Post-Abolition Forms of Servitude and the Legacy of Slavery in Twentieth Century Colonial Ghana

By

Keigan Sutherland

Thesis submitted to the University of Ottawa in partial fulfillment of the requirements for the degree of Master of Arts

History Department
Faculty of Arts
University of Ottawa

Abstract

Roughly twenty-five years after the abolition of the legal status of slavery, this thesis titled, "Post-Abolition Forms of Servitude and the Legacy of Slavery in Early Twentieth Century Colonial Ghana" explores the transformations within slavery and pawning, as well as the legacy of slavery in the Gold Coast Colony in early twentieth century. Current scholarship on the process of emancipation in the Gold Coast Colony, and later Asante, has demonstrated that despite the claims of success by British colonial administrators, the 1874 Emancipation Proclamation did not bring about an immediate end to slavery. Instead, it resulted in a slow death to slavery and its associated rights and obligations. Focusing largely on Akuapem, located in the Eastern Region of modern-day Ghana, this thesis argues that while slavery was slowly disappearing, pawning became a preferable alternative for unfree labour. Although, pawning did not become slavery and instead underwent its own transformations. It further argues that the status of "slave" continued to hold a social stigma in the colonial period and remained important within Gold Coast society and customary laws regarding matters of inheritance and succession. Using court records, newspapers, an anti-slavery society's periodical and the League of Nations archives, it investigates the strategies Africans adopted to adapt to the changes brought on by colonial rule, abolition, and cocoa cultivation and how these strategies drew on perceptions of rights and obligations within dependency relations between free and unfree individuals. It suggests that conflicts over rights in people, labour and land contributed to a transformation in pawning practices and perpetuated pre-abolition ideas on slave ancestry into Gold Coast social hierarchies and law during colonial period. This thesis examines a period and region in Ghana where the first- and second-generation of enslaved descendants can be found – an area of study in that has received less scholarly attention. Lastly, it combines and contributes to two current waves of historiography, that on slavery and its transformations and on its legacies.

Acknowledgements

First and foremost, I am forever grateful to my thesis supervisor, Eric Allina, for his support, endless patience, encouragement, and hard work throughout the unprecedented times COVID-19 has brought. A thesis is challenging during the best of times, and it was his unwavering positivity and compassion that made this thesis possible.

Second, I thank the University of Ottawa for providing me with the knowledge and tools necessary to undertake this endeavour and for the generous financial support to see me through my degree. I would also like to extend a special thank you to Professors Micheline Lessard and Meredith Terretta for agreeing to act as examiners and for the time they have dedicated to reading and providing feedback on my thesis. Further, I express my gratefulness to the Social Sciences and Humanities Research Council for their generous financial support which allowed me to complete my degree.

Third, I am indebted to Professor Cati Coe of Carleton University (formerly Rutgers University) for her incredible kindness in providing me with her unpublished notes from archives in Ghana, which were used in her article titled “How Debt Became Care: Child Pawning and its Transformation in Akuapem, the Gold Coast, 1874-1929.” I also thank her for her encouragement and professional guidance she provided during our first phone call, before the pandemic ruled out the option of traveling to Ghana. This thesis as it currently exists would not have been possible without her generosity.

Fourth, I must also extend my gratitude to Mary Owusu who originally extended her help during my undergraduate thesis at Dalhousie University in 2017-2018. While conducting her own PhD research in the Ghanaian archives, Mary located several records and brought copies home to Nova Scotia for me, which I have saved for the past five years. Her act of kindness has made both my undergraduate and graduate thesis topics possible and provided me with the unexpected gem that is the Domestic Slavery file.

Finally, thank you to my family and friends for their unwavering support and ability to make me laugh, especially when I did not want to. To my parents, thank you for reading every draft. To Derek, thank you for moving to Ottawa with me and your constant patience. I am also thankful to my fellow graduate students, especially Rachel Thiessen who has been my steadfast friend and supporter throughout these past years.

Table of Contents

Maps

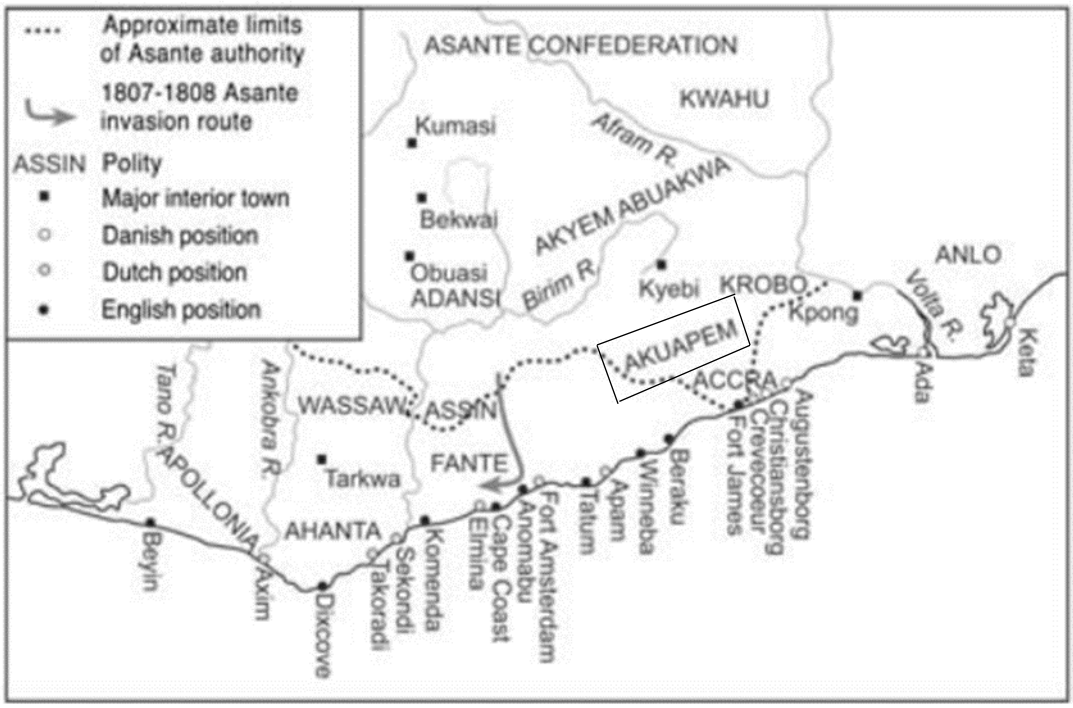

Figure 1: "Political Divisions of the Gold Coast, Showing Asante and European Positions, c.1807." My square to showcase the location of Akuapem. Trevor Getz, *Slavery and Reform in West Africa: Toward Emancipation in Nineteenth-Century Senegal and the Gold Coast* (Ohio: Ohio University Press, 2004), 99.

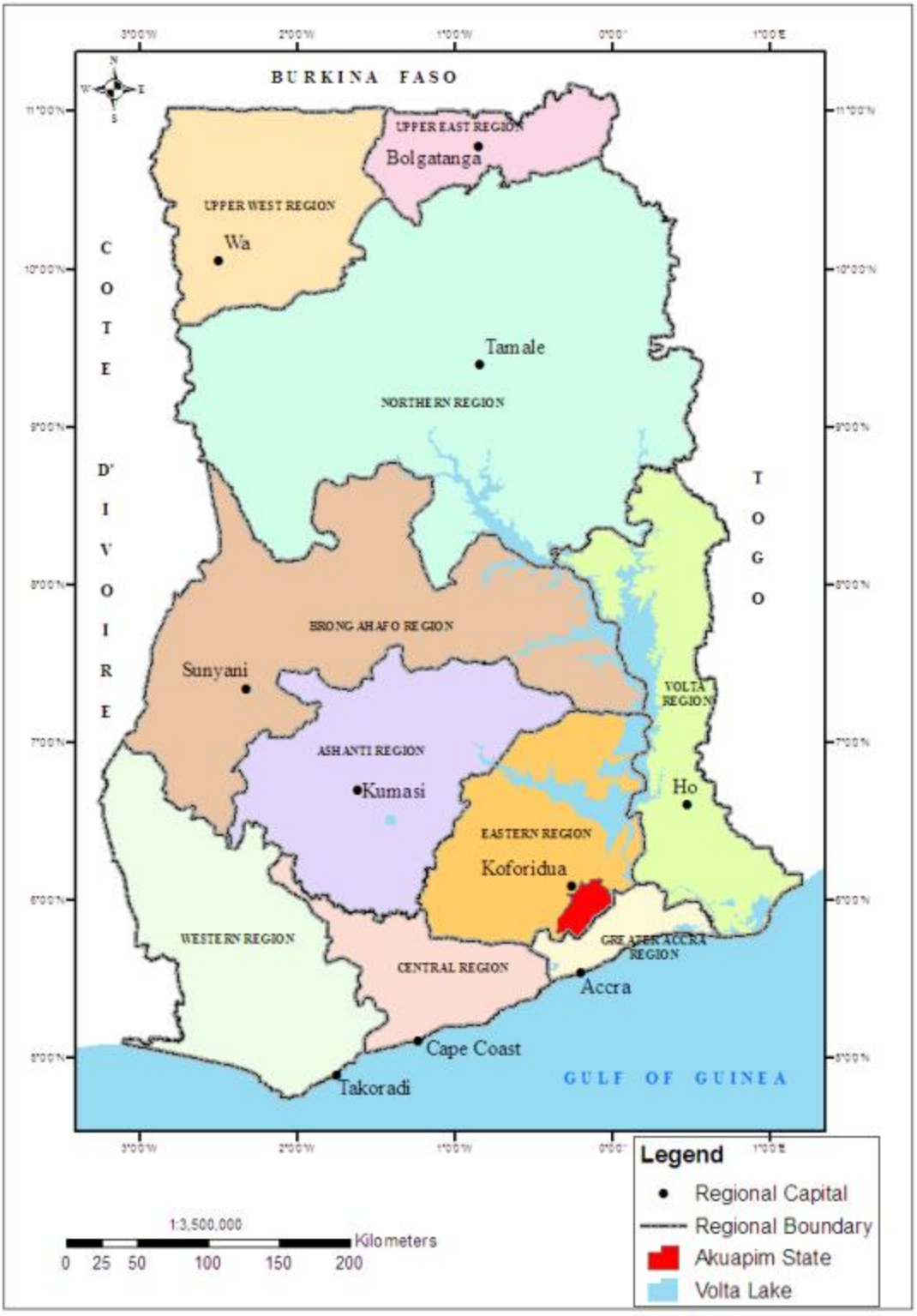

Figure 2: Political map of modern-day Ghana locating the Akuapem State. Ebenezer Ayesu, "Tradition and Change in the History of Akuapem (Ghana) Chieftaincy During British Colonial Rule, 1874-1957" (PhD diss., Indiana University, 2011), 314, Indiana University ProQuest Dissertations Publishing (3488014).

Figure 3:"Colonial 'Ghana', c.1920." Map showcases the forest zone set in the colonial administrative boundaries of the Gold Coast Colony, Asante and Northern Territories. Gareth Austin, "Labour and Land in Ghana, 1874-1939: A Shifting Ration and an Institutional Revolution," Australian Economic History Review 47 (2007): 99

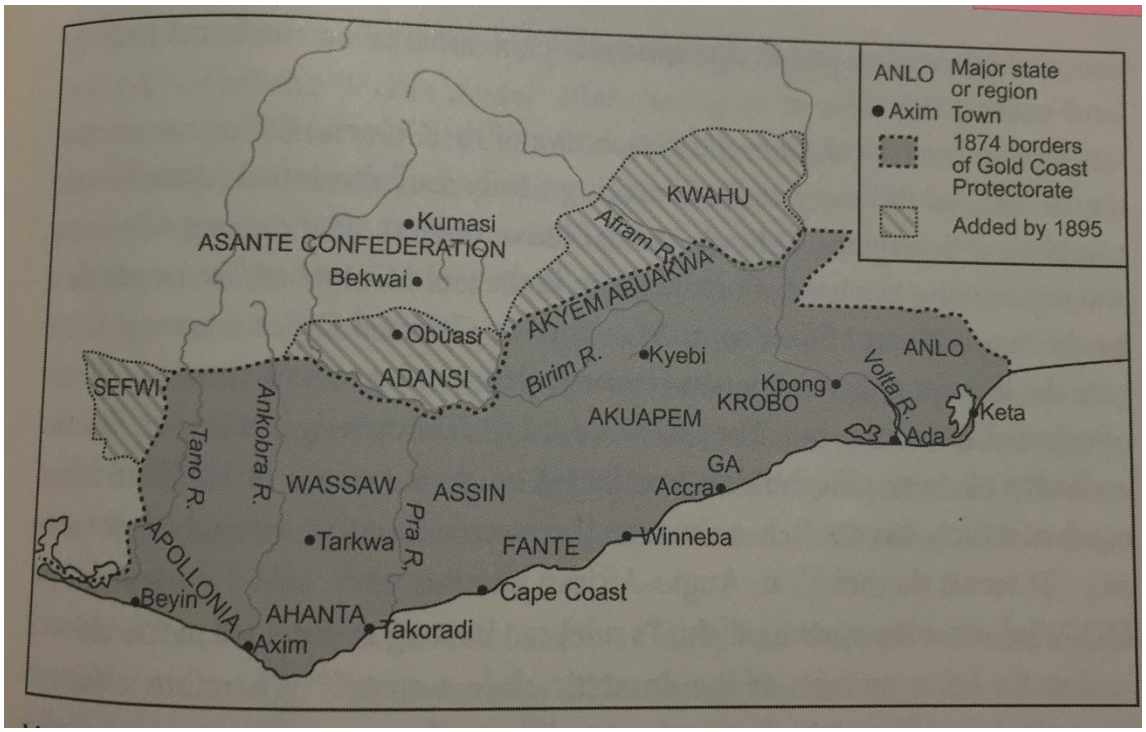

Figure 4: Gold Coast Colony and Protectorate, c.1874-1876. Trevor Getz, *Slavery and Reform in West Africa: Toward Emancipation in Nineteenth-Century Senegal and the Gold Coast* (Ohio: Ohio University Press, 2004), 99.

Introduction: Landscapes of Slavery and its Afterlives

This study focuses on the slow disappearance of slavery and its legacies in southern Ghana during the early twentieth century as Africans adapted to the changing legal, social, and economic circumstances brought on by British colonial rule and the 1874 Emancipation Proclamation. Existing scholarship on emancipation in the Gold Coast and the legacy of slavery in modern-day Ghana has shown that legal abolition in 1874 did not result in an immediate end to slavery but rather a slow disappearance of slave status and contestations over its accompanying rights and obligations. The scholarship covers a wide period. Some scholars, such as Jean Allman and Gareth Austin, focus on Asante/the Akan in the twentieth century and how commercialized cocoa cultivation and pawning created new forms of subordination. Others, such as Sandra Greene, focus on the legacy of slavery and its continued stigma and importance to social hierarchies in the early twentieth century or like Bayo Holsey and Akosua Perbi, later at the turn of the twenty-first century. I combine pieces of these scholars' foci, examining two fields, from 1900-1930, to see how sources for unfree labour transitioned from slavery to pawning and see why slave ancestry continued to carry a stigma even as slavery faced a slow death.

I examine a period in which we can find the first- and second-generation descendants of enslaved individuals. I consider factors like the approach to abolition by the British administrators and the expansion of cocoa cultivation that resulted in significant economic, social, and legal changes. I explore the different strategies Africans used to adapt to these changes by examining the types of claims people made to one another. The rights and obligations of dependency relationships and perceived social hierarchies were contested by those of free and unfree ancestry/status – especially within families with histories of enslavement. Conflicts over

access to people and their labour, and to land, resulted in a transformation in pawning practices and affirmed that slave ancestry continued to matter in Gold Coast society and law. With this focus in mind, I address three questions: was there a blurring between the institution of slavery and other types of exploitative dependency relationships, like practices of pawning, in the wake of legal status abolition? To what extent did pawning become institutionalized and integrated into social practices in the early twentieth century? Finally, why did slave status or slave ancestry continue to remain important as Africans adopted different methods for exploiting labour as slavery was dying out?

I acknowledge in this study that "slave," "master" and "owner" are powerful words and scholars have been increasingly diverging from their problematic use in an effort to be more respectful to those whose lives they study. I agree with this move and use the terms "enslaved" rather than "slave," and "enslaver" rather than "master" or "owner." By using the term enslaved, I strive to both emphasise the humanity of the individual discussed, and the reality that their identity was not wholly defined by the circumstances of slavery imposed upon them. Further, the use of "master" or "owner" empowers the enslaver, reinforcing the idea of their "sense of natural authority," while at the same time dehumanizing the enslaved person.[1] By using enslaver, I strive to avoid replicating this empowerment and avoid turning the enslaved into a commodity. Consciously choosing to adopt more respectful language while studying the history of slavery and its legacies is a "subtle but powerful way of affirming that slavery was forced upon that person, rather than an inherent condition."[2] To study slavery is to analyze the historical processes

[1] "Language of Slavery" National Park Service: Underground Railroad, accessed September 25 2023, Language of Slavery - Underground Railroad (U.S. National Park Service) (nps.gov).
[2] "Telling the Story: Enslavement of African People in the United States" Buffalo Library, accessed September 25 2023, Vocab & Key Concepts - mc.pdf (buffalolib.org).

through which some people subjected others to domination, exploitation, and degradation. The language we choose to represent our thinking should reflect this.

The terms "traditional" and "customary" require some discussion regarding their use. Both terms are problematic in African historiography in that they suggest an unchanging, "timeless" past when, tradition and custom are really in constant, albeit slow, change. "Tradition" has been the focus of much scholarly debate, with early studies discussing the "invention" of tradition by colonial authorities, missionaries, and African elders through the creation of new chiefly positions and appointment of African men without traditional legitimacy.[3] However, this focus on invention neglects the complexity of how tradition was reinterpreted in the wake of colonial rule and neglects the agency of all Africans.

Thomas Spear discusses this neglect in his historiographical article "Neo-Traditionalism and the Limits of Invention in British Colonial Africa," where he accurately determines that the idea of "invention" when discussing African tradition is pointless as "tradition was reinterpreted, reformed and reconstructed by subjects and rulers alike."[4] Traditions build upon previous ideas and as Patrick Harries explains, "they [traditions] are not created anew, but rather manufactured, or assembled, from an existing body of knowledge, that consciously or unconsciously, includes myth and symbol. For tradition to be accepted as legitimate, it must bear of semblance of repetition."[5] Tradition was therefore a source of ongoing struggles over power and resources by both Africans and Europeans.[6]

---

[3] Thomas Spear, "Neo-Traditionalism and the Limits of Invention in British Colonial Africa," *Journal of African History* 44 (2003): 3, doi:10.1017/S0021853702008320.
[4] Spear, "Neo-Traditionalism," 4.
[5] Patrick Harries, "Imagery, Symbolism and Tradition in a South African Bantustan: Mangosuthu Buthelezi, Inkatha, and Zulu History," *History and Theory: Studies in the Philosophy of History* 32 (1993), 107 doi:10.2307/2505634.
[6] Sara Berry, *No Condition is Permanent: The Social Dynamics of Agrarian Change in Sub-Saharan* Africa (Wisconsin: University of Wisconsin Press, 1993), 22-42.

It is within this context that I use the words "tradition," "traditional," and "customary," which appear throughout this study. I use these terms not to mean "timeless" or "unchanging" but instead with the knowledge that what was often claimed as "traditional" was in fact under debate, and in the process of being reshaped, redefined, and reinterpreted in the face of social, economic, and political changes. Often, "tradition" was reinterpreted in ways that were meant to benefit the individual claiming a tradition or custom. Further, I use the term "customary law" within the context of indirect rule in the Gold Coast. During this period, customary law was not yet codified and was being debated by Africans and Europeans within both the colonial and African legal systems. Law, therefore, was being used as a resource in "struggles over property, labor, power and authority" by Africans and colonial authorities.[7] The reinterpretation of traditions and customs mentioned above was instrumental in this debate over law, and in shaping what would later become codified as customary law.

Slavery in the Gold Coast and the Road to the Emancipation Proclamation

Before the era of the Atlantic slave trade, the Gold Coast was mainly a purchaser of enslaved dependents and not a producer of them. It was Gold Coast production of gold that first brought Europeans to the region in the late fifteenth century. Europeans tapped into existing trade routes from modern day Senegal to Ghana, providing enslaved people and other goods in exchange for gold.[8] African slave trading and the Atlantic trade "existed side by side and sustained each other" during this period.[9] By the early eighteenth century, as the Atlantic slave

[7] Kristin Mann and Richard Roberts, "Law in Colonial Africa," in *Law in Colonia Africa*, Kristin Mann and Richard Roberts (Portsmouth, NH: Heinemann, 1991), 3-8.
[8] Akosua Adoma Perbi, *A History of Indigenous Slavery in Ghana: from the 15th to the 19th Century* (Legon: Sub-Saharan Publishers, 2004), 23; Trevor R. Getz, *Slavery and Reform in West Africa: Toward Emancipation in Nineteenth-Century Senegal and the Gold Coast* (Athens: Ohio University Press, 2004), 7-8.
[9] Perbi, *Indigenous Slavery*, 62.

trade expanded, the Gold Coast trade in enslaved peoples exceeded the export of gold. Conflict in the interior between Akan states of Akwamu, Akyem and Asante provided a steady supply of enslaved peoples to coastal merchants.[10] However, by the end of the eighteenth century the trade began to operate out of the Bight of Benin, Biafra and the Congo and the Gold Coast role in the transatlantic trade declined significantly.[11]

Despite this decreased significance, the Atlantic slave trade gradually influenced and expanded slavery in Gold Coast society. The system had developed as political and social institutions in Gold Coast society, as enslaved people served as sources for political power and social prestige. However, as the eighteenth century progressed, enslaved people began taking on an increasing number of economic functions, particularly in coastal societies.[12] A new Afro-European class of merchants emerged in the Gold Coast through interaction with European merchants in coastal towns and were individuals who profited extensively from the transatlantic trade in enslaved people. They profited from the export of these people, but also from retaining enslaved dependents for business and personal use.[13] These servile individuals were used by the merchants for food crop production for both commercial sale and sustenance of the merchants themselves.[14] The Atlantic slave trade influenced the growth of the existing internal African trade of not only enslaved people but some other goods as well, such as kola nuts. Enslaved individuals both produced these trade goods and transported them for merchants to and from the interior to the coast.[15] Getz has argued that while this economic transformation did occur in the

[10] Getz, *Slavery and Reform*, 9; Perbi, *Indigenous Slavery*, 23-26.
[11] Getz, *Slavery and Reform*, 7.
[12] Getz, *Slavery and Reform*, 7-8, 18-20.
[13] Getz, *Slavery and Reform*, 19-21; Trevor R. Getz, "The Case for Africans: The Role of Slaves and Masters in Emancipation on the Gold Coast, 1874-1900," *Slavery and Abolition* 2 (2000): 129, doi:10.1080/01440390008575298.
[14] Getz, *Slavery and Reform*, 21; Getz, "The Case," 129.
[15] Getz, *Slavery and Reform*, 20-2; Getz, "The case," 129; Perbi, *Indigenous Slavery*, 80.

coastal towns, and interior regions for gold mining like in Akwamu and Akuapem, it was "still a very limited transformation" that would slowly spread into neighbouring states.[16] Slavery in the Gold Coast would be transformed even further after the abolition of the Atlantic slave trade.

The abolition of the Atlantic slave trade by Britain in 1807 had serious and immediate repercussions on the export of enslaved people in the Gold Coast. At the time, Britain possessed nine out of twenty forts in what would become the Gold Coast Colony and thus had a strong presence in the region and naval patrols were effective in reducing trade from Gold Coast ports (see Figure 1 & 2).[17] The abolition of the trade meant a loss in wealth for African and Afro-European merchants in the Gold Coast and chiefs and traders in Asante, who were heavily involved in generating captives for enslavement through warfare and raids, both for internal use and for the Atlantic trade.[18] Asante and Gold Coast slave traders established new trade routes to the coast in Guinea and Nigeria to hide from the British naval anti-slave-trading patrols and continued the transatlantic slave trade with the other major participants, mainly Spain, Portugal, and Brazil. However, exports of enslaved individuals from the Gold Coast still dropped significantly due to British navy patrols, but continued, at varying degrees, into the 1860s and 1870s.[19] The decline of exports from the Gold Coast resulted in a saturation of enslaved people in local markets and a reduction in the sale prices of these individuals.[20] For the first time, non-

[16] Getz, *Slavery and Reform*, 22,26.
[17] Ibid, 31; Getz, "The case," 5. The Danish and Dutch held the other eleven.
[18] Getz, "The case," 129; Perbi, *Indigenous Slavery*, 66-67; Jarvis L. Hargrove, *The Political Economy of the Interior Gold Coast: The Asante and the Era of Legitimate Trading, 1807-1875* (Lanham: Lexington Books, 2015), 126-127. Getz, *Slavery and Reform*, 31-32. The Atlantic Slave Trade was the largest market for Asante war captives at the time of the abolition 1807. Exportation of enslaved people from the Gold Coast went from around eight thousand individuals per year in 1800 to roughly one quarter that number by 1815.
[19] Getz, *Slavery and Reform*, 32.
[20] Ibid, 36, 38.

elite Africans could afford to purchase enslaved dependents. As early as the 1820s slavery in the Gold Coast began to expand for these reasons.[21]

The export economy of the Gold Coast initially struggled to adjust to abolition of the Atlantic slave trade and transitioned into an era of producing "legitimate" goods.[22] This transition ultimately contributed to an expansion of slavery in the Gold Coast. The British Company of Merchants Trading to Africa and Afro-European merchants wanted to find a way to revive the economy. They turned to production of commodities, resulting in increased production of raw materials for export to replace exports of enslaved peoples. African farmers in the forest zone contributed to this production of raw materials through the cultivation of palm oil (see Figure 3).[23] Clearing the forest lands to establish palm oil plantations and processing palm oil required significant amounts of labour. To fulfill the demand for labour for production and for transportation of the raw material, farmers and traders turned to enslaved dependents. As palm oil cultivation spread in the 1820s, prices for the enslaved workers began to increase due to growing demand for unfree/bonded labour.[24]

During this period of transition from export trade in enslaved peoples to export of legitimate goods, more attention was given to the production of the cash crops and not the labour being used to produce these crops.[25] For both the Gold Coast and Asante, the turn to trade and

---

[21] Ibid, 31, 38; Hargrove, *Political Economy*, 133.
[22] Robin, Law, "Introduction," in *From Slave Trade to 'Legitimate' Commerce: The Commercial Transition in Nineteenth Century West Africa*, Robin Law (Cambridge: Cambridge University Press), 1. The term "legitimate" goods or "legitimate" trade emerged at the ending of the Atlantic slave trace. Contemporaries of this period called for the replacement of slave trading with "legitimate" trade, which largely meant trade in agricultural produce, like palm oil or other cash crops.
[23] Getz, *Slavery and Reform*, 37-8; Getz, "The case," 5; Hargrove, *Political Economy*, 127-129; Gareth Austin, "Labour and Land in Ghana, 1874-1939: A Shifting Ration and an Institutional Revolution," *Australian Economic History Review* 47 (2007): 97; Sarah Balakrishnan, "Of Debt and Bondage: From Slavery to Prisons in the Gold Coast, c.1807-1957," *Journal of African History* 61, no.1 (2020): 5, doi:10.1017/S0021853720000018.
[24] Getz, *Slavery and Reform*, 38-9; Hargrove, *Political Economy*, 129; Perbi, *Indigenous Slavery*, 70-71.
[25] Hargrove, *Political Economy*, 127.

production of legitimate goods stimulated the economy, expanded the institution of slavery, and transformed the role of enslaved dependents, who became the producers of goods for export.[26]

By the 1830s, matured palm oil cultivation gave Britain an increased vested interest in the Gold Coast. Britain had a high demand for palm oil because it was used as a lubricant for machines in their growing industrial revolution and officials were motivated for palm oil production to continue unhindered.[27] Asante ruled over the majority of the main palm oil producing forest region, and independent states like Krobo and Akuapem that participated in palm oil cultivation were vulnerable to attacks by the Asante.[28] In 1831, British officials established a truce with Asante and stopped raids into these regions, allowing the production of palm oil to proliferate unhindered.[29]

Prices for enslaved dependents continued to rise in the 1830s due to labour demands for palm oil production but stayed below Atlantic Slave Trade era levels and continued to allow for non-elite buyers. These rising prices indicate an increasing importance of slavery to the Gold Coast economy in this period despite British abolition of slavery in formal crown colonies in 1834. The 1834 abolition was not to be applied to the Gold Coast, which at this time was not a crown colony, and Britain supported continued slavery in the region because of their vested interest in palm oil production.[30]

---

[26] Ibid, 122; Getz, *Slavery and Reform*, 34-36; Balakrishnan, "Of Debt and Bondage," 5; Perbi, *Indigenous Slavery*, 70-71.

[27] Trevor Getz and Liz Clarke, *Abina and the Important Men: A Graphic History* (London: Oxford University Press, 2012), 103; Getz, *Slavery and Reform*, 38. Palm oil was not a new export for the Gold Coast. For decades, Britain had imported palm oil to be used for "soap and other household products."

[28] Getz and Clarke, *Abina*, 101-3; Getz, *Slavery and Reform*, 39; Balakrishnan, "Of Debt and Bondage," 8.

[29] Getz, *Slavery and Reform*, 39.

[30] Ibid, 55-7; Kwabena Adu-Boahen, "Post-Emancipation Slave Commerce: increasing child slave trafficking and women's agency in late nineteenth-century Ghana," *Lagos Historical Review* 9 (2009): 5; Getz, *Slavery and Reform*, 56-59. In the 1840s and onwards, there were several half-hearted attempts to reduce slave trading and slaveholding by officials in British forts and missionaries on the ground in the Gold Coast in their limited/small regions of influence, but these attempts were often met with severe African opposition. Ultimately, the British officials abandoned their attempts in order to retain their ties to the African and Afro-European elite, whom they were dependent on for their political influence and economic flourishment.

Longstanding conflict between the Dutch, Britain, the Fante and Asante restarted in the 1850s over access to the coastal town of Elmina. The costs of this continuing conflict led the Dutch to withdraw from the region and they handed their forts over to the British in 1873.[31] The British now had control over the coastal region of the Gold Coast and refused to recognize Asante's claim to Elmina. This infuriated the Asante and resulted in the 1873 Anglo-Asante war, between Asante and the British alliance, which included the Fante. The Asante were forced back into the interior, and Britain was left as the leader of these allied states.[32] This acquisition of coastal territory brought colonial control to the Gold Coast, and the application of the anti-slavery regime already established in colonial territories in 1834.

British Colonial Rule and Abolition in the Gold Coast Colony and Protectorate

The Colony and the Protectorate established by the British in the Gold Coast in 1874 comprised distinct legal regimes. The colony consisted of the coastal towns, with the most prominent being Accra and Cape Coast. The protectorate consisted of the interior regions up to the Asante state, including the Akuapem kingdom that is the focus of this study (see Figure 4). In December 1874 the colonial government implemented the Gold Coast Slave-Dealing Abolition Ordinance and the Gold Coast Emancipation Ordinance.[33] The slave-dealing ordinance outlawed the buying, selling and importation of slaves into the Gold Coast, and the emancipation

[31] Getz, *Slavery and Reform*, 65-66, 96-7. The Dutch allowed Asante access to Elmina, a coastal town, and the Fante elite in the surrounding areas of Elmina resented the agreement as they viewed it as an intrusion of Asante authority. As a result of the Fante elite's displeasure with the presence of Dutch authority, they became a part of a British alliance of states. Conflict broke out when the Fante elite besieged Elmina, resulting in a two-year confrontation with Asante.
[32] Getz, *Slavery and Reform*, 97-8; Getz and Clarke, *Abina*, 103.
[33] Adu-Boahen, "Post-Emancipation Slave Commerce," 6; Alessandra Brivio, "'I am a Slave Not a Wife': Slave Women in Post-Proclamation Gold Coast (Ghana)," *Gender & History* 29 (2017): 31, doi: doi.org/10.1111/1468-0424.12279.

ordinance provided the framework for the emancipation of slaves.[34] In this study, I shall refer to the two ordinances jointly as either the Emancipation Proclamation or as legal status abolition and will examine the implications of this anti-slavery legislation in Chapter Two. In the colony, colonial administrators had the full ability to implement the Emancipation Proclamation but the Protectorate, at this time, was not technically under the legal jurisdiction of the colonial government. However, the alliance with the British from the 1873-1874 Anglo-Asante wars gave chiefs in the Protectorate continued protection from the Asante and in return, they were expected to follow some of the British laws, including the Emancipation Proclamation. [35]

The ability to enforce the Emancipation Proclamation proved to be challenging for colonial administrators as they needed to appease both the local chiefs—many of whom were deeply invested in slavery—and British abolitionists. To do this they implemented an "Indian model" of emancipation that abolished the legal status of slavery, meaning the courts would no longer recognize the status of "slave", and could no longer be used to recover runaway enslaved individuals.[36] However, those enslaved who wished to formally gain their emancipation would have to do so using the colonial courts.[37] The Indian model implemented in the Gold Coast

---

[34] Claire Robertson, "Post-Proclamation Slavery in Accra: A Female Affair?" in *Women and Slavery in Africa*, Claire Robertson and Martin Klein (Madison: The University of Wisconsin Press, 1983), 220; Getz, "The Case," 130.

[35] Getz, *Slavery and Reform*, 98.

[36] Paul E. Lovejoy, and Jan S. Hogendorn, *Slow Death for Slavery: The Course of Abolition in Northern Nigeria, 1897-1936* (Cambridge: Cambridge University Press, 1993), 6; Peter Haenger, *Slaves and Slave Holders on the Gold Coast: Towards an Understanding of Social Bondage in West Africa* (Basel: P. Schlettwein Publishing, 2000), 150.

[37] Getz, *Slavery and Reform*, 101; Brivio, "'I am a Slave Not a Wife,'" 32; Haenger, *Slaves and Slave Holders*, 150. These individuals would have to prove their servile status to the colonial courts. This could be done by providing evidence of an exchange of money to show they had been bought, that they were called a "slave" by the enslaver, or that they were mistreated. Enslavers in the Gold Coast Colony and Protectorate were not compensated for the loss of servile labour and enslaved individuals were not required to pay for their freedom through self-purchase arrangements. The Gold Coast governor had rejected the policy of self-purchase as he believed the colony was too understaffed to successfully implement and effectively enforce the police among holders of enslaved people.

served the purpose of appeasing abolitionists in Britain and taking away from the colonial administration the responsibility of enforcing emancipation.

The Emancipation Ordinances did not bring about an immediate end to slavery in the Gold Coast Instead, slavery continued through an illicit slave trade in enslaved children. Prior to the colonial period, children were not preferred among slave traders as they had a higher chance of mortality during the journey from the interior to the coastal regions and were not as highly valued for export in the Atlantic Slave trade.[38] The 1874 abolition brought a change in preference for enslaved adults to children, in particular girls. Children held less risk as they were easier to conceal from colonial authorities because they could be claimed as a son or daughter, or junior lineage member. [39] Thereby, the strategies for concealing slave trading from colonial authorities blurred into pre-existing types of dependency relations within lineages between adults and children. In addition, children were more ignorant of the Emancipation Proclamation and their subsequent rights to emancipation and were also viewed as being easier to assimilate into free individual's households. [40]

Conflict in the interior also helped to perpetuate slavery. Asante's defeat by the British in the Anglo-Asante war resulted in a disruption of existing power dynamics in the interior of the region. This conflict resulted in an influx of captives which continued to fuel existing slave trading routes into the Gold Coast.[41] Additionally, the trade in cash crops continued demand for unfree labour. Enslaved individuals and pawns were still being used as both a trading commodity and as transporters or producers of goods, particularly in the production of kola, rubber, and

[38] Adu-Boahen, "Post-Emancipation Slave Commerce," 4.
[39] Adu-Boahen, "Post-Emancipation Slave Commerce," 11.
[40] Ibid, 6, 11-12.
[41] Ibid, 7-8.

palm oil.[42] Colonial administrators, wanting to maintain the security of trade routes to protect British economic interests, feared that enforcement of the Emancipation Proclamation against slave trading would disrupt the economy and create conflicts with chiefs. Akurang-Parry has argued that colonial officials were advised "not to interfere with matters of slavery" during expeditions into the interior regions in the 1870s and 1880s.[43] Therefore, the colonial administration continued its ambivalent approach to slavery to protect British interests, inadvertently helping to continue the flow of enslaved people into the colony and protectorate.

The Emancipation Proclamation did not change the importance of enslaved peoples in Gold Coast society. Slave-owning remained an important tool for acquiring and retaining political power and social status, and enslaved individuals were now increasingly central to the production and the expansion of the cash crop economy. Chiefs, merchants, and farmers were motivated to retain their enslaved dependents and, noting the reluctance of colonial administrators to enforce the proclamation, they continued to take on newly enslaved individuals and pawned individuals.[44] Getz has described some chiefs' reaction as a "campaign of passive noncooperation."[45] Chiefs were aware the colonial authorities protected them from future Asante threats and had the power to remove them as a ruler. However, some worked the colonial authorities' reluctance to enforce emancipation to their own advantage by appearing to support

[42] Raymond E Dummet, "The Work of Slaves in Akan and Adangme Regions of Ghana in the Nineteenth Century," in *African Systems of Slavery*, J. Spaulding and S. Beswick (Trenton: Africa World Press, 2010), 90. Enslaved peoples, along with other trading items such as ivory and goats, were brought by Gold Coast traders in exchange for salt, guns, gunpowder and other European-made goods. See Kwabena O. Akurang-Parry, "Rethinking the 'Slaves of Salaga': Post-Proclamation Slavery in the Gold Coast (Colonial Southern Ghana), 1874-1899," *Left History* 8 (2002): 34, doi:25071/1913-9632.5480.
[43] Akurang-Parry, "Rethinking," 39,40.
[44] Getz, *Slavery and Reform*, 114.
[45] Ibid, 115.

British rule while simultaneously not taking the initiative in liberating their enslaved dependants and continued to purchase new ones.[46]

Afro-European and African coastal merchants and traders also had vested economic interests in the continuation of slavery. Merchants were in a difficult situation due to their trading relationship with Britain and feared alienating both these providers of manufactured commodities and buyers of raw goods.[47] However, enslaved individuals and pawns continued to be central to how coastal merchants conducted their business as they provided labour for moving goods to and from the interior as porters, and they could be used for domestic service and/or as agricultural labourers.[48] Traders and farmers of cash crops also relied on enslaved dependents and pawns as both producers of raw materials like kola nuts, rubber and palm oil and as porters of these goods.[49] As these more prosperous individuals attempted to retain their source of status it is not surprising that poorer Africans would have been unwilling to let go of their own dependence upon servile labour. Nor is it surprising then, with the continued use of slave labour that slave status or ancestry remained important in social, political and economic interactions. Slavery and pawning continued into the twentieth century as Africans and colonial administrators continued to navigate the social, economic, and legal changes of the colonial period.

One key factor that limited widespread emancipation was the reaction of the enslaved themselves. Enslaved people made decisions on what they perceived would better their lives and those decisions considered a number of factors like economic security, assimilation and

---

[46] Ibid.
[47] Ibid.
[48] Getz, *Slavery and Reform*, 113; Haenger, *Slaves and Slave Holders*, 66; Dummet, "Work of Slaves," 79,90.
[49] Beverly Grier, "Pawns, Porters, and Petty Traders: Women in the Transition to Cash Crop Agriculture in Colonial Ghana," in *Pawnship, Slavery, and Colonialism in Africa*, T. Falola and P Lovejoy (Trenton: Africa World Press, 2003), 163. The Akan Forest zone, located in the southern regions of Asante and the Protectorate, was an area with ready access to slave-trading routes.

limitations on their ability to travel. The changing circumstances of the post-proclamation period provided the enslaved with several options: to stay with their enslavers and potentially renegotiate better terms for themselves, or to leave their enslavers, either informally by running away or by using the courts. Economic opportunity was an important motivating factor in an enslaved person's decision to stay or leave. According to Getz, the preferred option for most enslaved peoples would have been to acquire rights to land to farm and thereby participate in cash crop cultivation.[50] Another opportunity, only available to men, would have been recruitment into the constabulary. [51] Wage labour also provided an economic opportunity, although in the 1870s paid employment was not widely practiced, especially in rural areas. Some enslaved peoples in urban areas were able to find wage labour working as porters, boatmen, messengers, or domestic servants.[52] However, for the majority enslaved people, wage labour did not ensure a solid economic motivation to leave their enslavers.[53]

Economic factors do not fully explain the motivations of the enslaved for staying with or leaving their enslavers. For the enslaved, leaving meant losing whatever assimilation they had acquired into their enslaver's family and whatever rights and status they had managed to acquire.[54] Claire Robertson refers to enslavers wanting "sufficient assimilation" of their enslaved dependents, meaning enough assimilation into the lineage to provide an incentive for these individuals to stay with their enslaver.[55] Those who had been to some degree incorporated

[50] Getz, *Slavery and Reform*, 129; Getz, "The Case,"136.
[51] Getz, *Slavery and Reform*, 130; Perbi, *Indigenous Slavery*, 177-78.
[52] Raymond E. Dumett and Marion Johnson, "Britain and the Suppression of Slavery in the Gold Coast Colony, Ashanti, and the Northern Territories," in *The End of Slavery in Africa*, Suzzane Miers and Richard Roberts (Madison: The University of Wisconsin Press, 1988), 92.
[53] Brivio, "'I am a Slave Not a Wife,'" 39.
[54] Getz, *Slavery and Reform*, 124; Robertson, "Slavery in Accra," 229.
[55] Robertson, "Slavery in Accra," 229.

may not have been willing to risk losing what rights they had attained at the time of emancipation, or they may have understood themselves to be members of the lineage.

This was especially true for women, who had less economic opportunities than enslaved men and were seen as easier to assimilate through marriage into her enslaver's family and rearing children.[56] Newly enslaved peoples were more likely to leave than those who had been with their enslavers for a length of time.[57] For some, leaving would prove difficult. A large portion of enslaved people were of northern origin. If they remembered their place of origin the journey home was often far, through areas such as Asante and Salaga, where wars raged and where slave trading was still legal in the post-proclamation period.[58] With many enslaved individuals remaining with their enslavers, distinctions of status between the free and unfree would have also remained important in the post-abolition period.

Many Africans did not have the same understanding of freedom as the British colonial administration. For enslaved individuals, the freedom that came from legal emancipation severed their existing social ties, and with them, associated rights and opportunities. Those who did not have ready alternatives may have chosen to stay with their enslaver. They may have had the ability to renegotiate more favourable terms regarding their enslavement. Their enslavers may have been willing to renegotiate as they would had have wanted to retain their servile labourers and were also likely aware of the risk of criminal charges that came with holding enslaved

---

[56] Brivio, "'I am a Slave Not a Wife,'" 39; Robertson, "Slavery in Accra," 229; Grier, "Pawns, Porters, and Petty Traders," 34. Marriage was important to the process of assimilation. The institution of marriage was a fluid process and marriage between a free man and free woman included certain marriage rituals to establish a union as a full marriage. Enslaved women did not have full marriages because they lacked kin to perform the required rituals. Thus, while marriage into a lineage was a way for slave women to gain increased independence they did not do so at the same level as free women.

[57] Getz, *Slavery and Reform*, 105,128.

[58] Ibid, 123-24

individuals.[59] There were enslaved individuals who sought to legally gain their freedom using the colonial courts. Some enslaved individuals were able to take their owner to courts and fight for their emancipation.[60]

The concerns and interactions of colonial authorities, enslavers, and enslaved individuals all helped to limit the impact of the Emancipation Proclamation. Slavery continued to be an important component of Gold Coast society and economy. The model of emancipation reflected this integrated nature of slavery and allowed for a gradual process of emancipation by leaving the decision in the hands of those who were enslaved. In the initial post-proclamation period, colonial administrators feared the abolition of slavery would destabilize the economy and avoided interfering with existing trade routes or actively enforcing the emancipation of enslaved individuals. For chiefs, enslaved dependents remained an important signifier of their political power and status, and the basis of their wealth. Merchants, farmers, and traders continued to rely on exploitable forms of labour for the production and transportation of cash crops. Slave-traders continued the supply of enslaved peoples into the Colony and Protectorate, adopting new tactics to evade colonial authorities, thus facilitating continued purchase of enslaved individuals. Some enslavers' fear of losing control over labour enabled enslaved individuals and pawns to negotiate better conditions for themselves. Others, with promising economic alternatives, chose to gain their emancipation by using the colonial courts or by leaving their owners.

---

[59] Getz, "The Case," 139. For example, enslaved individuals who provided agricultural labour might have been able to negotiate with their enslavers for an increased amount of time to farm their own plot of land and in return be required to work for their enslaver only several days of the week.

[60] Getz, *Slavery and Reform*, 101; Robertson, "Slavery in Accra," 222. Between 1874 to 1880 there are fifty-two court cases between the Colony and Protectorate that addressed slaveholding, with nineteen concerning relatives of an enslaved person or an enslaved individual seeking freedom. After the first few years the number of slaveholding court cases dwindled down to only six cases between 1879 and 1899.

Historiography and Methodologies on Slavery and Emancipation in Ghana

Slavery and the process of emancipation in Africa has attracted the attention of many historians. Beginning in the 1970s there was a shift in the study of African history where scholars began to examine the nature of slavery in Africa and its significance to African social, political, and cultural institutions. Earlier historians, such as David Kimble in his work on Ghanaian political history, wrote histories of Africa with little to no discussion on the significance or nature of slavery.[61] The 1950s and 1960s were teemed with anticolonial sentiment and struggles for independence in Africa, with political activists advocating for national unity. As a result, they ignored or "downplayed the social, economic and political divisions within the local communities that arose from the long-standing actual existence of slavery."[62] It is not surprising then, that academic studies reflected this drive for national unity and underplayed and/or ignored the significance of slavery and its influence on African societies. Especially when we consider the understandings of slavery during the first wave of African historiography, which perceived African slavery systems to be benign and non-conforming to the dominate ideology of the time – that of the chattel system in the Americas, where enslaved individuals were viewed as property.[63]

Among this new wave on African histography in the 1970s were historians Suzanne Miers, Igor Kopytoff and Martin Klein. They challenged this earlier idea of African slavery as benign and the practice of applying "Western concepts of 'slavery' and 'freedom' to institutions

---

[61] David Kimble, *A Political History of Ghana: The Rise of Gold Coast Nationalism 1850-1928* (London: Oxford University Press, 1963).
[62] Alice Bellagamba, Sandra E. Greene and Martin Klein, *African Slaves, African Masters: Politics, Memories, Social Life* (Trenton: Africa World Press, 2017), 6; Suzanne Miers and Igor Kopytoff, "Introduction: African 'Slavey' as an Institution of Marginality," *Slavery in Africa: Historical and Anthropological Perspectives*, S. Miers and I. Kopytoff (Wisconsin: The University of Wisconsin Press, 1977), 3-7.
[63] Bellagamba, Greene and Klein, *African Slaves, African Masters*, 2-3; Miers and Kopytoff, "Introduction," 3-6.

in other cultures and historical contexts."[64] These scholars argued instead that African understandings of indigenous slavery did not follow that of the plantation system. Instead, they produced a variety of arguments that determined in African indigenous slavery, the enslaved held many roles beyond that of a simple labourer and property of the enslaver.[65] Their debate raised awareness of the complexity and importance of African slavery in shaping Africa and was picked up by scholars of Ghanaian history.

Gerald McSheffrey, Claire Robertson, Raymond Dummet and Marion Johnson applied this new approach to discussions on slavery and emancipation in the Gold Coast. These scholars started to question the established idea that emancipation was solely the aspiration of colonial officials and the result of their legislation. They began examining the impact that colonial anti-slavery legislation had on the life of enslaved Africans and enslaving Africans and how emancipation unfolded within the Gold Coast. McSheffrey first challenged previous understandings on the process of emancipation in the Gold Coast by arguing the anti-slavery legislation had a greater impact on society than previously thought and that the enslaved played an important part in this process. He cautioned against historians' previous reliance and easy acceptance of colonial documents as fully accurate accounts. Instead, he argued for the use of missionary sources which he determined suggest a greater number of enslaved individuals sought emancipation than the colonial documents reveal. McSheffrey's findings were the first to stress

[64] Miers and Kopytoff, "Introduction," 5.
[65] Bellagamba, Greene and Klein, *African Slaves, African Masters*, 2. The enslaved could accumulate wealth and exercise their own degree of power through positions as chiefs, administrators, merchants, and trusted advisors to name a few. Additionally, most enslaved individuals in Africa were women, as they were often valued for the ability to exploit their manual labour and sexual reproductive capabilities. However, enslaved women too could reach a certain degree of status and power by becoming "wives, valued concubines, mothers of kings, or harem officials." See also Claire Robertson and Martin A. Klein, eds., *Women and Slavery in Africa* (Madison: The University of Wisconsin Press, 1983); Frederick Cooper, *From Slaves to Squatters: Plantation Slavery and Squatters in Zanzibar and Coastal Kenya, 1890-1925* (Portsmouth: Heinemann, 1997); Suzanne Miers and Richard Roberts, *The End of Slavery in Africa* (Madison: The University of Wisconsin Press, 1988).

the agency of enslaved individuals shaping the outcome of the emancipation process in the Gold Coast.[66]

Building on McSheffrey's findings, Dummet and Johnson agreed that the colonial anti-slavery legislation had "a harsh and disruptive impact on the lives of slaves and slaveholders. "[67] However, they disagreed with McSheffry on the number of enslaved individuals who sought emancipation, stating that missionary records need to be used with the same caution as colonial records. Taking a comparative approach, Dummet and Johnson examined the three main regions of the Gold Coast (the Colony and Protectorate, Asante, and the Northern Territories) and the process of emancipation in each. Their work suggests that the process of emancipation and the ability of colonial administrators to implement anti-slavery legislation varied from region to region, and that pawning may have been a "buffer" in the process of emancipation, replacing slave labour. [68]

Taking a gendered approach to examining the impact of the colonial anti-slavery legislation in the Gold Coast, Claire Robertson focused on the prevalence of enslaved women in the post-abolition period. Like Dummet and Johnson, Robertson examined several factors that influenced how emancipation unfolded and argued that these factors created different circumstances for enslaved men and women. [69] In addition, Robertson set a precedent for studying the agency of enslaved individuals in this period by looking into the lives of the enslaved themselves using oral testimony. The conclusions of McSheffrey, Dummet and Johnson, and Robertson started a conversation on slavery and the process of emancipation in

---

[66] Gerald M. McSheffrey, "Slavery, Indentured Servitude, Legitimate Trade and the Impact of Abolition in the Gold Coast, 1874-1901: a Reappraisal," *Journal of African History* 24 (1983), doi:10.1017/S0021853700022052.
[67] Dumett and Johnson, "Britain and the Suppression of Slavery," 73.
[68] Dummet and Johnson, "Britain and the Suppression of Slavery," 73.
[69] Robertson, "Post-Proclamation Slavery;" Claire Robertson, *Sharing the Same Bowl: A Socioeconomic History of Women and Class in Accra, Ghana* (Bloomington: Indiana University Press, 1984).

Ghana that was picked up by more recent historians such as Kwabena Akurang-Parry, Trevor Getz and Alessandra Brivio.

The work of Getz and Akurang-Parry develops our understanding of the interaction of colonial authorities and the agency of Africans in the process of emancipation. Akurang-Parry has argued that the anti-slavery legislation had greater influence within the Colony than the Protectorate and suggests many enslaved persons sought emancipation and actively left their enslavers.[70] However, his research relies heavily on mission resources and does not fully take into account the bias in these sources. Getz's research counters Akurang-Parry and suggests that emancipation was a "process of informal negotiations" between Africans and colonial officials, with the majority of enslaved persons not leaving their enslavers.[71] Both suggest a variation in the implementation of the anti-slavery legislation by colonial authorities in the Gold Coast and discuss a wide range of responses by Africans. The research of Getz and Akurang-Parry provides a broader understanding of the initial post-abolition period, 1874-1900. Additionally, Akurang-Parry furthers Robertson's position on how the outcomes of emancipation differed among enslaved people and argues that as the Gold Coast economy expanded in the twentieth century, it benefited from continued forms of exploited female labour that grew from the vestiges of slavery.[72]

Trevor Getz and Alessandra Brivio continue the methodology of examining the lives of the enslaved when studying the agency of the enslaved for this period. While Robertson had

---

[70] Kwabena Opare-Akurang, "The administration of the abolition laws, African responses, and post-proclamation slavery in the Gold Coast, 1874-1940," *Slavery & Abolition* 19 (1998); Akurang-Parry, "Rethinking."
[71] Getz, "The case," 128; Getz, *Slavery and Reform*, 1; Getz and Clarke, *Abina*; Trevor R. Getz, and Lindsay Ehrisman, "The Marriages of Abina Mansah: Escaping the Boundaries of 'Slavery' as a Category in Historical Analysis," *Journal of West African History* 1 (2015): 93–118, doi:10.14321/jwestafrihist.1.1.0093.
[72] Kwabena O. Akurang-Parry, "Transformations in the Feminization of Unfree Domestic Labor: A Study of *Abaawa* or Prepubescent Female Servitude in Modern Ghana," *International Labor and Working-Class History* 78 (2010); Kwabena Opare-Akurang, "The Administration of the Abolition Laws, African Responses, and Post-Proclamation Slavery in the Gold Coast, 1874-1940," *Slavery & Abolition* 19 (1998).

done this through oral testimony, Getz and Brivio have attempted to extract the life stories of the enslaved from colonial court transcripts. Getz extracts the life story of one enslaved girl, Abina, and examines the lengths to which some enslaved women went to assert control over their lives with the tools available to them. Brivio examines several court cases from 1874-1876, the immediate period after the emancipation laws were put into place. She examines cases for examples of enslaved women's agency and argues these women actively sought out their emancipation using the courts, particularly in ways that confused colonial authorities. They used understandings of marriage customs to claim that they were held as "slave-wives" by their husbands, who were also enslaved, and used the anti-slavery legislation as an opportunity to improve their circumstances and exert control over their future and bodies.[73]

Also emerging in the late 1980s as a focus of discussion was the institution of pawning. Martin Klein was among the first scholars of West Africa to examine pawning practices during the colonial period. The few previous studies on pawning at this point in time, like that of Mary Douglas on pawning in central Africa, had treated the institution as a precolonial practice.[74] Klein and Robert's study examines pawning during the colonial period and argues for a resurgence of pawning in French West Africa during the Great Depression. Their study determined that there were fewer reports of pawning during the early twentieth century, with colonial administrators having little interest in interfering with the practice. However, the Great Depression contributed to a period of distress and famine for Africans as the colonial

[73] Brivio, "'I am a Slave Not a Wife."
[74] Mary Douglas, "Matriliny and Pawnship in Central Africa," *Africa* 34 (4) (1964): 301-313, doi:10.2307/1157471; Martin Klein and Richard Roberts, "The Resurgence of Pawning in French West Africa During the Depression of the 1930s," *African Economic History* 17 (1987): 42, doi:10.2307/3601268.

administration cut back on administration jobs and raised taxes, and that Africans in poorer areas, with few options for income, turned to pawning as a "survival mechanism."[75]

Falola and Lovejoy's seminal volume, *Pawnship in Africa: Debt Bondage in Historical Perspective,* contains fourteen studies on the previously neglected topic of pawnship, the majority of which are focused on West Africa. In their chapter "Pawnship in Historical Perspective," the editors provide a generalized definition for pawning and situate the institution within the broader historical context in Africa.[76] Falola and Lovejoy explore the different political, social, and economic circumstances in which pawning was important to African societies and how these contributed to a range of characteristics/ideologies in pawnship practices. They argued that pawning developed alongside "the trans-Atlantic slave trade, the expansion of slavery within Africa, and the greater commercialization of African economies."[77] Further, their chapter determined that pawning was often closely tied to several themes including "indebtedness, labour control, gender and capital flow."[78] This volume is an important contribution to the study of pawning, which had previously been under-shadowed by historians focus on slavery in Africa.

As a result of the anti-slavery legislation implemented in the Gold Coast during the colonial period, there was a struggle to control the labour of the formerly enslaved and to find alternative mechanisms for acquiring access to unfree labour. Pawning emerged as one such mechanism. Falola and Lovejoy's volume of studies on pawning includes two scholars, Beverly Grier and Gareth Austin, that were among the first discuss pawning in Ghana during the colonial

---

[75] Klein and Roberts, "The Resurgence of Pawning," 33.
[76] Toyin Falola and Paul E. Lovejoy, "Pawnship in Historical Perspective," in *Pawnship, Slavery, and Colonialism in Africa,* T. Falola and P Lovejoy (Trenton: Africa World Press, 2003).
[77] Falola and Lovejoy, "Pawnship," 1.
[78] Ibid, 2.

period. They both focus on the Akan, and the transformations pawning underwent due to the abolition of slavery and the expansion of cocoa cultivation. Grier examines the effects the abolition of slavery and emergence of cash crop cultivation had on gender relations in the early colonial period in Akan culture.[79] She suggests pawning was redefined during the colonial period to become a mechanism to continue to exploit women's labour in Akan culture in the wake of the abolition of slavery and that cocoa cultivation offered more avenues to freedom and economic independence for both free and unfree men. Grier also examines Akan women's agency and the ability of some women, pawn and free, to fight against attempts to control their labour and retain their independence, but ultimately concludes that the "unpaid labour of most women in the cocoa-growing regions of Ghana continued to enrich someone other than themselves" at the end of the colonial period.[80]

Austin addresses the role of pawning in cocoa cultivation in Asante in the early colonial period in "Human Pawning in Asante, 1820-1950: Markets and Coercion, Gender and Cocoa" and suggested the practice of pawning likely initially increased due to the abolition of slavery. However, the initial increase in pawning in the first decade of the twentieth century "was far from enough to absorb all the demand that had been diverted from the slave market."[81] Austin disagrees with Grier that pawning was drastically "redefined" during the colonial period, and instead argues the practice became feminized in Asante. Government anti-slavery measures against pawning and the expansion of cocoa farming contributed to this feminization. Cocoa

---

[79] Beverly Grier, "Pawns, Porters, and Petty Traders: Women in the Transition to Cash Crop Agriculture in Colonial Ghana," in *Pawnship, Slavery, and Colonialism in Africa*, T. Falola and P Lovejoy (Trenton: Africa World Press, 2003).
[80] Grier, "Pawns, Porters, and Petty Traders," 300.
[81] Gareth Austin, "Human Pawning in Asante, 1800-1950: Markets and Coercion, Gender and Cocoa," in *Pawnship, Slavery, and Colonialism in Africa*, T. Falola and P Lovejoy (Trenton: Africa World Press, 2003), 198; Gareth Austin, *Land, Labour and Capital in Ghana: From Slavery to Free Labour in Asante, 1807-1956* (Rochester: The University of Rochester Press, 2005), 232.

farming gave men, who could have been pawned, better alternatives for economic independence and therefore the ability to resist their pawning. Whereas women were in demand as pawn wives, both for their ability to bear children and produce food crops alongside their labour on cocoa farms.

In more recent work, *Labour, Land and Capital in Ghana*, Austin examines the economic changes in Asante caused by cocoa farming and the cash crops influence on land and labour rights over the course of the twentieth century. During this study, Austin restates and refines his earlier findings on pawning in Asante. He reaffirms that pawning did not absorb all the demand for enslaved labourers and that there was an uneven decline in pawning in which the practice was "feminized," and continued with a preference for female pawns. Thus, pawning eased the transition from slave labour to free labour without a great loss of wealth or social prestige for many. Austin determines that enslaved labourers and pawns assisted in the initial adoption of cocoa farming, and "the income it generated greatly facilitated the freeing of labour – eventually for women pawns and slaves as well as their male counterparts," so that pawning was largely no longer practiced by the mid twentieth century.[82]

In "*I will not eat stone": a Women's History of Colonial Asante,* Jean Allman and Victoria Tashjian investigate the ability of subordinate women to resist repeated attempts by male authorities to claim control over their labour. Using oral history, Allman and Tashjian collect the life stories of Asante women and examine the different ways women responded to the economic, political and social changes created by the colonial state and cocoa cultivation and their attempts to assert independence.[83] While their research does not always differentiate

[82] Austin, *Land, Labour and Capital in Ghana*, .230-235, 445.
[83] Jean Allman, "Rounding up Spinsters: gender chaos and unmarried women in colonial Asante," *Journal of African History* 37 (1996); Jean Allman and Victoria B. Tashjian, *"I Will Not Eat Stone": A Women's History of Colonial Asante* (Portsmouth: Heinemann, 2000).

between free, enslaved or pawn women, their argument that pawning began to blur into other practices, like marriage and fatherhood, provides insight into the ways in which Africans attempted to find different ways of claiming control over the labour of junior dependents, particularly women and children, in the wake of abolition and expansion of cocoa farming.

Expanding on the discussion on the transition from slavery to pawning as Africans struggled to find alternative sources of unfree labour in the post-abolition period is Cati Coe. In her study, "How Debt Became Care: Child Pawning and its Transformations in Akuapem, the Gold Coast, 1874-1929," using the idioms of debt and reciprocity, Coe examines "what pawning became" among the Akuapem in the early twentieth century as people sought out similar practices, like pawning and fosterage, as replacements for slave labour. Coe determines that "a pawn did not become a slave, even though pawns might now provide some of the labour and access to capital that slaves previously had."[84] Using a variety of sources, including chiefly and colonial court records and Basel Mission sources, Coe examines the claims people made regarding adult-children/dependant relations, which, while similar in appearance, came with differing rights for the adults involved. For example, Coe demonstrates how Africans at times made differing interpretations of the same relationship; with one interpreting it as either one of three, fosterage, marriage, or fatherhood, and the other as pawning to gain the differing rights associated with each practice. As a result, Coe argues that the meanings of pawning, fatherhood and fosterage were reshaped during the colonial period as Africans re-interpreted these practices to their benefit in an attempt to secure access to labour and capital during cocoa cultivation. Her study determines that, in a broad sense, pawning became "debt relations with children, in which

[84] Cati Coe, "How Debt Became Care: Child Pawning and its Transformations in Akuapem, the Gold Coast, 1874-1929," *Africa* 82, no. 2 (2012): 287, doi: 10.1017/S000197201200006X.

care and maintenance of children gave adults rights to children's residence, labour and marriage payments" over a long period of time.[85]

The literature examined thus far speaks to a wide range of factors influencing the process of emancipation and the struggle of Africans to control the labour of the formerly enslaved and of other dependents. These factors have included gender, marriage, economic change, and pawning. Although some literature focuses solely on the initial post-abolition period (1874-1900), it provides insight into the early changes created by emancipation in 1874 and sets the stage for examining the longer lasting changes that continued into the twentieth century. My study helps build on this discussion on the transformations in the institution of pawning and the struggles to control the labour of the formerly enslaved. Further, my study will also contribute to a newer wave of historiography on the impact of colonial anti-slavery legislation in the Gold Coast and Africa more broadly. This recent wave discusses the struggles of Africans to maintain status distinctions in the early twentieth century as the maturing of the cocoa economy and widespread cocoa cultivation allowed for the closing of economic gaps, and the associated social prestige, between the free and unfree.

Historiography and Methodologies on the Legacy of Slavery in Ghana

The legacy of slavery in Africa has attracted the attention of many historians in recent years. That domestic slave ancestry continues to carry a social stigma in modern-day Ghana makes studying the legacy of slavery challenging. Families rarely openly acknowledge the servile origins of individuals within their family history and those who know of their own slave

[85] Coe, "How Debt Became Care," 305.

ancestry are reluctant to publicly admit to this knowledge.[86] This tightly guarded practice concerning slave ancestry is common in West Africa and has been well examined by Martin Klein, Sandra Greene, Bayo Holsey and Akosua Perbi. As a result, the discussion on internal slavery and slave trade in Africa and its legacy is largely restricted to academic circles.[87] However, that domestic slavery existed is widely known and is what Bayo Holsey has termed a "public secret."[88]

Not only is the existence of domestic slavery known, but most people would also be able to identify individuals in their community or even their family who are slave descendants. However, this knowledge is not discussed, and the public secrets are often kept by "the elderly descendants of slave owners because it is often only they who know the origins of individual members within the family."[89] There are several motivations for why knowledge of slave origins is so tightly guarded. One such motivations is that to publicly reveal information on the slave ancestry of an individual would be both insulting to the individual and violate "traditional, legal and social codes of behaviour."[90] The elderly family members refrain from sharing this information as a way to ensure family unity.[91] In Ghana, there is no set custom for how slavery is discussed between generations with some families choosing to withhold the information from slave descendants while others feel it is their responsibility to pass it on.

---

[86] Sandra E. Greene, *West African Narratives of Slavery: Texts From Late Nineteenth- and Early Twentieth-Century Ghana* (Bloomington: Indiana University Press, 2011), 139; Martin A. Klein, "Studying the History of Those Who Would Rather Forget: Oral History and the Experience of Slavery," *African Studies Association* 16 (1989): 211, doi:10.2307/3171785

[87] Bellagamba, Greene and Klein, *African Slaves, African Masters*, 2; Bayo Holsey, *Routes of Remembrance: Refashioning the Slave Trade in Ghana* (Chicago: The University of Chicago Press, 2008), 67-68.

[88] Holsey, *Routes of Remembrance*, 74.

[89] Ibid, 69-74; Greene, *West African Narratives of Slavery*, 139.

[90] Holsey, *Routes of Remembrance*, 69-79; Greene, *West African Narratives of Slavery*, 139.

[91] Klein, "Studying the History," 211.

In his chapter, "What's Wrong with Slavery," Kwame Anthony Appiah reflects on his upbringing in Asante and the silence surrounding slavery within his own family. As a child, he asked his father how they were related to one woman in the presence of others and his question was angrily brushed aside. Later, in private, his father revealed that "one should never inquire after people's ancestry in public" and that the woman in question was "the descendant of a family slave."[92] A fact that everyone in the family was aware of, but did not speak about, and which meant the woman had an inferior status within the family. Appiah reflects that his father had likely been trying to avoid embarrassing the woman by revealing her origins in public, and recounts how she was often treated by other people "in ways that reflected a conception of her as having an inferior status."[93]

Early to discover this reticence to discuss domestic slavery was Martin Klein in his 1989 study "Studying the History of Those Who Would Rather Forget: Oral History and the Experience of Slavery." He discovered during interviews on oral history/traditions that individuals of slave ancestry did not like to discuss their servile origins "even where the person's origins are well-known."[94] While focusing on Senegal, Klein and his research assistants noted that of the few individuals with slave ancestry they interviewed, former enslaved peoples and their descendants tried to hide their ancestry or denied knowledge of their ancestors. One man whose status relied on using his servile origins to his advantage made a loose admission to his slave ancestry through a grandparent who had been pawned.[95]

---

[92] Kwame Anthony Appiah, "What's Wrong with Slavery," in *Buying Freedom: The Ethics and Economics of Slave Redemption*, Kwame Anthony Appiah and Martin Bunzl (Princeton: Princeton University Press, 2007), 253.
[93] Appiah, "What's Wrong with Slavery," 254.
[94] Klein, "Studying the History," 211.
[95] Ibid.

Examining the legacy of slavery faces further challenges alongside the reluctance of Ghanaians to discuss domestic slavery. Enslaved individuals are largely found in the margins of both the oral historical record and written historical record, which contain their own silences regarding enslaved peoples. Klein noted the scarce information on enslaved individuals passed through oral traditions while conducting his interviews in Senegal in 1988. These oral traditions largely focus on leaders or rulers, with enslaved individuals mentioned as "followers, companions, or victims."[96] Most of Klein's information came from interviewing individuals on their life experiences, a method of research that has been used by several of the historians mentioned above.

There are two mutually reinforcing factors in the historical record that make examining the legacy of slavery challenging. We have the reluctance of informants to admit to slave ancestry intersecting with the written record and the reluctance of colonial officials to both enforce the emancipation laws and record information on slavery that would have been embarrassing to the colonial government. If or when they could even accurately identify enslaved individuals.[97] As a result of the silences in both the written and oral record, records on enslaved individuals in Africa are challenging to uncover and now more so as the best informants on slavery in the early twentieth century have long since passed away.

Overcoming these challenges, scholars have been able to turn to other written historical records to study the legacy of slavery. Using rare autobiographies and diaries of ex-enslaved individuals in Ghana, Sandra Greene examines the ways in which slavery in various periods has been remembered in collective consciousness and the specific narratives of slavery in these periods in *West African Narratives of Slavery: Texts from late nineteenth- and early twentieth*

[96] Ibid.
[97] Ibid, 213-214.

century Ghana. Using the diary of Paul Sands, an Afro-European of slave descent born in Keta in 1849, Greene investigates the late nineteenth-early twentieth century and examines how the children and grandchildren of former enslaved individuals perceived their social origins and how these origins influenced their life choices.[98]

Despite reaching a certain level of education and success as a merchant, Paul Sands' slave ancestry continued to be a source of anxiety for him and was an open secret that other Keta residents would not forget.[99] Sands went to great lengths in his diary to recount his family history, clarifying that he descended from a redeemed war captive, his mother's grandmother, and did not descend from an enslaved individual who was bought.[100] Greene suggests his anxiety over the stigma of his slave ancestry likely encouraged Sands into keeping the detailed account on his and family members slave ancestry as a way to inform his descendants of information that could be used against them. A fear likely encouraged by the fact that a free born member of his family had recently acquired a Keta chieftaincy position.[101] This was an anxiety that continued in Sands' family up to 1988 when Greene interviewed Sands descendants, who refused to discuss the family's history in fear that others would challenge their right to the chieftaincy position they continued to hold.[102]

Greene's analysis of Sands' diary suggests that individuals with slave ancestry at the end of the nineteenth century knew of their servile origins and this information was an open secret that Gold Coast society was not ready to set aside. Particularly in situations where the abolition of slavery had worked to create competition for "prestigious positions within their communities

---

[98] Greene, *West African Narratives of Slavery*, 139.
[99] Ibid, 141, 156-157.
[100] Ibid, 144-145.
[101] Ibid, 151, 156. The section discussing slave ancestry in the diary was written in Ewe. Greene believes this might have been an attempt to limit who could learn this information, as the rest of the diary was written in English.
[102] Ibid, 157.

from which their social origins would have previously excluded them."[103] Greene's study sheds light on slavery's legacy as one where slavery "continued to operate as in important institution, regulating social, economic, and political relations and identities."[104] This appears to hold true for both the period shortly after slavery had been abolished and for Sands' descendants in the late twentieth century.

Contributing to this conclusion with a twenty-first century lens, Appiah reflects how slavery remained relevant to the Asante society he was raised in, especially regarding status distinctions. He argues that the abolition of the legal status of slavery was not enough to remove its stigma and associated need for the silences surrounding it. Slavery remained hereditary, and those with slave ancestry continue to have "hereditary inferiority to free Asantes".[105] For example, Appiah describes how his father inherited responsibility of a village that belongs to his lineage. The village had been settled centuries before by an ancestor who placed numerous enslaved individuals there to develop a plantation. Now, those who live there continue go to Appiah's father to settle their disputes, bringing gifts of fruits and coffee, despite his father insisting they "no longer belonged to him."[106] Further, Appiah describes how a man who worked for his lineage always insisted to not be from the village because he could account for his origins, unlike those who were from there. Although slavery is not to be discussed, the slave origins of this village continue to be well known. These individuals are now Asantes, but Appiah reflects that "their ancestors were almost certainly not" and the "low status of these ancestors still

[103] Ibid, 156.
[104] Ibid, 141-142.
[105] Appiah, "What's Wrong with Slavery," 252.
[106] Ibid.

matters, then, generations after slavery has gone."[107] Appiah further argues that the "last work of emancipation" is to remove the stigma of slavery.[108]

Bayo Holsey provides a detailed analysis on the challenges in studying the legacy of slavery in modern-day Ghana and the "practice of silence" surrounding slavery. Her book, *Routes of Remembrance: Refashioning the Slave Trade in Ghana,* focuses predominately on how the Atlantic Slave Trade is remembered in Cape Coast and Elmina. During her interviews of informants, Holsey discovered that many individuals refused to discuss the topic of slavery at all: both domestic slavery and the Atlantic Slave Trade. She argues that this practice of silence around slavery developed due to the social divisions that emerged during the Atlantic Slave Trade between enslavers and their enslaved which saw "not only an emerging class of local merchant elites but also their increasing ownership of slaves and an attendant need to protect the coherence of these new families on the Atlantic littoral."[109] Reinforcing this practice of silence were laws that required the incorporation of the enslaved and outlawed the discussion of servile origins.[110]

Holsey discusses how this practice of silence continues into modern times, where descendants of the enslavers and the enslaved continue to live together, as family units, sometimes in the same household. She puts forward three reasons for "sequestering slavery" and continuing the practice of silence.[111] One reason, she argues, partially stems from the early post abolition period where the refusal to discuss holding enslaved individuals was due to the establishment of colonial rule and the implementation of anti-slavery legislation. Enslavers

[107] Ibid, 252-253.
[108] Ibid, 254.
[109] Holsey, *Routes of Remembrance*, 63.
[110] Ibid, 71-72.
[111] Ibid, 63.

developed the practice of claiming that "all the members of their households were their kin," to avoid prosecution, regardless of whether they had freed those they had enslaved.[112] In contemporary times, refusing to admit to their family's history of ownership over an enslaved person is a way to distance themselves from the moral dilemma of slavery, which can draw negative national and international attention.[113] The final reason, already mentioned, is to protect members of families who are descents of enslaved individuals from the social stigma of slavery, both within the public and within family relations and to protect the cohesiveness of the family unit.[114] Although Holsey's study focuses primarily on contemporary means for remembering the Atlantic Slave Trade and sequestering slavery, her findings are helpful to understanding the practice of silence surrounding slavery and how it developed in the early twentieth century.

The practice of silence has and continues to be the normal status quo among Ghanaians, save for exceptional circumstances. Both Holsey and Akosua Perbi have noted in what situations the practice of silence is abandoned. In her chapter, *The Legacy of Indigenous Slavery in Ghana*, Perbi provides a detailed examination of the different situations and why slave ancestry is an important factor in these exceptional circumstances. In particular, Perbi analyzes how slavery is seen in "Ghana's postcolonial documentary and oral traditions as an institution that existed in precolonial Ghana" and how slavery has been "brought up, affirmed, or challenged since its abolition" in courts and in conflicts among Ghanaians.[115] Using a large collection of sources from all over Ghana, Perbi argues that "the legacy of indigenous slavery manifests itself in four

[112] Ibid, 66-67.
[113] Ibid. Holsey argues that this practice allows for the potential "stigmatization of specific contemporary individuals who are members of the same families" but have slavery ancestry.
[114] Ibid, 69-79.
[115] Akosua Adoma Perbi, "The Legacy of Indigenous Slavery in Ghana," in *Slavery and its Legacy in Ghana and the Diaspora*, R. Shumway and T. Getz (London: Bloomsbury, 2017), 202.

major traditional areas, namely, traditional political office, land tenure, issues of inheritance, and in social affairs."[116]

Customary law continues to be recognized in Ghana, upholding certain rights and limitations regarding those with slave ancestry. The 1992 Constitution of Ghana recognized both common law and customary law; with each ethnic group holding its own rules and requirements for who is eligible to hold traditional political office based in customary law.[117] As a result of traditional political offices continuing to administer customary law, those of servile origin are restricted from holding a stool or skin, the traditional seat of leadership, save for "exceptional circumstances" where there is no "suitable or genuine successor."[118] The legacy of slavery in traditional social affairs arises in certain situations of social interaction. For example, funerals or marriages are situations where an individual's lineage may be discussed, particularly if they are perceived as having slave ancestry. Perbi argues that in these situations, "those who become haughty or too presumptuous and who have slave ancestry are likely to be reminded of it," sometimes with the individual being unaware of their own servile origins.[119] Here, the legacy of slavery leaves its trace in situations of perceived insult to traditional social norms.

Perbi argues that the legacy of slavery also manifests in courts in disputes over land tenure and inheritance. These disputes center around the question of who has "the right of ownership to the land."[120] During the court proceedings, one's history is used to determine their right to land. Questions like "'How did you come by this land?" ultimately work to reveal one's slave ancestry, which, often serves as a "disability" to the individual.[121] This is especially true

[116] Perbi, "The Legacy of Indigenous Slavery," 202.
[117] Ibid, 203.
[118] Ibid, 203-206.
[119] Ibid, 215.
[120] Ibid, 209.
[121] Ibid, 209-210.

concerning chiefly courts as they continue to administer customary law, which in most cases recognizes the right of the enslaver's descendants to the ownership of the land in dispute. Further, the chiefly courts continue to uphold the view "that a person of slave ancestry cannot inherit property," save for extreme circumstances.[122] The legacy of slavery continues to manifest within traditional institutions where customary law is upheld, which, as Perbi explains, is because traditional matters are "where the oral tradition of who a person is, is continuously affirmed."[123] Thereby suggesting that the legacy of slavery will continue to leave traces in traditional institutions as long as customary law continues to be recognized by Ghana's constitution.

Scholars have been attempting to overcome the challenges associated with studying the legacy of slavery in Africa and to spread the discussion on indigenous slavery and its legacy both within academia and outside of it. In West Africa, Emanuel Saboro, Damian Opata, Ugo Nwokehi, Kofi Anyidoho and Perbi have worked to find "memories of slavery" and share them with the public through "television programs, museum exhibitions, and public symposia."[124] Within the academic sphere, Alice Bellagamba, Sandra Greene and Martin Klein have organized a large, decade-long project to collect African sources on slavery and the slave trade with the goal of sharing knowledge of and access to these sources and the methodologies for analyzing them. The outcome of this project has been several conferences and four volumes of work which "expand the ways in which scholars' study African slavery."[125]

In particular, the recent volume, *African Slaves, African Masters: Politics, Memories, Social Life* explores how Africa's historical systems of slavery continue to influence modern

[122] Ibid, 210-213.
[123] Ibid, 216.
[124] Bellagamba, Greene and Klein, *African Slaves, African Masters*, 15.
[125] Ibid, 3-4.

contemporary forms of slavery and the "enduring political, economic, and cultural consequences" of slavery today.[126] The volume examines, among other topics, the ways in which those with slave ancestry still face discrimination since legal abolition, the relationships between the former enslaved and enslavers, the ways in which enslavers attempted to maintain their privileges and the success of their attempts, and how the attitudes of the descendants of enslavers and traders have influenced the lives of descendants of former enslaved peoples.

My dual focus aims to bring what has largely been two separate fields of historiography, the slow death of slavery and subsequent transformations of pawning, and slavery's legacies in society and law, into one study. As such, I hope to provide a more comprehensive understanding of slavery, what it became in the early twentieth century and its impact, by expanding to include a discussion on slavery's silences during this period. While my findings on the transformations of pawning produce similar results to that of Austin, and Allman and Tashjian, I focus on the specific region of Akuapem versus that of Asante, and on the changes in pawning itself rather than the changes in gender relations and the exploitation of women. Understanding the ways in which slavery and pawning persisted in the face of legal status abolition is necessary to examining why slavery continued to be recognized and upheld in Gold Coast customary law and society.

Further, the silences surrounding slavery in the post abolition has received less historical consideration, with no studies done on Akuapem within the early twentieth century. I therefore am making a key contribution to the historiographical discussion on slavery's silences by focusing on Akuapem, during a window within colonial period where we can find the first and second generation of slave descendants. By combining these two aspects of historiography, I am

[126] Ibid, 2.

contributing to the conversation on the long-term impacts of legal status abolition and what slavery became, and how (or if) it influenced the ways in which Africans attempted to retain or reject the social and legal inequalities slavery created.

Chapter Outline

Chapter One sets up the context for 1900-1930 and the changes created by the implementation of colonial rule and the process of emancipation. It begins by providing insight into the pre-colonial history of Akuapem, detailing the main ethnic groups and social hierarchies that made up the kingdom. I then explore slavery in pre-colonial society, discussing the position of enslaved individuals in households and the rights and obligations between enslavers and enslaved. The chapter then explores the rise of cocoa cultivation in the Gold Coast and the role the Akuapem held in creating and expanding the cocoa export industry during this period. I then discuss the structure of the colonial regime, paying close attention to jurisdiction and administration of the courts and indirect rule policies. This chapter aims to set up the broad context of the early twentieth century for subsequent chapters' analysis on the colonial approach to abolition, the transformations undergone by pawning and the legacy of slavery.

Chapter Two addresses the British governments anti-slavery legislation and international anti-slavery groups attitudes to abolition and slavery. I examine the British colonial government's perceptions on what slavery was and how the abolition process was based on this belief system. Using the Anti-Slavery and Aborigines Protection Society's periodical "Anti-Slavery Reporter and Aborigines' Friend"**,** the chapter then explores how this Anti-Slavery Society influenced both British and international approaches to eradicating slavery from 1900-1930. Further, using the League of Nation Archives and other secondary sources, I address how

the British, through Sir Frederick Lugard, influenced the League's investigations into the question of slavery during the 1920s and the subsequent Slavery Convention in 1926. The chapter then explores how the League's investigations directly influenced the Gold Coast colonial anti-slavery legislation in the late 1920s and discusses how the League's and Britain's approaches to abolition did not fully eradicate slavery or its legacies in this period.

Chapter Three examines a transition from slavery to pawning in Akuapem between 1900-1930 where the system of pawning underwent several transformations. Using notes from the Public Records and Archives Administration Department (PRAAD) and Eastern Regional Archives in Ghana, I examine contestations over people and land as individuals tried to gain rights to both. Examining court records allows me to extract the types of claims people were making to/over one another. The analysis in this chapter reveals that in a post-abolition era where slavery was no longer a viable source for labour and where land was becoming increasingly valuable due to cocoa exportation, that traditional customs and reciprocal family relations began to be reshaped, blurring between slavery, marriage, and wage labour.

Chapter Four examines the legacy of slavery in Akuapem in this post-abolition period where the first- and second-generation of descendants of enslaved individuals navigated the changes brought on by colonial rule. I address why slave ancestry continued to carry a stigma, even as other forms of bonded labour were used, and how this stigma influenced formerly enslaved individuals' positions within Gold Coast society and law. This chapter uses notes from the previously mentioned Ghanaian Archives to look into the power struggles between enslavers and enslaved and their descendants to retain pre-abolition social hierarchies and for control over people and land. I then diverge from Akuapem to focus on a prominent enslaved-holding Afro-European family in Cape Coast, the de Graft Johnsons, using records from the PRAAD in

Ghana. This brief divergence examines a key succession dispute at the end of this period between a freeborn son and a slave-descendant son that resulted in the British colonial regime in the Gold Coast ruling that the abolition of the legal status of slavery did not nullify the rights of enslaved peoples and their descendants in customary law.

Chapter One: The Slavery, Political and Economic Transformations in Early Twentieth Century Akuapem

At the turn of the twentieth century, a quarter-century of colonial rule had brought long lasting changes to the legal, economic, and social circumstances within the Gold Coast. This chapter discusses the context for some of these changes to provide the necessary background for the empirical discussion that follows. Historical context on Akuapem and slavery's role in society, the rise of cocoa cultivation and the colonial government's administrative policies in the Gold Coast are the major themes discussed in this chapter. They are significant to the overall landscape of slavery and its legacy and of pawning and its transformations. Examining the colonial government's administrative choices and jurisdictional structure helps to set the stage for the discussion in Chapter Two on the British colonial government's narrow perception of slavery in the Gold Coast and their subsequent passive approach to its abolition. The discussion on cocoa cultivation provides an understanding on the changes in access to labour and the rising importance of land ownership necessary to analyze the transformations in pawning and marriage examined in Chapter Three. Discussing how slavery fit into Akuapem society further sets the stage for examining how the legacy of slavery manifested in Gold Coast society and law from 1900-1930, specifically in terms of social interactions revolving around insults and in regard to the codifying of customary law in matters of inheritance and succession.

A Brief Akuapem History

The Akuapem kingdom is in what comprises south-eastern Ghana today, 30 miles from Accra and consists of 17 main towns.[1] The kingdom was established in 1731 after incoming immigrant settlers established their rule through conquest over indigenous groups in the area.[2] The Akuapem kingdom was organized by the settlers following an Akan military type state-formation with a paramountcy/Omanhene as the head of the state and was mainly organized following the settler and indigenous ethnic groups.[3] The kingdom's political structure was based on the ethnic division of communities, which, contributed to what Michelle Gilbert has termed a "structurally fragile kingdom," that was long rife with internal political conflict.[4] The central powers, the Omanhene and his council, repeatedly attempted to restrict the authority of the indigenous Guan people, several towns threatened to secede from the kingdom and, further, there was conflict within the matrilineal royal line for succession to the stool in the early twentieth century.[5] The stool, as in some other areas of West Africa, was the most significant symbol of authority for chieftaincy and one could not be the head of a kingdom, office, or village without

[1] Cati Coe, "How Debt Became Care: Child Pawning and its Transformations in Akuapem, the Gold Coast, 1874-1929," *Africa* 82, no. 2 (2012): 288, doi:10.1017/S000197201200006X; Michelle Gilbert, "'No Condition is Permanent': Ethnic Construction and the Use of History in Akuapem," *Africa* 67, no.4 (1997): 501, doi:10.2307/1161106; Ebenezer Ayesu, "Tradition and Change in the History of Akuapem (Ghana) Chieftaincy During British Colonial Rule, 1874-1957" (PhD diss., Indiana University, 2011), 17, Indiana University ProQuest Dissertations Publishing (3488014).

[2] Michelle Gilbert, "The Cimmerian Darkness of Intrigue: Queen Mothers, Christianity and Truth in Akuapem History," *Journal of Religion in Africa* 23, no. 1 (1993): 4; Kumi Ansah-Koi, "Dancing to the Tunes of Modernity and Change: Akuapem's Litigating Chiefs, Contested History and the Politics of Ethnic/State Construction in Ghana," in *Chieftaincy in Ghana: Culture, Governance and Development*, Irene K. Odotei and A.K. Awedoba (Legon: Sub-Saharan Publishers, 2006), 512-513; Ayesu, "Tradition and Change," 17.

[3] Peter Haenger explains that the term Okuapemhene (Akuapem-hene/Akuapem Chief) is often used when refering to the precolonial period. The term "Omanhene" was coined in 1881 by missionary J.G. Chistaller to mean "King or Chief of a nation, town or village." It became commonly used by the beginning of the twentieth century to refer to the king ("oman") of an Akan state. See Peter Haenger, *Slaves and Slave Holders on the Gold Coast: Towards an Understanding of Social Bondage in West Africa* (Basel: P. Schlettwein Publishing, 2000),24. Ansah-Koi, "Dancing to the Tunes," 513; Gilbert, "'No Condition," 501; Polly Hill, "The Migrant Cocoa Farmers of Southern Ghana," *Africa: Journal of the International African Institute* 3, no.3 (1961): 229.

[4] Gilbert, "No Condition," 504.

[5] *Ibid*., Gilbert, "The Crimmerian Darkness," 4-5; Haenger, *Slaves and Slave Holders*, 25.

first claiming the right to the stool.[6] The arrival of the British in the area around 1850 and the implementation of colonial rule in 1874 froze the political structure of the Akuapem kingdom on its precolonial foundations.[7]

Social organisation among both the settler and indigenous groups followed the lineage system, which formed a corporate group "composed of people who recognise descent from a known common ancestor."[8] The corporate unit, the lineage or the house was important for purposes like "land tenure, funerals, inheritance and any sort of 'trouble', including debt, arrest by the police, help in school fees or finding employment."[9] An elder member of the family was the lineage head and was responsible for both looking after the lineage property and ensuring the property was used in a way that benefitted the lineage itself. The lineage arranged funerals for their members, covered its costs, and then chose the deceased member's inheritor.[10] Households were composed of more than the nuclear family and included extended family members as well as enslaved dependants and servants.[11] Broader social hierarchy in the Gold Coast was such that every person, both the free and unfree, was in an unequal dependency relationship with another of a higher status: enslaved and enslavers, children and parents, junior dependents and the head of the lineage/elders, and even a chief and his subjects.[12]

---

[6] Akosua Adoma Perbi, *A History of Indigenous Slavery in Ghana: from the 15th to the 19th Century* (Legon: Sub-Saharan Publishers, 2004), 94; "Stool," Oxford English Dictionary, accessed September 24 2023, stool, n. meanings, etymology and more | Oxford English Dictionary (oed.com); Naaborko Sackeyfio-Lenoch, *The Politics of Chieftaincy: Authority and Property in Colonial Ghana, 1920-1950* (Rochester: The University of Rochester Press, 2014), 126-127. The stool was also closely connected to land ownership. Stool land was understood to be the "ancestral property attached to the stool" and the "general land of the state over which a chief exercised paramountcy."

[7] Gilbert, "No Condition," 504; Haenger, *Slaves and Slave Holders*, 26.

[8] David Brokensha, "Society," in *Akwapim Handbook*, David Brokensha (Tema: Ghana Publishing Corporation, 1972), 78; Coe, "How Debt Became Care," 289.

[9] Brokensha, "Society," 78.

[10] Brokensha, "Society," 78; Coe, "How Debt Became Care," 289.

[11] Perbi, *Indigenous Slavery*, 112.

[12] Kwame Anthony Appiah, "What's Wrong with Slavery," in *Buying Freedom: The Ethics and Economics of Slave Redemption*, Kwame Anthony Appiah and Martin Bunzl (Princeton: Princeton University Press, 2007), 250-252; Haenger, *Slaves and Slave Holders*, 30.

In theory, Akuapem was composed of two distinct systems of inheritance. Typically, inheritance in patrilineal systems saw a deceased man's successor to be his younger brother's son and in matrilineal systems, the successor was a "man's sister's son."[13] However, in practice, inheritance systems were often more complex in Akuapem as the matrilineal/patrilineal devise broke down along the settler and indigenous groups as they inter-married. Coe suggests this complexity may have been due to the Akan and Guan peoples living in close proximity for so long that "families were not strictly patrilineal or matrilineal but also acknowledged ties to other parent's family."[14] David Brokensha suggests that "it would perhaps be better not to think of 'systems' being either patrilineal or matrilineal, but of using 'double descent,' with a strong emphasis on one side or the other."[15] When land was increasingly commercialized in the early twentieth century, the consequences of two theoretically opposing, but often overlapping systems of inheritance, become clear when we examine numerous conflicts over inheritance and land tenure in this period, often between members of the same lineage.

Additionally, Akuapem also included smaller communities of strangers, including settlers, refugees, and deserters from neighbouring states in what comprises modern day Ghana. These strangers were absorbed to varying degrees, with some strangers holding slave status or descent like the former war captives or enslaved individuals from the Northern Territories and further inland.[16] In addition, Basel Mission stations operated within Akuapem from the 1830s and offered a place to live for former enslaved individuals and refugees. The missionaries offered a Western education and labour opportunities building their schools, churches, and farms

[13] Coe, "How Debt Became Care," 289.
[14] Ibid, 289-290.
[15] Brokensha, "Society," 78. There are, what Brokensha terms, "aberrations" in Akuapem systems where the patrilineal Guan allow children to inherit from their mothers or the matrilineal Akan allow sons to inherit from their fathers (often in the form of a gift).
[16] Ibid, 76; Gilbert, "No Condition," 504; Ansah-Koi, "Dancing to the Tunes," 513, 523.

to their converts, which included some freeborn members as well.[17] Many of these strangers participated in the widespread cocoa boom as farmers in their own right or as labourers for farmers.[18] The slave ancestry of individuals was not something that was openly discussed due to the stigma of slave status and ancestry carried. Outside of lineages where elders remember the servile origins of their members, the practice of silence regarding enslaved descent was followed and in Akan customary law, it was forbidden to publicly disclose the origins of another.[19]

Slavery and Pre-Colonial Society

Enslaved people in pre-colonial Ghana were kinless outsiders who were gradually incorporated into their enslaver's kin group through fictive kin-ties. As social organisation was composed through a corporate unit, lineage, or household, enslaved individuals, those newly acquired and their descendants, belonged in the household. There were two categories of enslaved individuals in precolonial Ghana. One category was first generation bought enslaved people who were typically of different ethnic origins, usually from the north, and experienced limited integration into the household. These enslaved individuals were called "*nnonkofo*" (singular, *odonko/donko*).[20] Northern enslaved peoples typically stood out more due to their cultural and linguistic differences as many had ritual scars that were customary to their area of origin and had limited knowledge of the language of their enslaver.[21] The second category

[17] Coe, "How Debt Became Care," 292; Haenger, *Slaves and Slave Holders*, 15-24.
[18] Polly Hill, "The Migration of Cocoa Farmers, 1890-1914," in *Akwapim Handbook*, David Brokensha (Tema: Ghana Publishing Corporation, 1972), 73; Inez Sutton, "Labour in Commercial Agriculture in Ghana in the Late Nineteenth and Early Twentieth Century," *The Journal of African History* 24, no. 4 (1983): 478, doi:10.1017/S0021853700028000.
[19] Perbi, *Indigenous Slavery*, 124.
[20] Haenger, *Slaves and Slave Holders*, 29; Appiah, "What's Wrong with Slavery," 250-251; Gareth Austin, *Land, Labour and Capital in Ghana: From Slavery to Free Labour in Asante, 1807-1956* (Rochester: The University of Rochester Press, 2005), 115.
[21] Austin, *Land, Labour and Capital in Ghana*, 115.

contained the house born enslaved dependants and their descendants who typically experienced greater and more varied degrees of integration into the family. These enslaved individuals were often called "domestic slaves" or *Nkoa* (singular, *Akoa*), which could also be used to refer to a unenslaved free-born servant or a subject.[22]

Both categories of enslaved individuals still held an unequal social status to those in their lineage and carried the stigma of their status. The motivation for buying and retaining enslaved dependants was not solely economic, as wealth and political prestige came from the number of dependents one or their family had and the services they could call upon.[23] Enslaved individuals and their descendants could therefore expect certain rights and privileges as fictive kin members that ensured they were generally well treated and maintained the balance of power between enslavers and the enslaved. Over several generations, enslaved dependants were integrated into their enslaver's lineage and could become members of the family through adoption and marriage.[24]

Akosua Perbi explains that customary law in pre-colonial Gold Coast allowed that "the stranger was a member of the family of the person with whom he lodged, or of the family of his landlord or of the family to which he voluntarily attached himself upon giving drink to the head and the elders of the family."[25] If they did not seek attachment through adoption, then the stranger came to belong to the family they married into and "it was by reason of this customary law that slaves became members of their owners' families."[26] The slave origins of those born

[22] Haenger, *Slaves and Slave Holders*, 29-30; Appiah, "What's Wrong with Slavery," 250-251; Memorandum on the Vestiges of Slavery in the Gold Coast, October 1927, Public Records and Archives Administration Department (PRAAD), ADM 11/1/975.
[23] Haenger, *Slaves and Slave Holders*, 29; Appiah, "What's Wrong with Slavery," 250-251; Memorandum on the Vestiges of Slavery in the Gold Coast, October 1927, PRAAD, ADM 11/1/975.
[24] Perbi, *Indigenous Slavery*, 112-114.
[25] Ibid, 112.
[26] Ibid.

into the family were never forgotten by the head of the family. Despite receiving a type of fictive membership into the family and achieving near complete integration over three or four generations, the descendants of enslaved individuals did not hold equal status to freeborn members and generally continued to perform functions associated with enslaved peoples like agriculture or trade labour or political and military functions.[27]

Enslavers had the responsibility of sustaining the enslaved individuals they kept in bondage. Slavery, thereby, functioned as a system that offered some protection and security to kinless enslaved individuals. While slavery in the Gold Coast also functioned as a system of oppression and imposed dependency, customary law and social norms did uphold that enslaved individuals were generally well treated and taken care of.[28] That being said, the treatment of enslaved individuals depended on the enslaver and household and did not always meet the ideal set by customary law. Perbi has explained that there was a "system of checks and balances in pre-colonial Ghana with respect to slave treatment."[29] Enslaved individuals could have lived in the same house as their enslavers or lived in separate quarters if their enslavers were wealthy or royalty.[30] In addition, as fictive kin members of a household, enslaved dependants had the right to be fed, clothed, and provided with shelter by their enslavers. They had the right to their own independent income and the right to marry but were expected to make themselves available to their enslaver who demanded "complete obedience" and they could be disciplined when required.[31] While it was expected that enslaved individuals were to be treated politely by

[27] Ibid, 113; Appiah, "What's Wrong with Slavery," 250-252.
[28] Perbi, *Indigenous Slavery*, 116; Haenger, *Slaves and Slave Holders*, 171.
[29] Perbi, *Indigenous Slavery*, 118.
[30] Ibid, 115.
[31] Ibid, 118, 123-124.

everyone, their slave status was never forgotten, and they were not supposed to act above their social standing or "mix too freely with free men and women."[32]

Enslaved people generally performed the same tasks as freeborn family members but were expected to work harder and work 2-3 days a week for their enslavers. Those who experienced a greater degree of incorporation into the household could participate in family meetings and decisions on household affairs.[33] Enslaved individuals were permanent junior dependants to their enslavers. Therefore, enslavers were expected to pay the debts of their enslaved dependants, who, in exchange, were not allowed to undertake any independent decisions or endeavours without consulting their enslavers.[34] Enslaved individuals had the right to purchase personal property and in specific circumstances in customary law, they could inherit personal or family property from their enslaver or have their enslaver choose to give them properties. However, an enslaved individual's personally acquired property did not pass on to their descendants but instead reverted to their enslaver and their household.[35] The rights and privileges of enslaved individuals were not static or all encompassing; social movement and incorporation into the household and subsequent treatment depended on the agency of the individual enslaved and the enslaver and their household.

Expansion of Cocoa Cultivation and Land Commercialization

Cash crop cultivation in the Gold Coast first began in the nineteenth century. As it expanded into the early twentieth century, particularly in the case of cocoa cultivation, it served as a motor that drove a growing demand for labour at a time when slavery had not been fully

[32] Ibid 118, 130.
[33] Ibid, 124; Appiah, "What's Wrong with Slavery," 252; Haenger, *Slaves and Slave Holders*, 50.
[34] Perbi, *Indigenous Slavery*, 124.
[35] Ibid, 123-126, 130.

eradicated. As a result, the expansion of cash crop cultivation led to an increased demand for both free and unfree labour. The Akan forest zone became the centre of cash crop production for commodities such as kola nuts, palm oil, rubber and later cocoa.[36] Cultivation of kola nuts and palm oil began in the early nineteenth century and were increasingly produced in the 1870s and 1880s.[37] Rubber cultivation also began in this period, and expanded in the 1890s.[38] Palm oil required vast investments of labour, in land clearance, cultivating the crops, processing them for sale and transporting them to the coast.[39] Agricultural labour had always been done through family labour, as was the case for palm oil and rubber cultivation. To meet the high labour demand required by surplus commercial production, farmers and traders acquired extra supplemental labour from pawns and enslaved individuals as both producers and porters.[40]

The Akan forest zone, located in the southern regions of Asante and the Gold Coast, was an area with ready access to slave trade routes during the nineteenth century.[41] Palm oil was largely cultivated on plantations held by chiefs or wealthy men who used enslaved labour.[42] During a brief rubber boom in the 1890s, some of the Akuapem took their experience in cash

---

[36] Paul E. Lovejoy, "Kola in the History of West Africa," *Cahiers d'Études Africaines* 20 (1980): 114; Kwame Arhin, "The Ashanti Rubber Trade with the Gold Coast in the Eighteen-Nineties," *Journal of the International African Institute* 42 (1972): 33; Jean Allman and Victoria B. Tashjian, *"I Will Not Eat Stone": A Women's History of Colonial Asante* (Portsmouth: Heinemann, 2000), 7-8.

[37] Lovejoy, "Kola," 124; Raymond Dummet and Marion Johnson, "Britain and the Suppression of Slavery in the Gold Coast Colony, Ashanti, and the Northern Territories," in *The End of Slavery in Africa*, S. Miers and R. Roberts (Madison: University of Wisconsin Press, 1988), 80.

[38] Allman and Tashjian, *"I Will Not Eat Stone",* 8.

[39] Ibid; Trevor R. Getz, *Slavery and Reform in West Africa: Toward Emancipation in Nineteenth-Century Senegal and the Gold Coast* (Athens: Ohio University Press, 2004), 38-39.

[40] Kwabena O. Akurang-Parry, "'The Loads are Heavier than Usual'": Forced Labour by Women and Children in the Central Province, Gold Coast (Colonial Ghana), CA. 1900-1940," *African Economic History* 30 (2002): 32. Sutton, "Labour in Commercial Agriculture," 463,465-466,470. Sutton noted that when this additional labour was needed for rubber cultivation, it was also drawn from migrant labourers.

[41] Beverly Grier, "Pawns, Porters, and Petty Traders: Women in the Transition to Cash Crop Agriculture in Colonial Ghana," in *Pawnship, Slavery, and Colonialism in Africa*, T. Falola and P Lovejoy (Trenton: Africa World Press, 2003), 163.

[42] Sutton, "Labour in Commercial Agriculture," 476-470; Coe, "How Debt Became Care," 290; Marion Johnson, "The Migration," in *Akwapim Handbook*, David Brokensha (Tema: Ghana Publishing Corporation, 1972), 60-61. Sutton explains that the term "plantation" refers to "large farms or enterprises employing extra labour."

crop cultivation from palm oil production and began participating in the wild rubber trade as both collectors and/or traders. Rubber trade was not as labour intensive as palm oil cultivation, so rubber could be tapped on a more irregular basis by individuals or by their enslaved dependants and pawns redeployed from their previous palm oil activities.[43] Their participation in these two cash crop trades and the subsequent demands of the global market, prepared the people of Akuapem for their participation in cocoa cultivation and export and generated the capital to purchase land for cocoa farms.[44]

Cocoa was not native to Ghana. It was introduced by migrant labourer Tete Quarshie in the late 1870s, who brought cocoa seeds back from Fernando Po and planted the first cocoa farm in the Gold Coast.[45] Quarshie was a tradesman (from Accra) who was trained as a blacksmith by the Basel Mission and travelled to colonies for work, including the Spanish-held island of Fernando Po where he first encountered the cocoa tree.[46] Gold Coast farmers adopted cocoa cultivation only gradually, owing to the time it took the trees to reach the fruit-bearing stage and the resulting delayed return on the investment required in both land and labor.[47] Cocoa trees were ideal for production in the forest zone because they grew best in a mixed-farming environment, rather than plantation style, where they were surrounded by other plants that provided the necessary shade and retained moisture during the initial three-five year growth period.[48]

---

[43] Sutton, "Labour in Commercial Agriculture," 470.
[44] Sutton, "Labour in Commercial Agriculture," .469-471; Hill, "The Migration of Cocoa Farmers," 70; John Parker, *Making the Town: Ga State and Society in Early Colonial Accra* (Portsmouth: Heinemann, 2000), 121.
[45] Parker, *Making the Town*, 34; Hill, "The Migrant," 209; Claire Robertson, *Sharing the Same Bowl: A Socioeconomic History of Women and Class in Accra, Ghana* (Bloomington: Indiana University Press, 1984), 31.
[46] Parker, *Making the Town*, 34; Carol Off, *Bitter Chocolate: Investigation of the Dark Side of the World's Most Seductive Sweet* (Toronto: Random House, 2006), 96.
[47] Gareth Austin, "Labour and Land in Ghana, 1874-1939: A Shifting Ration and an Institutional Revolution," *Australian Economic History Review* 47 (2007): 106-7; Grier, "Pawns, Porters, and Petty Traders," 163; Getz, *Slavery and Reform*, 131.
[48] Off, *Bitter Chocolate*, 96-97.

Motivation for cocoa planting corresponded to rising cocoa prices in the early 1890s with cocoa being regularly exported in 1891 and increased cocoa production by 1893.[49] International demand for chocolate and cocoa beans already existed in the 1890s and was largely met by cocoa plantations in Latin America and the Portuguese colonies of Príncipe and São Tomé.[50] However, by the turn of the twentieth century, these plantations were ridden with diseases that reduced cocoa production to a level that could not meet the international demand, and, in addition, anti-slavery societies were protesting the slavery-like conditions on Portuguese colonies. As a result, major chocolate manufactures began to turn to the Gold Coast, such as Cadbury who began trading for cocoa in the colony in 1907.[51] In addition, palm oil cultivation and export continued in the 1890s and well into the twentieth century as it offered a source of income for farmers while cocoa farms matured, but exports continued to decline as cultivation of cocoa spread[52]. The Akuapem were among the first to show interest in the potential commercial opportunities of cocoa cultivation and the Gold Coast became the largest cocoa exporter in the world in 1911, thirty years after cultivation began.[53]

---

[49] Getz, *Slavery and Reform*, 131; Austin, "Labour and Land," 106. Roger J. Southall, "Polarisation and Dependence in the Gold Coast Cocoa Trade 1890-1938," *Transactions of the Historical Society of Ghana* 16, no.1 (1975): 95. Cocoa was first exported commercially in 1891 by the Basel Mission Trading Company to Germany and by a few years later, due to the market demand for cocoa, three British trading firms became involved in cocoa exporting from the Gold Coast alongside the German West Africa Trading Company.

[50] Off, *Bitter Chocolate*, 97-98.

[51] Southall, "Polarisation and Dependence," 95; Off, *Bitter Chocolate*, 97; "Treatment of Natives in Portuguese Africa," *The Anti-Slavery Reporter* 20, no. 5 (11, 1900): 161-163. Treatment of Natives in Portuguese Africa. - ProQuest. The Anti-Slavery Report, which published the views of the British and Foreign Anti -Slavery Society, perceived the "engagé system," which brought labourers to the islands of São Tomé and Príncipe as "practically slave trading."

[52] Austin, *Land, Labour and Capital in Ghana*, 62-63; Sutton, "Labour in Commercial Agriculture," 467. In the early twentieth century, palm oil exports were around 10,000 tons annually but by the 1930s, they declined to roughly one thousand tons.

[53] Hill, "The Migration of Cocoa Farmers," 69

The creation of the cocoa export industry was due to the migration of southern Gold Coast cocoa farmers, including the Akuapem.[54] The Akuapem first became interested in cocoa, as well as coffee cultivation, in the early 1890s, however, most lacked access to "sufficient land for their cultivation."[55] Initially, the Akuapem farmers migrated north and west of the Akuapem ridge, and later, in the mid-1890's, farmers began to migrate further west into parts of Akyem Abuakwa as the southern forests there were largely uncultivated. The Akuapem farmers participation in the cash crop economy as producers or traders of palm oil and rubber enabled them to raise the capital to purchase land.[56]

Land in the Gold Coast was understood to have "three aspects: the earth itself; the usufruct, or rights of occupation; and the features on the land – crops, trees, and houses – that were separate from the earth itself."[57] Land was owned by stools, first and foremost, and then families and individuals. Chiefs only sold land with the consent of elders and councillors, and while they did not own all the land, they did have rights to land's three aspects. In the mid 1890's, the Akuapem bought forest land from Akyem Abuakwa chiefs and elders who were more than willing to agree to outright sell land to strangers for cash to alleviate their own debt, to pay colonial taxes, or to acquire cash to make investments of their own.[58]

As the cash economy grew through cocoa cultivation, more Akuapem farmers joined in the opportunity to purchase land in the Akyem Abuakwa district. Polly Hill found that there were

---

[54] Polly Hill, *The Migrant Cocoa-Farmers of Southern Ghana: A Study in Rural Capitalism* (Cambridge University Press, 1963), 1.
[55] Hill, *The Migrant Cocoa-Farmers*, 15.
[56] Ibid.; Sutton, "Labour in Commercial Agriculture," 470; Brokensha, "Society," 62.
[57] Naaborko Sackeyfio-Lenoch, *The Politics of Chieftaincy: Authority and Property in Colonial Ghana, 1920-1950* (Rochester: The University of Rochester Press, 2014), 126.
[58] Sackeyfio-Lenoch, *Politics of Chieftaincy*, 128-129; Hill, *The Migrant Cocoa-Farmers*, 15, 139, 142-143. The chiefs and elders used their traditional right "to relieve 'public indebtedness' by selling public lands." The causes of this public debt were usually incurred by the chief/stool itself, and included stool debt, costs of funerals for deceased chiefs, or costs of stool land litigation in the Supreme Court.

two principal mechanisms people used to get their hands on resources to acquire land after 1900 as a market in land developed and a "scramble for land" occurred.[59] These two mechanisms enabled individual farmers, who alone did not have sufficient resources, to group together to purchase land when it was sold for the first time. Land was rarely ever initially sold by an individual at this time as the chiefs held the right to sell stool land.[60] The migration of cocoa farmers and spread of cocoa cultivation was further stimulated in the 1920s by the introduction and expansion of railways and roads. This colonial-built infrastructure allowed cocoa farmers to travel further than previously possible on foot using lorries, cars, or trains, and by 1922-23, 83% of all cocoa exports were transported by train.[61]

In the early stages of cocoa production, cultivation initially relied on family labour to establish farms. Within the family unit, there was typically a sexual division of agricultural labour with the husband responsible for clearing the land through cutting and burning, while wives planted the food crops (like cocoyam, cassava and plantain) and weeded. Although, in practice men often helped with the weeding and worked alongside their wives.[62] This division of labour extended to commercial agriculture, in this case, cocoa cultivation.[63] The man continued to clear the land and planted the cocoa, while his wife (or wives) helped to plant the food crops, which served as the shade crops to protect the cocoa.[64] In addition, in this early stage, free

---

[59] Hill, *The Migrant Cocoa-Farmers*, 16, 49.
[60] Ibid, 38.
[61] Hill, "The Migration of Cocoa Farmers," 73; Allman and Tashjian, *"I Will Not Eat Stone,"* 9-10; Austin, "Labour and Land," 101-103. Austin notes that the railways were originally built for the benefit of European owned mines and not African cash crop production, but nonetheless, helped to expand cocoa farming in the Colony and Asante.
[62] Austin, *Land, Labour and Capital in Ghana*, 309; Anne Klingelhofer, "Agriculture," in *Akwapim Handbook*, David Brokensha (Tema: Ghana Publishing Corporation, 1972), 132.
[63] Sutton, "Labour in Commercial Agriculture," 466; Austin, *Land, Labour and Capital in Ghana*, 304-305, 317. Although Austin's study focuses on the Asante, his findings on the types of labour used on cocoa farms help provide insight into Akuapem family labour. Where Sutton notes that family labour was the primary source of agriculture labour, she does not delve into specifics on how the division of labour functioned regarding cocoa farms.
[64] Austin, *Land, Labour and Capital in Ghana*, 306-311. Austin notes that as there were some female cocoa farm owners, it is sometimes more appropriate to refer to a farmer's spouse as helping to provide labour on a cocoa farm.

children began to be called upon by their fathers or uncles to meet some of the labour demands that had previously been filled by the unfree labour of enslaved individuals or pawns.[65] Although, as cocoa cultivation was less labour intensive than palm oil production, the demand for additional labour in the early stages of cocoa production was not as high as it had been for palm oil.

As global demand for cocoa increased, Akuapem farmers expanded their cultivation and the demand for labor reached a level which could not be fulfilled by family labour alone. Since the labour of enslaved individuals and pawns no longer served as a legal option to meet labour demands, and with easier access to capital due to participation in the global cash economy, the high competition for labour encouraged the emergence of wage labour systems.[66] Various forms of hired labour were used for cocoa farming in the Gold Coast. The most common was the *abusa* labour system, which was often used by Akuapem farmers in the period leading up to the First World War. The *abusa* labourer was often a relative of the farmer who was hired to help establish new farms and received a third of the crop as his payment.[67] The second long-term hired labour commonly employed in Akuapem by the 1910s was the annual labourer who worked for a fixed wage and was provided with accommodations, food, and clothing.[68]

By the 1910s, most hired labour was filled by seasonal migrant labourers, with the majority of these short-term wage labourers coming from the Northern Territories and further inland areas.[69] During the First World War, there was a decrease of migrant wage labourers to

---

[65] Ibid, 311-313.
[66] Sutton, "Labour in Commercial Agriculture," 465-466.
[67] Ibid, 472-473.
[68] Ibid, 473-476. Once farms were established, short term wage labourers were contracted for seasonal needs like harvesting, weeding, or carrying the cocoa. Among these seasonal short-term labour systems was the *nkotokuano* labourer who could be hired for a variety of tasks (harvesting, drying, weeding or carrying cocoa), daily labourers or contract labourers hired for specific tasks with payments being agreed upon in advance.
[69] Ibid, 470; Austin, *Land, Labour and Capital in Ghana*, 316.

the cocoa-growing forest zone, but the migration increased again in 1919 and was further facilitated in the 1920s by the extension of roads and railways further inland.[70] Again, these hired labour systems did not replace family labour, but provided supplemental labour that had previously been drawn from enslaved individuals and pawns.[71] This meant that there was no clear point where unfree forms of labour were replaced by free wage labour, but instead a gradual transition where both bonded labour and wage labour were used to meet labour demands in the early twentieth century.[72]

Cocoa production directly contributed to the commercialization of land.[73] The increased commercial value of land and the product grown on land, in this case cocoa trees, resulted in a shift away from the pawning of people to the pawning of land.[74] Gareth Austin determined that "in terms of rules, the pledging of tree-crop farms was very much the equivalent or continuation of the pawning of people."[75] He discusses the emerging farming credit system involving short- and long-term loans in neighbouring Asante, but his findings regarding the pledging/mortgaging of cocoa farms is applicable to Akuapem. Wealthy creditor-farmers began loaning money to other farmers who used their farms as security, a loan Austin terms a "mortgage".[76] The most common type in Akuapem, was "a 'pledge' where the farm itself was handed over to the creditor for a fixed number of years, or until the principal was repaid."[77] The processes for this shift from

[70] Sutton, "Labour in Commercial Agriculture," 479; Hill, "The Migration of Cocoa Farmers," 73.
[71] Sutton, "Labour in Commercial Agriculture," 461.
[72] Ibid, 463.
[73] Ibid, 476.
[74] Austin, *Land, Labour and Capital in Ghana*, 286.
[75] Ibid.
[76] Hill, "The Migrant," 214; Hill, *The Migrant Cocoa-Farmers*, 17; Austin, *Land, Labour and Capital in Ghana*, 278. It is important to note that in Asante, the mortgage would have been secured on the cocoa trees specifically rather than the land because of "the distinction in Asante land tenure between the land itself and what grew on it."
[77] Austin, *Land, Labour and Capital in Ghana*, 278. There were two mortgage sub groups with one being the "pledge" and another being a "charge" in which the debtor had to give the lender all or a portion of a crop for a fixed period until the loan was repaid.

loaning people to land and its produce is examined more fully in Chapter Three. In addition, the social ramifications of the commercialization of land, such as changes in marriage institutions, the power of junior lineage members to resist pawning, and issues regarding inheritance practices are also discussed in Chapter Three and Four.

The purchase of land could also be seen as fulfilling an obligation of caring for junior members of the lineage. As a result, many farmers bought land for their children to use in the future, thereby further driving the demand for land.[78] These additional lands could be left uncultivated for years and it was quite common for migrant farmers to own several plots of land, only some of which they cultivated. By 1914, cocoa cultivation had expanded to the point where land pressure and scarcity created tensions, becoming a source of conflict, as people contended for access to land and the cocoa wealth it could produce. The legal cases that resulted pitted family members of various types against one another, and outcomes depended on what sort of descent they claimed, which rights were associated with their descent, and whether their case ended up in a British or a chiefly court. It is these types of cases where we can find the stories of pawns and enslaved individuals at a time where these systems were undergoing significant transformations and gradually disappearing.

Colonial Administration and Court Jurisdiction

The Gold Coast had a unique experience as a British colony compared to others in British-ruled West Africa.[79] The British began exerting their influence in the coastal regions of the Gold Coast in the early nineteenth century through the British Company of Merchants in

[78] Hill, "The Migrant," 217.
[79] Jarle Simensen, "Jurisdiction as Politics: The Gold Coast During the Colonial Period," in *European Expansion and Law: The Encounter of European and Indigenous Law in 19th- and 20th- century Africa and Asia*, W.J. Mommsen and J.A. de Moor (New York: St. Martin's Press, 1992), 258.

Cape Coast.[80] Over the course of the nineteenth century, the British made efforts to extend their legal jurisdiction over the Gold Coast, especially the coastal towns.[81] The Bond of 1844, between several Gold Coast chiefs and the British, extended British jurisdiction over certain criminal cases and granted British magistrates the ability to "interfere in the affairs of the local kingdoms to secure peace."[82] The establishment of the Supreme Court for the Forts and Settlements in 1853 further extended British jurisdiction.[83] Finally, the British established the Gold Coast Colony and Protectorate in 1874.

To administer the new Gold Coast Colony and Protectorate, the British utilized a policy of indirect rule where they relied on chiefs and local rulers as authorities for government at the local level. Roger Gocking has described the late nineteenth-early-twentieth century as the "non-interventionist phase" of indirect rule policy for the British, where the colonial administration "sought more to regulate than to structure the institutions of the chiefly order."[84] The "native tribunals," later called "native courts" and referred to here as chiefly courts, were seen as an "integral component of chiefly order" that applied customary law.[85] They were thereby recognized as necessary institutions to indirect rule and were to be incorporated within British administration to some degree.[86] The 1876 Supreme Courts Ordinance introduced a new judicial system, replacing the magistrate courts and the Judicial Assessor with new District

[80] Ayesu, "Tradition and Change," 51.
[81] Roger Gocking, "British Justice and the Native Tribunals of the Southern Gold Coast Colonial." *Journal of African History* 34 (1993): 95-96, doi:10.1017/S0021853700033016.
[82] Simensen, "Jurisdiction as Politics," 255-259; Gocking, "British Justice," 94. In theory, the Bond was to give the British limited judicial powers. However, by the 1850s, numerous chiefly courts of coastal towns with British magistrates found themselves increasingly restricted to adjudicating largely civil cases/issues.
[83] Parker, *Making the Town*, 81; Gocking, "British Justice," 94.
[84] Gocking, "British Justice," 94.
[85] Ibid.
[86] Ibid; Sackeyfio-Lenoch, *Politics of Chieftaincy*, 31-32.

Commissioners' courts and a new Supreme Court, both administering English Common Law.[87] The addition of colonial courts and the abolition of slavery destabilized the indigenous tribunal system in the Gold Coast Colony, as their authority and jurisdiction were still largely undefined within the newly established colonial administration.[88]

Two ordinances during this early period demonstrate the non-interventionist approach to regulating chiefly courts and the first limited attempts at defining chiefly jurisdiction within the new colonial structure. The first was the 1883 Native Jurisdiction Ordinance (NJO), and the second, its later 1910 amendment. Through the 1883 NJO the British administrators "formally recognized the exercise of chiefly judicial power" and their courts, and "set a limit to tribunal authority in both civil and criminal matters."[89] The District Commissioners were given jurisdiction over all serious criminal issues, including slave-dealing, while the chiefly courts were responsible for "apprehending, detaining, and sending" to the District Commissioners those suspected of these crimes.[90]

An increase of European and African administrators in the first decade of the twentieth century allowed the District Commissioners to assume a more administrative role and for the emergence of Provincial Commissioners' courts, based on the provinces within the Colony and Protectorate, to preside over cases of criminal matters (see Figure 3).[91] Further, the 1910 amendment provided for appeals from one chiefly court to another and from the chiefly courts to

---

[87] Parker, *Making the Town*, 102; David Kimble, *A Political History of Ghana: The Rise of Gold Coast Nationalism 1850-1928* (London: Oxford University Press, 1963), 459-460.
[88] Kimble, *A Political History*, 459-460; Sackeyfio-Lenoch, *Politics of Chieftaincy*, 30-34.
[89] Gocking, "British Justice," 96; Simensen, "Jurisdiction as Politics," 259.
[90] Gocking, "British Justice," 96; Simensen, "Jurisdiction as Politics," 260. The 1910 Native Jurisdiction Ordinance Amendment made the chiefly courts "into compulsory courts of first instance in smaller criminal cases, in all land matters, and in other civil suits up to a certain limit."
[91] Kwabena Opare-Akurang, "The administration of the abolition laws, African responses, and post-proclamation slavery in the Gold Coast, 1874-1940," *Slavery & Abolition* 19 (1998), 153.

the District Commissioners and Supreme Court.[92] The framework of jurisdiction between civil and criminal matters had serious repercussions regarding the enforcement of the anti-slavery legislation in the early colonial period.

The British wanted their own courts to adjudicate slavery related cases as they were concerned that if the chiefs were given authority over these cases, they would be sympathetic to the enslavers. The chiefly courts were to preside over civil matters, including disputes over possession and ownership of land, marriage, and debt cases.[93] However, the British were unaware of how land, marriage, and debt often involved matters connected to slavery and pawning. As a result, their efforts to keep the chiefs from adjudicating cases connected to slavery were unsuccessful and led to contradicting rulings on what the British deemed civil matters. The 1883 Ordinance and its 1910 Amendment were the basis of "native policy" and jurisdiction until the 1927 Native Administration Ordinance.[94] That the chiefly courts retained jurisdiction over land, inheritance, marriage and debt cases, granted chiefs the ability to influence how pawning and the legacy of slavery manifested in Gold Coast society and customary law, despite the colonial governments attempts to deny them this influence.

The 1920s marked a change in the British governments' approach to indirect rule policy. Using Gocking's term, this "interventionist" phase of indirect rule saw the British put more effort into bringing "the native state more directly in the Colony's overall development."[95] This meant giving the chiefs and the chiefly courts a clearer definition of jurisdiction within colonial administration by strengthening their authority at the local level.[96] This shift in approach was

---

[92] A.N. Allott, "Native Tribunals in the Gold Coast 1844-1927: Prolegomena to a Study of Native Courts in Ghana," *Journal of African Law* 1 (1957): 169.
[93] Gocking, "British Justice," 97.
[94] Kimble, *A Political History*, 463.
[95] Gocking, "British Justice," 94.
[96] Simensen, "Jurisdiction as Politics," 262-263; Parker, *Making the Town*, 226.

embodied in the 1927 Native Administration Ordinance (NAO).[97] The NAO extended the judicial authority of chiefly courts over criminal matters and detailed their specific duties within the colonial framework to bolster their authority.[98] Further, it introduced a more robust court system and framework for appeal within British administration of the Colony. Judgements of the chiefly courts could still be appealed to the District Commissioners' courts, but now their judgements could be appealed to other British courts within the Colony. As such, the district commissioners' judgements could be appealed to the Provincial Commissioner's court, the Supreme Court, and the High Court, and 1929 onwards, to the West African Court of Appeal and finally, the Privy Council in England.[99]

During the 1920s, the educated African elite in the Gold Coast began calling for a legislative role in the ruling of the colony. These elites had previously played a strong political role in the nineteenth century, serving as the main intermediaries for the British and interior Africans who lived independently of their control. Their calls here were an attempt to regain some of their lost political influence and power.[100] However, most colonial officials wanted to rely on what they perceived to be "traditional" African authority and continue their indirect rule policy of incorporating these traditional rulers and their courts into the colonial government framework. The British saw the educated elite as a potential threat and alternative to their

---

[97] Parker, *Making the Town*, 226.
[98] Gocking, "British Justice," 100. On top of expanding criminal jurisdiction, the NAO's specified what criminal offenses were to be and detailed the chiefly courts' responsibility to uphold and enforce the colonial governments heath and sanitary by-laws and made it a criminal offense to purposefully ignore this responsibility.
[99] Allott, "Native Tribunals," 169; Gocking, "British Justice," 95. Gocking notes that the "matter had to be important for the litigants to get permission to appeal in this fashion" and the cases that went through these various stages of appeal were "important land cases."
[100] Simensen, "Jurisdiction as Politics," 260-262; Bayo Holsey, *Routes of Remembrance: Refashioning the Slave Trade in Ghana* (Chicago: The University of Chicago Press, 2008), 28-29.

authority as the "governing elite" of the Colony and were reluctant to grant them political representation within the workings of the colonial government.[101]

A key ally to the British was the Paramount Chief of Akyem Abuakwa, Nana Ofori Atta. When the colonial government became concerned about chiefly opposition to reforms regarding local jurisdiction, they turned to Atta to ensure the chiefs remained as a check against the calls for power by the educated elite.[102] Ofori Atta was asked by the colonial government to consult with the other paramount chiefs and draft a proposal for a New Jurisdiction Bill in what was the "only time in British colonial history that the initiative in a major piece of legislation was left to a traditional chief."[103] The NAO granted what Jarle Simensen has termed an "astonishing" amount of autonomy to the chiefs and state councils.[104]

In particular, the NAO granted chiefs the power to influence what was codified as customary law. The British would refer to the chiefs and their courts for their input over "native customs" outside of the British expertise.[105] The ramifications of this policy meant that in 1929, when the question of whether the Emancipation Ordinances nulled the rights of enslaved individuals in customary law arose, it was handed over to the chiefly courts to rule upon. By the 1930s, the colonial government began to regret granting such wide authority to chiefs at the local level. The Colonial Office began to push for legislation based on the Nigerian model of indirect rule, in particular Nigerian ordinances pertaining to taxation and strengthening control over

---

[101] Simensen, "Jurisdiction as Politics," 260-262. This was a contested point among the Gold Coast colonial government, as some officials saw incorporating the educated elite to be "in accordance with the economic and social development of the country."
[102] Ibid, 261-262.
[103] Ibid, 262.
[104] Simensen, "Jurisdiction as Politics," 260-263. The NAO recognized "State Councils of the various native states . . . as tribunals in political disputes and [they] took over from the Governor and the Supreme Court the right to adjudicate matters concerning elections and depositions." In addition, the state council had the power to act against political opposition and deport opposing sub chiefs and granted the councils by-law-making powers.
[105] Ibid, 262-263. Gocking, "British Justice," 100-102.

chiefly courts.[106] However, it was not until 1944 that the system of Indirect Rule was implemented based on Lugard's model of "derived rights, defined duties and central control."[107]

Conclusion

The goal of this chapter was to provide the necessary background context for the analysis that follows in Chapters Two-Four. The major themes examined here on Akuapem history and slavery in society, cocoa cultivation and British colonial policy provide this context. The brief history on Akuapem and precolonial slavery in society and the discussion on cocoa cultivation will be helpful when examining how the abolition of slavery and the rise of cocoa influenced the transformations to land ownership, pawning, marriage and the economy. Understanding how British administrative policies affected jurisdiction and the courts system will shed some light on the extent to which the Emancipation Ordinances were enforced and how the structure of jurisdiction regarding civil and criminal cases shaped the way pawning and marriage were transformed. Further, understanding pre-colonial slavery and the courts jurisdictional system will help when examining how slavery's legacies manifested in Gold Coast customary law and society.

[106] Simensen, "Jurisdiction as Politics," 271-274. In particular, officials wanted to "transfer the Nigerian indirect rule model, in the form of the Nigerian Native Authorities Ordinance of 1916 and the Nigerian Native Courts Ordinance of 1918." Simensen explains the "immediate motive was to strengthen Colony finance, which had been weakened by the depression, through a 'native revenue measure' on the Nigeran model."
[107] Ibid, 273-274, 276.

Chapter Two: British Perceptions of Slavery and the Influence of the League of Nations and the Anti-Slavery Society on Abolition Legislation in the early Twentieth Century

The process of emancipation in the Gold Coast did not result in an immediate end to slavery but rather a slow disappearance of slave status. British colonial officials, dependent on local rulers and chiefs support for their practice of indirect rule and fearful of disrupting the local economy, implemented anti-slavery legislation meant to have as little immediate impact on the status quo as possible. Their perception and understanding of slavery within the Gold Coast as a benevolent form of bondage justified their embrace of a slower process of emancipation. By the 1920s, anti-slavery organizations began increasing their pressure on the British government for the complete eradication of slavery. Their campaigns against slavery centred on their belief that "slavery calls aloud to all of us to do our best to put an end to it."[1] Around the same time, the League of Nations began its own investigation into the issue of slavery, focusing on the approaches to anti-slavery legislation adopted by colonial governments.

Colonial and international measures against slavery prioritized abolishing the slave trade and the narrow legal status of enslavement. By publicly abolishing the legal status of slavery, the approach aimed to appease British anti-slavery activists. Yet, in confining abolition action to the realm of law, it spared colonial administrators the tremendous, and potentially disruptive, burden of enforcing the law and ending slavery in practice. The narrow perception that enslavement in the Gold Coast was a benign institution that, absent legal protection would gradually fade away, drove this passive approach, followed by both colonial and international measures. This

[1] "Annual Meeting of the Society." *The Anti-Slavery Reporter and Aborigines' Friend* 1, no. 4 (07, 1910): 117. Annual Meeting of the Society. - ProQuest

understanding of slavery failed to recognize how deep-seated social norms sustained and sanctioned Gold Coast slavery, just as it overlooked forms of enslavement that did not cleave to chattel or other narrow, market-centric understandings of slavery.

The responsibility for emancipation in the Gold Coast Colony rested in the hands of enslaved individuals. The Indian model of emancipation implemented by the British in 1874 not only rendered illegal the importation of and dealing in enslaved peoples and pawning but also abolished the legal status of slavery.[2] This same model of emancipation was used by the British in their policy of indirect rule in Northern Nigeria in 1900.[3] The goal of this model in both Nigeria and the Gold Coast was to allow slavery to slowly die out by taking the responsibility of enforcing emancipation away from the colonial administration and leaving it to enslaved individuals to seek out their emancipation within the colonial courts. This model was used to appease both local rulers and chiefs who opposed the idea of losing their enslaved dependents and British abolitionists who had been pressuring the colonial administration.[4]

Historians of the early post-abolition period, 1874-1900, have described a reluctant and inconsistent enforcement of the two 1874 ordinances by Gold Coast officials. A number of factors like the limited trained administrative personnel, poor co-ordination between colonial judicial infrastructure, the colonial administrations perception of Gold Coast slavery as benign and their reluctance to recognize non-chattel forms of slavery all contributed to a gradual process

---

[2] Trevor R. Getz, "The Case for Africans: The Role of Slaves and Masters in Emancipation on the Gold Coast, 1874-1900," *Slavery and Abolition* 2 (2000): 130, doi:10.1080/01440390008575298; Alessandra Brivio, "'I Am a Slave Not a Wife': Slave Women in Post-Proclamation Gold Coast (Ghana)," *Gender & History* 29 (2017): 31, doi:10.1111/1468-0424.12279.

[3] Paul E. Lovejoy, "Slavery in the Colonial State and After" in *The Palgrave Handbook of African Colonial and Postcolonial History*, Shanguhyia and T. Falola (New York, Palgrave Macmillin, 2018), 108; Paul E. Lovejoy, and Jan S. Hogendorn, *Slow Death for Slavery: The Course of Abolition in Northern Nigeria, 1897-1936* (Cambridge: Cambridge University Press, 1993), 6.

[4] Kwabena Opare-Akurang, "The Administration of the Abolition Laws, African Responses, and Post-Proclamation Slavery in the Gold Coast, 1874-1940," *Slavery & Abolition* 19 (1998): 150-151, doi:10.1080/01440399808575244; Lovejoy and Hogendorn, *Slow Death for Slavery*, 6.

of abolition.[5] The Indian model or legal status abolition was based in the colonial administrators' belief on the "idea of extreme personal domination as the hallmark of slavery."[6] Where this condition was absent, slavery took on a "benign" form, or as Chatterjee aptly explains: "if the whip was absent, 'kindness was presumed to prevail'."[7] The colonial governments' immediate focus in the Gold Coast Colony was on stopping enslaved dealing, meaning the creation of newly enslaved peoples, a characteristic of chattel slavery and extreme personal domination.[8] By stopping the flow of enslaved peoples into the colony, slavery would then slowly disappear.

The majority of colonial officials perceived domestic slavery as benign and as an institution that should be left to naturally die out over the course of a generation or two.[9] This attitude was used by British officials in Africa generally when justifying their slow progress of eradicating slavery. They argued that once the worst features of slavery, slave-raiding, kidnapping, and trading, were removed that slavery would naturally die out "to the benefit of the slaves themselves."[10] This attitude is reflected in the Secretary of Native Affairs, Francis Crowther's assessment of slavery in the Gold Coast in 1913 in which he states that enslaved individuals were "like adopted children" who are "entirely free" in all but their name.[11] Here,

---

[5] Opare-Akurang, "The Administration," 152-155; Raymond E. Dumett, and Marion Johnson, "Britain and the Suppression of Slavery in the Gold Coast Colony, Ashanti, and the Northern Territories," in *The End of Slavery in Africa,* S. Miers and R. Roberts (Madison: The University of Wisconsin Press, 1988), 84.
[6] Indrani Chatterjee, "Abolition by Denial: The South Asian Example," in *Abolition and its Aftermath in the Indian Ocean and Africa,* Gwyn Campbell (New York: Routledge, 2005), 151.
[7] Chatterjee, "Abolition by Denial," 151.
[8] Dumett and Johnson, "Britain and the Suppression," 82, 96.
[9] Lovejoy, "Slavery in the Colonial State," 103.
[10] Suzanne Miers, "Slavery and the Slave Trade as International Issues 1890-1939," *Slavery & Abolition* 19 (1998): 20-21, doi: 10.1080/01440399808575237.
[11] Extract from Minutes of Evidence Taken Before the Committee on West African Lands, February 7, 1913, Public Records and Archives Administration Department (PRAAD), ADM 11/1/975; Sara Berry, "Hegemony on a Shoestring: Indirect Rule and Access to Agricultural Land," Africa: Journal of the International African Institute 62 (3) (1992): 327-355, doi:10.2307/1159747. Sara Berry explains that SNA Francis Crowther gave evidence to the West African Lands Committee, established in 1912, when debate arose among influential British groups, like the Anti-Slavery Society and Africans, who objected to the "proposed enactment of a Crown Lands Ordinance" in West Africa. The Committee was to investigate current conditions for land tenure and "to consider the 'laws in force' concerning 'the conditions under which rights over land or the produce thereof may be transferred', and whether those laws needed amending". However, the Committees final report was never published.

Crowther reinforced the idea of domestic slavery in the Gold Coast as being a benevolent form of slavery and one that did not need active efforts for emancipation.

This narrow perception, which focused on the chattel form of slavery above all else, failed to recognize the nature of slavery as a set of relationships deeply embedded within society. In Gold Coast society and Africa more broadly, a person's status was determined by their ability to claim belonging in and to a corporate kin group and its protective power. There was no legal conception of what Western society calls "freedom" but instead, the status of a person was determined "along a single dimension of power: that of claims and powers in other persons."[12] Meaning, status was determined by relationships to others and the protection garnered by these relationships through the "claims, powers and privileges others had in them and in the counterbalancing set of claims, powers, and privileges they had among others."[13]

Although not all who belonged were equal, there still existed within these relationships varying bundles of reciprocal rights and obligations between those who held power and their dependent(s).[14] Enslaved individuals, therefore, lacked status because they had no claims to or powers in other people and were dependent on a single individual for protection and reciprocal rights and obligations: their enslaver.[15] Over time, enslaved people could regain a measure of status and public worth by establishing fictive kin ties. An enslaved young person might come to be seen as a sibling to their enslaver's children; their ties to 'brothers' or 'sisters' brought with them obligations and rights that afforded measures of status and worth.

---

[12] Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, Massachusetts: Harvard University Press, 1982), 27.
[13] Patterson, *Slavery and Social Death*, 27.
[14] Sean Stilwell, *Slavery and Slaving in African History* (Cambridge: Cambridge University Press, 2014), 8-9. Stillwell explains that "free individuals could access a wide variety of relationships and experience a variety of claims upon their persons."
[15] Patterson, *Slavery and Social Death*, 28; Lovejoy, "Slavery in the Colonial State," 117-118; Stilwell, *Slavery and Slaving*, 8-9.

However, even with fictive kin ties, origins of slave status were not forgotten and limited the degree of absorption an enslaved person could experience. Enslaved individuals would always hold an inferior status to their free counterparts, and this inferiority was hereditary, passing on to their descendants over generations.[16] The colonial perception of slavery as benign and as enslaved individuals being treated as members of the family often left colonial officials confused by the claims of kinship ties between enslavers and their enslaved. Without fully understanding or recognizing the full nature of slavery within Gold Coast society and the powerless and alienated state of enslaved individuals, the abolition laws and steps taken by colonial officials failed to get to the root of slavery and were ineffective at completely eradicating slavery to the extent they believed they could and did.

Furthering hampering the emancipation process in the Gold Coast Colony was the paucity of trained colonial officials to administer the anti-slavery ordinances. The number of trained European and African administrators in the colony did increase in the first decade of the twentieth century, allowing for the Provincial Courts to take on the responsibility of administering the abolition ordinances from the District Commissioners. However, the combination of the First World War and the following influenza pandemic depleted these numbers and resulted in an inadequate number of colonial officials to administer the anti-slavery laws effectively and evenly in both the Colony and Protectorate.[17]

Akurang-Parry has argued that the colonial administration began to enforce the anti-slavery laws more effectively and actively in the late 1920s due to pressure from both the Colonial Office and international anti-slavery groups.[18] The Anti-Slavery and Aborigines

---

[16] Kwame Anthony Appiah, "What's Wrong with Slavery?," in *Buying Freedom: The Ethics and Economics of Slave Redemption*, K.A. Appiah and M. Bunzl (Princeton, New Jersey: Princeton University Press, 2007), 252.
[17] Opare-Akurang, "The Administration," 152-154.
[18] Ibid, 150.

Protection Society was one group which saw themselves as having a duty to help civilize "native races". The Society, committed to the European mission to civilise Africa, saw themselves as holding a responsibility to protect "native interests" and monitor the dangers of slavery, slave trading, forced labour and other means of exploiting Africans by Europeans.[19] Abolition was seen as a "central cause in their civilizing mission" in Africa and members of the Society "looked upon it was [as] part of their duty to do what they could to expedite it [abolition], and to urge upon the Government a greater zeal" regarding the enforcement of anti-slavery laws.[20] The Society followed a larger held belief in Britain that the "line between freedom and slavery marked the divide between civilization and savagery" and that the continued existence of slavery would make it impossible for the "native races" to advance into civilized society.[21]

The Anti-Slavery and Aboriginal Protection Society

The anti-slavery movement in the early- mid-nineteenth century largely focused on chattel slavery in the Americas and the Atlantic slave trade. Once broad formal abolition was reached in 1833 with the *British Slavery Abolition Act,* the focus of some new anti-slavery groups began to shift to other causes like indentured labour, and the "appropriation of land and labor from the indigenous peoples of South Africa, Australia and Canada."[22] These causes were championed by new groups like the Aboriginal Protection Society, founded in 1837 and the British and Foreign Anti-Slavery Society (Anti-Slavery Society), founded in 1839 to "to combat

[19] "Annual Meeting of the Society." *The Anti-Slavery Reporter* 23, no. 3 (June 1903): 75-82. Annual Meeting of the Society. - ProQuest
[20] Kevin Grant, *A Civilised Savagery: Britain and the New Slaveries in Africa, 1884-1926* (New York: Routledge, 2013), 26; "Annual Meeting of the Society." *The Anti-Slavery Reporter* 20, no. 2 (March 1900): 75. Annual Meeting of the Society. - ProQuest; "Annual Meeting of the Society." *The Anti-Slavery Reporter and Aborigines' Friend* 1, no. 4 (July 1910): 115-133. Annual Meeting of the Society. - ProQuest
[21] Grant, *A Civilised Savagery*, 6.
[22] Ibid, 25.

'slavery in all its forms'".[23] However, over the course of the nineteenth century support for these causes dwindled as "slavery took on many forms" and it became harder to garner public support for less clearly defined causes.[24] By the twentieth century, the anti-slavery movement was largely led by the Aboriginal Protection Society and the Anti-Slavery Society, which at times worked together but often competed for their small support base. In 1909, the two groups amalgamated into the British and Foreign Anti-Slavery and Aboriginal Protection Society.[25] These "latter-day abolitionists", as Kevin Grant refers to them, saw themselves as carrying on the legacy of the early abolitionists in the Victorian Era but with their focus now being on the "new slaveries" of the Imperial era.[26]

These latter-day abolitionists grasped that while European colonial powers had legally abolished chattel slavery within their territories, they then went on to establish state sanctioned exploitative forms of labour to replace slavery. These exploitative labour programs, meant to resemble systems of free labour, included recruiting Africans for "forced labour" or "corvée labour" for public works in European territories in Africa.[27] The abolitionists termed these coercive labour systems the "new slaveries" and while these coercive labour forms were legal in Africa, "humanitarian critics perceived the condition of slavery in those systems that deprived laborers of their property rights and depended upon physical coercion, or in extreme cases, atrocity."[28]

---

[23] Ibid.
[24] Ibid.
[25] Amalia Ribi Forclaz, *Humanitarian Imperialism: The Politics of Anti-Slavery Activism, 1880-1940* (Oxford: Oxford University Press, 2015), 39.
[26] Grant, *A Civilised Savagery*, 36; "Constitution." *The Anti-Slavery Reporter* 20, no. 1 (January, 1900): iv-v. Constitution - ProQuest
[27] Ibid, 23-24; Forclaz, *Humanitarian Imperialism*, 36-39, 40.
[28] Grant, *A Civilised Savagery*, 4.

For the Anti-Slavery Society's civilizing mission, slavery was its "greatest obstacle," especially the new slaveries of the twentieth century. The Society believed that slavery "undermined property ownership, inhibited legitimate commerce, and thus enervated the African's will to work toward self-improvement."[29] When the slave trade was successfully eliminated, the Society hoped that legitimate trade would develop in Africa, thus in theory, helping Africans to enter into the modern economy and thereby recognizing "the benefits of free labour".[30]

By the twentieth century, the Society had begun to tolerate British officials' perception that domestic slavery in Africa would take time to gradually disappear and that it was a benevolent form of slavery compared to that of chattel slavery.[31] This was a change from their attitude in the nineteenth century upon their foundation, which called for the immediate abolition of slavery. This change was partly due to the influence of Fredrick Lugard and his approach to the abolition of slavery in Nigeria, which will be examined more closely below.[32] Despite this acceptance of gradual abolition early in the twentieth century, the Society still aimed for the abolition of "slavery in all its forms" and this goal was taken up for more vigorously during the First World War and its immediate aftermath.

Championing the Society's agenda against slavery in all its forms were John and Alice Harris. The Harrises were missionaries who, through the Regions Beyond Missionary Union, spent over a decade working at mission stations in the African interior, including Congo. They helped to organize the campaign led by the Congo Reform Association that exposed slavery and

---

[29] Ibid, 26
[30] James Heartfield, *The British and Foreign Anti-Slavery Society, 1836-1956: a History* (New York: Oxford University Press, 2017), 425; "Constitution." *The Anti-Slavery Reporter* 20, no. 1 (January 1900): iv-v. Constitution - ProQuest; "Freed Slaves in Pemba." *The Anti-Slavery Reporter* 22, no. 2 (March 1902): 46. Freed Slaves in Pemba. - ProQuest
[31] Heartfield, *The British*, 359.
[32] Ibid, 361.

the brutalities that transpired in the Congo Free State.[33] In 1909, the Harrises became the Joint Organizing Secretaries of the Anti-Slavery Society and would go on to steer the Society's goals for the next thirty years.[34] John Harris had developed a large lobbying system through press campaigns, speeches, and close correspondence with "missionary societies, liberal MPs, colonial officers, and civil servants, as well as editors of the British press" and other international humanitarian groups that aided the Society in acting as a pressure group towards the British government.[35] Suzanne Miers explains that John Harris would give questions to members of parliament to ask during session, effectively engineering debates on topics the Society thought important.[36] The Harrises went on to play a key role in influencing the League of Nations to investigate the question of slavery in the 1920s.

With the end of the First World War and the ensuing peace talks in Europe, John Harris and the Society saw the opportunity to push for international legislation against slavery and for protecting "native interests." Throughout the war, the Society had called for international action to ensure that the interests of Africans in conquered German colonies would be safeguarded once the war ended.[37] The Society expressed their desire for a conference similar to the Vienna, Berlin

---

[33] Grant, *A Civilised Savagery*, 31, 135.
[34] Grant, *A Civilised Savagery*, 141; Forclaz, *Humanitarian Imperialism*, 39.
[35] Forclaz, *Humanitarian Imperialism*, 39; Miers, "Slavery and the Slave Trade," 23; Grant, *A Civilised Savagery*, 141. Grant has explained those Harris had close ties included the "editors of the *Spectator*, the *Manchester Gaurdian*, the *Daily News*, the *Contemporary Review*, and other publications." He and Alice Harris also had close ties to the Society of Friends, the National Council of Evangelical Free Churches and other missionary societies, as well as the Liverpool merchants and British cocoa manufactures involved in the West African trade of cocoa."
[36] Miers, "Slavery and the Slave Trade," 23.
[37] "Native Races and Peace Terms." *The Anti-Slavery Reporter and Aborigines' Friend* 6, no. 2 (July 1916): 34. Native Races and Peace Terms. - ProQuest; "Native Races and Peace Terms." *The Anti-Slavery Reporter and Aborigines' Friend* 7, no. 1 (April 1917): 3-7. Native Races and Peace Terms. - ProQuest. In a memorial to the Foreign Office in 1917, the Committee of the Society asked the British government to ensure there would be international action to protect the "rights and liberties" of "native races" after the war ended.

and Brussels Conferences to address questions "affecting the aboriginal races of territories wherein there is no self-government".[38]

Leading up to the Paris Peace Conference, the Society asked the British Government to ensure there would be newly agreed international commitments to protecting the "native races" against slavery and forced labour.[39] In a memorial titled "Peace Terms and Colonial Reconstruction" sent to the British Representatives at the Paris Peace Conference and to the British Press, the Society listed their main interests on the subject of peace and the "native races". They wished the conference to:

> "define anew the existing international obligations for the suppression of slave-owning and slave-trading, secure an international agreement to abolish forced labour for private profit, lay down the broad lines of protective measures for migrations and for labour contracts. . . make provision for giving security and adequacy of land tenure for indigenous populations."[40]

Thus, the Society threw its enthusiastic support behind the League of Nations when it was established and wrote extensively on their interests and concerns regarding the League's Mandate system. Harris often travelled to Geneva where he continued to lobby to the League to act regarding the question of slavery and further safeguard Africans welfare.[41] Harris' lobbying to the League was successful in establishing a respected relationship, where the Society influenced the League's approach concerning "native welfare" and made slavery and the slave trade an international concern.[42] As a result of this respected relationship, "the Anti-Society

---

[38] "Peace Terms and Colonial Reconstruction." *The Anti-Slavery Reporter and Aborigines' Friend* 9, no. 1 (April 1919): 4. Peace Terms and Colonial Reconstruction. - ProQuest.
[39] "Peace Terms and Colonial Reconstruction," 4.
[40] Ibid.
[41] Grant, *A Civilised Savagery*, 141, 160-161.
[42] Grant, *A Civilised Savagery*, 23; Miers, "Slavery and the Slave Trade," 23; Forclaz, *Humanitarian Imperialism*, 49.

gained a position of influence, which surpassed that of other philanthropic groups which it competed for attention."[43]

League of Nations and the Question of Slavery

As the leading figure for abolition in the post-First World War period, Harris was largely responsible for getting the League of Nations involved in the issue of slavery. In September of 1922, after news of extensive slavery in Ethiopia broke in the British press and upon realizing that the British government was not going to publicly respond to the news, Harris convinced a British member of parliament, Sir Arthur Steel-Maitland, to put forward to the Assembly of the League of Nations the "question of slavery".[44] Further, on November 10, 1922 Lord Balfour sent the League a memorandum at the behest of Sir Frederick Lugard, "recommending an investigation of slavery in Ethiopia."[45] At the time, Lugard was Britain's appointee on the League's Permanent Mandates Commission and the Vice President of the Abyssinian Corporation "which promoted British commercial interest in Ethiopia."[46] Due to this connection, Lugard had tried to not look "directly interested" in the question of slavery in Ethiopia.[47]

As a result of these pressures, the League of Nations began investigating the persistence of slavery first in Ethiopia in 1922. The League then quickly decided to expand its investigation to include the former German colonies of Togoland, the Cameroons, Tanganyika, Ruanda-Urundi (Rwanda and Burundi) and South West Africa (now Mandates of Britain, Belgium and

---

[43] Forclaz, *Humanitarian Imperialism*, 49-50.
[44] Miers, "Slavery and the Slave Trade," 24; League of Nations, Question of Slavery, Report of M. Quinones de Leon, C.699.1922.VI, (Sept. 23, 1922), League of Nations Archives - UN Archives Geneva (ungeneva.org). Sir Arthur Steel-Maitland, the New Zealand delegate to the League, moved the following resolution: "The Assembly resolves to refer to the appropriate Committee the question of the recrudescence of slavery in Africa in order that it may consider and propose the best methods for combating the evil."
[45] Lovejoy and Hogendorn, *Slow Death for Slavery*, 271.
[46] Lovejoy, "Slavery in the Colonial State," 109.
[47] Ibid.

France).[48] The investigation into Ethiopia and the Mandates was conducted by the Permanent Mandates Commission (PMC) which meant that Lugard now had a direct role in the investigations. Several different reports in 1922, 1923 and 1924 by the Mandate Commission found extensive evidence of slavery; after which, the Fourth Assembly of the Council of the League of Nations "adopted a resolution to continue the investigation of the question of slavery" globally.[49] Further, another resolution adopted by the Fourth Assembly expressed "the desire that. . . the fifth Assembly receive a report showing the progress made in different countries with regard to the suppression of slavery in all its forms."[50] This phrase in the resolution demonstrates the influence of the Anti-Slavery Society's lobbying to the League and influence on its agenda regarding slavery as, "slavery in all its forms," was a popular phrase used by the Society in its campaigns and speeches.[51]

To conduct this inquiry, the Fourth Assembly established the Temporary Slavery Commission (TSC) in 1924. The Commission's role was to gather data on the legislative means used by governments to suppress slavery and the results of these efforts, focusing on if they were successful in completely suppressing slavery or if slavery was still slowly dying out. In addition, the Temporary Slavery Commission was to examine "the social and economic impact of the anti-slavery measures on former masters, slaves, governments and the development of territories where slavery was or had been important".[52] It consisted of eight experts on slavery who were

---

[48] Heartfield, *The British*, 407; Lovejoy and Hogendorn, *Slow Death for Slavery*, 271.
[49] Lovejoy and Hogendorn, *Slow Death for Slavery*, 271; Lovejoy, "Slavery in the Colonial State," 109-110; League of Nations, Communication to the Members of the Council, The Question of Slavery, Report by M. Branting together with the Resolution adopted by the Council on March 14th, 1926, C.145(1) 1924, VI. League of Nations Archives - UN Archives Geneva (ungeneva.org)
[50] Grant, *A Civilised Savagery*, 161; League of Nations, Question of Slavery, Memorandum by the Secretary-General, C.674.1923.VI, (Oct. 17, 1923), League of Nations Archives - UN Archives Geneva (ungeneva.org).
[51] Grant, *A Civilised Savagery*, 161.
[52] Lovejoy and Hogendorn, *Slow Death for Slavery*, 271; Lovejoy, "Slavery in the Colonial State," 110; League of Nations, Communicated to the Council, The Question of Slavery, Report by M. Branting and Resolution adopted by

appointed by the League and not by their respective governments. However, six of the experts were from the leading colonial powers at the time: Britain, France Portugal, Italy, Belgium and Holland.[53] Miers explains that the colonial governments insisted the commission be temporary and advisory as they were concerned about embarrassing information regarding their anti-slavery efforts coming to light and did not want any supervision over their colonial administrations.[54] The TSC was to meet privately, and the League decided which reports would be published once they were reviewed by the governments concerned to limit the circulation of potentially damaging information to the public.[55]

The League of Nation's investigation and appointment of the Temporary Slavery Commission received much support from the Anti-Slavery and Aborigines Protection Society. As mentioned, the Society had been calling for a new international agreement on slavery and "native welfare" since 1917. They believed the previous slavery conferences, the Berlin Conference of 1885 and the Brussels Act of 1890, to be a good start in raising the bar for European administrative and commercial treatment of Africans, but they were largely ineffective as there were no guidelines for enforcing agreed upon measures. Up until the TSC, in the twentieth century there had only been one other international treaty that included a stipulation relating to the question of slavery. In the treaty singed at St. Germain-en-Laye in 1919, there was

---

the Council on December 11th, 1923, C.745(1) 1923.VI. League of Nations Archives - UN Archives Geneva (ungeneva.org).

[53] Miers, "Slavery and the Slave Trade," 25-26; League of Nations, Question of Slavery, Memorandum by the Secretary-General, C.408.1923.VI, (June 20, 1923), League of Nations Archives - UN Archives Geneva (ungeneva.org).

[54] Miers, "Slavery and the Slave Trade," 26.

[55] Ibid, 26-27.

one article that bound signatories to "endeavor to secure the complete suppression of *slavery in all its forms* and the black slave trade by land and sea."[56]

However, up until the creation of the League's Temporary Slavery Commission, there had been no international political body to ensure that this clause would be enforced in European territories and thus, did not greatly affect the suppression of slavery. In addition to expressing contentment with the creation of the Commission, the Society ensured their ability to submit information on slavery, despite the British government's attempts to block them from this ability. This recognition allowed the Society to submit evidence to the investigation and further influence the Commission's approach.[57]

Britain had a large indirect influence on the Temporary Slavery Commission through its representative, Frederick Lugard, whose role as an "anti-slavery expert" in the League greatly influenced its approach to slavery.[58] As already mentioned, Lugard had an indirect role in bringing the question of slavery in Ethiopia to the attention of the League and a direct role in the initial investigations conducted by the Permanent Mandates Commission. Further, Lugard was the former High Commissioner of the Protectorate of Northern Nigeria where he had also implemented the Indian model of emancipation, abolishing the legal status of slavery.[59] Lugard held a firm commitment to legal status abolition as the best policy for supressing slavery.

Legal status abolition was key to the policy of indirect rule. As the architect of indirect rule, Lugard had shaped legal status abolition to ensure as little threat as possible to the standing

---

[56] Miers, "Slavery and the Slave Trade," 22; Hugo Fishcer, "The Suppression of Slavery in International Law: II," The International Law Quarterly 3(4) (1950): 504.
[57] Heartfield, *The British*, 161-162.
[58] Lovejoy, "Slavery in the Colonial State," 108.
[59] Lovejoy, "Slavery in the Colonial State," 108; Lovejoy and Hogendorn, *Slow Death for Slavery*, 271. He had additional experience with anti-slavery measures and the Indian model through his time in East Africa and Hong Kong.

and power of local slave-holding elites that the British colonial regime relied on to rule. Lovejoy and Hogendorn describe Lugard's policy of indirect rule as adopting a "careful management of the slavery issue."[60] Lugard wanted to avoid a mass exodus of enslaved peoples and designed legislation in Nigeria so that while the legal status of slavery was no longer recognized, the institution itself was not abolished. Enslaved individuals were required to seek emancipation through a form of compensation, either by "self-purchase" or compensation from a third party.[61] Colonial officials were not legally allowed to aide enslavers by returning runaway enslaved individuals, however no official in Nigeria who did provide aide was ever found guilty of breaking this law.[62]

Again, the focus on suppressing recognized chattel forms of slavery was a key component of indirect rule. Lugard's policies were aimed at easing a transition to a post-slavery society where slavery slowly died out without the British having to actively enforce abolition while, also, appearing to live up to Britain's image as the leader of anti-slavery sentiment and action. As expressed in his 1933 *Slavery in All its Forms*, Lugard's policies were based on his belief that where "slavery has existed as an integral part of the structure of society it is obvious that a decree of compulsory emancipation would result in social chaos."[63] Lugard's stance regarding legal status abolition meant he was motivated to not let the League's inquiries in 1924 affect Nigeria's passive approach to abolition and result in social and economic upheaval in the colony.

Lugard directly guided the League's inquiry into anti-slavery measures by drafting the Temporary Slavery Commission's questionnaire on slavery sent to governments. The

---

[60] Lovejoy and Hogendorn, *Slow Death for Slavery*, 29.
[61] Ibid, 6, 71.
[62] Ibid, 81.
[63] Lord Lugard, "Slavery in All Its Forms," *Africa: Journal of the International African Institute* 6, no.1 (1993): 11.

questionnaire included questions regarding "slave raiding, slave dealing, domestic or 'praedial slavery,' concubinage and payment for females disguised as dowry, adopting of children through pawnage and compulsory labor."[64] Lovejoy notes that Lugard was ultimately responsible for the Commission adopting a broader approach to the inquiry into slavery, which reflected that in Nigeria in abolishing the legal status of slavery.[65] The Commission, through Lugard's influence, aimed to determine the extent of slavery in territories without being swayed by governments attempts to minimize evidence of slavery or anti-slavery groups attempts to exaggerate evidence.[66] They received so much information from governments through the questionnaires that the Commission had to meet for two sessions.[67] The final report on the Commission's inquiry into the question of slavery recommended a convention against slavery, slave trading and forced labour.[68]

The Temporary Slavery Commission's recommendation was followed, and the Slavery Convention was adopted on September 25, 1926, by the League of Nations. The Slavery Convention was the first international agreement that not only agreed to abolish slavery but provided a definition on slavery and included twelve articles that outlawed slavery and slave

---

[64] Lovejoy, "Slavery in the Colonial State," 110-111; "Annex 661a, Temporary Slavery Commission, Report on the Work of the First Session submitted to the Council on August 29th, 1924, A.17 1924. VI.," League of Nations Official Journal 5, no. 10 (October 1924): 1395-1397, International & Non-U.S. Law Journals League of Nations Official Journal - HeinOnline.org (uottawa.ca).
[65] Lovejoy, "Slavery in the Colonial State," 110.
[66] Ibid, 110-111.
[67] "Annex 661a, Temporary Slavery Commission, Report on the Work of the First Session submitted to the Council on August 29th, 1924, A.17 1924. VI.," League of Nations Official Journal 5, no. 10 (October 1924): 1395-1397, International & Non-U.S. Law Journals League of Nations Official Journal - HeinOnline.org (uottawa.ca); "Annex 784a, Work of the Temporary Slavery Commission During its Second Session, July 25th 1925, A.19.1925.VI," League of Nations Official Journal 6, no.10 (October 1925): 1411-1426, International & Non-U.S. Law Journals League of Nations Official Journal - HeinOnline.org (uottawa.ca).
[68] Miers, "Slavery and the Slave Trade," 27; "Annex 784a, Work of the Temporary Slavery Commission During its Second Session, July 25th 1925, A.19.1925.VI," League of Nations Official Journal 6, no.10 (October 1925): 1411-1426, International & Non-U.S. Law Journals League of Nations Official Journal - HeinOnline.org (uottawa.ca).

trading.[69] The Convention defined slavery as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised."[70] Unlike the report by the Temporary Slavery Commission, which recommended and recognized the pledging of persons and self-pledging for debt as a form of slavery, there was no clear article included in the Convention pertaining to pawning.[71] Article 2 of the Convention ambiguously states that all signatory parties are "to bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms."[72]

The recommended method to eradicate slavery by the Convention was similar to Lugard's approach in Nigeria: to abolish the legal status of slavery using the Indian model. Slavery that remained but had no legal recognition would now be referred to as "permissive" or "voluntary" slavery as individuals could choose to remain enslaved rather than seek emancipation.[73] By not providing a time frame or clear definition on slavery in all its forms in Article 2, the Convention also did not force signatory governments into changing or enacting new legislation. This vague definition of slavery by the League of Nations is clearly similar to the narrow and passive approach of the British government, including Lugard and Gold Coast officials that targeted chattel forms of slavery and slave trading, and preferred for slavery and other slave-generating processes to slowly disappear over time.

---

[69] Lovejoy, "Slavery in the Colonial State," 111; Slavery Convention, Signed at Geneva, September 25, 1925, L.N.T.S 1414.
[70] Slavery Convention, Signed at Geneva, September 25, 1925, L.N.T.S 1414, at 263.
[71] "Annex 661a, Temporary Slavery Commission, Report on the Work of the First Session submitted to the Council on August 29th, 1924, A.17 1924. VI.," League of Nations Official Journal 5, no. 10 (October 1924): 1395-1397, International & Non-U.S. Law Journals League of Nations Official Journal - HeinOnline.org (uottawa.ca); "Annex 7841, Work of the Temporary Slavery Commission During its Second Session, July 25th 1925, A.19.1925.VI," League of Nations Official Journal 6, no.10 (October 1925): 1411-1426, International & Non-U.S. Law Journals League of Nations Official Journal - HeinOnline.org (uottawa.ca).
[72] Slavery Convention, Signed at Geneva, September 25, 1925, L.N.T.S 1414, at 263.
[73] Lovejoy, "Slavery in the Colonial State," 111.

In further evidence of Britain and Lugard's influence on the League, the Convention was based off a draft by Lugard and revised by the British government. The British delegation to the League presented their revisions regarding protocols on slave trading, slavery and forced labour to the Assembly.[74] Miers explains that the Foreign Office agreed to the draft conventions proposals, but other offices were opposed to certain stricter proposals that would interfere with their ability to administrator their duties.[75] In particular, the Colonial Office did not want a treaty that had the potential to "force them to eradicate slavery or change their labour policies."[76] In the end, the British government decided that it needed to appease some of the humanitarian groups, like the Anti-Slavery Society, and ensure that it maintained its position as the leader of the anti-slavery campaign.[77] The Draft Convention was then sent to all members of the League for observations, including the British government.[78]

The Temporary Slavery Commission was dissolved after the Slavery Convention was established. Member nations believed its purpose to be completed and the League of Nations saw it as enough to receive yearly reports from governments on their efforts to eradicate slavery.[79] Lovejoy notes that the League of Nations "made no effort to enforce or otherwise expose slavery practices" in the period immediately after the Convention.[80] It was not until 1931, after pressure from the Anti-Slavery Society and the British Foreign Office, that the League looked into the

---

[74] "Annual Report, 1925." *The Anti-Slavery Reporter and Aborigines' Friend* 16, no. 1 (04, 1926): 32. Annual Report, 1925. - ProQuest

[75] Miers, "Slavery and the Slave Trade," 27-28. These other offices included the Admiralty, the India Office, the Dominions Office and the Colonial Office.

[76] Ibid, 28.

[77] Ibid.

[78] League of Nations, Draft Convention on Slavery, Replies of the Governments of Great Britain, India, Poland and Switzerland, C.36.(d).1926.VI (June 4, 1926), League of Nations Archives - UN Archives Geneva (ungeneva.org).

[79] Lovejoy, "Slavery in the Colonial State," 111-112; League of Nations, Slavery, Information to be Communicated to the Assembly in Accordance with its Resolution Adopted on September 25th, 1926, C.256. 1927.VI. (May 30, 1927), League of Nations Archives - UN Archives Geneva (ungeneva.org).

[80] Lovejoy, "Slavery in the Colonial State," 111-112.

issue of slavery again through the new Committee of Experts on Slavery (CES).[81] The Committee of Experts was set up for one year with the purpose of reviewing the reports sent due to the 1926 Slavery Convention to note any issues in suppressing slavery and if any modifications were needed for moving forward.[82] Miers notes that the only "concrete result" of the CES was that it recommended and resulted in the League establishing a permanent commission on the question of slavery.[83] This permanent commission was formed in 1934 and called the Advisory Committee of Experts on Slavery.[84]

The League of Nations inquiries into slavery followed a narrow conception of slavery as a market-based transaction and failed to recognize the full nature of slavery in society. The Slavery Convention's definition of slavery as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised" failed to offer a definition on the category of persons these powers can be made over.[85] As Patterson notes, in many societies, particularly in Africa, "proprietary claims and powers are made with respect to many persons who are clearly not slaves" and any person can be "the object of a property relation."[86] Husbands can legally make property claims on their wives, and vice-versa but unlike enslaved individuals, these people retain their status of belonging, and it is socially impolite to refer to owning said individual.[87] Here, the Convention failed to consider that enslaved individuals lacked power, which made it possible for the enslaver to refer to ownership over another as a relation of property. In addition, by narrowly focusing their definition of slavery on ownership

[81] Lovejoy, "Slavery in the Colonial State," 111-112; Miers, "Slavery and the Slave Trade," 29-30.
[82] Miers, "Slavery and the Slave Trade," 30.
[83] Ibid, 31.
[84] Lovejoy and Hogendorn, *Slow Death for Slavery*, 277.
[85] Slavery Convention, Signed at Geneva, September 25, 1925, L.N.T.S 1414, at 263.
[86] Patterson, *Slavery and Social Death*, 21.
[87] Ibid, 21-22.

and property, the Convention did not account for other enslaved-generating processes that placed individuals in forms of bondage like pawning.

Further, the idea of "voluntary slavery" failed to account for the fact that for enslaved individual to seek emancipation would mean cutting themselves off from the one person who could grant and secure any rights they might enjoy: their enslaver. The idea of "voluntary slavery" was predicated on the concept that consent was required to be placed into an enslaved state, which it was not. Nor was consent relevant when we consider the lack of status and power enslaved individuals held. Seeking emancipation did not necessarily mean enslaved individuals would suddenly be able to overcome their powerlessness or degraded status. For enslaved individuals, liberation from the obligations of enslavement also meant loss of the reciprocal rights associated with those obligations. They would be giving up their one avenue to fictive kin ties offered through their enslaver-enslaved relationship, and the accompanying protections from this relationship. By narrowly focusing on slavery as a market-based transaction and slavery's economic elements, the Slavery Convention and early Advisory Committee of Experts on Slavery failed to consider how the institution of slavery was deeply integrated into slaveholding societies.

The Advisory Committee of Experts on Slavery met again from 1934-1939, continuing the duties of the previous Advisory Committee into investigating the suppression of slavery. This time around the Advisory Committee changed its tune regarding the issue of "voluntary slavery." Their investigation questioned why enslaved individuals chose to remain with their enslavers after the legal abolition of slavery.[88] The Committee was no longer satisfied with statements like "slavery has been abolished" or reports that slavery was dying out, and now wanted insight into

[88] Miers, "Slavery and the Slave Trade," 33-34; Lovejoy, "Slavery in the Colonial State," 113-114.

the number of ex-enslaved individuals that had been "absorbed into the normal life of the free population."[89] The investigation focused heavily on the influence of British anti-slavery policy more so than other colonial governments and revealed extensive vestiges of slavery in British possession, much to the embarrassment of the British government.

Interestingly, Lugard was not appointed as Britain's representative on this committee and instead, George Maxwell, with experience in Malaya, was appointed. As chair of the Advisory Committee, Maxwell was largely responsible for this change in the League's attitudes towards voluntary slavery, with Miers describing him as "the only truly independent member of the committee."[90] He wanted answers regarding the issue on why ex-enslaved individuals chose to not leave their enslavers and he placed pressure on the British in particular to answer this question.[91] This change in attitude further demonstrates the influence Lugard had on the League and its adopted passive approach to slavery and abolition that initially was satisfied by the idea of "voluntary slavery."

Aftermath of the Slavery Convention's Investigations

Miers has demonstrated that over the fifteen years that the League inquired into the question of slavery, they were initially motivated by pressure from humanitarian calls for action against slavery and did more to protect the interests of colonial governments rather than enforce measures to put an end to slavery.[92] However, the League's inquiries did influence and apply pressure onto colonial governments' approaches to slavery as they needed to appear to the public

[89] Lovejoy and Hogendorn, *Slow Death for Slavery*, 278.
[90] Miers, "Slavery and the Slave Trade," 32-34; Lovejoy and Hogendorn, *Slow Death for Slavery*, 278.
[91] Lovejoy and Hogendorn, *Slow Death for Slavery*, 278.
[92] Miers, "Slavery and the Slave Trade," 22-34; Lovejoy, "Slavery in the Colonial State," 109.

that they were actively enforcing anti-slavery measures.[93] One example is Northern Nigeria during the initial inquiries of the Temporary Slavery Commission. Colonial officials discovered that their anti-slavery legislation abolishing the legal status of slavery did not apply to Mandated Territories and consequently extended the legislation to Mandated Territories in 1924. Later in 1936, when "voluntary slavery" was no longer acceptable to the League, pressure on the Colonial Office caused them to instruct the Governor of Nigeria to again change the colony's slavery policy, and declare that "all persons born in or brought into Northern Nigeria were free."[94] These two changes represent how the League's inquiries placed pressure on colonial governments to tighten their anti-slavery measures.[95]

The Protectorate of Sierra Leone is another key example of how the League's investigations revealed anti-slavery legislation that reflected poorly on Britain's image as the leading power against slavery and subsequently influenced Gold Coast officials' approach to slavery. In 1896, Sierra Leone had been divided into the Crown Colony, where slavery was not recognized, and the Protectorate, where it was tolerated. The slave trade was abolished, and British officials recognized the right of the enslaved to seek their freedom, but no efforts were taken in the Protectorate to actively emancipate those enslaved.[96] By the mid-1920s, pressure from the League's investigation, abolition groups like the Anti-Slavery Society and a struggling domestic economy culminated to reveal the inadequacy of British officials' measures in stamping out slavery. Therefore, an amendment was made to the Protectorate Ordinance in 1926,

[93] Miers, "Slavery and the Slave Trade," 28-29; Lovejoy, "Slavery in the Colonial State," 109.
[94] Lovejoy and Hogendorn, *Slow Death for Slavery*, 261, 282. The 1936 Slavery (Amendment) Ordinance amended the previous Ordinance of 1901 which declared that all children born after March 21, 1901 were free.
[95] Lovejoy, "Slavery in the Colonial State," 111.
[96] Ismail Rashid, "'Do Dady nor Lef me Make dem Carry me': Slave Resistance and Emancipation in Sierra Leone, 1894-1928," *Slavery & Abolition* 19 (1998): 216, doi: 10.1080/01440399808575247.

which determined that British officials were no longer legally able to help enslavers recapture runaway enslaved individuals, but still did not emancipate anyone enslaved.[97]

One year later in 1927, a court case involving enslavers who forcibly recaptured enslaved individuals saw several British judges ruling in favour of the enslavers and their ability to reclaim their enslaved. This judgement not only revealed the 1926 amendment was inadequate, but it also revealed, on an international scale, that slavery still existed in the Protectorate.[98] The court's ruling greatly embarrassed the Colonial Office and exposed Sierra Leone officials' tolerance of slavery and their ineffective efforts to eradicating slavery. The Colonial Office pressured the Sierra Leone administration into abolishing the legal status of slavery in 1927.[99] This example from Sierra Leone demonstrates that officials there too held the passive and narrow approach to slavery and abolition and that the League's investigations did have an impact on colonial governments' anti-slavery legislation. Further, the international scandal had a direct influence on Gold Coast officials' approach to their own anti-slavery legislation in the late 1920s.

The Colonial Office continued to feel the pressure and embarrassment caused by the exposure of slavery in Sierra Leone. The case, referred to as having caused a "public stir" in England and Geneva (the League of Nations), directly motivated the Colonial Secretary to request an investigation into the lingering vestiges of slavery within the Gold Coast. The

---

[97] Rashid, "Do Dady nor Lef me," 222-223. The Gambian Anti-Slavery Ordinances of 1895 and 1906 determined that enslaved individuals born after the Ordinances were free and all others were freed on the death of their enslavers. A similar amendment in Sierra Leonne to the Protectorate Ordinance of 1901 was made in 1926 through the Protectorate Amendment Ordinance No.3 of 1926. The Amendment instructed officials to no longer help enslavers recapture runaway enslaved individuals, but it did not technically emancipate those enslaved.

[98] Rashid, "Do Dady nor Lef me," 225-226; Slavery Case in Sierra Leone: The Judgement, PRAAD, ADM 11/1/975.

[99] Rashid, "Do Dady nor Lef me," 226. The legal status of slavery was legally abolished through the "Ordinance 24 of 1927 – Legal Status of Slavery (Abolition) Ordinance, 1927" which enacted that the legal status of "slave" and "master" were no longer recognized beginning in 1928.

Secretary cites his reasoning for the investigation as wanting to be prepared with an answer should the League ask if there are any vestiges of slavery in the Gold Coast.[100] This request was passed on by the Secretary of Native Affairs (S.N.A) of the Gold Coast to the Assistant S.N.A., J. C. de Graft Johnson, a prominent Afro-European in Cape Coast.[101] De Graft Johnson was instructed to write a memorandum on the vestiges of slavery, "domestic and otherwise," and to include his knowledge on these institutions, his "opinion as to its evils" and a suggestion for how to proceed.[102] In addition, de Graft Johnson was asked to state to what extent he agreed with the evidence given by the S.N.A. Francis Crowther in his statement to the West African Lands Committee in 1913.[103] The outcome of this investigation by de Graft Johnson was the *Memorandum on the Vestiges of Slavery in the Gold Coast.*

J.C. de Graft Johnson and his *Memorandum* were instrumental in shaping the colonial and international perception of slavery and emancipation in the Gold Coast in the late 1920s. However, before continuing to the analysis of the *Memorandum,* it is important to first discuss the potential bias towards slavery within the account. De Graft Johnson was a member of a prominent Afro-European family who had once owned enslaved individuals, a point the S.N.A. refers to when asking de Graft Johnson to conduct the investigation.[104] His father, J.W. de Graft Johnson was an influential and wealthy Afro-European, holding a position as an unofficial member on the Cape Coast Town Council for several years and was also a member and Vice-President of the Gold Coast Aborigines' Rights Protection Society.[105] J.C. de Graft Johnson

[100] Extract from M.P.Np.12385/27, September 22, 1927, PRAAD, ADM 11/1/975.
[101] Ibid.
[102] Ibid.
[103] Ibid.
[104] Memorandum on the Vestiges of Slavery in the Gold Coast, October 1927, PRAAD, ADM 11/1/975.
[105] "General News," *Gold Coast Leader,* July 2, 1910: 2. Readex: World Newspaper Archive. Document | World Newspaper Archive | Readex (uottawa.ca) "General News," *Gold Coast Leader,* October 7, 1922: 4. Readex: World Newspaper Archive. Document | World Newspaper Archive | Readex (uottawa.ca)

attended the London School of Economics and Political Science where he studied anthropology and then worked as the Assistant Inspector of Weights in 1914 before being the first Afro-European appointed to the position of Assistant S.N.A. in 1920.[106]

It is possible that the Assistant S.N.A would have been asked to conduct the inquiry into the extent of slavery in the Gold Coast, but that de Graft Johnson was given the task is interesting. His background as a member of a slave-owning family may have resulted in the S.N.A. hoping de Graft Johnson would paint a favourable picture of officials' approach to anti-slavery legislation. On the other hand, his education as an anthropologist and previous travel all over the Colony, Asante, and Northern Territories as the Assistant Inspector of Weights might have made de Graft Johnson appear as the ideal candidate to conduct the investigation.[107] However, we cannot ignore the simple fact that British officialdom assigned this task to a powerful individual who had a vested interest in slavery and in not revealing its realities. Nor can we ignore how instrumental de Graft Johnson's *Memorandum* was in shaping British colonial officials' view of slavery and their subsequent legal mechanisms for abolition.

De Graft Johnson's assessment in his *Memorandum* on the extent of slavery in the Gold Coast reinforced and substantiated the British colonial officials' passive and narrow attitude towards slavery. Throughout the *Memorandum*, he draws a sharp contrast between European perceptions of slavery as harsh and cruel, and what he cast as the benign reality of slavery in the

---

[106] Peter Haenger, *Slaves and Slave Holders on the Gold Coast: Towards an Understanding of Social Bondage in West Africa* (Basel: P. Schlettwein Publishing, 2000), 29; "Echoes of the Week: Honour for a Native," *Gold Coast Nation*, March 5, 1914: 2. Readex: World Newspaper Archive. Document | World Newspaper Archive | Readex (uottawa.ca); General News," *Gold Coast Leader*, May 29, 1920: 2. Readex: World Newspaper Archive.; "Editorial Notes," *Gold Coast Leader*, June 12, 1920: 4. Readex: World Newspaper Archive. Document | World Newspaper Archive | Readex (uottawa.ca)

[107] "Winnebah," *Gold Coast Nation*, June 17, 1915: 7. Readex: World Newspaper Archive. Document | World Newspaper Archive | Readex (uottawa.ca) ; "Saltpond," *Gold Coast Leader*, April 5, 1919: 2. Readex: World Newspaper Archive. Document | World Newspaper Archive | Readex (uottawa.ca); "General News," *Gold Coast Leader*, February 22, 1919: 1. Readex: World Newspaper Archive. Document | World Newspaper Archive | Readex (uottawa.ca).

Gold Coast, which he calls "domestic slavery."[108] He states repeatedly that "domestic slaves" were treated as adopted members of the enslaver's family who were "more or less free" and highlights that any unhappy enslaved individual could easily leave their enslaver if they wished to. Further, de Graft Johnson claims slavery in Africa had always been fundamentally different from European understandings of chattel slavery: "slavery in the European sense, even in the past, never existed in the Colony and has no chance of now existing."[109] De Graft Johnson further differentiates between European slavery, where the enslaved individual was seen as "drudge and chattel" and domestic slavery where they were "seen as a member of the family."[110] Thus, de Graft Johnson's account was clearly written to support the British colonial perception of slavery in Africa as a more benevolent form of slavery in comparison to the harsh chattel slavery of the Americas.

De Graft Johnson makes clear that although domestic slavery still existed in 1927, it was "only in name and will entirely die out within a generation or so."[111] He explains that lingering vestiges of domestic slavery were necessary to chief's authority as slaveholding was a source of wealth and power. In way of explaining this point, de Graft Johnson states that at no time in the past had there existed a chief without a "retinue composed of blood relatives, domestic slaves and pawns and other dependants."[112] De Graft Johnson warns against an investigation into domestic slavery as it could have dangerous consequences for the political economy and might "weaken the authority of the local Chiefs and it seems doubtful whether any real benefit will be gained by anyone."[113] These observations served to support the colonial and international passive

[108] Memorandum on the Vestiges of Slavery in the Gold Coast, October 1927, PRAAD, ADM 11/1/975.
[109] Memorandum on the Vestiges of Slavery.
[110] Ibid.
[111] Ibid.
[112] Ibid.
[113] Ibid.

approach to abolition and emancipation, with the aim of disrupting the status quo as little as possible, as the correct approach. In painting such a benevolent and politically necessary nature of slavery, one that concealed the reality in which enslaved individuals lacked power within society, de Graft Johnson managed to reinforce the colonial officials' narrow perception of slavery in the Gold Coast as being correct.

De Graft Johnson also discusses the practice of pawning within the Gold Coast. He describes how pawns were treated well but, unlike enslaved individuals, were not fully integrated into the family because pawns retained ties to their own kin groups.[114] De Graft Johnson states that no "criminal intention" was involved in pawning, and that family members and the pawn themselves usually gave their permission to being placed in pawn as it saved the family from destitution and the families' involved were "usually on very friendly terms."[115] Further emphasizing the benevolent nature of pawning, de Graft Johnson notes that some pawns were so well treated that they refused to return to their family upon redemption.[116]

On the extent to which pawning occurred at the time of his investigation, de Graft Johnson claimed that "today there are very probably some pawns, but without question they know they are only doing temporary service, that they are free persons and can leave at any time."[117] He paints the practice of pawning as a secure way to acquire a loan, thus suggesting its benevolent nature, and suggests that the practice too should be left to die out.[118] Clearly, de Graft Johnson supported the assessment given by S.N.A. Crowther on domestic slavery in 1913 and the colonial attitude that slavery and pawning should be left to naturally die out. Again, in

[114] Ibid.
[115] Ibid.
[116] Ibid.
[117] Ibid.
[118] Ibid.

providing this support, de Graft Johnson managed to conceal the full reality of pawning and paint a picture of pawning that was instrumental in shaping British colonial officials' perception of the practice. As we shall see in the following chapter, there were in fact children and junior dependents who strongly resisted their pawning by family members during this period and attempted to find ways to circumvent their lack of power within their lineage.

Scholars have used *The Memorandum on the Vestiges of Slavery* within their research but have not placed as much attention to the account being given by an Afro-European colonial official or the potential bias he might have held towards slavery. However, we cannot ignore how, through his report, British officialdom was so powerfully informed by someone with a vested interest in slavery. The *Memorandum* does provide detailed descriptions of slavery and social structures in the Gold Coast that are invaluable, but we must also remain aware that it was written by an individual who benefited from concealing the realities of slavery, and that he may have thought to benefit politically by providing a description that was favourable to the colonial officials' approach to slavery and abolition. Further, this document demonstrates how the narrow approach to abolition was repeatedly justified, reinforced, and supported at the colonial and international level. In conclusion, de Graft Johnson's assessment on the extent of slavery in the Gold Coast stuck to the colonial passive attitude towards slavery and therefore, at the time, likely appeased the Colonial Secretary. De Graft Johnson only noted one weakness in the administration's anti-slavery legislation where there was not a uniform extension of an ordinance throughout the Colony, Asante and the Northern Territories.[119]

The pressure on the Colonial Office caused by the League of Nations and Anti-Slavery Society's inquiries and the 1927 Sierra Leone case led to a strengthening of anti-slavery

[119] Ibid.

legislation in the Gold Coast in the late 1920s. The colonial government wanted to ensure that there could be no misinterpretation of the law regarding slavery.[120] In 1928, one year after de Graft Johnson wrote his *Memorandum*, the *Slave-dealing Abolition Ordinance* reproduced the previous two 1874 Slave-dealing and Emancipation Ordinances. Then in 1930, the *Reaffirmation of the Abolition of Slavery Ordinance* enacted that "slavery in any form whatsoever was unlawful and that the legal status of slavery did not exist."[121] The ordinances were meant to re-affirm the colonial governments' stance on slavery but did not make any changes regarding those still considered domestic enslaved individuals or their descendants. Thereby, it supported continuing with British officials' passive and narrow approach to abolition. The abolition of the legal status of slavery did not impact native customary law regarding the rights of enslaved individuals and their descendants and did nothing to hamper the legacy of slavery within customary law.

Conclusion

The inquires and attitudes of colonial officials, including de Graft Johnson, anti-slavery groups, and the League of Nations perpetuated a narrow understanding of slavery in which slavery was voluntary and benevolent and therefore did not need to be immediately stamped out. The outlawing of the legal status of slavery and stopping slave trading was seen as the more immediate need and the deep-seated nature of slavery within Gold Coast society was not considered. This narrow perception of slavery and the passive legal maneuvering had an impact

[120] League of Nations, Slavery, Report of the Committee of Experts Provided for by the Assembly Resolution of September 25th, 1931, C.618.1932.VI, (Sept. 1, 1932), League of Nations Archives - UN Archives Geneva (ungeneva.org)

[121] Opare-Akurang, "The Administration," 150; League of Nations, Slavery, Report of the Advisory Committee of Experts, Third (Extraordinary) Session of the Committee, C.189(1).M.145.1936.VI., (May 15, 1936), 20, League of Nations Archives - UN Archives Geneva (ungeneva.org); "Annex 1707, Series of Publications: 1938.VI.B.1, Work of the Advisory Committee of Experts on Slavery during its Fifth (Extraordinary) session, Report of the Committee, Submitted to the Council on May 11th, 1938," League of Nations Official Journal 19, no. 5 and 6 (May-June 1938): 489. International & Non-U.S. Law Journals League of Nations Official Journal - HeinOnline.org (uottawa.ca).

on individuals of the Gold Coast who reshaped and negotiated customs to navigate the changes brought on by colonial rule and the colonial and international perception of slavery. A perception that, in failing to prioritize other enslaved-generating processes and recognize slavery as a set of relationships, did not fully stamp out the institution of slavery or its legacies within the Gold Coast. Practices like pawning did not disappear from 1900 to 1930 but adapted to the new circumstances and the rising importance of land and cocoa cultivation. As we will see in the following chapter, a great deal of pawning was occurring in the Gold Coast but was going under the radar of colonial officials.

The slow transition from enslaved labour to free labour, a cash-crop economy and the policy of indirect rule had lasting changes on Gold Coast political, economic, and social institutions. These changes implemented by colonial authorities helped to transform the institutions of pawning, marriage and chiefly courts and ensured slavery's legacies continued on well into the twentieth century. What anti-slavery members in their anti-slavery campaigns and colonial officials in their anti-slavery legislation failed to recognize was how deeply pawning was intertwined with cocoa production and land transactions in the twentieth century. Further, the Assistant S.N.A., J.C. de Graft Johnson, who was so influential in shaping British officials' approach to anti-slavery legislation in the late 1920's and a member of a slave-holding family, could not himself avoid slavery's legacy in customary law inheritance rights. As we shall see in Chapter Four, the legacy of slavery continued to influence society and law in the Gold Coast Colony throughout the twentieth century.

Chapter Three: Transformations in Pawning in Early Twentieth Century Akuapem

In the wake of the abolition of slavery and the explosion of cocoa cultivation there was a reshaping of practices and reciprocal relations in the early twentieth century as a way to acquire both labour and land. The booming cocoa economy in the Gold Coast was upheld by Britain as the golden example of African initiative and in a colony in which they claimed slavery had been effectively extinguished. However, this perception was out of touch with the reality on the ground in the Gold Coast. British officials', somewhat willfully, incomplete understanding of slavery and pawning, combined with the economic transformations of cocoa cultivation, drove the expansion of certain forms of slavery. The cocoa boom expanded the demand for labour, and Africans were able to use forms of bonded labour that went unrecognized by the British due to their focus on chattel slavery as "real" slavery and anything else as acceptable. Practices and understandings of reciprocal family relations from 1900-1930 were reshaped as a means to claim rights to an individual and to land. These contestations to people and their labour suggest a transition from enslaved labour to pawning, where pawning began to replace the previous demand for enslaved labour. However, pawning did not become slavery. Instead, pawning began its own transformations where the practice began to blur the lines between slavery, marriage, wage labour and reciprocal family relations.

This chapter examines the consequences of abolition on the Gold Coast in the early twentieth century by looking into the ways in which individuals attempted to amass rights to others and their labour during a time when slavery and pawning were no longer a legal means in which to do so. Colonial and chiefly court records reveal disputes over land, debt, and marriage that shed light on the type of situations in which rights to both individuals and land were being

contested. Using these court records, this chapter aims to answer several key questions. What claims over another person, or their labour, were individuals making and how did land rights factor into these claims? How were the power-relations in reciprocal relationships being contested and reshaped in these cases? In what situations did pawning occur and most importantly, who was being pawned?

The early twentieth century saw a continued use of pawning as well as lingering instances of slave-dealing. Scholars' research has revealed that slave-dealing cases occurred, demonstrating a continued illicit slave trade that preferred women and children.[1] Colonial officials tended to not differentiate between cases of slave-dealing and pawning, often inter-changing the two practices as one. Such was the case for two cases in Accra where the official charge brought forward was of slave-dealing but the testimony suggests context involving pawning that was mislabeled by officials.[2] The language within these two cases refers to individuals having been pawned in exchange for a loan rather than out-right sale. The misinterpretation of pawning cases as slave-dealing was a point raised by de Graft Johnson in 1927, revealing that the difficulty of colonial officials in recognizing and differentiating between the two practices continued into the end of the period examined here.[3]

Studies on the process of emancipation in the late nineteenth century have argued that many enslaved individuals chose to remain with their enslaver's families. Trevor Getz, raising

---

[1] Claire Robertson, "Post-Proclamation Slavery in Accra: A Female Affair?" in *Women and Slavery in Africa*, Claire Robertson and Martin Klein (Madison: The University of Wisconsin Press, 1983), 222-226; Raymond E. Dumett, and Marion Johnson, "Britain and the Suppression of Slavery in the Gold Coast Colony, Ashanti, and the Northern Territories," in *The End of Slavery in Africa*, S. Miers and R. Roberts (Madison: The University of Wisconsin Press, 1988), 84.

[2] Cati Coe's Notes – Rex vs Osaku, 15 January 1906, Ghana National Archives, SCT 2/5/16; Cati Coe's Notes – Rex vs Oben Cudjoe and others for slave dealing, 24 April 1911, GNA, SCT 2/5/19.

[3] Memorandum on the Vestiges of Slavery in the Gold Coast, October 1927, Public Records and Archives Administration Department (PRAAD), ADM 11/1/975. Writing in 1927, de Graft Johnson noted that records for the last seven years each contained a few slave-dealing cases in the Colony and Asante where "almost everyone must have been a case of pawning."

the question of what enslaved individuals would understand as "freedom", has demonstrated the few options to emancipation there were in the immediate post-proclamation period (1874-1900) and that many chose to renegotiate better terms for themselves with their enslavers and their families. Enslavers were willing to agree to improved circumstances or freedoms as they did not want to lose their enslaved dependents and the associated social prestige and access to labour.[4] The court records from Akuapem examined in this chapter reveal that many enslaved individuals did remain with their enslavers' families and appear in the inheritance and slave-calling cases examined in Chapter Four. Although the majority of enslaved individuals did not actively seek their emancipation, there was a transition from slavery to other forms of bonded labour, particularly pawning, in the early twentieth century that coincided with the expanding cash-crop cultivation that created demands for labour and contributed to the growing importance of land ownership.

This transition from slavery to pawning in the Gold Coast has been the focus of several studies with scholars arguing for a "feminization" of pawning and a blurring of pawning into marriage and fatherhood. In Asante, there was a decline in the pawning of men in preference for pawn wives or child pawns in the early twentieth century.[5] Men sought to shape gender relations in a way that ensured the subordination of Akan women and allowed for the exploitation of their labour that directly contributed to the expansion of cash crop production, particularly cocoa.[6] Key to this feminization was the growing practice of taking pawn wives, with the husband's

---

[4] Trevor R. Getz, *Slavery and Reform in West Africa: Toward Emancipation in Nineteenth-Century Senegal and the Gold Coast* (Athens: Ohio University Press, 2004).
[5] Gareth Austin, "Human Pawning in Asante, 1800-1950: Markets and Coercion, Gender and Cocoa," in *Pawnship, Slavery, and Colonialism in Africa*, T. Falola and P Lovejoy (Trenton: Africa World Press, 2003); Gareth Austin, *Land, Labour and Capital in Ghana: From Slavery to Free Labour in Asante, 1807-1956* (Rochester: The University of Rochester Press, 2005).
[6] Beverly Grier, "Pawns, Porters, and Petty Traders: Women in the Transition to Cash Crop Agriculture in Colonial Ghana," in *Pawnship, Slavery, and Colonialism in Africa*, T. Falola and P Lovejoy (Trenton: Africa World Press, 2003).

marriage payment, "*tiri sika,*" increasing in value and granting him more rights within the marriage[7].

The institution of marriage was a fluid process in the post abolition period. Marriage between a free man and free woman included certain marriage rituals which established a union as a full marriage. One of these rituals included small payments, "*tiri sika,*" in the form of cash or drinks, to the bride's lineage that were symbolic in nature and established certain rights and expectations between spouses.[8] One of the rights included in a matrilineage was that the rights to children would remain with the wife's lineage and not the husband. The legal guardian of a freeborn married woman remained her maternal uncle and not her husband. The husband could enjoy the profits of his wife's and their children's labour, but he could not compel them to labour for him and he was expected to provide maintenance for the wife and their children. Further, the wife retained control over any of her personal resources after marrying.[9]

However, husbands had the ability to garner more control over their wife's labour and property. A man could marry a woman he held in pawn, but he could also agree to take his wife in pawn in exchange for providing a loan to her lineage. As Grier explains, "it was in the process of securing a loan from the man or husband that the woman's guardian placed her in this inferior legal position."[10] The creditor-husband now had more control over his wife, as she was now required to live with him, and he could compel her to labour for him (whereas otherwise he had no legal right to demand so). Further, the pawned wife was required to "disclose to her husband the amount of her personal property and share equally with him all future profits derived from

---

[7] Austin, "Human Pawning in Asante;" Austin, *Land, Labour and Capital in Ghana*; Jean Allman and Victoria B. Tashjian, *"I Will Not Eat Stone": A Women's History of Colonial Asante* (Portsmouth: Heinemann, 2000).
[8] Austin, "Human Pawning in Asante;" Austin, *Land, Labour and Capital in Ghana*; Grier, "Pawns, Porters, and Petty Traders." The symbolic payment also guaranteed the wife's fidelity.
[9] Grier, "Pawns, Porters, and Petty Traders," 304-305.
[10] Ibid, 305.

it."[11] Most significantly, by taking a woman as a pawn-wife, the creditor-husband was granted rights to and control over their children and their labour.

As cocoa cultivation expanded in the post abolition period, wife-pawning became a more popular means of acquiring access to labour and property. The symbolic nature of the marriage payment began to disappear as larger sums of money were given to woman's lineages in exchange for the husband-creditors receiving more rights over their wife and children.[12] There was a demand for female labour in the early stage of cocoa commercialization, as the subsistence farming and reproductive tasks typically performed by woman provided food for male cocoa farmers and the food crops provided the necessary shade to protect young cocoa trees. Further, wife-pawning was an appealing way for men to acquire labour as it could be hidden from colonial authorities by claiming the exchange was one of a marriage payment.[13]

Allman and Tashjian argue that having the marriage payment, *tiri sika*, increase in value encouraged lineages to place women into pawn marriages. Men gained more authority over women's labour as creditor-husbands and greater rights and control over the children produced during the union. The marriage payment transformed from a symbolic exchange between a man and a woman's lineage, to an exchange of a loan between the two and thereby enveloping the practice of pawning with marriage and fatherhood.[14] By the 1930s and 1940s, the practice of wife-pawning was "widespread in Asante (and in Akan society more generally)."[15] It is suggested that gender relations in Asante underwent a drastic transformation in which women

---

[11] Ibid.
[12] Austin, "Human Pawning in Asante;" Austin, *Land, Labour and Capital in Ghana*.
[13] Austin, "Human Pawning in Asante;" Austin, *Land, Labour and Capital in Ghana*.
[14] Austin, "Human Pawning in Asante;" Allman and Tashjian, *"I Will Not Eat Stone;"* Austin, *Land, Labour and Capital in Ghana*, 244. The bigger marriage payments also placed pressure on lineages to ensure the pawn-wife remained faithful in the marriage, as they would be required to repay the loan upon divorce.
[15] Austin, *Land, Labour and Capital in Ghana*, 234; Allman and Tashjian, *"I Will Not Eat Stone."*

experienced a reduction of power as pawn-wives and men gained more power over their dependents as husbands and fathers.[16]

Expanding on these scholars' arguments, Cati Coe further suggests that pawning also merged into conceptions of fosterage. Focusing on Akuapem, Coe argues that pawning was reshaped to resemble conceptions of marriage, fosterage, and fatherhood due to contestations over the nature of marriage payments and over debt-relations between children and adults. Coe suggests that men who provided financial support for the maintenance of children, as fathers or foster-fathers, attempted to then claim certain rights over the children as if they were held in pawn.[17] In other words, men were attempting to claim that the relationship was now one of pawning on the grounds of having provided financial aid.

Coe argues that fathers were more successful in claiming the rights associated to a creditor-pawn relationship with their children, thereby enveloping the practice of fatherhood into pawning. However, Coe suggests that in the case of foster fathers, men were generally unsuccessful in claiming that the fosterage relationship had transitioned to one of pawning.[18] Therefore, fosterage did not envelope into pawning despite numerous attempts to claim similarities between the practices. Colonial records suggest a decline in the number of instances of pawning documented, however, these studies have demonstrated that pawning went unnoticed by colonial officials, merging into marriage, fatherhood, fostering to varying degrees.

---

[16] It should be noted that Stefano Boni contradicts these findings and argues that the degree of change has been over-emphasized with the influence of colonial rule and cocoa cultivation resulting some "short-term alterations" to gender relations. See Stefano Boni, "Twentieth-Century Transformations in Notions of Gender, Parenthood, and Marriage in Southern Ghana: A Critique of the Hypothesis of 'Retrograde Steps' for Akan Women," *History in Africa* 28 (2001): 15-41, doi:10.2307/3172205.

[17] Cati Coe, "How Debt Became Care: Child Pawning and its Transformations in Akuapem, the Gold Coast, 1874-1929," *Africa* 82, no. 2 (2012): doi:10.1017/S000197201200006X.

[18] Coe, "How Debt Became Care."

Another way to look at the changes occurring in this period is through a lens of relations of dominance and subordination. Slavery, a relation of domination, was also an extreme form of power inequality in relationships that was becoming less of a viable option to acquire labour or rights over another person by the turn of the twentieth century.[19] Yet slavery was not the only type of relationship in which inequality existed. Within corporate lineages, there were less extreme forms of inequality in relations between men (husband) and women (wife); parents and children; and across generations.[20] These relationships all included traits of dominance and subordination that were understood through kin-based notions of belonging and reciprocal obligations and privileges that allowed senior individuals to acquire control over junior dependent's labour and/or make claims to their future labour.[21]

People were attempting to transfer extreme dominance traits onto the lesser inequality forms of relationships. As the political space for slavery shrank, people were attempting to carve out ways in which pawning or debt bondage could be used to acquire control not only of labor but also of rights to people as dependents. However, those in the subordinate position as dependents were not passive actors. As we shall see, they were also attempting to use these evolving relations to their advantage and resist claims to their labour by using the ideology of kinship and belonging, and the legal, social and economic changes brought on by colonial rule and cocoa cultivation.

---

[19] Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, Massachusetts: Harvard University Press, 1982), 1.
[20] Grier, "Pawns, Porters, and Petty Traders," 301; Sean Stilwell, *Slavery and Slaving in African History* (Cambridge: Cambridge University Press, 2014), 8-10.
[21] Stilwell, *Slavery and Slaving*, 16-17; Kwame Anthony Appiah, "What's Wrong with Slavery," in *Buying Freedom: The Ethics and Economics of Slave Redemption*, Kwame Anthony Appiah and Martin Bunzl (Princeton: Princeton University Press, 2007), 250-252 251-252.

Pawning in Akuapem from 1900 – 1930

Pawnship or debt bondage was a common method used by Africans to acquire access to people and to secure credit in the nineteenth century. Pawning (or pledging) required a contract between the debtor and creditor with the mutual understanding that the creditor held rights over the labour of the pawn, who stood as collateral on the loan, until the debt was paid off. The labour of the pawn did not go towards paying off the debt but instead covered the interest on the debt and the cost of their subsistence while they were in pawn. Only the debtor, either the individual or the lineage who acquired the loan, was able to pay off the debt.[22]

Pawns retained their kinship ties to their lineage and were in theory protected by this status of belonging against extreme exploitation or abuse. Thus, by retaining the ties of kinship, Falola and Lovejoy explain that "pawnship was an outgrowth of kinship."[23] The contract transferred the kin group's rights in and responsibilities to the pawn to the creditor for the duration of the loan, but the pawn still retained their kinship ties to their lineage. Thus, the creditor could now benefit from their labour but was also responsible for the care and upkeep of the pawned individual.[24] In Akuapem, residence of the pawn with the creditor was closely tied to the creditor being able to claim rights to the pawn's labour and "'staying with' someone was a common euphemism used for pawning."[25]

It was also the status of belonging, as "lesser dependents," that made it possible for individuals to be pawned.[26] Not every member of the lineage had an equal chance of being

[22] Robertson, "Slavery in Accra," 225; Stilwell, *Slavery and Slaving*, 14-15; Toyin Falola and Paul E. Lovejoy, "Pawnship in Historical Perspective," in *Pawnship, Slavery, and Colonialism in Africa*, T. Falola and P Lovejoy (Trenton: Africa World Press, 2003), 1-4.
[23] Falola and Lovejoy, "Pawnship," 9.
[24] Ibid, 4-6; Stilwell, *Slavery and Slaving*, 14-15.
[25] Coe, "How Debt Became Care," 293.
[26] Stilwell, *Slavery and Slaving*, 15.

placed in pawn.[27] In her study on Akuapem in the late nineteenth century, Coe discusses who was most likely to be pawned, or even sold:

> The most favoured were the indebted person him- or herself, or the indebted's brother or sister, niece or nephew, in both patrilineal Guan and matrilineal Akan families. Girls prior to their puberty ceremonies, unmarried boys, and slaves and their descendants were also favoured pawns. Women could be pawned or sold to repay the marriage payments owed to their husbands when they divorced.[28]

Although these dependents were more likely to be pawned, it was usually not done without great consideration and need. Poverty was a major reason families or lineages turned to pawning as well as the need for capital to pay funeral costs, chiefy court fines or ritual obligations.[29] These were continued reasons for indebtness in the twentieth century too.

Higher interest rates on loans, caused by an increase in pawning, in the late nineteenth century meant that a pawn's labour did not always cover the entirety of the interest. In her discussion on pawning in late nineteenth century Akuapem, Coe found that the interest rates on loans were quite high, sometimes up to 50 per cent and as a result, debtors struggled to reclaim their relatives who remained in pawn for extended periods.[30] Coe determined that a pawn stayed with the creditor until "the loan or the loan and interest were repaid," with the debtors in some circumstances having to repay the remaining interest as well as the loan itself.[31] Gareth Austin also discusses a similar observation in both the pre-colonial and early colonial period Asante where at times a pawn's labour did not fully cover the interest, and the debtor paid interest on the original loan at the time of redeeming the pawn.[32] However, by the twentieth century, pawning contracts in Akuapem began to include arrangements where pawns were to "serve in lieu of

---

[27] Falola and Lovejoy, "Pawnship," 6.
[28] Coe, "How Debt Became Care," 293.
[29] Ibid, 295; Falola and Lovejoy, "Pawnship," 2.
[30] Coe, "How Debt Became Care," 288, 294.
[31] Ibid, 294.
[32] Austin, *Land, Labour and Capital in Ghana*, 144-146.

interest," with there being no agreed upon interest on a loan, or with interest only being due in the case that pawned individuals ran away.[33]

Pawning continued to be a means for acquiring access to capital and labour but underwent some significant transformations in the early twentieth century due to the changes brought on by colonial rule and the expansion of cocoa production. As with the illicit slave trade in children that lingered in the early twentieth century, children continued to be one of the preferred pawns. Children initially continued to be pawned by lineage members, usually by their fathers or uncles, depending on if they were members of a patrilineage or matrilineage respectively. For example, in 1914 a creditor received two pawns, one boy placed in pawn by his father and one girl by her uncle.[34] Pawning was also done by some female lineage members such as a mother or aunt, but they were usually accompanied by a male relative. For example, one woman, with the permission of her brother, pawned her son to her niece's husband, in exchange for a loan to cover a debt of £4 she incurred through a court fine.[35]

Child pawning continued to reflect nineteenth century reasons for pawning. Often a loan was needed to pay off an existing debt and it was arranged that the child would live with and labour for the creditor. In 1911, a father pawned his son in exchange for a loan of £8. It was agreed that the son would stay with and labour for the creditor. However, when the son incurred an additional debt of £4, the creditor refused to provide another loan so the father removed his son so he could try to pawn him to another person.[36] In another case, a son and daughter were pawned to the Basel Mission to cover their father's debt. Originally, the loan was raised with the

[33] Coe, "How Debt Became Care," 294.
[34] Cati Coe's Notes – Kwame Kuma vs Kwame Lartey Labbi, 29 December 1914, Eastern Regional Archives, ECRG 16/1/19.
[35] Cati Coe's Notes – Rex vs Osaku, 15 January 1907, Ghanaian National Archives, SCT 2/5/16.
[36] Cati Coe's Notes – E.J. Kuma of Okroase vs Ampem Kwaku of Lartey, 20 April 1911, ERA, ECRG 16/1/9.

promise of giving land, but it was decided to pawn the children instead to avoid selling the land.[37] As junior dependents, children were still used to help against indebtedness. However, it appears that as the period progressed, child pawning, or pledging as it was also referred to, was perceived as less of a secure credit system.

One reason for this transition may be that child pawns did, successfully and unsuccessfully, try to exercise their agency in situations of pawning. Some exercised a say in the terms of their pawning or refused to agree to being pawned. For example, when attempting to raise a loan to buy land, K. Danso asked his son to be placed in pawn, but the boy refused. As a result, Danso had to pawn his sister for the loan instead.[38] In another case, the head of the family and stool holder, Ya Afe, pawned her grandson and granddaughter to two separate creditors to help cover the massive stool debt left by the previous stool holder. After serving for a period, the granddaughter refused to stay in pawn as the creditor, ex-Omanhene Akuffo had "seduced" her.[39] Ya Afe then arranged for stool land to be sold so that the granddaughter could be redeemed.[40] These two cases demonstrate that lineage dependants had a say in their pawning and their refusal to be pawned or remain in pawn was respected by elder lineage members. In addition, they shed light on the type of situations in which pawning occurred: to raise capital to purchase land and/or to pay off debt.

---

[37] Cati Coe's Notes – Robert Darko vs Kwame Donkor, 10 October 1914, ERA, ECRG 16/1/18.
[38] Cati Coe's Notes – Akua Asabea vs Kwaku Mansa, 1 November 1911, ERA, ECRG 16/1/10.
[39] Cati Coe's Notes – Kwadwo Bampo vs Ankobea Ohene Kwadwo, 19 September 1917, GNA, ADM 29/4/7. The use of the term "seduced" in this case suggests that it is a euphemism for sexual assault. It is unclear in the chiefly court records if this was a common usage of the term, as a number of adultery cases also use the term "seduce" in reference to women having sex with men who are not their husband. Further, other cases of clear sexual assault do not use the term "seduce" to describe the situation. See also Cati Coe's Notes – Adjoa Kwakyewa vs Adu Bekoe, 23 January 1919, GNA, ADM 29/4/7; Cati Coe's Notes – Salome Adjoa Assi vs Odonkoi, 9 September 1914, ERA, ECRG 16/1/19.
[40] Cati Coe's Notes – Kwadwo Bampo vs Ankobea Ohene Kwadwo, 19 September 1917, GNA, ADM 29/4/7.

A common means of resisting pawning that children used was running away after serving the creditor for a short length of time. This was a strategy used by child pawns in the nineteenth century to signal the end of their willingness to remain in pawn through non-legal means. Running away in this period had either forced the debtor to repay the loan or forced the creditor to take the debtor to court to receive the repayment of the debt.[41] However, with pawning now illegal, the chiefly courts technically should have no longer been a viable means of ensuring repayment of the loan. This strategy was used in 1909 when two boys ran away from their creditor after serving one month as pawns.[42] In 1908, a girl pawned by her uncle ran away from the creditor three times, at which point her uncle repaid the debt.[43]

In 1913, a father and mother pawned their son for a loan of £3 and arranged for the boy to work for the creditor to pay off the debt. Interestingly, a provision was included in the agreement that the creditor could charge an interest of £1 10*s* if the boy failed to work and ran away, which he did after only serving one month.[44] The children's refusal to be pawned or remain in pawn suggests that there was an on-going struggle within kin-related power-relations where junior dependents were attempting to resist elder lineages members power over them. Likely contributing to these power struggles was the knowledge that slavery was no longer a legal viable means to acquire access to unfree labour and that the system of pawning, although easier to hide or blur into other practices, was also illegal. Thus, senior lineage members were left with fewer options to call upon unfree labour and junior lineage members were granted or attempted to seize increased power over their persons and labour.

[41] Coe, "How Debt Became Care," 294.
[42] Cati Coe's Notes – Offei Kwadjo of Mampong vs Antwi Kwadjo of Dawu, 10 March 1909, ERA, ECRG 16/1/4.
[43] Cati Coe's Notes – Kwajo Amoako vs Kwame Kwapong, 20 May 1908, ERA, ECRG 16/1/2.
[44] Cati Coe's Notes – Adjei Tse Otweamma vs Quao Ayesuh, 28 May 1915, ERA, ECRG 16/1/19.

Another case demonstrates a similar situation of the interest on a loan serving as protection against pawns running away. In 1911 Kwasi Ahamfro pledged his son for a £10 loan with no interest if the boy stayed with the creditor. Should the son fail to stay with the creditor then Ahamfo would have to pay interest on the loan. The son stayed with the creditor for close to two years when Ahamfro claimed to have learned that pawning was illegal, and subsequently removed his son from pledge. The creditor tried to claim interest on the grounds that Aboagyi had failed to stay in pledge and broke the agreement. However, the chiefly court ruled against the creditor finding that "so long as the boy has stayed with plaintiff [the creditor], the money does not require any interest."[45] These two cases demonstrate that junior dependents were continuing to be pawned to cover debts and that they also were able to or attempted to resist their pawning. This resistance to being pawned was common enough that some creditors saw the need to set up protections to ensure the repayment on the loan.

Chiefly court records suggest there was a general decline in the practice of pawning children and an increase in the practice of pawning land. By at least 1911, the growing power of child pawns to resist their pawning was beginning to contribute to the practice no longer being seen as a secure means for debtors to acquire a loan. This is illustrated by one case in the Akuampen Omanhene's court in 1911 when a man tried to send his nephew to the Omanhene to be pledged, on his behalf, to the creditor/plaintiff while he raised money to pay the debt. The Omanhene refused the offered pledge and ordered the defendant to appear in court to find a different solution.[46] In addition to this attitude towards child pawning was the abolitionist pressure from the colonial government's policies regarding pawning and the growing

[45] Cati Coe's Notes – Eller Kwadjoe Konor vs Kwasi Ahamfro, 24 June 1914, ERA, ECRG 16/1/12.
[46] Cati Coe's Notes – Kwabena Barifi of Koforidua vs Kwadjo Botwe of Adukrom, 3 May 1911, ERA, ECRG 16/1/9.

commercial value of land and its produce. These three factors helped contribute to a shift where some individuals were more likely to seek rights in land, in order to produce and sell cocoa, than to acquire rights to people and their labour.

A case from 1912 demonstrates this preference for rights to land over rights to people and blurred connotations of pawning and slavery; both seen as illegal and as unacceptable options for raising capital. The defendant, Ofosu attempted to pawn or potentially sell his niece to two men, both of whom refused the offer on the grounds that pawning or selling an individual was now illegal. After one of the men, Yaw Krong, refused, Ofosu attempted to go behind his back and acquire the loan through Krong's mother. Krong sent a messenger to his mother once he learned of Ofosu's actions. His testimony states: "I sent the man to tell my mother that she mustn't buy the girl and the government had forbidden that."[47] Here, it is apparent that Krong understood Ofosu's actions as attempting to sell the girl rather than pawn and refused the offer on the grounds that slavery was illegal. The second man, Kofi Addo also refused to take Ofosu's niece once he realized Ofosu did not want just a loan but to pawn his niece for the loan. In his testimony, Addo states "At first I brought the money as I thought he wanted same as loan – but as he mentioned that he would give the girl to me, I refused to pay him the amount."[48]

Witnesses' testimony supports Addo's statement and provides insight into a preference for land, or a farm, as a surety for a loan rather than a pawn. One witness stated that Addo told Ofosu that a pawn was "pointless," but he would supply a loan if they gave a "proper surety."[49] While another witness corroborates this "proper surety" point with more detail: "Kofi Adoo told him [Ofosu] that [pawning] was illegal and that he couldn't do that. And that if [Ofosu] could

[47] Cati Coe's Notes – COP vs Ofosu, 1 March 1912, GNA, SCT 38/5/2.
[48] Ibid.
[49] Ibid.

give him a farm as surety or if someone would be surety for him, he would give him the amount."[50] These statements support the idea that a surety in land or person, an adult standing security, was preferred by lenders who did not want to accept a pawn for the loan. Ofosu's offer was presented by the potential creditors to the Supreme Court for the Eastern Province, a British administered court, using connotations of slavery and pawning and he was found guilty of slave dealing. Thus, this case sheds light on the reasons for how human pawning was starting to appear as a less viable form of credit and, at times, interpreted as slavery, particularly when it drew the attention of the British. It further supports that some creditors wanted to acquire rights to land rather than rights to people and their labour.

This desire for access to land can be seen in further examples where land was being pawned in exchange for a loan or sold to pay off debts. In 1905, Kwame Addo of Mampong received a cocoa farm "as awowa," the Akan word for pawn, from Kofi Atiemo.[51] Akote Kwabena in 1908 pledged land to Akua Mantebea's mother in exchange for a loan and in 1914 Atta Kofi attempted to pledge his land to pay his debt so he could be released from prison.[52] Annor Kwaku received land in pledge in 1926, which he allegedly then gave to his labourer to work.[53] The produce of land could also be pledged for a loan. In 1920 Kwabena Boadu pledged the cocoa on his brother's farm to one creditor and later pledged the land itself to a different creditor when he needed another loan.[54]

In his study on Asante, where the pledging of land or its produce was an expanding practice in this period, Austin found that "in terms of rules, the pledging of tree-crop farms was

---

[50] Ibid.
[51] Cati Coe's Notes – Kwab. Manukure vs Kwame Addo, 23 October 1905, ERA, ECRG 16/1/1; Dumett and Johnson, "Britain and the Suppression," 76.
[52] Cati Coe's Notes – Akua Mantebea vs Akote Kwabena, 20 April 1908, ERA, ECRG 16/1/2; Cati Coe's Notes – Joseph Bampoe vs Yao Barima, 24 July 1914, ERA, ECRG 16/1/18.
[53] Cati Coe's Notes – Kwaku Dankwa vs Kofi Adjei, 4 March 1929, ERA, ECRG 16/1/27.
[54] Cati Coe's Notes – Yao Oheneng vs Kwabena Boadu, 15 January 1920, GNA, ADM 29/4/7.

very much the equivalent or continuation of the pawning of people."[55] The produce from the land pledged could cover the interest of the loan or help towards repayment of the loan.[56] The examples examined here suggest that the pledging of land in Akuapem followed a similar continuation from pledging people. Land was also sold by some to pay off their debts rather than acquiring a loan. In 1909, Kwadwo Yeboa was accused of selling lands to pay his debts without first gaining the lineage heads permission and in 1912 one woman sold land she inherited from her deceased husband to raise funds for her children's education and maintenance.[57]

In addition, land or older lineage members were also increasingly used to stand as security on a loan. In 1909, Emanuel Addo Kofi got into debt while building the Basel Mission at Kyebi and was loaned 9 pounds that he repaid using his salary. When he got into another debt for 14 pounds, he used his land as security.[58] In 1914, Yao Nkansa gave 20 pounds to his wife's brother and father who secured the loan using a cocoa farm.[59] Benso used a cocoa farm to secure a loan to bail him out of jail.[60] In 1919, Kwaku Bampor stood security for a loan for Ohene Yaw.[61] However, when the debt went unpaid, it meant that the creditor had the right to seize the land used as security or seize land when the individual who stood security failed to cover the debt. For example, when Yaw Mosi had his land seized, he took Addo Kwadjo to court for making "him a fool." Kwadjo had stood as surety for a loan for Mosi and likely failed to help cover repayment of the loan which resulted in Mosi's land being taken away.[62] In 1923, Among Yao almost had his land seized after he secured a loan with his cocoa farm but was saved when

[55] Austin, *Land, Labour and Capital in Ghana*, 268.
[56] Ibid, 142.
[57] Cati Coe's Notes -Jan Kwabena of Ab. Vs Kwadwo Yeboa of Ab, 1 June 1909, ERA, ECRG 16/1/4; Cati Coe's Notes – Mrs Amaney vs Yao Dode, 9 September 1912, ERA, ECRG 16/1/14.
[58] Cati Coe's Notes – Emanuel Addo Kofi vs Jacob Isliker, 25 January 1909, EA, ECRG 16/1/14.
[59] Cati Coe's Notes – Yao Nkansa vs Yaw Awuku, 30 May 1918, GNA, ADM 29/4/7.
[60] Cati Coe's Notes – N.D. Asare Boafo vs Dora Tammea, 7 March 1918, GNA, ADM 29/4/7.
[61] Cati Coe's Notes – Kwaku Bampor vs Kofi Yeboah, 12 August 1919, GNA, ADM 29/4/7.
[62] Cati Coe's Notes – Yaw Mosi vs Addo Kwadjo, 13 May 1918, GNA, ADM 29/4/7.

his brother loaned him 130 pounds to pay the debt.[63] These cases support the idea that land was increasingly seen as a more reliable form of security in credit exchanges and that adult lineage members were perceived as a reliable person to stand as security rather than child pawns.

Pawning in Akuapem from 1900-1930 thus underwent some transformations in the preferences regarding who, or what, was placed in pawn. Children were still the initial preference for pawns within lineages but over the course of the period, there was a gradual shift away from this preference as children became less reliable pawns. As discussed, child pawns resisted their pawning by running away, a strategy that was likely common enough to cause some creditors to include provisions against pawns running away in their initial loan contracts. Abolitionist pressure likely contributed to the power-struggles between junior dependents and their lineages concerning who would be pawned and between creditors and their pawns. In addition, cocoa cultivation increased the commercial value of land which led some creditors to turn to a transfer in rights in land as a secure form of pledging and as a way to acquire more access to land. As will be seen in the following section, pawning underwent further transformations as the idioms of identity and belonging were reformed in the presence of the economic opportunities brought on by cocoa.

Self-Pawning and Pawning Turning into Employment

Another form of pawning in this period was self-pawning. During the first two decades of the twentieth century, this form of pawning was largely practiced by men who entered these credit transactions to exercise agency over their futures and gain access to cash or land. It is likely that these individuals saw self-pawning as a means to claim control over their labour and

[63] Cati Coe's Notes – Among Yao vs Yao Duodu, 4 June 1923, ERA, ECRG 16/1/21.

future independent of the claims of their lineage or that their lineage was unable or unwilling to provide satisfactory access to capital or land. Self-pawning was not a phenomenon new to the twentieth century; destitute individuals who pawned themselves were common pawns in the pre-colonial period. People who pawned themselves would have struggled to repay the debt as their service to their creditor usually would have only covered the interest on the debt and their subsistence. As a result, these individuals would have had to rely on their lineage being willing to repay the debt or be given extra time to work.[64] Contrastingly, the cases examined here involve a number of self-pawning contracts where the alleged agreement was that either the labour of the self-pawn would go towards the debt, or they would be given wages by the creditor to repay the debt.

The first case of self-pawning in the chiefly court records was in 1909 when the debtor, Joseph Ofe, borrowed 4 pounds from the creditor and agreed to serve him to cover the interest on the loan. Ofe used the loan to buy carpentry tools and did some carpentry work for the creditor. Ofe claimed that he served the creditor for a time before travelling to do other carpentry work and then was hired to work for the creditor for the purpose of settling the debt. Contrastingly, the creditor claimed that the debt was still owed, suggesting the work went towards the interest and the chiefly court ruled in his favour.[65] Therefore, this ruling suggests that this first case of self-pawning, which began to blur into wage labour, was interpreted by the chiefly court in "traditional" terms of a pawn's labour covering the interest but not going towards repaying the debt. In addition, Ofe's motivation for pawning himself in order to purchase carpentry tools and then travel for carpentry work sheds light on economic independence being one motivation for why men pawned themselves. Thus, by turning to a creditor rather than his lineage to acquire

[64] Falola and Lovejoy, "Pawnship," 3-6.
[65] Cati Coe's Notes – Kofi Koranteng vs Joseph Ofe, 12 January 1909, ERA, ECRG 16/1/4.

capital, it is possible that Ofe was attempting to exert agency and claim control over his labour and future independent of his lineage.

Further cases reveal access to capital as the motivation for men pawning themselves and agreeing to work for the creditors to pay off the loans. In 1909, one man pawned himself to the creditor for a 5-pound loan and worked off the debt by labouring for the creditor, while another man from Aburi entered into a similar agreement with a man in Akropong, but then failed to go work for the creditor.[66] Another case reveals the power of some men who pawned themselves to negotiate beneficial circumstances for themselves. Kofi Dadaku borrowed 10 pounds from Okra Boadi and "promised to work Mondays and Sundays to pay off the debt."[67] Dadaku only having to work 2 days a week for his creditor likely meant that he would be able to labour elsewhere, perhaps for his lineage, and would not be limited to only working for the creditor until his debt was repaid. However, in this situation, Dadaku too failed to go work for Boadi.[68] Thus, these cases suggest the motivations of some men to enter into these arrangements was to raise capital, likely independent of their lineages.

The self-pawning in exchange for wage labour cases reveal the language used to refer to situations of pawning within chiefly courts. Rather than referring to an individual as a pawn or pledge, creditors and debtors continued to use language where an individual was to "stay with" or "work for" them in exchange for a loan. Which, as we already know, was a common euphemism for pawning in the late nineteenth century in Akuapem.[69] One case in 1914 provides an example of this language when referring to a self-pawning agreement. The creditor stated that

[66] Cati Coe's Notes – Kwasi Yeboa vs Akosua Broni, 18 January 1909, ERA, ECRG 16/1/4; Cati Coe's Notes – Adwowa Botukwa of Ak. Vs Kwasi Dapa of Abiru, 17 April 1909, ERA, ECRG 16/1/4.
[67] Cati Coe's Notes – Okra Boadi vs Kofi Dadaku, 3 May 1909, ERA, ECRG 16/1/4.
[68] Ibid.
[69] Coe, "How Debt Became Care."

he gave the defendant, Kwasi Botchey, and two other men a loan of 15 pounds on the agreement that "they will stop with me and work me."[70] Further, the creditor reveals that the three men only worked for him for three months before they ran away and "in those days too they spent Mondays and Saturdays for my work."[71] These two statements demonstrate the use of pawning euphemisms to refer to the self-pawning agreement and that the men were able to negotiate for themselves the amount they would labour for the creditor per week. Therefore, suggesting that men had a degree of power in their position as pawns which allowed them to set limits on claims to their labour.

The debtor, Kwasi Botchey, reveals more details about the self-pawning agreement and explains why he exercised his ability to resist the pawning. In his testimony, he claimed that "the plaintiff (the creditor) promised to pay six pence each day when I work for him and will give my subsistence also. I stayed with plaintiff for more than three months without paying the six pence or subsistence this made me run away."[72] Thus, Botchey's statement suggests that if the creditor failed to uphold his end of the agreement, both the wage labour aspect and the pawning practice which saw creditors as having a duty to provide subsistence, the pawned men used it as an acceptable reason to end the agreement.

The creditor was viewed by Kwasi Botchey as failing to meet the kin-related reciprocal requirements transferred to him through the pawning agreement. The ruling of the tribunal in this case is interesting as the tribunal found Botchey guilty of running away and owing the debt but also ruled that the creditor had to pay Botchey for his three months of work.[73] This suggests that while there was a blurring between pawning and wage labour in the claims of the parties

[70] Cati Coe's Notes – Koffi Adgei vs Kwasi Botchey, 16 March 1914, ERA, ECRG 16/1/12.
[71] Ibid.
[72] Ibid.
[73] Ibid.

involved, self-pawning had not fully transitioned into a recognized form of wage labour as of the 1910s.

Another case in 1915 reveals the use of common euphemisms for pawning regarding a self-pawning agreement. The creditor supplied a loan to Oboafo of "11 pounds 12/- in full w/o interest, and D[efendant] promise to work w/ me to reduce his a/c [account]by his wages."[74] However, Oboafo only stayed with the creditor for two weeks when asked to build a house for the creditor's wife. His reasoning for taking Oboafo to court for repayment of the loan was that "he [Oboafo] refused to lodge with me and work as promised."[75] Thus, suggesting that by failing to provide work for the creditor, the debt was still owed. This testimony demonstrates how pawning transactions could be taken to a chiefly court by creditors seeking repayments of loans. By using language alluding to wage labour contracts to refer to their relationship, creditors could disguise pawning in a way that would be accepted by colonial officials who perhaps remained purposefully unawares or truthfully oblivious to the nature of these arrangements. The colonial government and the Basel Mission both wanted a wage labour system to be adopted and developed within the Gold Coast and presenting self-pawning cases through the lens of wage labour would help disguise the nature of the agreements and portray them in a more favourable light.

By the second decade of the twentieth century, men had greater bargaining power in their debt-relationships with creditors and a greater ability to put their labour towards paying off a debt, subsequently redeeming themselves or earning an individual profit while in pawn. The development of colonial infrastructure, cocoa expansion and the abolition of slavery all contributed to newer economic or legal opportunities for men. These opportunities afforded

[74] Cati Coe's Notes – Mankrado Atta Yao vs Oboafo, 28 January 1915, ERA, ECRG 16/1/19.
[75] Ibid.

avenues of escape from the domination of slavery, for those formerly enslaved, and for others, the domination of matrilineage and patrilineage groups (and demands on sons-in-laws). Men had greater access to education and skilled occupations which helped some to acquire cocoa farms, with men owning the majority of cocoa farms in the early twentieth century. Therefore, through economic independence men were better able to limit their exploitation and could also rely on colonial courts as a check against the claims and demands made on them due to kin-related hierarchies. Men utilized their greater bargaining power to exert their agency in their self-pawning arrangements. As we have already seen in the Kwasi Botchey case, men negotiated beneficial terms for themselves regarding the number of days they laboured for the creditor in exchange for loan or wages to repay the loan.

In some self-pawning arrangements, men were given a plot of land by the creditor to work. For example, Kwasi Mensa was given a portion of a cocoa farm to work at his "leisure and get pay for it" by the creditor who held him in pawn.[76] It is not clear who placed Mensa in pawn—himself or an elder family member—but he was given the opportunity to work land for his own private gain in what was likely wages from his creditor. In another case, one man was given land by a creditor while held in pawn to work on when not labouring for the creditor.[77] In 1924, Kwasi Panyin was given land to "pluck" cocoa while in pawn to pay off a debt of 30 pounds.[78] Therefore, access to land served as another motivation for men to negotiate better arrangements for themselves in their positions as pawns.

Although pawned by his uncle, one individual agreed to recognize the creditor as his father and was given access to land in exchange. In his testimony, Apida stated that "he (the

[76] Cati Coe's Notes – Kwasi Mensa vs Otete Kwasi, 21 August 1908, ERA, ECRG 16/1/2.
[77] Cati Coe's Notes – Kofi Kata vs Adipa, 28 January 1908, ERA, ECRG 16/1/2.
[78] Cati Coe's Notes – Kwasi Panyin vs Kwasi Sakyi, 28 October 1924, ERA, ECRG 16/1/21.

creditor) promised to make me his heir and I gave myself to him as son."[79] When a dispute arose over the land and the creditor attempted to take away access to the land, he was viewed as breaking the alleged father-son pawning arrangement. As a result, Apida then removed access to his and his siblings labour and persons, as they were also held in pawn. Apida's decision to remove himself and his siblings from their pawning speaks to the agency men were able to exert in their pawning arrangements during this period. By granting men held as pawns land, creditors were exercising their rights and responsibilities to the pawn that transcended further into a pseudo-kin relationship where they took on the position of an elder lineage member or the position of a father. On the other hand, by accepting the creditors as their pseudo creditor-father, men held in pawn were implementing one strategy to acquire rights to land independent of their lineages, as it was fathers who were expected to provide their sons with access to land.

Land also served as a strategy for junior lineage members to agree to being pawned by their lineage. In 1910, Kwame Awuku agreed to be pawned to pay her mother's debt to stop her mother from selling land. She then later laid a claim to the land on the grounds that she helped pay the debt through her pawning.[80] In another example, Tete Kofi was pawned by his uncle as a child, repaid the debt himself and when his uncle later bought land, he allowed Kofi to cultivate the land.[81] In 1928, Kwasi Apema and his sister, Ama Kyene, agreed to be pawned by their stepfather for 23 pounds. Apema stated that he agreed to be pawned on the grounds that land would be bought for him. Apema was redeemed by his stepfather first after three years and given land to work by him and claimed that "Tia [the stepfather] handed the land to me for ever."[82]

---

[79] Cati Coe's Notes – Kofi Okata vs Kwasi Nyako, 24 January 1908, ERA, ECRG 16/1/2; Kofi Kata vs Adipa, 28 January 1908, ERA, ECRG 16/1/2.
[80] Cati Coe's Notes – Kwaku Nipanka of Akropong vs Kwame Awuku of Akropong, 6 April 1910, ERA, ECRG 16/1/5.
[81] Cati Coe's Notes – Tete Kofi of Nkrede vs Kofi Boadu of Adukrom, 16 April 1909, ERA ECRG 16/1/4.
[82] Cati Coe's Notes – Kwasi Apema vs Kwaku Adae, 6 October 1928, ERA, ECRG 16/1/27.

After his sister was redeemed one year later, the land was then shared between Apema, his sister and their stepfather's son.[83] These cases reveal the agency of pawned individuals who agreed to be placed in pawn for the benefit of their lineage with the understanding they would receive land at a later point in time. In doing so, they navigated the domination claims of their lineage and ensured they would benefit in the future.

Individual agency and land served as motivations for men to enter into self-pawning arrangements. Self-pawning offered these men the means to access capital or rights to land independent of their lineage during a time when men experienced greater power and independence in their positions as pawns. They were able to negotiate better terms for themselves, including earning wages that went towards their debts, and placed limits on demands to their labour. Men were able to acquire rights to land, granted by creditors, to work either on their own free time or to work on to pay back their debts. Thus, self-pawning could at times blur into wage labour arrangements when beneficial for both parties. These arrangements called upon ideas of kinship and subsequent reciprocal responsibilities between pawns and creditors that became like fathers or elder lineage members. Further, pawning offered junior lineage members a means to fulfill their role as lesser dependents and contribute to the overall benefit of their lineages, and in exchange, they would later be granted access to land. Therefore, pawning was one strategy used by individuals to access capital, rights to land and secure a beneficial future for themselves, both through and independent of one's lineage.

Pawning as Marriage

[83] Ibid.

Pawning was intertwined with the institution of marriage. Women were most often pawns because they could become a wife to the creditor, granting him access to their labour, reproductive capacities, and subsequently, rights to any children born.[84] The changes brought on by colonial rule, abolition, and cocoa expansion in early twentieth century Akuapem contributed to significant transformations in pawning practices and a further intertwining between marriage and pawning. In the early stage of commercial cocoa development, there was a particular demand for female labour. Subsistence farming and other reproductive tasks typically performed by woman provided food for the cocoa farmers and the food crops provided the necessary shade to protect young cocoa trees. Further, wife-pawning was an appealing way for men to acquire labour as it could be hidden from colonial authorities by claiming the exchange was one of a marriage payment.[85] With an increasing demand for labour and capital and pawning no longer a legal means to acquire this labour, creditors and lineages disguised their pawning practices from colonial officials by claiming a relationship was one of marriage.

The twentieth century saw numerous pawning arrangements between men and women, or their lineages. Some women agreed to marry men on the grounds that he paid their debts first. In other situations, families arranged marriages for female lineage members in exchange for the future husband paying her or their debt. In the post abolition period, women did not have the same economic opportunities as men, whether free or unfree, and therefore were unable to achieve the same level of economic independence and subsequent autonomy over their future as men. Further, the power imbalances of marriage due to gender relations, women's reproductive capacity and the rising demand for labour, made them likely pawns. These marriage in exchange for loan arrangements suggest a transformation in the uses of marriage payments that align with

[84] Falola and Lovejoy, "Pawnship," 7, 11-12.
[85] Austin, *Land, Labour and Capital in Ghana*.

the findings of Grier, Austin, Allman and Tashjian and Coe. We see "*tiri sika*" or brideprice began to shift from a symbolic gesture, and instead transition into a larger sum of money intended to pay off a woman's or lineage's debt. Thereby, leaving women to enter a marriage in which they were in a further diminished position of power to their husband.

Chiefly court records for Akuapem contain numerous cases which focus on the nature of these pawning arrangements. In these cases, women attempted to claim the exchange of money was really a simple loan and men claimed the exchange as a marriage payment.[86] Akuapem records contain limited details on the specific claims husband-creditors made on their pawn-wives labour or the extent to which these women laboured for the creditors and on what tasks. As a result, this section is unable to give an unequivocal analysis. However, based on what details are available, I offer a more tentative analysis on the transformations of pawning and marriage in the period examine here.

In Akuapem during the nineteenth century, Coe determined that while wives did work for their husbands, the marriage payment was not tied to a woman's labour for her husband, nor did it grant fathers the right to pawn their children. While marriage, at times, could resemble slavery or pawning, they remained distinct in terms of husband's having more exploitative rights to their enslaved or pawn wives labour and children than wives through a free marriage.[87] By the twentieth century, with the advent of cocoa farming and the abolition of slavery and pawning, the marriage payment appears to have begun to offer greater rights for husbands over their wives and men became more willing to pay debts on the grounds of marriage than simply offering a loan.

---

[86] The chiefly court records refer to brideprice using the term "dowry" and, for the purpose of clarity within my own notes and Coe's notes, I follow Coe in her use of "marriage payment" to describe these transactions.
[87] Coe, "How Debt Became Care," 294-295.

An excellent example of a male creditor preferring to pay a woman's debt in exchange for marrying her rather than taking her on as a pawn labourer can been seen in 1925. The creditor provided a loan to Adowowa Asi and detailed their arrangement in his testimony:

> "She [Adowowa Asi] put it before me to pay it [the debt] for her because she would stay with me as a labourer. I refused that, I called Kofi Beng and Amene. She told me she has not got a husband; her husband Kaemerewu has died and she got permission to marry. She told me she had told her cousin Owusu that she would get the money from me because we have consented to marry ourselves."[88]

The creditor's refusal to take on Adowowa Asi as a labourer in exchange of a loan, a standard pawning arrangement, suggests that he would have greater rights over Asi as her husband than as a simple creditor. Further, he claimed that once he gave the money, Asi refused to marry him. Adowowa Asi countered this point, claiming that the money was not a marriage payment but a loan. By refusing to marry the creditor and claiming the money was given as a loan, Asi was likely attempting to deny the rights to her labour and reproductive capacity that he would gain as her husband.[89] This case demonstrates how creditors appeared to have preferred arrangements of marriage over taking a woman as a pawn. This preference suggests men who supplied marriage payments to pay debts began to have greater domination over women they married. These creditor-husbands likely would have a stronger claim to their wife's labour, but also her reproductive capacities and any children produced during their union.

Countering the claims of creditor-husbands were women who argued these arrangements were one of a loan rather than marriage. Their claims that the exchange of money was a loan were likely an attempt to restrict or counter the man's increased power and rights as a creditor-husband. For example, when in 1908 after one mother arranged for her daughter's marriage in exchange for the future husband paying a debt, Yah Asamaniwa tried claimed that she was held

[88] Cati Coe's Notes – Ohene Kwaku vs Adwowa Asi, 12 January 1925, ERA, ECRG 16/1/21.
[89] Ibid.

as a pawn and initially refused to go with her creditor-husband. When she did, she refused to have sex with him; thus, rejecting their relationship as husband and wife and denying him access to her reproductive capacities. The creditor-husband's testimony reveals that Yah Asamaniwa told him that she "wasn't my wife but she was with me as a pawn."[90] Therefore, Yah Asamaniwa repeatedly attempted to deny the creditor-husband the right to claim her as his pawn-wife by denying him the reciprocal rights husbands could claim on their wife. She attempted to portray the arrangement as one of pawning rather than marriage, where he would have less power and rights as a creditor than a husband.

Like with pawning, women in these marriage for paying off debt arrangements were expected to stay with and labour for their creditor-husbands. In 1911, when Kwasi Adu's mother-in-law got into a debt, he and his brothers arranged for her to marry Okra in exchange for a loan. When she failed to live with and marry Okra, he demanded repayment on the loan.[91] In another case, Yao Dei claimed his father arranged for Dei's sister to marry Afari Kwasi for a 5-pound marriage payment. However, after a period of time Kwasi did not want to remain married to the daughter on the grounds that she refused to have sex with him and claimed repayment of the marriage payment.[92] Thus, by demanding their pawn-wife stay with them, creditor husbands were likely attempting to claim the sexual and reproductive rights husbands had over their wives. When both women denied access to their reproductive capacities, either by refusing to live with the creditor or deny the right to sex, the creditor-husband ended the marriage and demanded repayment on the marriage payment.

[90] Cati Coe's Notes – Kwasi Wusu vs Amah Dakoa and Yah Asamaniwa, 8 April 1908, ERA, ECRG 16/1/3.
[91] Cati Coe's Notes - Okra vs Kwasi Adu, 1 September 1911, ERA, ECRG 16/1/9.
[92] Cati Coe's Notes – Yao Dei vs Afari Kwasi, 1 June 1918, GNA, ADM 29/4/7.

Akuapem records contain limited details on the specific arrangements between creditor-husbands and pawn-wives. However, that there are numerous cases where women and/or their families refuted claims of the transaction being one of marriage and instead one of a loan supports the argument that marriage and pawning underwent a transformation in the early twentieth century. These cases suggest that the marriage payment began to have a greater significance; granting men more power within marriage relations and rights over their wife's labour and reproductive capacity than pawning offered over a female pawn. The consequences of abolition where women had fewer economic opportunities than men, the inequalities of social relationships and reciprocity, and the rising demand for labour all combined to make women likely pawns in the twentieth century.

Conclusion

The introduction of colonial rule and the subsequent abolition of slavery and expansion of cocoa cultivation led to drastic social and economic changes in early twentieth century Akuapem. As slavery died a slow death, people searched for other avenues to acquire rights to individuals and their labour, transplanting traits of domination onto pre-existing kin relationships of lesser inequality. As a result, pawning, marriage, wage labour and reciprocal relations underwent significant transformations from 1900 to 1930 as enslaved labour gave way to other means of bonded labour that served to disguise pawning from the colonial authorities. As the period progressed, junior dependents, women, self-pawned men, and land were the most likely to be placed in pawn. The early continued preference for children as pawns slowly gave way to a preference in pawning land as the commercial value for land increased due to cocoa cultivation and as junior dependents successfully resisted the domination claims of their lineages. The

practice of self-pawning emerged as an option for men to acquire access to capital and land independent of their lineages. Self-pawning began to blur into wage labour and into father-son reciprocal relations as men were given wages for their labour or access to cocoa farms to labour on their own.

Rights in land were just as commonly sought after by junior dependents who agreed to their pawning. By fulfilling their role as lesser dependents, these individuals sought to secure a beneficial future for themselves in the form of access to land. Pawning and marriage became further intertwined in the early twentieth century as men sought to transplant extreme relations of domination onto gender relations. Men sought to take pawn-wives over accepting regular pawns, offering to pay the debts of women or their lineages in exchange for marriage. The marriage payment thus took on a greater value and began to transfer increased rights and power over women to creditor-husbands. Therefore, understandings of reciprocal kin-relations and idioms of belonging were called upon, by both those who held power and their dependants, and reshaped as these individuals attempted to navigate the new circumstances brought on by colonial rule in ways that benefitted themselves. In the following chapter, we shall see how the legacy of slavery influenced peoples' understandings of reciprocal kin-relations and belonging, and how this legacy influenced the strategies individuals adopted to retain power, social prestige and claim rights over people and land.

Chapter Four: The Legacy of Slavery in Early Twentieth Century Akuapem

As legal slave status slowly disappeared after abolition, slave ancestry continued to hold significance and influenced the strategies Gold Coast Africans used to navigate the transformations brought on by colonial rule. The early twentieth century offers a window into the post-abolition period where the first and second generation of slave descendants can be found. Studying how these descendants attempted to reject or embrace the stigma of slave ancestry sheds light on the history of slavery and its legacies within modern day Ghana. It is possible to find records of enslaved individuals and their descendants within chiefly court records concerning cases involving slander, social conflicts or land and inheritance disputes. The legacy of slavery from 1900-1930 was one of simultaneous silence and contestation concerning the expectations towards and positions of formerly enslaved peoples and their descendants within Gold Coast society and law. The early twentieth century was a period of power struggles between enslavers and enslaved individuals, and their descendants as they sought to assert, extend, or defend their claims to people, land or elite social status.

This chapter examines the ways in which Gold Coast Africans perceived slave ancestry in the early twentieth century and why slave ancestry continued to matter as other forms of bonded labour were being used. The slave-calling and inheritance and land tenure dispute cases reveal a struggle between former enslavers and those enslaved and their respective descendants to claim control over another person or land, or as attempts to establish social superiority to retain pre-abolition social hierarchies and their subsequent rights and obligations. Using these cases, this chapter seeks to answer several key questions. Why did slave ancestry continue to carry such stigma when the legal status of slavery had been formally abolished? How was slave

status or ancestry used within the chiefly and colonial court records regarding claims to property or inheritance?

What is the Legacy of Slavery?

The legacy of domestic slavery in the Gold Coast in the early twentieth century was one of silence. Domestic slave ancestry carried a social stigma and families rarely openly acknowledged the enslaved origins of individuals within their family history.[1] As a result, there existed a practice of silence when it came to slave ancestry. Aside from the impact of legal abolition on this practice, there were longer standing indigenous practices that made slave ancestry something people did not or could not talk about without transgressing standing legal and social norms.[2] Further, elderly family members refrained from sharing information on slave ancestry to ensure family unity and to continue nineteenth century strategies for assimilating those with slave origins into the household.[3] Slavery, therefore, "continued to operate as in important institution, regulating social, economic, and political relations and identities" after its legal abolition.[4]

In the early twentieth century those of slave origin had been absorbed into their enslavers' family to varying degrees and their slave ancestry was an open secret. Enslavers were attempting to retain their control and social superiority over formerly enslaved peoples while

---

[1] Sandra E. Greene, *West African Narratives of Slavery: Texts From Late Nineteenth- and Early Twentieth-Century Ghana* (Bloomington: Indiana University Press, 2011), 139; Martin A. Klein, "Studying the History of Those Who Would Rather Forget: Oral History and the Experience of Slavery," *African Studies Association* 16 (1989): 211, doi:10.2307/3171785.
[2] Akosua Adoma Perbi, "The Legacy of Indigenous Slavery in Ghana," in *Slavery and its Legacy in Ghana and the Diaspora*, R Shumway and Trevor Getz (London: Bloomsbury, 2017), 126.
[3] Klein, "Studying the History," 211; Dylan C. Penningroth, "The Claims of Slaves and Ex-Slaves to Family and Property: A Transatlantic Comparison," *The American Historical Review* 112, no. 4 (2007): 1047-1049, doi:10.1086/ahr.112.4.1039.
[4] Greene, *West African Narratives of Slavery*, 142.

also attempting to retain or amass control over land due to the rising value of cocoa.[5] Enslaved individuals and their descendants tried to shed the stigma of their slave ancestry, if they were aware of it, and attempted to use abolition to their advantage. However, when conflict arose, or enslavers' descendants viewed those of slave ancestry stepping outside perceptions of acceptable social behaviour, they were reminded of their servile origins.[6]

A number of enslaved individuals chose to leave their enslavers immediately after emancipation in 1874 but many chose to stay and try to renegotiate better circumstances for themselves.[7] These negotiations sometimes included the granting of varying degrees of freedoms and economic independence while retaining certain obligations to enslavers as a way to encourage enslaved individuals to remain with or nearby their enslaver's family. In certain situations, these negotiations included enslavers granting land to their enslaved individuals to work as tenant farmers.[8] Chiefly court records reveal how the institution of slavery played a key role later in the period in disputes over land that arose between descendants of enslavers and enslaved individuals as both tried to make claims of rightful ownership or succession to land.

This chapter utilizes colonial and chiefly court records to analyze the legacy of slavery in the early twentieth century, where the first- and second-generation of slaves' descendants can be found. These court records help to shed light on the types of claims enslavers and enslaved individuals and their descendants made in regard to control over land, people, inheritance and social status. The "slave calling" cases where alleged slave ancestry is used as a means to insult

---

[5] Penningroth, "The Claims of Slaves and Ex-Slaves," 1062-1064.
[6] Perbi, "The Legacy of Indigenous Slavery," 215; Greene, *West African Narratives of Slavery*, 141.
[7] Trevor R. Getz, *Slavery and Reform in West Africa: Toward Emancipation in Nineteenth-Century Senegal and the Gold Coast* (Athens: Ohio University Press, 2004); Claire Robertson, "Post-Proclamation Slavery in Accra: A Female Affair?" in *Women and Slavery in Africa*, Claire Robertson and Martin Klein (Madison: The University of Wisconsin Press, 1983); Kwabena Opare-Akurang, "The Administration of the Abolition Laws, African Responses, and Post-Proclamation Slavery in the Gold Coast, 1874-1940," *Slavery & Abolition* 19 (1998).
[8] Cati Coe, "How Debt Became Care: Child Pawning and its Transformations in Akuapem, the Gold Coast, 1874-1929," *Africa* 82, no. 2 (2012): 296, doi:10.1017/S000197201200006X.

an individual shed light on how the legacy of slavery and its stigma manifests in situations of social conflict between 1900-1930 as a way to exert control or affirm a perceived higher social standing over another to retain pre-abolition social distinctions. The inheritance cases between slave descendants and enslavers' descendants reveal how the legacy of slavery manifests in disputes over land in terms of right to ownership or succession.[9]

Slave-calling and "Slave" as Insult

Slave calling was used as a means to remind those with slave ancestry, or those viewed as acting above their social position, of their inferior social status. The phrasing of insults of slave status or descent reinforced connotations of slavery through invoking ideas of flogging, ethnicity, being a stranger, the ability to purchase an individual and slave status being inherited through the matrilineal line. Slave calling was used as a means to try to retain the social etiquette and the social inequalities produced by slavery in the pre-abolition period in a period where slavery no longer legally existed. However, by the 1920s it appears that the slave calling may have simply evolved into a means to insult another. Only a few of the cases examined here contain detailed information and for the majority of the cases, the slave caller was unable to prove the slave ancestry of the individual they insulted. Therefore, the slave calling cases suggest that the insult of slave ancestry, while a way to attempt to retain or reinforce the social superiority that slavery had produced, was simply evolving into a form of insulting another person.

As in Greene's analysis on the legacy of slavery in Keta, slave ancestry in Akuapem too was an open secret. Coe notes that few enslaved individuals in Akuapem ran away after the

[9] As in the previous chapter, the court records used here have come from Cati Coe's article, "How Debt Became Care: Child Pawning and its Transformations in Akuapem, the Gold Coast, 1874-19129." While Coe focused largely on the cases involving pawning, she does refer to the slave calling and inheritance cases within her article and her observations will be included where necessary in the sections below.

Emancipation Ordinance, with Basel missionaries suggesting the reason being that enslaved peoples were well treated. As a result, enslaved individuals and their descendants were incorporated into families in Akuapem, but these families remembered their servile origins.[10] In her book, *Routes of Remembrance, Refashioning the Slave Trade in Ghana,* Holsey noted that passing on the knowledge of adopted slave descendants' origins to free-born family members was a way to ensure these blood related individuals were aware of their own privileged status within the family over those with slave ancestry.[11] That freeborn lineage members remembered in the early twentieth century and likely passed on this knowledge can be seen from the slave calling cases and in the inheritance cases discussed in the following section.

Knowing another individual's identity in Gold Coast society was important for determining how to properly interact with that individual. As explained by Greene, social etiquette before the abolition of slavery "demanded particular terms of address (depending on one's own social status and identity) for women and men, maternal and paternal relations, older and younger siblings, strangers, and slaves."[12] Perbi further explains that "the slave was supposed to be unassuming and he was not supposed to mix too freely with free men and women."[13] Gold Coast social hierarchies were deeply stratified, and even free born individuals could be accused of acting above their social status. Depending on one's age, status and identity, young freeborn individuals could be seen as acting too arrogant or superior by their elders for not following certain forms of address or customs. Therefore, the slave calling cases suggest that enslavers' families and free born individuals tried to retain the same social etiquette practices in

[10] Coe, "How Debt Became Care," 296.
[11] Bayo Holsey, *Routes of Remembrance: Refashioning the Slave Trade in Ghana* (Chicago: The University of Chicago Press, 2008), 73.
[12] Greene, *West African Narratives of Slavery*, 143-144.
[13] Perbi, "The Legacy of Indigenous Slavery," 130.

the post-abolition period. Likely done as a way to hold on to pre-existing social hierarchies, they would not have taken kindly to those they viewed as holding slave status/ancestry or a lower social status interacting too boldly with them.

Testimony reveals that slave calling occurred in a range of situations, and though the motivation for calling another person a slave descendant was not always clear, it typically occurred within conflicts, especially over land, where one person perceived their status or prestige to be under attack. In both Fante and Akan societies, it was illegal to mention the slave origins of another person and these cases were often brought forward through charges of defamation. Due to the nature and amount of information recorded in the cases, it is mostly impossible to confirm the slave ancestry of those targeted by the slave calling insult. Likely, this shortage of information is due to the practice of silence concerning slave ancestry with individuals being unaware of their own servile origins or reluctant to disclose this information about themselves or another person. However, we can learn a lot on how the legacy of slavery manifested in social situations from the conflicts where being of slave descent is used as an insult.

The term "slave calling" was first used by Cati Coe in her article "How Debt Became Care: Child Pawning and its Transformations in Akuapem, the Gold Coast, 1874-1929." The first slave calling case appeared in the chiefly court records in 1905 when a man brought another individual to court for calling his mother a slave.[14] The records reveal that by the 1920s, it was usually the grandchildren of enslaved individuals that were bringing the slave calling cases to a chiefly court or were targeted by the insult. Up until now, I have refrained from using the term "slave" as a noun and have chosen instead to use the term enslaved individuals to recognize their

[14] Coe, "How Debt Became Care," 296; Cati Coe's Notes – Afriyie vs Ayi Kofi, 13 November 1905, Eastern Regional Archives, ECRG 16/1/1.

personhood and describe their condition. However, for my analyses on the practice of slave calling and inheritance disputes, I will use the term "slave" more often to better understand the implications and power dynamics associated with the use of this word in specific contexts.[15]

In 1919, when attempting to buy cloth, an alleged slave descendant, Atta, was seen to over-step her perceived social status by speaking too arrogantly towards her mother's enslaver. This perceived overstep resulted in the enslaver claiming the right to flog Atta for her actions and allude to Atta's mother's slave origins as she could "show her [Atta's] lineage" and that even "her [Atta's] mother couldn't speak so to me."[16] Here the enslaver claimed the ability to flog Atta, something only done to those enslaved, and claimed knowledge of Atta's mother's lineage and inferior social status. Another relative within the family testified that Atta asked, "why her [Atta's] mother was called Odonko, is she a slave to the defendant [the enslaver]?" To which Atta was told, "we are not to show lineage."[17] The references to lineage demonstrate the extent of silence surrounding slave origins – where individuals were unaware of their slave ancestry and where it was not to be openly discussed except under specific circumstances of perceived insult. Therefore, we can see how knowledge of slave descendants' lineage were remembered by free-born members and used to remind these descendants of their inferior status within the family when they were perceived as acting above their social station.

The case was brought forward by Atta's mother for defamation of character, and it is not fully confirmed if she truly was enslaved. However, her decision to take the case to a chiefly court indicates a discomfort with having her servile origins referenced publicly, especially if she

---

[15] In her article, Coe used the slave calling cases along with Basel mission sources and the *Christian Messenger* together to determine that the trade in slaves had "declined rapidly in the early twentieth century." Therefore, the slave calling cases were only briefly examined within Coe's article. See Coe, "How Debt Became Care," 297.
[16] Cati Coe's Notes – Odonko vs Afua Atwei, 30 September 1919, GNA, ADM 29/4/7.
[17] Ibid.

had integrated into the family to a degree where her daughter was unaware of their potential slave ancestry. Further, that Atta was asked why her mother was called *odonko*, the Twi word for a bought slave, suggests that her mother likely was an enslaved individual.[18] The act of slave calling was therefore connected to social conflict and matrilineal descent. Atta's case demonstrates how slave descendants would be reminded of their inferior position within their family when overstepping their social status or not following social norms.

A similar motivation to insult individuals perceived as overstepping their social status can be seen in a different context. In this case, the alleged slave origins are less verifiable, and the practice of silence was abandoned in favour of directly referring to the individual as a slave. In 1923, Kwaku Fori alleged that a member of his household called him a slave during a gathering held to decide succession to the position of chief and head of the household. Fori was attempting to delay the succession proceedings until another relative arrived when the defendant allegedly claimed Fori was the slave of the previous chief and therefore had no say in family matters.[19] When the chiefly court questioned the defendant, he stated "I did not say he [Fori] was bought but I say 'akoa.'"[20] *Akoa* being the Twi and Akan word for an enslaved person born in the house, but it could also have a broader meaning and simply refer to a servant or subject.[21] When the court asked when one can call somebody *akoa*, the defendant stated "when akoa exalted himself."[22] The defendant therefore called Fori a slave, or *akoa*, because he viewed Fori as

[18] Gareth Austin, *Land, Labour and Capital in Ghana: From Slavery to Free Labour in Asante, 1807-1956* (Rochester: The University of Rochester Press, 2005), 115; Peter Haenger, *Slaves and Slave Holders on the Gold Coast: Towards an Understanding of Social Bondage in West Africa* (Basel: P. Schlettwein Publishing, 2000), 29.
[19] Cati Coe's Notes – Kwaku Fori vs Cornelius Kwasi Kantay, 18 May 1923, ERA, ECRG 16/1/21.
[20] Ibid.
[21] Austin, *Land, Labour and Capital in Ghana*, 143; Memorandum on the Vestiges of Slavery in the Gold Coast, October 1927, PRAAD, ADM 11/1/975; "Letter to the Editor," *Gold Coast Leader*, February 9, 1907: 4. Readex: World Newspaper Archive. Document | World Newspaper Archive | Readex (uottawa.ca).
[22] Cati Coe's Notes – Kwaku Fori vs Cornelius Kwasi Kantay, 18 May 1923, ERA, ECRG 16/1/21.

overstepping his position within the family and lacking the right to participate in succession matters.

Here, the motivation for slave-calling may go beyond a simple insult and perhaps was an attempt to ensure the proceedings were not delayed. It is impossible to know if the defendant thought Fori was truly an enslaved member of the household. Fori had called himself an *akoa* when speaking on behalf of the relative, which the chiefly court determined was the proper practice for addressing a meeting in which "the speaker will submissively title himself a servant or a slave."[23] The previous chief and head of the household was the defendant's father, and knowledge of Fori's ancestry could have been passed down to him. Although, when Fori called himself "*akoa"*, the defendant may have simply seized the opportunity to turn the matter of succession in his favour. In the end, the relative who sent Fori to stall the proceedings was ruled to be the rightful successor to the chiefly position and the defendant was unable to prove Fori's lineage and thereby prove that Fori was enslaved. Here again, knowing one's lineage appears to be an important component to proving another's slave ancestry and perhaps the practice of silence resulted in this knowledge not being passed down to the defendant.

Those who used slave calling insults to enforce ideas of social hierarchy relied on specific language. Slave calling insults often deployed references to the matrilineal line, as enslaved status was inherited matrilineally, and to geographic origin, as many enslaved people were forced migrants from northern regions. Clear references to the ability to purchase someone could also be incorporated and were often tied to statements of inequality between the insulted and the insulter, like "you serve me" or "you are not equal to me. For example, in 1915, Adu Kwame brought a case to a chiefly court "for insulting words, 'wosi me: bede wo ebe de me',

[23] Ibid.

meaning you serve me, you are not equal to me."[24] Due to an unspecified quarrel, Kwame alleged that the defendant said, "I can purchase you [Kwame]" and "I am more than you are." With witness testimony claiming that the defendant also stated, "the said Adu Kwame is my servant" and "he is not my equal".[25] The phrasing of the defendant's insults demonstrates how the ability to purchase another person and themes of inequality between enslaved people and freeborn people were tied together in slave calling insults.

An article in the *Gold Coast Leader* in 1907 suggests that insults of the "not equal to" variation were common against those perceived to have slave status or descent. The unknown author states "I have often come across the expressions among the Gold Coast people to which tribe I originally belong viz. 'Don't talk to me in that manner,' 'You are not equal with me,' I am free born of the soil.'"[26] The author further elaborates on the phrases said to them by Gold Coast people:

> 'You are a slave, your parents were brought here as slaves by my uncle after such and such a war,' and a volume of others all which tend to designate and apparently prove that the person being thus addressed physical components iz. Blood, bones, and flesh are quite different from those of the freeborn. *So long as he was bought.*[27]

It is clear the legacy of slavery manifested within post-abolition perceptions towards outsiders through the notions of relatives having been brought into the country, as a captive of war or through purchase, and that the stigma associated with being a "bought slave" was strong. The article also further demonstrates how slave calling tied together broader themes of slavery and social inequality into carefully worded insults meant to reaffirm one's superior social status.

---

[24] Cati Coe's Notes – Adu Kwame vs Bekoe, 27 February 1915, ERA, ECRG 16/1/20.
[25] Ibid.
[26] "Concerning Nationality on the Gold Coast," *Gold Coast Leader*, June 29, 1907: 5. Readex: World Newspaper Archive. Document | World Newspaper Archive | Readex (uottawa.ca)
[27] "Concerning Nationality on the Gold Coast, *Gold Coast Leader*, June 29, 1907: 5.

However, as early as 1907, there were those who pushed back against this perception of outsiders and the stigma of slavery.

Those who were viewed as being outsiders, having slave ancestry or of stepping outside their station were reminded of their social inferiority and the stigma of slave status by free born people. In 1923, an altercation that occurred over the purchase of hand rings resulted in a charge of slave calling being brought to chiefly court. During the altercation, Obiri Yeden called the defendant a stranger and in response, the defendant stated: "you slave whom your mother come from Sahara and you making proud upon me."[28] That Yeden was accused of acting too proud and then was called a slave suggests he had been perceived as raising above his social status by originally insulting the defendant. The claim that Yeden's mother was a bought slave from the Sahara, a region commonly associated with the slave trade routes that exported enslaved peoples into the Gold Coast, demonstrates how slave calling could be associated with the matrilineal line and with being a stranger/outsider.

Slave calling insults could also incorporate references to specific ethnic groups. In 1918, a confrontation during a funeral resulted in two men exchanging slave-calling insults. The first man, Kofi Adu was told that his grandfather had been bought and that Kofi was a Krepi, an ethnic group from the north targeted by slave traders.[29] In response, Adu demanded who the other man was to insult him when the man's own mother was a slave brought from Kintampo, in Asante.[30] In 1924, Osae Kwadwo brought another man to court, charging him to prove who had

---

[28] Cati Coe's Notes – Obiri Yeden vs Alaba, 1 February 1923, ERA, ECRG 16/1/22.
[29] Cati Coe's Notes – Kofi Adu vs Osae Kwadjo, 1 June 1918, GNA, ADM 29/4/7. Peter Haenger, *Slaves and Slave Holders on the Gold Coast: Towards an Understanding of Social Bondage in West Africa* (Basel: P. Schlettwein Publishing, 2000) footnote 65. "Krepi" was the Twi word for the Ewe region east of the Volta River, and a large number of enslaved peoples in the nineteenth century were from the Ewe regions.
[30] Austin, *Land, Labour and Capital in Ghana*, 115. Cati Coe's Notes – Kofi Adu vs Osae Kwadjo, 1 June 1918, GNA, ADM 29/4/7; Memorandum on the Vestiges of Slavery in the Gold Coast, October 1927, PRAAD, ADM 11/1/975.

sold Kwadwo's grandmother and why. Kwadwo alleged that the defendant called him a "vain man" and claimed his grandmother was sold in Accra as a slave.[31] Several conclusions regarding the language used in slave calling can be made from the phrasing of these insults. Slavery was perceived to be inherited through the matrilineal line, and on occasion the patrilineal line. Additionally, slave calling could be tied to ethnicity or to being a stranger/outsider from Asante, a region associated with slave trading.[32] Furthermore, those perceived as acting too arrogantly or "proud," or above their social position were often reminded of or insulted with alleged slave ancestry.

This section has argued that slave calling served as a tool to remind individuals of their slave ancestry or belittle those perceived as acting above their social standing. Insults reinforced notions of slavery by invoking ideas of flogging, ethnicity, being a stranger, being bought and the inheritance of slave status passing through the matrilineal line. The practice of slave calling likely originated to uphold social etiquette and reinforce the social inequalities that existed before abolition. However, the inability of several individuals to substantiate their claims in chiefly court records suggests that as the period progressed, the practice of slave calling evolved into a mere form of insulting another in situations of conflict.

Inheritance and Land Disputes: The Claims and Strategies of Enslavers and Enslaved Peoples

Chiefly court records from 1900 – 1930 help to provide further insight into the power struggles over land rights between enslavers' families and the first and second generation of

[31] Cati Coe's Notes – Osae Kwadwo vs Kwaku Amaka, 22 April 1924, ERA, ECRG 16/1/24. Unfortunately, neither case concretely proves the slave ancestry of any individual in the cases. No judgement is given for the 1918 case and the 1924 case was ruled in favour of Kwadwo, but later two key witnesses were charged with given and no follow up on if this affected the ruling was provided.
[32] Austin, *Land, Labour and Capital in Ghana*, xxi.

slave descendants. The inheritance and land dispute cases reveal a period of legal confusion and contestation created by the abolition of slavery for the British and for freeborn and enslaved Africans. Both enslavers and enslaved individuals attempted to use this legal confusion to their advantage and made claims to one another and to land ownership. Typically, admitting to slave descent or slaveholding served as a liability for Africans. However, disputes over inheritance and land offer specific contexts in which individuals were willing to break their silence if they perceived a threat or saw an opportunity to seek advantage.

What kind of claims to land and inheritance did slave descendants make as opposed to the claims of enslavers' descendants? How was the status of slavery used in these claims and how was slave ancestry understood in cases where the "slave" ancestor had been enslaved after the legal abolition of slavery? Despite slavery status technically having been legally abolished, the status of slave was often still recognized by the chiefly courts within the rights and obligations between enslavers and the enslaved. The legacy of slavery manifested in the chiefly courts' continual upholding of customary law, which recognized the rights of enslavers and enslaved individuals regarding matters of inheritance and land ownership. Rulings largely worked in favour of the enslaver's family, but some enslaved individuals and their descendants managed to utilize customary law to their advantage.

The inheritance and land cases used in this chapter were briefly discussed by Coe in her article. Coe noted how absorbed enslaved peoples and their descendants were placed as "tenant farmers" on cocoa farms for the enslaver's family and that the enslaved individuals had expected to inherit these farms. However, in matters of land and succession, the chiefly courts "upheld their understanding of customary law that slaves' property reverted to their master and their

master's descendants."[33] As a result, there were many inheritance property disputes involving enslaved individuals and their descendants in the 1910s which Coe noted as "signalling the passing of a generation of tenant slaves."[34]

The introduction of colonial rule and abolition of slavery resulted in a complex judicial system during the colonial period in the Gold Coast. There were changes in jurisdictional boundaries as the British government expanded the new system of indirect rule.[35] The two judicial systems, customary law, and colonial law, created confusion over which legal regime to apply in a given legal setting and created new opportunities as enslavers' families and enslaved individuals took advantage of the "jurisdictional complexity" in their attempts to acquire land.[36] Gold Coast individuals could choose which court to take their case to based off which body of law they wanted to be applied to their case.[37] As a result, the early twentieth century chiefly and colonial court records are filled with people moving from court to court, court shopping, to get a ruling in their favour.[38]

Both enslavers and the enslaved employed notions of real and fictive kinship in their claims to land. Dylan Penningroth explains that some enslavers attempted to acquire property from their former enslaved individuals by making claims based on the "longstanding notion that a slave was one of the family."[39] Some went as far as claiming these individuals as their children to assert true ownership over the property in dispute.[40] This strategy was especially necessary in colonial courts and allowed enslavers to conceal their slaveholding from colonial authorities.[41]

---

[33] Coe, "How Debt Became Care," 296.
[34] Ibid.
[35] Penningroth, "The Claims of Slaves and Ex-Slaves," 1057.
[36] Ibid, 1058.
[37] Ibid, 1059-1060.
[38] Ibid, 1059; Coe, "How Debt Became Care," 292.
[39] Penningroth, "The Claims of Slaves and Ex-Slaves," 1060.
[40] Ibid.
[41] Holsey, *Routes of Remembrance,* 66-67.

On the other hand, some enslaved people attempted to challenge their enslavers and claim rights as members of the family, "even if it meant affirming their slave origins."[42] The claims identified by Penningroth appear within the inheritance and land tenure dispute cases examined in this section.

The motivations of people to make these claims of fictive or real kinship is best understood through the lens of a cost-benefit analysis – people chose to break the practice of silence, despite the risks associated to admitting to having slave ancestry or to slave holding, when they saw the opportunity to get ahead. For example, in 1912 one man successfully capitalized on the rights of enslavers to their enslaved individual's property by admitting to his family's slaveholding. The land in dispute had belonged to an enslaved man named, ɔsɛefo. On one side of the dispute was another individual of slave descent within the lineage named Kuma, who claimed the right to the land as ɔsɛefo's adopted son. On the other side was a man named Abu, the descendant of ɔsɛefo's original enslaver.

Abu claimed the position of rightful successor to ɔsɛefo as his brother. He testified that ɔsɛefo was his mother's slave, and as a result, "he [ɔsɛefo] is therefor my brother." Not only had ɔsɛefo successfully been incorporated into the family through the position of a brother, he allegedly also reached an important and respected position by covering the debts of Abu and providing care "for the family in all respects."[43] Here, Abu calls on notions of real kinship by demonstrating how an incorporated enslaved man reached the position of a real brother, rather than a fictive member, by fulfilling certain kinship duties such as paying debts and providing care. Conversely, Kuma's only claim to the land was through fictive kinship; as an enslaved individual with fictive membership to the lineage and as the adopted son of ɔsɛefo.

[42] Penningroth, "The Claims of Slaves and Ex-Slaves," 1061.
[43] Cati Coe's Notes – Kuma vs Abu and Ohene Kwame, 2 December 1912, ERA, ECRG 16/1/14.

The chiefly court recognized Abu's claim to the land as "plaintiff [Kuma] is adopted son of ɔsɛefo who is brother by right to Abu the defendant herein."[44] Therefore, admitting that his mother had held ɔsɛefo in the position of slave but as one who had been fully incorporated into the family as a real member, had been worth the risk of admitting to slaveholding for Abu. Here, we saw both sides of the land dispute break the practice of silence when they saw an opportunity to claim land and benefit. However, only Abu was successful in claiming the land by admitting to slaveholding within the context of real versus fictive kinship. As a result, Abu was also able to maximize on his rights as an enslaver to their enslaved's property.

Admitting to slaveholding and abandoning the practice of silence is a strategy that worked to the advantage of many descendants of enslavers. By the 1920s, these individuals were successfully maximizing on their rights and acquiring the land of their former enslaved individuals and descendants by claiming a "traditional custom" within customary law where enslavers inherited from their enslaved individuals. In 1924, a slave descendant, Afua Anima, was taken to a chiefly court by her former enslaver's family over her land after she rejected the practice of incorporation and fictive kinship by claiming to not be part of the family.[45] Anima's mother was held as an enslaved individual by the plaintiff's lineage and had several children, including Anima. Anima and her brothers had worked on the cocoa farms planted on the enslavers' family lands and used their earnings to purchase new land for themselves.[46] One lineage member, Akuffo, claimed his family held the right to Anima's land due to a "custom" of succession between enslavers and their enslaved:

---

[44]Ibid.
[45] Cati Coe's Notes – Kwame Awuju per Kwasi Bekoe vs Afua Anima, 29 October 1924, ERA, ECRG 16/1/21.
[46] Ibid. Akosua Adoma Perbi, *A History of Indigenous Slavery in Ghana: from the 15th to the 19th Century* (Legon: Sub-Saharan Publishers, 2004), 123. As noted by Perbi, one of the rights and privileges of enslaved peoples was the "privilege of an independent income." It was common in pre-colonial times for enslavers to assign land to their enslaved individuals to make their own farms and generate an income.

> According to Akan or Otwi custom when noble or free born family are exhausted or exterminated the domestics or slaves can reign or succeed to their masters or their properties so also the domestics are to be succeeded by their Masters, this is common custom and is known to everybody.[47]

Akuffo lists several examples within the last three years of enslavers successfully succeeding to their enslaveds' properties to prove that the custom was well established. Akuffo claimed that Anima was seen as a member of the lineage and as she had no children and her brothers were dead, the lineage held the right to inherit her properties.[48]

That the enslavers descendants had family ties to the Omanhene who presided over the case suggests that Anima may have recognized she had no chance of receiving a ruling in her favour. After Akuffo's testimony, Anima plead guilty to the charges and admitted that she was a domestic to the plaintiff. As she had no children or living brothers, she stated that "according to custom complainant is to inherit all the properties of myself and deceased brothers … All belongs to complainant."[49] The Omanhene ruled in favour of the lineage, stating that "the accused became well-to-do and bought land at Kukua" and viewed Anima as having "done a great offence" in attempting to separate from the enslaver's descendants in which her actions were seen as an "abominable vice."[50]

Thus, the stated custom within customary law allowed for property to revert to enslavers and likely gave Akuffo and his lineage the motivation to admit to their slave holding. Conversely, Anima had allegedly attempted to deny her slave ancestry, and thereby fictive kinship to the lineage, until the dispute was brought to court. It is possible that Anima understood her slave ancestry to be a disadvantage to her claim over the land and recognized the risk

[47] Cati Coe's Notes – Kwame Awuju per Kwasi Bekoe vs Afua Anima, 29 October 1924, ERA, ECRG 16/1/21.
[48] Ibid
[49] Ibid.
[50] Ibid.

involved in abandoning the practice of silence. Her initial denial resulted in the dispute being brought to the chiefly court where we see that slave ancestry continued to serve as a disadvantage in land disputes for many individuals.

Several months before the October case there was a land dispute involving a tenant farmer, Baah, who was a slave descendant. The dispute centered around whether the land Baah worked as a tenant farmer should be used as surety to cover a debt owed by Baah's brother.[51] The chiefly court recognized Baah and his brother as the former enslaved individuals of a man named, Ayesu, and ruled that Ayesu should cover the debt owed to the plaintiff. The ruling was justified by citing to the customary practice where enslavers were responsible for the debt incurred by their enslaved individuals. To support his judgement, the Omanhene presiding over the case stated, "it is undoubtedly well-established custom for domestic to inherit or to succeed to their master's property when time permits so vice versa plaintiff should take on the debt of Baah to save the property."[52] Thereby, reinforcing the notion that enslavers and their descendants retained the obligation to cover the debts of their former enslaved individuals, when necessary, even after abolition. The judgment also suggests that the Omanhene recognized the custom of enslavers inheriting from their former enslaved individuals, implying that this "well-established custom" may have been a common claim used by enslavers' families to acquire land.

There were some enslaved individuals who benefitted from abandoning the practice of silence and admitting to their slave ancestry, thereby gaining the subsequent rights of enslaved peoples. One land dispute stemming over several years highlights how two chiefly courts could reach two very different rulings on the same case based on the type of claims made regarding the right to the land and the key role slave ancestry played in these claims. The original case in 1922

[51] Cati Coe's Notes – Kwadwo Ayessu vs Yaw Amankwa, 5 July 1924, ERA, ECRG 16/1/21.
[52] Ibid.

was tried by the Nifahene of Akuapem.[53] Akosua Nsemi claimed the land's ownership, stating it was given to her because she married Kwasi Kanniagoro. However, she does not mention that Kanniagoro was a former slave incorporated into the family and does not acknowledge the slave ancestry of her children.[54] Nsemi continued to look after the land after her husband's death, giving it to her son to cultivate until he also died. The defendant claimed the land was given to Kwasi Kanniagoro by his father, but later admitted, during questioning, that it was given to Nsemi for marrying Kanniagoro. After Kanniagoro died, the defendant stated part of the land was sold by his father and that he took over the remaining land after Nsemi's son died because he paid the debt for the funeral expenses. The chiefly court eventually ruled in favour of the defendant's claim to the land.[55]

In this example, both sides of the land dispute continued the practice of silence and did not acknowledge the slave status of Kanniagoro or his children. Although the ruling lacks a clear explanation, Nsemi's unauthorized pledging of the land in 1908 to settle a debt appears to have weakened her claim, contributing to the court's decision. The second case in 1924 reveals more thorough information into the family and the land dispute and demonstrates how Kanniagoro's slave status turned the proceedings to Nsemi's advantage. The 1924 case revolves around Nsemi being accused of "plucking cocoa" from the land. The same defendant, once again, claimed ownership of the land, now stating that his father initially gave the land to Nsemi's son for cultivation. After the defendant's father died, Nsemi's son was permitted to continue working on the land until his death, when the land allegedly returned to the defendant's possession. The defendant then claims he allowed Nsemi to work the land to pay off her deceased son's debt.[56]

---

[53] Cati Coe's Notes – Akosua Nsemi vs Kwasi Agyei, 17 March 1922, ERA, ECRG 16/1/22.
[54] Cati Coe's Notes – Kofi Agyei vs Akosua Nsemi, 13 October 1924, ERA, ECRG 16/1/21.
[55] Cati Coe's Notes – Akosua Nsemi vs Kwasi Agyei, 17 March 1922, ERA, ECRG 16/1/22.
[56] Cati Coe's Notes – Kofi Agyei vs Akosua Nsemi, 13 October 1924, ERA, ECRG 16/1/21.

Nsemi counters the defendant by claiming the land through her mother's side. Through a complicated tangle of matrilineage connections and succession, we learn Nsemi and the defendant are cousins and that Kwasi Kanniagoro was enslaved by their lineage. Sometime after abolition, the lineage wanted to keep Kanniagoro from leaving and orchestrated a marriage between Nsemi and Kanniagoro. In exchange for this union, the disputed land was granted to Nsemi. When questioned, Nsemi admitted that her husband was the slave of the defendant and that their children also belonged to the defendant**.** Here, Nsemi abandoned the practice of silence to bolster her claim to the land through her matrilineage and marriage. Another lineage member, supporting Nsemi's claim to the land, confirmed that Kanniagoro had been bought for the lineage and that the land was given to Nsemi and Kanniagoro to cultivate. By admitting to her husband and children's slave ancestry, Nsemi was able to bolster her right to the land. When the defendant was questioned by the chiefly court, he agreed that as long as Kanniagoro and Nsemi's children lived, "they cannot be driven from the land."[57]

The Omanhene ruled in favour of Nsemi and recognized her right to the land. However, Nsemi and her remaining child only retained rights to the land for the duration of their lifetime. The Omanhene explained that because the daughter "has married a man from another quarter and the children after her death should inherit in their quarter."[58] Therefore, the ruling ensured that the land returned to the lineage and did not pass on through slave descendants. Validating his ruling, the Omanhene referenced to the Akan and Cherepong custom where enslaved individuals were considered part of the family and can have their property inherited by their enslavers and inherit the property of their enslavers.[59] Here the Omanhene upheld the custom of enslavers and

[57] Ibid.
[58] Ibid.
[59] Ibid.

enslaved inheriting from one another but ensured that the long-term interests of the lineage were still being safe guarded. Therefore, in admitting to the slave origins of her husband and remaining child, Nsemi ensured her right to claim the land for the duration of her lifetime and capitalized on the rights and privileges of enslaved individuals and their descendants.

The legacy of slavery manifests within the types of claims made by enslavers and former enslaved individuals seeking inheritance or land ownership. A legacy that also persisted through the perpetuation of customary laws that governed relationships between enslavers and those enslaved. Inheritance and land disputes shed light on the situations in which enslavers and the enslaved broke the status quo of silence - people made strategic admissions to slave holding or slave ancestry to undercut the claims of others and bolster their own. Their claims embraced the notion of incorporation and could blur the lines between real and fictive kinship to use family membership to their advantage. Slave ancestry largely worked to the disadvantage of slave descendants as former enslavers successfully invoked customary law to claim succession to the property of former enslaved individuals. However, as demonstrated by Akosua Nsemi, admitting to servile origins could be advantageous for some. As we shall see in the next section, Nsemi was not the only individual to use slave ancestry to their benefit. By the end of the 1920s, people had begun to question whether the Emancipation Ordinances had affected the inheritance rights of enslaved peoples and their descendants in customary law. A question which had long lasting effects on the legacy of slavery within customary law that lasts well into current times.

The Effect of the Emancipation Ordinances on Enslaved Individuals Rights in Customary Law: The de-Graft Johnson Case

There were some Gold Coast individuals who questioned if the Emancipation Ordinance nulled the right of enslaved individuals in customary law. An anonymous article in the *Gold*

Coast Nation raised the question in 1919, asking if freed enslaved peoples and their descendants still retained "a right to their master's property in view of the independence under the Emancipation Act" in light of the fact that "those slaves have long ceased to give free service and do such acts as were required of them in pre-emancipation days for their masters."[60] With the author stating their belief that "the Emancipation Law being universal application renders our native law on the point invalid."[61] This question is a key demonstration of the jurisdictional confusion that arose from the mix of colonial and customary law in the Gold Coast. The chiefly court cases in Akuapem hereto examined suggest that the chiefly courts did not view the Emancipation Ordinance as cancelling out customary law.

An attempt to determine an answer to this question of enslaved individuals and their descendants right to inherit from their enslavers first arose in 1891. The case involved a former enslaved woman, Eccuah Bimba, born before the Emancipation Ordinance in 1874, claiming the right to property that was owned by her enslaver's family, the late King Aggrey of Cape Coast.[62] The case was presided over by Hayes Redwar, Acting Judge in a colonial court. In determining his ruling for the case, the question of "how the status of a slave to inherit is affected by the Emancipation Ordinance, No. 2 of 1874" was raised. The defence argued that since slave status did not legally exist, "the conditions of their inheriting property are swept away with the status of slavery."[63] However, Redwar disagreed, citing that a provision in the Emancipation Ordinance which determined that nothing "shall diminish or derogate 'from the rights and obligations of

---

[60] "Echoes From Various Quarters: Succession to Family Property," *Gold Coast Nation,* December 13, 1919: 5. Readex: World Newspaper Archive. Document | World Newspaper Archive | Readex (uottawa.ca)
[61] "Echoes From Various Quarters: Succession to Family Property," *Gold Coast Nation,* December 13, 1919: 5. Readex: World Newspaper Archive.
[62] John Mensah Sarbah, *Fanti Customary Laws: A Brief Introduction to the Principles of the Native Laws and Customs of the Fanti and Akan sections of the Cold Coast with a Selection of Cases Thereon Decided in the Law Courts* (London: William Clows and Sons, 1897), 116.
[63] Sarbah, *Fanti Customary Laws*, 118.

parents and of children, or from other rights and obligations not being repugnant to the law of England, arising out of the family and tribal relations.'"[64] Redwar's interpretation of this provision was that the rights and privileges of enslaved peoples before 1874 were not affected by the Ordinance and he determined that an enslaved person could still inherit under customary law.[65] The key point in Redwar's judgement being that Bimba had been born prior to the Emancipation Ordinance.

The question was raised again in 1929 in an inheritance dispute featuring a prominent Afro-European family in Cape Coast. J.C. de Graft Johnson, the Assistant Secretary for Native Affairs and author of the *Memorandum on the Vestiges of Slavery* examined in Chapter Two, lost a case against his brother, C.S. de Graft Johnson, for the Letters of Administration to their father's estate. Their father, J.W. de Graft Johnson, had died intestate in 1928 and had been a prominent Cape Coast figure, having been a member of the Gold Coast Aborigine Society and an unofficial member of the Town Council.[66] In 1899, J.W. de Graft Johnson purchased and married, according to "native custom", an enslaved woman who gave birth to C.S. de Graft Johnson.[67] Cape Coast is made up of Fanti speaking peoples, who like the Akan, follow a matrilineal line of succession. Meaning, that as the eldest son, J.C. de Graft Johnson would not be recognized as his father's successor in Fante customary law.[68] Despite this, J.C. still claimed

---

[64] Ibid.
[65] Ibid, 119.
[66] Letter from Mr. de Graft Johnson: "The Reaffirmation of the Abolition of Slavery Ordinance, 1930," 8 July 1930, PRAAD, ADM 11/1/975; Copy of Gold Coast Times Article: "Important Decision in Fanti-Akan Law," 7 June 1930, PRAAD, ADM 11/1/975. "News in Brief," *Gold Coast Nation*, June 13, 1912: 8. Readex: World Newspaper Archive. Document | World Newspaper Archive | Readex (uottawa.ca); "The Aborigines and the Rev. Griffin," *Gold Coast Nation* (Cape Coast, Ghana), August 28, 1913: 2. *Readex: World Newspaper Archive*. Document | World Newspaper Archive | Readex (uottawa.ca)
[67] Letter from Mr. de Graft Johnson: "The Reaffirmation of the Abolition of Slavery Ordinance, 1930."
[68] Sarbah, *Fanti Customary Laws*, 85-93.

the right to inherit to the Letters of Administration and become head of the family while C.S. claimed this right as the only living blood relative.[69]

Their inheritance dispute sheds light into the jurisdictional complexity between customary and colonial law in this period and raised again the question of if the succession by enslaved peoples and their descendants was affected by the Emancipation Ordinance. Evidently, this case was tried in Cape Coast and not in Akuapem where we have seen that the chiefly courts did not appear to consider the Emancipation Ordinance as nullifying these rights. However, the de Graft Johnson case held far reaching consequences regarding the question of customary rights of enslaved individuals and their descendants within the Gold Coast Colony. By bringing this question to the colonial courts, it brought the matter to the attention of British authorities, who delivered a final verdict.

The de Graft Johnson case provides a unique example as the family was a part of the educated Afro-European elite class in Cape Coast and had a history of being enslavers. Further, J.C. de Graft Johnson held a rare position of authority and influence within the colonial regime at a time when indirect rule was focused on giving power back to "traditional" rulers, the chiefs, and bolstering the authority of the chiefly courts. As noted by Peter Haenger, de Graft Johnson was "one of the first indigenous people to occupy an important post in the colonial administration of the twentieth century."[70] Therefore, his position as the Assistant S.N.A. was important in the historical context of the local elite class in Cape Coast and the shift in power away from this class after the formal creation of the Gold Coast Colony.[71]

---

[69] Copy of Gold Coast Times Article: "Important Decision in Fanti-Akan Law."
[70] Peter Haenger, *Slaves and Slave Holders on the Gold Coast: Towards an Understanding of Social Bondage in West Africa* (Basel: P. Schlettwein Publishing, 2000), 39, ft. 35.
[71] Holsey, *Routes of Remembrance*, 28-39, 51. The Afro-European merchant class had held a position of political and economic prestige due to Cape Coast being the center of British activity before the Colony was created in 1874. Serving as intermediaries between the British and inland traders, these merchants had cultivated an elite status for themselves and their families and had expected to retain their role as intermediaries into the colonial period.

De Graft Johnson serves as a significant example of a member of the coastal elite class who wielded influence within the colonial government at a time when local elites in Cape Coast were attempting to reclaim their lost prestige. An important example of de Graft Johnson's influence on British policy can be seen through Britain's approach to slavery legislation in the Gold Cast in the late 1920s. The *Memorandum on the Vestiges of Slavery*, by de Graft Johnson, was produced as a result of the League of Nation's investigation and directly contributed to the adoption of the 1928 Slave-dealing Abolition Ordinance and the 1930 Reaffirmation of the Abolition of Slavery Ordinance. Therefore, it is reasonable to assert that de Graft Johnson did exert an influence on Britain's anti-slavery legislation, particularly in a way that later influenced his own inheritance dispute. His *Memorandum* did not contest the notion of enslaved peoples as being incorporated members of the family, but rather argued for this idea. Nor did the *Memorandum* make arguments against the rights of enslaved peoples in customary law.

The inheritance dispute involving the de Graft Johnsons encompasses numerous different factors, culminating in a unique scenario where the descendant of a local elite enslaver and an incorporated enslaved man contend for the position of family head. The conflict reached a level that captured the colonial authorities' notice and also underscores the jurisdictional complexity between customary law and colonial law during this period. Further, the outcome of the case, which determined that the Emancipation Ordinance did not nullify enslaved individuals and their descendants' rights within customary law, had long lasting ramifications for the legacy of slavery that continue beyond the period examined here. Therefore, the de Graft Johnson case warrants a

---

However, during the colonial period there was a shift in power as the British government chose to move away from coastal elites by moving the capital of the Colony to Accra and investing limited political power back to the perceived "traditional" rulers who "the colonial government believed better represented the native population."

closer examination and a divergence away from Akuapem itself as it offers a look into the roots for how slavery's legacy was perpetuated within two legal regimes.

The de Graft Johnson case was tried in the Supreme Court of the Gold Coast Colony and presided over by Judge J.M St. John Yates. C.S. (the applicant) applied for the Letters of Administration, claiming the right to succeed because he was the eldest son by a domestic and a member of the house. His lawyer, Mr. Busknor, claimed that according to "native custom," "a person acquired – whether by emancipation or not – has the option of going away or not, but if she stays her child by the head of the family takes position in the family."[72] Therefore, since C.S.'s mother remained with J.W., C.S. was incorporated as a member of the family. Busknor, citing Sarbah's Fante Customary Law, claimed that "native custom" dictates J.C. had no claim because he was the son of an independent woman; meaning a woman who belonged to a different family than J.W from which he would succeed.[73]

J.C. disputed that C.S was the next of kin and claimed the Letters of Administration on behalf of all of J.W.'s children, including C.S. The key component to his counter claim was that C.S. could not be born in the family because his mother had been bought between 1896-1902, after the Emancipation Ordinance, and she "became a free woman as soon as she entered the country and could not be absorbed into the family of the deceased."[74] Therefore, J. C's claim to the Letters of Administration centered around the idea that the Emancipation Ordinance nulled the ability of enslaved individuals to be absorbed as members of the family and therefore C.S. had no right to succeed. An interesting claim by J.C., as he wrote on the ideology of incorporation in his *Memorandum* and spoke on how enslaved peoples were treated as members

[72] Copy of Gold Coast Times Article: "Important Decision in Fanti-Akan Law."
[73] Ibid.
[74] Ibid.

of the family. The key element in his argument then, centered around the idea that C.S.'s mother could not have been enslaved due to the legal status of slavery not existing at the time and therefore, incorporation could not happen.

Judge St. John Yates found there were three questions that needed to be answered to determine who had the proper claim. The first question asked if "native custom" allowed for the children of an enslaved woman to succeed to the estate of a deceased individual when there were living, elder freeborn children of the deceased, and if so, did the Emancipation Ordinance affect this custom? The second question was to determine if J.C., a son by an "outside woman," a woman outside the lineage, had the right to represent the deceased's other children who were "individually members of different and independent families."[75] The final question sought to determine who, according to "native custom", was the head of the family and would have the right to administer J.W.'s estate and succeed to his property. Judge St. John Yates determined that the questions should be given to the "competent Native Tribunal" to answer and report back their decision. The questions were submitted to the Cape Coast Native Tribunal, presided by the Omanhene of Cape Coast.[76]

The report of the Cape Coast Native Tribunal on these questions confirmed that the Emancipation Ordinance did not affect the rights of enslaved individuals or their children. In their opinion, the intention of the Emancipation Ordinance could not have been to remove the rights of the enslaved in customary law. The report stated that the children of a free woman by the deceased did not have the right to the Letters of Administration when there were children of "female domestics" by the deceased living. The chiefly court stated that "the Native Customary Law as to succession by domestics or their children has not been, and cannot be, affected by the

[75] Ibid.
[76] Ibid.

Slaves Emancipation ordinance in 1874."[77] It determined that any persons "bought and brought into the Colony subsequent to that Ordinance who adopted or have acknowledged themselves as members of the family" and were in return acknowledged as members by the family and remained with them had the right to succeed to property or administer the deceased father's estate.[78] The chiefly court explained that any individual brought into the family did so "not as slaves but as members thereof with equal rights, privileges and responsibilities, and only come after the blood relations of the family as to succession."[79] Thereby, the Cape Coast Native Tribunal recognized these individuals as essentially free, incorporated members of the family who remained enslaved only in name.

On the other two questions, the report determined that J.C. had the ability to represent his other siblings if given their approval. The chiefly court determined that following "native custom," C.S. was the head of the family and held the right to the Letters of Administration. Their report stated C.S. held this right "according to Native Customary Law" as there were "no blood relations of the intestate living, the Applicant being a domestic in whose veins runs the heritable blood, he being the son of the intestate by his slave."[80] The chiefly court's report concretely demonstrates the belief that Fante-Akan customary law was not affected by the Emancipation Ordinance and confirmed that adopted enslaved individuals retained their rights to succession within the family. The report determined the final ruling of the case, which recognized C.S. as the head of the family and awarded him the Letters of Administration.

The final judgement on the case was given by Judge Gardner Smith in the Divisional Court at Cape Coast. Smith agreed with the Cape Coast Native Tribunal's report that C.S. was

[77] Ibid.
[78] Ibid.
[79] Ibid.
[80] Ibid.

the rightful person to succeed, stating that "in my opinion, it makes no difference in this case that the slave was acquired after 1874."[81] As C.S. and his mother did not leave the family and renounce their rights as members and there were no living blood relatives, C.S. had the rightful claim to the property.[82] He supported his ruling by stating that the question of if the Emancipation Ordinance affected the inheritance rights of enslaved individuals and their descendants had already been answered in the 1891 *Bimbah v Mansah* case. Smith explained that if the Divisional Court recognized J.C. as the rightful successor, it would allow him to inherit from two families and it was clear to him under customary law that J.C. was not entitled to succeed his father. Smith stated that he believed that J.C. was arguing against Fante Law.[83]

The judgement found that by remaining with the family, enslaved peoples illegally acquired after the emancipation ordinances held the same rights as those acquired before 1874. This was the key point that J.C. de Graft Johnson argued against in his letter to the Secretary for Native of Affairs. J.C. argued that if slavery was illegal, then a "slave cannot legally be absorbed and therefore cannot become a member of the family" and by recognizing C.S.'s right to inherit as a domestic member of the family, the judgement recognized the legal status of slavery as still existing.[84] He argued that Smith's referral to the 1891 *Bimbah v Mansah* case to support his judgement was not relevant to the current situation, as that case concerned an enslaved woman acquired before the 1874 Emancipation Ordinance and not one illegally acquired roughly 25 years after it.[85] J.C. explained his intention of bringing the ruling to the attention of the British Government because he believed the judgement "is in conflict with the law" and goes against the

[81] Ibid.
[82] Ibid.
[83] Ibid.
[84] Letter from Mr. de Graft Johnson: "The Reaffirmation of the Abolition of Slavery Ordinance, 1930."
[85] Ibid.

recently implemented "Reaffirmation of the Abolition of Slavery Ordinance" that confirmed the legal status of slavery did not exist, an ordinance that J.C. himself had influenced the adoption of through his *Memorandum*.[86] The letter appeals to the Secretary for Native Affairs to investigate what the British Government viewed as the intended effect of Emancipation Ordinances on customary law.

Unfortunately, it is not entirely clear what came of J.C.'s letter to the Secretary for Native Affairs. A letter written to the Colonial Secretary by the S.N.A, reveals that he did pass on the cases' judgement and sheds light into his opinion on the judgement. The S.N.A stated that he agreed that the judgement does suggest that the Divisional Court considers "the legal status of slavery still to exist."[87] He disagreed with the judge's application of the provision in the Emancipation Ordinance and belief that it did not make a difference if the enslaved woman was acquired after 1874. For the S.N.A, the enslaved woman could not be married according to native custom, and he therefore viewed her as the concubine of J.W. De Graft Johnson.[88]

A handwritten note on the file, likely by an individual in the Colonial Secretary's Office, agreed with the S.N.A.'s findings. The note states the view that "it seems inconsistent with native custom and with justice that an illegitimate younger son shall have preference over an elder son born in lawful wedlock.[89] The interpretation of C.S. as an illegitimate son usurping a legitimate elder by the colonial officials perfectly demonstrates the juxtaposition of colonial and customary law in this period. The unnamed author of the note and the S.N.A agreed with J.C., but felt they had no jurisdiction to directly interfere or criticize the Divisional Court proceedings as it was up to him to appeal the case. However, the author of the note recognized that the ruling

[86] Ibid.
[87] Secretary of Native Affair's Letter to the Colonial Secretary, 23 July 1930, PRAAD, ADM 11/1/975.
[88] Secretary of Native Affair's Letter to the Colonial Secretary.
[89] First handwritten note on the file, 24 July 1930, PRAAD, ADM 11/1/975.

would have a "wide effect in native affairs" and it was determined that a hypothetical case should be built to give advice on the matter.[90] Unfortunately, the file does not provide any follow up on the course of action taken by the Colonial Secretary's Office regarding the judgement of the case nor on if J.C. de Graft Johnson chose to appeal the Divisional Court's ruling. Ultimately, by admitting to his mother's slave status and his own slave ancestry, C.S. was able to successfully become the head of the family through the notion of incorporation in customary law. Thereby, demonstrating that in specific contexts of incorporation and blood relations, abandoning the practice of silence and admitting to slave ancestry could be worked to the advantage of some individuals.

The colonial authorities upheld the ruling of the de Graft Johnson case, affirming that the Emancipation Ordinances did not affect the inheritance right of slaves and their descendants. Throughout the colonial period and beyond, customary rights of enslaved peoples and enslavers continued to be recognized in the Gold Coast. Perbi examines numerous cases in **"**The Legacy of Indigenous Slavery in Ghana" where customary law continued to recognize the slave descent of individuals in matters of inheritance and land tenure, a status which largely crippled the ability of these individuals to claim land.[91] By passing on the question of the Emancipation Ordinance's effect on customary law to the chiefly courts, the colonial authorities had been following their policy of indirect rule and ultimately enabled the chiefs to mold the outcome of the investigation to their preference. Thereby ensuring the continuation of both the notion of incorporation and slave status within customary law. By determining that the Ordinance did not cancel enslaved individuals and their descendants' rights in customary law, they also ensured that enslavers and

[90] First handwritten note; Second handwritten note on the file, 28 July 1930, PRAAD, ADM 11/1/975.
[91] Perbi, "The Legacy of Indigenous Slavery."

their descendants' rights were not nullified as well. As a result, the legacy of slavery continues to manifest within issues of inheritance and land tenure disputes into current times.

Conclusion

Slavery left its legacy within the social and legal institutions of the Gold Coast in the early twentieth century. Enslavers and former enslaved peoples and their descendants attempted to turn the changes brought on by abolition to their advantage. They attempted to retain or reshape practices to gain control over people and property and to retain the pre-abolition social hierarchy. Slave calling arose as a means to reinforce notions of social etiquette and hierarchy by invoking connotations of slavery as a means to insult or remind individuals of their alleged servile origins. Enslavers and former enslaved individuals and their descendants both sought to use the jurisdictional complexity caused by colonial rule to claim ownership or inheritance to property and proactively chose to abandon the practice of silence when it suited their needs. As chiefly courts continued to uphold customary law and reaffirm the rights and customs between enslavers and those enslaved, slave ancestry largely worked as a disadvantage for slave descendant's claims to land except for in specific circumstances.

That customary law continued to be upheld and recognize the status of slave set a precedent for court rulings in modern day Ghana. The 1995 removal of Nana Akuamoah Boaten Ababio from his chieftaincy position due to the discovery of his slave ancestry demonstrates that as long as customary law continues to be recognized, the stigma of servile origins will continue. The Supreme Court's ruling was not well received and Ghanaian's reactions to ruling the revolved around the same question of whether the Emancipation Ordinance removed the rights of enslaved individuals and their descendants. Some argued that the Supreme Court's decision to

uphold customary law denied slave descendants the freedom granted by the Emancipation Ordinance. For others, the Emancipation Ordinance did not protect slave descendants' rights to former enslaver's family property, such as a traditional political position.[92] The Supreme Court's ruling suggests that as long as customary law continues to be recognized within Ghana's legal institutions and is used by Ghanaians as a resource, one open to interpretation, to pursue their interests, the legacy of slavery and its stigma will remain.

[92] Alice Bellagamba, Sandra E. Greene and Martin Klein, *The Bitter Legacy: African Slavery Past and Present* (New Jersey: Markus Wiener Pubishers, 2013), 13.

Conclusion

Emancipation in colonial Gold Coast was a drawn out, slow process where slavery and its legacies continued well into the twentieth century. My study has combined two avenues of research, the process of emancipation and the legacy of slavery in Akuapem, to examine the slow disappearance of slavery and transition to pawning, and its subsequent transformations, and ask why slave ancestry continued to carry such a stigma even as slavery was dying out. To narrow down the broad focus of this study, I specifically investigated a period where we can find the first and second generation of enslaved descendants in the early period after the abolition of the legal status of slavery. Throughout my analysis, I have attempted to answer three questions: was there a blurring between the institution of slavery and other types of exploitive dependency relationship, like the system of pawning, in the wake of legal status abolition? To what extent did the practice of pawning become institutionalized and integrated into social practices in the early twentieth century? Finally, why did slave status or slave ancestry continue to matter and carry such a stigma as Africans adopted different methods for exploiting labour as slavery was slowly dying out?

Chapter One set up the necessary context to answer these questions, explaining various factors and actors that contributed to the continuation of slavery and its legacies, and the transformations in pawning practices. The chapter first set the historical context for Akuapem and slavery in precolonial society. This background on precolonial Akuapem social structure helped to understand the underlaying practices in unequal dependency relations that we later examine in Chapter Three and how they blurred with pawning. Further, the background on slavery in precolonial society provided the deeper context for Chapter Four's discussion on how the legacy of slavery manifested in Gold Coast social interactions and in customary law. This

chapter also provided context on the rise of cocoa cultivation in the Gold Coast which detailed the changes cocoa cultivation brought to access to labour and the growing significance of land ownership – factors that contributed to the transformations in pawning and marriage examined in Chapter Three. Finally, the discussion on British colonial policy in the Gold Coast set the stage regarding the colonial government's administrative policies and structure of jurisdiction. This context is necessary for Chapter Two's examination of the ramifications of the government's narrow perception of slavery and their passive approach to abolition. These three major themes provided the necessary background context for my empirical discussion in Chapters Two-Four.

The colonial government's narrow approach to abolition did not bring an immediate end to slavery in the Gold Coast Colony. Chapter Two shifts the focus from Akuapem to include the Colony as a whole and how the process of emancipation unfolded due to both the British government's anti-slavery legislation and international anti-slavery movements, like the League of Nations and the Anti-Slavery Society. The British colonial government in the Gold Coast perpetuated a narrow perception of slavery in Africa as a benign system and adopted the Indian method of abolition: outlawing the legal status of slavery but avoiding direct action to dismantle it, with the aim the system would then die a slow death. Legal status abolition, championed by Sir Frederick Lugard and supported by the Anti-Slavery Society, was adopted by the League of Nations and the Slavery Convention as the recommended approach to abolition in 1926.

Using his position on the Temporary Slavery Commission, Lugard was able to influence the League of Nation's Slavery Convention to adopt this narrow perception of slavery and legal status abolition. By the 1930s, the idea of "voluntary slavery" began to be questioned by the chair of the Advisory Committee of Experts on Slavery (ACE), George Maxwell, and the ACE's investigations revealed insufficient anti-slavery legislation throughout British colonies. Both the

British colonial and international anti-slavery measures targeted recognized chattel forms of slavery and slave trading as the worst elements of the system to be eliminated. However, this limited view of slavery, largely focused on recognizably economic and violent elements, did not understand that the system was deeply embedded in society as a set of relationships. As a consequence, and notwithstanding claims to the contrary, colonial or international efforts failed to eradicate slavery. Chapters Three and Four show how this failure to fully stamp out slavery in the Gold Coast through legal status abolition in 1874 and the subsequent attitudes of colonial officials in enforcing legislation had lasting consequences for transformations in pawning the legacy of slavery.

Chapter Three investigated a transition from slavery to pawning from 1900 to 1930 by examining the reshaping of reciprocal family relations to make claims to rights to a person and their labour, or to land and cocoa farms. This examination revealed a transformation in pawning during this transition period where pawning began to blur the lines with marriage and wage labour, and slowly became replaced with a preference for pawning land. Chapter Three focused on cases involving disputes of land, debt and marriage that provide insight into the types of claims to rights people made on one another and to land, and helped to identify situations where pawning was occurring unnoticed by the colonial authorities. Children initially continued to be the preferred pawn by debtors and creditors but, over time, they started to be seen as less reliable. Child pawns resisted their pawning, by running away from the creditor and/or refusing to be pawned by their relatives, which contributed to loan agreements including protections ensuring payment of interest if the pawn left. This, coupled with the growing commercial value of land and the illegality of pawning, contributed to a growing preference in the pawning of land.

Self-pawning began to resemble employment, allowing some male junior dependents to attempt to assert control over their futures free from their lineages. Men experienced greater power in their positions as pawns in this period and were able to negotiate beneficial circumstances for themselves in pawning arrangements, including wages that went towards their debts and set limits on creditors' access to their labour. Land also served as a motivation for agreeing to pawning, enabling junior dependents to acquire rights to land or its produce both independently of their lineages and within them. Here, self-pawning and pawning arrangements blurred into kin-relations where debtors accepted creditors as pseudo-fathers who in turn gave them access to land to work independently. Further, pawning and marriage began to blur together and underwent a transformation where the marriage payment served as a loan from creditor-husbands. This gave men more power in the marriage relationship and rights over the pawn-wife's labour than over a female pawn.

Slave ancestry was still relevant in Akuapem and the Gold Coast Colony more generally after legal status abolition. Chapter Four examines the period in which the first and second generation of slave descendants can be found in court records involving slander, social conflicts and land or inheritance disputes. This framework enabled an analysis into these descendants' acceptance or rejection of slavery's stigma and their incorporation as fictive kin. My analysis suggests that slavery's legacy in this period was one of both silence and conflicts over how enslaved individuals fit into society and law and in a post abolition era. I examined the power struggles between ex-enslavers and ex-enslaved and their descendants as people tried to hold onto existing traditions or reshape them in ways that ensured power over another person, land, or social standing. Slave calling was used as an insult or reminder of slave ancestry when an individual was viewed as acting above their perceived social standing and suggests attempts by

individuals to hold on to pre-abolition social hierarchies among both free and unfree peoples. Phrasing of these insults called upon several connotations of slavery like flogging, references to ethnicity or being a stranger, and being bought. Further, insults included references to one's lineage, with the matrilineal line often serving as one's link to slave ancestry and could also invoke claims of inequality.

The legacy of slavery also manifested in the power struggles between enslaver's families and ex-enslaved and their descendants regarding land rights and inheritance. Both attempted to use the legal confusion that followed colonial rule to their advantage in their claims to one another, as fictive or real kin, and to land ownership. At the same time, the chiefly courts in Akuapem continued to recognize the enslaver-enslaved relations and subsequent rights and obligations despite the abolition of the legal status of slavery. Enslavers were largely successful within the chiefly courts in their attempts to maximize their rights to their former enslaved dependents while minimizing their obligations through claims of adoptive kinship. People consciously chose to break the practice of silence surrounding slavery when they saw the opportunity to undermine the land claim of another and/or bolster their own.

Further, the courts regularly affirmed enslaver's right to inherit property from their former enslaved dependents. Slave ancestry generally worked to the disadvantage of the enslaved and their descendants except in exceptional circumstances like the cases of Akosua Nsemi and C.S. de Graft Johnson, where admitting to slavery ancestry was advantageous. The de Graft Johnson case determined at the colonial level that the Emancipation Ordinances did not nullify the rights of the enslaved in customary law, despite the legal status of "slave" no longer existing. Thus, by upholding the rights of the enslaved, the ruling also continued to recognize

enslaver-enslaved relationships and protected the rights of former enslavers and their descendants in customary law as well.

The ways in which the legacy of slavery manifested within Gold Coast society during the colonial period echo the findings of Akosua Perbi in "The Legacy of Indigenous Slavery in Ghana." Perbi has argued that "the legacy of indigenous slavery manifests itself in four major traditional areas, namely, traditional political office, land tenure, issues of inheritance, and in social affairs" in post colonial Ghana and that those with slavery ancestry face certain limitations within these institutions regardless of wealth, education or notoriety.[1] As such, I make a tentative observation on the present-day context of the legacy of slavery within Ghana. So long as customary law is recognized within Ghana's constitution and legal institutions, there will be those who view customary law as legitimizing slavery. As such, the court system will remain a resource to Ghanaians to reaffirm, at least obliquely, the status of slavery and its accompanying rights and obligations to the benefit of those with free ancestry and detriment of those with unfree ancestry.

Further, it is hard for laws to abolish that which should not exist, in legal terms. Slavery, which should not exist, is the permanent and inheritable dishonouring of an individual and the law cannot easily remove the social stigma that arises from this permanent dishonour. Therefore, as long as slavery is recognized within Ghana's constitution and legal institutions through customary law, its social stigma will persist. I therefore offer a tentative statement of support to Kwame Anthony Appiah's observation in "What's Wrong with Slavery" that the last work of

[1] Akosua Adoma Perbi, "The Legacy of Indigenous Slavery in Ghana," in *Slavery and its Legacy in Ghana and the Diaspora*, R Shumway and Trevor Getz (London: Bloomsbury, 2017), 202, 216.

abolition in present day Ghana is to remove the stigma of slavery and suggest that this last task has yet to be completed.[2]

This study leaves room for further research. It could be extended to focus beyond Akuapem to include the Colony as a whole; or to Asante or the Northern Territories where the Emancipation Ordinances were not implemented until the early twentieth century. The focus of this study could be on how the legacy of slavery manifested in these regions where the emancipation process started thirty-four years later than it did in the Gold Coast Colony. Another study could extend my period of inquiry to either the end of the colonial period, to include the years 1930s-1957 or to the early colonial period, 1874-1900, to examine the longer trends of transformation in pawning and of how the legacy of slavery manifested.

The conclusions of this study relate to the current waves of African historiography on the nature of slavery and the significance of slavery's legacies, both in within Africa and globally.[3] It contributes to a growing conversation on why there is a continued stigma of slave ancestry in present-day African societies by examining the early post-abolition period where this stigma was nurtured. By considering several additional factors, my research suggests that the process of emancipation in the Gold Coast involved a complicated story of how slavery and pawning worked and disappeared, and how slavery's legacies lived on in a post-abolition environment.

In this study I have focused largely on Akuapem while considering specific events and themes that affected the entire Gold Coast Colony like the colonial officials' attitudes towards abolition and the impact of anti-slavery legislation. I have also expanded to include the role of

---

[2] Kwame Anthony Appiah, "What's Wrong with Slavery," in *Buying Freedom: The Ethics and Economics of Slave Redemption*, Kwame Anthony Appiah and Martin Bunzl (Princeton: Princeton University Press, 2007), 254.
[3] Rebecca Shumway and Trevor Getz, ed., *Slavery and its Legacy in Ghana and the Diaspora* (London: Bloomsbury, 2017); Alice Bellagamba, Sandra E. Greene and Martin Klein, *African Slaves, African Masters: Politics, Memories, Social Life* (Trenton: Africa World Press, 2017); Alice Bellagamba, Sandra E. Greene and Martin Klein, *The Bitter Legacy: African Slavery Past and Present* (New Jersey: Markus Wiener Pubishers, 2013); Paul E. Lovejoy, *Slavery in the Global Diaspora of Africa* (Abingdon: Routledge, 2019).

reciprocal family relations in perpetuating servile status, through systems like pawning and through the continued stigma of slavery. I have suggested that as slavery started to fade out, pawning became an alternative for exploitable labour although pawning did not become slavery and underwent significant transformations itself. Further, this study has shown that slave status remained relevant in the Gold Coast Colony both in relation to determining social hierarchies and in customary law when determining who was considered family in matters of inheritance and succession.

Bibliography

Archival Sources

Public Records and Archives Administration Department, Accra, Ghana (Formerly National Archives, GNA)

ADM 11/1/975 Domestic Slavery, Case No. 23/1927.

Newspapers
Found through Readex: World Newspaper Archive

The Gold Coast Leader
Gold Coast Nation

Unpublished Sources

Cati Coe's Notes – National Archives, Accra, Ghana (GNA)

SCT 2/5/19 Criminal Record Book, High Court, Accra, 5 November 1909– 25 July 1911
ADM 29/4/7 Civil Record Book, Senior Adontenhene's Tribunal of Akropong, 6 October 1917 15 January 1919
SCT 2/5/19 Criminal Record Book, High Court, Accra, 5 November 1909– 25 July 1911
SCT 38/5/2 Criminal Record Book, Supreme Court, Nsawam, 1909–1912

Cati Coe's Notes – Eastern Regional Archives, Koforidua, Ghana (ERA)

ECRG 16/1/2 Civil Record Book, Omanhene's Court, Akwapim, 17 October 1907–29 December 1908
ECRG 16/1/4 Civil Record Book, Omahene Court, Akropong-Akwapim, 9 January 1909 – 9 August 1909
ECRG 16/1/3 Civil Record Book, Akwapim, Chief Otutu Ababio's Property, Adukrom, 16 June 1906. 13 October 1906 – 25 January 1909
ECRG 16/1/5 Civil Record Book, Omanhene's Court, Akwapim, 8 January 1910–17 September 1910
ECRG 16/1/9 Civil Record Book, Akwapim, Omanhene Court, 2 January 1911–14 December 1911
ECRG 16/1/10 Civil Record Book, Native Tribunal of Adukrom, 7 September 1911 – 26 February 1912
ECRG 16/1/12 Civil Record Book, Native Tribunal of Adukrom, 9 March 1912– 23
ECRG 16/1/14 Civil Record Book, Akropong, Akuapem, Native Tribunal of Omanhene, 16 July 1912–30 December 1912

ECRG 16/1/18 Civil Record Book, Native Tribunal of Akropong, 7 April 1914–27 November 1915
ECRG 16/1/19 Civil Record Book, Native Tribunal of Senior Adontenhene, Akuapem, 4 September 1914 – 25 March 1916
ECRG 16/1/20 Civil Record Book, Nifahene of Akwpim, 23 December – 14 January 1916
ECRG 16/1/21 Civil Record Book, Akwapim, Superior Court of Omanhene of Akwapim, Akropong, 23 May 1919–23 March 1925
ECRG 16/1/22 Civil Record Book, Native Tribunal of the Nifahene, Akwapim, 25 February 1921–4 May 1923
ECRG 16/1/24 Civil Record Book of the Native Tribunal of Adontenhene of Akuapem, Aburi, 15 October 1923–10 January 1925
ECRG 16/1/27 Adukrom Tribunal, Civil Record Book, 14 April 1928–24 October 1931

Published Primary Sources

Anti-slavery and Aborigines' Protection Society. *The Anti-Slavery Reporter and Aborigines' Friend* 20, Jan 1840 (no. 2) - Jan 1931 (Vol. 20, no. 4).

Lord Lugard, "Slavery in All Its Forms," *Africa: Journal of the International African Institute* 6, no.1 (1933): 1-14.

Mensah, Sarbah John. *Fanti Customary Laws: A Brief Introduction to the Principles of the Native Laws and Customs of the Fanti and Akan Sections of the Gold Coast, with a Selection of Cases Thereon Decided in the Law Courts*. London, William Clowes and Sons, 1897.

Online Website Sources

National Park Service: Underground Railroad Road. "Language of Slavery." AccessedSeptember 25 2023. Language of Slavery - Underground Railroad (U.S. National Park Service) (nps.gov)

Buffalo Library. "Telling the Story: Enslavement of African People in the United States." Accessed September 25 2023. Vocab & Key Concepts - mc.pdf (buffalolib.org)

Secondary Sources

Adu-Boahen, Kwabena. "Post-Emancipation Slave Commerce: increasing child slave trafficking and women's agency in late nineteenth-century Ghana." *Lagos Historical Review*, 9 (2009): 118-137.

Akurang-Parry, Kwabena O. "Rethinking the 'Slaves of Salaga': Post-Proclamation Slavery in the Gold Coast (Colonial Southern Ghana), 1874-1899." *Left History* 8 (2002): 33-60. doi:25071/1913-9632.5480.

Allman, Jean and Victoria B. Tashjian. *"I Will Not Eat Stone": A Women's History of Colonial Asante*. Portsmouth: Heinemann, 2000.

Allot, Antony. *Essays in African Law*. London: Butterworths, 1960.

Ansah-Koi, Kumi. "Dancing to the Tunes of Modernity and Change: Akuapem's Litigating Chiefs, Contested History and the Politics of Ethnic/State Construction in Ghana." In *Chieftaincy in Ghana*: *Culture, Governance and Development*, edited by I.K. Odotei and A.K. Awedoba, 505-525. Legon: Sub-Saharan Publishers, 2006.

Appiah, Kwame Anthony. "What's Wrong With Slavery." In *Buying Freedom: The Ethics and Economics of Slave Redemption*, edited by K.A. Appiah and M. Bunzl, 249-258. Princeton: Princeton University Press, 2007.

Arhin, Kwame. "The Ashanti Rubber Trade with the Gold Coast in the Eighteen-Nineties." *Journal of the International African Institute* 42 (1972): 32-43. doi: 10.2307/1159529

Austin, Gareth. "Human Pawning in Asante, 1800-1950: Markets and Coercion, Gender and Cocoa." In *Pawnship, Slavery, and Colonialism in Africa*, edited by T. Falola and P. Lovejoy, 187-224. Trenton: Africa World Press, 2003.

Austin, Gareth. *Land, Labour and Capital in Ghana: From Slavery to Free Labour in Asante, 1807-1956*. Rochester: The University of Rochester Press, 2005.

Ayesu, Ebenezer. "Tradition and Change in the History of Akuapem (Ghana) Chieftaincy During British Colonial Rule, 1874-1957." PhD Diss. Indiana University, 2001. Indiana University ProQuest Dissertations Publishing (3488014).

Balakrishnan, Sarah. "Of Debt and Bondage: From Slavery to Prisons in the Gold Coast, c. 1807-1957." *Journal of African History*, 61 (1) (2020): 3-21.

Bayo, Holsey. *Routes of Remembrance: Refashioning the Slave Trade in Ghana.* Chicago: The University of Chicago Press, 2008.

Bellagamba, Alice., Sandra E. Greene and Martin A. Klein, ed. *The Bitter Legacy: African Slavery Past and Present*. New Jersey: Markus Wiener Publishers, 2013.

Bellagamba, Alice., Sandra E. Greene and Martin Klein, ed. *African Slaves, African Masters: Politics, Memories, Social Life.* Trenton: Africa World Press, 2017.

Berry, Sara. *No Condition is Permanent: The Social Dynamics of Agrarian Change in Sub-Saharan Africa.* Wisconsin: University of Wisconsin Press, (1993).

Brivio, Alessandra. "'I Am a Slave Not a Wife': Slave Women in Post-Proclamation Gold Coast (Ghana)." *Gender & History* 29 (2017): 31-47. doi:10.1111/1468-0424.12279.

Brokensha, David, ed. *Akwapim Handbook*. Tema: Ghana Publishing Corporation, 1972.

Chatterjee, Indrani. "Abolition by Denial: The South Asian Example." In *Abolition and its Aftermath in the Indian Ocean and Africa*, edited by Gwyn Campbell, 150-168. New York: Routledge, 2005.

Coe, Cati. "How Debt Became Care: Child Pawning and its Transformations in Akuapem, the Gold Coast, 1874-1929." *Africa* 82, no. 2 (2012): 287–311. doi:10.1017/S000197201200006X.

Douglas, Mary. "Matriliny and Pawnship in Central Africa." *Africa* 34 (4) (1964): 301-313. doi:10.2307/1157471.

Dumett, Raymond E. and Marion Johnson. "Britain and the Suppression of Slavery in the Gold Coast Colony, Ashanti, and the Northern Territories." In *The End of Slavery in Africa*, edited by S. Miers and R. Roberts, 71-118. Madison: The University of Wisconsin Press, 1988.

Dumett, Raymond E. "The Work of Slaves in Akan and Adangme Regions of Ghana in the Nineteenth Century." In *African Systems of Slavery*, edited by J. Spaulding and S. Beswick, 67-104. Trenton: Africa World Press, 2010.

Forclaz, Amalia Ribi. *Humanitarian Imperialism: The Politics of Anti-Slavery Activism, 1880-1940*. Oxford: Oxford University Press, 1988.

Getz, Trevor R. *Slavery and Reform in West Africa: Toward Emancipation in Nineteenth-Century Senegal and the Gold Coast*. Athens: Ohio University Press, 2004.

Getz, Trevor R. "The case for Africans: The role of slaves and masters in emancipation on the gold coast, 1874-1900." *Slavery and Abolition* 2 (2000): 128-145. doi:10.1080/01440390008575298.

Getz, Trevor R. *Abina and the Important Men: A Graphic History*. London: Oxford University Press, 2003.

Getz, Trevor R. and Lindsay Ehrisman. "The Marriages of Abina Mansah: Escaping the Boundaries of 'Slave' as Category in Historical Analysis." *Journal of West African History* 1 (2015): 93-118. doi:10.14321/jwestafrihist.1.1.0093.

Gilbert, Michelle. "'No Condition is Permanent': Ethnic Construction and the Use of History in Akuapem." *Africa* 67 (4) (1997): 501-533. doi:10.2307/1161106.

Gilbert Michelle, "The Crimmerian Darkness of Intrigue: Queen Mothers, Christianity and Truth in Akuapem History." *Journal of Religion in Africa* 23 (1) (1993): 2-43.

Gocking, Roger. "British Justice and the Native Tribunals of the Southern Gold Coast Colony." *Journal of African History* 34 (1993): 93-113. doi:10.1017/S0021853700033016.

Gocking, Roger. "Competing Systems of Inheritance before the British Courts of the Gold Coast Colony." *The International Journal of African Historical Studies* 23 (4) (1990): 601-618. doi:10.2307/219500.

Grant, Kevin. *A Civilised Savagery: Britain and the New Slaveries in Africa, 1884-1926*. New York: Routledge, 2013.

Grier, Beverly. "Pawns, Porters, and Petty Traders: Women in the Transition to Cash Crop Agriculture in Colonial Ghana." In *Pawnship, Slavery, and Colonialism in Africa*, edited by T. Falola and P Lovejoy, 299-324. Trenton: Africa World Press, 2003.

Greene, Sandra E. *West African Narratives of Slavery: Texts From Late Nineteenth- and Early Twentieth-Century Ghana*. Bloomington: Indiana University Press, 2011.

Haenger, Peter. *Slaves and Slave Holders on the Gold Coast: Towards an Understanding of Social Bondage in West Africa*. Basel: P. Schlettwein Publishing, 2000.

Harries, Patrick. "Imagery, symbolism and tradition in a South African Bantustan: Mangoshuthu Buthelezi, Inkatha and Zulu History." *History and Theory* 32 (1993): 105-125. doi:10.2307/2505634.

Hargrove, Jarvis L. *The Political Economy of the Interior Gold Coast: The Asante and the Era of Legitimate Trading, 1807-1875*. Lanham: Lexington Books, 2015.

Heartfield, James. *The British and Foreign Anti-Slavery Society, 1836-1956: A History*. New York: Oxford University Press, 2017.

Hill, Polly. "The Migrant Cocoa Farmers of Southern Ghana." *Africa: Journal of the International African Insitutute* 3 (3) (1961): 209-230.

Hill, Polly. *The Migrant Cocoa-Farmers of Southern Ghana: A Study in Rural Capitalism*. Cambridge University Press, 1963.

Klein, Martin and Richard Roberts. "The Resurgence of Pawning in French West Africa During the Depression of the 1930s." *African Economic History* 17 (1987): 23-37.

Klein, Martin A. "Studying the History of Those Who Would Rather Forget: Oral History and the Experience of Slavery." *African Studies Association* 16 (1989): 209-217. doi:10.2307/3171785

Kimble, David. *A Political History of Ghana: The Rise of Gold Coast Nationalism 1850-1928*. London: Oxford University Press, 1963.

LaVerle, Berry. *Ghana: A Country Study.* Area Handbook Series. Washington: Federal Research Division, Library of Congress, 1995.

Law, Robin, ed. *From Slave Trade to 'Legitimate' Commerce: The Commercial Transition in Nineteenth-Century West Africa*. Cambridge: Cambridge University Press, 1995.

Lovejoy, Paul E. and Jan S. Hogendorn. *Slow Death for Slavery: The Course of Abolition in Northern Nigeria, 1897-1936*. Cambridge: Cambridge University Press, 1993.

Lovejoy, Paul E. "Kola in the History of West Africa." *Cahiers d'Études Africaines* 20 (1980): 97-134. doi: 10.3406/cea.1980.2353.

Lovejoy, Paul E. "Slavery in the Colonial State and After." In *The Palgrave Handbook of African Colonial and Postcolonial History*, edited by M. Shanguhyia and T. Faloloa, 103-122. New York: Palgrave Macmillin US, 2018.

Mann, Kristin, and Richard Roberts, ed. *Law in Colonial Africa*. Portsmouth, NH: Heinemann, 1991.

McSheffrey, Gerald M. "Slavery, Indentured Servitude, Legitimate Trade and the Impact of Abolition in the Gold Coast, 1874-1901: A Reappraisal." *Journal of African History* 24 (1983): 349-368.

Miers, Suzanne and Igor Kopytoff, ed. *Slavery in Africa: Historical and Anthropological Perspectives*. Wisconsin: The University of Wisconsin Press, 1977.

Miers, Suzanne. "Slavery and the Slave Trade as International Issues 1890-1939." *Slavery & Abolition* 19 (1998): 16-37. doi:10.1080/01440399808575237.

Off, Carol. *Bitter Chocolate: Investigation the Dark Side of the Word's Most Seductive Sweet*. Toronto: Random House Canada, 2006.

Opare-Akurang, Kwabena. "The Administration of the Abolition Laws, African Responses, and Post-Proclamation Slavery in the Gold Coast, 1874-1940." *Slavery & Abolition* 19 (1998): 149-166. doi:10.1080/01440399808575244.

Parker, John. *Making the Town: Ga State and Society in Early Colonial Accra*. Portsmouth: Heinemann, 2000.

Patterson, Orlando. *Slavery and Social Death: A Comparative Study*. Massachusetts: Harvard University Press, 1982.

Penningroth, Dylan C. "The Claims of Slaves and Ex-Slaves to Family and Property: A Transatlantic Comparison." *The American Historical Review* 112, no. 4 (2007): 1039-1069. doi:10.1086/ahr.112.4.1039.

Perbi, Akosua Adoma. *A History of Indigenous Slavery in Ghana: From the 15th to the 19th Century*. Legon: Sub-Saharan Publishers, 2004.

Perbi, Akosua Adoma. "The Legacy of Indigenous Slavery in Ghana." In *Slavery and its Legacy in Ghana and the Diaspora*, edited by R. Shumway and T. Getz, 202-218. London: Bloomsbury, 2017.

Rashid, Ismail. "'Do Dady nor Lef me Make dem Carry me': Slave Resistance and Emancipation in Sierra Leone, 1894-1928." *Slavery & Abolition* 19 (1998): 208-231. doi:10.1080/01440399808575247.

Robertson, Claire. "Post-Proclamation Slavery in Accra: A Female Affair?" In *Women and Slavery in Africa*, edited by C. Robertson and M. Klein, 220-243. Wisconsin: The University of Wisconsin Press, 1983.

Sackeyfio-Lenoch, Naaborko. *The Politics of Chieftaincy: Authority and Property in Colonial Ghana, 1920-1950.* Rochester: The University of Rochester Press, 2014.

Simensen, Jarle, "Jurisdiction as Politics: The Gold Coast During the Colonial Period." In *European Expansion and Law: The Encounter of European and Indigenous Law in 19th- and 20th-century Africa and Asia,* edited by W.J. Mommsen and J.A. de Moor, 257-77. New York: St. Martin's Press, 1992.

Southall, Roger J. "Polarisation and Dependence in the Gold Coast Cocoa Trade 1890-1938." *Transactions of the Historical Society of Ghana* 16 (1) (1975): 93-115.

Spear, Thomas. "Neo-Traditionalism and the Limits of Invention in British Colonial Africa." *Journal of African History* 44 (2003): 3-27. doi:10.1017/S0021853702008320

Stillwell, Sean. *Slavery and Slaving in African History*. Cambridge: Cambridge University Press, 2014.

Sutton, Inez. "Labour in Commercial Agriculture in Ghana in the Late Nineteenth and Early Twentieth Century." *The Journal of African History* 24 no. 4 (1983): 461-481. doi:10.1017/S0021853700028000.