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LUSO-AFRICÀN FEUDALISM IN ANGOLA?

THE VASSAL TREATIES OF THE 16TH TO THE 18TH CENTURY*

I

In 1575 the Portuguese arrived in Angola with the express purpose of conquering the country and subjecting its people. They concluded so-called vassal treaties with the defeated African chiefs and re-installed them or their newly chosen successors in their traditional territories in a solemn ceremony called investiture. Henceforth they had to be loyal allies of the Portuguese. For more than three centuries the division of Angolan chiefs into vassals and non-vassals was a determining element of Portuguese rule in Angola. The terminology, content and significance of vassal treaties induced Portuguese historians to speak in this respect of a Luso-African feudalism, without, however, defining it unequivocally (1). From the extremely vague justifications it can be inferred that this alleged feudalism was understood more in a narrow technical-juridical sense and not so much in a comprehensive

(*) The present article is based on a detailed analysis of Angolan vassal treaties in B. Heintze, «Der portugiesisch-afrikanische Vasallenvertrag in Angola im 17. Jahrhundert», Paideuma, 25, 1979: 195-223, to which I refer for particulars. The investigation was made possible through a travel grant by the Deutsche Forschungsgemeinschaft for archival work in Lisbon in 1973. I am obliged to Prof. Dr. O. F. Raum for rendering this contribution into English and Dr. Jill Dias for its final revision.

socio-political and economic sense (2). At least the above-mentioned vassal treaties form the starting point for that label for which reason they will be in the centre of the present investigation (3). The result of our analysis will be that although there are more reasons for such a characterization of Portuguese-African relations in Angola than their originators ever adduced, it is nonetheless not only misleading but also incorrect to speak of Luso-African feudalism in this connection.

II

First of all it is useful to recapitulate what is meant by vassal treaties in Western Europe. They had a long and varied history there. Although they existed before and even outside the classical feudal system, they were yet associated with it in a special measure: they formed there the personal element in the feudal treaty which gave it its unmistakable stamp. Vassalage established a relationship of dependence between a free man, the vassal, and another free man, the lord. The vassal was bound to the lord to be loyal, obedient and to serve him, in particular through military service but also to render honorary service, such as service at court, while the lord was obliged to protect and maintain the vassal. In the countries of classical feudalism the lord fulfilled his obligation of maintaining the vassal generally by the grant of a property, the fief. This binding of the vassal tie was established in solemn manner through a legal act, a treaty in reciprocity which expressed and sealed the voluntary surrender of the vassal (the commendation) into the lord’s protection. The first of these acts, the homage, consisted of the manual gesture (in which the vassal


(3) In this connection only those basic features relevant for our investigation are dealt with. For details cf. HEINTZE, «Der portugiesisch-afrikanische Vasallenvertrag». 
kneeling before the lord placed his folded hands into those of the lord) and in the vassal’s solemn declaration of submission. Upon the homage followed the vassal’s oath of fealty with the placing of his hand upon a res sacra. To strengthen the treaty and as a sign of friendship between lord and vassal they could exchange a kiss. Where the vassalage was associated with a fief the enfeoffment followed the homage and the oath of fealty. This was likewise carried out in a symbolic act (the handing over by the lord of an object, such as flag, staff or sceptre), the so-called investiture (\(^4\)).

In Portugal, too, there existed relations of vassalage from early times (\(^5\)) especially in the form of personal ties of the noble establishment to the king. Only in their case was applied the solemn commendation which, in Portugal also, comprised homage and oath of fealty. Rights and duties largely corresponded to those North of the Pyrenees but the fusion with fiefs did not occur to the same extent. In the course of time the concept and institution of vassal was gradually more and more narrowed down to the royal vassals (vassalos d’el-rei) who represented a special section among the nobles. They were under an obligation to perform military service with a fixed number of ‘lances’ receiving in return an annual grant in money called confia, and in addition enjoyed a series of other privileges. Vassalage became thus a kind of distinction. However, its meaning began to degenerate from the mid-15th century onwards and by the end of the century lost its significance completely — that is long before the Portuguese settlement in Angola. Homage and oath of fealty became mere form and formula surviving, for instance, in the oath of allegiance to the king of high state functionaries. The manual sign was also maintained for centuries as a mere formula in documents.

The concept of ‘vassal’ was applied in Portugal for a long time not only for this special personal relationship but apparently in a diffe-

\(^4\) Ganshof, Was ist das Lehnswesen?

rent and extended connotation almost synonymous with the concept of ‘subject’. It then designated the bond which tied a subject born in the territory of the state to his sovereign and bound him to loyalty and fidelity. In Spain at least this interpretation can be traced back to the Middle Ages (⁶). In Portugal it was already quite common in the 16th century and it became more generalised in the 17th century. Nevertheless the term with this meaning has not yet become a mere rhetorical flourish. In the middle of the 17th century, for example, during the Dutch period in Angola, a Dutchman living among the Portuguese was asked by the Portuguese governor whose vassal in fact he was. He replied that he could but be the king of Portugal’s vassal since he lived in a Portuguese town and was married there. Whereupon he was made to sign a corresponding declaration of allegiance (⁷).

Forms and concepts of private vassal ties were transferred early to the relationship between states as well (⁸). This is readily understandable, if one considers that at that time individuals counted as holders of sovereign rights and duties. According to these ideas a hitherto independent sovereign transferred his powers and his territory to another as lord in exchange for the promise that they be returned to him as fief upon his swearing an oath of fealty. In this manner an alliance between a stronger and a weaker prince was concluded or a victorious war terminated by the victor. Even today we occasionally speak of a vassal state although with a distinctly negative connotation. It has been argued against this semantic usage, and in a historically more correct manner, that such relationships between states be described as participating in the nature of vassalage only if they contain an element of reciprocity, i.e. if the state subordinating itself also has something to gain by this act and the non-fulfilment of agreed obligations by either side could lead to their dissolution (⁹). In reality,


⁸ Cf. e.g. H.-J. Malau, Lehnsrechtliche Formen und Gedanken im Völkerrecht unter besonderer Berücksichtigung der bedeutenderen britisch-indischen Staatenverbindungen, Halle, 1936.

⁹ Critchley, Feudalism: 99 seq., cf. also 94.
However, in most cases this was, however, not the case. Rather, sanctions guaranteed the duties but not the privileges of the state subordinating itself. On the other hand, in Europe such dependencies frequently grew in fact from medieval feudal concepts and were described by contemporaries in such terminology. Within this context belong also the ‘vassal’ treaties concluded between the king of Portugal and the African kings and chiefs of Angola.

III

When Europeans arrived in an overseas territory they made use of the occidental categories and terminologies of their time to describe the peoples and cultures they encountered. Thus the Portuguese saw in Angola two thousand nobles (*fidalgos*), the lords (*senhores*) of many vassals (*vassalos*) and lands. These *fidalgos* whom they compared with the counts, margraves and princes of their homeland were in turn in most cases vassals of the king (*rei*) of Angola to whom they owed obedience (*obediência*) and tribute (*tributo*) (10 11). Under Portuguese influence the Africans took over this terminology when they expressed themselves in writing. Thus the Count of Sonho, for instance, admitted to the Pope that he was vassal of the King of Kongo («Verdade hé que eu sou Vassallo do Rey de Conguo» (10)) and the King of Kongo addressed his subjects as his ‘most faithful vassals and much loved children’ («Fidelissimi vassalli miei, et molti amati figli») (12).

These facts signified a vague labelling and identification which created a superficial basis of communication only and was imposed upon the indigenous concepts and institutions thereby blocking access to a deeper understanding of them. At that time the Portuguese formally revived the vassal concept in the already mentioned sense of inter-state ties and applied it overseas as a means of exercising sovereignty. The chiefs subjected by the Portuguese became ‘vassals’ of the King of Portugal in a solemn legal act documented and legiti-

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mized in the presence of witnesses. According to the medieval example its chief elements comprised the declaration of submission on the part of the defeated, the promise to fulfil all conditions imposed, among them the military service, the solemn oath of obedience and loyalty and, on the part of the victor, the promise of protection and the investiture.

This kind of inter-state relationship of dependence was created everywhere overseas by the Portuguese wherever they acted not merely as peaceful traders but also as conquerors and occupiers. This occurred in settled and politically organized regions where alliances on a peaceful basis were denied them but where they nevertheless insisted upon the establishment of bridgeheads or the control of territories or trade routes. Early examples of this kind are reported, for instance, from Mauretania (1486), the East Coast of Africa (Kilwa: 1505), the Arab peninsula (Ormuz: 1507) and India (Goa: 1510, Colombo: 1518, and other places) (13). In Angola where the Portuguese arrived later these vassal treaties played a decisive role in the politics and administration of those parts of the country which the Portuguese were to occupy for several centuries. Up till now they have, however, scarcely received attention in African historical research.

Already these few hints suggest that we are hardly or only rarely dealing here with treaties of reciprocity entered upon voluntarily. Nevertheless a more detailed analysis of these treaties is necessary to comprehend their true character and to give a more than superficial answer to the question posed at the beginning. What follows is concerned less with the reconstruction of concrete historical facts than with abstracting ideal types from the few extant fragmentary sources.

IV

The content of the vassal treaty as well as the nature and proceedings of the symbolic legal acts associated with its conclusion and the form of the written conveyance were not laid down in detail, let

alone rigidly prescribed. In the course of time a basic catalogue of clauses and fundamental elements of the proceedings were evolved and they could be amplified, modified, embellished or summarized in each particular case. The written fixation of this legal act was, however, customary from the beginning and apparently indispensable (14).

According to the medieval ideology, vassalage was a relationship of dependence entered upon voluntarily. This can be inferred only indirectly from certain terminological expressions used in early Portuguese sources on Angola: as, for example, when the Portuguese specially emphasize the initiative of the chiefs in establishing the vassal ties or when vassalage is described as an honour by the future vassal. In later times, about which we are also very much better informed, this ideology again becomes more explicit. The vassal himself had to emphasize that he had decided upon this step voluntarily or spontaneously (15). This fiction of voluntariness — and it was fiction only — must be judged here not exclusively as a relic of the past. It was also a political and juridical safeguard of the Angolan Portuguese against higher authorities, such as the king, who frequently, at least in theory, forbade enforced vassalage (16). Apart from this the Portuguese occasionally distinguished ‘voluntary’ vassalage from one imposed by force of arms and accordingly evaluated it more positively or negatively.

In fact vassalage was almost always forced upon the Angolan chiefs. After a defeat by the Portuguese army it became inevitable for them. Only occasionally did Angolan chiefs enter upon vassal ties through their own accord for political or economic considerations.

(14) Angolan vassal treaties are mentioned for the first time in 1582. Brásio, *Monumenta*, vol. 4: 343.

(15) Cf. for instance, the treaties of April 25, 1792 (Arquivo Histórico Ultramarino, Lisboa, hereafter AHU, Angola, cx. 2); April 19, 1838 (Mensário Administrativo, 1948, 7: 39-41); February 19, 1879 (M. A. F. De Oliveira, ed., *Angolana (Documentação sobre Angola) I* (1783-1883), Lisboa, 1968: 385-386); January 23, 1885 (M. A. F. De Oliveira e C. A. Mendes do Couto, eds., *Angolana (Documentação sobre Angola) II* (1883-1887), Lisboa, 1971: 574-575); June 13, 1891 (Boletim Oficial do Governo Geral da Província de Angola, 34, of August 22, 1891); and of June 12, 1894 (ibid., 1894, suppl. to no. 29).

(16) Cf. for instance, the regimentos of the governors of Angola of March 26, 1607 (Brásio, *Monumenta*, vol. 5: 270), September 22, 1611 (ibid. vol. 6: 26), April 10, 1666, chapt. 10 (Arquivos de Angola, 1936, Sér. 1, 1, 5: s.p.).
Even in such a case the scope of negotiation for the African was narrow. It can be assumed on the whole that the conditions of the treaties were dictated by the Portuguese.

It is convenient at this point to summarize facts relating to the conclusion of the treaty, the authentication and the document itself, the contents of the treaty and results of its violation. Since the Angolan vassal treaties have already been described in detail elsewhere (17), the following account deals only with those facts essential to the problem under discussion and the inferences which can be drawn from them.

In Angola the conclusion of a vassal treaty occurred in the double form of an oral and a written legal act. In principle both were carried out together, yet for practical reasons two processes separate in time, sometimes took place.

The Angolan vassal treaty was formally concluded between two persons endowed with powers of sovereignty: the King of Portugal on the one hand and the African king or chief on the other who each took responsibility for the fulfilment of the conditions of the treaty. The King of Portugal was represented by his governor in Angola or another Portuguese authorised by the latter. The African could be represented by his ambassador only at the negotiations and the fixing of the conditions and procedure and possibly at the transmission of the signed document. But the treaty acquired legal force only upon his own signature and the execution of the symbolic legal acts by him. The African was held responsible also in person (together with his counsellors) when the treaty was broken, whereas not the least hint exists that the Portuguese considered the liability of their king to be possible even in theory.

The oral legal act comprised a series of actions which largely rested on the basic medieval forms of commendation and investiture.

Thus the commendation included the genuflexion, declaration and oath of fealty of the future vassal. However, the manual gesture which survived in the document was replaced by a gesture derived from indigenous custom (18). This clearly expressed the one-sidedness of the Angolan vassal tie, since the manual gesture had been the nucleus of the commendation. The new vassal was informed of the conditions of the treaty in his own language and he was invariably advised that in case of non-fulfilment he would be considered a rebel. The oath of fealty could also contain a threat of self-imposed sanctions in case of the violation of the treaty (by the African party exclusively). However, in contrast to other parts of the ceremony and the overall impression left by it, the mutual embrace between the representative of the lord and the new vassal as well as the joint symbolic meal (19) especially underlined the personal element and the reciprocal character of the relationship thereby following the medieval pattern.

The commendation was followed by the investiture (investidura) of the vassal in his traditional sovereign territory. It became known in Angola by the term undamento (also dar o unda, undar) (20). It comprised two acts. The first, more important one was derived from the installation ritual of the King of Ndongo and was called ‘to lay


(19) Cavazzi, Descrição dos três Reinos, livro 7: par. 100.

(20) AHU, Angola, ex. 1, no. 159 (regimento of March 27, 1673); Brásio, Monumenta, vol. 7: 21; Fernão de Sousa, in Biblioteca da Ajuda, Lisboa (hereafter BAL, new signatures of 1979), Cód. 51-IX-20, fl. 331v. (July 8, 1626), fl. 371 (December 7, 1631); Cód. 51-IX-21, fl. 60v. (December 7, 1631), 133v., 236v. [1626], and in A. de Albuquerque Felner, Angola. Apontamentos sôbre a occupação e inicio do estabelecimento dos Portugueses no Congo, Angola e Benguela, extraídos de documentos históricos, Coimbra, 1933: 472; AHU, Angola, ex. 8 (March 17, 1671, annexure to document of April 18, 1671); Cavazzi, Descrição dos três Reinos, livro 7: par. 100, 116; Cadornega, História das guerras angolanas, vol. 1: 355; vol. 2: 225; treaty of May 1838, Annaes do Conselho Ultramarino, parte não official (1860, Sér. 2), 1867: 133-34.
on the *pezo* of the King of Portugal’ (21). In the Bantu languages of the region *pezo* signifies the ritual white clay. White clay or flour was poured onto the new vassal’s shoulder and he rubbed it into his chest and arms. This signified his installation by the Portuguese as rightful chief in his traditional territory and legitimized there. Next followed the second act, the investment or clothing (*vestir*) of the vassal through the king’s representative, the chief’s reputation and power being taken into consideration. A flag could be handed over to him as well (22). Every successor of a vassal had to undergo such an investiture by the Portuguese if he did not want to be counted a rebel.

On the occasion of the conclusion of a vassal treaty and the investiture a series of presents, preferably in slaves, was expected from the vassal. These were freely given only in theory (23). In return he obtained from the Portuguese a small counter-gift apart from the cloth and clothes for his investiture. It usually consisted of natural produce, such as wine, for the general festivities which took place at the conclusion of the treaty (24).

Sometimes the solemn conclusion of a vassal treaty was celebrated together with the baptism of the vassal (25). However his does not seem to have been the rule. Baptism was no the *conditio sine qua non* of vassalage. But it was generally expected — and this became an obligation in the course of the 17th century —, that the vassal accepted the Christian faith, just as the support of mission activity in his territory probably belonged to the duties imposed upon the vassal from the beginning. This is easily understood since one of the essential

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(22) Cavazzi, *Descrição dos três Reinos*, livro 7: par. 100; Fernão de Sousa, in BAL, Cód. 51-IX-20, fl. 371 (December 7, 1631) and in Felner, Angola: 472; Cadornega, *História das guerras angolanas*, vol. 2:120; cf. also the treaty of May 1838, op. cit.

(23) Battell, in Ravenstein, *The strange Adventures*: 65 ; Brásio, *Monumenta*, vol. 3: 200; AHU, Angola, ex. 8 (March 17, 1671, Annexure to document of April 18, 1671); Cadornega, *História das guerras angolanas*, vol. 2: 119; BAL, Cód. 50-5-394, Votto do p’de Fernandes sobre as vexações q se fazê aos Negros de Angola; Fernão de Sousa, in Felner, Angola: 472.

(24) Cadornega, *História das guerras angolanas*, vol. 2: 120.

To summarize: it may be stated that the conclusion of the treaty followed, surprisingly closely, with the forms of the personal vassal ties during the Middle Ages which had become obsolete in Europe long before, not only in the terminology used but also in the procedure and content of the accompanying and legitimizing legal acts. The notion that vassalage was an honour and even the reciprocal factor were also clearly present. However the mere fact that the king could be represented by the governor shows how far the vassal relationship had detached itself from the medieval example and that only the form of a personal relationship of dependence was present in it. Other details reveal this tie to be clearly an act of submission and reveal its onesided character.

Scarcely anything is known about the authentication of the document and the document itself. However, such documents are mentioned for the first time as early as 1582. If the authentication took place in the framework of, or at the conclusion of the commendation and investiture the document possessed a mainly narrative character, i.e. it contained a description of the oral legal act. But if the conditions had been fixed beforehand with the ambassadors of the future vassal in Luanda, the document was written out there and it then limited itself essentially to the enumeration of the obligations entered upon by the vassal and to a reference to the way it should be concluded in the future. In no case does there appear to have been a prescribed form for the text of the treaty. Hence its construction and formulation depended largely upon the education and the experience of the Portuguese who drew up the text. Apart from the overall demand of obedience and inviolable loyalty the detailed obligations imposed on the vassal were concretely set out. Completeness in this was not required. The Crown was likewise conscious of the fact that with the treaty it entered upon an obligation to protect the vassal; nevertheless this duty of protection was not mentioned in all documents. From them emerges a catalogue of basic Portuguese concepts concerning vassalage overseas, which was implicitly contained in every one of these treaties. The document frequently contained a formula for sanctions to be applied exclusively in the event of a treaty violation by the vassal. The treaties were concluded ‘for all time’ and they were indissoluble even if mention of this was lacking in the document.
The onesided character of the vassal tie, as suggested in the symbolic legal acts accompanying and authenticating the conclusion of the treaty, emerges clearly in the document itself. In most cases the reciprocal element was entirely omitted and its tenor as well as single phrases leave no doubt that conditions were dictated without scruples by the military superior Portuguese. The fact that the new vassal had little or nothing to gain through vassalage can be inferred especially from the sanctions which exclusively threatened his violation of the treaty.

Turning to the content of the treaty we can establish that the core of the Angolan vassal treaty was formed by the obligations which the new vassal entered into in relation to the King of Portugal. Among the general rules of conduct expected of vassals, inviolable loyalty (fidelidade) and obedience (obediência) were of central importance as in medieval vassalage. Obedience, especially, became the very synonym of vassalage in Angola. At that date, obedience was demanded in many spheres of life in patriarchal Portugal itself: Children owed their father obedience, wives their husbands, state officials swore the king obedience to the very surrender of their lives, and he in turn declared it solemnly towards the Pope. But the corresponding obligation of Angolan vassals opened the door for innumerable coercive measures. Disobedience, even against the lowest ranking Portuguese official marked them all too readily as rebels. With such an interpretation it is not surprising that the Portuguese generally divided their vassals into obedient and disobedient ones. Naturally, whatever was expected of the vassals as obedience in the name of ‘the royal service’ moved within narrower and wider limits according to the political situation and to the military strength of the Portuguese, i.e. to facts which affected their tolerance limit.

Military service topped the list of the concrete duties of the vassal obligations (26). Without it the Portuguese could not have maintained themselves in Angola, let alone conquered other regions. It was so

much regarded as a matter of course that it was frequently not mentioned in the documents at all. Military service had always been a chief characteristic of vassalage. For all vassals the motto was valid that they be friends of the friends and foes of the foes of Portugal. They were obliged to attach themselves to the Portuguese army in person and with a number of arms-bearing men whenever they were demanded to do so without delay. Besides they had to supply porters for the transport of ammunition (27) and provide the army passing through or camping in their territory with victuals (28). This involved a heavy economic as well as mental burden for the people, since the troops in most cases behaved like an army of occupation.

Apart from military assistance, the payment by vassals was of the greatest importance in the eyes of the Portuguese (29). Tributes counted as the visible acknowledgement of the vassal status. The payments were to be rendered annually and were raised by each vassal, i.e. by each chieftain. In general the vassals were ordered to pay in slaves. This fact and particularly the numerous illegal special payments — illegal even according to Portuguese legal ideas of the time — made the tribute hateful. Moreover the hope that these imposts would cover the wages of the soldiers and the extraordinary expenditure in Angola was not fulfilled. The recognition that its damage to the interests of the Crown was greater than its usefulness therefore led finally to the abolition of the regular tribute in 1650.

There existed a series of further vassal duties besides, which by far surpassed the medieval vassal obligations. To these belonged, for instance, the unimpeded, duty-free access to the territory of the vassal by all Portuguese and black agents; free commerce, though excluding all other European and African competitors; the cost-free supply of porters for the military, all government officials and missionaries, as well for all other Portuguese against payment (which, however, was rarely or never rendered); the extradition of all slaves that fled from the Portuguese to the lands of vassals; the unimpeded settlement of all missionaries; the active support or at least toleration of mission

(29) CADOREGNA, História das guerras angolanas, vol. 1: 295; vol. 2: 146 seq.
(29) Cf. B. HEINTZE, The Angolan Vassal Tributes in the 17th Century, MS; BRÁSIO, Monumenta, vol. 7: 362, 499; cf. also vol. 6: 286; vol. 8: 139, 162.
work; the supply of food to missionaries and travelling ambassadors; the immediate information of the government about all events that might be of concern to the Portuguese, in particular concerning hostile activities; the communication of useful advice; the prohibition of receiving ambassadors of hostile African chiefs and Europeans: on the contrary, they were to extradite them; and above all the prohibition of war with any other vassal nor to allow war elsewhere without express Portuguese permission, since it was the vassal’s duty to live in peace and friendship with all Portuguese vassals (30). Some of the more important vassals had to put up with a permanent resident at their court. The vassals were again and again called in the name of the vassal tie to perform repair, building and cleansing work in the forts free of charge. This frequently entailed further extortions, since only rarely were the Portuguese satisfied with the execution of the work and demanded slaves in compensation (31).

However, on principle, the Portuguese did not interfere in the internal affairs of the chiefdoms. Here the main influence was exercised by the missionaries whose unimpeded activity was laid down in the vassal obligations in Angola and whose aims were ultimately directed far beyond the religious field. They were, however, so few in number that they could be placed only at the more important posts; their presence was therefore hardly felt in the many, relatively small areas of the Mbundu vassals. In contrast to the secular authorities, their influence was predominantly of a psychological nature and peaceful, if one disregards the destructive actions of the Capuchins against indigenous ritual objects. The most incisive Portuguese intervention in internal politics occurred after victory over a rebellious vassal. Then they took care that his successor was a man of their choice who promised


to serve the Portuguese cause reliably. When the arbitrary deposition of disaffected vassals by the Portuguese increased, this became a serious problem, for it led to unrest amongst the population and to growing political instability in the region concerned (32).

Vassalage also left to the chiefs their full civil and criminal jurisdiction. Yet even in this respect Portuguese interference developed and grew in the course of time. Delegates of the central authority acted as referees in quarrels between chiefs and between vassals and Portuguese. Their services were paid for in slaves and it was no secret that the party that proved itself the most open-handed found the law in its favour. For the vassals this advice, which was more or less imposed on them and extended to other legal cases, robbed them of part of their juridical functions and became increasingly a molestation which they could resist only with difficulty, since it was carried out in the name of the government (33). Thus a de facto intervention by the Portuguese in the internal affairs of the vassals did take place, even though this was not expressly legitimized in the wording of the treaty text. Only where a Portuguese official had to be accepted as a permanent resident was such intervention already implicit in the relevant treaty clause.

Finally the vassal had to call on every new governor in Luanda either personally as a sort of court service or despatch an ambassador to transmit to him, together with a present of slaves, felicitations for his term of office and expressions of his obedience (34).

The King of Portugal, for his part, bound himself to protect the vassals against their foes and to defend them. This duty was considered by the Crown to be a constitutive part of the vassal relationship and as such was always recognised in theory, even if this obligation


(33) Cf. in this respect COUTO, Os capitães-mores: 74, 155-166.

(34) Cf., for instance, the treaty of January 11, 1666, op. cit.; AHU, Angola, cx. 5, undated letter from Chief Gunza Ambambe to governor (annexure to document of November 8, 1657); cx. 7, September 19 and 22, 1670; January 21, 1677; BAL, Cód. 50-5-394; BRÂSIO, Monumenta, vol. 6: 370; CADORNEGA, Historia das guerras angolanas, vol. 2: 65.
was not *expressis verbis* laid down in the particular document. Especially in the course of the 17th century numerous Portuguese campaigns were declared to be, or rather cloaked as, assistance for threatened vassals \(^{(35)}\). These justifications say little about the factual historical reasons for Angolan wars, but indicate how strongly the notion of the duty of protection by the lord for his vassal was still implanted in the Portuguese mind of those times, even though political action was no longer oriented towards it.

A further obligation of the King of Portugal, which, however, almost always remained unexpressed, was the guarantee of all rights, honours and privileges of the new vassal \(^{(36)}\).

To sum up: we can establish on the one hand that the Angolan vassal treaties were still formally and even in content treaties of reciprocity following the traditional Western European pattern. We also find in them largely the same obligations which formerly characterized the classical vassalage between single persons, to wit loyalty, obedience, military service, in a weakened form even the service at court, and the obligation on the part of the vassal to give advice, as well as on the part of the lord, the duty of protection and defence. On the other hand other elements, especially the demand for tribute, as also the number and character of the other obligations formed a striking contrast to this traditional ideology. It is also clear that emphasis lay exclusively on the vassal’s obligations, that only one side was threatened with sanctions, and that the vassal could not sue the Portuguese king should the latter fail to fulfill his duty of protection. Even where the vassal ties left rights and privileges apparently untouched, as in the case of internal autonomy, the possibilities envisaged in the treaties of Portuguese intervention in the economic, military and religious realms resulted in more incisive restraints than are evident at first glance. Hence the limits of intervention in Angola were not drawn by the ideology of vassalage and the establishment of the treaty but by the respective military and demographic strength or weakness of the Portuguese and their respective vassals.

\(^{(35)}\) Cf. Brásio, *Monumenta*, vol. 4: 342; vol. 5: 270; vol. 6: 26; vol. 8: 161; BAL, Cód. 51-IX-20, fl. 246; Cód. 51-IX-21, fl. 134; cf. also the *regimento* of February 12, 1676, chapt. 10 (Arquivos de Angola, 1936, Ser. 1, 1, 5: s.p.; cf. further the treaties of July 1, 1664, January 11, 1666, April 25, 1792 (op. cit.); Cadornega, *Historia das guerras angolanas*, vol. 1: 52, 143, 344, 387; vol. 2: 166, 349, 364 seq.

\(^{(36)}\) Treaty of January 11, 1666, *op. cit.*
The fact also that the vassal treaties were unlimited in time and indissoluble ran counter to the medieval pattern where at least in theory the dissolution of the treaty was possible. In Angola, as has been repeatedly stressed, sanctions were exclusively threatened against the breach of the treaty by the vassal, which was described as rebellion or disobedience. The interpretation of disobedience was a flexible one, since even the transgression of vassal duties not expressly laid down in the document was punished. The Portuguese reacted according to the political or military situation with mere admonitions, threats, or again, if these did not re-establish the desired compliance with a so-called punitive action. The justification for this was, however, often a pretext to conduct a military expedition in order to obtain slave booty. The contemporary presentations of Portuguese-Angolan wars read as an almost uninterrupted sequence of such ‘punitive campaigns’. On the other hand if the Portuguese neglected to fulfil their protective duty the vassals had not even the chance of declaring the treaty null and void, a fact which reveals especially clearly the one-sided nature of this link.

At this point bearing in mind the results of the analysis, it is time to return to the question raised at the beginning: did a Luso-African feudalism exist in Angola?

It is well known that there are various definitions of feudalism. Roughly speaking these can be divided into three main categories. The first emphasizes political and social aspects and sees in feudalism a social form with distinct characteristics. The second defines feudalism in economic terms. The third is essentially narrower and describes feudalism in a more juridical and technical sense. One can certainly question whether it is meaningful to narrow the concept of feudalism in such a manner, but apparently this narrow juridical-technical definition was, as has been pointed out at the beginning, the premise for assuming the existence of a Luso-African feudalism in Angola. It must, therefore, be discussed within this given framework. It may even be surmised that the assumption was thus formulated simply because of its terminological agreements with the medieval example. However, on no account do these suffice for such a characterization
since they may survive for long outside the original conceptual context of a language. Besides, this paper has established that already in those times various meanings of the concept vassal had long existed and that the various connotations became increasingly blurred and degenerated in the 16th and 17th centuries. The Portuguese of the 17th century even continued to use, in this context, the word *feudo* (**38**), however no longer in its original feudal meaning of fief or «dominio ou herdade de que o Principe ou senhor faz mercê a seu vassalo com alguma obrigação» (**38**), but in its contrary meaning as a synonym for tribute which a vassal owed his lord, the King of Portugal (**39**). It has been further shown that relationships of dependence between states may have grown out of the special occidental ideology and institutionalized form of personal vassal ties and that they were certainly thus derived in the context examined here. But it was also stressed that considerable reservations exist against designating such ties for this reason alone «vassal-like» or «feudal» or as expression of feudalism. Rather, the reciprocity of the relationship was held to be the minimum justification for this designation. This, indeed, has also been stressed by upholders of Luso-African feudalism for the relationship between Portuguese and African chiefs in Angola (**40**). *10

**37** «Basta a presença desta palavra — investidura — para nos certificarmos de que estamos, na realidade, em pleno regime feudal.» SILVA REGO, *O Ultramar Português no Século XVIII*: 65.


**39** BAL, Cód. 51-IX-21, fl. 133v. *(regimento of governor Fernão de Sousa to Bento Banha Cardoso: «Farseha vassallo ... com obrigassão de pagar em cada hum anno pollo quisiuo de feudo, e baculam.» a sua Real fazenda...»); Cód. 51-IX-20, fl. 388 (Fernão de Sousa to D. António de Castro, December 29,1630: «... baculamtos e p.» V.M. entender este uocabulo, quer dizer direitos, feudo, ou tributos q os Souas pagam a Sua Mag.e em reconheciu de uassalagem das terras em q uiuem de q sam snôres, q pollia lingoa da terra se chamaõ baculamentos»); BRASÍO, *Monumenta*, vol. 7: 572 (August 12, 1628, king to FERNÃO DE SOUSA: «escritura de vassalagem feudo e abrigacaõ [S/c] que me fez Angola-Acre»); vol. 8: 140 (February 2, 1632). This meaning in the sense of «homenagem ou tributo feudal» is also noted in MORAIS SILVA, *Grande dicionário*, vol. 5.

The analysis of the Angolan vassal treaties has shown that in them the principle of reciprocity, and indeed of the personal bond, is still traceable. Also, surprisingly, it has shown that many elements of the feudal vassal ties of Western Europe continued to operate, not only in terminology but also as regards the legal symbolism of the actions which accompanied and authenticated the conclusion of the treaty as well as the contents of the treaty. And this to a much higher degree than was hitherto known or even surmised. But are we here dealing with anything more than merely a formal agreement and does this finding apply to the relationship as a whole and to the ideology behind it? Possibly the Portuguese of the times if questioned would have affirmed this emphatically, but this should not perhaps constitute a measure for our judgement. Rather, this analysis has repeatedly confirmed how disadvantageous these treaties were for the subordinate partner in the last resort. It is true that a pertinent evaluation requires a sharp differentiation between ideology and reality since reality always more or less falsifies the concepts and convictions which brought it into being. This is an especially difficult subject because of the scantiness of the sources. However, there seems to be no doubt that the Angolan vassal treaties were in their essence treaties of capitulation and subjection which established a biassed relationship of dependence between the African chiefdoms and Portuguese power. This can be seen most clearly in the demands for tribute and in the sanctions directed at one side only, and also in the fact that for the chiefs any Portuguese treaty partner other than the king alone was out of the question. Whereas vassalage, especially in Portugal, had meant a distinction it possessed in Angola something dishonourable and humbling about it, which Africans generally strove to evade for as long as possible. This emerges especially clearly in an evaluation by governor Fernão de Sousa who asserted that a vassal was the same as a captive (41). In addition these treaties were concluded between members of cultures fundamentally different, and the Portuguese victors did not acknowledge the African partner as of equal rank and equivalent value. This becomes very clear if one tries to imagine a change of sides between the partners: A voluntary vassal tie of the Portuguese in Angola to

(41) BAL, Cód. 51-IX-20, fl. 33iv. («em sinal de vassalo que he o mesmo que catiuo»); Cód. 51-IX-21, fl. 236v.
an African king or chief on similar conditions is hard to imagine considering the self-estimation of the Portuguese.

Judging by the European example we are thus dealing in Angola with pseudo-vassal treaties only, which do not justify speaking of feudalism, even in its narrowest sense, if one wants to express in this concept something concrete and characteristic. Even if, in this respect some doubt was previously possible, the characterization of the alleged feudalism as Luso-African feudalism is quite simply wrong. The treaties were indeed concluded on African soil and Africans were the treaty partners (in this sense the treaties, but not the institution, were Luso-African), but the Africans did not help to shape the relationship actively. They were little more than passive subjects. The few ritual acts derived from their culture were merely appendages of no consequences. And with the concepts introduced by the Portuguese into the treaties, such as loyalty, obedience, honour, etc., the Africans associated, if anything at all, certainly quite different meanings without being able to introduce these into the relationship. These vassal treaties in Angola were most closely linked to the Portuguese conquista. They established a form of «indirect rule» by enlisting the traditional elites. The territories of the vassals remained untouched within their borders and continued to be ruled by their political leaders according to local law and custom. The chiefs and their counsellors were held fully responsible for the observation and execution of the conditions of the treaty, which in essence regulated their external relations and in part inferred incisively, though indirectly, with their military, commercial and, more directly, with their religious autonomy. Portuguese and vassal chiefs did indeed ally themselves through them in a community of interests. For the African chief political and economic advantages accrued which benefitted his personal power position; for the Portuguese their very existence in Angola was at stake. This was so, on the one hand, because direct rule and an effective occupation of the whole country was not possible for the Portuguese on account of their small number, although to begin with they had perhaps striven to achieve this (42). On the other hand, since they had early met with

African resistance, they assumed that they could realize their main aims only through the subjection of the country even though by force of arms. These aims were a reliably functioning slave trade adapted to the growing demand of labour in America and as far as possible independent of African arbitrariness; the search for precious metals and their unimpeded mining; the promotion of Catholic missions and finally the exclusion of European competition. They made use of the vassal treaties for all of these aims, which, considering the ambitious goals and the limited capital and human resources to be employed were perhaps optimally suited to this purpose. The numerous feudal reminiscences in this respect played de facto no or only a very minute role. Quite the contrary, the vassal ties already contained the germ for the complete colonial subjection and annexation in spite of the continuing personal sovereignty of the chiefs and their internal autonomy. All this because the different connotations of the vassal concept became increasingly fudged and vassals were in the widest sense, as has been pointed out, also subjects (subditos) of the King of Portugal. The vassal treaties implicitly comprised the rights of vassals which on the strength of the investiture did not require further treaty guarantees especially concerning internal autonomy. Yet the danger of arbitrary interpretation and far-reaching intervention on the part of the Portuguese and their increasingly absolutist central power were inherent in a historical setting far removed from the ideal feudal world. The Portuguese vassal treaties in Angola can thus be viewed as precursors of the later colonial protectorate treaties.

In conclusion it can be maintained that in spite of manifold historical links and feudal survivals it is unjustified to speak of Luso-African feudalism in Angola.

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