

Full Length Research Paper

“Friendly Assistance: Archetypal Pawnship in Pre-colonial Akan Society”

KWABENA ADU-BOAHEN

University of Cape Coast, Ghana.

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Debt bondage has been known in various forms in several societies in the world from the ancient period and it still exists in some cultures today. In pre-colonial Africa, it mainly took the form of pawning human beings to secure debt. Pawns served for debts they either personally contracted or, more often, for the indebtedness of senior members of their corporate kinship groups. This article examines the essential purpose of human pawning among the Akan of Ghana. It argues that the practice was not profit-oriented in that society, but a “brother’s keeper” system in which the wealthy in a community assisted close neighbours caught in unexpected adversity and needed urgent financial bailout. It further argues that pawnship came to have oppressive features with the passage of time partly as an organic process, but mainly due to the impact of the emergence and growth of the Atlantic trading system.

Key words: Akan, Gold Coast, debt bondage, pawnship, pawn, security, creditor, redemption.

INTRODUCTION

In 1843, the British *Slave Trade Act*, in its section two, identified bonded labour or debt bondage as a form of slavery deserving eradication. The Act, therefore, declared “persons holden in servitude as pledges for debt” slaves (Anti-Slavery International, 2005). This was, perhaps, the earliest reference to bonded labour in any legislative measure although the practice had, like chattel slavery, existed in many cultures in the world from the ancient times. In principle, the 1843 Act positioned bonded labour on the same footing as chattel slavery.

In historical terms, debt bondage has been practised in ancient Babylonia, Assyria, Palestine, Greece, Egypt, Rome, China, India, Germanic societies, the Philippines, and Russia. In the modern period, up to contemporary times, it has been known in the Persian Gulf area, India, the Malay Peninsula, Nepal, Thailand, Peru, Brazil and many places in Africa. In places like Pakistan and Nepal, “bonded debts” which could not be paid were inherited by the next generation (Hellie, 1982; The Economist, 1996,

1997).

In spite of the 1843 British declaration, debt bondage, for several generations, did not claim as much serious attention from anti-slavery activists as did chattel slavery and slave trading. Consequently, even the 1926 League of Nations Convention for the suppression of slavery, adopted as long as eighty-three years after the British Act, did not list debt bondage among the forms of servitude targeted for suppression or possible stamping out. Only in the 1956, perhaps roused by Article 4 of the 1948 United Nations General Assembly Universal Declaration of Human Rights which states in part that “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms”, did the international community appreciate bonded labour as a repugnant servile system. The United Nations, thus, captured it in its “Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions Similar to Slavery”. The convention urged all UN States

Parties to adopt “all practicable and necessary legislative and other measures” to completely abolish or abandon debt servitude, serfdom and other forms of bondage as soon as possible. Debt bondage was defined in the convention as: *The status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined (Avalon Project, Yale).*

While debt bondage has been prevalent mainly in poor countries it has increasingly also been found among migrants in rich countries. In the Gulf States, Western Europe, Canada and the United States, illegal migrants have been found to be in crushing bonded labour due to indebtedness to the gangs that got them imported (Miers, 2003). Notwithstanding the persistence of bonded labour, the practice, until recently, remained the least acknowledged form of servitude. It is particularly entrenched in South Asia, where it is deeply rooted in the discriminatory social order or caste system and is widespread in agriculture, cottage industries and factory establishments. The appalling conditions of persons under bonded labour in India, for instance, impelled Justice P.N. Bhagwati, a Supreme Court judge in that country, to describe the system and its victims in very strident terms. “Bonded labourers”, he declared: *are non-beings, exiles of civilization, living a life worse than that of animals, for animals are at least free to roam about as they like...* This system under which one person can be bonded to provide labour for another for years and years until an alleged debt is supposed to be wiped out, which never seems to happen during the life time of the bonded labourer is totally incompatible with the new egalitarian socio-economic order which we have promised to build (Anti-Slavery International, 2009).

Justice Bhagwati’s lamentation projects debt bondage in a demoralizing light. However, one can raise the question as to whether debt bondage has always been so oppressive in all societies in which it existed in the terms in which Justice Bhagwati describes the Indian bonded labour system. Obviously, significant culturally specific variations usually existed in the character and functions of any particular servile institution and the conditions of bonded persons serving under that system. William Westermann neatly captures this in the case of slavery: The slave system of any locality is...invariably an inextricable part of, and an expression of, that culture within which it exists. In its own degree it helps to determine the cultural coloration of its time and place; but to a far greater extent it tends to reflect the general features of the total culture (Westermann, 1984).

METHODOLOGY

Recognizing the strong and defining imprint of cultural

specificity on systems of bondage, this article examines the original purpose of pawnship in the Akan society of pre-colonial Gold Coast, now Ghana. Using triangulation based on data from multiple sources, the article reconstructs the quintessential form of pawnship in pre-colonial Gold Coast Akan society and contrasts it with its modified appearance under the impact of the expanding Atlantic economy. The study depended very much on pre-colonial primary data gathered from edited compilations of archival documents dating back to the seventeenth century. These include collections and edited English records and Dutch, Danish and German documents translated into English. Both the original English documentary collections and the translations consist of internal correspondence between European traders operating in forts and castles on different sections of the Gold Coast; journals or memorandum books and despatches between trading company officials resident on the Gold Coast and company directors in their home countries in Europe. Other archival data came from records of British and Dutch commercial activities and jurisdictional matters for the nineteenth century and British colonial documents for the early twentieth century. Contemporary European publications on West Africa for the seventeenth to the nineteenth centuries also provided very vital information for the analysis. For a culturally specific interpretation of issues relating to pawnship, oral data was collected from traditional historians in local languages and transcribed. This paper is, thus, based on processed and analyzed data from these multiple sources whose specific contents were compared, document by document and source by source, evaluated and synthesized.

The article argues that pawnship in the Akan society in general was originally a non-profit form of assistance by which the well-to-do in a local community motivated by the sense of social obligation rescued their neighbours in distress due to unfortunate or unforeseen indebtedness. The article also contends that exploitation and degradation were not intrinsic or fundamental to pawnship in Akan society. However, owing to the increasing use of the practice as a credit guarantee instrument, especially in the expanding African-European commercial exchanges, particularly in the context of the Atlantic economy, it assumed exploitative and degrading elements. The article is not aimed at justifying pawnship as a social institution. It is rather an attempt to show that the institution was originally not intended to reduce free persons to slaves as was observed about it with time.

Pawnship in Africa

There is appreciable historical and other literature on pawnship in Africa, although scholars have generally committed much less effort to the study of the theme than they have done for slavery and the slave trade. Important seminal and classic studies such as those of R. S.

Rattray, Toyin Falola, Paul Lovejoy, David Richardson and others have dealt with various dimensions of pawnship in various societies. Essentially, these have studied the nature and distinctiveness of pawnship relative to slavery, ideological underpinnings and variations of the institution with society and culture. The studies also examine the social, economic and political functions of pawnship and its legal context or regulatory customs. The existing literature on pawnship generally provides a broad understanding of its various aspects and complexity across cultures. However, there are virtually no studies focusing specifically on the analysis of intra-institutional changes in pawnship in particular societies. This article contributes towards filling this scholarly gap by reconstructing the original portrait of the prototype of pawnship in the context of pre-colonial Akan society and the dynamics of the institution with the course of time. It shows that the archetype of pawnship in the Akan culture was a functional and benevolent practice, but that external economic forces eroded much of its benefits and humanity and turned it into an exploitative system and a source of wealth accumulation and conspicuous consumption.

In Africa debt bondage was an old indigenous practice that possibly existed in several places, particularly in West Africa, during the initial stages of the Atlantic slave trade, as it is generally thought (Falola and Lovejoy, 1994). By the seventeenth century it had become well known to Europeans trading on the Gold Coast. Debt bondage in Africa normally took the form of pawning or pawnage in which a debtor provided another human being as security or collateral for debt. In many instances too, there was self-pawning as Wilhelm Bosman reported in the early eighteenth century (Bosman, 1967; Kea, 1982).

Human pawning was widespread in West Africa although some societies, particularly in the interior of the region, seemed not have practised it. It was common in the area of modern Ghana, Benin, Upper Guinea, Old Calabar, Cameroun, Gabon, the Loango Coast (part of present day Angola) and Sierra Leone where the pawn was regarded as "a slave's brother". The similarity in local terminology in different areas in West Africa suggests historical connections in the development of the institution of pawnship especially in the Gold Coast, Benin and Nigeria. The institution is known as *awowa* in Akan (*ahoba* in Fante-Akan), *abrofa* in Akwamu, *awubame* in Ewe, *awoba* in Ga, *iwofa* in Yoruba, and *iyoha* in Edo (Benin). The term for the practice in a few other areas do not share the similarity just noted. For instance, it is known as *ubion* in Efik/Ibibio, *igba ibe* in Igbo, *pagi* in Ijaw and *gbanu* in Fon (Lovejoy and Richardson, 2001).

Sometimes valuable possessions such as agricultural plantations, precious metals and other cherished objects were also pawned to secure debt. For instance, palm and kola groves were forms of property used for pawning in Dahomey, as M.J. Herskovits found in the early 1930s

(Law, 1994). The practice of pawning non-human property, as Herskovitz suggests seems very recent. But it is not known how far back in time it went or even whether it rather antedated human pawning and was later superseded by the latter as the trade in slaves gained predominance. In the Gold Coast, gold nuggets and gold dust as well as rings, horns, bracelets all made of gold, choice beads, and various gilded objects were being pawned to European merchants in the forts at least by the seventeenth century (Justesen, 2005). These items were probably to secure credit in the form of goods advanced to local African traders. Perhaps the frequent failure of debtors to redeem human pawns and the consequent deprivation of companies of needed operational capital, as one English official on the Gold Coast noted in 1687, made European trading company officials begin to request their African debtors to, sometimes, pawn non-human property which could easily be liquefied, to secure credit (Law, 1997).

Debts for which people became pawns came from various sources. Some of the principal origins of indebtedness were: borrowing to meet critical needs such as subsistence during famine; heavy judicial fines; extravagant funerals or some ruinous oath and related cases; settlement of medical bills; payment for weddings; acquisition of farming inputs and sometimes economic miscalculation leading to loss of investment. Pawning in Africa is distinguished from other forms of debt bondage, particularly peonage, found in the southern parts of the United States, Latin America and the Philippines, mainly on the basis of parity of the contracting parties. Peonage, as Suzanne Miers explains it, was a system of debt slavery in agricultural or industrial production in which the peon received inputs or provisions and was charged interest at such high rates that he or she could never redeem himself/herself. It was apparently more vicious than pawning in Africa. Miers writes of peonage:

The agricultural peon was usually given seeds and tools, or land, and then charged interest in the form of a proportion of the crop, or other proceeds of his work. Alternatively, an employer advanced money for food, housing, and other necessities and then charged his employees rent and interest, forced them to buy necessities in a company shop thus keeping the debt mounting. The debtor could not leave until the debt was paid. He and his family and even descendants, trapped in this cycle of escalating debt, fell into lifelong bondage...(Miers, 2003).

Under the pawnship system as it obtained in Africa, the creditor and debtor in a credit contract were persons of equal standing in society, but creditors were of a higher standing than debtors elsewhere especially under debt peonage in Asia and Latin America (Miers, 2003). But while servitude in the pawnship contract in Africa commenced as soon as the contract was sealed, the

servitude of peons delayed a while and began only in default of debt payment. Unlike the pawn who was in most cases not the person who contracted a loan, but someone under the control of a debtor, the peon was nearly always the debtor himself/herself. Only when a debt remained unpaid on the death of the debtor did bonded debt and servitude pass on to the debtor's children (descendants) or successors, as Meirs notes.

Pawnship and the Atlantic trade

By the early seventeenth century, human pawning had already become incorporated into African-European commercial transactions on the Gold Coast, as the most convenient means of underwriting credit, in the context of the expansion of the Atlantic trade and total absence of corporate credit institutions. In 1602, a Dutchman, Pieter de Marees, who visited the West African coast a number of times reported that he found a boy who had been placed in pawn for debt on a European ship anchored on the Gold Coast (De Marees, 1987). Other reports of resident European traders on the Gold Coast and local correspondence between them show that debt bondage, pawnship, was a widespread practice in the area (Law, 2001). European merchants operating on the West African coast increasingly became involved in pawning as they constantly received human pawns as pledges for the goods they gave out on credit. In the Gold Coast the English, Dutch, and Danes, relied on pawning throughout the seventeenth and eighteenth centuries (Lovejoy and Richardson, 2001).

Some key ideas and issues about pawnship

In the introductory chapter of the edited collection, *Pawnship in Africa: Debt Bondage in Historical Perspective*, Falola and Lovejoy distinguish pawnship from slavery on the basis of property. "A slave", they argue, "was a form of property", but "the pawn was not property" (Falola and Lovejoy, 1994). It was rather the pawning contract that was a form of property. Falola and Lovejoy see pawnship as a form of "social and economic dependency" by legal category. In an article, "The Business of Slaving: Pawnship in Western Africa c. 1600-1810", Paul Lovejoy and David Richardson provide a very exhaustive and sophisticated analysis of the evolution of pawnship, particularly in the coastal societies where European slave merchants operated and used the institution as a basis of credit transaction (Lovejoy and Richardson, 2001).

Pawning, as described by European observers approximated to "mortgage" or security pledging in Europe in which an individual or group contracting a loan hypothecated some form of property (Bosman, 1967; Cruickshank, 1966; Falola and Lovejoy, 1994). Human

pawns, as pledges for debt, constituted both principal and collateral security in a pawnship contract. Human pawning also involved a change in residence since the pawn had to be transferred to the household of a creditor to serve until the debt contracted had been liquidated (De Marees, 1987).

Initially, interest payment may not have been included in pawning contracts, but later in the process of the evolution of the institution of pawnship, it became a part. Even when pawnship began to attract interest, it was possibly not charged on pawn-secured credit in all societies in which the practice existed. Furthermore, interest rates and what was pawned varied with society. In the Danish castle at Christiansborg on the Gold Coast, pawned non-human possessions attracted an interest rate of twenty-five percent as specified in a 1681 inventory of the establishment (Justesen, 2005). No rate of interest for human pawns was specified, but it may have been the same as for the non-human effects at the time. In 1853, Brodie Cruickshank, a British trader and official on the Gold Coast for over thirty years stated that the terms of a pawning contract normally provided for an interest rate of fifty percent, but the services of the pawn neither counted for interest nor towards a reduction of the principal amount, no matter how long the pawn served (Cruickshank, 1966). In some West African societies interest rates on pawn-based credit were extremely high. Writing on slavery in southeastern Nigeria in 1942, J. S. Harris states that the rate in Igbo society was as high as one hundred percent (Harris, 1942). In a sense, this suggests that the value of pawnship as a basis of the trust/credit system underpinning the Atlantic trade had been appreciating over time. It could also mean that increasing slave prices in the course of the eighteenth century and scarcity of slaves on the West African slave market at times led to the increase in interest rates and consequently made the liquidation of debts difficult. Consequently, the rate of pawn redemption slowed down. In such cases pawns could be enslaved and sold upon the expiry of repayment dates specified in credit contracts, often transacted verbally.

The question of interest in pawning contracts has been a subject of debate. In his study of pawnship in the early twentieth-century, Asante Rattray asserted that the services of a pawn were deemed to be in lieu of interest as long as the pawn remained with the creditor and did not abscond (Rattray, 1929). Toyin Falola and Paul Lovejoy echo Rattray's assertion. Discussing pawnship in Africa generally, they argue, "the labour of the pawn constituted interest on the debt and covered the costs of subsistence, but did not contribute to the principal" (Falola and Lovejoy, 1994). Gareth Austin confirms the payment of interest on the principal amount as Rattray asserts about Asante. But Austin provides different interpretations about interest payment in pawnship transactions. He argues that it was not always the case that a pawn's services accounted for interest on loans in

Asante, observing that the customary practice in many areas of northern and southern Asante was for an interest of twenty five percent on the principal amount to be charged on a loan at the time of the redemption of a pawn (Austin, 1994). The fact that pawnees were fully responsible for the cost of maintaining pawns in terms of feeding, clothing, shelter and medical care, weakens the argument that the labour of the pawn counted for interest on a loan. Maintenance costs could be very substantial and possibly erode much or perhaps all the supposed interest that a pawn's labour represented.

Underlying principles and ideologies of pawnship in Akan society

Pawnship was a local practice in the Akan society by which persons and groups who became indebted and did not have the wherewithal to redeem themselves sought and received friendly financial help from neighbours who possessed the means to lend. As already discussed, there were various sources of indebtedness. The original pawning practice was not profit-motivated and without any criminal intent although it later came to assume the features of an oppressive system which reduced many people to the status of slaves. It is generally acknowledged that pawns were not slaves and so they were expected to serve temporarily only. They were redeemed as soon as the debt for which they were security had been settled. To protect the investment of the creditor, however, pawns that died while still serving for debt were replaced. The pawn was regarded as *ɔdehye*(ε) (*ɔdehye* in Fante), a free person, sharing the same rights and privileges as all other free persons in the Akan society. Pawns were thus expected to be treated humanely, but not as slaves.

In Akan practice as was the case in many other cultures, slaves were not pawned. Except for self-pawning by a debtor, only persons of a higher status than slaves sharing some form of consanguine relations with the debtor were placed in pawn. As a matrilineal society, Akan men could only pawn their maternal nephews, nieces, sisters and younger brothers, but not their own sons and daughters. On the other hand, women could pawn their own offspring. These legal restrictions drew the institution of pawnship into the domain of the matrilineal kinship structural organization. Pawning then came to be an institutional transaction and became close-ly bound with the traditions of the *abusua*, matrilineage. To that extent, the pawning transaction revealed the totality of matrilineal kinship groups' corporate identity and solidarity in terms of acquisition of assets and responsibility for liability. In principle and practice, the indebtedness of individual members of an *abusua* was regarded as a collective responsibility and credit was, therefore, contracted on behalf of the entire group, just as personal acquisitions of individual members of a kin group eventually descended to the group as ancestral or

lineage property. The *abusua's* corporate responsibility for the indebtedness of its members was adapted to other contexts. As late as the second half of the twentieth century, members of an *abusua* were obliged to make contributions or pledge corporately-owned land or agricultural plantation to raise funds to redeem a member who became indebted to his/her employers for any reason.

Usually it was the *abusuapenyin/abusuapanyin*, lineage head, who, invoking the rights vested in him within the framework of the corporate kinship authority structure, selected an individual member of the group, in most cases a female, to *si awowa/ahoba*, that is, to transfer to the household of a lender to serve as a pawn. This was the general practice whether a loan was contracted for corporate or individual relief. Nieces and sisters were the first choice with nephews and younger brothers following in that order. Creditors' preference for female pawns stemmed from the fact the society viewed females' as more valuable in terms of productivity. Their importance in society inhered not only in their productive power in social and economic terms, but also in terms of biological reproduction in social terms (Falola and Lovejoy, 1994; Austin, 1994).

Original nature of pawnship in Akan society

Although the status of some pawns sometimes changed to that of slaves due to the inability of debtors to redeem them and that loans for which human pawns became security came to attract interest with time, the original purpose of receiving pawns was neither to enslave nor exploit the adversity of others for profit. Traditional accounts of pawning in Akan as documented by J.C. de Graft Johnson, a coastal Akan scholar and Assistant Secretary for Native Affairs of the Gold Coast colony in 1929, indicate that pawnship in the Akan society was not intended for profit and that its contract was padded with adequate welfare guarantees to protect the pawn against degradation of status, exploitation and the harsh treatment characteristic of slavery. It was an aid system based on trust, goodwill and friendship. As Johnson observed pawnship "seemed a simple contract" and "the family giving and the family receiving the pawn are usually on very friendly terms, one temporarily adopting the daughter or son of the other and no crime or wrong was intended by either by the transaction" (Public Records and Archives Administration Department (PRAAD, 1929), Accra, Memorandum on Slavery, CSO 5/1/125). Opanyin Kwaku Adu, an oral history informant, confirmed this fact. Opanyin Adu stated that he personally saw women who were pawns and that one could not distinguish between them and members of the families of pawnees' (Adu, Interview Communication, 2003). The pawnship contract contained in-built welfare stipulations which protected the rights of pawns and guaranteed their humanity. These provisions expressly

specified that the pawn should not be treated disdainfully (Lovejoy and Richardson, 2001). As Rattray found in Asante, the flight of a pawn from the household of the creditor, except where a pawn was known to be badly misbehaving, indicated ill-treatment. Where the flight was proved to be the consequence of inhuman treatment, the creditor could not demand a replacement. The creditor also had the sole, onerous responsibility of recovering the lost pawn and he/she was liable to heavy penalties if the pawn was not found. The logic underlying this provision was that a well-treated pawn would normally not run away (Rattray, 1929).

The pawnship contract made special provision for the protection of the sexuality of female pawns, making it illegal for male creditors to take advantage of the females received in pawn unless sexual relationship was explicitly stated in the pawning transactions. Unlike the female slave whose master had access to her sexuality without any prohibition whatsoever, therefore, the female pawn's personality and will were respected in terms of sexuality. As J. Mensah Sarbah, in his *Fante Customary Laws*, first published in 1905, and de Graft Johnson note, if a male creditor or any male member of his *abusua*, including servants, took advantage of his female pawn, the pawning contract involved was cancelled and the pawn and her *abusua* were discharged from all liabilities (Sarbah, 1904; PRAAD, 1929, Johnson's Memorandum on Slavery, CSO 5/1/125).

One feature which, to a large extent, portrayed the benignity of pawnship in Akan society was the relationship between the partners involved in its contract. Here too the element of consanguinity often determined which families could enter into a pawning contract. This was particularly so because of the intersection between consanguinity and intimacy in Akan marriages. Such intersection derived from the general practice of cross-cousin marriage. In this regard, the first priority was for a financially distressed *abusua* to seek help from potential creditors in closer bonds of relationship with it, particularly through marriage. Normally, the *abusuapanyin* first turned to men married to his nieces and sisters for help. In order not to demean themselves in the eyes of their in-laws, husbands who had the means often obliged in such requests (Austin, 1994). It was only when this first step had failed that the indebted family resorted to other creditors. In instances where pawns were the wives and children of creditors, exploitation was not to be expected. Even where an *abusua* was compelled to step outside the circle of its in-laws to obtain credit, creditors had the moral obligation of treating the pawns involved as kindly as they would do their own children. After all, as Johnson states, pawns were "somebody's children" who deserved to be as well taken care of as creditors would expect others to do to their own children (PRAAD, 1929, Johnson's Memorandum, CSO 5/1/125).

The social context of pawnship in Akan culture helped to keep the treatment of pawns within the limits provided

for in pawning transactions. Pawning transactions were usually localized and the creditor and debtor knew each other fully well. Thus, pawns usually served in the same community in which the pawnee and the indebted *abusua* lived. In this community everyone knew every other person well. To creditors, the localization of the pawnship system was important, because it afforded them the opportunity of knowing the full social background of pawns since the persons most valued as security for debt were those recognized as full members of the community and having close kinship relationship with debtors (Rattray, 1929). In the original context of the pawnship practice, the identification of the system with a localized, usually small, community provided pawns with protection against abuse, since the relatives of the pawn were always at hand to monitor the conditions under which (s)he served and intervene on his/her behalf when necessary. One informant asserted that because pawns served in the same community that their relatives and creditors lived, they could put pressure on their indebted *abusua* to pay the debt and free them from servitude (Saah, Interview Communication, 2003). Furthermore, the risk of selling pawns as slaves was minimized since the relatives of the pawns were in close and constant contact with creditors. Taking note of the limitations on creditors' dealings with pawns, Falola and Lovejoy argued that "social obligations and public pressure" generally limited the exploitation of pawns (Falola and Lovejoy, 1994).

The early redemption of pawns from servitude was dignifying to an indebted *abusua* because it indicated that the corporate group concerned possessed the resolve and determination to pull itself out of difficulty by redeeming a member who stoically accepted to sacrifice his/her freedom and labor to serve to save their kinship group from disgrace. As Johnson points out, persons placed in pawn had full knowledge of the related transaction and gave their personal consent before they could be pawned (PRAAD, 1929, Memorandum on Slavery, CSO 5/1/125). Pawns regarded the offer of their services to get a member of their kinship group or the whole collectivity out of the throes of humiliating obligations as a worthy and honourable sacrifice. Thus, an indebted *abusua* was always very keen to reciprocate this gesture by striving hard to find the means to redeem its pawned relative at the first opportunity. Casely Hayford asserts, "The uncle who pawned his niece or sister or nephew took steps to redeem his kin at the earliest moment" for, "it was humiliating to the family whose elder failed to effect the redemption of one he had pawned" (Casely-Hayford, 1970).

Incidental benefits of pawnship to debtors and pawns

Apart from being rescued from pressing need, pawning, in some cases, lessened the debtor's burden since the

transfer of a pawn to the creditor's household meant that the debtor *abusua* would be temporarily freed from the responsibility of maintaining one of its members. Owing to its limited resources, a debtor found considerable relief from cost of living pressure through pawning. Where, for example, the debtor borrowed due to hunger, pawning could save a family from starvation. Since pawns were expected to be well treated it was possible for them to even enjoy a better standard of living in the obviously more affluent household of the creditor. A lessening of daily maintenance responsibility implied that the debtor would make some savings that could make for the liquidation of a debt on schedule even though pawning also meant the temporary loss of the pawn's labour power to the lineage.

There was, perhaps a more lasting benefit of pawnship to the pawn himself/herself: the acquisition of life skills. As Johnson observed, pawning was a form of temporary adoption or a kind of "relief fosterage". "They were taken into the other family", he noted, "and provided for in the same way as the other members thereof and, if industrious, could earn a little money in other ways". More importantly, Johnson asserts that the pawn's position was "somewhat analogous to that of one apprenticed to some trade" (PRAAD 1929, Johnson's Memorandum, CSO 5/1/125). The training of pawns was free as they provided the same services as the young persons of the creditor's family. Consequently, pawns were expected to receive any training young people in the creditor's family were given. If the pawn was able to acquire any skills while in servitude it became an asset and a sure means of livelihood after he/she had been redeemed.

The question of using free human beings as pawns is vexed. Obviously the human being was valued above any property. The slave was a property and a capital asset, but a debtor might not find the need to redeem a pawned slave too urgent. In contrast, debtors naturally felt a strong urge to redeem blood relatives serving as pawns. Moreover, where the obligation to redeem a pawn fell on a single member of an *abusua*, the other members pressurized that individual to clear the related debt in order to free their pawned relative. Creditors seemed to value a close relative far above other property such as gold and land. In the distant pre-colonial period land was corporately owned and that pressure on land use by all members of an *abusua* made it difficult to pawn any portion since failure to redeem it could lead to foreclosure and not only alienate a collectively owned property but deprive the members of a whole *abusua* of the most critical factor of production—the most vital source of wealth (PRAAD, (1895) Accra, Customs relating to land tenure, ADM 5/3/9). Gold was, perhaps not pawned because it was not rational for a person who had enough gold to secure a loan to borrow. The pawning of gold to European fort administrators, as discussed elsewhere, could perhaps also have been for safekeeping only since castles and forts were heavily fortified and relatively safe

against theft, fire and other disasters that could bring loss to property.

An observation about pawnship which is legitimate but has not received much attention is that by Casely-Hayford regarding documentation of pawning transactions. In Casely-Hayford's discussion on the subject, he noted that the practice represented documentation for loan agreements, an invention in a society where writing was unknown for most of their history (Casely-Hayford, 1970). This form of documentation benefited the creditor and his/her relatives more. First, the presence of the pawn in the creditor's household bore constant testimony to the debt obligation of the debtor's *abusua*. Moreover, on the death of a creditor, his/her successor used the pawn as documentary evidence to claim the repayment of a money owed by an *abusua* indebted to his/her deceased relative.

In later years, pawnees came to derive considerable incidental benefits from the holding of pawns even if they did not charge any interest on a loan. The labour of the pawn was always at the disposal of the creditor who could use it in any profitable venture to earn income. The pawn's labour generated extra income for the creditor, but the latter did not pay wages for that labour. The benefits of using pawn labour free of charge, of course, depended on the amount of income pawns could help to generate for creditors in excess of the cost of pawn-maintenance. Sometimes wealthy persons and entrepreneurs took multiple pawns from different debtors. This put at the disposal of creditors a large workforce which could be used to accumulate much wealth. By the middle of the nineteenth century, for instance, the keeping of large numbers of pawns had become noticeable (The National Archives (TNA), London, Correspondence on Domestic Slavery, CO 96/28). During the latter half of the nineteenth century, pawnship seemed to have become a source of income and pawns were received for even small amounts of credit as happened in 1870. In that year a Cape Coast woman received a "little girl" in pawn for a credit of \$3.00, which she gave (PRRAD, Accra, SCT 5/4/92). At the time this transaction took place, the rate of exchange between the dollar (American), circulating on the Gold Coast, and the pound sterling was one-pound sterling to four dollars (PRRAD, 1873 Accra, SCT 5/4/14). This means the "little girl" was pawned for a loan of less than £ 1.00 sterling.

Change of features of pawnship

As pawnship underwent transformation it became increasingly exploitative in character. The interest on credit which was probably twenty five percent in the 1680s had reached as high as fifty percent by mid-nineteenth century and so it had become increasingly difficult to redeem pawns. As Johnson observed in 1929, redemptions had become very rare because debtors found it

more and more difficult to clear their debts with the huge interests. One factor in this change was that the number of retainers had, over the generations, become an index of social status. Thus, wealthy people who lent to the poor manipulated the pawning regulations to prevent pawns from being redeemed. At any rate, European penetration of the indigenous economy of the Gold Coast and use of the practice of pledging human beings for credit in the constantly expanding commercial exchanges became instrumental in making pawnship more and more oppressive. Nonetheless, the system naturally underwent involving Europeans as well.

Human pawning had not been important in slave some change in the purely local transactions not trading transactions on the Gold Coast during the nascent stage of the growth of the export slave trade across the Atlantic. However, with the expansion of the trade in the course of the seventeenth century, the practice came to assume significance in African-European trading exchanges. The incorporation of pawnship into the Atlantic slave trading system did not mean it had become a viable source of slaves for the trade as such, but the institution's changing role had a far-reaching impact on its nature (Lovejoy and Richardson, 2001). The principal value of pawnship in the Atlantic trade was its role as a useful instrument for regulating African-European slave trading transactions out of which slaves were obtained in West Africa for export. As Walter Rodney argues in the broader context of the impact of the Atlantic slave trade on institutions of servitude in West Africa, changes in the application of pawnship regulations or any form of bondage constituted the adjustment of those institutions to the demands of the Atlantic slave trade. Lovejoy and Richardson, therefore, argue that by "relying on servile relationships other than slavery", European slave traders adjusted to an indigenous system of credit and this facilitated the penetration of European capital into African markets. Pawnship tied the pre-existing African credit system to the Atlantic slave trade. The institution, then, became essential to the conduct of the export slave trading business in the Gold Coast. In the process pawnship became an oppressive tool which contributed to the exposure of many Africans to the peril of enslavement (Lovejoy and Richardson, 2001). This oppressiveness was represented by the widespread enslavement of pawns in violation of customary regulations and the increasing incidence of human pawning in the eighteenth century.

The increasing tendency towards subverting the humane customs and traditions governing the practice of pawnship is largely attributable to Gold Coasters' redefinition of the institution's functions in the context of profound, economic, social and cultural changes. Pawning people, therefore, no longer served only as a mechanism for disentangling individuals and lineages from distressing debt obligations, but it also came to be regarded by many as an agency for the consumption of

luxury and achieving status enhancement. These changes encouraged the manipulation of the regulatory mechanism of pawnship for parochial gain so that, by the eighteenth century, the practice had, to some extent, become a gateway to slavery. Contemporary European observations on the Gold Coast in the seventeenth and eighteenth centuries indicate that pawnship had consistently been losing the humanity which distinguished it from slavery and other forms of debt bondage found elsewhere. For instance, Lovejoy and Richardson cite Richard Miles, an English trader in the Gold Coast, who in the latter decades of the eighteenth century observed "thousands of instances" of the sale of people—apparently pawns—for debt between 1765 and 1784 (Lovejoy and Richardson, 2001).

In a recent study of documents providing detailed information about the quotidian life in the Cape Coast Castle from the 1660s to the early nineteenth century, William St Clair found references depicting pawnship in the local community as a form of bondage much like slavery. St Clair retrieved material from these records (of the T70 category) which document the astonishment of British officials on the Gold Coast in the 1770s at the way some people made light of pawning others or themselves. The officials' surprise stems from the inability of some families to find the means to redeem their relatives from pawn servitude, a situation which often led to a cycle of more borrowing and more pawning. A case in which two pawns who were redeemed by three friends from the ship *Bruce Grove* in Cape Coast in 1802 celebrated their freedom with inexpressible joy vividly illustrates the extent to which pawnship had virtually degenerated into slavery and become hated (St Clair, 2007). In the early 1850s Brodie Cruickshank noted that husbands who gave credit to the families of their distressed in-laws, using their wives or children as pawns, began to "tyrannize a little more" over their wives once the related loan agreement had been consummated. Further loans given by husbands could convert a "pawn-bond" into definite enslavement and perhaps even sale (Cruickshank, II, 1966).

Changing consumer behaviour among the people of the Gold Coast contributed to the increasing degradation of pawns. In the course of the expansion of African-European commercial relations, Gold Coasters developed an avid taste for exotic commodities in response to the importation of large quantities of goods and they endeavoured to find the means to satisfy their craving for luxury imported commodities (Metcalf, 1987). In the absence of a financial market with credit-providing institutions as existed in Europe, pawning became the most accessible resource for meeting the needs of the common people for the acquisition of desired consumer goods. The increase in the numbers of people demanding imported goods was, therefore, a major factor in the continuing increase in the scale of pawning in the Gold Coast. Even earlier, in the seventeenth century, some

men were frequently pawning people to obtain consumer goods from European traders. As one English trading agent at Anomabo, Ralph Hassel, reported in 1687, these men were eager to pawn people, but “they did not care to redeem them” and this led to the enslavement of many pawns (Law, 2001). Apart from the relationship between pawnship and luxury consumption there was also a connection between the institution and the pursuit of wealth as well as “class differentiation”. By the nineteenth century, pawnship had become integral to the money economy as it expanded in the Gold Coast. Consequently, people were pawned in order to get money to spend on goods while recipients of pawns created avenues for earning more money through returns to credit in order to spend. As Gareth Austin argued in his study of pawnship in nineteenth-century and colonial Asante, pawning was an avenue for further enrichment for the already rich in society (Austin, 1994). But creditors’ deliberate restriction, through the manipulation of interest rates, of the ability of debtors to redeem themselves or the people they pawned fostered inequality between “the rich”, lenders, and “the poor”, borrowers. Rigid and unfavourable terms prolonged the exploitation of pawn labour and services and eventually led to the changing of the status of many pawns to that of slaves (Austin, 1994). This was particularly the case in the post-abolition and colonial periods when it was extremely difficult to obtain slaves. In those circumstances, pawnship was seen as a viable avenue for mobilizing much needed labour and that meant much unfreedom for pawns (Falola and Lovejoy, 1994).

Using pawning for the purpose of satisfying consumer tastes, deliberately defaulting in meeting redemption obligations and, particularly, harder debt repayment terms and consequent restrictions on pawn redemption all implied the increasing disregard for the freedom and humanity of pawns enshrined in fundamental customs governing the practice. With time, other practices caused the deterioration of the condition of pawns. Commercial hostage-taking (a modified form of the old, indigenous practice of seizure for debt known as panyarring) was one such practice. According to the practice, Africans placed human pawns as hostages on European merchant ships in exchange for goods on credit. The failure of recipients of credit to return to settle their obligations and redeem the pawns led to their enslavement and shipment off the coast. Another negative change in pawnship related to the manipulation of the time factor in the redemption of pawns. The customary repayment time limitation of one year was often shortened as European creditors frequently tied repayment deadlines to the movement of their merchant ships. For instance, Miles allowed a redeemable period of three months for a barter transaction he entered into with a local trading partner in 1777 (St Clair, 2007). Default in the repayment of loans in such transactions made pawns liable to enslavement and shipment. Where ship captains failed to compromise on

the granting of time extensions, pawns aboard slave ships could be shipped, but sometimes the captains carried away pawns even before redemption time limits expired. These practices put many people potentially at risk of enslavement. However, local people sometimes protested the actions of ship captains who violated the rights of pawns by illegitimately enslaving hostages and exporting them. Such a conflict could jeopardize African-European commercial relations (Lovejoy and Richardson, 2001). The articulated impact of all these unfavourable factors meant a steady change of pawnship into an exploitative institution, making its conditions increasingly harsh with the passage of time. Cruickshank described the operation of the pawnship system as “cruel” (Cruickshank, I, 1853). In 1875, Thomas J. Hutchinson, referring to a report by Mr. Swanzy, a British trader on the Gold Coast in the 1870s, stated that the conditions of pawns were much like those of slaves (Hutchinson, 1875). Victimhood in pawnship involved both Africans and Europeans although the overwhelming majority of pawns were African. In the case of Europeans, pawning was not by formal transactions, but by hostage taking. This happened when Africans, for the delayed settlement of debts owed them by slave ship captains, seized Europeans as pawns. Such seizures for debt corresponded to the indigenous practice of panyarring referred to earlier, in which persons related to debtors both closely and distantly were kidnapped and held hostage to compel debtors to find ways and means of meeting their obligations or else lose their relatives through sale into slavery.

What European traders on the Gold Coast did with pawnship was an adaptation to customs of local credit protection. But the institution became riddled with abuses and became oppressive as it became more and more deeply involved in export slave trading transactions.

CONCLUSION

Debt bondage in Africa commonly took the form of human pawning, typically involving the use of human beings as security or pledge for debt contracted either by an individual or a kinship group. In pre-colonial West Africa, the practice of human pawning existed in most coastal societies but the exact time or culture of its origin is unknown. In the Gold Coast pawnship was certainly in existence by the end of the sixteenth century. Irrespective of whether the institution was indigenous to the Gold Coast area or an adoption from elsewhere, it developed its own culturally specific traits. However, the encounter between Gold Coast cultural traditions and external forces, mainly represented by European economic expansion in the Atlantic world and specifically West Africa, inevitably altered the nature and functions of pawnship as it did other traditional institutions.

The original form of pawnship served a vital function in lending related to individual and corporate kinship

financial affairs of pre-colonial Akan society in the Gold Coast before European capital penetrated deeply into the West African economy. In its essential form, pawnship in the Akan society was a localized, non-profit aid system. Under it, people who became heavily indebted through some misfortune or personal/group miscalculation were bailed out by the rich in their local communities. The system operated within the framework of closely-knit social relations involving friendly lineage groups and pawning transactions were often concluded between families interlocked in cross-cousin marriages. Owing to the functioning of the original form of pawnship almost exclusively in the context of an interwoven web of kinship ties, it was, in essence, a beneficent, interest-free, distress-relieving practice. The extension of credit to people belonging to an entangled kinship network represented the fulfillment of a morally-grounded "social obligation" of the rich to the needy. The legal framework of pawnship in Akan society provided for a safety-net which protected the interest of pawns, since they were regarded, in principle and practice, as free persons who had only had their regular residence changed temporarily for the purpose of providing labour to the benefit of persons (creditors) outside their matrilineal kinship units in order to free their lineages or themselves from some unforeseen financial distress. Pawnship customs, therefore, included safeguards against ill-treatment of pawns or their conversion into slaves and particularly their sale by the creditors who held them.

Pawnship agreements also embodied provisions securing the creditors' interests. The presence of pawns in creditors' households absolutely hedged monies lent by the latter against loss since the persons of pawns symbolized official documentation. Pawning also temporarily transferred the regular domestic maintenance cost of pawned persons to creditors and this relieved debtors of that burden, thus enabling them (the debtors) to make savings during the period of debt servicing. Finally, pawn servitude served as a career training ground for young pawns.

These general protective rules and reliefs coupled with the strict provisions against the sexual abuse of female pawns show that archetypal pawnship in the Akan society was a legitimate and beneficent institution. However, these benevolent traits could not remain static considering the dynamic nature of social institutions generally. Consequently, their portrait gradually faded with time partly because of the processes of internal or structural change, but largely owing to the impact of overarching external economic factors. By the seventeenth century, particularly the latter half of it, the scope of utility of pawnship had been widened to include non-traditional functions. Thus, from its original form as a small scale, purely localized or community-based and exclusively indigenous practice, pawnship, through its incorporation into the Atlantic commercial business, became internationalized as it was adopted and adapted by foreigners (Europeans), of all nationalities who came to trade on the

Gold Coast.

The use of pawnship in a wider economic context led to a reconceptualization of its value. Pawns, therefore, came to be valued more for their vital role in generating wealth through large scale African-European (international) commercial transactions and returns to lending. As the value of pawns appreciated in an economy increasingly penetrated by European capital, they became depersonalized so that Africans and Europeans alike tended to frequently disregard the traditional customs that protected pawns against enslavement. In both the typically indigenous and expanded dimensions of pawnship, therefore, the pawn tended to be increasingly seen more as a tool of profit accumulation. As a reflection of the redefinition of pawn functions, Africans rich enough to lend in the Gold Coast Akan society, generally turned pawnship into profitable business through high interest charges. High rates of interest made pawn redemption increasingly difficult and exposed many otherwise free persons to enslavement. The limitation in pawn redemption rates was partly the result of the capacity of many ordinary people to pawn their relatives, and the inability of large numbers of these to redeem the pawned. The changing circumstances of pawnship encouraged Europeans to also impose strict conditions for the redemption of the pawns they took, sometimes even breaching contracts and illegally exporting pawns as slaves.

In the course of the evolution of pawnship in the Akan society from the post-fifteenth or sixteenth-century period, Africans who pawned or received pawns lost the sense of humanity and belongingness which formed the basis of the welfare provisioned enshrined in traditional legal customs regulating the institution. Similarly Europeans operating in the territory tended to disregard any ideological conflict between the practice of pawnship and their own traditions and standards of human rights as commercial exchanges expanded and became more complex. The changing motivations of European and Africans, as they became more deeply involved in economic and social interactions particularly in the context of the trans-Atlantic slave trade, with its brutal and dehumanizing mode of operation, led to the situation in which large numbers of pawns lost their status as free people and fell into enslavement. Thus European presence on the Gold Coast became a strong factor in turning an originally friendly, socially supportive institution into a harsh, inhuman and exploitative system.

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