

OF DEBT AND BONDAGE: FROM SLAVERY TO PRISONS IN THE GOLD COAST, c. 1807–1957*

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Abstract

Contrary to the belief that prisons never predated colonial rule in Africa, this article traces their emergence in the Gold Coast after the abolition of the Atlantic slave trade. During the era of ‘legitimate commerce’, West African merchants required liquidity to conduct long-distance trade. Rather than demand human pawns as interest on loans, merchants imprisoned debtors’ female relatives because women’s sexual violation in prison incentivized kin to repay loans. When British colonists entered the Gold Coast, they discovered how important the prisons were to local credit. They thus allowed the institutions to continue, but without documentation. The so-called ‘native prisons’ did not enter indirect rule — and the colonial archive — until the 1940s. Contrary to studies of how Western states used prisons to control black labour after emancipation, this article excavates a ‘debt genealogy’ of the prison. In the Gold Coast, prisons helped manage cash flow after abolition by holding human hostages.

Key Words

Ghana, West Africa, prison, credit, slavery, abolition, slave trade, colonialism.

On 21 April 1886, the British colonial government of the Gold Coast launched an investigation into the origins of penal confinement in the region. For decades, the abundance of prisons detaining men and women ‘cruelly and tyrannically’ had disturbed British commissioners and judges alike.¹ Summoning a small circle of 12 kings and head chiefs to the littoral town of Saltpond, the District Commissioner asked each ruler a set of questions: For what cause could they imprison their subjects? Was this a new or an old custom? Had the carceral system undergone recent changes or had it existed in this fashion since ‘time immemorial?’²

To the first questions, the assembled Ga and Akan-speaking leaders of the West African territory appeared in remarkable agreement. ‘This an old custom’, stated Tsibu Darko, King of Fanti Nyankumasi. The authority to imprison ‘has always been so’, agreed King

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1 National Archives of the United Kingdom (NAUK) CO 96/130, Chief Justice to the Governor, 26 Jan. 1880.

2 Half of these testimonies are available in the Public Records and Archives Administration at Accra (PRAAD-Accra). See PRAAD-Accra ADM 11/1/1477, Native Prisons Ordinance, 21 and 24 Apr. 1886. The others are in NAUK CO 96/191, Gold Coast no. 116, 10 Apr. 1888.

Amonu of Anomabu, adding: 'It is customary with all Fantee Kings to enforce payments ordered by their Courts or to lock up the defaulting parties'. The linguist (official representative) for King Tackie Tawiah of Accra elaborated: 'When the King's police arrest people, they are locked up. Thieves are treated in a similar manner. In olden times, people used to be put in logs or chains. But the English have prohibited this'.³

As the British discovered, prisons had long existed in precolonial Gold Coast. But when and why they had developed remained unclear. The elderly chief of Agah, Joseph Green, recalled that during the reign of Governor Charles McCarthy (1820–1824), the King of Agah — Green's grandfather — had owned a prison. 'If anybody committed a crime, he was brought before the King', stated Green. 'He was imprisoned if the King found him guilty'.⁴ Likewise, George Cleland of Accra noted that prisons had existed alongside the Committee of Merchants, which had occupied the coast from 1830–47.⁵ From the variety of oral testimony, two facts seem clear. First, Gold Coast rulers had administered prisons since as long as could be remembered — 'a power [that] ha[d] come down to them from their ancestors'.⁶ Second, incarceration was the solution for insolvent debtors. In recent decades, imprisonment had become a punishment for various other offences, including theft, adultery, and fighting in the streets. But to quote the King of Ebiram: 'In debt cases, it is usual to imprison if the defendant refuses to pay'.⁷

This claim should surprise us. In the burgeoning field of African carceral studies, it is widely held that prisons — as a punitive institution — never pre-existed colonial rule in Africa.⁸ In Florence Bernault's words: 'Penal incarceration was uncommon to Sub-Saharan societies prior to European conquest, when colonial regimes built prisons on a massive scale for deterring political opposition and enforcing African labour'.⁹ In some communities, historians have noted the existence of institutions detaining prisoners of war, people awaiting trial, and enslaved captives.¹⁰ In the Gold Coast, select scholars

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- 3 PRAAD-Accra ADM 11/1/1477, notes of evidence taken by S. M. Bennett in the appeal case of Oppon vs. Ackinie and Gharthey, 21 and 24 Apr. 1886.
 - 4 NAUK-CO 96/191, testimony of J. Green in the appeal case of Oppon vs. Ackinie and Gharthey, 21 Apr. 1886.
 - 5 PRAAD-Accra ADM 11/1/1477, 'Questions Put to Mr. Cleland', 24 Apr. 1886. Although described as the 'Chief of James Town', George Cleland was an independent wealthy merchant (*obirempon*) who had come to run his own court and prison, as other merchants had, in the nineteenth century. For background on Cleland, see J. Parker, *Making the Town: Ga State and Society in Early Colonial Accra* (Portsmouth, NH, 2000), 86.
 - 6 PRAAD-Accra ADM 11/1/1477, testimony of R. Quasie in the appeal case of Oppon vs. Ackinie and Gharthey, 24 Apr. 1886.
 - 7 PRAAD-Accra ADM 11/1/1477, notes of evidence, S. M. Bennett, 21 and 24 Apr. 1886.
 - 8 W. Clifford, *An Introduction to African Criminology* (Nairobi, 1974), 189; F. Bernault, 'The shadow of rule: colonial power and modern punishment in Africa', in F. Dikötter and I. Brown (eds.), *Cultures of Confinement: A History of the Prison in Africa, Asia and Latin America* (Ithaca, 2007), 55–6; D. Branch, 'Imprisonment and colonialism in Kenya, c. 1930–1952: escaping the carceral archipelago', *International Journal of African Historical Studies*, 38:2 (2005), 243.
 - 9 F. Bernault, 'The politics of enclosure in colonial and post-colonial Africa', in F. Bernault (ed.), *A History of Prison and Confinement in Africa*, (Portsmouth, NH, 2003), 2.
 - 10 For example, the Asante *akyerekuro*. See C. Williams, 'Asante: human sacrifice or capital punishment? An assessment of the period 1807–1884', *International Journal of African Historical Studies*, 21:3 (1988), 433–41. On barracoons, see S. Smallwood, *Saluwater Slavery: A Middle Passage from Africa to American*

have also claimed that prisons existed from an early date, although none have investigated their origins.¹¹ Yet others still maintain that, even in southern Ghana, the penitentiary was ‘originally a foreign import, whose central objective was alien to indigenous systems of public order’.¹² Prisons are believed to have entered West African disciplinary practices only via the colonial state.

By contrast, scholars of slavery in Africa have long highlighted the complex ways that human captivity — whether in the form of slavery, pawnship or hostage-taking — existed both before and after the Atlantic slave trade, partly because local credit became reliant upon human collateral.¹³ In the Gold Coast, domestic slavery and pawnship increased during the era of ‘legitimate commerce’. Following European powers’ abolition of the Atlantic slave trade in the early 1800s, enslaved people were redirected from coastal markets to hinterland plantations in West Africa, producing primary resources like palm oil, cotton, coffee, and rubber for trade with industrial Europe. At this time, the practice of *panyarring* (holding hostages for ransom under threat of sale into slavery) persisted as a tool for recouping loans and punishing crimes.¹⁴

Diaspora (Cambridge, 2008), 33–64. For a general overview, see T. Bah, ‘Captivity and incarceration in nineteenth-century West Africa’, in Bernault, *History of Prison*, 69–78.

- 11 R. Gocking suggests that prisons in the Gold Coast developed in the 1880s–1890s. However, they developed at least forty years earlier. See Gocking, ‘British justice and the Native Tribunals of the southern Gold Coast Colony’, *The Journal of African History*, 34:1 (1993), 93–113. Kwabena Akurang-Parry also argues that Gold Coast prisons derived from British legislation on debtors’ imprisonment in 1878 and 1883. However, the prisons emerged independently on both the Ga coast (outside of British jurisdiction at the time) and in Akan societies, where they posed a crisis to British sovereignty — they were not made by colonial law. See Akurang-Parry, ‘“What is and what is not the law”: imprisonment for debt and the institution of pawnship in the Gold Coast, 1821–1899’, in P. Lovejoy and T. Falola (eds.), *Pawnship, Slavery and Colonialism in Africa* (Asmara, 2003), 427–48. African prisons in the Gold Coast have also been noted, without investigation, by Parker, *Making the Town*, 84–7, 135; D. Kimble, *A Political History of Ghana, 1850–1928* (Oxford, 1963), 201–4; F. Agbodeka, *African Politics and British Policy in the Gold Coast: A Study in the Forms and Force of Protest* (Evanston, IL, 1971), 18–19; and N. Sackeyefio-Lenoch, *The Politics of Chieftaincy: Authority and Property in Colonial Ghana, 1920–1950* (Rochester, 2014), 32, 83. In the course of publishing this essay, I came across the unpublished dissertation of E. Braatz, ‘Governing Difference: Prisons and Colonial Rule on the Gold Coast, 1844–1957’ (unpublished PhD thesis, New York University, 2015). Braatz offers the same empirical timeline for the growth of the prisons, but advances a different argument regarding their purpose in Gold Coast society. She does not outline the prison’s role in credit, debt or enslaving practices, but offers a useful legal perspective on the way that prisons were employed in contestations and collaborations between European and African sovereigns in the nineteenth century.
- 12 R. Seidman, ‘The Ghana prison system: a historical perspective’, in A. Miller (ed.), *African Penal Systems* (New York, 1969), 463; also see J. Arthur, ‘Development of penal policy in British West Africa: exploring the colonial dimension’, *International Journal of Comparative and Applied Criminal Justice*, 15:2 (1991), 187–206; D. Killingray, ‘“Punishment to fit the crime?”: penal policy and practice in British colonial Africa’, in Bernault, *History of Prison*, 181–203.
- 13 P. Lovejoy and T. Falola (eds.), *Pawnship*; E. A. Ologe, ‘*Iwofa*: an historical survey of the Yoruba institution of indenture’, *African Economic History* 14 (1985): 75–106; S. Miers and R. Roberts (eds.), *The End of Slavery in Africa* (Madison, 1988); G. Austin, ‘Indigenous credit institutions in West Africa, c. 1750–1960’, in G. Austin and K. Sughiara (eds.), *Local Suppliers of Credit in the Third World, 1750–1980* (London, 1993), 93–159; J. C. Miller, *Way of Death: Merchant Capitalism and the Angolan Slave Trade, 1730–1830* (Madison, 1996); C. Robertson and M. Klein (eds.), *Women and Slavery in Africa* (Madison, 1983).
- 14 R. Dumett and M. Johnson, ‘Britain and the suppression of slavery in the Gold Coast, Ashanti, and the Northern Territories’, in S. Miers and R. Roberts (eds.), *The End of Slavery*, 71–116; G. McSheffrey, ‘Slavery, indentured servitude, legitimate trade and the impact of abolition in the Gold Coast, 1874–1901:

In the Gold Coast, debtor prisons also emerged by the mid-nineteenth century. Although Kwabena Akurang-Parry has suggested that the British conferred these institutions onto local rulers, wealthy chiefs and merchants constructed their own prisons outside of European sovereignty and control.¹⁵ By the 1880s, imperial officials in the Gold Coast confronted a widespread carceral geography, which crucially underpinned local credit. The colonial state subsequently allowed these institutions to continue, but without any records or formal supervision. The British administration kept minimal documentation on what they called ‘native prisons’ until 1944 when, for the last 13 years of colonialism, they finally became incorporated into a policy of indirect rule.

The fragmentary evidence on the indigenous prisons has thus far prevented scholars from noticing or exploring the carceral system. In this article, I piece together the prisons’ history from a variety of sources: town and village records in archives in Accra, Cape Coast, Sekondi and Ho; colonial dispatches sent to Whitehall; missionaries’ papers; pre-colonial travellers’ journals; court cases; parliamentary records; chiefs’ personal papers; and West African newspapers. I argue that prisons emerged in the Gold Coast after the abolition of the Atlantic slave trade, exposing a much less familiar relationship between captives, capitalism, and credit than what scholars have observed in other parts of the Atlantic world at that time.

Within carceral studies, scholars have argued that prisons arose alongside the modern bureaucratic state in the eighteenth century as a tool for controlling human labour. European prisons are said to have responded to industrial needs by retaining surplus labour during high unemployment and releasing workers upon increases in demand.¹⁶ Similarly, inside slave-holding societies like Jamaica and the United States, prisons controlled black bodies after emancipation by relegating men and women to manual tasks that private capital did not want to compensate.¹⁷ These studies have variously advanced a *labour genealogy* of the prison, locating the history of incarceration within the growth of modern state capitalism. The nineteenth century Gold Coast provides us a different vantage on this relationship. In the West African territory, in roughly the same era, prisons

a reappraisal’, *The Journal of African History*, 24:3 (1983), 349–68; C. Robertson, ‘Post-proclamation slavery in Accra: a female affair?’, in C. Robertson and M. Klein (eds.), *Women and Slavery*, 220–45; T. Getz, *Slavery and Reform in West Africa: Toward Emancipation in Nineteenth-Century Senegal and the Gold Coast* (Athens, OH, 2004); G. Austin, *Labour, Land and Capital in Ghana: From Slavery to Free Labour in Asante, 1807–1956* (Rochester, NY, 2005); K. O. Akurang-Parry, ‘Rethinking the “slaves of Salaga”: post-proclamation slavery in the Gold Coast (Colonial Southern Ghana), 1874–1899’, *Left History*, 8:1 (2002), 33–60.

15 Akurang-Parry, ‘What is’, 427–8.

16 M. Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750–1850* (New York, 1978); D. J. Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic* (New York, 1971); D. Melossi and M. Pavarini, *The Prison and the Factory: Origins of the Penitentiary System* (London, 1981).

17 A. Davis, ‘From the prison of slavery to the slavery of prison: Frederick Douglass and the convict lease system’, in J. James (ed.), *The Angela Y. Davis Reader* (Malden, MA, 1998), 74–95; A. Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* (London, 1996); L. Wacquant, ‘From slavery to mass incarceration: rethinking the “race question” in the United States’, *New Left Review*, 13:2 (2002) 41–60; D. Paton, *No Bond but the Law: Punishment, Race and Gender in Jamaican State Formation, 1780–1870* (Durham, NC, 2004).

evolved from the slave trade as a way of mediating the circulation of *money* — not of regulating human labour.

In West Africa, scholars have shown how pawnship facilitated the economic transition to ‘legitimate commerce’ by providing a form of bonded labour. In return for loans, creditors forced debtors to provide them human pawns to work as interest. But prisons were the alternative. Instead of taking a debtor or their dependent into pawnship, creditors could seize debtors’ kin and hold them hostage in squalid dungeons, physically reminiscent of slavery. Because it was believed that no loved person should remain in this condition, the debtor’s clan quickly united to repay the loan. Hence, pawnship enforced debt payment through *labour* while prisons did so through *cash*. Incarceration shifted the means of capital extraction from bodily labour to the body itself, now held for ransom. In the nineteenth century, as West African merchants required liquidity to conduct cash-heavy middleman operations between hinterland plantations and the seaboard — and at a time when local currencies were undergoing rapid inflation — they resorted to prisons to enforce payment in their preferred specie.

Although the original purpose of the Gold Coast prisons was debt collection, they soon facilitated tort settlement for many types of crimes. Like in pawnship, prisoners were often female. However, unlike in pawnship, where women were preferred as manual labourers, creditors imprisoned female kin because they made compelling hostages. Time in a Gold Coast prison threatened repeated sexual violation, pressuring kin to collect the capital for repayment. In this way, female bodies secured cash flow through credit networks. Although financiers could employ these same women in household tasks or in agriculture, the choice to imprison them signalled a preference for currency over labour. The Gold Coast prisons thereby provide us an alternative genealogy of how prisons develop inside a society — one that begins with local histories of debt, hostage-taking, and ransom.

DEBT, HOSTAGE-TAKING, & RANSOM

Between 1470 and 1880, an estimated 1.2 million enslaved people were sold across the Atlantic Ocean through ports in the Gold Coast, principally at Cape Coast, Elmina, and Anomabu.¹⁸ When Denmark outlawed slave trading in 1803, followed by Britain and the Netherlands in 1807 and 1813, the societies of present-day Southern Ghana lost their largest Atlantic exporters, spurring a wide transformation in practices of trade and credit on the littoral.¹⁹ Although, to a lesser extent, the trans-Atlantic sale of captives persisted due to demand in Brazil and Cuba, the rise of ‘legitimate commerce’ transformed the economies of the Gold Coast. As states like Great Britain sought to purchase resources like palm oil, peanut oil, cotton, and rubber from West African countries, enslaved populations were redirected toward plantations in the interior. In the Gold Coast, the beginning of

18 ‘Trans-Atlantic Slave Trade—Estimates’, Voyages: The Trans-Atlantic Slave Trade Database, <https://www.slavevoyages.org/assessment/estimates>, accessed 7 Jan. 2020.

19 See R. Shumway, *The Fante and the Transatlantic Slave Trade* (Rochester, NY, 2014); Austin, *Labour, Land and Capital*; Getz, *Slavery*; and R. Dumett, *El Dorado in West Africa: The Gold-Mining Frontier, African Labour and Colonial Capitalism in the Gold Coast, 1875–1900* (Portsmouth, NH, 1998).

palm oil cultivation in the Akwapem Hills and the Krobo-speaking hinterlands created an intense local demand for enslaved workers.²⁰

Historians have shown how pawns came to supplement servile labor in the transition between the Atlantic slave trade and legitimate commerce.²¹ As the means of economic profit became plantation production, local merchants strove to increase their workforces. The institution of pawnship secured new laborers through credit relationships. As trade declined following abolition and families sought loans in order to subsist, creditors demanded human collateral for use as workers. ‘Domestic slavery forms ... the current coin of the country’, remarked a British colonel in 1866. ‘A debt is scarcely paid ... except in slaves ... or in [people] used as labourers and wives while in pawn’.²² In the Gold Coast, pawns tended to be women due to a preference for female labour as well as the primacy of women in kinship networks. As Suzanne Miers and Igor Kopytoff have argued, pawnship relied on socially-valued persons to oblige a debtor to repay their dues, the pawn being someone that the debtor felt duty-bound to redeem.²³

Hence, pawnship evolved as a labour institution that integrated kinship with credit. In the eighteenth century, pawns had been a popular form of collateral held by African and European merchants to ensure that traders would return with captives if they were advanced the capital.²⁴ However, to quote Trevor Getz, pawnship became ‘radically reinvented’ over the course of the slave trade.²⁵ By the nineteenth century, instead of providing simple collateral, pawnship allowed creditors to lend money to people who could never pay it back in order to guarantee an unfree labor supply. Although elsewhere in West Africa, pawns could contribute to a loan’s principal, thereby providing a path to freedom, pawns in the Gold Coast generally served only as interest on loans.²⁶ If a debt could never be repaid, the pawn could never be redeemed. For this reason, European administrators often worried that pawning too closely resembled slavery.

Although pawnship did not involve physical confinement, a second widespread method of enforcing debt payment did: a notorious practice called *panyarring*.²⁷ As the Danish

20 R. Kea, ‘Plantations and labour in the South-East Gold Coast from the late eighteenth to the mid-nineteenth century’, in R. Law (ed.), *From Slave Trade to ‘Legitimate Commerce’: The Commercial Transition in Nineteenth-Century West Africa* (1995), 119–30.

21 Lovejoy and Falola, *Pawnship*; B. Grier, ‘Pawns, porters and petty traders: women in the transition to cash crop agriculture in colonial Ghana’, *Signs*, 17:2 (1992), 304–28; K. Opare-Akurang, ‘The administration of the abolition laws, African responses, and post-proclamation slavery in the Gold Coast, 1874–1940’, *Slavery & Abolition*, 19:2 (1998), 149–66.

22 NAUK CO 96/72, Colonel Conran to Colonel Blackall, 19 Aug. 1866.

23 I. Kopytoff and S. Miers, ‘African “slavery” as an institution of marginality’, in S. Miers and I. Kopytoff (eds.), *Slavery in Africa: Historical and Anthropological Perspectives* (Madison, 1979), 3–81.

24 R. J. Sparks, ‘Gold Coast merchant families, pawning, and the eighteenth-century British slave trade’, *William and Mary Quarterly*, 70:2 (2013), 317–40; P. Lovejoy and D. Richardson, ‘The business of slaving: pawnship in Western Africa, c. 1600–1810’, *The Journal of African History*, 42:1 (2001), 67–89; P. Lovejoy, ‘Pawnship, debt, and “freedom” in Atlantic Africa during the era of the slave trade: a reassessment’, *The Journal of African History*, 55:1 (2014), 55–78.

25 Getz, *Slavery*, 22.

26 In Sierra Leone, for example. See J. Grace, *Domestic Slavery in West Africa with Particular Reference to the Sierra Leone Protectorate, 1896–1927* (London, 1975), 163.

27 Sometimes pawns, held as simple collateral, were detained in isolated holding cells. See Lovejoy and Richardson, ‘Business of slaving’, 79.

missionary Johannes Rask explained in 1713, 'If a Negro is in debt to a White or a Black and has neither given *impie*, that is security, or will not agree to repay, his creditor can either capture the man himself, or one of his people, and retain them until payment'.²⁸ *Panyarring* was hostage-taking that threatened a captive's sale into slavery if their kin did not repay the loan — kin, in this case, meaning the townspeople of the offending debtor. The term *panyar*, which scholars suggest comes from the Portuguese word *penhora* (pawning) or *apanhar* (to grab), has been considered evidence of the endemic violence that the slave trade spread in African communities.²⁹ Court records from the Gold Coast and from Southern Nigeria demonstrate that *panyarring* continued after abolition as a way of enforcing debt payment.³⁰ *Panyarring* involved violently seizing a debtor's townspeople for ransom, creating collective responsibility around individual insolvency; any member of a village might be captured, leaving others to scramble for repayment.

The victim of *panyarring* was often chained 'in log' and thrust underground, tactics that had been gleaned from local enslaving practices. During the seventeenth century, European firms began using 'irons' (chains and handcuffs) in order to minimize runaways.³¹ Firms like the Royal African Company carved large underground cells into the bedrock beneath the forts, which were replicated in miniature along the interior. Chiefs and brokers at intermediary trading posts detained captives in makeshift underground barracoons.³² The practice of putting people 'in log' arose at this time as a method used by West Africans to constrict a captive's movement. As a British officer, William Claridge, explained, to be put 'in log' was to be 'secured to a heavy piece of wood by means of an iron staple over the wrist or ankle, the usual native method of securing a prisoner'.³³ Logging could also involve being tied by the waist to a tree or, as Meyer Fortes described, 'a method of confinement in which one foot is put through a hole in a large log . . . not too big for the patient to drag about, but . . . too heavy for him to go very far'.³⁴ In 1873, a European confined in this manner described the process: 'They lashed my hands together with a cord, and they

28 J. Rask, *A Brief and Truthful Description of a Journey to and from Guinea*, trans. S. A. Winsnes (Legon, Ghana, 2008 [1713]), 142–3.

29 R. Kea, "I am here to plunder on the general road": bandits and banditry in the pre-nineteenth century Gold Coast', in D. Crumney (ed.), *Banditry, Rebellion & Social Protest in Africa* (Portsmouth, NH, 1986), 109–32; Shumway, *The Fante*, 59–61; T. Green, *The Rise of the Trans-Atlantic Slave Trade in Western Africa, 1300–1589* (Cambridge, 2012), 2; S. Kelley, 'The dirty business of panyarring and palaver: slave trading on the Upper Guinea Coast in the eighteenth century', in P. Lovejoy and S. Schwarz (eds.), *Slavery, Abolition and the Transition to Colonialism in Sierra Leone* (Trenton, NJ, 2014), 89–107.

30 PRAAD-Accra SCT 2/4/2, Eliza Hanson vs. Sackey Ocooloo, 16 Aug. 1861; PRAAD-Accra SCT 5/4/89, Queen vs. Quamina Fokoo and Quacoe Fokoo, 20 Dec. 1862; PRAAD-Accra SCT 5/4/9, Judicial Assessor's Court, 16 Oct. 1863. For a case study of southern Nigeria, see Olatunji Ojo, "'Èmú: (Àmúyá): The Yoruba Institution of Panyarring or Seizure for Debt', *African Economic History*, 35 (2007), 31–58.

31 Smallwood, *Saltwater Slavery*, 39.

32 Smallwood, *Saltwater Slavery*, 37. Also see description by J. Barbot, *Barbot on Guinea: The Writings of Jean Barbot on West Africa, 1678–1712* (London, 1992 [1746]), 392.

33 W. W. Claridge, *A History of the Gold Coast and Ashanti From the Earliest Times to the Commencement of the Twentieth Century, Volume I* (London, 1915), 338.

34 M. Fortes and D. Y. Mayer, 'Psychosis and social change among the Tallensi of Northern Ghana', *Cahiers d'Études Africaines*, 6:21 (1966), 35.

made me sit down on the ground . . . They put me in log by my hands . . . They then put me in a cellar'.³⁵

Prisons evolved as hostage-holding institutions that borrowed the carceral tactics involved in enslavement and *panyarring*. Imprisonment resembled *panyarring* in that the practice often involved placing people in irons, 'in log', and detaining them in underground cells. The difference was institutionalization. Instead of seizing a debtor's fellow towns-person, only the borrower or their immediate kin were confined. Prisons thus reduced the psychological fear of indiscriminate *panyarring* as well as the adverse impacts of *panyarring* on trade. In being a recognized symbol of political authority, prisons were also the exclusive right of chiefs or of respected *abirempon* ('big men') who were trusted to administer the institution. From a practice perpetrated by 'miscreants and scallywags', imprisonment thus metamorphosed as the legitimate method for coercing ransom from defaulting debtors. It also formed a financial alternative to pawning. Rather than exploit the pawn's labor, the creditor forfeited this gain for the possibility of inducing cash payment through placing the detainee in physical jeopardy.

Oral interviews from the 1886 inquiry date prisons in the Gold Coast back as far as the 1820s. Indeed, it seems unlikely that they existed substantially prior, given requests by African rulers to use British prisons.³⁶ However, the first documentary evidence that we have of prisons in the Gold Coast comes from the town of Cape Coast in 1854. The Governor reported to Whitehall: 'There has been, for I believe about a year in the Town of Cape Coast, a Native Court . . . imprisoning and fining people'.³⁷ As the Governor observed, the court had once been run by the *Omanhene* (King) of Cape Coast but was now independently managed by a Fante local, James Thompson, recently enshrined as *Tufuhen* (captain of the young men's *asafo* paramilitary companies).³⁸ An 1855 letter from 126 male residents of Cape Coast adds insight. 'The Native Court had been opened these 18 months', stated the townsmen, implying a founding in 1853; however, it had been an innovation on the previous court-prison system. 'For the better regulation and improvement of our Town', claimed the writers, 'We had agreed among ourselves, both the Chiefs and people, that the former should no longer hold Courts in their own private houses as has been the custom here, and which is still so with the different Tribes on this coast'.³⁹

During legitimate commerce, merchants had required liquidity to conduct long-distance trade. This made them more invested than the chiefs in managing the prisons, given the prisons' role in the flow of capital and credit. Most prominent Euro-African merchants in the littoral towns — men like Bannerman, Gharthey, Hutton, and Mills — had intricate relationships with petty traders who executed their transactions in the interior. When these traders did not repay their loans, the merchants sought redemption through the prisons. 'Your Petitioner not being a man of large capital', testified one merchant in 1854,

35 United Kingdom, House of Commons, *Further Papers Relating to the Ashantee Invasion*, no. 1 (London, 1874), 58.

36 Kea, "I am here to plunder", 110.

37 NAUK CO 96/31, S. Hill to G. Grey, 18 Dec. 1854.

38 For information on James Thompson, see R. Gocking, *Facing Two Ways: Ghana's Coastal Communities Under Colonial Rule* (Lanham, MD, 1999), 33.

39 NAUK CO 96/33, J. Thompson and others to G. Grey, 5 Jan. 1855.

‘depend[s] mainly on turning over as quickly as possible his small capital’.⁴⁰ In the observation of a British judge: ‘The persons incarcerated in [indigenous] prisons are almost without exception detained there for debt’.⁴¹

As Susan Kaplow and Edward Reynolds have shown, the mid-nineteenth century witnessed a debt crisis among the Gold Coast’s most prominent merchants, driven by European monopolies over Atlantic shipping lines.⁴² West African traders were cheated out of profits by European dealers who undervalued the price of palm oil, yet were the sole means of its transport and sale. As the majority of once-wealthy financiers found themselves facing bankruptcy in the 1850s–70s, they resorted to prisons in order to squeeze their petty traders for money. ‘The creditor refused to accept cowries in payment. He said he wanted cash. There was no agreement to pay in cash,’ protested one woman, Accosuah Quaminah, at the imprisonment of her son on her behalf in an indigenous prison in Saltpond in 1871.⁴³ With local currencies falling against the British pound after 1850 — cowry shells alone dropped nearly 90 per cent between 1850 and 1890 — African merchants increasingly conducted business in European silver, not other tender.⁴⁴ Imprisonment in the Gold Coast coincided with a monopoly of trade by British specie, and the desire for cash as merchant creditors were pressured by their European counterparts.

Court records from the Eastern Ga-Adangme region demonstrate prisons to have likewise developed by 1860.⁴⁵ European missionaries in Accra record that droughts in the mid-nineteenth century saw cash reserves dry up, debts climb, and people enter pawnshop or prisons, depending upon the creditor’s desire for labour or money.⁴⁶ Like in the Fante region, prisons could be run by chiefs, such as King Dowuona in Osu, or by independent merchants, like George Cleland in James Town (later called ‘chief’). In the Fante Confederacy — a secessionist movement that developed among Akan societies from 1868 to 1873 — the esteemed factory owner, R. J. Ghartey, had been asked to run the court and prison in Anomabu. In 1872, when he was enshrined as King Ghartey IV of Winnebah, he assumed similar responsibilities. Thus, Ghartey ran at least two prisons, one as a wealthy merchant and later as a local sovereign.⁴⁷

40 NAUK CO 96/30, G. L. Heinz to Governor, 4 Aug. 1854.

41 NAUK CO 96/191, ‘Memorandum on Native Prisons’, 3 Dec. 1887.

42 S. Kaplow, ‘African merchants of the nineteenth century Gold Coast’ (unpublished PhD thesis, Columbia University, 1971); E. Reynolds, *Trade and Economic Change on the Gold Coast, 1807–1874* (London, 1974); also see E. Akyeampong, ‘Commerce, credit, and mobility in late nineteenth-century Gold Coast: changing dynamics in Euro-African trade’, in E. Akyeampong et al. (eds.), *African Development in Historical Perspective* (Cambridge, 2014), 231–63.

43 PRAAD-Accra SCT 5/4/94, Accosuah Quaminah vs. Quassie Coomah, 18 Feb. 1871.

44 A. G. Hopkins, ‘The currency revolution in South-West Nigeria in the late nineteenth century’, *Journal of the Historical Society of Nigeria*, 3:3 (1966), 471–83.

45 A prison was attached to the stool of King Dowuona of Osu; see PRAAD-Accra SCT 2/4/2, court ruling by J. Fort, 5 Nov. 1861. There was also a debtor’s prison used at least once in the Krobo region in 1861; see PRAAD-Accra SCT 2/4/2 Quah vs. Atheapa, 11 Sept. 1861. There was also a prison attached to the court of the Ga *mantse* Tackie Tawiah by 1860; see *Parliamentary Papers*, 1875, vol. LII (1140), Quow Uchin vs. Tawiah and Quay, 13 Apr. 1874.

46 Methodist Missionary Society archives, School of Oriental and African Studies, University of London (SOAS-MMS) Special Series/Biographical/West Africa/Box 597B, T. Freeman to Mrs. Freeman, 31 Jan. 1864.

47 M. J. Sampson, *Makers of Modern Ghana* (Accra, 1937), 53–87.

It is indicative of the prison's relatively independent birth on the littoral that the Ga word for prison used in the east should differ so strongly from the Akan-Twi word in the west. As A. B. Quartey Papafo, the Ga doctor and colonial civil servant, recorded in 1911: chiefs 'enforce payment from sureties by . . . shutting them up in rooms called *Kpabu* (native prisons), which [a]re . . . holes in which no creature could live'.⁴⁸ Typically, when an invention has been imported from another society, the term for the invention is adopted as well — a pattern that linguists have called 'words and things'.⁴⁹ The etymology of 'prison' in Ga provides insight into the institution's history. In Ga, the term *kpabu* is likely a compound of two words: *kpa*, short for *hekpa* (interest on a loan), and *bu* (to hold or to confront). Thus, 'prison' translates: 'to confront interest on one's loans or debts'.⁵⁰

By contrast, the term for 'prison' in Akan-Twi demonstrates the institution's origin in the Atlantic slave trade. Prison (*efiase*) combines *efie* (house) and *aseɛ* (underground): an underground house, reminiscent of the cellar dungeons of the slave castles and the intermediary trading posts. African prisons were commonly a room in the Chief's house (*Ahenfie*), combining *Ohen* (chief) and *efie* (house). During the Atlantic slave trade, many chiefs had possessed dungeons in their households for holding enslaved captives. It is likely that the prisons developed from these same rooms, incarcerating subjects who had come into debt.

When the British government finally legalized the indigenous prisons in 1888, the state counted sixty prisons in total, extending from Akan-speaking societies in Nzima to the west through the Ga-speaking eastern shore up to Keta on the Anlo-Ewe coast.⁵¹ Further expeditions into the interior in the 1890s also uncovered prisons in numerous hinterland towns and villages.⁵² These seem to have largely been run by what colonial officials called 'bush magistrates' — a class, as one officer described, of 'sundry semi-educated Native officers' who coerced chiefs into conferring them power by virtue of their partial literacy.⁵³ In the coast towns, *asafo* captains like Thompson — variously called *Tufuhene*, *Asafohene*, or *Asafoatse* — often extended their authority as head of the security forces to control of the prison.⁵⁴ Thus, prison management integrated local sovereigns, private financiers, military personnel, and literate bureaucrats.⁵⁵

48 A. B. Quartey-Papafo, 'Native Tribunals of the Akras', *Journal of the Royal African Society*, 11:41 (1911), 80. During her ethnographic fieldwork in Accra in the 1930s, M. J. Field also described *kpa bu* as 'a grave-like hole under a house' where only 'very troublesome people' were thrown. See Field, *Social Organization of the Ga People* (London, 1940), 112.

49 C. Ehret, *History and the Testimony of Language* (Berkeley, 2011), 83, 102.

50 J. Zimmerman, *A Grammatical Sketch of the Akra or Gã-Language with some Specimens of it from the Mouth of the Natives and a Vocabulary of the Same*, 1 (Stuttgart, 1858), 35, 114, 162.

51 Legalization occurred via the 1888 Native Prisons Ordinance.

52 NAUK CO 96/231, Chief Justice to Colonial Secretary, 29 Mar. 1892.

53 NAUK CO 96/131, Circular, 13 Apr. 1880.

54 PRAAD-Accra SC 17/331, W. Z. Coker to Konor Mate Kole [n.d.]. Coker, as *Tufuhene*, explains the traditional role of *Tufuhene* in prison management.

55 A. N. Allott describes how the earliest indigenous courts in the Gold Coast were comprised mainly of merchants and the *asafo*. See A. N. Allott, 'Native Tribunals in the Gold Coast, 1844-1927: prolegomena to a study of native courts in Ghana', *Journal of African Law*, 1:3 (1957), 166.

Although Britain also introduced colonial debtor prisons to Cape Coast in 1821, Akurang-Parry has argued that local creditors rarely used them.⁵⁶ However, as we will soon see, financiers did use the *African* prisons. The so-called ‘native prisons’ had become so established by the 1880s that the colonial state decided not to ban them, despite the threat that they appeared to pose to British sovereignty. The institutions instead persisted outside state supervision, and without official documentation, until 1944. The popularity of the African prisons over their colonial counterparts might be explained in one of two ways. On the one hand, African prisons willfully undermined British attempts to abolish domestic slavery. On the other hand, they deployed tactics for inciting cash payment that would persist to trouble British legislators for over a century.

SLAVERY, PRISONS, & KINSHIP

Prisons in the Gold Coast operated through kinship. By seizing a debtor or a member of the debtor’s family, the clan could be coerced into collectively repaying a loan. In this way, prisons developed as an institution for negotiating the extension of credit and the occurrence of offenses between non-kin groups. Its coercive power lay in its deplorable imitation of slavery: prisons were underground cells where humans were kept naked and chained, where women were raped, and where people starved. Chiefs and merchants did not provide for the detainee; the inmate was at the mercy of his or her family to supply food, clothing, and any other necessity of life. Although the convicts were not sold into bondage if not redeemed, incarceration was considered to be almost as horrifying and degrading as slavery, something to which no beloved person should be subject. This was especially true for young women whose sexual violation in the prison dishonoured the family, making women particularly compelling hostages.

Ethnographic insight into the prisons comes from a rare miscellany of sources. Unlike the prisons granted to chiefs in other British territories, the colonial government did not keep records for the Gold Coast indigenous prisons.⁵⁷ Nor, until the 1930s, were they subject to scrutiny by colonial officers. Descriptions of Gold Coast prisons come principally from court appeal and inquiries, as well as the fragmentary testimony of runaways. This evidence conveys a consistent image: indigenous prisons were generally underground dungeons in the chief’s house, possessing small ventilation holes on the street through which family and strangers smuggled inmates food. Inside, men and women were often ‘ironed’, logged, and ‘confined there in a state of nudity’.⁵⁸ No sanitary infrastructure provided detainees a way to relieve themselves. As a Gold Coast lawyer described the Ga *mantse* Tackie Tawiah’s prison in James Town in Accra, ventilation consisted of only ‘one round opening just large enough to put out a hand, mere skin and bone, to receive food from passersby’.⁵⁹

⁵⁶ Akurang-Parry, ‘What is’, 438, 442.

⁵⁷ For example, the British government kept records for chiefs’ prisons in Nigeria and Buganda. See R. L. Buell, *The Native Problem in Africa, Volume 1* (New York, 1928), 575, 693–5.

⁵⁸ PRAAD-Accra ADM 1/12/3, note by J. Marshall, Judicial Assessor [n.d., ca. 1873].

⁵⁹ NAUK CO 96/130, Chief Justice to the Governor, 23 Jan. 1880.

Of all the grievances that British officials possessed toward the prisons, the foremost concerned the ‘barbaric’ conditions, which they believed resembled enslavement.⁶⁰ ‘I have [often] been struck with the number of human faces struggling for air at the aperture over the door’, said a Gold Coast elite of *mantse* Tackie’s prison in 1874.⁶¹ The prison of Tackie Tawiah in James Town was considered most objectionable by the British, possibly due to its uncomfortable proximity to the seat of the colonial government. ‘It is perfectly horrible and disgraceful’, recounted a Judge. ‘It is a small dark room in a filthy condition, frequented by reptiles, and into this he thrusts whomever he chooses’.⁶² One successful escapee, a man called Quarmine, testified: ‘I was in prison two months till I ran away. I was allowed no water to wash and received two cans of drinking water all that time’.⁶³ Of Tackie’s prison, another escapee confessed: ‘I was alone there, and I think if anyone remained there eight days he must die’.⁶⁴

In addition to replicating many of the violent conditions of the slave trade, another troubling element to the British was the fact that the incarcerated were rarely responsible for the charges on which they had been jailed. An 1866 inquiry into the King of Anomabu’s prison highlighted the fact that debtor inmates were seldom the debtors themselves; most had not even signed as sureties on the loan.⁶⁵ Nevertheless, they had been detained in order to coerce repayment. ‘So effective is this custom that, except in very rare cases, the debtor’s family quickly ... pay the debt in full’, commented the Gold Coast barrister, John Mensah Sarbah, in 1896.⁶⁶ The Attorney General agreed: ‘The moment the individual is threatened with imprisonment or actually incarcerated, the family as a whole comes forward and finds the money’.⁶⁷

Women made compelling hostages due to concern for their physical safety. As one British magistrate acknowledged in 1874, imprisonment for debt most ‘often [fell] on women’.⁶⁸ Certainly on the Akan coast, women formed the majority of prisoners held in African cells. In the Eastern Ga-Adangme region in the nineteenth century, data is too scarce to allow us to reach the same conclusion, although qualitative accounts from Tackie’s prison in James Town and Dowuona’s in Osu show high numbers of incarcerated men, not women. Though Paul Lovejoy and Toyin Falola report little evidence to suggest that the sex of pawns differed between matrilineal and patrilineal African societies, the difference may have mattered in imprisonment.⁶⁹ Given that prisons held hostages to extract cash from kin networks, plaintiffs seized people who they believed mattered to families.

60 See PRAAD-Accra ADM 11/1/1477, B. Griffith, ‘Memorandum on Native Prisons’, 3 Dec. 1887.

61 *Parliamentary Papers*, 1875, vol. LII (1140), enclosure 6 in no. 6, Quow Ouchin vs. Tawiah and Quay, 13 Apr. 1874.

62 *Parliamentary Papers*, 1875, vol. LII (1140), enclosure 1 in no. 6, J. Marshall to Johnson, 9 Apr. 1874.

63 PRAAD-Accra ADM 11/1/1477, statement by Quarmine, 25 Nov. 1887.

64 *Parliamentary Papers*, 1875, vol. LII (1140), enclosure 6 in no. 6, Quow Ouchin vs. Tawiah and Quay, 13 Apr. 1874.

65 NAUK CO 96/72, S. C. Brew to A. Cary, 5 May 1866.

66 J. M. Sarbah, *Fanti Customary Laws: A Brief Introduction to the Principles of the Native Laws and Customs of the Fanti and Akan Districts of the Gold Coast*, (2nd edn, London, 1904), 116.

67 Public Records and Archives Administration at Cape Coast (PRAAD-Cape Coast) ADM 23/1/328, D. Kingdon, ‘Memorandum on Bankruptcy’, Aug. 1919.

68 NAUK CO 96/112, J. Marshall to C. C. Lees, 26 May 1874.

69 Falola and Lovejoy, *Pawnship*, 8.

Among matrilineal Akan nations, this meant nubile women whose elders sought to preserve their safety, labour, and bride wealth.

Being simply a room in the *Ahenfie*, prisons left women vulnerable to the sexual predations of chiefs and guards, who were liable to treat the prison as an extension of their own house. As one Anomabu woman, Adduah Odumeh, testified in 1869: 'I was in irons. The King released me and enticed me to go to his room. He had connection [intercourse] with me ... He promised to pay my debt but he did not do so'.⁷⁰ Few measures safeguarded women from abuse. Young men often protested against chiefs for having had 'criminal connection with certain women who were imprisoned in his house', given that adultery with their wives and daughters was an offense to them too.⁷¹ However, the colonial state proved uncaring. When Ekua Aiwul, an Elmina woman, reported to the British in 1906 that she had been 'a debtor prisoner in the King's Prison at Eguafu [when] the King had connection with [her]', the Colonial Secretary replied that discussing things of this nature made her 'equal to, if not worse, than her partner in shame'.⁷²

In some cases, women risked imprisonment by voluntarily co-signing men's loans. Akurang-Parry has shown how male inmates were often discharged once a woman had signed as a 'surety' on their behalf. Thus, Akurang-Parry surmised that imprisonment buttressed pawnship by exchanging female pawns for debt relief.⁷³ However, this was not the meaning of 'surety'. Should the debtor continue to default on the loan once freed, the sureties were jailed in the belief that their kin networks would provide the required money.⁷⁴ Women thus jeopardized their sexual safety in order to liberate men in their family. Often they did this for husbands, fathers, brothers, or potential spouses.⁷⁵ In any case, the same creditor who desired pawns rarely used the prison, having possessed different preferences in the question of labour versus capital.

Although Gold Coast chiefs and merchants seized women because of their role in kin networks, some circumstances prevented women from being released. As petty traders, women often incurred debts, leading their families to blame them for their confinement. In other cases, women arrested for criminal offenses — like witchcraft — found themselves abandoned by their kin. 'No time was fixed for me to stay in prison', testified one accused sorceress, Abina Affua, in a 1908 inquiry. 'I have to pay £10 or else I must stay in prison. I cannot get anyone to stand behind me'.⁷⁶ Without family to support them, the women starved. Sometimes their diminished state prompted chiefs to release them or feed them *kenke* to keep them alive.⁷⁷ However, with no fixed sentences, Gold Coast prisons opened the possibility of life sentences to people who lacked sufficient kin.

70 NAUK CO 96/84, palaver between the King of Anomabu and the captains and headmen of Anomabu, 26 May 1869.

71 NAUK CO 96/84, Headmen of Anomaboe to H. Simpson, 8 May 1869.

72 PRAAD-Accra ADM 11/1/1111, Eccuah Aiwul to Colonial Secretary, 7 Nov. 1906; H. M. Hull to Ekua Aiwul, 19 Nov. 1906.

73 Akurang-Parry, 'What is', 437–42.

74 For example, the man imprisoned as 'surety' for his uncle was reported in the newspaper run by West African contributors, *Western Echo*, 30 Jan. 1886.

75 NAUK CO 96/184, testimony of Oboshee in Regina vs. Lagos & Others, 13 Sept. 1887.

76 PRAAD-Accra ADM 11/1/1476, testimony of Abina Affua in enquiry in Abakrampa, 2 May 1908.

77 NAUK CO 96/130, J. R. H. Wilson, 'Circular: Native Prisons', 23 Jan. 1880.

Enslaved women were especially powerless in the prison. Although the African prisons primarily concerned debt, they also helped obfuscate British law with respect to slavery. Before the abolition of domestic slave-holding in the colony in 1874, African prisons punished enslaved people for misbehaviour or concealed them from British eyes. In King Aggrey's prison in Cape Coast in 1865, invading officers discovered 'the woman, Moneymahoon, [who] had been given in charge of the King by her mistress to be got rid of, i.e. sold'. Moneymahoon had been transferred to Aggrey because her mistress 'had a case in [the British] Court against her for cruelty toward a little slave girl, and she shew as apprehensive of [Moneymahoon] being manumitted in the event of the case being proved'.⁷⁸ Similarly, in the King of Anomabu's prison in 1869, one woman recounted: 'My sister had a slave called Sickraway. She took her to the king to be punished for insubordination, whereupon she was imprisoned. I afterwards heard that he had connection with her in the prison'.⁷⁹

In conflicts involving the enslaved, owners like the mistresses of Moneymahoon and Sickraway preferred indigenous courts to the British, where the case was not likely to be received well. As John Parker has remarked, late nineteenth-century Gold Coast beheld a world of 'litigants moving freely between different African and European courts in order secure a successful outcome'.⁸⁰ Owners — often women — resorted to prisons to punish their captives.⁸¹ As pawns and slaves in the colony were by majority women, these sanctions were gendered. As one anonymous Gold Coast writer recorded in 1920: 'It was difficult to find any method of punishing women except by [flogging]. We have endeavoured to put an end to the practice, and have now built a prison'.⁸²

West African men and women were not the only ones to take advantage of the prisons. In the nineteenth century, European missionaries also used them to punish pawns escaping from plantation work. The Wesleyan missionary Thomas Birch Freeman — renowned for being 'the largest purchaser of pawn contracts in the region' — appears to have been in correspondence with the Gold Coast merchant Thomas Hughes, who ran the Cape Coast prison in 1865.⁸³ When one of Freeman's pawns absconded to another master, a friend of Freeman's bought the pawn back. To this friend, Freeman wrote candidly: 'I have had [the pawn] flogged and threatened to imprison him ... Send me word what you paid to redeem him as I could hold him as a debtor should he play any more tricks'.⁸⁴ It is also clear that Lebanese and Syrian merchants used the prisons in the twentieth century to recoup loans that they had dispensed to West African traders, although sadly little record remains of this shadow credit system.⁸⁵

⁷⁸ *Parliamentary Papers*, 1867, vol. XLIX, no. 3 in enclosure 24, W. Z. Coker to T. Whyte, 5 Dec. 1866.

⁷⁹ NAUK CO 96/84, trial of the Chief of Anomabu, 26 May 1869.

⁸⁰ Parker, *Making the Town*, 85.

⁸¹ Robertson also notes a large (40 per cent) proportion of female domestic slave owners in colonial Accra. See Robertson, 'Post-proclamation', 224.

⁸² *Gold Coast Leader*, 10 Jan. 1920, 4.

⁸³ Getz, *Slavery*, 61; SOAS-MMS Special Series/Biographical/West Africa/Box 597B, T. Freeman to T. Hughes, 31 Jan. 1864.

⁸⁴ SOAS-MMS Special Series/Biographical/West Africa/Box 597B, T. Freeman to J. Dawson, 20 Feb. 1864.

⁸⁵ PRAAD-Accra CSO 21/7/101, testimony of Nana Ofori Atta in Native Tribunals enquiry, 21 Dec. 1942.

Colonial Gold Coast thus beheld a world of *penal pluralism*. Two different prison systems, based on different histories and judicial purposes, existed alongside each other from the early nineteenth century. Whereas British prisons mainly detained African men, the Gold Coast prisons retained female hostages. The latter also relied on corporate solidarity to enforce collective responsibility for crime. Although the prisons began as mechanisms for debt collection, they soon facilitated tort settlement for other offenses, like witchcraft and theft. Prisons were Gold Coast merchants' answer to the future of human collateral after the slave trade. But, throughout colonial rule, they existed only uneasily alongside — not under — British sovereignty.

AFRICAN PRISONS AND THE COLONIAL STATE

Indigenous prisons in the Gold Coast were not an artifact of indirect rule. They were not institutions bequeathed by colonial overlords to African middlemen to maintain 'hegemony on a shoestring'.⁸⁶ The prisons developed prior to European statecraft and remained virtually independent on the Gold Coast until 1944. Before 1938, British sanitation officers could not even enter an African prison for the purpose of health inspection.⁸⁷ The institutions existed in a separate realm from the colonial government — a system of 'parallel rule' where indigenous sovereignties were not fully captured by the colonial authorities. They existed alongside the state, not below it. This compromise was the product of many decades of negotiation between Gold Coast rulers and British officers.

From the outset, British officials had an ambivalent relationship to the prisons. Although, in 1853, the Governor offered no reaction to their appearance in Cape Coast, the expansion of the colonial state in the 1860s brought a different political climate. 'I especially laid down the principle that a British Governor could not permit irresponsible tribunals exercising the powers, at all events, of imprisonment', recounted the Governor to Whitehall in 1865.⁸⁸ As British officials had discovered, King John Aggrey of Cape Coast had been positioning himself as paramount sovereign over the region by calling chiefs to his court and punishing them with imprisonment. In response, Britain exiled Aggrey and abolished the kingship. A later parliamentary inquiry investigated the Governor on the legality of this act. Asked if 'in the town of Cape Coast ... we have never been in the habit of permitting the native chiefs to imprison?', the Governor responded, 'We have never been in the habit of *recognizing* it'.⁸⁹

The policy of non-recognition persisted throughout the late nineteenth century. New officials in the Gold Coast frequently inquired about the legal status of the African prisons.⁹⁰ But desires to ban the penitentiaries fell prey to the complicated state of colonial

86 S. Berry, 'Hegemony on a shoestring: indirect rule and access to agricultural land', *Africa*, 62:3 (1992), 327–55.

87 PRAAD-Accra CSO 10/9/31, H. J. L. Cavenaugh, 'Memo on unification of the prisons service', 7 Feb. 1938.

88 *Parliamentary Papers*, 1867, vol. XLIX, no. 1 in enclosure 38, B. Pine to E. Cardwell, 7 Apr. 1865.

89 *Parliamentary Papers*, 1865, vol. V, (412) 'Report from the Select Committee on Africa (Western Coast) Together with the Proceedings of the Committee: Minutes of Evidence and Appendix', 26 June 1865, 329. My emphasis added.

90 PRAAD-Accra ADM 11/1/1477, B. Griffith, 'Memorandum on Native Prisons', 3 Dec. 1887.

jurisdiction in the territory. The British government technically possessed no political jurisdiction in the Gold Coast beyond the forts and castles.⁹¹ Although George Maclean of the Committee of Merchants had unofficially administered courts over wide areas of the colony, the juridical treaty with the Fante chiefs in 1844 had delegated criminal jurisdiction to the British while saying nothing about debt. British legislators thus found themselves wondering if they even had the right to ban the prisons, given the limited ambit of British rule.⁹² Beginning in 1874, the colonial state decided to defer the question of the indigenous prisons to another date — for another reason as well.

Alongside the state's limited jurisdiction, the British government owned almost none of the colony's land. While cities like Lagos and Freetown had been purchased by the British on the eve of colonization, Britain owned hardly any property in Accra or Cape Coast. Hence, crucially, no central land registration system guaranteed private titles. In credit transactions, mortgages could rarely be used and were difficult to enforce, especially for foreign creditors. The question that plagued opponents of the prisons was: if prisons did not exist, how else could Africans insure credit? In the Attorney General's words: 'The Gold Coast native custom of the "family community" renders [prisons] particularly suitable ... for the recovery of debts'.⁹³

In Gold Coast colonial law, debt could be remunerated in two ways. A writ of *Capias Ad Satisfaciendum* (known as a writ of 'Ca Sa') imprisoned a debtor until his dues had been paid. By contrast, a writ of *Fieri Facias* ('Fi Fa') seized the debtor's property equivalent to the money owed. Although writs of Fi Fa were common in some colonies, they were ill-suited to the Gold Coast. Not only did most land remain the communal property of a family, and therefore could not be seized for an individual's loans, but without a registration system, it was difficult to tell who owned what property. Prisons were a solution to this problem. As an officer elaborated: a family's obligation to pay for their kin 'is a moral one resting on tradition only, and is not enforceable at law'.⁹⁴ The prisons ensured that loans would be remunerated by families who feared for their kin in jail. Thus, they were to exist outside colonial authority. As one judge clarified in a court ruling in 1907: 'The Native common law courts exist from time immemorial; their judges are not appointed by the King or by his representatives ... Their prisons are managed by themselves; and their process does not issue in the King's name but in the name of their respective chiefs'.⁹⁵

Beginning in 1888, the colonial state legalized the African prisons in existence, counting sixty in number. Yet legalization came with restrictions. The state prohibited any prison to be run by a private merchant or *asafo* captain or to be located in towns with British penitentiaries.⁹⁶ They additionally sought to preclude junior chiefs from the future right to

91 B. Edsman, *Lawyers in Gold Coast Politics c. 1900–1945* (Stockholm, 1979); A. Boahen, *Ghana: Evolution and Change in the Nineteenth and Twentieth Century* (London, 1975), 40–5.

92 NAUK CO 96/111, Colonial Minutes, 18 Apr. 1874; CO 96/112, J. Marshall to C. C. Lees, 26 May 1874; CO 96/130, H. T. Ussher to M. Hicks-Beach, 26 Jan. 1880.

93 PRAAD-Cape Coast ADM 23/1/328, Kingdon, 'Memorandum on Bankruptcy', Aug. 1919.

94 PRAAD-Cape Coast ADM 23/1/328, District Commissioner to Commissioner Central Province, 5 Nov. 1919.

95 PRAAD-Accra SCT 2/6/4, Mutchi vs. Kobina Annan and Kobina Inketsia, 14 Sept. 1907.

96 J. Parker has suggested that this measure was introduced primarily to ban Tackie Tawiah's prison in Accra. The evidence that he cites does not presently support this claim, but it could have been damaged in the two-decades between our consultations of the Accra archives. See Parker, *Making the Town*, 135.

incarceration, thereby limiting the total number of prisons in the colony. As one officer commented in 1906, 'The Governor's policy ... is, only under very exceptional circumstances, to allow any but a headchief to have a prison'.⁹⁷ The Secretary of Native Affairs clarified: 'The object of the 1888 Ordinance is not to create new prisons, but deal with existing ones'.⁹⁸

Nevertheless, legislation had little correspondence to the reality of who did, or did not, run a prison. Because the African prisons were not a colonial institution, government records of the indigenous penitentiaries are partial at best. Incomplete tallies in the Eastern Province were kept from 1905–10, in the Western Province from 1914–20, and in the Central Province from 1918–27. In 1905, the Eastern Province recorded twenty prisons, suggesting a one-third increase from the fifteen recorded in 1889.⁹⁹ However, more than this certainly existed. Being simply a room in the *Ahenfie*, it was never difficult for a chief to make his own prison. British officials constantly complained of the existence of unregistered cells.¹⁰⁰ As prisons became an institution for state-recognized political power, every chief or headman desired one. In the words of a colonial officer, 'The wish for prisons is mainly actuated by the wish for prestige'.¹⁰¹

One practice that the British employed to regulate prisons was the distribution of handcuffs. While any chief could proclaim a room in his house a prison, all chiefs desired the silver handcuffs imported from England. So evocative were handcuffs as a symbol of power that the Abura stool oath in 1923 had been '*Ma ka Gyanteh nensa adensa*', or 'I swear by the handcuff of *Odikro* [chief] Gyanteh'.¹⁰² *Asafo* military companies hoisted flags depicting handcuffs, symbolizing their power.¹⁰³ Headmen wrote floridly of their authority to the British so that they might be granted a prison, or at least a pair of handcuffs. In this manner, the colonial state endowed prisons with legal authority through the symbolic gift of 'irons'.

Although penal pluralism persisted relatively peacefully throughout colonial rule, the prisons occasionally became weapons in African-European conflict. One incident from Attuaboe in Appolonia (Nzima) in the west saw a state soldier imprisoned in the *Ahenfie* for having shot into a crowded street. British officers arrived on the spot, demanding the soldier's release. However, the King of Nzima refused, saying that the soldier had endangered his people. As a British officer wrote indignantly back to Accra: 'I pointed out to [the King] that he has no right to arrest any public officer and that he is not entitled for a prison room, neither is he entitled to keep any prisoner under arrest'.¹⁰⁴ The negotiations

97 PRAAD-Accra ADM 11/1/1476, Colonial Minutes, 3 Jan. 1906.

98 PRAAD-Accra ADM 11/1/1111, Colonial Minutes, 22 Mar. 1890.

99 *Government Gazette*, 31 January 1889; PRAAD-Accra ADM 11/1/5, H. M. Hull to Commissioner Eastern Province, 24 Mar. 1905.

100 During stool disputes, the British often waited until chiefs used their unregistered prisons as a pretext for intervening in the stool disputes themselves. For example, see Public Records and Archives Administration at Ho (PRAAD-Ho) KE/C/67, Quarterly Report for Keta District, 31 Dec. 1924.

101 Public Records and Archives Administration at Sekondi (PRAAD-Sekondi) WR 24/1/396, Commissioner Western Province to Chief Commissioner, 6 Sept. 1945.

102 PRAAD-Accra ADM 11/1/1131, W. R. Rainsford, notes from inquiry, 1 Sept. 1923.

103 PRAAD-Cape Coast ADM 23/1/1503, 'Notes on the seven Asafo companies of Cape Coast', n.d.

104 PRAAD-Accra ADM 11/1/1, 'Police officer shooting in the street', 3 Aug. 1902.

still took upward of two days when the King finally assented to the soldier's release. By contrast, during the 1938–9 cocoa hold-up, chiefs in the colony demonstrated their power by collectively agreeing not to prosecute debt cases in order to sustain the boycott — a power that they possessed because they arbitrated most of the colony's debt charges, including with foreign brokers.¹⁰⁵

Incidents of dissent, as well as abuse, eventually prompted the colonial government to take over the African prison system. Records of 'barbarous' treatment, including incidents of death, abounded in newspapers.¹⁰⁶ Gold Coast petitioners pleaded to the government of 'strangers and poor people who cannot give bribes [not being] fairly treated' in the chief's court.¹⁰⁷ Circumstances in which civilians had been imprisoned 'by the Omanhene . . . who was (a) the Plaintiff; (b) the warder; and (c) the caterer' drew attention to the 'disgraceful and irregular proceeding' of the chiefs' tribunals.¹⁰⁸ 'Prison administration is invariably the "cinderella" of the local government', concluded one District Commissioner in 1945.¹⁰⁹

The subsequent Native Administration (Colony) Ordinance of 1944 finally incorporated the prisons into indirect rule. Its first order was to ban prisons from the chief's house. As one commissioner emphasized: 'I do not approve of the practice of rooms being set aside in the *Ahenfie* as prison cells, but I understand the practice is general throughout the colony'.¹¹⁰ Separate cells for men and women, as well as for criminals and debtors, came into force. Sentence records and prison inventories were kept, like in the British prisons, and Roger Gocking has written on these from the 1940s–50s.¹¹¹

By 1949, in the three territories of the Gold Coast, there were only two African prisons in the Ashanti region, none in the Northern Territories, and 35 in the Gold Coast colony.¹¹² These 35 were a vast reduction in the numbers that had once existed — at least sixty in 1888, but certainly more by 1900. Their persistence testifies to the fact that prisons were not a general tool of indirect rule in the Gold Coast. They had developed out of a long indigenous history of confinement. Yet, the irony is that, by 1944, the colonial government called for a process of reform that had organically begun a century earlier. 'For the better regulation and improvement of our Town', stated the Cape Coast merchants in 1855, 'we had agreed among ourselves, both the Chiefs and people, that the former should no longer hold Courts in their own private houses'.¹¹³

105 PRAAD-Cape Coast ADM 23/1/410, 'Ashanti Farmers' Union', n.d.; 'Meeting Minutes at Adabraka', 21 Jan. 1938.

106 PRAAD-Accra ADM 11/1/1105, Kwaku Amoah and others to Lord Passfield, 27 Sept. 1929; PRAAD-Cape Coast 23/1/724, W. J. A. Jones to Commissioner Central Province, 16 Sept. 1933; PRAAD-Sekondi WR 24/1/396, O. J. Collision to Commissioner Western Province, 2 Apr. 1947.

107 PRAAD-Accra CSO 21/7/81, J. C. Taggoe to H. Thomas, 12 Mar. 1943.

108 PRAAD-Sekondi WRG 21/1/210, A. Duncan-Johnstone to Director of Prisons, 23 Aug. 1933.

109 PRAAD-Accra ADM 11/1/1840, District Commissioner Axim to District Commissioner Sekondi, 12 May 1945.

110 PRAAD-Cape Coast ADM 23/1/724, District Commissioner to Commissioner Central Province, 14 Feb. 1936.

111 R. Gocking, 'Indirect rule in the Gold Coast: competition for office and the invention of tradition', *Canadian Journal of African Studies*, 28:3 (1994), 421–46

112 PRAAD-Accra ADM 11/1/1840, Colonial Minutes, 30 June 1949.

113 NAUK CO 96/33, J. Thompson and others to G. Grey, 5 Jan. 1855.

CONCLUSION

In many areas of the world at different times, hostages have been used to extract capital. But not all of these situations led to prisons.¹¹⁴ In the Gold Coast, prisons emerged from a long history of human confinement, shaped by the Atlantic slave trade. Whereas pawning and *panyarring* underpinned the movement of credit and capital before the nineteenth century, prisons developed after abolition as institutionalized hostage-taking to ensure debt repayment. The structure of the prison reflected the particular carceral practices established by the slave trade: underground cells where humans were kept naked and chained, where women were raped, and where people starved. The indignity of incarceration derived from its similarity to slavery. This was what made the prison so effective: kin groups hastily repaid loans in order to rescue their member from violence and violation.

The case of the Gold Coast points us not just to a missing link in African prison studies, but to a broader rethinking of carceral practices and purposes. The Gold Coast prisons differed from their Western industrial counterparts in fundamental ways: they did not absorb surplus labour from the street nor did they redirect working bodies toward tasks that private capital did not want to compensate. Instead, they point us to a *debt genealogy* of the prison as opposed to a *labour genealogy*. In numerous prison-holding societies, incarceration began as a practice with debtor prisons, which emerged in response to cash shortage.¹¹⁵ During periods of specie scarcity, prisons became hostage-holding sites that forced families to forfeit their cash reserves in order to release their kin. In the Gold Coast, they then began facilitating financial settlement for many different crimes and thus became important symbols of chiefly authority. The histories of capitalism, imperialism, and the prison remain intimately intertwined. But the debt genealogy highlights how early capitalist activities in the nineteenth century came to necessitate human confinement, hostages being among the most valuable tools with which to discipline modern economic subjects.

¹¹⁴ A. J. Kosto, *Hostages in the Middle Ages* (Oxford, 2012); P. Schofield and N. Mayhew, *Credit and Debt in Medieval England, c. 1180–c. 1350* (Oxford, 2002); W. D. Morgan, 'History and economics of suretyship', *Cornell Law Review*, 12:2 (1927), 153–71; R. Hopley, 'The ransoming of prisoners in medieval North Africa and Andalusia: an analysis of the legal framework', *Medieval Encounters*, 15:2–4 (2009), 179–98.

¹¹⁵ J. Innes, *Inferior Politics: Social Problems and Social Policies in Eighteenth-Century Britain* (Oxford, 2009), 227–78; see also B. H. Mann, *Republic of Debtors: Bankruptcy in the Age of American Independence* (Cambridge, 2002).