by finding opportunities and challenges, turning this navigation into a corollary of their agency (cf. Dekker and Dijk 2010, 10).

In family and gender conflicts, in a sociolegal perspective there are four main pressure points that influence each litigant, each family, each community and each informal or formal instance in solving family conflicts. The first is the predominance of the customary norms of *lobolo* and the patriarchal tradition (e.g. male violence as a private matter of family). The second is how poverty and family economic needs, result in a tolerance by the society and by the community instances, and in some cases by the administrative and police authorities, to early unions, even without support of customary law and in violation of criminal state law. The third is the mutation of customary norms and practices through the pressure and action of State law that, for instance, recognises the right to inheritance to the widow after her husband's dead or the right to refuse to marry with her brother-in-law rooted in the customary law. Finally, the state law and the state and formal instances are geographically (physical), culturally (language and customs) and socially (family and social structure and poverty) distant from local communities and populations.

This new form of legal pluralism introduces a new feature, the way each instance establishes a relation between one another, communicating, complementing, or even competing, influencing the result of the conflicts' resolution. In this sense, this composed local law is the result of a legal hybridization, in which different processes of porosity between formal and non-formal law, highlight a new form of legal pluralism, where the action performed by public institutions, NGOs of human rights and by the action of the Churches in promoting the state's legal norm, namely, in matters of gender equality and children's rights, is being central to the dissemination of state law.

References

Abbas, M., 2018. Chókwè: Efeitos Locais de Políticas Instáveis, Erráticas e Contraditórias. *Observador Rural* [online], 62. Available at: https://omrmz.org/observador/or-62-chokwe-efeitos-locais-de-politicas-instaveis-erraticas-e-contraditorias/

Araújo, S., 2014. *Ecologia de Justiças a Sul e a Norte – Cartografias Comparadas das Justiças Comunitárias em Maputo e Lisboa* [online]. Tese de doutoramento em Direito, Justiça e Cidadania no século XXI pela Faculdade de Direito e pela Faculdade de Economia da Universidade de Coimbra. Available at: https://estudogeral.uc.pt/handle/10316/26793

Araújo, S., 2016. Para lá dos códigos. O papel do Estado e a heterogeneidade do pluralismo jurídico em Moçambique. *Politeia: Revista do Instituto Superior de Ciências Policiais*, X-XI-XII(2013-2014-2015), 19–38.

Bassiano, V., and Lima, C.A. de., 2018. Casamentos prematuros em Moçambique: causas e consequências de abandono escolar e meninas com futuros destroçados. *Imagens Da Educação* [online], 8(2), e43085. Available at: https://doi.org/10.4025/imagenseduc.v8i2.43085

Bekker, J.C., and Buchner-Eveleigh, M., 2017. The legal character of ancillary customary marriages. *De Jure Law Journal* [online], 50(1), 80–96. Available at: https://www.dejure.up.ac.za/images/files/vol50-1-2017/Chapter%205_1_2017.pdf

Benda-Beckmann, F., 2002. Who's Afraid of Legal Pluralism? *The Journal of Legal Pluralism and Unofficial Law* [online], 34(47), 37–82. Available at: https://doi.org/10.1080/07329113.2002.10756563

Benda-Beckmann, F., and Benda-Beckmann, K., 2013. *Political and Legal Transformations of an Indonesian Polity. The Nagari from Colonialism to Decentralisation* [online]. Cambridge University Press. Available at: https://doi.org/10.1017/CBO9781139839082

Benda-Beckmann, K., 1981. Forum shopping and shopping forums. *Journal of Legal Pluralism* [online], 13(19), 117–159. Available at: https://doi.org/10.1080/07329113.1981.10756260

Bertelsen, B.E., 2007. Violence, Sovereignty and Tradition. Understanding Death Squads and Sorcery in Chimoio, Mozambique. *In:* A.M. Guedes and M.J. Lopes, eds., *State and Traditional Law in Angola and Mozambique*. Coimbra: Almedina, 201–61.

Bourdieu, P., 2008. *Razões práticas: sobre a teoria da ação.* 9ª ed. Campinas: Papirus.

Dekker, M., and Dijk, R.A., 2010. *Markets of well-being: navigating health and healing in Africa* [online]. Leiden: Brill. Available at: https://doi.org/10.1163/ej.9789004201101.i-312

Denzin, N.K., and Lincoln, Y.S., eds., 1994. *Handbook of qualitative research*. New York: Sage.

Domingos, F., 1996. *A Organização Social da Sociedade Tradicional*. Maputo: MAE.

Fernandes, C., and Pinto, V., 2024. *Já não é (bem) como antigamente – Normas e práticas das populações na resolução de conflitos e acesso ao Direito e à Justiça no Distrito de Chókwè.* CFJJ.

Fernandes, R., 2018. *Lobolo*: celebração litúrgica e tradicional no sul do Moçambique. *Campos - Revista de Antropologia* [online], (9)2, 124–134. Available at: https://doi.org/10.5380/cra.v19i2.63709

Florêncio, F., 2008. Autoridades Tradicionais vaNdau de Moçambique: o regresso do indirect rule ou uma espécie de neo-indirect rule? *Análise Social*, 43(2), 369–391.

Florêncio, F., 2012. Traditional authorities and Legal Pluralism: a comparative analysis on two case studies in Mozambique and Angola. *In:* H.M. Kyed *et al.*, eds., *The Dynamics of Legal Pluralism in Mozambique. State and Non-State mechanisms of justice and public safety*. Maputo: CESAB, 89–108.

Fórum da Sociedade Civil para os Direitos da Criança (ROSC), 2019. *O impacto das uniões prematuras na educação, saúde e nutrição*. Maputo: Fórum da Sociedade Civil para os Direitos das Crianças.

Gilliland, M.K., 2018. Family and Marriage. In: N. Fernandez and D. Amory, *Perspectives: An Open Invitation to Cultural Anthropology.* Portland: Lumen Learning.

Granjo, P., 2006. Winning Back Our Good Luck: Bridewealth in Nowadays Maputo. *Ufahamu: A Journal of African Studies* [online], 32(3), 123–62. Available at: https://doi.org/10.5070/F7323016509

Griffiths, A., 2002. Legal pluralism. *In:* R. Banakar and M. Travers, eds., *An Introduction to law and social theory*. Oxford/Portland: Hart, 289–311.

Griffiths, J., 1986. What is Legal Pluralism? *Journal of Legal Pluralism* [online], 18(24), 1–55. Available at: https://doi.org/10.1080/07329113.1986.10756387

Instituto Panos África Austral (IPAA), 2014. *Informação dos media sobre casamentos prematuros em Moçambique.* Lusaka.

José, A.C., *et al*., 2016. *Retratos da justiça Moçambicana: redes informais de resolução de conflitos em espaços urbanos e rurais*. Maputo: Ministério da Justiça, Centro de Formação Jurídica e Judiciária.

Junod, H., 1996. *Usos e Costumes do Bantu (Tomo I), Arquivo Histórico de Moçambique*. Maputo.

Kyed, H.M., 2013. Review: Legal Pluralism in Post-War Mozambique. *Journal of Southern African Studies* [online], 39(4), 989–995. Available at: https://doi.org/10.1080/03057070.2013.862096

Kyed, H.M., *et al*., eds., 2012. *A dinâmica do pluralismo jurídico em Moçambique*. Maputo: CESAB.

Merry, S.E., 1988. Legal pluralism. *Law and Society Review* [online], 22(5), 869–896. Available at: https://doi.org/10.2307/3053638

Ministério da Saúde (MISAU), 2018. *Estratégia de Saúde Escolar e dos Adolescentes e Jovens 2018–2024 [2029] – ENSAJ*. Maputo: Direcção Nacional de Saúde Pública.

Moore, S.F., 1978. *Law as Process: An Anthropological Approach*. Oxford University Press.

National Institute of Statistics (INE) and Ministry of Health (MISAU), 2022. *Moçambique Inquérito demográfico e de saúde* [online]. Available at: https://www.ine.gov.mz/web/guest/b/inquerito-demografico-e-de-saude-2022

Obarrio, J., 2014. *The Spirit of Laws in Mozambique* [online]. University of Chicago Press. Available at: https://doi.org/10.7208/chicago/9780226154053.001.0001

Osório, C., 2015. *Os Ritos de Iniciação: Identidades femininas e masculinas e estruturas de poder* [online]. Texto apresentado no encontro dos parceiros da CAFOD (agência oficial de ajuda da Igreja Católica na Inglaterra e País de Gales), Maputo. Available at: https://www.wlsa.org.mz/wp-content/uploads/2015/11/Ritos2015.pdf

Patrício, A.M., 2016. *Dinâmicas do Estudo jurídico em Moçambique: estudo de caso do distrito de Mossurize* [online]. Dissertação de Doutoramento. Lisbon: ISCTE-IUL. Available at: http://hdl.handle.net/10071/14388

Patrício, A.M., 2021. Customary rules and the law of domestic violence: Conflicting norms and social change in Rural Mozambique. *In:* C. Navarra and C.U. Rodrigues, eds., *Transformations of Rural Spaces in Mozambique* [online]. London: Zed Books, 13–28. Available at: https://doi.org/10.5040/9781350225664.ch-1

Pedroso, J., 2013. *Acesso ao Direito e à Justiça: um direito fundamental em (des)construção: O caso do acesso ao direito e à justiça da família e das crianças* [online]. Dissertação de Doutoramento em Sociologia do Estado, do Direito e da Administração, Faculdade de Economia, Universidade de Coimbra. Available at: https://hdl.handle.net/10316/22583

Santos, B.S., 1987. Law. A map of misreading: Toward a post-modern conception of law. *Journal of Law and Society* [online], 14(3), 279–302. Available at: https://doi.org/10.2307/1410186

Santos, B.S., 2000. *A crítica da razão indolente: Contra o desperdício da experiência*. Porto: Afrontamento.

Santos, B.S., 2003. O Estado heterogéneo e o pluralismo jurídico. *In* B.S. Santos and J.C. Trindade, eds., *Conflito e Transformação Social. Uma Paisagem das Justiças em Moçambique.* Porto: Afrontamento, 47–95.

Santos, B.S., 2006. The Heterogeneous State and Legal Pluralism in Mozambique. *Law & Society Review* [online], 40(1), 39–75. Available at: https://doi.org/10.1111/j.1540-5893.2006.00258.x

Santos, B.S., and Trindade, J.C., eds., 2003. *Conflito e Transformação Social. Uma Paisagem das Justiças em Moçambique.* Porto: Afrontamento

Selemane, T., 2019. *O impacto das uniões prematuras na educação, saúde e nutrição* [online]. Maputo: ROSC. Available at: https://bettercarenetwork.org/sites/default/files/2021-04/O%20impacto%20das%20unio%CC%83es%20prematuras%20na%20educac%CC%A7a%CC%83o%2C%20sau%CC%81de%20e%20nutric%CC%A7a%CC%83o%20-%20FINAL_28Junho2019.pdf

Siegel, B., 2013. Neo-Pentecostalism in Black Africa. *Anthropology Presentations* [online], Paper 1, 1–25. Available at: https://scholarexchange.furman.edu/ant-presentations/1/

Silva, T., 2003. Violência Doméstica: Factos e Discursos. *In:* B.S. Santos and J C. Trindade, eds., *Conflito e Transformação Social: Uma Paisagem das Justiças em Moçambique, 2º volume*. Lisbon: Afrontamento.

Sitoe, C., 2017. *Casamentos Prematuros em Mocuba: causa e consequência da pobreza* [online]. Available at: http://civilinfo.org.mz/files/Casamentos%20Prematuros%20em%20Mocuba%20causa%20e%20conseque%CC%82ncia%20da%20probeza.pdf

Tamanaha, B.Z., 1993. The folly of the "social scientific' concept of legal pluralism. *Journal of Law and Society* [online], 20(2), 192–217. Available at: https://doi.org/10.2307/1410167

Tatomir, J., 2023. *Tsonga People: History, Culture & Beliefs* [online]. Available at: https://study.com/academy/lesson/tsonga-people-history-culture-beliefs.html

UNICEF, 2015. *Casamento Prematuro e Gravidez na Adolescência em Moçambique: Resumo de Análises* [online]. Available at: https://www.unicef.org/mozambique/sites/unicef.org.mozambique/files/2019-02/Casamento-Prematuro-Gravidez-Adolescencia-Mocambique-Causas-Impacto.pdf

World Bank, 2023. *Sub-Saharan Africa - Macro Poverty Outlook: country by country analysis and projections for the developing world* [online]. Washington, DC: International Bank for Reconstruction and Development / The World Bank. Available at: https://www.worldbank.org/en/publication/macro-poverty-outlook/mpo_ssa