

Introduction

A History of Ownership, Dispossession, and Inequality

The mechanisms whereby Africans managed and expressed wealth and rights, including over people, have been a central concern of Africanists for the past five decades. The idea is that the accumulation of dependents, known as wealth in people, was a key organizing principle in the lives of West Central Africans. If this argument is true, why did coastal populations as well as nearby rulers, called *sobas*, *dembos*, or *somas*, claim and register land in the seventeenth and eighteenth centuries? Rulers, commoners, and colonial settlers entered into a series of disputes over property in the nineteenth century. Why would purchased chairs, tea sets, and silk socks be valued as assets in postmortem wills of West Central Africans? The violent systems and structures of colonization produced problematic and simplified interpretations of the African past. Colonial officers, missionaries, anthropologists, jurists, and historians perpetuated images of African societies as isolated and excluded from global processes. However, by emphasizing the absence of landed property as a central feature of African societies, scholars have overlooked how vital land was in securing social belonging, obligation, and protection. More often than not, the perspectives of West Central Africans on wealth, accumulation, and rights became invisible or exoticized in the scholarship as primitive, backward, or simplistic.

Since the 1960s, Africanist historians have argued that there was a surplus of land in the continent, which meant that wealth was accumulated through lineages and dependents rather than land.¹ This, according to these historians, explained the existence of slavery in the continent, before the contact with Europeans on the Atlantic Coast, as a form

¹ The literature on this subject is vast. See, among others, Jack Goody, *Technology, Tradition, and the State in Africa* (London: Oxford University Press, 1971), 21–37; J. D. Fage, “Slaves and Society in Western Africa, c. 1445–c.1700,” *Journal of African History* 21, no. 3 (1980): 289–310; Antony G. Hopkins, “Property Rights and Empire Building: Britain’s Annexation of Lagos, 1861,” *The Journal of Economic History* 40, no. 4 (1980): 777–98; Joseph C. Miller, *Way of Death: Merchant Capitalism and the Angolan Slave Trade, 1730–1830* (Madison, WI: University of Wisconsin Press, 1988), 42–53.

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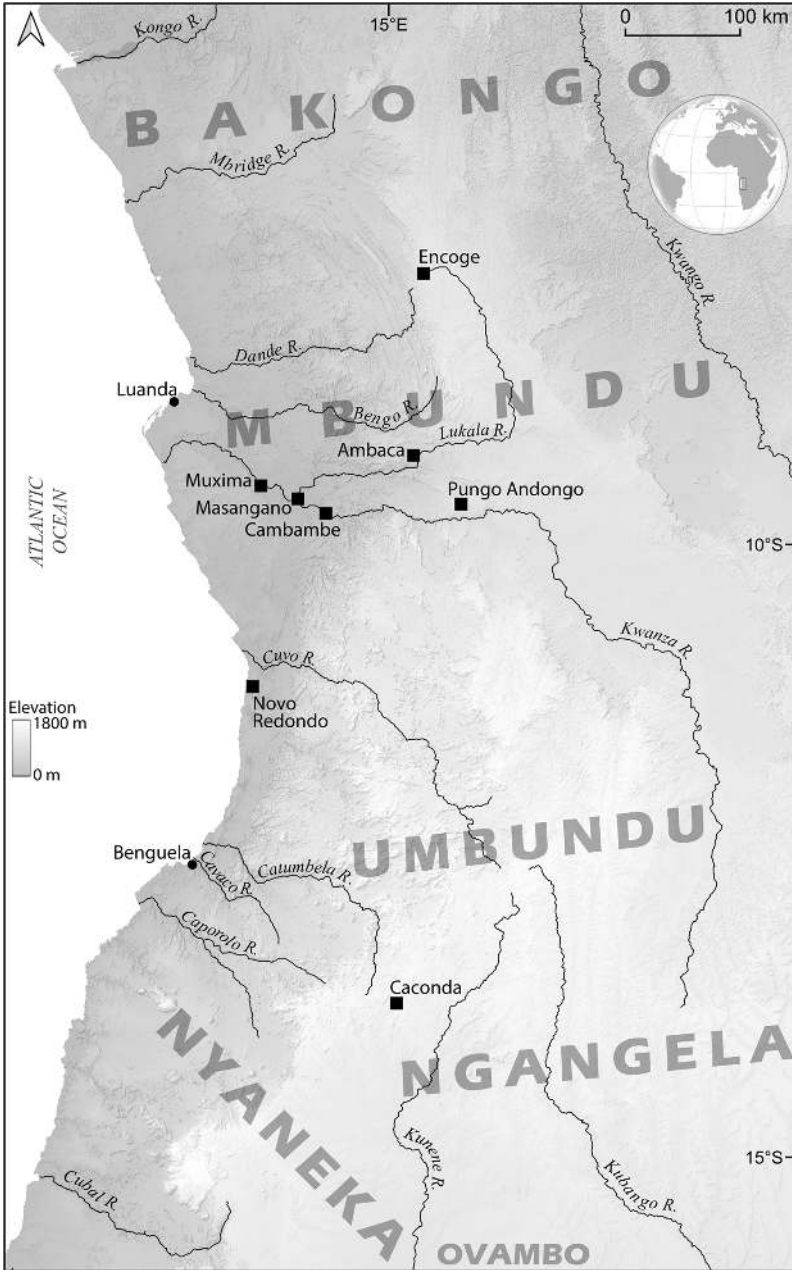
of wealth accumulation. But Ndembu (such as Caculo Cahenda), Ndombes, and Kakondas, as well as other populations that inhabited West Central Africa north and south of the Kwanza River (see Map I.1), clashed over land use and rights. Land could not have been widely available, nor was it “empty” as colonial administrators claimed in the seventeenth, eighteenth, and nineteenth centuries, a trope scholars helped to perpetuate.² Theories of unoccupied land, or land surplus, were laid in the tomes of colonial officers and jurists, seeking to justify the expropriation of land, European conquest, and settlement, a process parallel to what happened in the Americas. These arguments dismissed the rights of transhumance and the social role of land, as burial sites inhabited by ancestors and their spirits.

It was accepted that the main goal of West Central African heads of lineages and rulers was to accumulate people and mobilize their labor and not necessarily to amass land, which was free and plentiful.³ According to the concept of wealth in people, land was abundant in the region, and thus powerful rulers and heads of lineages accumulated dependents who could provide labor. These dependents could be wives, children, impoverished migrants, or enslaved individuals who were put to work in the fields and generated more patrimony, more prestige, and more capital to recruit even more dependents. Rights-in-persons has been viewed as “an integral part of the African system of kinship and marriage” that shaped all social relationships, creating bonds of rights, obligation, respect, and protection. Rights could “be manipulated to increase the number of people in one’s kin group, to gather dependents and supporters, and to build up wealth and power.”⁴

² Jack Goody, *Death, Property and the Ancestors* (Stanford, CA: Stanford University Press, 1962); A. G. Hopkins, *An Economic History of West Africa* (New York: Columbia University Press, 1973); Gareth Austin, *Labour, Land, and Capital in Ghana: From Slavery to Free Labour in Asante, 1807-1956* (Rochester, NY: University of Rochester Press, 2005); Susan M. Martin, *Palm Oil and Protest: An Economic History of the Ngwa Region, South-Eastern Nigeria, 1800-1980* (New York: Cambridge University Press, 2006).

³ Jan Vansina, *Paths in the Rainforests: Toward a History of Political Tradition in Equatorial Africa* (Madison, WI: University of Wisconsin Press, 1990), 251; Miller, *Way of Death*, 43–52; Wyatt MacGaffey, *Kongo Political Culture: The Conceptual Challenge of the Particular* (Bloomington, IN: Indiana University Press, 2000), 215–16; John K. Thornton, *Africa and Africans in the Making of the Atlantic World, 1400-1800* (New York: Cambridge University Press, 1998), 87–95. For non-West Central African specialists, see Hopkins, *An Economic History of West Africa*; Antony G. Hopkins, “The New Economic History of Africa,” *The Journal of African History* 50, no. 2 (2009): 155–77.

⁴ Suzanne Miers and Igor Kopytoff, eds., *Slavery in Africa: Historical and Anthropological Perspectives* (University of Wisconsin Press, 1977), 7 and 9; Goody, *Death, Property and the Ancestors*.



Map I.1 West Central Africa

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Immovable and human property tend to be examined separately, but dispossession of African land and natural resources was intimately linked to the appropriation and enslavement of free people and their labor. Land ownership, property, gender, and law all relate to the Africanist historiography; let us extend this conversation to also include control over labor and enslaved people. On that argumentative foundation, *Wealth, Land, and Property* challenges a set of assumptions that views property and ownership rights as stable European ideas associated with the Enlightenment, civilization, and modernity, where African actors were unable to comprehend, or at least faced difficulty in exercising, rights due to their attachment to the accumulation of dependents.⁵ As in Europe, West Central African societies had notions of rights and ownership systems, not necessarily homogeneous throughout the region. Mbundu, Ndombe, and other West Central African populations had clear ownership regimes that clashed with each other. The dispute over land use and rights was exacerbated by the arrival of Portuguese intruders, resulting in more disputes and adaptation, and adjusted to new ideas introduced by colonialism. In the early nineteenth century, notions of individual property were not stable or well defined, particularly in Portugal, as jurists and colonial officers portrayed in their writings. It was in the process of implementing such notions in their colonies that allowed the range of ideas regarding property systems to fully emerge and get consolidated in the books. Control over land plays a big role in this story; likewise, locals and foreigners clashed over the ownership rights of people and material objects as well.

The supremacy of the wealth in people concept has obscured the process through which Portuguese agents seized land from the Ndombe, Mbundu, Kakonda, Kilengues, and other groups that once inhabited the region north and south of the Kwanza River. This book pushes back against the historiographic emphasis on “rights in people” by emphasizing that land in West Central Africa was scarce, not abundant, and also valued by those who inhabited it. The singular focus on the accumulation of dependents has done a disservice to the history of this region, helping to justify colonialism and normalize population displacement in the past. West Central African specialists have embraced this notion of rights-in-persons and pushed it forward as a cornerstone to understanding the social, political, and economic life of local societies. Many of these findings were based on a close analysis of late

⁵ For more on the long and complicated history of European rights and law, see Tamar Herzog, *A Short History of European Law: The Last Two and a Half Millennia* (Cambridge, MA: Harvard University Press, 2018).

nineteenth- and early twentieth-century jurists, such as Lopo Vaz de Sampaio de Melo and Caetano Gonçalves, who wrote authoritative texts on property rights over the indigenous population of Angola.⁶ Portuguese jurists sided with colonialism, and indeed represented it, attesting that indigenous Africans did not have notions of possession rights or individual ownership.

In the context of colonialism and “effective occupation” that shaped the late nineteenth century, the emergence of theories that supported the lack of indigenous effective occupation of their territory favored the legitimization of Portuguese power. Effective occupation, according to administrators and jurists, was to make land productive, not for those who live in it, but according to those interested in acquiring agricultural crops from the tropical regions of the world, such as sugarcane, coffee, or cotton. The rights of pastoral populations, most of those who lived south of the Kwanza River were herders, were dismissed. To make the opposite assertion, or to recognize that African societies had such rights over land and their jurisdiction, was, in many ways, to challenge the legitimacy of colonialism. Colonialism was based on the expropriation of land and resources, in part because European elites claimed that non-European populations, in Africa, the Americas, or in Asia, were incapable of comprehending and protecting the basic concept of ownership. Ethnographers and jurists provided the evidence for colonial claims and ideologies with their cumbersome theories, feeding colonial bureaucrats the notion of vacant land, the legitimacy of Europeans occupying and colonizing the world, and ignoring how the indigenous population conceived land use and rights, occupation, and possession.⁷ Many of these Portuguese jurists never visited the region, yet scholars often

⁶ Lopo Vaz de Sampaio e Melo, *Política indígena* (Porto: Magalhães & Moniz, 1910); Lopo Vaz de Sampaio e Melo, *Regime da propriedade indígena, separada da “Revista Portuguesa Colonial e Marítima”* (Lisbon: Ferin Editora, 1910); Caetano Gonçalves, “O regime das terras e as reservas indígenas na colonização portuguesa,” *Boletim Geral das Colônias 2*, no. 13 (1926): 26–45.

⁷ Martin Chanock, “Paradigms, Policies and Property: A Review of the Customary Law of Land Tenure,” in *Law in Colonial Africa*, ed. Kristin Mann and Richard L. Roberts (Portsmouth, NH: Heinemann, 1991), 74–75; Peter Pels, “The Anthropology of Colonialism: Culture, History, and the Emergence of Western Governmentality,” *Annual Review of Anthropology 26* (1997): 173; Saliha Belmessous, “Introduction: The Problem of Indigenous Claim Making in Colonial History,” in *Native Claims: Indigenous Law against Empire, 1500–1920*, ed. Saliha Belmessous (New York: Oxford University Press, 2012), 3–18; Anthony Pagden, “Law, Colonization, Legitimation, and the European Background,” in *The Cambridge History of Law in America*, ed. Michael Grossberg et al. (Cambridge, MA: Cambridge University Press, 2008), 22–24; José Vicente Serrão, “Property, Land and Territory in the Making of Overseas Empires,” in *Property Rights, Land and Territory in the European Overseas Empires*, ed. José Vicente Serrão et al. (Lisbon: CEHC-IUL, 2014), 8–9, <http://hdl.handle.net/10071/2718>.

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embrace the ideas that they put forward and never question the links between Portuguese ethnographers, jurist treaties, colonialism, and land occupation and exclusion.

The rise of global liberalism in the nineteenth century was followed by land expropriation and dispossession. Consolidated practices and laws protected individual rights, usually those of Europeans and their descendants, at the expense of indigenous populations. This is not to say, however, that inequality was a nineteenth-century phenomenon. Slavery, displacement, and dependency predated the nineteenth century in West Central Africa. Societies were hierarchical; elite members enjoyed a series of privileges while commoners varied in their status, including people held in bondage.⁸ Treaties, land charts, and written documents reveal diverse notions of jurisdiction and rights that existed in the region. The imposition of colonial notions of individual property was met with continuous challenges by local African rulers, from centralized states such as Kakonda or Caculo Cahenda to more decentralized polities such as the Ndombe. West Central African rulers made claims with their own designs of occupation and possession, considered legitimate and valid until the early nineteenth century. *Wealth, Land, and Property* draws attention to the nature of archives that normalize conquest, occupation, and exclusion, and which ultimately obscure West Central African forms of knowledge, ownership, and legitimacy.⁹

West Central Africa and Land Rights

Africans have long been historical global actors who influenced and were affected by events and societies located far away.¹⁰ For more than five

⁸ Jan Vansina, “Ambaca Society and the Slave Trade c. 1760-1845,” *The Journal of African History* 46, no. 1 (2005): 1–27; Joseph C. Miller, “Imbangala Lineage Slavery,” in *Slavery in Africa: Historical and Anthropological Perspectives*, ed. Suzanne Miers and Igor Kopytoff (Madison, WI: University of Wisconsin Press, 1977), 205–33; Joseph C. Miller, “Central Africans during the Era of the Slave Trade, c. 1490s-1850s,” in *Central Africans and Cultural Transformations in the American Diaspora* (Cambridge: Cambridge University Press, 2001); John Thornton, “The Slave Trade in Eighteenth Century Angola: Effects on Demographic Structures,” *Canadian Journal of African Studies* 14, no. 3 (1980): 417–27; John K. Thornton, “Cannibals, Witches, and Slave Traders in the Atlantic World,” *The William and Mary Quarterly* 60, no. 2, Third Series (2003): 273–94; Roquinaldo Ferreira, “Slaving and Resistance to Slaving in West Central Africa,” in *The Cambridge World History of Slavery*, ed. David Eltis and Stanley L. Engerman, vol. 3 (Cambridge, MA: Cambridge University Press, 2011), 111–31; Linda M. Heywood, “Slavery and Its Transformation in the Kingdom of Kongo: 1491–1800,” *The Journal of African History* 50, no. 1 (2009): 1–22.

⁹ Boaventura de Sousa Santos, *Epistemologies of the South: Justice Against Epistemicide* (London: Routledge, 2014), 174.

¹⁰ For more on the idea of Africans as actors connected to global economies, see Jeremy Prestholdt, *Domesticating the World: African Consumerism and the Genealogies of Globalization*

centuries, West Central African societies were connected to distant markets abroad and inland. After the 1600s, they influenced how European empires conceived of and regulated ownership, as well as how they engaged in struggles over possession, control, and rights. The social lives of societies and objects tell us why and how people accumulated things over time and the ways in which they expressed rights and wealth. At a time of economic transformation, new notions of rights emerged, and written forms of claiming ownership were consolidated. Based on historical documents available in Angolan, Portuguese, and Brazilian archives, this book examines the economic transformation, which was associated with the Portuguese conquest and occupation, the expansion of the transatlantic slave trade, the implementation of a plantation economy, and the land rush along the West Central African Coast from the sixteenth to the nineteenth century.

Evidence from Angolan archives reveals that West Central Africans owned land, material objects, and people before the twentieth century, but in most of the studies published in the past fifty years, only their ownership of dependents is recognized, as if the lands they occupied were devoid of legitimate occupants creating historical narratives that normalize displacement, removal, and violence.¹¹ The social inequalities of the last century in Angola relate to the past and are legacies of imposition of individual property rights over collective ones at a specific historical moment, the mid-nineteenth century. Liberal principles of land use, productivity, and ownership are also normalized in narratives that take for granted that European rights have always recognized individual property while multiple jurisdictions in West Central Africa did not, without interrogating the historicization of these processes. In the mid-nineteenth

(Berkeley, CA: University of California Press, 2008); Colleen E. Kriger, *Making Money: Life, Death, and Early Modern Trade on Africa's Guinea Coast* (Athens, OH: Ohio University Press, 2017); Jelmer Vos, "Coffee, Cash, and Consumption: Rethinking Commodity Production in the Global South," *Radical History Review* 2018, no. 131 (2018): 183–88; Toby Green, *A Fistful of Shells: West Africa from the Rise of the Slave Trade to the Age of Revolution* (Chicago, IL: Chicago University Press, 2019).

¹¹ Vansina, *Paths in the Rainforests*, 251; Miller, *Way of Death*, 43–52; MacGaffey, *Kongo Political Culture*, 215–16; Thornton, *Africa and Africans*, 87–95 and Catarina Madeira Santos, "Luanda: A Colonial City between Africa and the Atlantic, Seventeenth and Eighteenth Century," in *Portuguese Colonial Cities in the Early Modern World*, ed. Liam M. Brockey (New York, NY: Ashgate Publishing, 2008), 249–70. As Carola Lentz and Assan Sarr have discussed in their books, this problem is not restricted to West Central Africa. See Carola Lentz, *Land, Mobility, and Belonging in West Africa* (Bloomington, IN: Indiana University Press, 2013); Assan Sarr, *Islam, Power, and Dependency in the Gambia River Basin: The Politics of Land Control, 1790–1940* (Rochester, NY: University of Rochester Press, 2016). For an analysis on the political economy of land in South Africa, see Clifton Crais, *Poverty, War, and Violence in South Africa* (New York, NY: Cambridge University Press, 2011), 122–41.

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century, the introduction of land registration in Angola was part of a colonial discourse of emancipation of enslaved bodies, agricultural productivity, and modernization. These liberal ideals implied new forms of administration and governance that directly affected subjected bodies in overseas colonies. Or, as Lisa Lowe states, “The abstract promises of abolition, emancipation, and the end of monopoly often obscure their embeddedness within colonial conditions of settlement, slavery, coerced labor, and imperial trades.”¹²

West Central Africa has a long history of interaction with the outside world. Long-distance trade caravans connected coastal communities to those located inland, and Portuguese explorers arrived in the Kongo Kingdom by the late fifteenth century. For more than three hundred years, the Portuguese monarchy sent explorers, missionaries, traders, and colonial officers to identify mineral and natural resources and occupy the territories along the West Central African coast, with varying degrees of success. Centralized states and strong armies, such as Matamba, prevented Portuguese incursion into the interior for most of the seventeenth and eighteenth centuries, although important colonial centers such as Ambaca and Caconda did emerge in territories earlier chiefdoms or states had ruled. During most of the period before the nineteenth century, empire building’s purpose was to control trade routes and exercise monopoly over commercial hubs. The Portuguese colonial state was able to tax and control trade in human beings, but it also claimed the regions north and south of the Kwanza River as colonial possessions, labeling them the Kingdom of Angola and the Kingdom of Benguela by the early seventeenth century. Despite the Portuguese monarchical names, there was no head of state identified as the king of Benguela, in the manner that the Manikongo was the ruler of the Kingdom of Kongo. Luanda became the capital of the so-called Kingdom of Angola, a vast territory that included many states, such as Matamba or Kasanje, and the region of Kisama, which was not under colonial control.

This patchwork did not prevent the European cartographers from elaborating maps that created the illusion of cohesive and clearly defined territories under Portuguese control (Map I.2). From the 1620s to 1779, a *capitão mor* ruled Benguela reporting directly to Lisbon authorities. In 1779, Benguela became subordinate to the governor of Angola, who resided in the colonial center of Luanda. Portuguese colonial rule claimed control of land and people since the early seventeenth century.

¹² Lisa Lowe, *The Intimacies of Four Continents* (Durham, NC: Duke University Press, 2015), 16. See also Vos, “Coffee, Cash, and Consumption.”

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Nonetheless, West Central Africans were classified as vassals or non-vassals; both groups exercised rights over their subjects and land, although vassals depended on Portuguese recognition.¹³ By the nineteenth century, however, notions about rights and property recognition had begun to experience major transformations. The slow end of the transatlantic slave trade, officially banned in 1836 although it continued to operate until the mid-1860s, forced colonial authorities, settlers, and locals to reassess their economic options and priorities.

The label “West Central Africa” had varied meanings for the Portuguese, Dutch, English, and French at different historical moments. Historians, too, have defined the region in many ways.¹⁴ *Wealth, Land, and Property* focuses mainly on the region that became known as “Reino de Benguela,” or Kingdom of Benguela, after the Portuguese conquest and occupation of the territory south of the Kwanza River. It does, however, make several references to populations north of the Kwanza River, such as the Ndembo Caculo Cacahenda, who have produced a rich local archive documentation about their land rights. “West Central Africa” is vague and includes coastal and interior populations ranging

¹³ For more on the early colonial encounter, see Beatrix Heintze, “Angola under Portuguese Rule: How It All Began,” in *Africae Monumenta: a apropriação da escrita pelos africanos*, ed. Ana Paula Tavares and Catarina Madeira Santos, vol. 1 (Lisbon: ICT, 2002), 535–59; Catarina Madeira Santos, “Administrative Knowledge in a Colonial Context: Angola in the Eighteenth Century,” *The British Journal for the History of Science* 43, no. 4 (2010): 539–56; John K Thornton, *A Cultural History of the Atlantic World, 1250–1820* (New York, NY: Cambridge University Press, 2012), 181–210; Mariana P. Candido, “Conquest, Occupation, Colonialism and Exclusion: Land Disputes in Angola,” in *Property Rights, Land and Territory in the European Overseas Empires*, ed. José Vicente Serrão et al. (Lisbon: CEHC-IUL, 2014), 223–33, <http://hdl.handle.net/10071/2718>.

¹⁴ For different definitions, see Miller, *Way of Death*, 7–8. Thornton, *Africa and Africans in the Making of the Atlantic World, 1400–1800*, 13, 19–20. Linda M. Heywood and John K. Thornton, *Central Africans, Atlantic Creoles, and the Making of the Foundation of the Americas, 1585–1660* (New York, NY: Cambridge University Press, 2007), 49. Phyllis Martin, *The External Trade of the Loango Coast, 1576–1870; the Effects of Changing Commercial Relations on the Vili Kingdom of Loango* (Oxford: Clarendon Press, 1972), 8–10; Phyllis M. Martin, “The Kingdom of Loango,” in *Kongo Power and Majesty*, ed. Alisa Lagamma (New York and New Haven, CT: The Metropolitan Museum of Art and Yale University Press, 2015), 47–85; Johannes Postma, *The Dutch in the Atlantic Slave Trade* (New York, NY: Cambridge University Press, 1990), 60–61. Roquinaldo Ferreira, “The Suppression of the Slave Trade and Slave Departures from Angola, 1830–1860s,” in *Extending the Frontiers: Essays on the New Transatlantic Slave Trade Database*, ed. David Eltis and David Richardson (New Haven, CT: Yale University Press, 2008), 313–15. Paul Tiyambe Zeleza, *The Study of Africa* (Dakar, Senegal: CODESRIA, 2006); Esperanza Brizuela-Garcia, “Towards a Critical Interdisciplinarity? African History and the Reconstruction of Universal Narratives,” *Rethinking History* 12, no. 3 (2008): 299–316; Roquinaldo Ferreira, “A institucionalização dos estudos Africanos nos Estados Unidos: advento, consolidação e transformações,” *Revista Brasileira de História* 30, no. 59 (2010): 73–90.